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

4 .....  
IN THE MATTER OF: : TRANSCRIPT  
5 : OF  
188 BROADWAY LLP : PROCEEDINGS  
6 188 Broadway :  
Block 2701/Lot 3 :  
7 .....  
8 B E F O R E:

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

10 CHRISTINA MEMBRESE, CHAIRWOMAN  
11 ROBERT HAYES, MEMBER  
12 ROBIN EFFRON-MALLEY, MEMBER  
13 EMILIA OROZOVA FENDIAN, MEMBER  
14 JOHN SPIRIG, MEMBER  
15 GARY NEWMAN, MEMBER  
16 MICHAEL KAUFMAN, ALTERNATE #2  
17  
18  
19  
20  
21  
22  
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2  
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14 NEGLIA ENGINEERING ASSOCIATES  
Board Engineer  
15  
16 RICHARD PREISS, PP, AICP  
17 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC  
Board Planner  
18  
19 MEG SMITH  
20 Board Secretary  
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-01:-15 1 MR. PRINCOTTO: 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 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. PRINCOTTO: Yes, we will.  
 -01:-14 15 MR. FUSCO: I am George Fusco, former  
 -01:-14 16 chief.  
 -01:-14 17 MR. PRINCOTTO: 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:-14 1 MR. PRINCOTTO: 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. PRINCOTTO: Okay.  
 -01:-14 10 Mr. Delia, do you have any questions --  
 -01:-14 11 MR. DELIA: No.  
 -01:-14 12 MR. PRINCOTTO: -- 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. PRINCOTTO: 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. PRINCOTTO: Okay. So being that  
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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. PRINCOTTO: 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. Princiotta, can I just  
 -01:-12 24 take a quick look, because I haven't seen the letter?  
 -01:-12 25 MR. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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 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:-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:-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

-01:-00 24 can leave in this manner; if they were full, we can

-01:-00 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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20

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 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. PRINCOTTO: 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:-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:-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. PRINCITTO: 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. PRINCIOOTTO: 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. PRINCIOTTO: 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. PRINCIOTTO: 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. PRINCIOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: Any questions on the  
 00:-25 23 qualifications?  
 00:-25 24 CHAIRWOMAN HEMBREE: No.  
 00:-25 25 MR. PRINCOTTO: 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. PRINCOTTO: You don't have smaller

00:01 20 versions?

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

00:01 22 MR. PRINCOTTO: 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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<p style="text-align: right;">77</p> <p>00:02 1 the house tonight.</p> <p>00:02 2 THE WITNESS: You should bring it</p> <p>00:02 3 everywhere you go.</p> <p>00:02 4 <b>A. (Continuing) Just to highlight where</b></p> <p>00:02 5 <b>these zones are, the subject site, obviously is here,</b></p> <p>00:02 6 <b>this is Broadway. This is the road over the</b></p> <p>00:02 7 <b>reservoir, just to orient everybody, the Parkway, and</b></p> <p>00:02 8 <b>Chestnut Ridge Road.</b></p> <p>00:02 9 <b>So we have the AR, which is the age</b></p> <p>00:02 10 <b>restricted housing overlay zone, right at the border</b></p> <p>00:02 11 <b>with Montvale over here. We have the Affordable</b></p> <p>00:02 12 <b>Housing I zone district here.</b></p> <p>00:02 13 <b>We have the B Affordable Housing</b></p> <p>00:02 14 <b>Overlay zone, Broadway, over here. We have the AH-II</b></p> <p>00:03 15 <b>zone right there.</b></p> <p>00:03 16 <b>This zoning map does not identify, for</b></p> <p>00:03 17 <b>some reason, two zones that have never been mapped on</b></p> <p>00:03 18 <b>the map, although they've been approved. One is</b></p> <p>00:03 19 <b>where the VFW is on Broadway, that is the AHV overlay</b></p> <p>00:03 20 <b>zone, and then the affordable -- the ARHO-II zone,</b></p> <p>00:03 21 <b>which is where Tevia (phonetic) is, that office</b></p> <p>00:03 22 <b>building.</b></p> <p>00:03 23 CHAIRWOMAN HEMBREE: On Chestnut Ridge</p> <p>00:03 24 Road?</p> <p>00:03 25 THE WITNESS: On Chestnut Ridge Road,</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p style="text-align: center;"><b>201-641-1812</b></p>	<p style="text-align: right;">79</p> <p>00:05 1 less than one acre in size.</p> <p>00:05 2 MR. NEWMAN: Well, the minimum site is</p> <p>00:05 3 a little less than one acre in size.</p> <p>00:05 4 THE WITNESS: No, the site that's zoned</p> <p>00:05 5 for affordable housing in the AH-2 zone, although</p> <p>00:05 6 your ordinance requires one acre, the site is</p> <p>00:05 7 actually like .9 acres in size.</p> <p>00:05 8 MR. NEWMAN: Okay, but under the</p> <p>00:05 9 ordinance, how big is the site supposed to be?</p> <p>00:05 10 THE WITNESS: It's supposed to</p> <p>00:05 11 accommodate 16 units.</p> <p>00:05 12 MR. NEWMAN: And it's supposed to be at</p> <p>00:05 13 least an acre or do I have that wrong?</p> <p>00:05 14 THE WITNESS: The site size is one</p> <p>00:05 15 acre, 43,560.</p> <p>00:05 16 MR. NEWMAN: Okay.</p> <p>00:05 17 THE WITNESS: The site that is zoned</p> <p>00:05 18 for 16 units and identified in your settlement</p> <p>00:05 19 agreement as to be developed with 16 units, because</p> <p>00:06 20 it's a little less than one acre in size, when do you</p> <p>00:06 21 the calculation, it actually comes out to 17 units to</p> <p>00:06 22 the acre.</p> <p>00:06 23 MR. NEWMAN: So that's a spot zone that</p> <p>00:06 24 was part of a settlement?</p> <p>00:06 25 THE WITNESS: Correct, correct.</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p style="text-align: center;"><b>201-641-1812</b></p>
<p style="text-align: right;">78</p> <p>00:03 1 that has an overlay zone as well, and for some reason</p> <p>00:03 2 they never have been put on the zoning map.</p> <p>00:03 3 So what does this table tell us about</p> <p>00:04 4 these zones in terms of density in particular?</p> <p>00:04 5 In terms of density, we're at 16.94</p> <p>00:04 6 units to the acre. The AH-2 zone actually</p> <p>00:04 7 specifically says that you're allowed to have no more</p> <p>00:04 8 than 16 units on that site. But when I looked at the</p> <p>00:04 9 site, that site is a little less than one acre in</p> <p>00:04 10 size, so when you do the calculation for that one</p> <p>00:04 11 property, it comes out to 17 units to the acre.</p> <p>00:04 12 MR. NEWMAN: What is the AH-2 zone?</p> <p>00:04 13 Like what does it stand for?</p> <p>00:04 14 THE WITNESS: Affordable Housing 2.</p> <p>00:04 15 MR. NEWMAN: So this is specifically</p> <p>00:04 16 for affordable housing?</p> <p>00:04 17 THE WITNESS: Yes, that's the 100</p> <p>00:04 18 percent 16-unit affordable housing site that's</p> <p>00:04 19 immediately to the north of --</p> <p>00:05 20 MR. NEWMAN: Okay. And that has a max</p> <p>00:05 21 density of actually 16 units?</p> <p>00:05 22 THE WITNESS: No -- well, it allows a</p> <p>00:05 23 total of 16 units.</p> <p>00:05 24 MR. NEWMAN: Right.</p> <p>00:05 25 THE WITNESS: But the site is a little</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p style="text-align: center;"><b>201-641-1812</b></p>	<p style="text-align: right;">80</p> <p>00:06 1 MR. NEWMAN: And that's for 16 units,</p> <p>00:06 2 not 17?</p> <p>00:06 3 THE WITNESS: It's a total of 16</p> <p>00:06 4 dwelling units, but the calculation, if you do the</p> <p>00:06 5 calculation to calculate density, it comes out to 17</p> <p>00:06 6 to the acre.</p> <p>00:06 7 MR. NEWMAN: No, I understand, because</p> <p>00:06 8 I guess the site is a little larger than an acre,</p> <p>00:06 9 that site was, I guess for lack of a better term,</p> <p>00:06 10 spot zoned, if you're going to put 16 affordable</p> <p>00:06 11 housing units on this zone.</p> <p>00:06 12 THE WITNESS: That is correct.</p> <p>00:06 13 MR. NEWMAN: And that's only one</p> <p>00:06 14 location in the borough?</p> <p>00:06 15 THE WITNESS: Yes. That's one of the</p> <p>00:06 16 lots right in here.</p> <p>00:06 17 MR. NEWMAN: Okay.</p> <p>00:06 18 THE WITNESS: It's a total of three</p> <p>00:06 19 lots in total.</p> <p>00:06 20 MR. PREISS: It's bigger than that, but</p> <p>00:07 21 --</p> <p>00:07 22 <b>A. (Continuing) So the next zone is the</b></p> <p>00:07 23 <b>AHV, this is the where the VFW is, and that density</b></p> <p>00:07 24 <b>comes out to 14 units to the acre, a little less than</b></p> <p>00:07 25 <b>our 16.94.</b></p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p style="text-align: center;"><b>201-641-1812</b></p>

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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. PRINCOTTO: 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. PRINCOTTO: All right. So are you

00:16 19 done with all your special reasons?

00:16 20 THE WITNESS: Yes.

00:16 21 MR. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: What about the 21st,  
 00:20 22 and we skip the 28th?  
 00:20 23 MR. NEWMAN: 21st of?  
 00:20 24 MR. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: Yes.  
 00:23 22 MR. DELIA: June 4th at 7.  
 00:23 23 MR. PRINCOTTO: 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 keen it  
 00:23 9 as succinct as possible, and then we'll do our best  
 00:23 10 to --  
 00:23 11 MR. PRINCOTTO: 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. PRINCOTTO: 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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00:24 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. PRINCOTTO: 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. PRINCOTTO: If need be, can you  
 00:25 25 make it on June 25th?

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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. PRINCOTTO: 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. PRINCOTTO: 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. PRINCOTTO: 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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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  
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 23 KIM O. FURBACHER, CRCR, CCR, RMR  
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