

BOROUGH OF WOODCLIFF LAKE
MUNICIPAL BUILDING
ZONING BOARD OF ADJUSTMENT
TUESDAY, APRIL 23, 2019
COMMENCING AT 9:02 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT
: OF
188 BROADWAY LLP : PROCEEDINGS
188 Broadway :
Block 2701/Lot 3 :
.....

B E F O R E:

BOROUGH OF WOODCLIFF LAKE ZONING BOARD OF ADJUSTMENT
THERE BEING PRESENT:

CHRISTINA HEMBREE, CHAIRWOMAN
ROBERT HAYES, MEMBER
ROBIN EFFRON-MALLEY, MEMBER
EMILIA OROZOVA FENDIAN, MEMBER
JOHN SPIRIG, MEMBER
GARY NEWMAN, MEMBER
MICHAEL KAUFMAN, ALTERNATE #2

.....

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5 Counsel to the Board

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9 Counsel to the Applicant

11 ALSO PRESENT:

13 EVAN M. JACOBS, PE, PP
14 NEGLIA ENGINEERING ASSOCIATES
Board Engineer

15 RICHARD PREISS, PP, AICP
16 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC
Board Planner

17 MEG SMITH
18 Board Secretary

.....

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-01-15 1 MR. PRINCIOOTTO: Good evening.
 -01-15 2 MR. DELIA: Good evening.
 -01-15 3 Are you ready for me?
 -01-15 4 CHAIRWOMAN HEMBREE: I am ready for
 -01-15 5 you.
 -01-15 6 MR. DELIA: Okay.
 -01-15 7 Good evening, Chairwoman Hembree,
 -01-15 8 members of the board. For the record once again,
 -01-15 9 James Delia from the law firm of Wells, Jaworski &
 -01-15 10 Liebman, here tonight again on 188 Broadway LLC.
 -01-15 11 When we left the meeting last time, we
 -01-15 12 learned that Lou Luglio would be on his anniversary
 -01-15 13 today, so while we do not have him here tonight,
 -01-15 14 we'll have him next time. We do have Joe Burgis, who
 -01-15 15 is ready to testify.
 -01-15 16 I understand you have also brought
 -01-15 17 Chief Dan Schuster here, and so I would expect that
 -01-15 18 we would hear from him first.
 -01-15 19 CHAIRWOMAN HEMBREE: Okay. That's very
 -01-15 20 nice of you. They've been waiting since 7:00.
 -01-15 21 MR. DELIA: No, I understand, so, yes.
 -01-14 22 MR. NEWMAN: The last time that you
 -01-14 23 were here, Mr. Burgis, I think, had two exhibits.
 -01-14 24 MR. DELIA: Three. There's an aerial,
 -01-14 25 the zoning map, and then the one which you've been
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-01-14 1 MR. PRINCIOOTTO: Mr. Fusco, I will
 -01-14 2 swear you in right now.
 -01-14 3 Do you swear to tell the truth, nothing
 -01-14 4 but the truth, so help you God?
 -01-14 5 MR. FUSCO: I do.
 -01-14 6 **GEORGE FUSCO**, c/o Woodcliff Lake Fire
 -01-14 7 Department, having been duly sworn, testifies as
 -01-14 8 follows:
 -01-14 9 MR. PRINCIOOTTO: Okay.
 -01-14 10 Mr. Delia, do you have any questions --
 -01-14 11 MR. DELIA: No.
 -01-14 12 MR. PRINCIOOTTO: -- that you want to
 -01-14 13 ask?
 -01-14 14 MR. DELIA: I just think we have ZBA-1
 -01-13 15 in the record, maybe you could work off of that.
 -01-13 16 MR. PRINCIOOTTO: We have, I think, two
 -01-13 17 relative exhibits, at least two, ZBA-1, which is the
 -01-13 18 January 17, 2019 letter from the Woodcliff Lake
 -01-13 19 Volunteer Fire Department from Dan Schuster, which is
 -01-13 20 an approval with conditions. But then we also have a
 -01-13 21 fire truck movement revised, it has a date on it of
 -01-13 22 3/26/19, and that was marked A-14.
 -01-13 23 MR. DELIA: And A-14 was provided to
 -01-13 24 Mr. Schuster after our last meeting.
 -01-13 25 MR. PRINCIOOTTO: Okay. So being that
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-01-14 1 provided, which is the comparison.
 -01-14 2 MR. NEWMAN: Okay. Thank you.
 -01-14 3 MR. DELIA: You're welcome.
 -01-14 4 MR. SCHUSTER: So I did bring with me
 -01-14 5 tonight George Fusco, who's been handling the plans
 -01-14 6 for the fire department for quite a while.
 -01-14 7 CHAIRWOMAN HEMBREE: Do you want to
 -01-14 8 identify yourself, sir.
 -01-14 9 MR. SCHUSTER: Yes.
 -01-14 10 I am Dan Schuster, chief of the fire
 -01-14 11 department. And with me is George Fusco.
 -01-14 12 MR. DELIA: Can I suggest we get
 -01-14 13 everyone sworn.
 -01-14 14 MR. PRINCIOOTTO: Yes, we will.
 -01-14 15 MR. FUSCO: I am George Fusco, former
 -01-14 16 chief.
 -01-14 17 MR. PRINCIOOTTO: We'll start with
 -01-14 18 Mr. Schuster.
 -01-14 19 Can you please raise your right hand.
 -01-14 20 Do you swear to tell the truth, nothing
 -01-14 21 but the truth, so help you God?
 -01-14 22 MR. SCHUSTER: I do.
 -01-14 23 **DAN SCHUSTER**, c/o Woodcliff Lake Fire
 -01-14 24 Department, having been duly sworn, testifies as
 -01-14 25 follows:
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-01-13 1 A-14 was prepared after the January 17, 2019 letter,
 -01-13 2 I should ask you, did you review A-14 and do you have
 -01-13 3 any comments?
 -01-13 4 Before speaking, please identify
 -01-13 5 yourself for the record.
 -01-13 6 MR. SCHUSTER: Dan Schuster.
 -01-12 7 We did, and we also submitted a letter
 -01-12 8 dated April 1st. Do you not have that?
 -01-12 9 CHAIRWOMAN HEMBREE: Yes, we do.
 -01-12 10 MR. SCHUSTER: So that letter was after
 -01-12 11 --
 -01-12 12 MR. DELIA: I do not believe I have
 -01-12 13 that.
 -01-12 14 MR. SCHUSTER: So that letter was after
 -01-12 15 the review.
 -01-12 16 MR. DELIA: If I could take a look at
 -01-12 17 it now, that would be great.
 -01-12 18 MR. PRINCIOOTTO: Okay. So we'll mark
 -01-12 19 that ZBA-2.
 -01-12 20 (Letter from Fire Chief Dan Schuster,
 -01-12 21 dated 4/1/19, is marked as exhibit ZBA-2 in
 -01-12 22 evidence.)
 -01-12 23 MR. DELIA: Mr. Princiotto, can I just
 -01-12 24 take a quick look, because I haven't seen the letter?
 -01-12 25 MR. PRINCIOOTTO: Sure.
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-01:-12 1 Do we have an extra copy?
 -01:-12 2 MR. DELIA: I can just take a quick
 -01:-12 3 look now.
 -01:-12 4 Thank you.
 -01:-11 5 MR. PRINCIOFFO: Okay. I think we can
 -01:-11 6 just summarize it, and correct me if I'm wrong,
 -01:-11 7 Mr. Schuster, it says:
 -01:-11 8 "After reviewing the applicant's
 -01:-11 9 revised fire truck movement exhibits, the
 -01:-11 10 department has no issues or concerns with the
 -01:-11 11 revised exhibits/documents as presented," with
 -01:-11 12 obviously some other type in the letter.
 -01:-11 13 But it talks about being available
 -01:-11 14 tonight to testify.
 -01:-11 15 Okay. Do any board members have any
 -01:-11 16 questions?
 -01:-11 17 MR. SPIRIG: Well, maybe you want to
 -01:-11 18 just comment on what you meant by "with conditions"?
 -01:-10 19 MR. FUSCO: George Fusco.
 -01:-10 20 "With conditions" is, in the past, as
 -01:-10 21 we've done plan reviews, I've been doing them for 22
 -01:-10 22 years, sometimes if we were to give an all-out
 -01:-10 23 approval, then they're not going to come back to the
 -01:-10 24 fire department for questions or going through our
 -01:-10 25 open-ended bullet points.

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-01:-10 1 With this application, one of them
 -01:-10 2 would be with the sprinkler system, we'd like to see
 -01:-10 3 a full 13 system, which would cover everything in the
 -01:-10 4 building, including closets, utility places. It
 -01:-10 5 would be a better system for what's there for the
 -01:-10 6 residents, for us, for the general public, because it
 -01:-10 7 will also enhance us getting more standpipes, because
 -01:-10 8 sometimes we'll ask for more than what the code says
 -01:-10 9 the minimum is. Usually, when we do our reviews,
 -01:-09 10 what we look at is our operation, how are we going to
 -01:-09 11 operate there? And that's how we plan it out.
 -01:-09 12 When we, as a committee, reviewed this,
 -01:-09 13 we asked for additional standpipes in some of the
 -01:-09 14 hallways and the stairways, which in the code will
 -01:-09 15 say, okay, one here, one there, you know, one this
 -01:-09 16 floor, one that floor, but we might want additional
 -01:-09 17 ones.
 -01:-09 18 "With conditions" means we still have
 -01:-09 19 conditions open, that until the final plans are drawn
 -01:-09 20 up and you have the final build set to make sure that
 -01:-09 21 our conditions are in there.
 -01:-09 22 We've worked with the applicant, and
 -01:-09 23 any applicants that have come before this board,
 -01:-09 24 we've had a review and work out the best we can.
 -01:-09 25 I know there was a lot of questions

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-01:-09 1 about in the beginning we said no. Well, the "no"
 -01:-09 2 dealt with our in and out of the property, which,
 -01:-08 3 after meeting with the applicant, we worked
 -01:-08 4 everything out to our satisfaction to make it easier
 -01:-08 5 for us to get in and to get out, because we're
 -01:-08 6 dealing with a property that's been there for more
 -01:-08 7 than 30 years and we're used to responding to the
 -01:-08 8 property.
 -01:-08 9 With the change of what's going to
 -01:-08 10 happen after there, it was going to change our
 -01:-08 11 operations, how we operate.
 -01:-08 12 The building has been there since, if
 -01:-08 13 I'm not mistaken, the early '80s, early-mid '80s, and
 -01:-08 14 we've been responding to that building since. The
 -01:-08 15 only thing changing is the use, and you might be
 -01:-08 16 adding an additional building in the back, if
 -01:-08 17 approved.
 -01:-08 18 So we're working around that of how
 -01:-08 19 we're going to get there and back.
 -01:-08 20 Nothing really for the fire department
 -01:-08 21 has changed of how we're going to get there, because
 -01:-08 22 we're still responding the same way we are responding
 -01:-08 23 now.
 -01:-08 24 The biggest thing was to work out us
 -01:-08 25 being able to make sure the "in" will get there, but

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-01:-07 1 to make it a little easier to get out, because before
 -01:-07 2 that, before we worked with the applicants, they were
 -01:-07 3 narrowing the area down.
 -01:-07 4 They opened it up, they opened an extra
 -01:-07 5 area to make it easier for us.
 -01:-07 6 MR. PRINCIOFFO: Okay. I have a
 -01:-07 7 question for you, Mr. Schuster, but, Mr. Delia, I
 -01:-07 8 have a question for you first.
 -01:-07 9 Did the applicant agree to install the
 -01:-07 10 NFPA 13 system?
 -01:-07 11 AUDIENCE VOICE: We agreed to all the
 -01:-07 12 conditions.
 -01:-07 13 MR. DELIA: Yes.
 -01:-07 14 MR. PRINCIOFFO: You agreed. Okay. So
 -01:-07 15 it's a stipulation on the record. Thank you.
 -01:-07 16 My question with the fire department --
 -01:-07 17 do you have a copy of A-14, the revised fire truck
 -01:-07 18 movement revised?
 -01:-07 19 MR. DELIA: Just give me a second.
 -01:-07 20 I had it on the board someplace.
 -01:-06 21 MR. PRINCIOFFO: It's the updated March
 -01:-06 22 26, 2019.
 -01:-06 23 MR. DELIA: Yes, we have it.
 -01:-06 24 So I'm referring to A-14, which has
 -01:-06 25 been now put on the easel.

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-01:-06 1 MR. PRINCIOTTO: Okay. You know, on
-01:-06 2 this plan, A-14, it shows the truck movements, and
-01:-06 3 you see the green lines when it shows what would be a
-01:-06 4 fire truck backing up and turning, it looks like in a
-01:-06 5 easterly direction, but it clips a parking spot
-01:-06 6 there, the first parking space. Do you see that?

-01:-05 7 Okay.
-01:-05 8 First of all, is this turning maneuver
-01:-05 9 something that you think is acceptable or workable
-01:-05 10 for the fire department?

-01:-05 11 MR. FUSCO: Yes, it is. I mean, for us
-01:-05 12 getting in, we train our drivers. We have tighter
-01:-05 13 areas we have to deal with in this town. That is
-01:-05 14 just a matter of pulling -- if the truck has been
-01:-05 15 pulled in and is here --

-01:-05 16 MR. PRINCIOTTO: Correct.

-01:-05 17 MR. FUSCO: -- and is backing up, it
-01:-05 18 might just mean that you take one shot, come forward,
-01:-05 19 and another. It's not going to -- I mean, this is
-01:-05 20 done as far as my interpretation of one free
-01:-05 21 movement, the truck is just going to move. That's
-01:-05 22 not how we operate. We're going to have somebody
-01:-05 23 backing up the truck and the driver is going to be
-01:-05 24 watching both mirrors.

-01:-05 25 So whether or not it will clip or not
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-01:-04 1 Because based on this plan, the truck
-01:-04 2 can handle it, but, as I mentioned, it's not
-01:-04 3 representative of what's in the picture there which
-01:-03 4 is, I believe, the apparatus that the fire department
-01:-03 5 said, you know, to model into this simulation, which
-01:-03 6 we have not received those templates as of yet.

-01:-03 7 MR. PRINCIOTTO: All right. So you're
-01:-03 8 saying that the template that was used does not match
-01:-03 9 the Woodcliff Lake Fire Department truck?

-01:-03 10 MR. JACOBS: Based on this exhibit
-01:-03 11 alone, I don't see that. For instance, like I said,
-01:-03 12 the rear overhang was a concern. The fact there's
-01:-03 13 only a single axle shown, and a double axle can
-01:-03 14 affect the maneuverability of a vehicle, and which is
-01:-03 15 well within the capabilities of this program. So I
-01:-03 16 just want to make sure what the fire department is
-01:-03 17 being shown on the plan is actually the vehicle that
-01:-03 18 they have specified to be used.

-01:-03 19 MR. PRINCIOTTO: All right. So we'll
-01:-03 20 have to take that up with Mr. Luglio.

-01:-03 21 MR. KAUFMAN: I believe at a meeting
-01:-03 22 prior back to their engineer, he stipulated that the
-01:-03 23 program shows it that way, but how it was run was run
-01:-03 24 with the vehicle as shown with tandem axle at X
-01:-03 25 length, X dimensions. You need to confirm that, that

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-01:-04 1 in the free movement, most likely it's going to be
-01:-04 2 taken in two shots.

-01:-04 3 MR. PRINCIOTTO: Okay. So you're
-01:-04 4 saying that you might not be able to do it in one
-01:-04 5 movement, but you do it in two or more?

-01:-04 6 MR. NEWMAN: Is that the plan you
-01:-04 7 approved?

-01:-04 8 MR. FUSCO: Yes.

-01:-04 9 MR. SCHUSTER: Yes.

-01:-04 10 MR. PRINCIOTTO: Evan, did you have
-01:-04 11 some questions about the templates, the turning
-01:-04 12 radius?

-01:-04 13 MR. JACOBS: I did.

-01:-04 14 The image shown on the bottom of the
-01:-04 15 exhibit there was the fire truck that I believe
-01:-04 16 Mr. Luglio used or intended to use.

-01:-04 17 The graphical representation of that
-01:-04 18 vehicle is not the same.

-01:-04 19 Your vehicle has a significant rear
-01:-04 20 overhang, it looks like maybe 7 or 8 feet, just
-01:-04 21 guessing there, and it doesn't look like that's the
-01:-04 22 case on the graphical template here. So we had
-01:-04 23 requested that they provide us with digital copies of
-01:-04 24 this, so we can run the simulations ourself just to
-01:-04 25 confirm the same.

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-01:-02 1 should be in the minutes, but their engineer did,
-01:-02 2 because you brought it up, Mr. Preiss brought it up,
-01:-02 3 somebody did say this is not the same truck, this is
-01:-02 4 just how the CAD program brings it up. So you have
-01:-02 5 to confirm it.

-01:-02 6 MR. JACOBS: It may be visual. So
-01:-02 7 that's why we asked for the digital file, just to
-01:-02 8 confirm that.

-01:-02 9 MR. PRINCIOTTO: Do any board members
-01:-02 10 have any questions?

-01:-02 11 MS. EFFRON-MALLEY: I have questions.
-01:-02 12 On the far end, which is not noted on
-01:-02 13 that plan, there were visitor parking spots.

-01:-02 14 Does the other plan, the original one,
-01:-02 15 have it on the left side?

-01:-02 16 MR. HAYES: I guess while we go through
-01:-02 17 that, real quick, just, chief, Mr. Fusco, first of
-01:-02 18 all, thanks for coming out tonight, we appreciate it.

-01:-02 19 MR. SCHUSTER: Of course.

-01:-02 20 MR. HAYES: Are you aware of the speed
-01:-02 21 with which this simulation was run for the entrance
-01:-02 22 into the facility area or in the site?

-01:-02 23 MR. FUSCO: I do, because I watch the
-01:-02 24 meetings. And I do that as a part of my --

-01:-02 25 MR. HAYES: Okay. So it was ten miles
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-01-01 1 per hour, right?

-01-01 2 With that speed, operating at that

-01-01 3 speed responding to an emergency situation at that

-01-01 4 site, would having to enter at that speed in any way

-01-01 5 materially impede your ability to respond to an

-01-01 6 emergency?

-01-01 7 MR. SCHUSTER: I'm going to say no.

-01-01 8 That's a relatively sharp left. Our drivers are

-01-01 9 going to take it with the speed they need to take it.

-01-01 10 They're going to come off Broadway, make the left

-01-01 11 into the property, and then as they're coming here to

-01-01 12 make their left, there's no way they're even getting

-01-01 13 to ten miles an hour coming in to make that left --

-01-01 14 MR. HAYES: Okay. Steve.

-01-01 15 MR. SCHUSTER: -- with the

-01-01 16 78,000 pounds of that truck, so...

-01-01 17 MR. HAYES: Important distinction,

-01-01 18 Mr. Fusco. Thanks for watching previously.

-01-01 19 MS. EFFRON-MALLEY: So you've heard my

-01-01 20 question. Are the visitors spots on that left-hand

-01-01 21 side?

-01-01 22 MR. FUSCO: And that was done per our

-01-01 23 design, working with them.

-01-01 24 MR. SCHUSTER: Correct.

-01-01 25 MR. FUSCO: We made sure that there was

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-01-01 1 no impediment here, because hypothetically it's

-01-00 2 totally open, we might be able to make that loop.

-01-00 3 MS. EFFRON-MALLEY: But what parking

-01-00 4 lot, overnight or during the day, limits the visitors

-01-00 5 and that was my concern, is --

-01-00 6 MR. SCHUSTER: So, this was built as a

-01-00 7 secondary option, this more as a primary option,

-01-00 8 because we're leaving the property, we finished the

-01-00 9 alarm, the call, whatever it may be, the truck is

-01-00 10 then going to pull in and leave. If these spots are

-01-00 11 full, they then do have the opportunity to back out

-01-00 12 and leave.

-01-00 13 MS. EFFRON-MALLEY: Okay.

-01-00 14 MR. SCHUSTER: The less backing we do

-01-00 15 is always the better, but we do have steer operating

-01-00 16 guidelines that a member does step off the truck and

-01-00 17 guides the truck. They all are equipped with cameras

-01-00 18 and speakers so they can hear whoever is backing the

-01-00 19 truck.

-01-00 20 So, if we have an opportunity to leave

-01-00 21 or enter a scene going forward, we prefer that, but

-01-00 22 the site does give us the option for both.

-01-00 23 So if the visitor spots were empty, we

00-59 24 can leave in this manner; if they were full, we can

00-59 25 back out, as it was on the other one.

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00-59 1 MS. EFFRON-MALLEY: Okay. And then if

00-59 2 there's a fire, hopefully there will never be, on

00-59 3 that far side of the building, so the east side of

00-59 4 the new building, how do you fight it?

00-59 5 MR. SCHUSTER: I mean that's kind of a

00-59 6 what-if question. How do you fight, in what manner,

00-59 7 where is the fire, what type of fire is it?

00-59 8 MS. EFFRON-MALLEY: I'm asking you --

00-59 9 MR. NEWMAN: If the building goes up,

00-59 10 how do you put it out?

00-59 11 MR. SCHUSTER: With water.

00-59 12 I mean, we can't really answer what-if

00-59 13 questions, because there's going to be standpipes and

00-59 14 a sprinkler system. So once the building is built or

00-59 15 as its being built, we will build our response for

00-59 16 that property.

00-59 17 So when buildings are being built in

00-59 18 town, we spend some of our drill nights going out and

00-59 19 visiting them and confirming this is the direction

00-59 20 we're going to come in, this is where we're going to

00-59 21 go if the fire is here, or you're basically picking

00-58 22 what might be the most difficult spot to access, we

00-58 23 don't know what that's going to be, but we have

00-58 24 hundreds of feet of hose, so it's --

00-58 25 MR. HAYES: So let me ask the question

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00-58 1 a little bit different way.

00-58 2 If there was a fire on the eastern side

00-58 3 of the building of building #2, proposed building #2

00-58 4 --

00-58 5 MR. NEWMAN: Can you put it out?

00-58 6 MR. HAYES: Well, no, that's what he's

00-58 7 saying, there's a lot of variables that play into

00-58 8 that.

00-58 9 Do you think it's likely that a fire in

00-58 10 that area of the building, that you wouldn't be able

00-58 11 to effectively fight it or is that a little bit of a

00-58 12 loaded question?

00-58 13 MR. SCHUSTER: It's kind of a loaded

00-58 14 question. I mean, sometimes some of the simplest

00-58 15 fires become bigger fires than they should be.

00-58 16 MR. HAYES: Because of many variables?

00-58 17 MR. SCHUSTER: Exactly.

00-58 18 MR. HAYES: I think what we're trying

00-58 19 to get at is: Obviously the board and people are

00-57 20 concerned about the potential safety implications of

00-57 21 the fire department not being able to access that

00-57 22 side of the building.

00-57 23 MR. SCHUSTER: Just because our trucks

00-57 24 can't get there doesn't mean we can't.

00-57 25 MR. HAYES: So I guess that kind of

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00:-57 1 goes to the heart of what I'm asking, could you
 00:-57 2 effectively fight the fire without accessing that
 00:-57 3 side of the building?
 00:-57 4 MR. SCHUSTER: Yes, and you can look at
 00:-57 5 houses in town with 200-plus foot setbacks, 300-foot
 00:-57 6 setbacks, where the trucks can't get, and we can
 00:-57 7 effectively fight those fires as well.
 00:-57 8 MR. HAYES: But you feel confident you
 00:-57 9 can address that, because obviously that's a major
 00:-57 10 concern here --
 00:-57 11 MR. SCHUSTER: Of course.
 00:-57 12 MR. HAYES: -- is safety of potential
 00:-57 13 residents in that building.
 00:-57 14 MR. SCHUSTER: And you take into
 00:-57 15 account the NFPA 13 system, that sprinkler system is
 00:-57 16 going to do its job, which is not to extinguish the
 00:-57 17 fire, it's to keep the fire in check until the fire
 00:-57 18 department arrives to extinguish the fire.
 00:-57 19 MR. HAYES: And the hoses that are
 00:-57 20 equipped on your truck can make it, I assume they're
 00:-57 21 ample length?
 00:-57 22 MR. SCHUSTER: Absolutely.
 00:-56 23 MR. HAYES: Okay.
 00:-56 24 MS. EFFRON-MALLEY: I guess our concern
 00:-56 25 is, are you comfortable with being able to fight the

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00:-56 1 out fires for us.
 00:-56 2 MR. STAR: Is it your opinion that a
 00:-56 3 fire emergency can be properly addressed?
 00:-55 4 MR. SCHUSTER: Yes.
 00:-55 5 MR. STAR: There is no talk of a fire
 00:-55 6 in the night, no talk of tenants' cars, people
 00:-55 7 scurrying around.
 00:-55 8 Is there an evacuation plan in the
 00:-55 9 works -- should there be an evacuation plan
 00:-55 10 established and approved prior to approving this
 00:-55 11 project?
 00:-55 12 CHAIRWOMAN HEMBREE: You're asking
 00:-55 13 them?
 00:-55 14 MR. STAR: Yes.
 00:-55 15 MR. FUSCO: You want me to take it?
 00:-55 16 MR. SCHUSTER: Yes.
 00:-55 17 MR. FUSCO: That is done after the
 00:-55 18 fact. You cannot --
 00:-55 19 MR. HAYES: Is that one of the
 00:-55 20 conditions?
 00:-55 21 MR. FUSCO: Well, that is in any
 00:-55 22 building, that is done after the fact, and a lot of
 00:-55 23 that is also followed up through fire prevention by
 00:-55 24 having proper signage. That all falls under the
 00:-55 25 Uniform Fire Code.

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00:-56 1 fire?
 00:-56 2 MR. SCHUSTER: Yes.
 00:-56 3 MR. FUSCO: Yes, we are.
 00:-56 4 MS. EFFRON-MALLEY: Okay.
 00:-56 5 MR. PRINCIOOTTO: Motion to open to the
 00:-56 6 public?
 00:-56 7 MR. HAYES: Motion to open to the
 00:-56 8 public.
 00:-56 9 MR. NEWMAN: Second.
 00:-56 10 CHAIRWOMAN HEMBREE: All in favor?
 00:-56 11 (Whereupon, all Board Members respond
 00:-56 12 in the affirmative.)
 00:-56 13 CHAIRWOMAN HEMBREE: If a member of the
 00:-56 14 public has a question for these two gentlemen, please
 00:-56 15 come forward.
 00:-56 16 You have to use the mic, and state your
 00:-56 17 name and address, please.
 00:-56 18 MR. STAR: My name is Alvin Star, 209
 00:-56 19 Glen Road, Woodcliff Lake.
 00:-56 20 This high density apartment complex is
 00:-56 21 the first in Woodcliff Lake's history.
 00:-56 22 CHAIRWOMAN HEMBREE: You need to ask a
 00:-56 23 question.
 00:-56 24 MR. STAR: And I'll say this --
 00:-56 25 MR. NEWMAN: The lovely gentlemen put

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00:-55 1 MR. HAYES: Which you enforce?
 00:-55 2 MR. FUSCO: Correct.
 00:-55 3 MR. SCHUSTER: Yes, us and the fire --
 00:-55 4 MR. FUSCO: And that will be after the
 00:-55 5 fact they will design it, because, until it is built,
 00:-55 6 you don't know. Right now there might be a doorway
 00:-54 7 on there and they might add a doorway, you don't --
 00:-54 8 MR. HAYES: It is a fruitless effort to
 00:-54 9 create one now, but it does fall under that idea of
 00:-54 10 "with conditions."
 00:-54 11 You ultimately, by the time it's a
 00:-54 12 final project or near completion, you continue to
 00:-54 13 have a say in it?
 00:-54 14 MR. FUSCO: Uh-huh.
 00:-54 15 MR. HAYES: Okay.
 00:-54 16 MR. STAR: Because the limited access,
 00:-54 17 one point of egress and ingress, how would you
 00:-54 18 evacuate people? Vehicles are coming in, how would
 00:-54 19 you evacuate people with people scurrying around,
 00:-54 20 children, people are trying to get their cars out,
 00:-54 21 how would you manage the situation?
 00:-54 22 MR. SCHUSTER: That's a what-if
 00:-54 23 question.
 00:-54 24 MR. STAR: It's more than a what if.
 00:-54 25 MR. SCHUSTER: We can't answer

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00:-54 1 what-ifs, about what if there was a fire, what would
 00:-54 2 we do to get people out. The fire could be over
 00:-54 3 here, the fire could be over here, it's all what-ifs.
 00:-54 4 MR. STAR: In a worst case situation, I
 00:-54 5 think the board has to be cognizant of this well in
 00:-54 6 advance, as it takes on liabilities.
 00:-53 7 MR. HAYES: Mr. Star, I think what he
 00:-53 8 is saying is that there are so many potential
 00:-53 9 variables involved that he isn't in a position to be
 00:-53 10 able to answer that sort of hypothetical question,
 00:-53 11 because it's a very broad, open question.
 00:-53 12 MR. PRINCIOTTO: I think the question
 00:-53 13 is --
 00:-53 14 MR. STAR: I think it's a very relevant
 00:-53 15 question.
 00:-53 16 MR. PRINCIOTTO: -- you know, with
 00:-53 17 regard to ingress and egress, do you have any
 00:-53 18 recommendation with the number and the location?
 00:-53 19 MR. FUSCO: As a simple household and
 00:-53 20 you have a fire, most likely the residents -- when we
 00:-53 21 teach in school, go to your meeting place. If there
 00:-53 22 is a fire back here, the people are not going to be
 00:-53 23 getting into their -- maybe right away they're maybe
 00:-53 24 going to jump in their car and drive out, but once we
 00:-53 25 go in, you're not going to have car movements going

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00:-53 1 in and out. We're going to have hoses on the ground.
 00:-53 2 The people are going to have to walk away and be
 00:-53 3 taken to some other location away from the fire scene
 00:-53 4 itself. And from there, auxiliary personnel will
 00:-52 5 work, Red Cross or whoever, to take care of the
 00:-52 6 people.
 00:-52 7 We're going to evacuate them away.
 00:-52 8 They're going to walk away from the building, they're
 00:-52 9 not going to get in their car and try to drive away,
 00:-52 10 once we're on scene.
 00:-52 11 It's no different evacuating a school.
 00:-52 12 When the school kids come out, they go and they walk
 00:-52 13 away from the school. It's the same thing. We're
 00:-52 14 not going to be worried about getting cars out of
 00:-52 15 there, they're going to be parked in place. We will
 00:-52 16 work around those cars.
 00:-52 17 MR. STAR: You will have to extinguish
 00:-52 18 the fires in the cars too.
 00:-52 19 MR. FUSCO: But they are pretty far
 00:-52 20 away.
 00:-52 21 MR. STAR: They are right here.
 00:-52 22 CHAIRWOMAN HEMBREE: Do you have
 00:-52 23 another question, Mr. Star?
 00:-52 24 MR. STAR: Are you satisfied with your
 00:-52 25 ability to put out the fire in a steep slope to the

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00:-52 1 east?
 00:-52 2 MR. FUSCO: Where?
 00:-52 3 MR. STAR: To the east. Up here, up
 00:-52 4 the hill.
 00:-52 5 You said you are satisfied you can put
 00:-52 6 it out. Would you suggest that a vegetation
 00:-51 7 management plan be established first to limit the
 00:-51 8 vegetation on the slope? Is that something which you
 00:-51 9 would recommend?
 00:-51 10 MR. SCHUSTER: We wouldn't have any
 00:-51 11 stay over the vegetation. We can make recommendation
 00:-51 12 for tree height so we have access, but from what
 00:-51 13 we've seen on these plans, we feel comfortable
 00:-51 14 extinguishing a fire on this property.
 00:-51 15 MR. STAR: How involved will you be in
 00:-51 16 putting together an emergency response plan for
 00:-51 17 everybody to review, with the evacuation plan being a
 00:-51 18 major component of an emergency response plan?
 00:-51 19 MR. SCHUSTER: We, as the volunteer
 00:-51 20 fire department, would be involved. Fire prevention,
 00:-51 21 as more of a paid position in town, would be a little
 00:-51 22 more involved than us.
 00:-51 23 MR. STAR: Thank you.
 00:-51 24 It's a very sensitive project. I hope
 00:-51 25 this is addressed properly, because this is not a

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00:-51 1 safe situation.
 00:-51 2 I'll make a comment. This is not a
 00:-51 3 safe situation.
 00:-51 4 Thank you.
 00:-51 5 MR. KAUFMAN: Mr. Fusco, have you guys
 00:-50 6 done a plan and done work for the Woodcliff Lake
 00:-50 7 Hilton?
 00:-50 8 MR. FUSCO: Yes.
 00:-50 9 MR. KAUFMAN: What's the density of
 00:-50 10 that project, how many people stay at that premise?
 00:-50 11 MR. FUSCO: That varies.
 00:-50 12 MR. KAUFMAN: Would you say a couple
 00:-50 13 hundred?
 00:-50 14 MR. FUSCO: On a good Friday night with
 00:-50 15 3 or 4 weddings in there, yes.
 00:-50 16 MR. KAUFMAN: So you're confident in
 00:-50 17 your ability to do this?
 00:-50 18 MR. FUSCO: Yes.
 00:-50 19 MR. NEWMAN: Here's the most important
 00:-50 20 question.
 00:-50 21 Are you confident in your ability to
 00:-50 22 put out a fire, if this place has a fire?
 00:-50 23 MR. FUSCO: Yes.
 00:-50 24 MR. SCHUSTER: 100 percent.
 00:-50 25 MR. NEWMAN: Is there anything that you

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00:-50 1 would recommend to this board that would help you in
 00:-50 2 your job that you see from looking at this plan?
 00:-50 3 MR. SCHUSTER: Everything that we feel
 00:-50 4 would help us with our job has been brought up to
 00:-50 5 them, and they have -- if you read our first letter,
 00:-50 6 which was, I think, dated maybe December, all of our
 00:-50 7 conditions there, everything we've questioned,
 00:-50 8 they've met. So anything that we would need to help
 00:-50 9 us would have been listed in there.
 00:-49 10 MR. NEWMAN: So you, as the experts,
 00:-49 11 you're satisfied?
 00:-49 12 MR. FUSCO: Yes.
 00:-49 13 MR. SCHUSTER: Right.
 00:-49 14 CHAIRWOMAN HEMBREE: And they still
 00:-49 15 have a say, because they still will continue to
 00:-49 16 monitor what's going on.
 00:-49 17 MR. SCHUSTER: We'll be as involved as
 00:-49 18 we can moving forward to make sure everything we do
 00:-49 19 is --
 00:-49 20 CHAIRWOMAN HEMBREE: Right.
 00:-49 21 MR. PRINCIOOTTO: Anyone else?
 00:-49 22 MS. APPELLE: Veronica Appelle, 23
 00:-49 23 Cressfield Court.
 00:-49 24 Thank you, again, for having both of
 00:-49 25 these gentlemen come. I know that was a question we

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00:-49 1 had had, and we were hoping that would be addressed.
 00:-49 2 Okay. So assuming there's full
 00:-49 3 parking, all the vehicles are there, everybody, the
 00:-49 4 60 units all with their 1 or 2 cars apiece are all
 00:-49 5 there, assuming full parking, how many vehicles,
 00:-48 6 emergency or otherwise, would be able to park behind
 00:-48 7 the first fire truck on the property?
 00:-48 8 CHAIRWOMAN HEMBREE: Veronica.
 00:-48 9 MS. APPELLE: I'm sorry, I'm not
 00:-48 10 talking into the mic?
 00:-48 11 CHAIRWOMAN HEMBREE: Yes. You need to
 00:-48 12 use the mic.
 00:-48 13 MS. APPELLE: So assuming full parking,
 00:-48 14 how many vehicles, emergency or otherwise, would be
 00:-48 15 able to park behind your first fire truck on the
 00:-48 16 property?
 00:-48 17 MR. SCHUSTER: Once we're on scene,
 00:-48 18 they'll be no other vehicles allowed on the property,
 00:-48 19 so it would be emergency vehicles only. So there
 00:-48 20 wouldn't be any other vehicles allowed in.
 00:-48 21 MS. APPELLE: So what you're saying is
 00:-48 22 you probably would only need one fire truck, but of
 00:-48 23 course an ambulance must accompany every fire truck
 00:-48 24 to every fire, right?
 00:-48 25 MR. SCHUSTER: I didn't say only one

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00:-48 1 fire truck, you said emergency vehicles or otherwise,
 00:-48 2 so I said once we are on scene, the only vehicles
 00:-48 3 that would be allowed into the property would be
 00:-48 4 emergency vehicles.
 00:-48 5 MS. APPELLE: But they'll be room for
 00:-48 6 the ambulance behind this very large fire truck,
 00:-47 7 maybe another fire truck, and any other emergency
 00:-47 8 vehicles from any other community, they'll be room
 00:-47 9 for all these people there. Is that right?
 00:-47 10 MR. SCHUSTER: We will have room for
 00:-47 11 all the apparatus that we feel is needed at the scene
 00:-47 12 of that fire.
 00:-47 13 The ambulance generally isn't right up
 00:-47 14 front near the first fire truck, the ambulance is
 00:-47 15 usually off to the back away because of the smoke,
 00:-47 16 and this way everybody gets away from that.
 00:-47 17 MS. APPELLE: All right. Thank you.
 00:-47 18 Second question.
 00:-47 19 MR. NEWMAN: You didn't know there was
 00:-47 20 going to be a final, did you?
 00:-47 21 MS. APPELLE: Can you envision the
 00:-47 22 perfect storm scenario where it's snowing, there's a
 00:-47 23 major fire or an emergency on the east side, not just
 00:-47 24 by those buildings on the east side, the train has
 00:-47 25 stopped in the station and lives are in jeopardy, can

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00:-47 1 you envision that?
 00:-47 2 MR. SCHUSTER: We can envision it, yes,
 00:-47 3 but we can't answer what-if questions.
 00:-46 4 MS. APPELLE: So you can't prepare for
 00:-46 5 that?
 00:-46 6 MR. SCHUSTER: We prepare for
 00:-46 7 everything.
 00:-46 8 MS. APPELLE: You do realize that it's
 00:-46 9 not just this building but many, many other buildings
 00:-46 10 that are being built, and the town is developing high
 00:-46 11 density on the eastside, and you think that you'll be
 00:-46 12 able to handle all of this with the present equipment
 00:-46 13 you have now?
 00:-46 14 MR. SCHUSTER: Between our equipment
 00:-46 15 and our mutual aid, yes.
 00:-46 16 MS. APPELLE: My final question, you'll
 00:-46 17 be happy to know, my final question is: Do you
 00:-46 18 currently have, either one of you, any economic or
 00:-46 19 consulting relationship to the 188 Broadway LP or any
 00:-46 20 of their members or partners?
 00:-46 21 MR. SCHUSTER: No.
 00:-46 22 MR. FUSCO: No.
 00:-46 23 MS. APPELLE: But you have been
 00:-46 24 consulting with them to make this work?
 00:-46 25 MR. SCHUSTER: They met us with to

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00:-46 1 address the conditions that we proposed in the
 00:-46 2 letter.
 00:-46 3 MR. SPIRIG: Based on our request.
 00:-46 4 MS. APPELLE: Based on your request?
 00:-46 5 MR. PRINCIOTTO: Yes.
 00:-46 6 MS. APPELLE: Good.
 00:-46 7 MR. PRINCIOTTO: We send them the
 00:-46 8 plans. We do that as a matter of course, send them
 00:-46 9 to the fire department, and we seek the input from
 00:-45 10 the fire department.
 00:-45 11 MS. APPELLE: Right. And I had seen or
 00:-45 12 all of us have seen the back and forth where it was
 00:-45 13 first denied and then modified and tweaked.
 00:-45 14 MR. PRINCIOTTO: It's usually the
 00:-45 15 applicant's representatives that want to meet with
 00:-45 16 the fire department to have a face-to-face and
 00:-45 17 discuss it and come to an agreement.
 00:-45 18 MR. FUSCO: Can I read something that
 00:-45 19 is standard in all our correspondence?
 00:-45 20 MR. PRINCIOTTO: You may.
 00:-45 21 MR. FUSCO: The final paragraph.
 00:-45 22 "Please do not hesitate to contact the
 00:-45 23 Woodcliff Lake Fire Department should you have
 00:-45 24 any questions or comments regarding this plan
 00:-45 25 review reply. We encourage all parties to set
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00:-45 1 up meetings with us to answer any questions
 00:-45 2 with our review of these plans."
 00:-45 3 And we've done that many a time and we
 00:-45 4 encourage that to work out.
 00:-45 5 MS. APPELLE: Mr. Schuster --
 00:-45 6 MR. HAYES: Ms. Appelle, as a matter of
 00:-45 7 policy you want them to do that.
 00:-45 8 MS. APPELLE: Oh, I absolutely agree.
 00:-45 9 I absolutely agree.
 00:-45 10 But, Mr. Schuster, do you remember I
 00:-45 11 called your office a couple of times and you never
 00:-44 12 called me back?
 00:-44 13 MR. SCHUSTER: No.
 00:-44 14 MS. APPELLE: When you first received
 00:-44 15 --
 00:-44 16 MR. SCHUSTER: We don't use the phones
 00:-44 17 at the firehouse. We are volunteers who work
 00:-44 18 full-time jobs.
 00:-44 19 MS. APPELLE: Well, I did try to
 00:-44 20 contact him, so that we who live right behind where
 00:-44 21 these buildings may go will be safe and protected and
 00:-44 22 not in danger.
 00:-44 23 Can you envision people --
 00:-44 24 CHAIRWOMAN HEMBREE: A question,
 00:-44 25 Mrs. Appelle.
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00:-44 1 MS. APPELLE: Well, that was going to
 00:-44 2 be a question.
 00:-44 3 CHAIRWOMAN HEMBREE: Sorry.
 00:-44 4 MS. APPELLE: That's okay. No, I was
 00:-44 5 going to do it as a question.
 00:-44 6 MR. NEWMAN: Ms. Appelle, with all
 00:-44 7 respect --
 00:-44 8 MS. APPELLE: I'm done.
 00:-44 9 MR. NEWMAN: Okay. Because these
 00:-44 10 people come out here --
 00:-44 11 MS. APPELLE: No, I'm not badgering
 00:-44 12 them, I want to put it on the record.
 00:-44 13 MR. NEWMAN: They are the fire
 00:-44 14 department. They're the people in the know, so I
 00:-44 15 take their word very seriously.
 00:-44 16 MS. APPELLE: Me too.
 00:-44 17 MR. NEWMAN: If you have concerns about
 00:-44 18 them, maybe you want to consult your own fire person.
 00:-44 19 MS. APPELLE: No, I don't have concerns
 00:-44 20 about these two gentlemen per se, I just have very
 00:-43 21 deep concerns about a possible emergency. Having
 00:-43 22 lived here forever, I know.
 00:-43 23 MR. NEWMAN: They are residents of
 00:-43 24 Woodcliff Lake. They've been to the site many times.
 00:-43 25 MS. APPELLE: When it's only been one
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00:-43 1 building.
 00:-43 2 MR. NEWMAN: Right, but, you know, they
 00:-43 3 kind of understand --
 00:-43 4 MS. APPELLE: You're doubling it and
 00:-43 5 making it higher.
 00:-43 6 MR. NEWMAN: We understand that.
 00:-43 7 MS. APPELLE: All right. Thank you all
 00:-43 8 very much, and thank both of you.
 00:-43 9 MR. COUTO: The name is Alex Couto,
 00:-43 10 Cressfield Court, Woodcliff Lake.
 00:-43 11 I guess I should raise this. I'll talk
 00:-43 12 a little.
 00:-43 13 My question is: The property right now
 00:-42 14 has one building. Does having a second building make
 00:-42 15 some change to your ability to fight the fire?
 00:-42 16 MR. FUSCO: No.
 00:-42 17 MR. SCHUSTER: No.
 00:-42 18 MR. COUTO: Okay. The other question I
 00:-42 19 have: Do you have any idea how far a fire can jump
 00:-42 20 to a tree? Like we have above to the east of the
 00:-42 21 property is woods, so how far can the fire jump to
 00:-42 22 the woods, any idea?
 00:-42 23 MR. SCHUSTER: There is no direct
 00:-42 24 answer to that, because it would be wind conditions,
 00:-42 25 weather conditions.
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00:-42 1 MR. COUTO: The concern is, I'm not
00:-42 2 concerned right now with one building as it exists,
00:-42 3 but, you know, Marcal happened not too long ago, they
00:-42 4 have a fire unit right on staff there, and the whole
00:-42 5 building, the whole Marcal burnt down. California,
00:-42 6 the whole neighborhood burnt down.

00:-42 7 CHAIRWOMAN HEMBREE: Ask a question.

00:-42 8 MR. COUTO: So my question is: Are you
00:-41 9 sure that if there's a fire on the east side of the
00:-41 10 second building, that will not jump to the woods up?

00:-41 11 MR. PRINCIOTTO: They are not
00:-41 12 guarantors, they can't --

00:-41 13 MR. COUTO: I know.

00:-41 14 Let me rephrase this way.

00:-41 15 If there was no second building, it is
00:-41 16 much less likely that that would happen, correct?
00:-41 17 Because it would be 100 feet away as opposed to 50 or
00:-41 18 60 feet away.

00:-41 19 MR. SCHUSTER: Yeah.

00:-41 20 MR. NEWMAN: I mean, if we made all the
00:-41 21 houses in town a minimum of three-acre zoning, and we
00:-41 22 had an active fire spreading from one house to the
00:-41 23 other, that would increase as well.

00:-41 24 MR. COUTO: The concern is, if that
00:-41 25 goes up in flames, basically our neighbors lose our

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00:-41 1 homes.

00:-41 2 MR. NEWMAN: We understand, but, again,
00:-41 3 these are the experts and they have taken their day,
00:-41 4 their evening to come here.

00:-41 5 MR. COUTO: Another question.

00:-40 6 Sometimes we hear like a five alarm
00:-40 7 fire, does that mean five trucks come in? What does
00:-40 8 that mean?

00:-40 9 MR. SCHUSTER: Alarms is, it's kind of
00:-40 10 relative, it's based off individual departments. So
00:-40 11 Woodcliff Lake owns four pieces of fire apparatus.
00:-40 12 We're dispatched for a call, that is a first alarm.
00:-40 13 The first time that you're dispatched is a first
00:-40 14 alarm. Our second alarm brings three more pieces of
00:-40 15 apparatus from neighboring towns, and that continues.

00:-40 16 MR. COUTO: But, I mean, can we get
00:-40 17 more apparatus inside or do you have to go through
00:-40 18 the top, depending where on the property?

00:-40 19 MR. SCHUSTER: The apparatus is only
00:-40 20 going to do so much, it's the hose and the reach of
00:-40 21 hose, as we discussed earlier. We have hundreds and
00:-40 22 hundreds of feet of hose on the truck.

00:-40 23 MR. COUTO: Okay.

00:-40 24 The other question: So you could be
00:-40 25 fighting the fire, if it jumped to the woods, you

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00:-40 1 could be fighting from east of it, next to Cressfield
00:-40 2 Court, you could be fighting the fire from that side,
00:-40 3 is that it?

00:-39 4 MR. SCHUSTER: Odds are, no, we would
00:-39 5 fight it from where it is, but, again, it's kind of a
00:-39 6 what-if question. Which way is the wind blowing?
00:-39 7 How is the fire burning?

00:-39 8 MR. COUTO: Now, is there any
00:-39 9 conditions on, what do you call, wait, what comes
00:-39 10 out, they call it --

00:-39 11 MR. SCHUSTER: Fire hydrants?

00:-39 12 MR. COUTO: Is there any conditions to
00:-39 13 have fire hydrants on the east side of the court
00:-39 14 property?

00:-39 15 MR. SCHUSTER: No, we wouldn't put
00:-39 16 hydrants on the east side of the property. We
00:-39 17 wouldn't benefit from them on the east side, because
00:-39 18 the fire hydrants are for the trucks to connect to,
00:-39 19 not for the hoses directly.

00:-39 20 MR. COUTO: Okay.

00:-39 21 Is it possible to have your conditions
00:-39 22 spelled out and be part of a condition of approval?
00:-39 23 All the conditions that you mentioned that you're
00:-39 24 going to make as you go along, is it possible to have
00:-39 25 those conditions as part of any approval that the

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00:-39 1 zoning board would make?

00:-39 2 MR. SCHUSTER: All of our conditions to
00:-39 3 date have been met, so currently our only conditions
00:-39 4 are based on watching the progress of the building.

00:-39 5 MR. COUTO: Okay.

00:-39 6 MR. SCHUSTER: So we can't comment on
00:-38 7 conditions, until the progress can move. If the
00:-38 8 property gets approved to move through with the
00:-38 9 building, then we can start --

00:-38 10 MR. COUTO: And you have the power to
00:-38 11 say, if these conditions are not met, we're not
00:-38 12 approving it?

00:-38 13 MR. SCHUSTER: We can say that we don't
00:-38 14 approve. It doesn't mean that it doesn't get
00:-38 15 approved, but we can say we have an issue.

00:-38 16 MR. COUTO: We can come back to the
00:-38 17 zoning board so we have an issue?

00:-38 18 MR. SCHUSTER: Correct, that's why we
00:-38 19 always approve with conditions, so we can be
00:-38 20 involved.

00:-38 21 MR. COUTO: Okay. Thank you very much.
00:-38 22 Thank you for your service.

00:-38 23 MS. BORRELLI: Ann Marie Borrelli,
00:-38 24 Woodcliff Lake.

00:-38 25 Hi. Good evening.

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00:-38 1 A question. How many, if there is a
 00:-38 2 very large fire --
 00:-38 3 CHAIRWOMAN HEMBREE: Try speaking into
 00:-38 4 the mic.
 00:-38 5 MS. BORRELLI: Okay.
 00:-38 6 If there is a very large fire, how many
 00:-38 7 trucks can you fit in the parking lot there?
 00:-37 8 MR. SCHUSTER: It's all going to be a
 00:-37 9 matter of where the fire is. We build our operation
 00:-37 10 plan based off certain conditions. If the fire comes
 00:-37 11 in as is reported back in this area, we're going to
 00:-37 12 park our trucks differently, but the number of trucks
 00:-37 13 that get in isn't the most important piece; it's
 00:-37 14 access to the fire hydrants and those standpipes.
 00:-37 15 Because once we connect to that standpipe in that
 00:-37 16 building with our truck, we can fight the fire from
 00:-37 17 inside the building with one truck, theoretically.
 00:-37 18 MS. BORRELLI: Okay.
 00:-37 19 So, having multiple trucks and first
 00:-37 20 responders, does that add chaos there? Of trying to
 00:-37 21 get out and trying to maneuver around, does that add
 00:-37 22 chaos?
 00:-37 23 MR. SCHUSTER: Well, once they're in,
 00:-37 24 they're not maneuvering around. Once these trucks
 00:-37 25 pull into the scene of the fire, they are there until

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00:-37 1 we are going home.
 00:-37 2 MS. BORRELLI: Okay.
 00:-37 3 It sounds like there's a lot of
 00:-36 4 what-ifs, a lot of scenarios that come into play that
 00:-36 5 you're not going to know until you actually fight the
 00:-36 6 fire. Is that correct?
 00:-36 7 MR. SCHUSTER: We prepare for every
 00:-36 8 scenario in the training all our members go through.
 00:-36 9 MS. BORRELLI: So all firemen prepare
 00:-36 10 for worst case scenario?
 00:-36 11 MR. SCHUSTER: We're prepared to do
 00:-36 12 what's needed to do our job.
 00:-36 13 MS. BORRELLI: So if there's a worst
 00:-36 14 case scenario, can you guarantee that there will not
 00:-36 15 be a --
 00:-36 16 MR. SCHUSTER: We will never use that
 00:-36 17 word.
 00:-36 18 MR. NEWMAN: They are not guarantors.
 00:-36 19 MS. BORRELLI: So there is a potential
 00:-36 20 that a fire could get out of hand and out of control,
 00:-36 21 correct? A fire could get out of control?
 00:-36 22 MR. HAYES: Which is true of anywhere
 00:-36 23 in town.
 00:-36 24 MR. SCHUSTER: Every current building
 00:-36 25 in town, there is a potential fire that can get out

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00:-36 1 of control.
 00:-36 2 MS. BORRELLI: Again, the concern is
 00:-36 3 with the second building being so close to a wooded
 00:-36 4 area, and in light of fires that have happened
 00:-36 5 recently and how they have gotten out of control.
 00:-36 6 CHAIRWOMAN HEMBREE: A question.
 00:-36 7 MS. BORRELLI: So a fire could possibly
 00:-36 8 get out of control and travel up the hill, correct?
 00:-36 9 It could, correct? It's possible?
 00:-35 10 MR. FUSCO: We would cover the
 00:-35 11 exposures is the simplest way of putting it.
 00:-35 12 MS. BORRELLI: Okay, but my question
 00:-35 13 is: Is it possible that it could occur?
 00:-35 14 MR. SCHUSTER: All I'll say is anything
 00:-35 15 is possible, but we cannot answer what-ifs on a snowy
 00:-35 16 day and this. We cannot answer those questions. It
 00:-35 17 gets us nowhere.
 00:-35 18 MS. BORRELLI: Okay, but I'm basically
 00:-35 19 asking you that it has a potential to possibly get
 00:-35 20 out of control if the situations were correct?
 00:-35 21 MR. SCHUSTER: Any fire in any town in
 00:-35 22 any city in any state in any country in this world
 00:-35 23 has the potential to get out of control.
 00:-35 24 MS. BORRELLI: Okay. All right.
 00:-35 25 But having a second building closer to

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00:-35 1 the woods, it's just kind of maybe increasing some
 00:-35 2 odds, correct?
 00:-35 3 MR. SCHUSTER: We can't answer that, if
 00:-35 4 that increases the odds.
 00:-35 5 MR. NEWMAN: Again, these people are
 00:-35 6 the experts and they're here --
 00:-35 7 MS. BORRELLI: I understand, but there
 00:-35 8 were experts in Marcal, there were experts in
 00:-35 9 Edgewater, there were experts in California, and it
 00:-35 10 does happen, so that's just my point.
 00:-35 11 MR. NEWMAN: Right.
 00:-35 12 MS. BORRELLI: That's my point. That's
 00:-35 13 my point. I understand they're experts and I
 00:-34 14 understand, but there were experts fighting other
 00:-34 15 fires that got out of control.
 00:-34 16 Thank you.
 00:-34 17 MR. MARSON: Hi. Craig Marson, 7
 00:-34 18 Cricket Lane.
 00:-34 19 A simple question.
 00:-34 20 Assuming that there's a single large
 00:-34 21 fire truck that has entered the premises, how many
 00:-34 22 other emergency vehicles will also be able to enter
 00:-34 23 the premises at the same time?
 00:-34 24 MR. SCHUSTER: We don't find that to be
 00:-34 25 important.

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00:-34 1 MR. MARSON: I'm asking the question,
 00:-34 2 answer it.
 00:-34 3 How many vehicles behind the first fire
 00:-34 4 truck --
 00:-34 5 MR. SCHUSTER: Because it's going to be
 00:-34 6 based --
 00:-34 7 MR. MARSON: I'm asking the question.
 00:-34 8 How many vehicles --
 00:-34 9 MR. SCHUSTER: It's going to --
 00:-34 10 MR. MARSON: -- behind the first fire
 00:-34 11 truck?
 00:-34 12 MR. SCHUSTER: It is going to be based
 00:-34 13 off what our response is into the property.
 00:-34 14 MR. DELIA: That's his answer.
 00:-34 15 Next question, please.
 00:-34 16 MR. HAYES: Mr. Marson, to be fair,
 00:-34 17 they have already answered this question.
 00:-34 18 MR. MARSON: No, they haven't. Not the
 00:-34 19 way I am going to ask it.
 00:-34 20 MR. HAYES: And it was fact dependent
 00:-33 21 based on --
 00:-33 22 MR. MARSON: Then let me add a fact.
 00:-33 23 At full parking capacity, the first
 00:-33 24 fire truck entering these premises, how many other
 00:-33 25 emergency vehicles will fit behind that first fire

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00:-33 1 truck behind it?
 00:-33 2 MR. SCHUSTER: I will answer my
 00:-33 3 question the exact same way, it depends on what our
 00:-33 4 response is into the property, what are we responding
 00:-33 5 for, what type of fire.
 00:-33 6 MR. MARSON: Okay.
 00:-33 7 MR. SCHUSTER: And I'm not going to
 00:-33 8 explain to you how it works and how fires work and
 00:-33 9 how our response is, because I don't think we want to
 00:-33 10 be here for the next seven days, but while our
 00:-33 11 response is going to be different for what type of
 00:-33 12 response we're coming in for.
 00:-33 13 MR. MARSON: That's not the answer to
 00:-33 14 the question.
 00:-33 15 MR. SCHUSTER: That's the answer I gave
 00:-33 16 you.
 00:-33 17 MR. MARSON: The question that was
 00:-33 18 asked, again for the record is: Assuming you have --
 00:-33 19 MR. PRINCIOOTTO: Mr. Marson, look,
 00:-33 20 you're asking very broad questions.
 00:-33 21 MR. MARSON: No, I'm not, it's either a
 00:-33 22 zero or a number.
 00:-33 23 MR. PRINCIOOTTO: I think they're trying
 00:-33 24 to answer your question.
 00:-33 25 MR. MARSON: They are not answering my

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00:-33 1 questions.
 00:-33 2 MR. HAYES: Mr. Marson, they have
 00:-33 3 answered your questions.
 00:-33 4 MR. MARSON: No, they have not.
 00:-32 5 MR. NEWMAN: Mr. Marson, where is the
 00:-32 6 first fire truck parked? Is it --
 00:-32 7 MR. MARSON: If it is parked at full
 00:-32 8 parking capacity.
 00:-32 9 MR. SCHUSTER: Let me just.
 00:-32 10 At full parking capacity does not
 00:-32 11 affect how many fire trucks I can get in here. All
 00:-32 12 these spots could be full or empty, I can still get
 00:-32 13 these same number of fire trucks in this lane, that
 00:-32 14 does not change.
 00:-32 15 It depends on where the fire is as to
 00:-32 16 where my first fire truck is stopping. So if our
 00:-32 17 fire is here in the garbage area, the first fire
 00:-32 18 truck is stopping here. So the number is different.
 00:-32 19 If the fire is over here and there's cars burning,
 00:-32 20 the first fire truck stops here and your number is
 00:-32 21 different, so I cannot answer that question any
 00:-32 22 better than that.
 00:-32 23 MR. MARSON: Let me ask the question
 00:-32 24 another way.
 00:-32 25 Assuming again full parking capacity,

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00:-32 1 is it possible then that with a single truck entering
 00:-32 2 the premises, depending where the fire is, there are
 00:-32 3 emergency vehicles that could fit behind it?
 00:-32 4 MR. SCHUSTER: Yes.
 00:-32 5 MR. MARSON: Okay. Thank you.
 00:-31 6 CHAIRWOMAN HEMBREE: Anybody else?
 00:-31 7 MS. JEFFAS: Yes, please.
 00:-31 8 Laura Jeffas, Woodcliff Lake.
 00:-31 9 A quick question.
 00:-31 10 When you're trained --
 00:-31 11 CHAIRWOMAN HEMBREE: Could you speak
 00:-31 12 into the mic, ma'am.
 00:-31 13 MS. JEFFAS: When you're trained, you
 00:-31 14 go through all the training at the academy and such,
 00:-31 15 how far do they suggest you keep your vehicle from a
 00:-31 16 fully engulfed fire? Is there like a distance that
 00:-31 17 they say, you can actually pull up pretty close or
 00:-31 18 are you going to stay 15 feet or are you going to
 00:-31 19 stay 20 feet?
 00:-31 20 MR. SCHUSTER: It's going to be a
 00:-31 21 decision at that moment. It's moment based.
 00:-31 22 MS. JEFFAS: So do you feel comfortable
 00:-31 23 if one of these building is fully engulfed --
 00:-31 24 MR. PRINCIOOTTO: You're not facing the
 00:-31 25 microphone.

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00:-31 1 MS. JEFFAS: Do you feel comfortable if
 00:-30 2 one of these buildings is fully engulfed with pulling
 00:-30 3 the vehicles in there or would you fight the fire
 00:-30 4 from another location then?
 00:-30 5 MR. SCHUSTER: We're going to do what
 00:-30 6 -- I can't answer that question. We're going to do
 00:-30 7 what we need to do to fight that fire.
 00:-30 8 MS. JEFFAS: Okay.
 00:-30 9 But it's possible that you might not be
 00:-30 10 able to pull down that -- if you have a fully
 00:-30 11 engulfed fire, and we know it happens --
 00:-30 12 CHAIRWOMAN HEMBREE: Ma'am, they can't
 00:-30 13 answer a question they can't answer.
 00:-30 14 MS. JEFFAS: Will you have to stay
 00:-30 15 outside that area to fight it from the outside, if
 00:-30 16 one of those buildings is fully engulfed?
 00:-30 17 MR. SCHUSTER: Outside of the building
 00:-30 18 or outside of the parking?
 00:-30 19 MS. JEFFAS: No, outside of the parking
 00:-30 20 area and the cars, in that area.
 00:-30 21 MR. SCHUSTER: We will get our
 00:-30 22 apparatus and our manpower as --
 00:-30 23 MS. JEFFAS: As close as you can.
 00:-30 24 MR. SCHUSTER: -- as close as we can in
 00:-30 25 a safe manner.

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00:-30 1 MS. JEFFAS: All right. Thank you.
 00:-30 2 CHAIRWOMAN HEMBREE: Anymore?
 00:-30 3 Okay. Motion to close?
 00:-30 4 MR. DELIA: I just have a couple of
 00:-30 5 questions for each of these gentlemen.
 00:-30 6 MR. NEWMAN: Can we close to the public
 00:-29 7 first?
 00:-29 8 MR. HAYES: Motion to close to the
 00:-29 9 public.
 00:-29 10 MR. NEWMAN: I will second that motion.
 00:-29 11 MR. SCHUSTER: Can I second it?
 00:-29 12 [LAUGHTER]
 00:-29 13 CHAIRWOMAN HEMBREE: All in favor?
 00:-29 14 (Whereupon, all Board Members respond
 00:-29 15 in the affirmative.)
 00:-29 16 CROSS EXAMINATION
 00:-29 17 BY MR. DELIA:
 00:-29 18 Q. I'm going to ask you both the same
 00:-29 19 questions.
 00:-29 20 Mr. Fusco, how long have you been
 00:-29 21 fighting fires?
 00:-29 22 A. (Fusco) 33 years.
 00:-29 23 Q. And in those 33 years, approximately
 00:-29 24 how many fire calls have you made, have you been on?
 00:-29 25 A. (Fusco) Thousands.

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00:-29 1 Q. Same two questions for you,
 00:-29 2 Mr. Schuster.
 00:-29 3 A. (Schuster) 19 years and thousands.
 00:-29 4 Q. Thank you.
 00:-29 5 A. (Schuster) A couple thousand less than
 00:-29 6 George.
 00:-29 7 MR. DELIA: Thank you.
 00:-29 8 CHAIRWOMAN HEMBREE: Good answer.
 00:-29 9 MR. SPIRIG: Well, for whatever it's
 00:-29 10 worth, whether this building gets built or not,
 00:-29 11 whether it gets approved or not approved, these two
 00:-29 12 guys don't care. Chief Schuster, ex-Chief Fusco only
 00:-29 13 care about two things, doing the right thing for the
 00:-29 14 residents and doing the right thing for the fire
 00:-28 15 department.
 00:-28 16 [APPLAUSE]
 00:-28 17 MR. SPIRIG: As a former fire
 00:-28 18 commissioner, I can tell you that they're not going
 00:-28 19 to approve anything that's going to be harmful to the
 00:-28 20 residents or to their firefighters, so I for one am
 00:-28 21 confident with their recommendations.
 00:-28 22 CHAIRWOMAN HEMBREE: Thank you, John.
 00:-28 23 MR. PRINCIOOTTO: I would like to thank
 00:-28 24 Chief Schuster and ex-Chief Fusco for coming here
 00:-28 25 tonight. It is probably a rainy night by now, but,

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00:-28 1 regardless, we requested that you come here tonight
 00:-28 2 to answer the questions, and I know it can be
 00:-28 3 difficult at times, but thank you for coming.
 00:-28 4 MR. SCHUSTER: You're welcome.
 00:-28 5 MR. FUSCO: You're welcome.
 00:-28 6 MR. NEWMAN: And volunteering. And for
 00:-28 7 your service as a volunteer.
 00:-28 8 MR. SCHUSTER: Thank you.
 00:-28 9 MR. FUSCO: Thank you.
 00:-28 10 [APPLAUSE]
 00:-28 11 MR. SCHUSTER: Good night.
 00:-28 12 MR. DELIA: Joe Burgis.
 00:-28 13 CHAIRWOMAN HEMBREE: Okay. Let's see
 00:-27 14 if they clap for you.
 00:-27 15 MR. DELIA: They will.
 00:-27 16 MR. BURGIS: Maybe two people will.
 00:-27 17 Good evening.
 00:-27 18 MR. PRINCIOOTTO: Do you swear to tell
 00:-27 19 the truth, and nothing but the truth?
 00:-27 20 MR. BURGIS: I do.
 00:-27 21 **JOSEPH H. BURGIS, P.P., AICP, c/o**
 00:-27 22 **Burgis Associates, 25 Westwood Avenue, Westwood,**
 00:-27 23 **New Jersey 07675, having been duly sworn,**
 00:-27 24 **testifies as follows:**
 00:-27 25 MR. PRINCIOOTTO: Okay. State your name

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00:-27 1 for the record, please.
 00:-27 2 MR. BURGIS: Joe Burgis, B-U-R-G-I-S.
 00:-27 3 MR. PRINCIOOTTO: And your address.
 00:-27 4 MR. BURGIS: President of Burgis
 00:-27 5 Associates in Westwood.
 00:-27 6 DIRECT EXAMINATION
 00:-27 7 BY MR. DELIA:
 00:-27 8 Q. Good evening, Mr. Burgis.
 00:-27 9 A. **Good evening, Mr. Delia.**
 00:-27 10 Q. What is your profession?
 00:-27 11 A. **I'm a professional city planner.**
 00:-27 12 Q. And could you give us the benefit of
 00:-27 13 your training, education, and experience in that
 00:-27 14 field?
 00:-27 15 A. **Certainly.**
 00:-27 16 I have a master's degree in city and
 00:-27 17 regional planning from Rutgers University in 1975.
 00:-27 18 I've been a planning consultant since
 00:-27 19 that time.
 00:-26 20 I'm licensed as a professional planner
 00:-26 21 by the State of New Jersey, license #2450, and it is
 00:-26 22 still in effect.
 00:-26 23 CHAIRWOMAN HEMBREE: That's good.
 00:-26 24 THE WITNESS: You seem to ask that
 00:-26 25 question.

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00:-26 1 A. **(Continuing) I'm also certified by the**
 00:-26 2 **American Institute of Certified Planners and a member**
 00:-26 3 **of the American Planning Association.**
 00:-26 4 The firm is presently consultant to, I
 00:-26 5 think, 47 municipalities throughout New Jersey,
 00:-26 6 ranging from as small as Teterboro to as large as
 00:-26 7 Parsippany and Princeton and West Windsor, I guess
 00:-26 8 are the largest.
 00:-26 9 I recently received a Lifetime
 00:-26 10 Achievement Award from Rutgers University for my work
 00:-26 11 in the field. That was 40 years ago already.
 00:-26 12 And we represent and do the kind of
 00:-26 13 planning work that your planner does; you know, write
 00:-26 14 master plans for municipalities, review development
 00:-25 15 applications such as this on behalf our municipal
 00:-25 16 clients, prepare a lot of affordable housing plans.
 00:-25 17 I'm also the special master for Judge
 00:-25 18 Brogan in Passaic County on all matters associated
 00:-25 19 with affordable housing.
 00:-25 20 MR. DELIA: I would tender Mr. Burgis
 00:-25 21 as an expert in the field of professional planning.
 00:-25 22 MR. PRINCIOOTTO: Any questions on the
 00:-25 23 qualifications?
 00:-25 24 CHAIRWOMAN HEMBREE: No.
 00:-25 25 MR. PRINCIOOTTO: Continue.

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00:-25 1 BY MR. DELIA:
 00:-25 2 Q. Mr. Burgis, you've been to some of the
 00:-25 3 meetings, you've had your colleagues at some of the
 00:-25 4 meetings, you've read all the transcripts.
 00:-25 5 Is that correct?
 00:-25 6 A. **I have, yes.**
 00:-25 7 Q. So you've become familiar with all the
 00:-25 8 testimony and all the evidence that's been presented
 00:-25 9 to date. Is that correct?
 00:-25 10 A. **That is correct.**
 00:-25 11 Q. And based on what you've heard and seen
 00:-25 12 and what you know from Woodcliff Lake, have you any
 00:-25 13 professional opinions as to our proposal here
 00:-25 14 tonight?
 00:-25 15 A. **Oh, I certainly do.**
 00:-25 16 Q. Well, what I'd like you to do is start
 00:-24 17 us by giving us an identification of the property,
 00:-24 18 its existing conditions.
 00:-24 19 A. **Okay.**
 00:-24 20 I'm not going to belabor at this point,
 00:-24 21 because you've heard it all before and I think
 00:-24 22 everybody in the room is familiar with the site.
 00:-24 23 We all know where it is, on the east
 00:-24 24 side of Broadway between Highview Avenue and Prospect
 00:-24 25 Avenue. It occupies an area of 3.54 acres. It is

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00:-24 1 basically rectangular in shape. Its dimensions
 00:-24 2 include 324 feet of frontage on Broadway and a depth,
 00:-24 3 if measured at midpoint, of 437 feet.
 00:-24 4 We're all familiar with the sloped
 00:-24 5 character of the site. It's been mentioned a couple
 00:-24 6 of times this evening already.
 00:-24 7 The westernmost part of the property is
 00:-24 8 a flat plateau; the easternmost, roughly 210 feet, is
 00:-24 9 steep leading up to the residences farther to the
 00:-24 10 east.
 00:-24 11 The surrounding development pattern has
 00:-24 12 been described by previous witnesses.
 00:-23 13 To the south, there is two-story office
 00:-23 14 buildings and a bank.
 00:-23 15 To the north, there is the 20-bed
 00:-23 16 boardinghouse, then Highview Avenue and the carpet
 00:-23 17 store, which if memory serves me, is a three-story
 00:-23 18 building.
 00:-23 19 And continuing farther to the north,
 00:-23 20 although it's not built yet, the municipality has
 00:-23 21 designated a site for a 16-unit 100 percent
 00:-23 22 affordable housing development.
 00:-23 23 To the east, of course, is detached
 00:-23 24 single-family-residential development, and the
 00:-23 25 Woodcliff Manor.

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00:-23 1 And then to the west, obviously, is the
00:-23 2 reservoir and the train station.

00:-23 3 The applicant is proposing a total of
00:-23 4 60 units in two buildings on the site. The existing
00:-23 5 building is going to be converted to a 36-unit
00:-23 6 development, and the new three-story building to the
00:-23 7 rear of that will contain a total of 24 units.

00:-22 8 The bedroom distribution of the units
00:-22 9 merit attention. There's a total of 46 one-bedroom
00:-22 10 units and 14 two-bedroom units identified on the
00:-22 11 plans.

00:-22 12 Know that that will require some
00:-22 13 adjustment, because the affordable housing
00:-22 14 regulations do mandate both one-, two- and
00:-22 15 three-bedroom units for the affordables.

00:-22 16 At a 15 percent set aside, there will
00:-22 17 be a total of 9 affordable units, and it would
00:-22 18 breakdown into, you know, 1 one-bedroom unit, 6
00:-22 19 two-bedroom units, and 2 three-bedroom units, so
00:-22 20 there will be a slight adjustment in terms of the
00:-22 21 number of units in each individual building.

00:-22 22 MR. NEWMAN: Are you talking about nine
00:-22 23 affordable units at this location?

00:-22 24 THE WITNESS: At the moment, yes. You
00:-22 25 know, that can be changed over time.

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00:-22 1 MR. NEWMAN: The applicant is planning
00:-22 2 in its units to put nine affordables?

00:-21 3 THE WITNESS: At the moment. Of course
00:-21 4 we can discuss that with the governing body at a
00:-21 5 later time.

00:-21 6 MR. NEWMAN: All right. I'm just --
00:-21 7 okay, so of the 60 units total --

00:-21 8 THE WITNESS: Yes, there would be nine.

00:-21 9 MR. NEWMAN: -- you're proposing nine
00:-21 10 affordables?

00:-21 11 THE WITNESS: There would be nine
00:-21 12 required of the site. Whether they wind up being
00:-21 13 built on-site or potentially off-site is a matter for
00:-21 14 the client and the municipality to discuss.

00:-21 15 So in terms of --

00:-21 16 MR. NEWMAN: Well, you would agree that
00:-21 17 --

00:-21 18 THE WITNESS: Yes.

00:-21 19 MR. NEWMAN: -- since you're seeking a
00:-21 20 lot of variances, that this board does have the power
00:-21 21 to include affordable units?

00:-21 22 THE WITNESS: Yes, certainly I
00:-21 23 understand that.

00:-21 24 **A. (Continuing) In terms of total site**
00:-21 25 **characteristics, the most notable issues to mention**

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00:-21 1 **are the density, what is being proposed is a total of**
00:-21 2 **16.9 units to the acre. The building coverage is**
00:-21 3 **only 19 percent, whereas the ordinance permits a 30**
00:-20 4 **percent building coverage.**

00:-20 5 A total of 42 percent of the site will
00:-20 6 be characterized by impervious coverage, whereas the
00:-20 7 code would permit 60 percent.

00:-20 8 We are retaining the buffers around the
00:-20 9 perimeter of the property, including retention of the
00:-20 10 steep slope landscape feature or wooded feature that
00:-20 11 has been mentioned earlier tonight and in the
00:-20 12 previous meetings.

00:-20 13 There is a total of 111 parking spaces
00:-20 14 being proposed, which is consistent with the RSIS
00:-20 15 standards for compliance.

00:-20 16 I know there had been a question that
00:-20 17 someone had raised about in your ordinance, you
00:-20 18 identified a different parking standard than the RSIS
00:-20 19 standards.

00:-20 20 I will point out, I'm sure the attorney
00:-20 21 and the planner would agree, that the RSIS standards,
00:-20 22 quite a number of years ago, has superceded our local
00:-20 23 zoning regulations governing multifamily residential
00:-19 24 parking. So 111 spaces are the number that's
00:-19 25 required of this site, 111 parking spaces are being

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00:-19 1 proposed.

00:-19 2 I have reviewed a number of planning
00:-19 3 documents that are obviously necessary to review in
00:-19 4 order to come to certain conclusions that I will talk
00:-19 5 about later in my testimony.

00:-19 6 Specifically, I reviewed the 2002
00:-19 7 master plan, because that is the last comprehensive
00:-19 8 master plan that has been prepared by the
00:-19 9 municipality.

00:-19 10 There is a 2008 or '09 reexamination
00:-19 11 report, and a Broadway corridor study that was also
00:-19 12 prepared, I think, about 2008 or 2009.

00:-19 13 I'd like to go through each one of
00:-19 14 those documents and get the information on the
00:-19 15 record, and then we'll talk about what that means in
00:-19 16 terms of special reasons and the negative criteria of
00:-19 17 the statute.

00:-19 18 First, the 2002 master plan.

00:-19 19 The 2002 master plan has two
00:-18 20 designations for this property. The westernmost
00:-18 21 portion of the property is in what's called a
00:-18 22 "special office" land use category. That office
00:-18 23 category in the master plan is designed to encourage
00:-18 24 office development, banking and financial
00:-18 25 institutions to be developed.

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00:-18 1 The easterly 210-foot dimension of the
00:-18 2 property is identified in a single-family medium
00:-18 3 density residential land use designation, and it's
00:-18 4 equivalent to the R-15 zone district designation,
00:-18 5 requiring a 15,000-square foot lot for an individual
00:-18 6 single-family house.

00:-18 7 Now, the master plan does contain quite
00:-18 8 a number of goals and objectives. There are five
00:-18 9 which I think merit particular attention with respect
00:-18 10 to this application.

00:-18 11 One of those goals talks about
00:-18 12 preserving and protecting the existing residential
00:-17 13 areas of the community by restricting incompatible
00:-17 14 land uses from those established residential areas.

00:-17 15 What's interesting here is that I can
00:-17 16 conclude that we are consistent and compatible with
00:-17 17 that particular goal, because the entirety of the
00:-17 18 development of multifamily development that's being
00:-17 19 proposed is in the nonresidential zoned portion of
00:-17 20 this property, not the residentially zoned portion of
00:-17 21 the property.

00:-17 22 I know that there had been a lot of
00:-17 23 commentary during these proceedings about that issue,
00:-17 24 but just to make it clear for the record, none of the
00:-17 25 development that is to take place on the site is

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00:-17 1 occurring in the single-family-residential zoned
00:-17 2 portion of the site.

00:-17 3 Now, a second goal of the master plan
00:-17 4 talks about guiding the appropriate use of land in a
00:-17 5 manner that complements the community as a whole.

00:-17 6 Now, in planning parlance, one of the
00:-16 7 very basic tenets of planning today is that you try
00:-16 8 to encourage multifamily residential development near
00:-16 9 train stations. It's identified in the state plan.

00:-16 10 It's identified in numerous planning treatises that
00:-16 11 are published regularly, and they all say the same
00:-16 12 thing, we would like to encourage multifamily
00:-16 13 development near train stations. It's a way to
00:-16 14 encourage mass transit. It's a way to have
00:-16 15 commutation patterns minimize the number of trips
00:-16 16 that are generated to a particular site by virtue of
00:-16 17 placing them within walking distance of a train
00:-16 18 station.

00:-16 19 That's precisely what we have here.
00:-16 20 Everybody knows where the train station is. If you
00:-16 21 don't at this point in time, we all got a bigger
00:-16 22 problem than this application some people feel it
00:-16 23 presents.

00:-16 24 The third goal of the master plan talks
00:-16 25 about providing adequate light, air, and open space.

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00:-15 1 So when we look at those terms, planners will
00:-15 2 typically turn to an ordinance and say, well, what is
00:-15 3 it the municipality is seeking to encourage in terms
00:-15 4 of light, air, and open space and how do they do
00:-15 5 that?

00:-15 6 They do that by imposing certain
00:-15 7 setback requirements and coverage factors and the
00:-15 8 like.

00:-15 9 And in this instance, we have a
00:-15 10 situation where we are retaining the buffers that are
00:-15 11 required, that exist on this site. We are meeting
00:-15 12 all the side yard and rear yard setback requirements.
00:-15 13 The only setback requirement that we do not comply
00:-15 14 with is a front yard setback, we are short by just
00:-15 15 about two feet from the required setback along
00:-15 16 Broadway.

00:-15 17 MR. NEWMAN: I'm sorry to interrupt,
00:-15 18 Mr. Burgis.

00:-15 19 When you say we're maintaining the
00:-15 20 setback requirements, for which zone?

00:-15 21 THE WITNESS: For the zone that we're
00:-15 22 located in.

00:-15 23 MR. NEWMAN: Okay. For the office use
00:-15 24 zone?

00:-15 25 THE WITNESS: Yes.
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00:-15 1 MR. NEWMAN: Okay.

00:-15 2 THE WITNESS: I will be getting into
00:-15 3 the issue of how we match up against multifamily
00:-14 4 residential zones in the community, because I
00:-14 5 believe, Mr. Newman, you were the one that asked for
00:-14 6 that information, so I will get into that in a few
00:-14 7 moments and show you how we do or are consistent with
00:-14 8 so many of the regulatory controls for the various
00:-14 9 multifamily zones in the municipality.

00:-14 10 MR. NEWMAN: But you would agree that
00:-14 11 that's probably a better guide versus using the
00:-14 12 office zone standards for residential use?

00:-14 13 THE WITNESS: Yes, I think that those
00:-14 14 make more sense. Unfortunately, the case law doesn't
00:-14 15 necessarily allow us to do that, but you are right,
00:-14 16 and that's why I was glad to hear you ask about that.

00:-14 17 MR. NEWMAN: I'm sorry. Continue.

00:-14 18 **A. (Continuing) So a fourth goal of the**
00:-14 19 **master plan that I'd like to bring to your attention**
00:-14 20 **is how it seeks to ensure development that preserves**
00:-14 21 **natural features on the site. And here we're talking**
00:-14 22 **about that 210-foot swatch of steep sloped property**
00:-13 23 **that we are not touching. It is identified in the**
00:-13 24 **site plan as an element that's going to be preserved**
00:-13 25 **as a permanent open space feature on the property, if**

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00:-13 1 **you were to approve this.**
 00:-13 2 **And then finally, the master plan talks**
 00:-13 3 **about encouraging improvements to the Broadway**
 00:-13 4 **business district and strengthening the linkage to**
 00:-13 5 **the train station. And one of the elements that**
 00:-13 6 **strengthens the linkage to the train station is the**
 00:-13 7 **linkage between multifamily development and the train**
 00:-13 8 **station itself.**

00:-13 9 **So, in many respects, by placing**
 00:-13 10 **multifamily development near that train station and**
 00:-13 11 **near other planned commercial development that's**
 00:-13 12 **contemplated in the area, it represents sound**
 00:-13 13 **planning for the municipality. It's consistent with**
 00:-13 14 **the state plan that talks about this issue. It's**
 00:-13 15 **consistent with the borough's corridor plan for**
 00:-13 16 **Broadway, and it's consistent with the borough's**
 00:-13 17 **planning for the site to the north, which they've**
 00:-13 18 **acknowledged that having a 16-unit multifamily**
 00:-12 19 **development immediately to the north in relation to**
 00:-12 20 **the train station represents sound planning,**
 00:-12 21 **otherwise I assume they would not have done that.**

00:-12 22 **So, in addition to the 2002 master**
 00:-12 23 **plan, I looked at the 2008 reexamination report.**
 00:-12 24 **There's not a lot to say about this document. It**
 00:-12 25 **basically reaffirms all of the goals and objectives**

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00:-12 1 **that I just highlighted, and I don't need to repeat**
 00:-12 2 **that.**

00:-12 3 **It does add one new goal. It**
 00:-12 4 **specifically talks about discouraging development**
 00:-12 5 **from intruding in steep sloped portions of property.**

00:-12 6 **Again, we're not intruding into that**
 00:-12 7 **area, so it's safe to say that we're furthering that**
 00:-12 8 **goal that's recommended in the 2008 reexamination**
 00:-12 9 **report, as well as the others that I mentioned.**

00:-12 10 **And then the other document that I**
 00:-12 11 **think bears mentioning is the 2008 Broadway corridor**
 00:-12 12 **study.**

00:-12 13 **This includes the subject site and**
 00:-11 14 **property to the north and to the south, and it**
 00:-11 15 **recognizes that the Broadway corridor has the**
 00:-11 16 **potential to be accommodating to changing market**
 00:-11 17 **conditions.**

00:-11 18 **And here we have a situation that the**
 00:-11 19 **building was built in 1981 that has a certain**
 00:-11 20 **lifespan as an office space. 1981 was suggested. It**
 00:-11 21 **was built before the onset of the significant change**
 00:-11 22 **in architectural design to accommodate all the**
 00:-11 23 **computer data that is needed, that's provided between**
 00:-11 24 **floors, which has resulted in increased building**
 00:-11 25 **heights for conventional office buildings to get all**

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00:-11 1 **that computerized material in these buildings to**
 00:-11 2 **accommodate today's demands.**

00:-11 3 **The plan also recognizes that there's a**
 00:-11 4 **significant increase in demand for multifamily**
 00:-10 5 **development throughout Northern Bergen County in**
 00:-10 6 **particular, and that's because we are an aging**
 00:-10 7 **population.**

00:-10 8 **When you look at the demographic data,**
 00:-10 9 **you realize that we have gone from, in this part of**
 00:-10 10 **the county, an average age of about 36 in the year**
 00:-10 11 **2000 to about 42 in 2015.**

00:-10 12 **That might not sound like a lot. You**
 00:-10 13 **know, I wouldn't mind being six years younger myself**
 00:-10 14 **right now. While that doesn't sound like a lot, in**
 00:-10 15 **terms of demographic information, that is a**
 00:-10 16 **significant change, and we're not going to see that**
 00:-10 17 **trend change, it's going to continue for quite a**
 00:-10 18 **number of years.**

00:-10 19 **To comment: What does that mean for**
 00:-10 20 **us?**

00:-10 21 **It means those of us that have the**
 00:-10 22 **large single-family house that the kids moved out of,**
 00:-10 23 **we no longer need that large single-family house. We**
 00:-10 24 **would be looking to find something that we could**
 00:-09 25 **downsize into.**

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00:-09 1 **It also means that we would like to**
 00:-09 2 **find something we could downsize into in a community**
 00:-09 3 **where we raised our family and have our friends. And**
 00:-09 4 **that is why multifamily development has become much**
 00:-09 5 **more common in these municipalities throughout North**
 00:-09 6 **Jersey and more sought after, as these changes in**
 00:-09 7 **demographic patterns continue.**

00:-09 8 **The other plan that I did look at is**
 00:-09 9 **the municipality's Housing Element and Fair Share**
 00:-09 10 **Plan.**

00:-09 11 **Now, interestingly enough, very**
 00:-09 12 **briefly, the affordable housing obligation for every**
 00:-09 13 **municipality is broken down into three components.**
 00:-09 14 **There's a rehab component which we won't bother to**
 00:-09 15 **talk about, because it really has nothing to do with**
 00:-09 16 **this, but there's a prior round obligation that you**
 00:-09 17 **have of 170 dwelling units, and a prospective or**
 00:-09 18 **future obligation of an additional 386 units that is**
 00:-09 19 **identified in your settlement agreement with the Fair**
 00:-08 20 **Share Housing Center.**

00:-08 21 **Now, obviously you're a fully developed**
 00:-08 22 **municipality and you're not going to meet all those**
 00:-08 23 **numbers. You're addressing a portion of that, but**
 00:-08 24 **not all of it, but within the philosophy of**
 00:-08 25 **affordable housing, as established by the state and**

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00:08 1 the courts, you have a significant unmet need that at
00:08 2 least needs some attention. And by virtue of
00:08 3 providing 9 units of affordable housing, either on
00:08 4 this site or somewhere else in the municipality, if
00:08 5 that were to be the case, we are assisting you in
00:08 6 achieving that portion of your unmet need.

00:08 7 Now, the zoning ordinance --
00:08 8 Q. Mr. Burgis, what is the total on that
00:08 9 need?

00:08 10 A. **439 units of unmet need.**
00:08 11 MR. NEWMAN: Mr. Burgis, time to
00:08 12 interrupt again. But isn't that need based upon
00:08 13 units of housing in the area, like how much
00:07 14 affordable when we build housing, doesn't that set
00:07 15 the standard for more affordable housing?

00:07 16 THE WITNESS: In a very simplistic way,
00:07 17 yes, but as your planner will tell you, the formula
00:07 18 for determining what your obligation is is like this
00:07 19 thick and it contains many different indices that are
00:07 20 measured. It's a function of employment. It's a
00:07 21 function of vacant land. It's a function of
00:07 22 environmentally sensitive property. It's a function
00:07 23 of population change. There's a whole host of
00:07 24 criteria that go into it.

00:07 25 And it's not just your municipality's
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00:07 1 obligation, because the courts have ruled that
00:07 2 municipalities also have to take into consideration a
00:07 3 segment of the regional need.

00:07 4 MR. NEWMAN: So the regional need is
00:07 5 important?

00:07 6 THE WITNESS: Yes.

00:07 7 MR. NEWMAN: And what the region
00:07 8 provides is important?

00:06 9 THE WITNESS: Yes. As a means of
00:06 10 addressing that obligation, yes.

00:06 11 MR. NEWMAN: Right.

00:06 12 So we can look not just to Woodcliff
00:06 13 Lake but to the region, when you're addressing the
00:06 14 fulfillment of those needs?

00:06 15 THE WITNESS: Well, we look at it in
00:06 16 terms of addressing what our obligation is, and then
00:06 17 you take what's called your "fair share" of that
00:06 18 obligation and show how you're going to address it.
00:06 19 And, as I said, there is a provision in the
00:06 20 regulations that acknowledges that there are certain
00:06 21 municipalities, like a Woodcliff Lake, that, you
00:06 22 know, lack sufficient vacant land to accommodate the
00:06 23 totality of its obligation, and that's why we have
00:06 24 this issue of unmet need, that's more of an
00:06 25 aspirational goal that you should provide, you should

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00:06 1 seek to address at least a portion of.

00:06 2 MR. NEWMAN: Let me breakdown the
00:06 3 question.

00:06 4 If we were to permit this project to go
00:06 5 through, based on upon the regulations would we be
00:05 6 getting ahead, would we be staying in place or
00:05 7 falling behind?

00:05 8 THE WITNESS: You would be catching up.

00:05 9 MR. NEWMAN: Exactly.

00:05 10 THE WITNESS: You'd be catching up by
00:05 11 providing 9 units.

00:05 12 MR. NEWMAN: So the nine you propose
00:05 13 for this project with the -- how many total units?

00:05 14 THE WITNESS: 60.

00:05 15 MR. NEWMAN: 60. So does that help us
00:05 16 catch up with our obligation, does that keep us
00:05 17 current with our obligation, or is that falling
00:05 18 farther behind in our obligation, if you know?

00:05 19 THE WITNESS: No, certainly not the
00:05 20 latter. I would say it's helping you to address a
00:05 21 portion of that unmet need, so it's, you know,
00:05 22 getting a leg up with your number.

00:05 23 A. **(Continuing) So, the zoning of the**
00:05 24 **site is consistent with the master plan land use**
00:05 25 **designation. The westerly half is in that special**
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00:05 1 **office zone, and the easterly part of the property is**
00:05 2 **in the R-15 zone.**

00:04 3 **And because the site's zoning does not**
00:04 4 **permit multifamily development, that's why we're here**
00:04 5 **before you, we need what's called a (d)(1) use**
00:04 6 **variance.**

00:04 7 We do have a preexisting nonconforming
00:04 8 front yard setback to the existing building. We're
00:04 9 required to have a 70-foot setback from the
00:04 10 centerline of the street to the building. This
00:04 11 building was built at, I think I said 68 feet
00:04 12 earlier, it's 65.8 feet preexisting nonconforming
00:04 13 condition, which obviously cannot be affected,
00:04 14 altered because we're retaining the existing
00:04 15 building.

00:04 16 There's also a height variance, because
00:04 17 while we are compliant with the 36-foot height
00:04 18 limitation of your code, our second or proposed new
00:04 19 building will be a three-story building and you allow
00:04 20 a two-and-a-half-story building.

00:04 21 Now, having said all that background
00:03 22 information, what does that all mean?

00:03 23 The statute identifies very specific
00:03 24 criteria that an applicant has to prove in order to
00:03 25 enable you to vote in the affirmative for any

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00:-03 1 project.
 00:-03 2 Now, for the kind of (d) variance that
 00:-03 3 we're seeking, we have to address what's called the
 00:-03 4 "positive and the negative criteria." The "positive
 00:-03 5 criteria" being, you know, whether or not there are
 00:-03 6 special reasons that support this request for a use
 00:-03 7 variance. "Special reasons" could be a number of
 00:-03 8 different things. From my perspective, I think there
 00:-03 9 are 5 or 6 special reasons that support this case,
 00:-03 10 and I'll get into that in one second.

00:-03 11 In addition to that, one has to show
 00:-03 12 what's called the "negative criteria," and that's a
 00:-03 13 twofold test.

00:-03 14 The first prong of that test is you
 00:-03 15 have to show that there's no substantial detriment to
 00:-03 16 the public good.

00:-02 17 And, secondly, one has to show that
 00:-02 18 there will be no substantial impairment to the intent
 00:-02 19 and purpose of the master plan of the community.

00:-02 20 And I'm not using that word
 00:-02 21 "substantial" lightly, it's coming right out of the
 00:-02 22 statute. The case law and the Legislature recognized
 00:-02 23 that with every variance there is some impact, but
 00:-02 24 the question is, is it a substantial impairment or
 00:-02 25 substantial detriment that would rise to such a level

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00:-02 1 that you cannot approve a project.
 00:-02 2 And in addition to that, there is the
 00:-02 3 so-called "Medici test." That is based on a certain
 00:-02 4 particular case, an applicant has to state not just
 00:-02 5 that you're not inconsistent with the intent of the
 00:-02 6 master plan, so it's a little slight twist on that
 00:-02 7 prong of negative criteria.

00:-02 8 So in terms of special reasons, what do
 00:-01 9 we have?

00:-01 10 First, I think we further a number of
 00:-01 11 the state's Municipal Land Use Law. The state, in
 00:-01 12 Section 40:55D-2 identifies 14 or so specific
 00:-01 13 purposes of the act, and I could identify half a
 00:-01 14 dozen that I think clearly are being affirmed by this
 00:-01 15 application.

00:-01 16 One is something that you already have
 00:-01 17 in your master plan and I mentioned earlier. One of
 00:-01 18 the purposes of the act is to encourage municipal
 00:-01 19 action to guide the appropriate use of property.

00:-01 20 Again, not to belabor the point, but
 00:-01 21 placing multifamily development near a train station
 00:-01 22 certainly suggests that that's an appropriate
 00:-01 23 municipal action.

00:-01 24 Secondly, there's another goal that
 00:00 25 you've taken from the state statute, and that's

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00:00 1 encourage adequate light, air, and open space.

00:00 2 And for the reasons I mentioned
 00:00 3 earlier, I think that goal is also affirmed.

00:00 4 Thirdly is the issue of promoting an
 00:00 5 establishment of appropriate population density.

00:00 6 And, as I said earlier, we are
 00:00 7 proposing a density of 16.9 units to the acre. And
 00:00 8 at the last meeting, and it was you, Mr. Newman, had
 00:00 9 asked that I provide a table identifying --

00:00 10 MR. DELIA: And we submitted that to
 00:00 11 the board the beginning of April.

00:00 12 THE WITNESS: Yes, I did.

00:00 13 MR. DELIA: And I would have it marked
 00:00 14 as A-18.

00:00 15 It was filed with the board on April
 00:00 16 12th.

00:00 17 THE WITNESS: Should I mark the
 00:00 18 exhibit?

00:00 19 MR. DELIA: A-18, yes.

00:00 20 (Table of comparison of proposed
 00:00 21 development to Woodcliff Lake multi and
 00:00 22 multiple dwelling zones is marked as exhibit
 00:00 23 A-18 in evidence.)

00:00 24 **A. (Continuing) What we had prepared is**
 00:00 25 **this table, it's entitled:**

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00:00 1 **"Comparison of proposed development to**
 00:00 2 **Woodcliff Lake multi and multiple dwelling**
 00:00 3 **zones."**

00:00 4 **The subject site's zoning, S-O, where**
 00:00 5 **multifamily development is located is in this column.**

00:00 6 We identified the AH-2 zone, the AHVO
 00:00 7 zone, the ARHO zone, these are two overlay zones, the
 00:01 8 ARHO-II overlay zone, and the B-1/AHO zone.

00:01 9 Those zones are located, and I'll just
 00:01 10 put this up for one second.

00:01 11 MR. DELIA: Let's mark this as A-19.

00:01 12 MR. NEWMAN: Do we have copies of that,
 00:01 13 A-19?

00:01 14 MR. DELIA: No, this is just the zoning
 00:01 15 map.

00:01 16 (Zoning map is marked as exhibit A-19
 00:01 17 in evidence.)

00:01 18 THE WITNESS: This is your zoning map.

00:01 19 MR. PRINCIOOTTO: You don't have smaller
 00:01 20 versions?

00:01 21 MR. DELIA: I do not.

00:01 22 MR. PRINCIOOTTO: Okay.

00:01 23 THE WITNESS: No, but I figured it's
 00:01 24 your zoning map so you should have it.

00:01 25 MR. NEWMAN: Not with me when I left

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00:02 1 the house tonight.

00:02 2 THE WITNESS: You should bring it

00:02 3 everywhere you go.

00:02 4 **A. (Continuing) Just to highlight where**

00:02 5 **these zones are, the subject site, obviously is here,**

00:02 6 **this is Broadway. This is the road over the**

00:02 7 **reservoir, just to orient everybody, the Parkway, and**

00:02 8 **Chestnut Ridge Road.**

00:02 9 **So we have the AR, which is the age**

00:02 10 **restricted housing overlay zone, right at the border**

00:02 11 **with Montvale over here. We have the Affordable**

00:02 12 **Housing I zone district here.**

00:02 13 **We have the B Affordable Housing**

00:02 14 **Overlay zone, Broadway, over here. We have the AH-II**

00:03 15 **zone right there.**

00:03 16 **This zoning map does not identify, for**

00:03 17 **some reason, two zones that have never been mapped on**

00:03 18 **the map, although they've been approved. One is**

00:03 19 **where the VFW is on Broadway, that is the AHV overlay**

00:03 20 **zone, and then the affordable -- the ARHO-II zone,**

00:03 21 **which is where Tevia (phonetic) is, that office**

00:03 22 **building.**

00:03 23 CHAIRWOMAN HEMBREE: On Chestnut Ridge

00:03 24 Road?

00:03 25 THE WITNESS: On Chestnut Ridge Road,

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00:03 1 that has an overlay zone as well, and for some reason

00:03 2 they never have been put on the zoning map.

00:03 3 So what does this table tell us about

00:04 4 these zones in terms of density in particular?

00:04 5 In terms of density, we're at 16.94

00:04 6 units to the acre. The AH-2 zone actually

00:04 7 specifically says that you're allowed to have no more

00:04 8 than 16 units on that site. But when I looked at the

00:04 9 site, that site is a little less than one acre in

00:04 10 size, so when you do the calculation for that one

00:04 11 property, it comes out to 17 units to the acre.

00:04 12 MR. NEWMAN: What is the AH-2 zone?

00:04 13 Like what does it stand for?

00:04 14 THE WITNESS: Affordable Housing 2.

00:04 15 MR. NEWMAN: So this is specifically

00:04 16 for affordable housing?

00:04 17 THE WITNESS: Yes, that's the 100

00:04 18 percent 16-unit affordable housing site that's

00:04 19 immediately to the north of --

00:05 20 MR. NEWMAN: Okay. And that has a max

00:05 21 density of actually 16 units?

00:05 22 THE WITNESS: No -- well, it allows a

00:05 23 total of 16 units.

00:05 24 MR. NEWMAN: Right.

00:05 25 THE WITNESS: But the site is a little

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00:05 1 less than one acre in size.

00:05 2 MR. NEWMAN: Well, the minimum site is

00:05 3 a little less than one acre in size.

00:05 4 THE WITNESS: No, the site that's zoned

00:05 5 for affordable housing in the AH-2 zone, although

00:05 6 your ordinance requires one acre, the site is

00:05 7 actually like .9 acres in size.

00:05 8 MR. NEWMAN: Okay, but under the

00:05 9 ordinance, how big is the site supposed to be?

00:05 10 THE WITNESS: It's supposed to

00:05 11 accommodate 16 units.

00:05 12 MR. NEWMAN: And it's supposed to be at

00:05 13 least an acre or do I have that wrong?

00:05 14 THE WITNESS: The site size is one

00:05 15 acre, 43,560.

00:05 16 MR. NEWMAN: Okay.

00:05 17 THE WITNESS: The site that is zoned

00:05 18 for 16 units and identified in your settlement

00:05 19 agreement as to be developed with 16 units, because

00:06 20 it's a little less than one acre in size, when do you

00:06 21 the calculation, it actually comes out to 17 units to

00:06 22 the acre.

00:06 23 MR. NEWMAN: So that's a spot zone that

00:06 24 was part of a settlement?

00:06 25 THE WITNESS: Correct, correct.

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00:06 1 MR. NEWMAN: And that's for 16 units,

00:06 2 not 17?

00:06 3 THE WITNESS: It's a total of 16

00:06 4 dwelling units, but the calculation, if you do the

00:06 5 calculation to calculate density, it comes out to 17

00:06 6 to the acre.

00:06 7 MR. NEWMAN: No, I understand, because

00:06 8 I guess the site is a little larger than an acre,

00:06 9 that site was, I guess for lack of a better term,

00:06 10 spot zoned, if you're going to put 16 affordable

00:06 11 housing units on this zone.

00:06 12 THE WITNESS: That is correct.

00:06 13 MR. NEWMAN: And that's only one

00:06 14 location in the borough?

00:06 15 THE WITNESS: Yes. That's one of the

00:06 16 lots right in here.

00:06 17 MR. NEWMAN: Okay.

00:06 18 THE WITNESS: It's a total of three

00:06 19 lots in total.

00:06 20 MR. PREISS: It's bigger than that, but

00:07 21 --

00:07 22 **A. (Continuing) So the next zone is the**

00:07 23 **AHV, this is the where the VFW is, and that density**

00:07 24 **comes out to 14 units to the acre, a little less than**

00:07 25 **our 16.94.**

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00:07 1 MR. NEWMAN: Okay, but how many units
 00:07 2 are on the site?
 00:07 3 THE WITNESS: That is allowed to have a
 00:07 4 total of 12 units, but because of its site size, it's
 00:07 5 less, because of the site size. When you do the
 00:07 6 mathematical calculation, it comes out to 14 to the
 00:07 7 acre.
 00:07 8 MR. HAYES: You're attempting to
 00:07 9 compare apples to apples?
 00:07 10 THE WITNESS: Yes.
 00:07 11 BY MR. DELIA:
 00:07 12 Q. Let me just ask the question.
 00:07 13 In terms of the densities that we've
 00:07 14 listed here, it's all based on the number of units
 00:07 15 per acre?
 00:07 16 A. Per acre, yes.
 00:07 17 Q. In order to be consistent and have an
 00:07 18 accurate reading of the comparison?
 00:07 19 A. Yes.
 00:07 20 Now, fortunately, for all the other
 00:07 21 zones, you don't list a specific number of units, you
 00:08 22 do identify simply units per acre, so the rest will
 00:08 23 be a lot easier to go through.
 00:08 24 So with the ARHO zone, that zone is the
 00:08 25 smallest density multifamily zone in town, that's 12
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00:08 1 units to the acre.
 00:08 2 The ARHO-II zone, which is the former
 00:08 3 Tevia property, that has an overlay for 20 units to
 00:08 4 the acre.
 00:08 5 And the Broadway affordable housing
 00:08 6 overlay zone is zoned at 18 units to the acre.
 00:08 7 So when you look at these various zone
 00:08 8 districts, you see that our 16.94 units to the acre
 00:08 9 is smack dab in the middle of the range of densities
 00:08 10 that are identified in your affordable multifamily
 00:08 11 housing zones.
 00:08 12 Q. To be clear, I misspoke a couple of
 00:08 13 hearings ago stating that we had 18 units per acre.
 00:09 14 I meant we actually have 17 units per acre, 16.94,
 00:09 15 correct?
 00:09 16 A. Correct, correct.
 00:09 17 So based on those densities and
 00:09 18 recognizing how we fit in with all of these other
 00:09 19 planned zone density for multifamily development, it
 00:09 20 allows me to conclude that in terms of furthering
 00:09 21 that purpose of the Municipal Land Use Law that talks
 00:09 22 about promoting the establishment of appropriate
 00:09 23 population densities, it is clear that the
 00:09 24 municipality has made a determination that our
 00:09 25 proposed 16.94 units to the acre fits well within
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00:09 1 your range of, and from a low of 12 to a high of 20
 00:09 2 units to the acre.
 00:09 3 MR. PRINCIOTTO: You didn't include in
 00:09 4 this the Pulte Homes site off County Road?
 00:09 5 THE WITNESS: No, because the directive
 00:10 6 to us was to specifically identify multifamily
 00:10 7 development, and in your zoning ordinance, that site
 00:10 8 is specifically identified as a single-family
 00:10 9 attached development.
 00:10 10 MR. PRINCIOTTO: Do you know what the
 00:10 11 density is there?
 00:10 12 THE WITNESS: I think it's either 5.56
 00:10 13 or 5.63 units to the acre.
 00:10 14 MR. NEWMAN: Would six be a fair
 00:10 15 assumption?
 00:10 16 THE WITNESS: If we rounded up, that's
 00:10 17 fine too.
 00:10 18 MR. NEWMAN: Okay.
 00:10 19 THE WITNESS: I don't think it applies
 00:10 20 here, though, because, as your ordinance said, it's a
 00:10 21 single-family attached building type rather than a
 00:10 22 multifamily attached building type.
 00:10 23 Q. And, again, back to that, those are
 00:10 24 town homes as opposed to --
 00:10 25 A. Stacked units.
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00:10 1 Q. Right.
 00:10 2 MR. NEWMAN: Well, it also seems that
 00:10 3 the town has specified specific areas where this type
 00:10 4 of housing should be.
 00:10 5 MR. PRINCIOTTO: How would you classify
 00:10 6 what is on the border of Woodcliff Lake and Montvale,
 00:11 7 the age restricted housing? I mean, you classified
 00:11 8 those as multiple dwellings.
 00:11 9 THE WITNESS: Yes, your ordinance
 00:11 10 classifies it that way, that's the distinction.
 00:11 11 MR. PRINCIOTTO: Okay.
 00:11 12 So if the ordinance classified it as
 00:11 13 multiple dwelling units, then you would have included
 00:11 14 it in the drawing?
 00:11 15 THE WITNESS: I would have still raised
 00:11 16 a concern about that, because town house and
 00:11 17 multifamily development are really two different
 00:11 18 animals. Town house development are clearly attached
 00:11 19 units, and you don't have one above or below the
 00:11 20 other unit, whereas, multifamily development, which
 00:11 21 is all these other zones, have units above or below.
 00:11 22 MR. PRINCIOTTO: But they both talk in
 00:11 23 terms of density per acre, don't they?
 00:11 24 THE WITNESS: So does your detached
 00:11 25 single-family zones, 15,000 square feet represents
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00:11 1 three units to the acre.
 00:11 2 MR. PRINCIOOTTO: Well, you could say
 00:12 3 that.
 00:12 4 THE WITNESS: I did say that.
 00:12 5 **A. (Continuing) A second specific support**
 00:12 6 **of special reasons is what I mentioned earlier, how**
 00:12 7 **we're assisting the municipality in affirmatively**
 00:12 8 **addressing, albeit a small portion, but a portion of**
 00:12 9 **your unmet housing need.**
 00:12 10 That unmet housing need, as we
 00:12 11 mentioned earlier, is 437 units.
 00:12 12 In this way, we are addressing, you
 00:12 13 know, 9 units of that component, and your settlement
 00:12 14 agreement does talk about a whole series of
 00:12 15 mechanisms to try to encourage development that will
 00:12 16 address that unmet need. For example, there's a
 00:12 17 mandatory set aside requirement that if the governing
 00:13 18 body were to ever rezone property in the future or if
 00:13 19 this board were to approve a multifamily development,
 00:13 20 you know, you're required, through that settlement
 00:13 21 agreement, to impose a set aside requirement for
 00:13 22 affordable housing. And that's just one of a couple
 00:13 23 of different mechanisms that you use.
 00:13 24 MR. NEWMAN: Those are the 9 units that
 00:13 25 you're talking about?

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00:13 1 THE WITNESS: Yes.
 00:13 2 MR. HAYES: If I may, just to clarify,
 00:13 3 because I missed when you said it before or when you
 00:13 4 said it earlier, that's the settlement agreement from
 00:13 5 the fall of 2017?
 00:13 6 THE WITNESS: No, '18, I believe -- no,
 00:13 7 you are right, November of 2017.
 00:13 8 MR. HAYES: All right.
 00:13 9 **A. (Continuing) Another special reason is**
 00:13 10 **how we're furthering the principles of smart growth.**
 00:13 11 Now, smart growth principles are ten in
 00:13 12 number, as identified in the state plan and
 00:13 13 elsewhere.
 00:14 14 Amongst those principles, it talks
 00:14 15 about encouraging a mix of land uses. And by
 00:14 16 inserting multifamily development along this Broadway
 00:14 17 corridor, you're trying to encourage or create, for
 00:14 18 lack of a better word, a downtown feel for Woodcliff
 00:14 19 Lake, you know, that furthers that concept.
 00:14 20 CHAIRWOMAN HEMBREE: Okay, Mr. Burgis,
 00:14 21 we're almost ready to leave.
 00:14 22 THE WITNESS: I could talk all night.
 00:14 23 CHAIRWOMAN HEMBREE: I know.
 00:14 24 THE WITNESS: You could turn out the
 00:14 25 lights, I'll still be talking.

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00:14 1 I understand.
 00:14 2 CHAIRWOMAN HEMBREE: I just am trying
 00:14 3 to find a way that --
 00:14 4 THE WITNESS: Five minutes? It will
 00:14 5 get me to a good ending point.
 00:14 6 CHAIRWOMAN HEMBREE: Okay.
 00:14 7 THE WITNESS: Okay.
 00:14 8 MR. NEWMAN: Just before you go, let's
 00:14 9 do six minutes.
 00:14 10 But the downtown concept, that's a
 00:14 11 commercial with residential on top of it. Isn't this
 00:14 12 project purely residential?
 00:14 13 THE WITNESS: Yes, it is, but it still
 00:15 14 adds to it.
 00:15 15 MR. NEWMAN: Please continue.
 00:15 16 THE WITNESS: I'll take back that 30
 00:15 17 seconds.
 00:15 18 Smart growth principles also talk about
 00:15 19 creating a walkable neighborhood. It talks about
 00:15 20 preserving critical environmentally sensitive areas.
 00:15 21 It talks about creating compact building design.
 00:15 22 This project, I believe, does all of
 00:15 23 those things.
 00:15 24 The last two special reasons talks
 00:15 25 about furthering the intent and purpose of the state

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00:15 1 plan itself.
 00:15 2 Woodcliff Lake is identified in the
 00:15 3 state plan as being in the planning area No. 1. And
 00:15 4 that state plan identifies the fact that most growth
 00:15 5 or predicts that most growth in the State of New
 00:15 6 Jersey is going to occur in planning area one, and
 00:15 7 the plan concepts are so designed as to encourage
 00:15 8 that to occur in this planning area.
 00:15 9 And then, finally, something that the
 00:16 10 traffic expert had said at the last meeting where he
 00:16 11 pointed out that by virtue of this application, this
 00:16 12 will represent a less traffic generating potential
 00:16 13 coming out of the multifamily development in contrast
 00:16 14 to if this site were developed for a number of the
 00:16 15 permitted uses allowed as of right in this zone.
 00:16 16 So all of those items represent special
 00:16 17 reasons in support of this application.
 00:16 18 MR. PRINCIOOTTO: All right. So are you
 00:16 19 done with all your special reasons?
 00:16 20 THE WITNESS: Yes.
 00:16 21 MR. PRINCIOOTTO: It sounds like a good
 00:16 22 stopping point to me.
 00:16 23 THE WITNESS: Okay. It took me less
 00:16 24 than five minutes.
 00:16 25 MR. PRINCIOOTTO: All right.

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00:16 1 MR. NEWMAN: Are you done with all of
 00:16 2 your direct?
 00:16 3 MR. DELIA: No, we have some more.
 00:16 4 THE WITNESS: No, there's some more,
 00:16 5 where I was hoping to end.
 00:17 6 CHAIRWOMAN HEMBREE: We're not finished
 00:17 7 with the meeting, please.
 00:17 8 MR. PREISS: I'm not going to be here
 00:17 9 on the 28th.
 00:17 10 CHAIRWOMAN HEMBREE: Please talk
 00:17 11 outside.
 00:17 12 MR. PRINCIOOTTO: We have to discuss
 00:17 13 some scheduling.
 00:18 14 All right. Our next --
 00:18 15 MR. DELIA: We got a problem with May
 00:18 16 28th, and, Joe, he's going to be away on a trip. Can
 00:18 17 we get a special?
 00:18 18 MR. PRINCIOOTTO: We have some other
 00:18 19 applications that we have to schedule.
 00:18 20 MR. SPIRIG: Did I hear Richard say he
 00:18 21 can't be here also?
 00:18 22 MR. PRINCIOOTTO: We're going to talk
 00:18 23 about it.
 00:18 24 I was thinking that we're going to have
 00:19 25 a special meeting on May 14th, but that's for three

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00:19 1 residential applications that we have.
 00:19 2 CHAIRWOMAN HEMBREE: I thought there
 00:19 3 was only one.
 00:19 4 MS. SMITH: There is only one, two are
 00:19 5 not complete.
 00:19 6 MR. PRINCIOOTTO: Let me address that,
 00:19 7 because there is an issue with regard to that and I
 00:19 8 have to look into that, but there may be definitely
 00:19 9 two that are complete and one that's been kicking
 00:19 10 around quite a while.
 00:19 11 MR. DELIA: Perhaps we can switch dates
 00:19 12 with them and take the 14th and they could take the
 00:19 13 28th?
 00:19 14 MR. PREISS: That's a great idea,
 00:19 15 except I can't be here for the 14th either.
 00:19 16 MR. PRINCIOOTTO: How about the
 00:19 17 beginning of June?
 00:19 18 MR. PREISS: The alternative would be
 00:19 19 to send somebody else, and then I come back at the
 00:19 20 meeting after that to respond, provide a summary.
 00:20 21 MR. PRINCIOOTTO: What about the 21st,
 00:20 22 and we skip the 28th?
 00:20 23 MR. NEWMAN: 21st of?
 00:20 24 MR. PRINCIOOTTO: May.
 00:20 25 MR. SPIRIG: I can't be here on the

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00:20 1 21st. I can do anything the week of the 14th.
 00:20 2 MR. PREISS: I also have a hearing that
 00:20 3 evening, actually two.
 00:20 4 MR. DELIA: Will you be able to send
 00:20 5 somebody on the 14th, Richard, here?
 00:20 6 MR. PREISS: Yes, I could, but, you
 00:20 7 know, I think given the length and in terms of my
 00:20 8 ability to respond or answer questions, I think as
 00:20 9 long as the understanding was that you hold the
 00:20 10 meeting open until the following hearing so that I
 00:20 11 could appear. I would be happy to read when Joe
 00:20 12 finishes his testimony and the board and the public
 00:20 13 asks questions. I could come to the subsequent
 00:21 14 meeting to be available to provide the same kind of
 00:21 15 summary.
 00:21 16 MR. HAYES: If I may, just to add my
 00:21 17 two cents in, I think it's important for Mr. Preiss
 00:21 18 to be here, because I think sometimes these
 00:21 19 conversations and questions go in ways that you can't
 00:21 20 predict in a response to reading testimony. I think
 00:21 21 Mr. Preiss is valuable that he be here.
 00:21 22 MR. PRINCIOOTTO: I agree with you.
 00:21 23 MR. SPIRIG: I agree too. Is there any
 00:21 24 other day that we could have, the 13th, the 14th --
 00:21 25 well, not the 13th, there's probably a council

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00:21 1 meeting the 12th.
 00:21 2 MR. PRINCIOOTTO: I say to keep it on
 00:21 3 Tuesdays, June 4th, June 12th?
 00:21 4 MR. PREISS: The fourth, I can do.
 00:21 5 MR. DELIA: We can do the fourth. We
 00:22 6 really want to make best efforts to push for a vote
 00:22 7 that night. We'll have to finish with Joe. We have
 00:22 8 just a little bit left with Mr. Luglio, and that's
 00:22 9 the conclusion of my presentation.
 00:22 10 CHAIRWOMAN HEMBREE: Mr. Preiss, you'll
 00:22 11 be here on June 4th?
 00:22 12 MR. PREISS: Yes.
 00:22 13 CHAIRWOMAN HEMBREE: Anybody else?
 00:22 14 MS. EFFRON-MALLEY: Do we want to start
 00:22 15 at seven?
 00:22 16 CHAIRWOMAN HEMBREE: I don't mind that,
 00:22 17 seven is fine.
 00:22 18 MR. DELIA: So June 4th.
 00:22 19 CHAIRWOMAN HEMBREE: You want to do the
 00:22 20 residential applications on the 14th?
 00:22 21 MR. PRINCIOOTTO: Yes.
 00:23 22 MR. DELIA: June 4th at 7.
 00:23 23 MR. PRINCIOOTTO: But, look, if you take
 00:23 24 up all the time on June 4th, it's going to have to go
 00:23 25 to July, because the public has to ask questions, we

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00:23 1 have to finish with Lou Luglio, and Richard Preiss is
 00:23 2 going to testify, and I don't know if any members of
 00:23 3 the public want to testify.
 00:23 4 MR. DELIA: Well, let's just get here.
 00:23 5 You know, again, this will be our sixth time coming
 00:23 6 back. So we've covered a lot of territory, and, in
 00:23 7 my view, we're in the home stretch in terms of my
 00:23 8 presentation. So I'll do my best effort to keep it
 00:23 9 as succinct as possible, and then we'll do our best
 00:23 10 to --
 00:23 11 MR. PRINCIOOTTO: If we can come to a
 00:23 12 vote on June 4th, that's fine, but if we can't, it's
 00:24 13 going to have to go to July, you understand that?
 00:24 14 MR. NEWMAN: I don't want pressure on
 00:24 15 June 4th. I'd like to know in advance whether or not
 00:24 16 --
 00:24 17 MR. SPIRIG: We also still have a
 00:24 18 regular meeting in June too.
 00:24 19 CHAIRWOMAN HEMBREE: Yes, we do, we
 00:24 20 have a regular meeting in June.
 00:24 21 MR. NEWMAN: What is the cutoff date?
 00:24 22 MR. PRINCIOOTTO: Next month. He
 00:24 23 extended through May. We have a meeting on June
 00:24 24 25th.
 00:24 25 MR. DELIA: Yes, I don't have authority

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00:25 1 MR. DELIA: Not at this point, no.
 00:25 2 MR. NEWMAN: I will not be here.
 00:25 3 MR. PRINCIOOTTO: Well, I just don't
 00:25 4 like being in a position where we're not giving
 00:25 5 people fair enough --
 00:25 6 MR. SPIRIG: There will be no other
 00:26 7 day, the week of June 14th, other than the 14th, like
 00:26 8 15th, 16th?
 00:26 9 CHAIRWOMAN HEMBREE: May, May 14th.
 00:26 10 MR. SPIRIG: No, no, I mean for this.
 00:26 11 MR. FENDIAN: May is only one meeting.
 00:26 12 MR. PRINCIOOTTO: They're going to come
 00:26 13 June 4th, if the date is clear.
 00:26 14 MR. DELIA: June 4, 7:00 p.m. in this
 00:26 15 room.
 00:26 16 Thank you, everyone, for your time.
 00:26 17 Have a good night.
 00:26 18 MR. HAYES: You too.
 00:26 19 MR. PRINCIOOTTO: This application is
 00:27 20 continuing on June 4th at 7:00 p.m.
 00:27 21 CHAIRWOMAN HEMBREE: And that's the
 00:27 22 only thing we're going to be doing on June 4th, I
 00:27 23 think, God willing.
 24 (Time noted: 10:45 p.m.)
 25

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00:24 1 to go beyond June 4th right now. Obviously, if we're
 00:24 2 all here and moving this thing along, you know me,
 00:24 3 I'm not about to play games. But I'd also like to
 00:24 4 keep that, see where we land. I just don't have the
 00:24 5 authority to do that right now.
 00:24 6 MR. PRINCIOOTTO: Well --
 00:24 7 CHAIRWOMAN HEMBREE: Let's make a
 00:24 8 decision, June 4, 7:00.
 00:24 9 MR. DELIA: Yes, please.
 00:24 10 CHAIRWOMAN HEMBREE: You bring dinner,
 00:24 11 right?
 00:24 12 MR. DELIA: Yes. Pizza?
 00:25 13 The open public meetings notice, do you
 00:25 14 want us to take care of that, will you take care of
 00:25 15 that?
 00:25 16 MS. SMITH: I take care of that. I
 00:25 17 just need to confirm June 4th with the main office
 00:25 18 and the calendar is clear, but there's also other
 00:25 19 meetings that happen, and mayor and council is clear,
 00:25 20 I have to check the board of health, so if they're
 00:25 21 not having a meeting June 4th, and I confirm that
 00:25 22 first thing tomorrow morning.
 00:25 23 MR. DELIA: Thanks.
 00:25 24 MR. PRINCIOOTTO: If need be, can you
 00:25 25 make it on June 25th?

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1 **CERTIFICATION**
 2
 3
 4 I, KIM O. FURBACHER, License No.
 5 XIO1042, a Certified Court Reporter, Registered Merit
 6 Reporter, Certified Realtime Court Reporter, and
 7 Notary Public of the State of New Jersey, hereby
 8 certify that the foregoing is a verbatim record of
 9 the testimony provided under oath before any court,
 10 referee, board, commission or other body created by
 11 statute of the State of New Jersey.
 12 I am not related to the parties
 13 involved in this action; I have no financial
 14 interest, nor am I related to an agent of or employed
 15 by anyone with a financial interest in the outcome of
 16 this action.
 17 This transcript complies with
 18 Regulation 13:43-5.9 of the New Jersey Administrative
 19 Code.
 20
 21
 22
 23 KIM O. FURBACHER, CRCR, CCR, RMR
 License #XIO1042, and Notary Public
 of New Jersey
 24
 25 My Commission Expires:
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