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BOROUGH OF WOODCLIFF LAKE
MUNICIPAL BUILDING
ZONING BOARD OF ADJUSTMENT
TUESDAY, JUNE 4, 2019
COMMENCING AT 7:21 P.M.

.....
IN THE MATER OF: : TRANSCRIPT
: OF
188 BROADWAY LLP : PROCEEDINGS
188 Broadway :
Block 2701/Lot 3 :
: :
B E F O R E:

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

CHRISTINA HEMBREE, CHAIRWOMAN

SANJEEV DHAWAN, MEMBER

ROBERT HAYES, MEMBER

ROBIN EFFRON-MALLEY, MEMBER

EMILIA OROZOVA FENDIAN, MEMBER

JOHN SPIRIG, MEMBER

GARY NEWMAN, MEMBER (ARRIVED 8:20 PM)

HASMIG YETEMIAN, ALTERNATE #1

MICHAEL KAUFMAN, ALTERNATE #2

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I N D E X (Continued)

E X H I B I T S

NO.	DESCRIPTION	ID	EVID
A-20	Report dated 5/17/19	106	

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

<p style="text-align: right;">5</p> <p>07:21PM 1 CHAIRWOMAN HEMBREE: New application, 07:21PM 2 continued, 188 Broadway, Block 2701, Lot 3. 07:22PM 3 It's a use variance to add 60 apartment 07:22PM 4 units and to permit multifamily residential use, 07:22PM 5 variance to raise building to three stories in 07:22PM 6 height, and a variance for deficient interior parking 07:22PM 7 lot landscaping. 07:22PM 8 MR. DELIA: Good evening, Chairwoman 07:22PM 9 Hembree, members of the board and staff. 07:22PM 10 For the record once again, my name is 07:22PM 11 James Delia, from the law firms of Wells Jaworski & 07:22PM 12 Liebman, here again on behalf of 188 Broadway LLC. 07:22PM 13 Thank you for having us back this 07:22PM 14 evening. 07:22PM 15 When we were last here in April, we 07:22PM 16 heard from your fire chiefs and as well as from 07:22PM 17 Mr. Joe Burgis. Joe is our professional planner. He 07:22PM 18 covered quite a bit of territory last month, 07:22PM 19 primarily in the area of explaining the positive 07:22PM 20 criteria for the use variance. I'm going to re-call 07:22PM 21 him at this point to conclude his testimony. 07:22PM 22 When he is concluded, I will then call 07:22PM 23 Lou Luglio. As you recall, you had certain requests 07:23PM 24 of him in terms of other detail and other 07:23PM 25 investigation. <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>	<p style="text-align: right;">7</p> <p>07:24PM 1 As was indicated by Mr. Delia, he has 07:24PM 2 two witnesses tonight, and they will be followed by 07:24PM 3 cross examination of those witnesses, and then 07:24PM 4 testimony by board professionals. 07:24PM 5 And then after we finish all the 07:24PM 6 testimony, there can be testimony from members of the 07:24PM 7 public who can, as part of their comments, testify, 07:24PM 8 if they take an oath. 07:24PM 9 Anyone wanting to testify has to take 07:24PM 10 an oath. Statements or comments are not considered 07:24PM 11 evidence, only testimony under oath is considered 07:24PM 12 evidence. 07:24PM 13 Now, Mr. Burgis is going to testify 07:24PM 14 tonight as well as Mr. Lou Luglio. They are what we 07:24PM 15 call "expert witnesses," meaning they have education, 07:24PM 16 background and experience to give opinions. 07:24PM 17 Now, you may agree or disagree with 07:25PM 18 their opinions, and that is your right; however, they 07:25PM 19 are permitted to give their opinions. 07:25PM 20 You are permitted to ask these 07:25PM 21 witnesses questions. That does not mean that you can 07:25PM 22 argue with a witness, if you don't like the answer. 07:25PM 23 You can disagree, and when it comes time for the 07:25PM 24 comment section and you disagree with the opinion of 07:25PM 25 that witness, you can say that you disagree. <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>
<p style="text-align: right;">6</p> <p>07:23PM 1 As a result of that request, Lou went 07:23PM 2 back in the field and did some more studies, and we 07:23PM 3 submitted to you an assessment dated May 17th. We 07:23PM 4 submitted it to you on May 17th. 07:23PM 5 He is going to speak on a limited basis 07:23PM 6 on the findings that came up in the context of his 07:23PM 7 extra little bit of research, and then that's it, we 07:23PM 8 will be done with our presentation. 07:23PM 9 At that point, obviously it will be 07:23PM 10 turned over to the board for questions of the public 07:23PM 11 and comments and questions from your own 07:23PM 12 professionals. 07:23PM 13 And then I would be in a position to 07:23PM 14 sum up for a vote. 07:23PM 15 So I've got nothing more to say at this 07:23PM 16 point. I'd like to re-call Joe and get this night 07:23PM 17 going. 07:23PM 18 MR. PRINCIPOTTO: Before you begin, I 07:23PM 19 would like to make an announcement. 07:23PM 20 Members of the public, I see we have a 07:23PM 21 fair number of people here tonight, and when this 07:23PM 22 application began, I think I explained what the 07:23PM 23 process is. I'm not going to go over it entirely; 07:24PM 24 however, I do want to make some comments about what's 07:24PM 25 going to happen tonight. <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>	<p style="text-align: right;">8</p> <p>07:25PM 1 But at the time that you ask the 07:25PM 2 witness a question, you cannot argue with the 07:25PM 3 witness, you can just ask questions. 07:25PM 4 And the questions should be related to 07:25PM 5 this application, and, in particular, to the witness' 07:25PM 6 direct testimony and what that witness testified 07:25PM 7 about. 07:25PM 8 Questions with regard to what's going 07:25PM 9 on in Northern Bergen County in other communities 07:25PM 10 would not be deemed to be relevant to this 07:25PM 11 application. We're here tonight for this 07:26PM 12 application. 07:26PM 13 As I explained at the first meeting, 07:26PM 14 every applicant, no matter who it is, has a right to 07:26PM 15 present their application and to be heard and to be 07:26PM 16 heard fairly and in a procedurally correct manner. 07:26PM 17 So that's what we expect tonight. We 07:26PM 18 don't expect there to be any arguing with the 07:26PM 19 witnesses. We just ask that you ask questions, it's 07:26PM 20 the time for questions. Hold your comments for the 07:26PM 21 comment portion of the meeting, which will come at 07:26PM 22 the end. And if you want to testify, then after the 07:26PM 23 board professionals testify, you'll be asked if you 07:26PM 24 want to testify. 07:26PM 25 As I said, sometimes people want to say <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>

<p style="text-align: right;">9</p> <p>07:26PM 1 something in conjunction with their comments. We can</p> <p>07:26PM 2 swear you in at the time that you make your comment.</p> <p>07:26PM 3 So I ask for your cooperation so that</p> <p>07:26PM 4 we have an orderly meeting tonight and we can get</p> <p>07:26PM 5 this matter heard and completed.</p> <p>07:26PM 6 Okay. Thank you.</p> <p>07:26PM 7 MR. DELIA: Thank you.</p> <p>07:26PM 8 Joe is standing to my right.</p> <p>07:26PM 9 JOSEPH H. BURGIS, P.P., AICP,</p> <p>07:27PM 10 Having been previously sworn, continues to</p> <p>07:27PM 11 testify as follows:</p> <p>07:27PM 12 CONTINUED DIRECT EXAMINATION</p> <p>07:27PM 13 BY MR. DELIA:</p> <p>07:27PM 14 Q. Mr. Burgis, you were here back in</p> <p>07:27PM 15 April, and, as I stated in my comments, you were</p> <p>07:27PM 16 talking about special reasons.</p> <p>07:27PM 17 What more have you got for us?</p> <p>07:27PM 18 A. Well, actually I finished all of my</p> <p>07:27PM 19 testimony regarding the special reasons. As you</p> <p>07:27PM 20 recall, there were five in number. I'm not going to</p> <p>07:27PM 21 repeat them again. We spent quite a bit of time on</p> <p>07:27PM 22 them.</p> <p>07:27PM 23 I don't believe we got into the</p> <p>07:27PM 24 negative criteria of the statute --</p> <p>07:27PM 25 Q. Correct.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">11</p> <p>07:28PM 1 objectives of the plan.</p> <p>07:28PM 2 One talks about preserving and</p> <p>07:28PM 3 protecting existing residential areas. We have a</p> <p>07:28PM 4 unique situation, because we are a split lot zone</p> <p>07:29PM 5 property. The westerly half is zoned or master</p> <p>07:29PM 6 planned for a nonresidential use, the easterly,</p> <p>07:29PM 7 roughly 30 percent of the property is a master plan</p> <p>07:29PM 8 end zone for the R-15 designation for a single-family</p> <p>07:29PM 9 development.</p> <p>07:29PM 10 We are placing the entirety of our</p> <p>07:29PM 11 development in the nonresidential portion of the</p> <p>07:29PM 12 area, not impacting the single-family residentially</p> <p>07:29PM 13 zoned property, which is also, as you've heard from a</p> <p>07:29PM 14 number of witnesses, characterized by substantial</p> <p>07:29PM 15 steep slope conditions.</p> <p>07:29PM 16 We also conclude that we are consistent</p> <p>07:29PM 17 with that goal that talks about guiding the</p> <p>07:29PM 18 appropriate use of land, and with that I talked about</p> <p>07:29PM 19 how we are in close proximity to the train station,</p> <p>07:30PM 20 and the state plan and your own master plan documents</p> <p>07:30PM 21 talk about the propriety of having multifamily</p> <p>07:30PM 22 development near the train station.</p> <p>07:30PM 23 We talked about there was a goal of</p> <p>07:30PM 24 providing light, air, and open space. And I pointed</p> <p>07:30PM 25 out how, with all of the regulatory controls</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">10</p> <p>07:27PM 1 A. -- with respect to the special reasons.</p> <p>07:27PM 2 And if you recall, I'm sure the board</p> <p>07:27PM 3 is familiar with this, the Municipal Land Use Law</p> <p>07:27PM 4 identifies two specific prongs of the negative</p> <p>07:27PM 5 criteria: An applicant has to show that there is no</p> <p>07:27PM 6 substantial detriment to the public good, and an</p> <p>07:27PM 7 applicant has to show there's no substantial</p> <p>07:27PM 8 impairment to the intent and purpose of the</p> <p>07:27PM 9 municipality's master plan.</p> <p>07:27PM 10 As I said at the last meeting, I don't</p> <p>07:28PM 11 use the word "substantial" lightly, it comes right</p> <p>07:28PM 12 out of the statute. The legislature, when they</p> <p>07:28PM 13 adopted these regulations, understood that with every</p> <p>07:28PM 14 application for any kind of a variance, there may be</p> <p>07:28PM 15 some impairment to a master plan or some detrimental</p> <p>07:28PM 16 impact, but the question is: Are those impacts</p> <p>07:28PM 17 substantially detrimental or substantially adversely</p> <p>07:28PM 18 impactful to the master plan or not?</p> <p>07:28PM 19 Needless to say, we've concluded that</p> <p>07:28PM 20 there is no substantial impairment to the intent of</p> <p>07:28PM 21 the master plan.</p> <p>07:28PM 22 If you recall from my direct testimony,</p> <p>07:28PM 23 I went through five specific goals and objectives of</p> <p>07:28PM 24 the municipality's master plan to identify where we</p> <p>07:28PM 25 are consistent in furtherance of those goals and</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">12</p> <p>07:30PM 1 regulating setbacks and building coverage and</p> <p>07:30PM 2 impervious coverage, we are consistent with the</p> <p>07:30PM 3 ordinance requirements for those conditions.</p> <p>07:30PM 4 Another goal talks about preserving</p> <p>07:30PM 5 natural features on the property. I just said a</p> <p>07:30PM 6 moment ago, we are preserving, we're not touching the</p> <p>07:30PM 7 environmentally sensitive portion of the site in the</p> <p>07:30PM 8 easterly close to 30 percent of the site.</p> <p>07:30PM 9 Finally, we are consistent with the</p> <p>07:30PM 10 Broadway corridor master plan, which also talks about</p> <p>07:31PM 11 a mixed use development along the Broadway corridor</p> <p>07:31PM 12 and multifamily residential development along the</p> <p>07:31PM 13 Broadway corridor.</p> <p>07:31PM 14 So for all of those reasons, I've</p> <p>07:31PM 15 concluded that we meet that prong of the negative</p> <p>07:31PM 16 criteria.</p> <p>07:31PM 17 Similarly, I've concluded that there is</p> <p>07:31PM 18 no substantial detriment to the public good, and I</p> <p>07:31PM 19 state that for a number of reasons.</p> <p>07:31PM 20 Amongst others is the fact that -- you</p> <p>07:31PM 21 have to excuse me, I'm getting a summer cold already.</p> <p>07:31PM 22 MS. SMITH: Can I also just ask that</p> <p>07:31PM 23 you move this microphone over, especially since</p> <p>07:31PM 24 you're having a little trouble, it will just make it</p> <p>07:31PM 25 easier to hear.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">13</p> <p>07:31PM 1 THE WITNESS: Thank you.</p> <p>07:31PM 2 A. (Continuing) You previously heard from</p> <p>07:32PM 3 the traffic consultant, who talked about how the</p> <p>07:32PM 4 proposed use represents a lesser traffic generator</p> <p>07:32PM 5 than a permitted use that's allowed on-site. So,</p> <p>07:32PM 6 consequently, the imposition of this particular</p> <p>07:32PM 7 development at this particular intensity of use will</p> <p>07:32PM 8 result in fewer peak hour trip movements than if the</p> <p>07:32PM 9 site were developed for its zoned use.</p> <p>07:32PM 10 Typically when one looks at this issue,</p> <p>07:32PM 11 one looks at traffic, one looks at school impacts;</p> <p>07:32PM 12 that's always a significant concern to a</p> <p>07:32PM 13 municipality. We reached out and contacted the local</p> <p>07:32PM 14 school systems to find out what kind of room they</p> <p>07:32PM 15 have for an additional number of students.</p> <p>07:32PM 16 We have projected, based on using a</p> <p>07:32PM 17 variety of studies, that we are going to have single</p> <p>07:33PM 18 digits in terms of the number of public</p> <p>07:33PM 19 schoolchildren coming out of this project, and the</p> <p>07:33PM 20 reason I say that is because three-quarters of our 60</p> <p>07:33PM 21 units are one bedroom units. And if you looked at,</p> <p>07:33PM 22 whether it's the Rutgers study or studies of</p> <p>07:33PM 23 particular projects throughout Northern Bergen</p> <p>07:33PM 24 County, it is clear that this kind of development</p> <p>07:33PM 25 does not generate a lot of public schoolchildren,</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">15</p> <p>07:34PM 1 Did you look into the fact that Pascack</p> <p>07:35PM 2 Hills High School, that it's a combination of two</p> <p>07:35PM 3 towns --</p> <p>07:35PM 4 THE WITNESS: Yes.</p> <p>07:35PM 5 MS. YETEMIAN: -- Montvale and</p> <p>07:35PM 6 Woodcliff Lake?</p> <p>07:35PM 7 THE WITNESS: Yes, and the figures for</p> <p>07:35PM 8 the other town is similar.</p> <p>07:35PM 9 MR. HAYES: That assumes also that</p> <p>07:35PM 10 resources have stayed the same or almost steady</p> <p>07:35PM 11 during the same amount of time, correct?</p> <p>07:35PM 12 THE WITNESS: To a certain degree, that</p> <p>07:35PM 13 is correct. Obviously with that 2015 estimate, it</p> <p>07:35PM 14 looked at resources, the populations anyway. It</p> <p>07:35PM 15 looked at the age cohort a little closer in time than</p> <p>07:35PM 16 2000-2010, obviously.</p> <p>07:35PM 17 MS. YETEMIAN: Was there also a drop at</p> <p>07:35PM 18 all or a change at all in house sales during those</p> <p>07:36PM 19 times?</p> <p>07:36PM 20 THE WITNESS: That I did not look at.</p> <p>07:36PM 21 MR. HAYES: Or borough population in</p> <p>07:36PM 22 general, right? Because you give us these figures,</p> <p>07:36PM 23 but they're relative to --</p> <p>07:36PM 24 MS. YETEMIAN: Could have gone on.</p> <p>07:36PM 25 MR. HAYES: -- the borough population.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">14</p> <p>07:33PM 1 particularly where three quarters of the units are</p> <p>07:33PM 2 one bedroom units.</p> <p>07:33PM 3 But in looking at the Woodcliff Lake</p> <p>07:33PM 4 school enrollments, we find that it's dropping. For</p> <p>07:33PM 5 example, between 2009-2019, the number of students</p> <p>07:33PM 6 went from 830 to 735.</p> <p>07:33PM 7 We looked at the Pascack Hill High</p> <p>07:33PM 8 School enrollment figures, they're also declining.</p> <p>07:33PM 9 In 2009, they indicated that there were 841 students.</p> <p>07:34PM 10 In 2019, it declined to 818.</p> <p>07:34PM 11 Interestingly enough, the borough</p> <p>07:34PM 12 population for the under five set has also been</p> <p>07:34PM 13 declining. In 1990, the under five cohort</p> <p>07:34PM 14 represented 5.9 percent of the total population of</p> <p>07:34PM 15 Woodcliff Lake. In the year 2000, it was</p> <p>07:34PM 16 7.2 percent. In the year 2010, it's 4.9 percent.</p> <p>07:34PM 17 And there were estimates from another</p> <p>07:34PM 18 source for 2015, it dropped a little bit more.</p> <p>07:34PM 19 So, consequently, it's pretty clear</p> <p>07:34PM 20 that there is room in the school system for an</p> <p>07:34PM 21 additional number of students, and, even given that,</p> <p>07:34PM 22 we do not anticipate any significant number of public</p> <p>07:34PM 23 schoolchildren coming out of this.</p> <p>07:34PM 24 MS. YETEMIAN: Can I just ask one thing</p> <p>07:34PM 25 or make one comment?</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">16</p> <p>07:36PM 1 So we're only getting a piece of the picture that you</p> <p>07:36PM 2 selected out.</p> <p>07:36PM 3 THE WITNESS: Well, I think it's</p> <p>07:36PM 4 important to focus on the younger set, because that's</p> <p>07:36PM 5 the age cohort who is going to go through the school</p> <p>07:36PM 6 system.</p> <p>07:36PM 7 MR. HAYES: I agree, but relative to</p> <p>07:36PM 8 the growth in the borough population as well is</p> <p>07:36PM 9 important to know.</p> <p>07:36PM 10 THE WITNESS: The borough population --</p> <p>07:36PM 11 MR. HAYES: To judge whether or not the</p> <p>07:36PM 12 decrease in the under five cohort is actually</p> <p>07:36PM 13 meaningful, because you're just using percentages.</p> <p>07:36PM 14 THE WITNESS: Your population has</p> <p>07:36PM 15 remained relatively steady. I don't recall the exact</p> <p>07:36PM 16 figure, but it's relatively steady.</p> <p>07:36PM 17 MR. HAYES: It just would have been</p> <p>07:36PM 18 nice to know to compare is my point.</p> <p>07:36PM 19 MR. DELIA: Joe, let me interject here.</p> <p>07:36PM 20 BY MR. DELIA:</p> <p>07:36PM 21 Q. Putting aside the existing conditions</p> <p>07:36PM 22 and the decline in student population, again the</p> <p>07:37PM 23 Rutgers studies and all the other studies, can we put</p> <p>07:37PM 24 a number on what they would say we will have in terms</p> <p>07:37PM 25 of the number of schoolchildren?</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p>17</p> <p>07:37PM 1 A. The Rutgers study suggests that we</p> <p>07:37PM 2 would have 4 or 5 public schoolchildren coming out of</p> <p>07:37PM 3 this development. There will be some additional</p> <p>07:37PM 4 number, close to 3 or 4 additional below school age.</p> <p>07:37PM 5 Q. So under 10 altogether?</p> <p>07:37PM 6 A. Yes, under 10 altogether, and clearly</p> <p>07:37PM 7 there's room in the school system for it. And beyond</p> <p>07:37PM 8 that, you know, these are nominal numbers, because,</p> <p>07:37PM 9 again, the statute says is there a substantial</p> <p>07:37PM 10 detriment to the public good and we also weigh what</p> <p>07:37PM 11 that means.</p> <p>07:37PM 12 And when we weigh it in terms of</p> <p>07:37PM 13 providing multifamily housing in an appropriate</p> <p>07:37PM 14 location near the train station, when we weigh the</p> <p>07:38PM 15 fact that as an aging population with residents, I</p> <p>07:38PM 16 think you were touching upon this, who are moving out</p> <p>07:38PM 17 of their larger single-family house but would like to</p> <p>07:38PM 18 remain in the community but there's not that much</p> <p>07:38PM 19 opportunity to find multifamily housing, this</p> <p>07:38PM 20 represents a benefit for those people.</p> <p>07:38PM 21 So when you weigh all of that and you</p> <p>07:38PM 22 weigh whether there's a substantial detriment to the</p> <p>07:38PM 23 public good, and also factor in the issue of traffic,</p> <p>07:38PM 24 which I had mentioned earlier, I think the balance</p> <p>07:38PM 25 weighs out in favor of the application and with</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p>19</p> <p>07:39PM 1 senior, and after talking to my mom, I live up the</p> <p>07:40PM 2 street from it, I asked her point blank would you</p> <p>07:40PM 3 want to live across the street from a train that</p> <p>07:40PM 4 blows through 20 odd times a day? She said no.</p> <p>07:40PM 5 So what would be the benefit in that</p> <p>07:40PM 6 sense as well?</p> <p>07:40PM 7 THE WITNESS: Well, for your mother</p> <p>07:40PM 8 then this would not be the place. I think for a lot</p> <p>07:40PM 9 of people it would be. There are so many studies --</p> <p>07:40PM 10 MS. YETEMIAN: It's not just children.</p> <p>07:40PM 11 THE WITNESS: There are so many studies</p> <p>07:40PM 12 that bear that out. Seniors are welcoming this type</p> <p>07:40PM 13 of a location. We're seeing in Ridgewood, where 350</p> <p>07:40PM 14 multifamily units are under construction in the</p> <p>07:40PM 15 downtown near the train station. We see in Park</p> <p>07:40PM 16 Ridge, where you see all that development along</p> <p>07:40PM 17 Kinderkamack and Park Avenue near the train station.</p> <p>07:40PM 18 And people are, you know, flocking to those units.</p> <p>07:40PM 19 So, is it for everybody? No. But it's</p> <p>07:40PM 20 obviously for a good portion of the population,</p> <p>07:41PM 21 because you're seeing it everywhere.</p> <p>07:41PM 22 We're doing a housing plan for</p> <p>07:41PM 23 Princeton and West Windsor, and a lot of our projects</p> <p>07:41PM 24 are rotated around the train station, and there seems</p> <p>07:41PM 25 to be a lot of positive reaction to that.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p>18</p> <p>07:38PM 1 respect to that prong of the negative criteria.</p> <p>07:38PM 2 MS. YETEMIAN: I don't know if now is</p> <p>07:38PM 3 the right time to ask this, but let's just say</p> <p>07:38PM 4 hypothetically you're a senior and you're looking to</p> <p>07:38PM 5 downsize and you'll downsize to one of these</p> <p>07:38PM 6 apartments, what is the incentive, other than staying</p> <p>07:38PM 7 in town to be closer to family, I mean would a senior</p> <p>07:39PM 8 say is the benefit to being across the street from a</p> <p>07:39PM 9 train station, when they don't commute, they're</p> <p>07:39PM 10 retired?</p> <p>07:39PM 11 THE WITNESS: I know the question on a</p> <p>07:39PM 12 very personal level, because a number of my friends</p> <p>07:39PM 13 have moved out of their larger single-family house to</p> <p>07:39PM 14 be in a transit-oriented location, because now that</p> <p>07:39PM 15 they're retired, they take much greater advantage of</p> <p>07:39PM 16 going into the city. And that's one advantage.</p> <p>07:39PM 17 Your master plan and your Broadway</p> <p>07:39PM 18 corridor plan talks about trying to encourage</p> <p>07:39PM 19 additional mixed use and nonresidential development</p> <p>07:39PM 20 in this corridor to create what I'll call, for lack</p> <p>07:39PM 21 of a better word, a truer downtown for Woodcliff</p> <p>07:39PM 22 Lake. That also has, you know, an attractive element</p> <p>07:39PM 23 for seniors.</p> <p>07:39PM 24 MS. YETEMIAN: And the noise factor is</p> <p>07:39PM 25 the only other concern that I would think of as a</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p>20</p> <p>07:41PM 1 MS. YETEMIAN: Okay. Thank you.</p> <p>07:41PM 2 Q. (Continuing) So, in addition to that</p> <p>07:41PM 3 issue, which really covers the positive and negative</p> <p>07:41PM 4 criteria for the use variance, there are some bulk</p> <p>07:41PM 5 variances that are associated with this application.</p> <p>07:41PM 6 Actually there's two. One is a front yard setback.</p> <p>07:41PM 7 There is a requirement that we have a</p> <p>07:41PM 8 70-foot setback as measured to the centerline of</p> <p>07:41PM 9 Broadway, and also measured from the property, the</p> <p>07:41PM 10 right-of-way line of 35 feet. And the existing</p> <p>07:41PM 11 building that is being converted from office to</p> <p>07:42PM 12 multifamily residential use is currently setback at</p> <p>07:42PM 13 68.5 feet from the centerline and 34.1 feet from the</p> <p>07:42PM 14 right-of-way line.</p> <p>07:42PM 15 That building is not being relocated to</p> <p>07:42PM 16 pickup the extra foot-and-a-half. It's a preexisting</p> <p>07:42PM 17 nonconforming condition that is going to stay just</p> <p>07:42PM 18 the way it is, for obvious reasons.</p> <p>07:42PM 19 The second issue is height. There is</p> <p>07:42PM 20 an ordinance requirement that says you can have a</p> <p>07:42PM 21 building height of 36 feet and it has to no more than</p> <p>07:42PM 22 a 2-and-a-half story building.</p> <p>07:42PM 23 We meet that 36-foot height, but we are</p> <p>07:42PM 24 at three-story building, and in some respects this is</p> <p>07:42PM 25 a classic (c)(1) physical features test.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">21</p> <p>07:42PM 1 MR. PRINCIOTTO: I'm sorry, I didn't</p> <p>07:42PM 2 hear you.</p> <p>07:43PM 3 THE WITNESS: A (c)(1) physical features</p> <p>07:43PM 4 test.</p> <p>07:43PM 5 I use that term, it comes out of the</p> <p>07:43PM 6 Municipal Land Use Law for bulk variances. One can</p> <p>07:43PM 7 argue it's from the statute 40:55D-70(c)(1), which is</p> <p>07:43PM 8 the physical features test, which means that if there</p> <p>07:43PM 9 are physical features, then they affect your ability</p> <p>07:43PM 10 to comply to code.</p> <p>07:43PM 11 Or there's a (c)(2) test, which is a</p> <p>07:43PM 12 public benefits test, which means that there are</p> <p>07:43PM 13 public benefits that will accrue from the grant of</p> <p>07:43PM 14 the variance.</p> <p>07:43PM 15 In this particular case, it's a (c)(1)</p> <p>07:43PM 16 relief, because, as I said earlier, 30 percent of</p> <p>07:43PM 17 this property is characterized by steep slope, which</p> <p>07:43PM 18 forces the building design to be concentrated in a</p> <p>07:43PM 19 particular area of the site and forces the applicant</p> <p>07:43PM 20 to build up a little bit.</p> <p>07:43PM 21 The important thing in terms of</p> <p>07:43PM 22 density, intensity of use, and all the other indices</p> <p>07:43PM 23 that measure intensity, is that we still are</p> <p>07:44PM 24 consistent with the ordinance that says you can have</p> <p>07:44PM 25 up to a 36-foot building height.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">23</p> <p>07:45PM 1 that 16.94 to the acre with the established zone plan</p> <p>07:45PM 2 of the community.</p> <p>07:45PM 3 In addition to that, there is a third</p> <p>07:45PM 4 variance that no green -- I think you had mentioned</p> <p>07:45PM 5 it at the outset, no interior green space being</p> <p>07:46PM 6 provided within the parking lot itself (indicating).</p> <p>07:46PM 7 One of the benefits of the design that</p> <p>07:46PM 8 we've come up with is that we are providing all of</p> <p>07:46PM 9 our greenery around the perimeter of the property to</p> <p>07:46PM 10 provide as much buffer plantings as possible to</p> <p>07:46PM 11 separate us and screen the site from the adjoining</p> <p>07:46PM 12 single-family neighborhood to the east.</p> <p>07:46PM 13 BY MR. DELIA:</p> <p>07:46PM 14 Q. And, Joe, on that note, again referring</p> <p>07:46PM 15 to A-18, where do we stand in terms of impervious</p> <p>07:46PM 16 coverage compared to other multifamily zones?</p> <p>07:46PM 17 A. As I testified earlier, the applicant</p> <p>07:46PM 18 is at 42.4 percent impervious coverage. The zone in</p> <p>07:46PM 19 which we are in permits a 60 percent impervious</p> <p>07:46PM 20 coverage. The other multifamily zones, the AH-2 zone</p> <p>07:46PM 21 permits 85 percent impervious. The AH-VO is</p> <p>07:47PM 22 75 percent. The ARHO is the one zone that is less</p> <p>07:47PM 23 than us at 35 percent. The ARHO-2 zone is at 50</p> <p>07:47PM 24 percent. And, as I say, we're at 42.4 percent.</p> <p>07:47PM 25 Similarly, in terms of building</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">22</p> <p>07:44PM 1 Interestingly enough, and I went</p> <p>07:44PM 2 through this chart, which is A-18, there are other</p> <p>07:44PM 3 multifamily residential zones that permit a</p> <p>07:44PM 4 three-story 36-foot building height. There is one</p> <p>07:44PM 5 zone that permits a three-story 48-foot building</p> <p>07:44PM 6 height. So this is not something that's new and</p> <p>07:44PM 7 unique to your municipality.</p> <p>07:44PM 8 And I would add that, conventionally</p> <p>07:44PM 9 speaking, I know a number of municipalities are even</p> <p>07:44PM 10 looking at this kind of regulatory control and simply</p> <p>07:44PM 11 saying we're going to limit the footage of height,</p> <p>07:44PM 12 and if somebody could get one, two, or three stories</p> <p>07:44PM 13 in a certain height, so be it, because the concern is</p> <p>07:44PM 14 usually an aesthetic image of how the building will</p> <p>07:44PM 15 look.</p> <p>07:44PM 16 In addition to that, there's also the</p> <p>07:45PM 17 negative criteria that one has to address and for</p> <p>07:45PM 18 many of the same reasons. There's no substantial</p> <p>07:45PM 19 detriment to the public good or substantial</p> <p>07:45PM 20 impairment to the intent of the master plan. The</p> <p>07:45PM 21 regulatory control is overwhelmingly designed to</p> <p>07:45PM 22 regulate overall intensity. And we're at 16.94 units</p> <p>07:45PM 23 per acre density, which, if you recall from this</p> <p>07:45PM 24 chart when I testified last meeting, four of the six</p> <p>07:45PM 25 zones have a greater density than that. So we fit in</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">24</p> <p>07:47PM 1 coverage, we are at 19.1 percent, whereas the zone in</p> <p>07:47PM 2 which we're located is 30 percent. The other zones</p> <p>07:47PM 3 are at 40, 50, 25, 35, and 45 percent. So you could</p> <p>07:47PM 4 see how we fit in in a very positive way in relation</p> <p>07:47PM 5 to the other multifamily zones that the municipality</p> <p>07:47PM 6 has established.</p> <p>07:47PM 7 Q. And we had some design waivers?</p> <p>07:47PM 8 A. Yes.</p> <p>07:47PM 9 There are four design waivers. One is</p> <p>07:48PM 10 a parking space dimension waiver. The ordinance</p> <p>07:48PM 11 requires a 10-foot by 20-foot parking stall. We are</p> <p>07:48PM 12 proposing a 9-foot by 20-foot parking stall.</p> <p>07:48PM 13 The same issue that relates to the</p> <p>07:48PM 14 issue about number of parking spaces and the</p> <p>07:48PM 15 imposition of RSIS standards in contrast to the local</p> <p>07:48PM 16 zoning ordinance also applies to the dimensions of a</p> <p>07:48PM 17 parking stall in a residential zone.</p> <p>07:48PM 18 The RSIS standards says you can have a</p> <p>07:48PM 19 9 by 20-foot parking stall -- actually it says 9 by</p> <p>07:48PM 20 18-foot parking stall. So we are consistent at 9x20</p> <p>07:48PM 21 with the RSIS standard.</p> <p>07:48PM 22 There is a waiver being requested for</p> <p>07:48PM 23 the minimum grade of the walkway to the building.</p> <p>07:48PM 24 The ordinance permits a four percent grade. In one</p> <p>07:49PM 25 instance, near building #2, that grade is increased</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">25</p> <p>07:49PM 1 to five percent.</p> <p>07:49PM 2 While we do not comply with the local</p> <p>07:49PM 3 code, we do comply with the ADA requirement for that</p> <p>07:49PM 4 grade.</p> <p>07:49PM 5 There's a third waiver that's really</p> <p>07:49PM 6 purely an engineering issue. It's a minimum grade</p> <p>07:49PM 7 for a swale. I just hark back to what the engineer</p> <p>07:49PM 8 had talked about previously, the ordinance requires a</p> <p>07:49PM 9 minimum two percent grade. In one area, we have a</p> <p>07:49PM 10 one percent grade, and he testified as to the</p> <p>07:49PM 11 engineering issues related to that.</p> <p>07:49PM 12 I would add that is all an on-site</p> <p>07:49PM 13 condition, not an off-site condition.</p> <p>07:49PM 14 And then finally, there's an issue</p> <p>07:49PM 15 about buffers. The engineer's report, I believe it</p> <p>07:50PM 16 was, talked about how we need to get a waiver because</p> <p>07:50PM 17 our parking abuts other property and the buffer</p> <p>07:50PM 18 requirement is a little larger.</p> <p>07:50PM 19 In point of fact, we are maintaining</p> <p>07:50PM 20 all the existing buffers, and that standard relates</p> <p>07:50PM 21 to residential, and, in contrast to nonresidential</p> <p>07:50PM 22 development, not residential-to-residential</p> <p>07:50PM 23 development.</p> <p>07:50PM 24 And beyond that, I believe, as you had</p> <p>07:50PM 25 heard from our engineer, we are supplementing the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">27</p> <p>07:51PM 1 We're providing additional housing to</p> <p>07:51PM 2 meet the needs of a segment of the population, and</p> <p>07:51PM 3 particularly the affordable housing component.</p> <p>07:51PM 4 We're providing a design that I think</p> <p>07:52PM 5 aesthetically will enhance the existing conditions of</p> <p>07:52PM 6 the site.</p> <p>07:52PM 7 And we are in furtherance of all those</p> <p>07:52PM 8 goals and objectives in the master plan that I spoke</p> <p>07:52PM 9 about earlier tonight and at the last meeting.</p> <p>07:52PM 10 So in the context of all those issues,</p> <p>07:52PM 11 I think there's a benefit here.</p> <p>07:52PM 12 MR. DELIA: No further questions.</p> <p>07:52PM 13 CHAIRWOMAN HEMBREE: I have a question.</p> <p>07:52PM 14 I realize you're talking in terms of</p> <p>07:52PM 15 the Borough of Woodcliff Lake, but nobody seems to be</p> <p>07:52PM 16 able to talk about the Borough of Woodcliff Lake's</p> <p>07:52PM 17 impact on the bigger community, the Pascack Valley,</p> <p>07:52PM 18 and, conversely, the impact of what other towns in</p> <p>07:52PM 19 the Pascack Valley are creating that have an impact</p> <p>07:52PM 20 on the Borough of Woodcliff Lake, and I don't</p> <p>07:52PM 21 understand why not. I mean, we're building a</p> <p>07:52PM 22 building in Park Ridge, we're possibly building a</p> <p>07:52PM 23 huge building in Montvale on the Sony property, and</p> <p>07:53PM 24 nobody is looking at the big picture. Why?</p> <p>07:53PM 25 THE WITNESS: Well, I think in one</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">26</p> <p>07:50PM 1 landscape plan to screen that one area, an existing</p> <p>07:50PM 2 buffer area that is a little shy of enough buffer</p> <p>07:50PM 3 plantings, and we're going to add to that one area to</p> <p>07:50PM 4 ensure that it's fully screened.</p> <p>07:50PM 5 Q. Any detriments as it pertains to the</p> <p>07:50PM 6 neighborhood, substantial detriments?</p> <p>07:50PM 7 A. No, in terms of the waivers, none</p> <p>07:50PM 8 whatever. The parking stall represents a safe and</p> <p>07:51PM 9 efficient condition, obviously it's acceptable to the</p> <p>07:51PM 10 RSIS standards.</p> <p>07:51PM 11 The grading is consistent with the ADA</p> <p>07:51PM 12 standards.</p> <p>07:51PM 13 The swale, the engineer had testified</p> <p>07:51PM 14 to in terms of the propriety of that dimension.</p> <p>07:51PM 15 And the buffer, in fact we satisfy the</p> <p>07:51PM 16 intent of the buffer requirement.</p> <p>07:51PM 17 Q. And the same thing with the project as</p> <p>07:51PM 18 a whole. I know you commented on it, but if you</p> <p>07:51PM 19 could just conclude as to your opinion as to how this</p> <p>07:51PM 20 project impacts the neighborhood, I would appreciate</p> <p>07:51PM 21 that.</p> <p>07:51PM 22 A. Well, in many respects I think the</p> <p>07:51PM 23 whole testimony suggested the impacts are beneficial.</p> <p>07:51PM 24 We're reducing the amount of traffic</p> <p>07:51PM 25 generating potential at this location.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">28</p> <p>07:53PM 1 respect, we are.</p> <p>07:53PM 2 The affordable housing obligations are</p> <p>07:53PM 3 set.</p> <p>07:53PM 4 CHAIRWOMAN HEMBREE: Right.</p> <p>07:53PM 5 THE WITNESS: You have a settlement</p> <p>07:53PM 6 agreement that establishes a certain obligation, plus</p> <p>07:53PM 7 an unmet need obligation that is not being</p> <p>07:53PM 8 affirmatively addressed.</p> <p>07:53PM 9 You are not obligated to address the</p> <p>07:53PM 10 entirety of that unmet need, but you are supposed to</p> <p>07:53PM 11 be making an effort to address a portion of it.</p> <p>07:53PM 12 This project helps you address a</p> <p>07:53PM 13 portion of that. And when you go for your compliance</p> <p>07:53PM 14 hearing with the judge, that is one of the questions</p> <p>07:53PM 15 that is typically asked, so you will be able to use</p> <p>07:53PM 16 this project and point to it as another means by</p> <p>07:53PM 17 which you're affirmatively addressing your affordable</p> <p>07:54PM 18 housing obligations.</p> <p>07:54PM 19 CHAIRWOMAN HEMBREE: No, I understand</p> <p>07:54PM 20 the affordable housing piece, but that's not my</p> <p>07:54PM 21 question. There are other things that have an impact</p> <p>07:54PM 22 that you know about.</p> <p>07:54PM 23 THE WITNESS: Well, some of them relate</p> <p>07:54PM 24 to traffic.</p> <p>07:54PM 25 CHAIRWOMAN HEMBREE: Correct, that's my</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">29</p> <p>07:54PM 1 big problem.</p> <p>07:54PM 2 THE WITNESS: As you heard from the</p> <p>07:54PM 3 traffic consultant, this will result in lesser</p> <p>07:54PM 4 traffic movements at peak hour at this location than</p> <p>07:54PM 5 if the site were developed pursuant to the current</p> <p>07:54PM 6 zoning.</p> <p>07:54PM 7 CHAIRWOMAN HEMBREE: No, I understand</p> <p>07:54PM 8 that you're not, but other factors will have an</p> <p>07:54PM 9 impact and that will affect what you're doing. And</p> <p>07:54PM 10 my concern is, I mean, you had testimony that you</p> <p>07:54PM 11 have to go before the Bergen County Planning Board to</p> <p>07:54PM 12 get permission to make a turn from the project out</p> <p>07:54PM 13 onto Broadway and they may decide not to give you</p> <p>07:54PM 14 permission for the people to turn left onto Broadway.</p> <p>07:54PM 15 Is that correct?</p> <p>07:54PM 16 THE WITNESS: That I'll defer to the</p> <p>07:55PM 17 traffic consultant. He'll be testifying right after</p> <p>07:55PM 18 me.</p> <p>07:55PM 19 CHAIRWOMAN HEMBREE: So that's an</p> <p>07:55PM 20 unknown?</p> <p>07:55PM 21 THE WITNESS: I'm not sure if that's</p> <p>07:55PM 22 the case or not. But even if the traffic were all</p> <p>07:55PM 23 directed to the north and they had to make a</p> <p>07:55PM 24 right-hand turn out, the same would hold true if the</p> <p>07:55PM 25 site were developed as pursuant to its current</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">31</p> <p>07:56PM 1 wouldn't you need to know that?</p> <p>07:56PM 2 THE WITNESS: Yes, but I believe the</p> <p>07:56PM 3 traffic consultant has addressed that issue.</p> <p>07:56PM 4 CHAIRWOMAN HEMBREE: No, they said that</p> <p>07:56PM 5 after we make a decision, then they will pursue that.</p> <p>07:56PM 6 THE WITNESS: Yes, but he had looked at</p> <p>07:56PM 7 total traffic numbers when he made certain</p> <p>07:56PM 8 projections, and he was aware, I believe, of some of</p> <p>07:56PM 9 the other projects that are online in the community.</p> <p>07:56PM 10 So, consequently, that was factored in,</p> <p>07:56PM 11 and, again, I will harken back to, no matter what his</p> <p>07:56PM 12 numbers were --</p> <p>07:56PM 13 CHAIRWOMAN HEMBREE: I don't get that.</p> <p>07:57PM 14 I haven't heard that. I'm listening to hear it, I</p> <p>07:57PM 15 don't hear that. I don't know what the impact is of</p> <p>07:57PM 16 the project in Montvale and the impact of the project</p> <p>07:57PM 17 in --</p> <p>07:57PM 18 MR. PRINCIOTTO: I think we had covered</p> <p>07:57PM 19 some of this, but we have our traffic consultant</p> <p>07:57PM 20 here, Brian Intindola, I think can address regionally</p> <p>07:57PM 21 how these issues are treated. I understand the</p> <p>07:57PM 22 concern, but this applicant doesn't have --</p> <p>07:57PM 23 CHAIRWOMAN HEMBREE: I understand that.</p> <p>07:57PM 24 I get that.</p> <p>07:57PM 25 MR. PRINCIOTTO: -- control over</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">30</p> <p>07:55PM 1 zoning, and there would be more traffic.</p> <p>07:55PM 2 CHAIRWOMAN HEMBREE: I understand. I'm</p> <p>07:55PM 3 not saying it's your responsibility, I'm asking whose</p> <p>07:55PM 4 responsibility is it, because it does have an impact</p> <p>07:55PM 5 on what you're doing.</p> <p>07:55PM 6 THE WITNESS: Well --</p> <p>07:55PM 7 CHAIRWOMAN HEMBREE: And what's going</p> <p>07:55PM 8 to have an impact on the community that we, as</p> <p>07:55PM 9 members of the zoning board of the Borough of</p> <p>07:55PM 10 Woodcliff Lake, are responsible for. If nobody else</p> <p>07:55PM 11 takes that responsibility, I think we have to.</p> <p>07:55PM 12 THE WITNESS: I would say that the</p> <p>07:55PM 13 county would be looking at that as part of their</p> <p>07:55PM 14 responsibility.</p> <p>07:55PM 15 CHAIRWOMAN HEMBREE: Shouldn't they</p> <p>07:55PM 16 look at that before we make a decision?</p> <p>07:55PM 17 THE WITNESS: Unfortunately, the</p> <p>07:56PM 18 Municipal Land Use Law requires you to take an action</p> <p>07:56PM 19 within a certain period of time.</p> <p>07:56PM 20 The county would look at that as part</p> <p>07:56PM 21 of an overall long range planning effort, but it</p> <p>07:56PM 22 can't be tied to a single individual development</p> <p>07:56PM 23 application.</p> <p>07:56PM 24 CHAIRWOMAN HEMBREE: But if it has a</p> <p>07:56PM 25 possible negative impact on what you want to do,</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">32</p> <p>07:57PM 1 Montvale or Park Ridge or what's going on. But I</p> <p>07:57PM 2 think your questions are related to on a regional</p> <p>07:57PM 3 basis, you know, who's looking at what's going on. I</p> <p>07:57PM 4 think Mr. Intindola can shed some additional light on</p> <p>07:57PM 5 that, unless I'm understanding what your questions</p> <p>07:57PM 6 are.</p> <p>07:57PM 7 CHAIRWOMAN HEMBREE: No, you're</p> <p>07:57PM 8 understanding.</p> <p>07:57PM 9 MR. PRINCIOTTO: Okay.</p> <p>07:57PM 10 CHAIRWOMAN HEMBREE: Okay. Thanks.</p> <p>07:58PM 11 MR. PRINCIOTTO: Questions by board</p> <p>07:58PM 12 members?</p> <p>07:58PM 13 CHAIRWOMAN HEMBREE: Anybody else have</p> <p>07:58PM 14 any questions?</p> <p>07:58PM 15 MR. SPIRIG: I do.</p> <p>07:58PM 16 CHAIRWOMAN HEMBREE: John.</p> <p>07:58PM 17 MR. SPIRIG: So I have questions along</p> <p>07:58PM 18 two different avenues. Let's start with the first</p> <p>07:58PM 19 one.</p> <p>07:58PM 20 From a planning standpoint, as a</p> <p>07:58PM 21 planner, why not consider keeping this building as an</p> <p>07:58PM 22 office building?</p> <p>07:58PM 23 It's a decent looking building. It's a</p> <p>07:58PM 24 nice building. It's in a prestigious community.</p> <p>07:58PM 25 It's close to the railroad, as you point out, so</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

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07:58PM	1	people can commute from other communities. It may
07:58PM	2	have multifamily dwellings. It's got underground
07:58PM	3	parking where executives don't have to get wet when
07:58PM	4	it rains. So it's got a lot of positive attributes
07:58PM	5	of being an office building. So, why not?
07:58PM	6	THE WITNESS: It's my understanding
07:58PM	7	that this building was built in 1981, and that
07:58PM	8	predates all the computerization efforts that we see
07:58PM	9	in office buildings today.
07:58PM	10	Office buildings today that are built,
07:59PM	11	and there are few and far between, it seems, because
07:59PM	12	of the changing market, they have much greater
07:59PM	13	ceilings and upper floor height to accommodate all
07:59PM	14	the cables and everything else that office workers
07:59PM	15	demand as part of an office environment.
07:59PM	16	This building is not easily
07:59PM	17	retrofitable for that reason.
07:59PM	18	In contrast, it's easy to retrofit this
07:59PM	19	building for multifamily residential development.
07:59PM	20	I've heard the question before about
07:59PM	21	what about that reverse commute, people could commute
07:59PM	22	here.
07:59PM	23	Statistically, the numbers just don't
07:59PM	24	work out that way. It's a lot easier to commute from
07:59PM	25	the suburbs to, you know, certain core areas, whether
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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07:59PM	1	it's New York or Jersey City, or, you know, wherever.
08:00PM	2	That reverse commute doesn't happen as often, it's
08:00PM	3	very few and far between, so we're not seeing those
08:00PM	4	kinds of commutes in this region.
08:00PM	5	MR. SPIRIG: So you're saying it's
08:00PM	6	unfeasible to use the building as an office building?
08:00PM	7	THE WITNESS: That is my understanding
08:00PM	8	in talking to --
08:00PM	9	MR. SPIRIG: So the apartments wouldn't
08:00PM	10	need the same type of wiring that the office needs?
08:00PM	11	THE WITNESS: Not at all.
08:00PM	12	MR. SPIRIG: Everything is wireless.
08:00PM	13	THE WITNESS: Not at all.
08:00PM	14	I get that from the architect. I don't
08:00PM	15	recall if you asked him that question when he was
08:00PM	16	here.
08:00PM	17	MR. SPIRIG: So I know you weren't here
08:00PM	18	the night we had testimony from the applicant's real
08:00PM	19	estate expert. I asked him the question as to
08:00PM	20	whether or not he could rent this as an office
08:00PM	21	building, he said yes, maybe not at the rate they
08:00PM	22	would want to get, but, yes.
08:00PM	23	So it's certainly rentable as an
08:00PM	24	office.
08:00PM	25	THE WITNESS: Even if that were the
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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08:00PM	1	case, you know, when we look at the Municipal Land
08:01PM	2	Use Law and you're asked as a board to analyze the
08:01PM	3	merits of an application, the questions are typically
08:01PM	4	are there special reasons that support the
08:01PM	5	application.
08:01PM	6	So whether it could be rentable, that
08:01PM	7	doesn't address the question of are there special
08:01PM	8	reasons or not. And if you recall, from my
08:01PM	9	testimony, I think I identified 5 or 7 special
08:01PM	10	reasons to support or offer a rationale for you to
08:01PM	11	grant this relief.
08:01PM	12	You heard what I said tonight about the
08:01PM	13	negative criteria. I think clearly the negative
08:01PM	14	criteria is also being affirmed. So within the
08:01PM	15	context of what the statute asks you to examine, I
08:01PM	16	think the application is on firm ground.
08:01PM	17	MR. SPIRIG: All right. So let's go to
08:01PM	18	my second avenue here.
08:01PM	19	You mentioned that we fall within the
08:02PM	20	proper guidelines of having open space on this
08:02PM	21	property. I think as a resident of Woodcliff Lake,
08:02PM	22	perhaps our opinion of open space may be a little
08:02PM	23	different than yours, but I don't see open space on
08:02PM	24	this property. I don't see green space for the
08:02PM	25	residents that live in this building. Where is the
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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08:02PM	1	lawn? Where is the gazebo? Where is the picnic
08:02PM	2	benches? Where is the area for children to play?
08:02PM	3	None of that exists, primarily because
08:02PM	4	of the second building that's being put in.
08:02PM	5	If you were to do this project without
08:02PM	6	the second building, you would have open space and
08:02PM	7	green space for the people who live there.
08:02PM	8	THE WITNESS: Unfortunately, I think
08:02PM	9	you're discounting the fact that 30 percent of the
08:02PM	10	site in the rear, I'm not even counting the side --
08:02PM	11	MR. SPIRIG: Unusable. That's a steep
08:03PM	12	slope space.
08:03PM	13	THE WITNESS: It's open space.
08:03PM	14	MR. SPIRIG: But it's unusable.
08:03PM	15	THE WITNESS: But your master plan
08:03PM	16	doesn't make that distinction. Your master plan
08:03PM	17	talks about open space in terms of active recreation
08:03PM	18	space, but it also talks about it in terms of
08:03PM	19	preserving environmentally sensitive and steep slope
08:03PM	20	properties. It talks about it in that context.
08:03PM	21	MR. SPIRIG: So why the second
08:03PM	22	building? Why stick a building in every piece of
08:03PM	23	open space that we have, when it could be utilized
08:03PM	24	for --
08:03PM	25	THE WITNESS: No, it's not open space
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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08:03PM 1 at present. The building is being placed where a
 08:03PM 2 parking lot is. It's not being --
 08:03PM 3 MR. SPIRIG: A parking lot is today,
 08:03PM 4 but it --
 08:03PM 5 THE WITNESS: But it's not taking green
 08:03PM 6 space away. In fact, there's 2,800-square foot
 08:03PM 7 additional green space being provided on-site by
 08:03PM 8 virtue of this application.
 08:03PM 9 Interestingly enough, in terms of
 08:03PM 10 density, in terms of building coverage, and in terms
 08:04PM 11 of impervious coverage, we meet the indices of
 08:04PM 12 virtually all of your multifamily zones and --
 08:04PM 13 MR. SPIRIG: We don't have any --
 08:04PM 14 THE WITNESS: Let me finish.
 08:04PM 15 Pardon me?
 08:04PM 16 MR. SPIRIG: We don't have any
 08:04PM 17 multifamily zones.
 08:04PM 18 THE WITNESS: You have six multifamily
 08:04PM 19 zones.
 08:04PM 20 CHAIRWOMAN HEMBREE: That's affordable
 08:04PM 21 housing.
 08:04PM 22 MR. SPIRIG: You're talking about
 08:04PM 23 affordable housing.
 08:04PM 24 THE WITNESS: You've designated it for
 08:04PM 25 affordable housing.

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08:04PM 1 CHAIRWOMAN HEMBREE: Okay.
 08:04PM 2 THE WITNESS: But it's multifamily
 08:04PM 3 housing.
 08:04PM 4 MR. SPIRIG: Well --
 08:04PM 5 THE WITNESS: So you've identified a
 08:04PM 6 series of regulatory controls in all those different
 08:04PM 7 zones, and we meet virtually all of those regulatory
 08:04PM 8 controls in those various zones.
 08:04PM 9 MR. SPIRIG: Yes, but yet there's no
 08:04PM 10 green space for the residents who live there.
 08:04PM 11 THE WITNESS: Well, as I said before,
 08:04PM 12 only three quarters of the units are one bedroom
 08:04PM 13 units, so I don't envision, you know, children coming
 08:04PM 14 to this site. That's why I said that you're only
 08:05PM 15 going to have a handful of public schoolchildren
 08:05PM 16 coming here.
 08:05PM 17 There are different kinds of projects
 08:05PM 18 that are designed for different segments of the
 08:05PM 19 population. I would not think that this is a design
 08:05PM 20 that is designed to encourage families with kids. I
 08:05PM 21 think it's designed to encourage some segment of
 08:05PM 22 seniors and young couples without children or singles
 08:05PM 23 without children, and I think that's what this is
 08:05PM 24 designed for.
 08:05PM 25 MR. SPIRIG: But there are some two

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08:05PM 1 bedroom units and there will be some three bedroom
 08:05PM 2 units.
 08:05PM 3 THE WITNESS: If the affordable units
 08:05PM 4 are built on-site, there would be 2 three-bedroom
 08:05PM 5 units, but that's by state requirement, and it's
 08:05PM 6 required in your settlement agreement to settle your
 08:05PM 7 affordable housing issue.
 08:05PM 8 So even recognizing that, I don't see
 08:05PM 9 that as the issue.
 08:06PM 10 MR. SPIRIG: But as a planner, from a
 08:06PM 11 planning standpoint, why the second building?
 08:06PM 12 THE WITNESS: Because it clearly fits
 08:06PM 13 in with the overall construct of not only the site
 08:06PM 14 but the way in which you regulate multifamily
 08:06PM 15 development here.
 08:06PM 16 MR. SPIRIG: Okay. Thank you.
 08:06PM 17 CHAIRWOMAN HEMBREE: Mr. Burgis, your
 08:06PM 18 master plan is more than 10 years old, remember?
 08:06PM 19 THE WITNESS: Yes.
 08:06PM 20 CHAIRWOMAN HEMBREE: Yes. Okay. So
 08:06PM 21 things change and the master plan has not changed. I
 08:06PM 22 think Mr. Preiss is going to look at that.
 08:06PM 23 THE WITNESS: I'm looking forward to
 08:06PM 24 hearing what he has to say too.
 08:06PM 25 CHAIRWOMAN HEMBREE: Me too.

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08:06PM 1 Anybody else, questions for the
 08:06PM 2 witness?
 08:06PM 3 (No response.)
 08:06PM 4 CHAIRWOMAN HEMBREE: Can I have a
 08:06PM 5 motion to open to the public?
 08:06PM 6 MR. PRINCIPOTTO: Wait. I have some
 08:06PM 7 questions.
 08:06PM 8 CHAIRWOMAN HEMBREE: Oh, excuse me.
 08:06PM 9 CROSS EXAMINATION
 08:06PM 10 BY MR. PRINCIPOTTO:
 08:06PM 11 Q. You mentioned a Broadway corridor in
 08:06PM 12 the master plan.
 08:07PM 13 A. **Broadway corridor study, it was in**
 08:07PM 14 **2008.**
 08:07PM 15 Q. You said "master plan," I wrote it
 08:07PM 16 down. Did you mean --
 08:07PM 17 A. **It's entitled "Broadway Corridor**
 08:07PM 18 **Study."**
 08:07PM 19 Q. What year document are you referring
 08:07PM 20 to?
 08:07PM 21 A. **I think it's 2008 or 2009.**
 08:07PM 22 Q. And your chart, A-18 --
 08:07PM 23 A. **Yes.**
 08:07PM 24 Q. -- that doesn't have on it the
 08:07PM 25 townhouse development on County Road. Is that

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08:07PM	1	correct?	
08:07PM	2	A. We discussed that at the last meeting.	
08:07PM	3	Q. No, I know. I'm just asking you a	
08:07PM	4	question, sir.	
08:07PM	5	A. Okay.	
08:07PM	6	Q. Is that included on your chart on A-18?	
08:07PM	7	A. No.	
08:07PM	8	We were directed by the board to	
08:07PM	9	prepare this table to identify all multifamily zones.	
08:07PM	10	And if you're familiar with the ordinance, that site	
08:07PM	11	is zoned for single-family attached housing, which is	
08:08PM	12	townhouses.	
08:08PM	13	Q. Sir, I recall that you said that, but I	
08:08PM	14	just want you to answer the question.	
08:08PM	15	Does A-18 have the development off	
08:08PM	16	County Road that has townhouses?	
08:08PM	17	A. No, it does not.	
08:08PM	18	Q. Okay. Thank you, sir.	
08:08PM	19	And those are attached townhouses?	
08:08PM	20	A. Correct.	
08:08PM	21	Q. Do you know how many there are in the	
08:08PM	22	building?	
08:08PM	23	A. No, I don't recall.	
08:08PM	24	Q. Do you know what the density is for	
08:08PM	25	those townhouses off County Road?	
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08:08PM	1	A. It's about 5.6 or 5.7 to the acre.	
08:09PM	2	Q. Is there a rooftop deck as part of this	
08:09PM	3	application?	
08:09PM	4	A. Not that I'm aware of.	
08:09PM	5	MR. PRINCIOTTO: Mr. Delia?	
08:09PM	6	MR. DELIA: No.	
08:09PM	7	MR. PRINCIOTTO: Because I thought I	
08:09PM	8	saw that in a report.	
08:09PM	9	MR. DELIA: No, it was a question that	
08:09PM	10	was asked. No. We have mechanicals, and that's been	
08:09PM	11	fully explored.	
08:09PM	12	MR. PRINCIOTTO: All right, because I	
08:09PM	13	did see it in the report and it just raises another	
08:09PM	14	question.	
08:09PM	15	MR. DELIA: No, no deck. We're talking	
08:09PM	16	mechanicals, and we did that with the line of sight	
08:09PM	17	exhibit with Mr. Dattoli and with Mr. Clark.	
08:09PM	18	MR. PRINCIOTTO: I'm just making sure,	
08:09PM	19	because in reviewing some of the reports, I thought I	
08:09PM	20	saw something on that.	
08:09PM	21	MR. DELIA: No, we don't have them.	
08:09PM	22	MR. PRINCIOTTO: Okay. Thank you.	
08:09PM	23	BY MR. PRINCIOTTO:	
08:09PM	24	Q. Now, you, Mr. Burgis, testified that	
08:09PM	25	the building was built in 1981 and it's not	
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08:09PM	1	retrofitable for electronic-type equipment but it is	
08:10PM	2	retrofitable for apartments.	
08:10PM	3	I would like to know what facts you	
08:10PM	4	base that opinion on?	
08:10PM	5	A. The discussion with the architect.	
08:10PM	6	Q. And the name of the architect you're	
08:10PM	7	referring to?	
08:10PM	8	A. Mr. Dattoli.	
08:10PM	9	Q. Did he supply you with any cost	
08:10PM	10	estimates to compare --	
08:10PM	11	A. No, he did not.	
08:10PM	12	Q. -- retrofitting apartments?	
08:10PM	13	A. No, he did not.	
08:10PM	14	Q. Did he indicate what the costs were for	
08:10PM	15	retrofitting for an office for electronic equipment	
08:10PM	16	versus retrofitting for apartments?	
08:10PM	17	A. No, he did not.	
08:11PM	18	MR. DHAWAN: I have a question.	
08:11PM	19	You're talking about this electronic	
08:11PM	20	equipment. I don't understand, what does that	
08:11PM	21	entail? You're talking about cables, like raised	
08:11PM	22	flooring --	
08:11PM	23	THE WITNESS: Yes.	
08:11PM	24	MR. DHAWAN: -- for an office building?	
08:11PM	25	THE WITNESS: Yes.	
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08:11PM	1	MR. DHAWAN: Is that still being done?	
08:11PM	2	I haven't seen that.	
08:11PM	3	THE WITNESS: I'm not an architect, so	
08:11PM	4	I couldn't tell you.	
08:11PM	5	MR. DHAWAN: Now, I think Wi-Fi, the	
08:11PM	6	way cables are done, now they can run it through a	
08:11PM	7	suspended ceiling. Is that even a legitimate	
08:11PM	8	concern?	
08:11PM	9	THE WITNESS: He didn't raise it to me.	
08:11PM	10	As I said, I'm not the architect.	
08:11PM	11	MR. DHAWAN: Even the computers are now	
08:11PM	12	the size of a paper, laptop, and Wi-Fi and people	
08:11PM	13	carry it to a cafe, so I'm not understanding what you	
08:11PM	14	mean by that. Is there some height restriction in	
08:11PM	15	this building?	
08:11PM	16	THE WITNESS: That was something that	
08:11PM	17	should have been asked of him. He just gave me the	
08:11PM	18	conclusion.	
08:12PM	19	MR. DHAWAN: Okay.	
08:12PM	20	MR. SPIRIG: I will point out that most	
08:12PM	21	of the office buildings in Woodcliff Lake were built	
08:12PM	22	in the '80s, with the exception of maybe the newest	
08:12PM	23	BMW one.	
08:12PM	24	CHAIRWOMAN HEMBREE: Anybody else?	
08:12PM	25	MR. PRINCIOTTO: Yes.	
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08:12PM	1	BY MR. PRINCIOTTO:
08:12PM	2	Q. Just for clarification, your exhibit
08:12PM	3	A-18, the multiple dwelling zone chart that you
08:12PM	4	prepared, those are all affordable housing zones. Is
08:12PM	5	that correct?
08:12PM	6	A. That is correct.
08:12PM	7	Q. Okay.
08:12PM	8	A. Except for the S-O zone, which is the
08:12PM	9	zone we're located in.
08:12PM	10	Q. Correct. That's why you're here.
08:12PM	11	A. Yes.
08:12PM	12	Q. All right. Okay. Just bear with me
08:12PM	13	one second.
08:12PM	14	MR. DHAWAN: Do you have a handout of
08:12PM	15	that?
08:12PM	16	THE WITNESS: I do not.
08:13PM	17	MR. DELIA: We handed out a bunch last
08:13PM	18	time. Sorry I didn't bring extras tonight. I'll see
08:13PM	19	if I can find one.
08:13PM	20	CHAIRWOMAN HEMBREE: I probably have
08:13PM	21	some in my pile.
08:13PM	22	THE WITNESS: Yes, I had a dozen or 15
08:13PM	23	copies last meeting.
08:13PM	24	MR. DELIA: I don't think I have
08:13PM	25	extras. One second.
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08:13PM	1	I have A-18 right here.
08:13PM	2	CHAIRWOMAN HEMBREE: This?
08:13PM	3	THE WITNESS: Yes.
08:13PM	4	MR. DELIA: I just handed A-18.
08:14PM	5	Obviously I'll take that back when you're done.
08:14PM	6	MS. EFFRON-MALLEY: Just one question.
08:14PM	7	I know you're saying there's green space.
08:14PM	8	There's no green space for activities.
08:14PM	9	I'm not sure if you're the right one to ask, but is
08:14PM	10	there anything in the building, nothing inside, just
08:14PM	11	apartments?
08:14PM	12	MR. DELIA: Very small gym for the
08:14PM	13	personal use of the tenants, I'm told.
08:14PM	14	MS. EFFRON-MALLEY: So just a small
08:14PM	15	gym?
08:14PM	16	MR. DELIA: Small gym.
08:14PM	17	BY MR. PRINCIOTTO:
08:14PM	18	Q. The statistic that you cited for
08:14PM	19	population under five, where did you get that from?
08:14PM	20	A. The U.S. Census and then the American
08:14PM	21	survey for 2015.
08:14PM	22	Q. I'm sorry, 2000 and --
08:14PM	23	A. '15.
08:15PM	24	Q. Okay.
08:15PM	25	MR. PRINCIOTTO: Any other questions?
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08:15PM	1	CHAIRWOMAN HEMBREE: Any other
08:15PM	2	questions?
08:15PM	3	(No response.)
08:15PM	4	CHAIRWOMAN HEMBREE: Can I have a
08:15PM	5	motion to open to the public?
08:15PM	6	MR. HAYES: Motion to open to the
08:15PM	7	public.
08:15PM	8	CHAIRWOMAN HEMBREE: Is there a second?
08:15PM	9	MR. KAUFMAN: Second.
08:15PM	10	CHAIRWOMAN HEMBREE: All in favor?
08:15PM	11	(Whereupon, all Board Members respond
08:15PM	12	in the affirmative.)
08:15PM	13	CHAIRWOMAN HEMBREE: Opposed?
08:15PM	14	(No response.)
08:15PM	15	CHAIRWOMAN HEMBREE: Members of the
08:15PM	16	public, you may ask Mr. Burgis questions. Please
08:15PM	17	state your name and your address. Come up. We still
08:15PM	18	don't have proper microphones.
08:15PM	19	MS. LEVINE: I'll try to shout.
08:15PM	20	Gwenn Levine.
08:15PM	21	CHAIRWOMAN HEMBREE: And your address,
08:15PM	22	ma'am?
08:15PM	23	MS. LEVINE: 65 Campbell Avenue.
08:15PM	24	CHAIRWOMAN HEMBREE: Okay.
08:15PM	25	MS. LEVINE: Woodcliff Lake.
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08:15PM	1	Are you going to stand right there
08:15PM	2	while I speak?
08:15PM	3	THE WITNESS: I thought you were going
08:15PM	4	to ask me a question.
08:15PM	5	MS. LEVINE: I'm sort of asking the
08:15PM	6	zoning board and you.
08:16PM	7	Mr. Burgis stated that this project is
08:16PM	8	consistent with ordinance requirements and the master
08:16PM	9	plan. Maybe some aspects, but not all.
08:16PM	10	I would like to ask about the rationale
08:16PM	11	for granting --
08:16PM	12	CHAIRWOMAN HEMBREE: You're asking Mr.
08:16PM	13	Burgis a question, not us.
08:16PM	14	MS. LEVINE: Okay.
08:16PM	15	I would like to ask about the rationale
08:16PM	16	for granting a variance in an S-O office zone as
08:16PM	17	requested by the developer of 188 Broadway.
08:16PM	18	According to the Woodcliff Lake Zoning
08:16PM	19	Board's rules, there are two kinds of variances, (c)
08:16PM	20	variances and (d) variances. I checked on the
08:16PM	21	website.
08:16PM	22	(c) variances relate to the dimensions
08:16PM	23	of the proposed building. I'm not going to ask about
08:16PM	24	that.
08:16PM	25	There are five kinds of (d) variances.
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08:16PM 1 Variance No. 1 can be granted for the

08:16PM 2 "use or principal structure in a zoning district

08:16PM 3 which does not permit such use or principal

08:16PM 4 structure."

08:16PM 5 Am I correct in assuming that variance

08:16PM 6 No. 1 applies to 188 Broadway?

08:16PM 7 THE WITNESS: Yes.

08:16PM 8 MS. LEVINE: Okay. "In addition, (d)

08:17PM 9 variances may only be granted for special reasons in

08:17PM 10 particular cases. The applicant should demonstrate

08:17PM 11 that the site is not suited for any zoned use and

08:17PM 12 that it is peculiarly suited for the proposed use."

08:17PM 13 Has the applicant demonstrated that 188

08:17PM 14 Broadway is not suited for office use? If so, what

08:17PM 15 is the basis for this conclusion, especially given

08:17PM 16 the fact that there is a large office complex right

08:17PM 17 next door at 172 Broadway?

08:17PM 18 THE WITNESS: I am troubled by the

08:17PM 19 wording of that.

08:17PM 20 MR. PRINCIOTTO: Well --

08:17PM 21 THE WITNESS: Because the Land Use Law

08:17PM 22 is clear, the Municipal Land Use Law says an

08:17PM 23 applicant has to show special reasons and address the

08:17PM 24 negative criteria statute.

08:17PM 25 The statute does not say that you have

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08:17PM 1 to identify that all uses that are allowed in this

08:17PM 2 zone have to be eliminated from the consideration or

08:18PM 3 discussion before you make the determination as to

08:18PM 4 whether or not there are special reasons to support

08:18PM 5 the proposed use.

08:18PM 6 MR. PRINCIOTTO: It was a long

08:18PM 7 question, but I think the question is, is it suited

08:18PM 8 for office use, that particular property?

08:18PM 9 THE WITNESS: But that's not the test.

08:18PM 10 MR. PRINCIOTTO: Well, that's the

08:18PM 11 question.

08:18PM 12 MS. LEVINE: That's one of the tests.

08:18PM 13 THE WITNESS: No, it's not.

08:18PM 14 MR. PRINCIOTTO: Well, that's the

08:18PM 15 question. Whether it's the test or not, we can talk

08:18PM 16 about that, but that's the question, is it suitable

08:18PM 17 for office use is the question.

08:18PM 18 THE WITNESS: Obviously there is a

08:18PM 19 vacated office building on-site, but, as I pointed

08:18PM 20 out in my direct testimony, there are five special

08:18PM 21 reasons to support the request for multifamily

08:18PM 22 dwelling at this location.

08:18PM 23 MS. LEVINE: Okay. So let me just say

08:18PM 24 that I am taking this wording directly from under the

08:18PM 25 zoning board of adjustment application directions.

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08:18PM 1 Toward the end, there is an ordinance that last

08:19PM 2 December, when I first developed this question, was

08:19PM 3 09-05, for some reason when I checked it today, it's

08:19PM 4 now 18-03, I'm not sure why, but the wording is all

08:19PM 5 exactly the same. So all of my wording here is

08:19PM 6 directly from there.

08:19PM 7 So the wording is: Has the applicant

08:19PM 8 demonstrated that this zone, which is an office zone,

08:19PM 9 is not suited for office use?

08:19PM 10 Just repeat that because that's --

08:19PM 11 MR. DELIA: I think I'm going to have

08:19PM 12 to object here. That's not my understanding of the

08:19PM 13 law.

08:19PM 14 MS. LEVINE: It's what it says.

08:19PM 15 MR. DELIA: I don't care what that

08:19PM 16 says, I know what the law says.

08:19PM 17 MR. PRINCIOTTO: Questions for the

08:19PM 18 witness. I think your question is is it suited for

08:19PM 19 office space. Okay. If you want to make a legal

08:19PM 20 argument on what our ordinance says, you can do that.

08:19PM 21 MS. LEVINE: Well, I guess I'm saying,

08:19PM 22 is it consistent with the zoning variance ordinance

08:19PM 23 which says it must proof that it is no longer suited

08:19PM 24 for zoning use in this zoning zone.

08:19PM 25 MR. DELIA: That's simply not true.

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08:19PM 1 MS. LEVINE: In this office zone.

08:19PM 2 MR. PRINCIOTTO: Hold on.

08:20PM 3 Right now, questions for this witness.

08:20PM 4 I think the question is, is this property suitable

08:20PM 5 for office use? That's the question.

08:20PM 6 Right now it's questions. You can make

08:20PM 7 arguments or comments at the end, not arguments in

08:20PM 8 terms of arguing with the witness.

08:20PM 9 MS. LEVINE: I understand.

08:20PM 10 MR. PRINCIOTTO: But an argument at the

08:20PM 11 conclusion that your opinion is such.

08:20PM 12 MS. LEVINE: So the way you just stated

08:20PM 13 is whether appropriate for office use.

08:20PM 14 What the ordinance says, you have to

08:20PM 15 prove it is not suited anymore for office use.

08:20PM 16 MR. PRINCIOTTO: Right now just ask

08:20PM 17 this witness questions.

08:20PM 18 MS. LEVINE: Okay. All right. So next

08:20PM 19 --

08:20PM 20 MR. PRINCIOTTO: We have our planner,

08:20PM 21 who will testify, you can ask him a question when he

08:20PM 22 testifies as well.

08:20PM 23 MS. LEVINE: Yes, I'm hoping he will.

08:20PM 24 Okay. In addition -- well, this is

08:20PM 25 part of it. In addition, has the applicant

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08:20PM 1 demonstrated that 180 Broadway is peculiarly suited

08:20PM 2 to be a 60-unit apartment complex.

08:20PM 3 I think your answer would be yes.

08:20PM 4 (Mr. Newman is now present at this

08:20PM 5 public meeting at 8:20 p.m.)

08:20PM 6 THE WITNESS: Yes.

08:21PM 7 MS. LEVINE: So if so, and it was so,

08:21PM 8 from what he said, how is this possible, given the

08:21PM 9 following points: The S-O office zone is almost

08:21PM 10 completely surrounded by an R-15 single-family home

08:21PM 11 zone.

08:21PM 12 In addition, the Woodcliff Lake master

08:21PM 13 plan includes goals relevant to this request for a

08:21PM 14 variance, three of them.

08:21PM 15 Goal No. 1 is to reaffirm and enhance

08:21PM 16 the existing residential character of Woodcliff Lake

08:21PM 17 and to preserve and protect the existing residential

08:21PM 18 densities.

08:21PM 19 Goal No. 2 is to limit multifamily

08:21PM 20 development.

08:21PM 21 Goal No. 10 is to prevent urban sprawl.

08:21PM 22 How can the request for a variance by

08:21PM 23 the applicant possibly be granted? They do not meet

08:21PM 24 the Woodcliff Lake zoning variance requirements.

08:21PM 25 THE WITNESS: Do you have a question

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08:21PM 1 now?

08:21PM 2 As I indicated, there are five goals of

08:22PM 3 the master plan that I felt were being affirmed by

08:22PM 4 this application. I'm not going to repeat them all,

08:22PM 5 but, in addition to that, the master plan is a 2002

08:22PM 6 document. Since then, you adopted a 2008

08:22PM 7 reexamination report, which reiterated those goals

08:22PM 8 and also talked about encouraging multifamily

08:22PM 9 development near the train station.

08:22PM 10 So the 2002 master plan may have had

08:22PM 11 some of those goals, that -- I'm sorry, your name?

08:22PM 12 MS. LEVINE: Gwenn.

08:22PM 13 THE WITNESS: Okay.

08:22PM 14 That Gwenn had indicated.

08:22PM 15 They have been, to a large measure,

08:22PM 16 superceded by other events, including your 2008

08:22PM 17 reexamination report and the 2008 or 2009 Broadway

08:23PM 18 corridor study, which specifically talked about

08:23PM 19 encouraging multifamily development near the train

08:23PM 20 station.

08:23PM 21 Now, if there's ever a side that meets

08:23PM 22 that standard, it's this one.

08:23PM 23 CHAIRWOMAN HEMBREE: Okay.

08:23PM 24 THE WITNESS: So that's why I concluded

08:23PM 25 that we do meet a number of the goals of the master

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08:23PM 1 plan. I had ticked them all off before.

08:23PM 2 MR. NEWMAN: Mr. Burgis, was that in

08:23PM 3 the master plan, the redesign, was that for a mixed

08:23PM 4 use with commercial with apartments over it or was

08:23PM 5 that strictly residential?

08:23PM 6 THE WITNESS: It talked about mixed

08:23PM 7 use, but in the Broadway corridor study in 2009, I'm

08:23PM 8 sorry -- yeah -- the borough recently amended the

08:23PM 9 Broadway business district to include solely

08:23PM 10 residential development to provide incentive for

08:23PM 11 redevelopment in this area.

08:23PM 12 MR. NEWMAN: But, again, was that as

08:23PM 13 part of a greater goal of commercial, residential on

08:24PM 14 top or --

08:24PM 15 THE WITNESS: In that instance, it

08:24PM 16 didn't talk about mixed usage, it just talked about

08:24PM 17 residential.

08:24PM 18 MR. NEWMAN: And that was 2009, right?

08:24PM 19 THE WITNESS: I believe so, yeah.

08:24PM 20 MR. NEWMAN: Which is 10 years ago.

08:24PM 21 THE WITNESS: Yes.

08:24PM 22 MR. NEWMAN: Was that ever adopted by

08:24PM 23 the mayor and council?

08:24PM 24 THE WITNESS: It would have been a

08:24PM 25 planning board study, not a governing body study.

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08:24PM 1 MR. NEWMAN: Did the mayor and council

08:24PM 2 make any changes to the zoning, you know, for the

08:24PM 3 zone in which this is in to allow that use as a

08:24PM 4 permitted use?

08:24PM 5 THE WITNESS: No, they did not.

08:24PM 6 MR. NEWMAN: And they have the study,

08:24PM 7 correct?

08:24PM 8 THE WITNESS: I assume so.

08:24PM 9 MR. NEWMAN: Thank you.

08:24PM 10 MR. DELIA: I would just like the

08:24PM 11 record to reflect that Mr. Newman has arrived at

08:24PM 12 approximately 8:15.

08:24PM 13 MR. NEWMAN: Correct.

08:24PM 14 CHAIRWOMAN HEMBREE: Thank you.

08:24PM 15 MR. DELIA: I just want it on the

08:24PM 16 record, that's all, for everyone's sake.

08:24PM 17 MR. NEWMAN: If the secretary could

08:24PM 18 provide to me either the transcripts or the

08:25PM 19 videotape, so I can watch it before I take any action

08:25PM 20 on this application.

08:25PM 21 MS. SMITH: Yes.

08:25PM 22 MR. NEWMAN: Thank you.

08:25PM 23 MS. LEVINE: I have a second question

08:25PM 24 or should I wait?

08:25PM 25 CHAIRWOMAN HEMBREE: It depends on if

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08:25PM	1	it's a question for Mr. Burgis.
08:25PM	2	MS. LEVINE: I think it is.
08:25PM	3	MR. PRINCIOTTO: All right.
08:25PM	4	MS. LEVINE: If not, you can tell me.
08:25PM	5	CHAIRWOMAN HEMBREE: Or DO you want to
08:25PM	6	give somebody else a chance?
08:25PM	7	MS. LEVINE: Okay. Somebody else?
08:25PM	8	CHAIRWOMAN HEMBREE: If there's nobody
08:25PM	9	else, you can.
08:25PM	10	MS. LEVINE: Yes, I'll come back.
08:25PM	11	Thank you.
08:25PM	12	THE WITNESS: Okay.
08:25PM	13	MS. DISPOTO: I have just a brief
08:25PM	14	question.
08:25PM	15	Cheryl Dispoto, Woodcliff Lake.
08:25PM	16	MS. DISPOTO: Mr. Burgis, you cited
08:25PM	17	that 2008, 2009 Broadway corridor study.
08:25PM	18	I'm wondering if you're familiar with
08:25PM	19	an ordinance in Woodcliff Lake called the "Broadway
08:25PM	20	Corridor Ordinance" that was widely reported in the
08:25PM	21	press in 2016 and 2017 and was discussed at planning
08:25PM	22	board meetings on the public record and mayor and
08:26PM	23	council meetings here in town?
08:26PM	24	THE WITNESS: I think I remember that.
08:26PM	25	I'm not sure what years it would have been.
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08:26PM	1	MS. DISPOTO: So you're familiar with
08:26PM	2	it.
08:26PM	3	Were you aware that the Broadway
08:26PM	4	corridor ordinance, there was some discussion about
08:26PM	5	whether or not Woodcliff Lake wanted to permit
08:26PM	6	residential uses, it would have covered this zone as
08:26PM	7	well as the other zones along Broadway?
08:26PM	8	THE WITNESS: Yes.
08:26PM	9	MS. DISPOTO: Are you aware that in
08:26PM	10	2017, after extensive public hearings, the mayor and
08:26PM	11	council and the Woodcliff Lake Planning Board decided
08:26PM	12	to scrap the Broadway corridor ordinance because it
08:26PM	13	was widely decided that Woodcliff Lake was not an
08:26PM	14	apartment town or multifamily town and did not favor
08:27PM	15	residential in our Broadway corridor area?
08:27PM	16	THE WITNESS: Yes, but I'm also aware
08:27PM	17	that since then it designated, as part of their
08:27PM	18	settlement agreement, a site immediately to the north
08:27PM	19	of this site for a 16-unit 100 percent affordable
08:27PM	20	development.
08:27PM	21	MS. DISPOTO: That's correct, but are
08:27PM	22	you aware that those three lots were purchased with
08:27PM	23	COAH funds by the Borough of Woodcliff Lake, and,
08:27PM	24	therefore, the Borough of Woodcliff Lake was bound by
08:27PM	25	law to develop the multifamily at that site because
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08:27PM	1	it was used with COAH designated funds?
08:27PM	2	THE WITNESS: Actually you could use
08:27PM	3	those funds for any site, you didn't even have to
08:27PM	4	select a site on Broadway. So I find it interesting
08:27PM	5	that irrespective of the governing body's action in
08:27PM	6	'16 and '17, in '18 they choose to use the money at
08:28PM	7	that particular location.
08:28PM	8	MS. DISPOTO: No, I just want to
08:28PM	9	correct that. The sites were purchased many years
08:28PM	10	ago over a series of years well prior to the
08:28PM	11	settlement agreement in 2018. When the fair share
08:28PM	12	housing committee in Woodcliff Lake reviewed what we
08:28PM	13	were going to do with the settlement agreement, the
08:28PM	14	three parcels north of Highview, as they're known,
08:28PM	15	were purchased in prior years with COAH money. So
08:28PM	16	the town was faced with no choice, they were doing
08:28PM	17	that well before the COAH board became defunct in the
08:28PM	18	State of New Jersey. So this municipality had no
08:28PM	19	choice but to locate multifamily on those three lots.
08:28PM	20	MR. DELIA: Objection.
08:28PM	21	MR. PRINCIOTTO: You could testify, if
08:28PM	22	you want. Right now, it's the opportunity for
08:28PM	23	questions. You'd have to come back and take an oath,
08:28PM	24	and you can testify with regard to facts that are
08:28PM	25	within your knowledge.
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08:29PM	1	You can ask the witness if he's aware
08:29PM	2	of the date when it was purchased and with what
08:29PM	3	funds. You can certainly ask him all those
08:29PM	4	questions.
08:29PM	5	MS. DISPOTO: Actually I think I'll
08:29PM	6	withdraw for now and will revisit this later. I'll
08:29PM	7	reserve the right to come back and testify possibly.
08:29PM	8	MR. PRINCIOTTO: Okay.
08:29PM	9	MS. DISPOTO: I just want to establish
08:29PM	10	that Mr. Burgis is familiar with the Broadway
08:29PM	11	corridor ordinance and that he acknowledged that he
08:29PM	12	was aware of that, because he cited the 2008, 2009
08:29PM	13	Broadway corridor study.
08:29PM	14	I have one more question.
08:29PM	15	MR. PRINCIOTTO: And I don't mean to
08:29PM	16	discourage you from asking any questions.
08:29PM	17	MS. DISPOTO: I have one more question.
08:29PM	18	I appreciate that, Mr. Princiotto. I
08:29PM	19	just have one more question.
08:29PM	20	Are you aware that very recently
08:29PM	21	Woodcliff Lake, the mayor and council just approved
08:29PM	22	funds to have our planning board update our master
08:30PM	23	plan?
08:30PM	24	THE WITNESS: I am not, but I do know
08:30PM	25	you were due for an update so...
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08:30PM **1** MS. DISPOTO: Because our master plan

08:30PM **2** is almost 10 years old.

08:30PM **3** Thank you.

08:30PM **4** I have nothing further.

08:30PM **5** THE WITNESS: If I could add one thing,

08:30PM **6** though. The fact that the municipality --

08:30PM **7** MR. PRINCIOTTO: Well, there's no

08:30PM **8** question pending. If your attorney wants to ask you

08:30PM **9** a question, he can, or if somebody else does, they

08:30PM **10** can, but there's no question pending.

08:30PM **11** CHAIRWOMAN HEMBREE: Anymore questions

08:30PM **12** from the public?

08:30PM **13** MR. COUTO: Yes, I have some questions.

08:30PM **14** CHAIRWOMAN HEMBREE: Name.

08:30PM **15** MR. COUTO: Alex Couto, Woodcliff Lake.

08:30PM **16** You keep referring to, I guess --

08:30PM **17** MR. PRINCIOTTO: Just keep your voice

08:30PM **18** up. I'm accused of not doing that.

08:30PM **19** CHAIRWOMAN HEMBREE: She has to listen

08:30PM **20** to you (indicating).

08:30PM **21** MR. COUTO: You keep referring to the

08:30PM **22** affordable housing requirements.

08:31PM **23** THE WITNESS: Yes.

08:31PM **24** MR. COUTO: Is Woodcliff Lake in

08:31PM **25** default for 2019?

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08:31PM **1** THE WITNESS: What do you mean by

08:31PM **2** "default"?

08:31PM **3** MR. COUTO: Does Woodcliff Lake has

08:31PM **4** unmet need in 2019?

08:31PM **5** THE WITNESS: You do have an unmet need

08:31PM **6** of --

08:31PM **7** MR. DELIA: 439.

08:31PM **8** THE WITNESS: -- 439 units.

08:31PM **9** MR. COUTO: Did Woodcliff Lake make a

08:31PM **10** settlement with a court overseeing affordable

08:31PM **11** housing?

08:31PM **12** THE WITNESS: There was a settlement

08:31PM **13** agreement which provides for 88 credits for your

08:31PM **14** prior round obligation, an additional 29 traded for

08:31PM **15** your prospective obligation, but there's still this

08:31PM **16** large unmet need.

08:32PM **17** MR. COUTO: As of today?

08:32PM **18** THE WITNESS: As of today.

08:32PM **19** MR. COUTO: Does it have to be built in

08:32PM **20** 2019?

08:32PM **21** THE WITNESS: No.

08:32PM **22** MR. COUTO: I have another question.

08:32PM **23** Were you aware there was a request for

08:32PM **24** proposal for the affordable housing development a

08:32PM **25** block away from 188?

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08:32PM **1** THE WITNESS: I believe -- I'm not

08:32PM **2** sure.

08:32PM **3** MR. COUTO: You're not sure.

08:32PM **4** So you seem concerned to help the town

08:32PM **5** meet its affordable housing need.

08:32PM **6** The investors or the developers or the

08:32PM **7** applicant, did they apply, make an application on the

08:32PM **8** request for proposals a block away?

08:32PM **9** THE WITNESS: That I do not know.

08:32PM **10** MR. COUTO: Thank you.

08:32PM **11** Another question I have is: Are you

08:32PM **12** aware of the average value per property in Woodcliff

08:32PM **13** Lake?

08:32PM **14** If you're not, I can give you an idea.

08:32PM **15** THE WITNESS: No.

08:32PM **16** MR. COUTO: It's around 780.

08:33PM **17** THE WITNESS: I live in the adjoining

08:33PM **18** municipality, so yes, I'm familiar with Woodcliff

08:33PM **19** Lake.

08:33PM **20** MR. COUTO: Are you aware how much

08:33PM **21** properties went up last year on average?

08:33PM **22** THE WITNESS: I'm sorry?

08:33PM **23** MR. COUTO: How much the value of

08:33PM **24** properties went up last year on average?

08:33PM **25** THE WITNESS: No.

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08:33PM **1** MR. COUTO: Approximately 1.5 percent.

08:33PM **2** THE WITNESS: Okay.

08:33PM **3** MR. COUTO: So if you multiply by 10

08:33PM **4** years, that would be about 15 percent. Makes sense?

08:33PM **5** THE WITNESS: I'm not sure where this

08:33PM **6** is going with my testimony.

08:33PM **7** MR. COUTO: I'm going to ask you a

08:33PM **8** question.

08:33PM **9** If the properties are worth \$780,000

08:33PM **10** each on average, and the value of the property varies

08:33PM **11** about two percent in 10 years, that would apply

08:33PM **12** about, would it be about \$15,000 per property,

08:33PM **13** average?

08:33PM **14** THE WITNESS: So what is your question

08:33PM **15** to me?

08:33PM **16** MR. COUTO: My question is: You

08:33PM **17** testified that it would be good for the town.

08:33PM **18** If financially it doesn't work, who

08:33PM **19** will be bearing the burden of your testimony, if it's

08:34PM **20** not correct, over 10 years? If it's two percent less

08:34PM **21** than you actually telling us it is.

08:34PM **22** THE WITNESS: I will tell you that the

08:34PM **23** issue of affordable housing has been in the state

08:34PM **24** since 1976. There are many municipalities. We

08:34PM **25** represent Alpine. They have built affordable

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08:34PM **1** housing. We represent Saddle River. They have seen

08:34PM **2** affordable housing. And it has worked. Park Ridge

08:34PM **3** has affordable housing. River Vale has affordable

08:34PM **4** housing. Montvale has affordable housing. I'm not

08:34PM **5** aware of any of these developments that have become a

08:34PM **6** burden on a municipality.

08:34PM **7** MR. COUTO: I was -- I'll let you

08:34PM **8** finish.

08:34PM **9** THE WITNESS: That's the important

08:34PM **10** point, that while there's this misconception as to

08:34PM **11** what affordable housing is, it's not poor people's

08:34PM **12** housing, it's housing for moderate income households

08:35PM **13** and does not represent a burden on municipalities.

08:35PM **14** MR. COUTO: My question --

08:35PM **15** THE WITNESS: Let me finish my comment.

08:35PM **16** MR. COUTO: Sure.

08:35PM **17** THE WITNESS: If all of those

08:35PM **18** municipalities were able to absorb affordable

08:35PM **19** housing, I don't see why Woodcliff Lake cannot. In

08:35PM **20** fact, you already have.

08:35PM **21** MR. COUTO: Okay. My question was not

08:35PM **22** about affordable housing. I'm all for affordable

08:35PM **23** housing.

08:35PM **24** My question is: You made a general

08:35PM **25** testimony that it would be good to approve this

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08:35PM **1** application for the good of the town. It's actually

08:35PM **2** be better for the town.

08:35PM **3** My question is: If it's not better for

08:35PM **4** the town and over 10 years the town loses two percent

08:35PM **5** increase in values, then the town will be carrying

08:35PM **6** that burden, if your testimony is not correct.

08:35PM **7** THE WITNESS: No. Well, I think --

08:35PM **8** MR. COUTO: As overall, not affordable

08:35PM **9** housing unit, the overall testimony, good for the

08:35PM **10** town or not good for the town.

08:35PM **11** MR. DELIA: Object. This is

08:35PM **12** argumentative, honestly.

08:36PM **13** THE WITNESS: I disagree with the

08:36PM **14** supposition, because --

08:36PM **15** CHAIRWOMAN HEMBREE: Yes, I think

08:36PM **16** you're not going to get an answer to your question,

08:36PM **17** sir. I'm sorry.

08:36PM **18** MR. COUTO: Okay.

08:36PM **19** CHAIRWOMAN HEMBREE: It's an impossible

08:36PM **20** question.

08:36PM **21** MR. COUTO: I have another question.

08:36PM **22** You mentioned that the number of

08:36PM **23** students in Montvale?

08:36PM **24** THE WITNESS: I did not.

08:36PM **25** MR. COUTO: You said the number of

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08:36PM **1** students in high school. Didn't you mention a number

08:36PM **2** of students in high school?

08:36PM **3** MR. PRINCIOTTO: Can you formulate a

08:36PM **4** question?

08:36PM **5** THE WITNESS: From Pascack Hills, yes.

08:36PM **6** MR. COUTO: You said that we have less

08:36PM **7** students than some years back.

08:36PM **8** THE WITNESS: Yes.

08:36PM **9** MR. COUTO: Now projecting in the

08:36PM **10** future, did you take into account a possible

08:36PM **11** development of a thousand units in Montvale?

08:36PM **12** THE WITNESS: No, I was just reporting

08:36PM **13** the historic trend.

08:36PM **14** MR. COUTO: Okay. That's all for now.

08:36PM **15** Thank you.

08:36PM **16** CHAIRWOMAN HEMBREE: Okay. Any other

08:36PM **17** members of the public?

08:36PM **18** MS. BORRELLI: Ann Marie Borrelli,

08:37PM **19** Cressfield Court, Woodcliff Lake.

08:37PM **20** You mentioned before about the

08:37PM **21** demographics of the town.

08:37PM **22** THE WITNESS: Uh-huh.

08:37PM **23** MS. BORRELLI: That you say was

08:37PM **24** predominantly, is it an older generation in this

08:37PM **25** town? You were saying something about that it's

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08:37PM **1** pretty -- what did you say? I couldn't hear back

08:37PM **2** there.

08:37PM **3** THE WITNESS: No, I said the population

08:37PM **4** as a whole has been fairly stable. And I had

08:37PM **5** commented about how this housing type could be

08:37PM **6** attractive for seniors who no longer need their

08:37PM **7** larger detached single-family house, who want to stay

08:37PM **8** in the community where they raised their family and

08:37PM **9** have their friends, it could be a place that they

08:37PM **10** could relocate to.

08:37PM **11** MS. BORRELLI: So do you know what the

08:37PM **12** demographics of the town is? Is it an older

08:37PM **13** generation majority?

08:37PM **14** THE WITNESS: If memory serves, the

08:37PM **15** average age is about 42, from the last census, which

08:38PM **16** is about average for the county. When I compare it

08:38PM **17** to all 21 counties in the state, it's higher than

08:38PM **18** most.

08:38PM **19** MS. BORRELLI: So would you say that

08:38PM **20** like within 10 years the demographics would change,

08:38PM **21** as the older generation starts moving out of town,

08:38PM **22** newer families come in, the demographics could change

08:38PM **23** to a younger population with younger families,

08:38PM **24** correct?

08:38PM **25** THE WITNESS: These things are always

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08:38PM	1	cyclical.
08:38PM	2	MS. BORRELLI: Okay. All right. So
08:38PM	3	like 10 to 15 years, demographics change and the
08:38PM	4	school systems could become inundated again, correct?
08:38PM	5	THE WITNESS: The one fly in that
08:38PM	6	ointment is the changing nature of millennials and
08:38PM	7	their interests in living in the suburbs, raising
08:38PM	8	families and having children or not, particularly
08:38PM	9	given their additional burdens about, you know,
08:39PM	10	college loans that they'll be paying into their 40s.
08:39PM	11	MS. BORRELLI: Also you're speculating
08:39PM	12	that --
08:39PM	13	MR. DELIA: Objection.
08:39PM	14	CHAIRWOMAN HEMBREE: Ask a question.
08:39PM	15	MS. BORRELLI: So your question is --
08:39PM	16	THE WITNESS: It's your question.
08:39PM	17	MS. BORRELLI: Well, I'm asking a
08:39PM	18	question.
08:39PM	19	It's your opinion that people who want
08:39PM	20	to retire are going to want to move across a train
08:39PM	21	station?
08:39PM	22	THE WITNESS: I said this could be
08:39PM	23	attractive to a segment of that population, yes.
08:39PM	24	MS. BORRELLI: Okay.
08:39PM	25	CHAIRWOMAN HEMBREE: Okay?
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08:39PM	1	MS. BORRELLI: But that's your opinion,
08:39PM	2	right?
08:39PM	3	CHAIRWOMAN HEMBREE: Right.
08:39PM	4	THE WITNESS: Yes.
08:39PM	5	MS. BORRELLI: And so do you feel that
08:39PM	6	this project, based on the EPA framework for smart
08:39PM	7	growth, do you feel that this project is in alignment
08:39PM	8	with that? Do you feel that it will promote -- let
08:40PM	9	me get my notes. Sorry.
08:40PM	10	That it will support the quality of
08:40PM	11	life. It will promote a vibrant downtown or a
08:40PM	12	commercial district that will increase access to open
08:40PM	13	space, parks and recreation, preserve natural space
08:40PM	14	in the city and surrounding area, and maintain the
08:40PM	15	character and distinctive community assets as per the
08:40PM	16	EPA smart growth guidelines?
08:40PM	17	THE WITNESS: There's a number of smart
08:40PM	18	growth principles. I only focused on the smart
08:40PM	19	growth principles spelled out in the state plan.
08:40PM	20	There's 10 of them. And as I testified at the
08:40PM	21	previous meeting, I highlighted the encouraging mixed
08:40PM	22	use development along the whole corridor. I talked
08:40PM	23	about compact building design, which obviously this
08:40PM	24	is. I talked about the creation of a walkable
08:41PM	25	neighborhood, because as you have this and then other
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08:41PM	1	mixed use development with commercial at grade, it
08:41PM	2	adds to the walkability of the community, and I
08:41PM	3	talked about preserving critical environmental areas,
08:41PM	4	you know, that 30 percent of the site is
08:41PM	5	characterized by steep slopes.
08:41PM	6	MS. BORRELLI: So let me ask you a
08:41PM	7	question.
08:41PM	8	Where are all these people walking to
08:41PM	9	and where are they walking for?
08:41PM	10	THE WITNESS: As the Broadway plan
08:41PM	11	flushes out, because the plan does talk about and the
08:41PM	12	master plan does talk about encouraging more
08:41PM	13	commercial development up and down the corridor,
08:41PM	14	that's where they would walk to and from.
08:41PM	15	MS. BORRELLI: And there would be
08:41PM	16	places for that, if apartments are lining Broadway?
08:41PM	17	There would be room for that?
08:41PM	18	THE WITNESS: Yes.
08:41PM	19	MS. BORRELLI: So you mentioned various
08:41PM	20	other multifamily dwellings along train stations,
08:41PM	21	such as Ridgewood, and Ridgewood has a vibrant
08:41PM	22	downtown?
08:41PM	23	THE WITNESS: Yes.
08:41PM	24	MS. BORRELLI: You mentioned Park
08:41PM	25	Ridge. And all of these have a downtown for people
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	72	
08:42PM	1	to walk, to go shopping, to get foods, right?
08:42PM	2	THE WITNESS: Uh-huh.
08:42PM	3	MS. BORRELLI: Do you feel that that is
08:42PM	4	existence in the proximity of 188?
08:42PM	5	THE WITNESS: Not at present, but your
08:42PM	6	master plan talks about that, so that's why this
08:42PM	7	would fit in with that vision for the municipality.
08:42PM	8	We're the planner's in West Windsor,
08:42PM	9	and there is nothing around their train station at
08:42PM	10	present, but we have a plan that talks about a few
08:42PM	11	hundred multifamily units, a hotel, I forget how many
08:42PM	12	square feet of nonresidential development to create a
08:42PM	13	true downtown for --
08:42PM	14	MS. BORRELLI: Are they restricted --
08:42PM	15	THE WITNESS: Let me finish.
08:42PM	16	MS. BORRELLI: -- by the topographic --
08:42PM	17	THE WITNESS: The issue is sound
08:42PM	18	planning, you know, is visionary.
08:42PM	19	MS. BORRELLI: Uh-huh.
08:42PM	20	THE WITNESS: I think in your master
08:42PM	21	plan, you know, there's a certain vision, and that's
08:42PM	22	what we're trying to a complement.
08:43PM	23	MS. BORRELLI: Now, are those plans,
08:43PM	24	are they bound by topographic constraints like
08:43PM	25	Broadway? Do we have a lake and a railroad on one
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<p style="text-align: right;">73</p> <p>08:43PM 1 side and steep slopes on the other?</p> <p>08:43PM 2 THE WITNESS: No, but they have other</p> <p>08:43PM 3 constraints. Every municipality is special.</p> <p>08:43PM 4 CHAIRWOMAN HEMBREE: Do you want to get</p> <p>08:43PM 5 to the gist of your question? You're asking --</p> <p>08:43PM 6 MS. BORRELLI: I thought I was asking</p> <p>08:43PM 7 questions.</p> <p>08:43PM 8 CHAIRWOMAN HEMBREE: But the main gist</p> <p>08:43PM 9 of what you want to ask him.</p> <p>08:43PM 10 MR. NEWMAN: What are you trying to</p> <p>08:43PM 11 proffer?</p> <p>08:43PM 12 CHAIRWOMAN HEMBREE: Yes.</p> <p>08:43PM 13 MS. BORRELLI: What I'm trying to</p> <p>08:43PM 14 proffer is that Broadway is an old road. It doesn't</p> <p>08:43PM 15 have much space. We are confined with steep slopes</p> <p>08:43PM 16 on the east, and we are have the lake and the</p> <p>08:43PM 17 railroad, and how much room is there to grow? And if</p> <p>08:43PM 18 we look at this as a bigger picture and not just one</p> <p>08:43PM 19 project, where are we going with this? And if we're</p> <p>08:43PM 20 creating a downtown, where is that downtown going to</p> <p>08:43PM 21 be?</p> <p>08:43PM 22 CHAIRWOMAN HEMBREE: I think this is</p> <p>08:43PM 23 probably what you should say at the end.</p> <p>08:44PM 24 MS. BORRELLI: Yeah, I know.</p> <p>08:44PM 25 MR. NEWMAN: Well, Mr. Burgis --</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">75</p> <p>08:45PM 1 Lake is mostly residential. You'll agree with that?</p> <p>08:45PM 2 THE WITNESS: Yes.</p> <p>08:45PM 3 MR. NEWMAN: Okay. And again --</p> <p>08:45PM 4 MR. PRINCIOTTO: Single-family</p> <p>08:45PM 5 residential.</p> <p>08:45PM 6 MR. NEWMAN: Single-family residential,</p> <p>08:45PM 7 but residential nonetheless.</p> <p>08:45PM 8 When you're talking about development,</p> <p>08:45PM 9 I guess stores and a downtown concept, I mean, again,</p> <p>08:45PM 10 isn't there a distinction between what I think the</p> <p>08:45PM 11 master plan was talking about with commercial on the</p> <p>08:45PM 12 bottom and apartments on the top and what you're</p> <p>08:45PM 13 proposing in this project, which is simply</p> <p>08:45PM 14 apartments?</p> <p>08:45PM 15 THE WITNESS: Yes, but we're dealing</p> <p>08:45PM 16 with an existing building that's up at a slope from</p> <p>08:45PM 17 Broadway, so it's not as conducive to at grade retail</p> <p>08:45PM 18 that would serve the walking, you know, the</p> <p>08:45PM 19 pedestrian environment that we envisioned along</p> <p>08:46PM 20 Broadway.</p> <p>08:46PM 21 Just about all the other sites along</p> <p>08:46PM 22 Broadway, especially as you go south, it's a flatter</p> <p>08:46PM 23 area and pedestrians could easily access commercial</p> <p>08:46PM 24 development right off of that sidewalk.</p> <p>08:46PM 25 MR. NEWMAN: So are you saying that</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">74</p> <p>08:44PM 1 MR. PRINCIOTTO: You can ask that --</p> <p>08:44PM 2 MR. NEWMAN: What do you have to say</p> <p>08:44PM 3 about that?</p> <p>08:44PM 4 THE WITNESS: I thought I had said a</p> <p>08:44PM 5 lot about that, because the master plan that we had</p> <p>08:44PM 6 put together for the municipality talked about trying</p> <p>08:44PM 7 to establish a truer commercial core for the</p> <p>08:44PM 8 municipality. And at the time we did that, there was</p> <p>08:44PM 9 a tremendous amount of support for that vision and</p> <p>08:44PM 10 that vision is still part of your plan.</p> <p>08:44PM 11 This multifamily development could help</p> <p>08:44PM 12 be the catalyst for that, because you're introducing</p> <p>08:44PM 13 60 families into the area where, if the rest of the</p> <p>08:44PM 14 area is proposed for or zoned for at grade retail</p> <p>08:44PM 15 with apartments above, this could be the catalyst to</p> <p>08:44PM 16 make some of that nonresidential development happen.</p> <p>08:44PM 17 That's one of the components that historically has</p> <p>08:44PM 18 been missing to see that vision happen.</p> <p>08:45PM 19 MR. NEWMAN: Well, let me just -- I'm</p> <p>08:45PM 20 sorry to interrupt.</p> <p>08:45PM 21 MS. BORRELLI: No, that's okay. Go</p> <p>08:45PM 22 ahead.</p> <p>08:45PM 23 MR. NEWMAN: You said to help with the</p> <p>08:45PM 24 nonresidential development.</p> <p>08:45PM 25 This particular -- I mean, Woodcliff</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">76</p> <p>08:46PM 1 topographical conditions of the site make it not so</p> <p>08:46PM 2 good for pedestrian traffic?</p> <p>08:46PM 3 THE WITNESS: I'm saying it doesn't</p> <p>08:46PM 4 make it as good for at grade retail, if you're trying</p> <p>08:46PM 5 to encourage pedestrian movement.</p> <p>08:46PM 6 MR. HAYES: And I think that's your</p> <p>08:46PM 7 question, which is what you were trying to say is, we</p> <p>08:46PM 8 keep citing these other communities in the area that</p> <p>08:46PM 9 have these, for lack of a better term, bustling</p> <p>08:46PM 10 little downtown areas, and your question is, even if</p> <p>08:46PM 11 we put a residential complex here, do conditions</p> <p>08:46PM 12 exist that would allow us to even have that type of</p> <p>08:46PM 13 area. Is that what you're getting at?</p> <p>08:46PM 14 MS. BORRELLI: Correct.</p> <p>08:46PM 15 THE WITNESS: And I believe it is</p> <p>08:47PM 16 possible to create that. It's not going to be a</p> <p>08:47PM 17 Ridgewood, we all know that, and I think everybody in</p> <p>08:47PM 18 this room knows that. We're not going to become a</p> <p>08:47PM 19 Summit here. Park Ridge, if you look back at Park</p> <p>08:47PM 20 Ridge 30 years ago, while it had a more defined area</p> <p>08:47PM 21 than Woodcliff Lake, there wasn't much there in terms</p> <p>08:47PM 22 of nonresidential development. It has built up</p> <p>08:47PM 23 slowly. I think the same thing can occur on a</p> <p>08:47PM 24 segment of Broadway. It will be a neighborhood</p> <p>08:47PM 25 commercial corridor, not a huge Ridgewood type</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

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08:47PM	1	downtown, but it's something that could, you know,
08:47PM	2	serve the community well, and I also believe that by
08:47PM	3	providing or building 60 units at this location, that
08:47PM	4	would go a long way to encourage other development to
08:47PM	5	occur in the district.
08:47PM	6	MR. HAYES: So can I summarize your
08:47PM	7	answer as yes, with conditions it is possible?
08:47PM	8	THE WITNESS: Yes.
08:47PM	9	MR. HAYES: But it's going to take a
08:48PM	10	whole lot.
08:48PM	11	THE WITNESS: It will take some time,
08:48PM	12	but this is the way to start it, and that's what your
08:48PM	13	master plan does talk about.
08:48PM	14	MS. BORRELLI: Excuse me --
08:48PM	15	THE WITNESS: And we had these
08:48PM	16	discussions over time.
08:48PM	17	MS. BORRELLI: You just said Broadway
08:48PM	18	was a neighborhood what?
08:48PM	19	THE WITNESS: It could become a
08:48PM	20	neighborhood commercial.
08:48PM	21	MS. BORRELLI: Are you aware that we
08:48PM	22	Broadway and Prospect is a major thoroughfare for
08:48PM	23	surrounding towns to cut through?
08:48PM	24	THE WITNESS: Yes.
08:48PM	25	MS. BORRELLI: Are you aware of that?
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08:48PM	1	THE WITNESS: Yes. I am one of those
08:48PM	2	people that cut through. I am aware.
08:48PM	3	MS. BORRELLI: So we are not just
08:48PM	4	talking about a little neighborhood road, right?
08:48PM	5	You're aware of that?
08:48PM	6	Let me ask you a question. Well,
08:48PM	7	you're the expert here and you're standing here
08:48PM	8	defending your applicant. Do you actually believe
08:48PM	9	that we need 60 units in that location? Do we really
08:48PM	10	need it? I know the investors want it.
08:49PM	11	CHAIRWOMAN HEMBREE: A one word answer,
08:49PM	12	Mr. Burgis.
08:49PM	13	THE WITNESS: Yes.
08:49PM	14	MS. BORRELLI: We actually need it?
08:49PM	15	THE WITNESS: Yes.
08:49PM	16	MS. BORRELLI: We do? And why is that?
08:49PM	17	THE WITNESS: Because by virtue of 60
08:49PM	18	units, you can accommodate some additional affordable
08:49PM	19	units, whether it is on site or off-site somewhere
08:49PM	20	else in the municipality.
08:49PM	21	And I also believe, as I said earlier,
08:49PM	22	that providing that level of development, which is
08:49PM	23	consistent with the densities that you permit in
08:49PM	24	other multifamily zones, it represents a reasonable
08:49PM	25	intensity of use.
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08:49PM	1	MS. BORRELLI: I was sitting in the
08:49PM	2	back, so it was really hard to see.
08:49PM	3	These are all affordable housing units
08:49PM	4	you're referring to?
08:49PM	5	THE WITNESS: These are multifamily
08:49PM	6	zones.
08:49PM	7	MS. BORRELLI: Affordable housing
08:49PM	8	multifamily?
08:49PM	9	THE WITNESS: Yes.
08:49PM	10	Let me explain what that means.
08:49PM	11	That means 85 percent of the units will
08:49PM	12	be market rate units, 15 percent would be affordable.
08:50PM	13	MS. BORRELLI: Do you have a question?
08:50PM	14	CROSS EXAMINATION
08:50PM	15	BY MR. PRINCIOTTO:
08:50PM	16	Q. I think, you know, I have some
08:50PM	17	questions that maybe you are trying to ask, I'm not
08:50PM	18	sure that you did, just for somebody looking at the
08:50PM	19	record here that's not familiar with the Broadway
08:50PM	20	corridor, we're talking about a very small or defined
08:50PM	21	area on Broadway?
08:50PM	22	A. Correct.
08:50PM	23	Q. Do you know how many lots there are in
08:50PM	24	this Broadway corridor?
08:50PM	25	A. 20 or 30.
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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08:50PM	1	Q. It's not that many, correct?
08:50PM	2	A. No, that's why I said it would be a
08:50PM	3	neighborhood commercial area.
08:50PM	4	Q. Do you know how many undeveloped lots
08:50PM	5	there are in this Broadway corridor?
08:50PM	6	A. There's a handful.
08:50PM	7	Q. "A handful," meaning six?
08:50PM	8	A. If so, yeah.
08:50PM	9	Q. Did you make it that determination?
08:50PM	10	A. Yeah, but --
08:50PM	11	Q. No or yes?
08:50PM	12	A. Let me answer the question.
08:50PM	13	Q. I want you to.
08:50PM	14	A. The focus is redevelopment. That's
08:50PM	15	what the master plan in fact does talk about, the
08:51PM	16	redevelopment of this corridor, because there's a lot
08:51PM	17	of modest sized developments along this corridor,
08:51PM	18	just like this project could redevelop --
08:51PM	19	MR. NEWMAN: But --
08:51PM	20	MR. DELIA: Excuse me. Let him finish
08:51PM	21	his answer.
08:51PM	22	MR. NEWMAN: It relates to the
08:51PM	23	question.
08:51PM	24	MR. DELIA: I know, but you can ask
08:51PM	25	after he's done.
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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<p style="text-align: right;">81</p> <p>08:51PM 1 MR. NEWMAN: Okay.</p> <p>08:51PM 2 THE WITNESS: There's a potential for</p> <p>08:51PM 3 redevelopment.</p> <p>08:51PM 4 MR. NEWMAN: When you say "master</p> <p>08:51PM 5 plan," are you talking about an approved master plan</p> <p>08:51PM 6 or proposed master plan?</p> <p>08:51PM 7 THE WITNESS: Yes, the 2002 master</p> <p>08:51PM 8 plan.</p> <p>08:51PM 9 MR. NEWMAN: That was approved?</p> <p>08:51PM 10 THE WITNESS: That was your last</p> <p>08:51PM 11 comprehensive master plan.</p> <p>08:51PM 12 CHAIRWOMAN HEMBREE: It's 11 years ago.</p> <p>08:51PM 13 MR. NEWMAN: 2003?</p> <p>08:51PM 14 THE WITNESS: Actually it's more than</p> <p>08:51PM 15 that.</p> <p>08:51PM 16 CHAIRWOMAN HEMBREE: 2002, the first</p> <p>08:51PM 17 one.</p> <p>08:51PM 18 THE WITNESS: Your reexamination report</p> <p>08:51PM 19 from 2008 reaffirmed all the goals and objectives and</p> <p>08:51PM 20 plan recommendations of the 2002 plan?</p> <p>08:51PM 21 BY MR. PRINCIOTTO:</p> <p>08:52PM 22 Q. I don't think I got a full answer to my</p> <p>08:52PM 23 question.</p> <p>08:52PM 24 Did you ascertain the number of</p> <p>08:52PM 25 undeveloped lots on the Broadway corridor area?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">83</p> <p>08:53PM 1 Broadway?</p> <p>08:53PM 2 A. I don't remember exact numbers.</p> <p>08:53PM 3 CHAIRWOMAN HEMBREE: Can we end this?</p> <p>08:53PM 4 MR. PRINCIOTTO: All right.</p> <p>08:53PM 5 AUDIENCE VOICE: Please.</p> <p>08:53PM 6 MR. NEWMAN: I have some questions for</p> <p>08:53PM 7 Mr. Burgis, but we can close to the public.</p> <p>08:53PM 8 CHAIRWOMAN HEMBREE: No, no. I don't</p> <p>08:53PM 9 dare do that, Gary.</p> <p>08:53PM 10 MR. NEWMAN: So I don't know, at some</p> <p>08:53PM 11 point I have some questions for Mr. Burgis.</p> <p>08:53PM 12 CHAIRWOMAN HEMBREE: Yes.</p> <p>08:53PM 13 MR. NEWMAN: In light of the fact that</p> <p>08:53PM 14 I was late, I'll take my time whenever everybody is</p> <p>08:53PM 15 ready.</p> <p>08:53PM 16 MR. PRINCIOTTO: It's still open to the</p> <p>08:53PM 17 public.</p> <p>08:53PM 18 CHAIRWOMAN HEMBREE: Tell her your name</p> <p>08:53PM 19 again.</p> <p>08:53PM 20 MS. LEVINE: Gwenn Levine.</p> <p>08:53PM 21 A few months ago, the applicant's</p> <p>08:53PM 22 architect described the multiunit building at 188 as</p> <p>08:53PM 23 a TOD, that means a transit oriented development.</p> <p>08:53PM 24 Is being a DOT a reason to grant a</p> <p>08:53PM 25 variance?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">82</p> <p>08:52PM 1 A. We did when we did the 2008 reexam, I</p> <p>08:52PM 2 don't remember.</p> <p>08:52PM 3 Q. In 2008 you did it.</p> <p>08:52PM 4 Did you do it at any recent time?</p> <p>08:52PM 5 A. There hasn't been much change since.</p> <p>08:52PM 6 Q. I want to know, did you do it? Did you</p> <p>08:52PM 7 do any analysis to determine how many undeveloped</p> <p>08:52PM 8 lots there are in the Broadway corridor?</p> <p>08:52PM 9 A. I just said there's a handful of lots.</p> <p>08:52PM 10 I don't know the exact number.</p> <p>08:52PM 11 Q. How did you determine the handful?</p> <p>08:52PM 12 A. You drive up and the down the street</p> <p>08:52PM 13 and you realize what's vacant and what's not.</p> <p>08:52PM 14 Q. So that's what you did?</p> <p>08:52PM 15 A. Yeah.</p> <p>08:52PM 16 Q. And you counted six?</p> <p>08:52PM 17 A. No, you said six.</p> <p>08:52PM 18 MR. DELIA: He said a handful.</p> <p>08:52PM 19 THE WITNESS: I said a handful.</p> <p>08:52PM 20 BY MR. PRINCIOTTO:</p> <p>08:52PM 21 Q. I stand corrected, you did say a</p> <p>08:52PM 22 handful. I might have said six too.</p> <p>08:52PM 23 A. I apologize, Gary, he said six.</p> <p>08:52PM 24 Q. Okay.</p> <p>08:52PM 25 Did you count five undeveloped lots on</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">84</p> <p>08:53PM 1 THE WITNESS: It can be part of it.</p> <p>08:53PM 2 You were here for my testimony at the</p> <p>08:53PM 3 last meeting?</p> <p>08:53PM 4 MS. LEVINE: (Shakes head.)</p> <p>08:54PM 5 THE WITNESS: I had pointed out that</p> <p>08:54PM 6 the location vis-à-vis the train station is a</p> <p>08:54PM 7 significant issue, because the state plan</p> <p>08:54PM 8 specifically talks about encouraging multifamily</p> <p>08:54PM 9 development around the train station.</p> <p>08:54PM 10 MS. LEVINE: Okay. So I had never</p> <p>08:54PM 11 heard of a TOD before, and I'm asking: Has it been</p> <p>08:54PM 12 determined that 188 Broadway project is in fact a</p> <p>08:54PM 13 TOD?</p> <p>08:54PM 14 THE WITNESS: Not in and of itself.</p> <p>08:54PM 15 That's why I did not use that term.</p> <p>08:54PM 16 MS. LEVINE: Okay.</p> <p>08:54PM 17 THE WITNESS: But it is transit</p> <p>08:54PM 18 related.</p> <p>08:54PM 19 MS. LEVINE: Okay. I looked this up,</p> <p>08:54PM 20 since I never heard of a TOD. It's a type of</p> <p>08:54PM 21 community development that includes a high density</p> <p>08:54PM 22 mixed use area of a housing, office, retail and other</p> <p>08:54PM 23 amenities within a radius of one fourth to one half</p> <p>08:54PM 24 mile around a transit stop type of thing you're</p> <p>08:54PM 25 talking about.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

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08:54PM	1	THE WITNESS: Right, that's basically
08:54PM	2	what a TOD is.
08:54PM	3	MS. LEVINE: The only retail north of
08:54PM	4	188 is a carpet store. There's no retail west of
08:55PM	5	188.
08:55PM	6	MR. DELIA: Objection. It's a
08:55PM	7	statement. We're not even talking TOD here. Joe's
08:55PM	8	already said that.
08:55PM	9	MR. PRINCOTTO: Ma'am --
08:55PM	10	MS. LEVINE: We talked about walkable
08:55PM	11	and downtown.
08:55PM	12	MR. PRINCOTTO: This happens
08:55PM	13	frequently, a lot of people want to make comments,
08:55PM	14	but at this point you can just ask questions.
08:55PM	15	You can make this comment later. You
08:55PM	16	can say it's not a TOD.
08:55PM	17	MS. LEVINE: Okay.
08:55PM	18	MR. PRINCOTTO: And the reasons why
08:55PM	19	it's not. When you have the opportunity to make
08:55PM	20	comments, you can make the comment. Okay?
08:55PM	21	MS. LEVINE: Okay.
08:55PM	22	When it was mentioned by the architect
08:55PM	23	I wanted to ask then, I was told to wait, so...
08:55PM	24	MR. NEWMAN: Do you have any questions
08:55PM	25	for him?
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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		86
08:55PM	1	MS. LEVINE: Well, would it be part of
08:55PM	2	a TOD development there, and you were saying it was
08:55PM	3	because of the train station.
08:55PM	4	THE WITNESS: No, I did not. I
08:55PM	5	purposely did not use "TOD," because I'm familiar
08:55PM	6	with that. That's the classic definition of TOD.
08:55PM	7	But the state does encourage
08:55PM	8	multifamily around train stations, and that's what I
08:55PM	9	focused my testimony on at the previous meeting and I
08:56PM	10	still obviously believe that's the case.
08:56PM	11	MS. LEVINE: Okay. So the only reason
08:56PM	12	I commented this is to be a downtown walkable type of
08:56PM	13	thing, it isn't because of the reservoir.
08:56PM	14	MR. PRINCOTTO: Ma'am, you can make
08:56PM	15	the comments later.
08:56PM	16	Thank you.
08:56PM	17	MS. LEVINE: Thank you.
08:56PM	18	CHAIRWOMAN HEMBREE: Anybody else from
08:56PM	19	the public?
08:56PM	20	MR. MARSON: Yes.
08:56PM	21	CHAIRWOMAN HEMBREE: You're going to
08:56PM	22	have a quick question, right?
08:56PM	23	MR. MARSON: Craig Marson, 7 Cricket
08:56PM	24	Lane, Woodcliff Lake.
08:56PM	25	You testified that there would be a
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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		87
08:56PM	1	decrease in the traffic pattern.
08:56PM	2	MR. PRINCOTTO: Wait a second. Just
08:56PM	3	one second.
08:56PM	4	MR. MARSON: Yes.
08:56PM	5	MR. PRINCOTTO: Mr. Delia, we have a
08:56PM	6	new witness.
08:56PM	7	MR. DELIA: A new witness, I know.
08:56PM	8	MR. PRINCOTTO: I mean a new
08:56PM	9	questioner of your witness. I know you have another
08:56PM	10	witness too.
08:56PM	11	MR. MARSON: You previously testified
08:56PM	12	that there would be a reduction in traffic.
08:56PM	13	Was that based on the AM and PM peak
08:56PM	14	hours only?
08:56PM	15	MR. HAYES: Wrong witness.
08:57PM	16	MR. MARSON: He just testified to it,
08:57PM	17	though.
08:57PM	18	MR. HAYES: No, he just referred to
08:57PM	19	Mr. Luglio's testimony. He's coming next.
08:57PM	20	CHAIRWOMAN HEMBREE: He's coming next.
08:57PM	21	Have a seat.
08:57PM	22	MS. JEFFAS: Laura Jeffas, 39 Kenwood
08:57PM	23	Drive, Woodcliff Lake.
08:57PM	24	I wanted to get back to what you were
08:57PM	25	talking about earlier with the additions to the
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08:57PM	1	school system.
08:57PM	2	When you called Pascack Hills and when
08:57PM	3	you talked to the Woodcliff Middle and Dorchester
08:57PM	4	schools, did you just ask about this particular
08:57PM	5	building and how it would impact the schools or did
08:57PM	6	you also take into consideration the 3,000 people,
08:57PM	7	and that's from the mayor of Montvale, that will be
08:57PM	8	moving into Montvale prior to Sony's building being
08:57PM	9	approved and also the affordable housing that are
08:58PM	10	going to Woodcliff Lake?
08:58PM	11	MR. DELIA: I'm going to object.
08:58PM	12	That's a speculative question. There's a lot of
08:58PM	13	what-ifs in there.
08:58PM	14	MS. JEFFAS: It comes down to, did you
08:58PM	15	just ask about the five people that you think might
08:58PM	16	go to school here or did you --
08:58PM	17	CHAIRWOMAN HEMBREE: Ma'am, he said it
08:58PM	18	was the census.
08:58PM	19	MS. JEFFAS: -- give consideration to
08:58PM	20	the big picture?
08:58PM	21	MR. HAYES: Let me help you.
08:58PM	22	Did you take into account the increases
08:58PM	23	in the immediate surrounding populations that are
08:58PM	24	expected?
08:58PM	25	THE WITNESS: No, we did not do that
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08:58PM	1	analysis, as I had said.	
08:58PM	2	MR. PRINCIOTTO: Okay. He answered the	
08:58PM	3	question.	
08:58PM	4	MS. JEFFAS: Just a simple question.	
08:58PM	5	THE WITNESS: We called to find out	
08:58PM	6	whether or not there was capacity in the school	
08:58PM	7	system, and he gave us their numbers over a period of	
08:58PM	8	time.	
08:58PM	9	MS. JEFFAS: Right, for that building	
08:58PM	10	alone, correct?	
08:58PM	11	CHAIRWOMAN HEMBREE: Yes.	
08:58PM	12	THE WITNESS: Yes.	
08:58PM	13	We didn't even say that building, we	
08:58PM	14	just said what kind of capacity was there.	
08:58PM	15	MR. NEWMAN: This was with the high	
08:58PM	16	school?	
08:58PM	17	MS. JEFFAS: The high school and the	
08:58PM	18	local schools, right?	
08:58PM	19	THE WITNESS: And the local schools.	
08:58PM	20	MS. JEFFAS: Are you saying that you	
08:58PM	21	feel that any office buildings that were built before	
08:59PM	22	1981 can't be used as office buildings going forward?	
08:59PM	23	THE WITNESS: No, I didn't say that.	
08:59PM	24	MS. JEFFAS: So you think that they	
08:59PM	25	could?	
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08:59PM	1	THE WITNESS: The architect gave me	
08:59PM	2	that information regarding this particular building.	
08:59PM	3	MS. JEFFAS: Oh, I see. Okay.	
08:59PM	4	All right. And I know there was	
08:59PM	5	mention earlier that there's no green space at all.	
08:59PM	6	So the only option --	
08:59PM	7	MR. DELIA: That's wrong.	
08:59PM	8	MS. JEFFAS: That's wrong?	
08:59PM	9	MR. PRINCIOTTO: Ma'am, just --	
08:59PM	10	MS. JEFFAS: I'm just curious.	
08:59PM	11	MR. PRINCIOTTO: If you quote	
08:59PM	12	testimony, you're probably not going to be accurate,	
08:59PM	13	just ask the questions.	
08:59PM	14	THE WITNESS: 42 percent of our site is	
08:59PM	15	covered by building and paved surface, which means 58	
08:59PM	16	percent of the site is green.	
08:59PM	17	MS. JEFFAS: Okay. Including the hill?	
08:59PM	18	THE WITNESS: Including the hill.	
08:59PM	19	MS. JEFFAS: Okay. And then when you	
08:59PM	20	talk about our unmet COAH requirements, that is for	
08:59PM	21	future, correct?	
09:00PM	22	THE WITNESS: Between now and 2025.	
09:00PM	23	MS. JEFFAS: And there's no way that	
09:00PM	24	that's going to change, those requirements are going	
09:00PM	25	to change?	
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09:00PM	1	THE WITNESS: No, that's part of your	
09:00PM	2	settlement agreement.	
09:00PM	3	MS. JEFFAS: So that is absolutely set	
09:00PM	4	in stone, and everything that's going on in the state	
09:00PM	5	is for naught, and there's no way that that's going	
09:00PM	6	to change?	
09:00PM	7	THE WITNESS: I don't understand that.	
09:00PM	8	MS. JEFFAS: Is there any way that that	
09:00PM	9	could change?	
09:00PM	10	THE WITNESS: No, not if you have a	
09:00PM	11	settlement agreement.	
09:00PM	12	MS. JEFFAS: So that has to stay like	
09:00PM	13	that, it will never change?	
09:00PM	14	THE WITNESS: No, it will change come	
09:00PM	15	2025, when they have to do new housing need numbers	
09:00PM	16	for municipalities.	
09:00PM	17	MS. JEFFAS: And you kept talking about	
09:00PM	18	West Windsor.	
09:00PM	19	West Windsor has the same demographics	
09:00PM	20	that we have, it's has the same amount of open space	
09:00PM	21	or are there big differences between Woodcliff Lake	
09:00PM	22	and --	
09:00PM	23	THE WITNESS: There's huge differences.	
09:00PM	24	All I was commenting was they're trying	
09:00PM	25	to create a downtown where none exists.	
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09:00PM	1	MS. JEFFAS: Right, in old farmland and	
09:00PM	2	that.	
09:00PM	3	THE WITNESS: Yes.	
09:00PM	4	MS. JEFFAS: Okay. Thank you.	
09:01PM	5	MR. COUTO: I have a couple of	
09:01PM	6	questions.	
09:01PM	7	CHAIRWOMAN HEMBREE: Wait, let's see if	
09:01PM	8	there's somebody else who has a question.	
09:01PM	9	MS. APPELLE: Good evening. Veronica	
09:01PM	10	Appelle.	
09:01PM	11	AUDIENCE VOICE: Speak loud.	
09:01PM	12	MS. APPELLE: I have to be loud. I've	
09:01PM	13	never been accused of being too quiet.	
09:01PM	14	You talked a lot about the five goals	
09:01PM	15	of the master plan that you base your opinions on and	
09:01PM	16	your report on.	
09:01PM	17	THE WITNESS: Yes.	
09:01PM	18	MS. APPELLE: I'm assuming then you've	
09:01PM	19	read them all, and you know that Woodcliff Lake is	
09:01PM	20	very proud of its reputation as a small, rural,	
09:01PM	21	bucolic community, and it's focused on keeping it	
09:01PM	22	that way.	
09:01PM	23	Do you see any reason that what you're	
09:01PM	24	doing might impact that goal?	
09:02PM	25	THE WITNESS: There's many different	
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09:02PM	1	goals in your master plan.
09:02PM	2	MS. APPELLE: Uh-huh.
09:02PM	3	THE WITNESS: And you're right, it does
09:02PM	4	talk about keeping the charm of Woodcliff Lake, but
09:02PM	5	it also talks about, you know, some of the issues
09:02PM	6	that I had raised that we felt are affirmed by this
09:02PM	7	application.
09:02PM	8	We are preserving 30 percent of this
09:02PM	9	site as open space. It does talk about protecting
09:02PM	10	established residential areas, and that's why one of
09:02PM	11	the benefits of this application is you're placing
09:02PM	12	this multifamily development along in the commercial
09:02PM	13	zone. So you're not you're not impacting or you're
09:03PM	14	not intruding into a residential zone.
09:03PM	15	MS. APPELLE: Of course we have a
09:03PM	16	difference of opinion about that.
09:03PM	17	MR. PRINCIOTTO: Ma'am, you can't
09:03PM	18	argue. You can't have a difference of opinion.
09:03PM	19	MS. APPELLE: We don't have a
09:03PM	20	difference of opinion.
09:03PM	21	MR. PRINCIOTTO: At this time. You can
09:03PM	22	make comments later. Okay?
09:03PM	23	MS. APPELLE: I know.
09:03PM	24	THE WITNESS: But the site is in two
09:03PM	25	zones, and the entirety of this development is taking
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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09:03PM	1	place in the nonresidentially zoned portion of this
09:03PM	2	property. None of it is occurring in the
09:03PM	3	residentially zoned portion of this property. So
09:03PM	4	that leads me to my statement.
09:03PM	5	MS. APPELLE: Okay.
09:03PM	6	THE WITNESS: It talks about providing
09:03PM	7	adequate light, air, and open space.
09:03PM	8	Well, how do you measure that?
09:03PM	9	You measure it by setbacks, what does
09:03PM	10	the town require for your front, side and rear yard
09:03PM	11	setbacks.
09:03PM	12	We meet all those.
09:03PM	13	Part of it relates to building
09:03PM	14	coverage.
09:03PM	15	Well, the zone permits 30 percent of
09:04PM	16	the site to be covered by building, we're at 19
09:04PM	17	percent.
09:04PM	18	MS. APPELLE: Yes, but you've stated
09:04PM	19	all this before so I accept everything you've stated.
09:04PM	20	THE WITNESS: But you asked the
09:04PM	21	question.
09:04PM	22	MS. APPELLE: Here's a new question.
09:04PM	23	At the previous meeting, you used the
09:04PM	24	euphemism "compact" to describe the high density
09:04PM	25	units of housing proposed at 188.
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09:04PM	1	Are you aware that over one-third of
09:04PM	2	all Woodcliff Lake residents live on the east side,
09:04PM	3	and that without even counting your proposed
09:04PM	4	development at 188 or any other rentals that are
09:04PM	5	being thought about on Highview, we will have 70 more
09:04PM	6	residents on the east side from COAH, and that will
09:04PM	7	increase the percentage above one third of people in
09:04PM	8	the whole town living in Woodcliff Lake.
09:04PM	9	Now, as you've said, you believe there
09:04PM	10	is --
09:04PM	11	MR. DELIA: Objection. Answer now
09:04PM	12	comes at that point.
09:04PM	13	MS. APPELLE: The question is, you said
09:04PM	14	there is no substantial detriment to the quality of
09:05PM	15	life of over a third of the residents of the town of
09:05PM	16	Woodcliff Lake.
09:05PM	17	Do you think that having all of these
09:05PM	18	extra people would make a substantial detriment to
09:05PM	19	the quality of life of the people who are already
09:05PM	20	living there, more than one third of the town's
09:05PM	21	population?
09:05PM	22	THE WITNESS: No, I don't.
09:05PM	23	MS. APPELLE: No. Okay. I rest my
09:05PM	24	case.
09:05PM	25	CHAIRWOMAN HEMBREE: Thanks.
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09:05PM	1	MR. COUTO: Two short questions.
09:05PM	2	CHAIRWOMAN HEMBREE: Okay.
09:05PM	3	There is no such thing.
09:05PM	4	MR. COUTO: Alex Couto.
09:05PM	5	Previously, you stated that as a
09:05PM	6	previous business --
09:05PM	7	MR. PRINCIOTTO: Can I ask you
09:05PM	8	something, please.
09:05PM	9	MR. COUTO: It's a question.
09:05PM	10	MR. PRINCIOTTO: I know. We all heard
09:05PM	11	his testimony, and you probably remember it and he
09:05PM	12	probably remembers it, so I'm going to ask you, just
09:05PM	13	to move this along, go right to the question.
09:05PM	14	MR. COUTO: The question is relating to
09:05PM	15	the ability to after the existing business as it is,
09:06PM	16	when was the property purchased, approximately?
09:06PM	17	THE WITNESS: I don't know.
09:06PM	18	MR. PRINCIOTTO: He answered the
09:06PM	19	question. Next question.
09:06PM	20	MR. COUTO: Next question is, between
09:06PM	21	the time the property was purchased and when the
09:06PM	22	application was made for a variance, what was that
09:06PM	23	timeframe?
09:06PM	24	THE WITNESS: I don't know.
09:06PM	25	I don't know when it was purchased.
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09:06PM	1	MR. PRINCIOTTO: He didn't know the
09:06PM	2	first part, so he can't answer the second question.
09:06PM	3	Next question.
09:06PM	4	Thank you.
09:06PM	5	MR. NEWMAN: No, he said he had two
09:06PM	6	questions.
09:06PM	7	MR. COUTO: I did say two questions.
09:06PM	8	THE WITNESS: You asked two questions.
09:06PM	9	MR. COUTO: Let me ask a third one.
09:06PM	10	MR. NEWMAN: One more. All right, one
09:06PM	11	more question.
09:06PM	12	CHAIRWOMAN HEMBREE: No preamble, just
09:06PM	13	the question.
09:06PM	14	MR. COUTO: Are you aware of a proposed
09:06PM	15	ordinance yesterday on the town ordinance that
09:06PM	16	affects the area within a block or two of 188, are
09:06PM	17	you aware of the pattern recommended by the town
09:06PM	18	engineer?
09:06PM	19	THE WITNESS: No.
09:06PM	20	MR. COUTO: Okay. Thank you.
09:07PM	21	CHAIRWOMAN HEMBREE: I don't want to
09:07PM	22	say this, but there's no more questions from the
09:07PM	23	public, right?
09:07PM	24	Let's close the meeting to the public.
09:07PM	25	MR. PRINCIOTTO: Motion to close?
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09:07PM	1	MS. EFFRON-MALLEY: So moved.
09:07PM	2	MR. NEWMAN: Second.
09:07PM	3	CHAIRWOMAN HEMBREE: Any members of the
09:07PM	4	board have a question?
09:07PM	5	MR. NEWMAN: Yes.
09:07PM	6	Mr. Burgis, my apologies, I arrived at
09:07PM	7	a little late this evening and I apologize in advance
09:07PM	8	if I'm a little repetitive of any questions that have
09:07PM	9	been asked by my fellow board members.
09:07PM	10	CHAIRWOMAN HEMBREE: We'll tell you,
09:07PM	11	Gary.
09:07PM	12	MR. NEWMAN: Is it a fair statement
09:07PM	13	that when you look at planning you take a look at
09:07PM	14	what is provided in a town versus what's needed in a
09:07PM	15	town?
09:07PM	16	THE WITNESS: And you look at both.
09:07PM	17	MR. NEWMAN: Right. So you look at
09:07PM	18	what you need and you look at what you have. Is that
09:07PM	19	fair?
09:07PM	20	THE WITNESS: Yes.
09:07PM	21	MR. NEWMAN: Okay. Are you aware that
09:07PM	22	the high school for Woodcliff Lake is shared with
09:07PM	23	Montvale?
09:07PM	24	THE WITNESS: Yes.
09:07PM	25	MR. NEWMAN: Are you aware that the
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09:07PM	1	ambulance corps for Woodcliff Lake is shared with
09:08PM	2	Park Ridge and Montvale?
09:08PM	3	THE WITNESS: Yes.
09:08PM	4	MR. NEWMAN: Are you aware that the
09:08PM	5	municipal court system for Woodcliff Lake is shared
09:08PM	6	with Montvale?
09:08PM	7	THE WITNESS: No, that I was not aware
09:08PM	8	of.
09:08PM	9	MR. NEWMAN: In your analysis of what's
09:08PM	10	needed versus what's provided, do you think it's
09:08PM	11	important to determine not just what we have in
09:08PM	12	Woodcliff Lake, but what we have in Montvale and Park
09:08PM	13	Ridge, in light of the fact that many of the services
09:08PM	14	as well as many of the facilities that service the
09:08PM	15	community are shared with those boroughs?
09:08PM	16	THE WITNESS: I think clearly, as part
09:08PM	17	of your master plan, you should look at that.
09:08PM	18	As part of a use variance application
09:08PM	19	for what I perceive is a limited sized project, I
09:08PM	20	don't think you have to go into that depth to address
09:08PM	21	like the court system, for example.
09:08PM	22	MR. NEWMAN: Okay. Let me narrow the
09:08PM	23	question a little bit.
09:08PM	24	Assuming for the sake of this
09:09PM	25	discussion that the Montvale border was 300 feet from
		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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09:09PM	1	this project, and I know it's not, okay, and on the
09:09PM	2	Montvale border they built 500 housing units.
09:09PM	3	Would that impact whether or not there
09:09PM	4	was a need for additional residential housing units
09:09PM	5	across the border in Woodcliff Lake?
09:09PM	6	THE WITNESS: Actually with the COAH
09:09PM	7	requirements as adjusted by the Jacobson decision and
09:09PM	8	other decisions, you still have your own obligation
09:09PM	9	for housing, and that has to be accommodated.
09:09PM	10	MR. NEWMAN: Removing the COAH, I
09:09PM	11	certainly understand COAH --
09:09PM	12	THE WITNESS: You can't remove it.
09:09PM	13	MR. NEWMAN: But just in the sense of
09:09PM	14	planning, would that have an impact, and I'll get to
09:09PM	15	COAH?
09:09PM	16	THE WITNESS: It would obviously have
09:09PM	17	an impact, but you still have to address your
09:09PM	18	numbers.
09:09PM	19	MR. NEWMAN: The COAH numbers?
09:09PM	20	THE WITNESS: Yes.
09:09PM	21	MR. NEWMAN: Well, let's do that.
09:10PM	22	How many COAH, affordable housing
09:10PM	23	units, is the applicant building with this project?
09:10PM	24	THE WITNESS: He is obligated by the
09:10PM	25	regulations to provide 9, 15 percent.
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09:10PM **1** MR. DELIA: And we discussed that last
09:10PM **2** time, the same question, the same answer.
09:10PM **3** MR. NEWMAN: Okay.
09:10PM **4** MR. DELIA: From him to you and from
09:10PM **5** you to him, same question and answer.
09:10PM **6** MR. NEWMAN: So the units you're going
09:10PM **7** to provide nine?
09:10PM **8** THE WITNESS: Yes.
09:10PM **9** MR. NEWMAN: Now, by building the other
09:10PM **10** units, will that increase Woodcliff Lake's obligation
09:10PM **11** to build future units when they do our next burden
09:10PM **12** for our next round?
09:10PM **13** MR. DELIA: You asked that too last
09:10PM **14** time.
09:10PM **15** MR. NEWMAN: I don't think I did.
09:10PM **16** MR. DELIA: You did.
09:10PM **17** MR. NEWMAN: Refresh my recollection,
09:10PM **18** please.
09:10PM **19** MR. DELIA: I can pull out the
09:10PM **20** transcript, if you want, but you asked was there
09:10PM **21** going to be an increase based on this development,
09:10PM **22** whether it was going to increase the number of units,
09:10PM **23** and his answer was no.
09:10PM **24** MR. NEWMAN: Okay.
09:11PM **25** MR. SPIRIG: Well, if I can add to your
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09:11PM **1** question.
09:11PM **2** You did comment earlier about that
09:11PM **3** those obligations may be built on-site or somewhere
09:11PM **4** else.
09:11PM **5** THE WITNESS: In the municipality.
09:11PM **6** MR. SPIRIG: Can you define what you
09:11PM **7** mean by that?
09:11PM **8** THE WITNESS: In the municipality.
09:11PM **9** MR. SPIRIG: In other words, not --
09:11PM **10** THE WITNESS: The regulations allow the
09:11PM **11** developer to approach the governing body to ask if
09:11PM **12** there's another site somewhere else in town that is
09:11PM **13** appropriate for affordable housing, we prefer them to
09:11PM **14** be built at that location.
09:11PM **15** MR. SPIRIG: As opposed --
09:11PM **16** THE WITNESS: To this location.
09:11PM **17** MR. SPIRIG: -- to this location?
09:11PM **18** THE WITNESS: Yes.
09:11PM **19** MR. NEWMAN: Are you aware as to how
09:11PM **20** many apartment units they're building in Montvale?
09:11PM **21** THE WITNESS: I know it's in excess of
09:11PM **22** a thousand.
09:11PM **23** MR. NEWMAN: Are you aware of how many
09:11PM **24** units they're building in Park Ridge, similar type
09:11PM **25** units?
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09:11PM **1** THE WITNESS: I represent them in their
09:11PM **2** housing litigation. I really can't comment on that.
09:12PM **3** MR. NEWMAN: Well, are you aware?
09:12PM **4** THE WITNESS: Oh, I'm aware.
09:12PM **5** MR. NEWMAN: Okay. I apologize.
09:12PM **6** THE WITNESS: No, we're in litigation,
09:12PM **7** I can't -- I meant mediation, and you're basically
09:12PM **8** supposed to swear up and down that you're not going
09:12PM **9** to divulge anything.
09:12PM **10** MR. NEWMAN: Without going into your
09:12PM **11** litigation or your mediation, is it a fair assumption
09:12PM **12** that at some point there will be units built in Park
09:12PM **13** Ridge?
09:12PM **14** THE WITNESS: Yes.
09:12PM **15** MR. NEWMAN: Okay. Then we won't ask
09:12PM **16** you anymore about that.
09:12PM **17** CHAIRWOMAN HEMBREE: Are you done,
09:12PM **18** Gary?
09:12PM **19** MR. NEWMAN: I'm thinking.
09:12PM **20** I'm almost done.
09:12PM **21** MR. PRINCIOTTO: We have another
09:12PM **22** witness to get to tonight, so if you'd like --
09:12PM **23** CHAIRWOMAN HEMBREE: Because he's been
09:12PM **24** here.
09:12PM **25** MR. PRINCIOTTO: We'd like to move this
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09:12PM **1** along.
09:12PM **2** MR. NEWMAN: Understood.
09:13PM **3** One more question.
09:13PM **4** Do you think that in this board's
09:13PM **5** decision -- all right, two more questions, I'm like
09:13PM **6** Mr. Couto.
09:13PM **7** When you were referring earlier to the
09:13PM **8** master plan, is that a master plan that was actually
09:13PM **9** adopted by Woodcliff Lake?
09:13PM **10** THE WITNESS: Yes.
09:13PM **11** MR. NEWMAN: And the year of that was?
09:13PM **12** THE WITNESS: There is a 2002
09:13PM **13** comprehensive master plan and a 2008 or '09
09:13PM **14** reexamination report.
09:13PM **15** MR. NEWMAN: Well, the report, did that
09:13PM **16** change -- I'm trying to understand. You're here
09:13PM **17** asking for a variance, and you're saying that these
09:13PM **18** uses are good according to the master plan.
09:13PM **19** THE WITNESS: That's the 2002
09:13PM **20** documents, as examined by the 2008 document.
09:13PM **21** MR. NEWMAN: So since 2002, they don't
09:13PM **22** actually permit this use, which is why you're here,
09:13PM **23** correct?
09:13PM **24** THE WITNESS: That is correct.
09:13PM **25** MR. NEWMAN: So since 2002, even though
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09:14PM	1	there was a master plan, I guess that was supposed to
09:14PM	2	change the zoning, the zoning has not been changed.
09:14PM	3	Is that a fair statement?
09:14PM	4	THE WITNESS: Yes.
09:14PM	5	MS. YETEMIAN: Can I ask a question?
09:14PM	6	Sorry.
09:14PM	7	Do you represent Park Ridge's developer
09:14PM	8	or the borough, the town?
09:14PM	9	THE WITNESS: The municipality.
09:14PM	10	MS. YETEMIAN: Okay.
09:14PM	11	CHAIRWOMAN HEMBREE: Gary?
09:14PM	12	MR. NEWMAN: I think that's it.
09:14PM	13	CHAIRWOMAN HEMBREE: Okay. Anybody
09:14PM	14	else have any question for Mr. Burgis?
09:14PM	15	I know that the stenographer has been
09:14PM	16	sitting for more than two hours. I think she needs a
09:14PM	17	break.
09:14PM	18	COURT REPORTER: Yes.
09:14PM	19	CHAIRWOMAN HEMBREE: Yes, she needs a
09:14PM	20	break. So five minutes, is that okay? Then we will
09:14PM	21	go to your next witness, Mr. Delia.
09:14PM	22	(A short recess is held.)
09:21PM	23	CHAIRWOMAN HEMBREE: I'm going to
09:21PM	24	start. Please be seated.
09:21PM	25	People in the hallway, either stop
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09:21PM	1	talking or come in inside and sit down so we can
09:21PM	2	hear.
09:21PM	3	Okay. Continue, Mr. Delia.
09:21PM	4	MR. DELIA: I'd like to call Lou Luglio
09:21PM	5	back to the stand. I believe this is his third
09:21PM	6	appearance.
09:21PM	7	CHAIRWOMAN HEMBREE: Because he's loves
09:21PM	8	us so much, right?
09:22PM	9	MR. LUGLIO: Exactly.
09:22PM	10	MR. DELIA: He's previously sworn.
09:22PM	11	CHAIRWOMAN HEMBREE: Yes.
09:22PM	12	MR. DELIA: He had his 29th
09:22PM	13	anniversary.
09:22PM	14	MR. LUGLIO: No, 25th.
09:22PM	15	MR. DELIA: 25th. Excuse me.
09:22PM	16	THE WITNESS: Don't age me.
09:22PM	17	MR. DELIA: That was mine. I'm sorry,
09:22PM	18	I got confused.
09:22PM	19	LOUIS J. LUGLIO, P.E., having been
09:22PM	20	previously sworn, testifies as follows:
09:22PM	21	CONTINUED DIRECT EXAMINATION
09:22PM	22	BY MR. DELIA:
09:22PM	23	Q. Lou, you were here in March, I guess it
09:22PM	24	was, and then you returned.
09:22PM	25	In that time, you prepared a report
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09:22PM	1	that is in front of us dated May 17, 2019. It's been
09:22PM	2	submitted to the board. I'd like to get that marked
09:22PM	3	as A-20 for identification.
09:22PM	4	(Report dated 5/17/19 is marked as
09:22PM	5	exhibit A-20 for identification.)
09:22PM	6	CHAIRWOMAN HEMBREE: You all have it?
09:22PM	7	It's this (indicating).
09:22PM	8	BY MR. DELIA:
09:22PM	9	Q. Please tell us what you did in response
09:22PM	10	to the board's requests and what you concluded?
09:22PM	11	A. Sure.
09:22PM	12	So, again, based on A-20, my report,
09:22PM	13	the board and the board's professional asked to look
09:22PM	14	at the current driveway of Broadway and the site
09:22PM	15	driveway in the existing condition and to look at the
09:23PM	16	driveway in the future condition with a 10 percent
09:23PM	17	increase in growth of traffic on Broadway to account
09:23PM	18	for a development that might be in or adjacent to the
09:23PM	19	site.
09:23PM	20	The second point was to look at the
09:23PM	21	intersection that's signalized of Broadway and
09:23PM	22	Woodcliff Avenue/Highview Avenue.
09:23PM	23	Again, under the 2019 existing
09:23PM	24	conditions and with a 10 percent increase in traffic
09:23PM	25	for the 2021 conditions.
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09:23PM	1	And last, there was a concern or an
09:23PM	2	issue of how the New Jersey Transit train schedule
09:23PM	3	had an effect or if it did have an effect on the
09:23PM	4	signalized intersection itself.
09:24PM	5	So additional traffic counts were
09:24PM	6	conducted on Tuesday, April 30th, at the signalized
09:24PM	7	intersection of Broadway and Highview Avenue during
09:24PM	8	the 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM
09:24PM	9	periods.
09:24PM	10	And on the next page, we actually
09:24PM	11	provide the intersection traffic volumes for the AM
09:24PM	12	and PM peak hours. And those peak hours were from
09:24PM	13	8:00 AM to 9:00 AM and 5:00 PM to 6:00 PM.
09:24PM	14	And so I will just continue to go
09:24PM	15	through, I'm not going to go through every paragraph,
09:24PM	16	but I wanted to get to the next page, which is page
09:24PM	17	3.
09:24PM	18	We provided an intersection analysis of
09:24PM	19	both the signalized intersection and the unsignalized
09:24PM	20	driveway itself. The basis of looking at how an
09:25PM	21	intersection, whether it's signalized or
09:25PM	22	unsignalized, can process traffic through the
09:25PM	23	intersection is based on a level of service analysis,
09:25PM	24	and those levels of service range from A to F, like
09:25PM	25	the report card. And once you get to level of
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09:25PM	1	service D, you have congested conditions; level of
09:25PM	2	service E, they're more congested conditions and
09:25PM	3	speeds start to go down; level of service F,
09:25PM	4	motorists waiting for that traffic signal to change
09:25PM	5	might actually have to wait additional cycles or
09:25PM	6	cycle, depending on how bad that traffic congestion
09:25PM	7	is.
09:25PM	8	We provided on Figure 2 and Figure 3
09:25PM	9	the existing signalized and unsignalized. We also
09:25PM	10	provided additional information with respect to the
09:26PM	11	queue that would be generated based on the signal or
09:26PM	12	the unsignalized intersection. The queue is
09:26PM	13	basically the stacking of vehicles that are waiting
09:26PM	14	at the signalized approach, and so it gives you an
09:26PM	15	idea of how many feet, and it could be different
09:26PM	16	types of vehicles, so on average it's 20 to 22 feet
09:26PM	17	per vehicle. But it gives you an idea of how well
09:26PM	18	the intersection is operating in terms of additional
09:26PM	19	delay that a motorist would have to wait on average,
09:26PM	20	but also how far back that queue would develop.
09:26PM	21	And so we provided that information
09:26PM	22	for, again, the signalized and unsignalized
09:26PM	23	intersection in the existing condition. On the top
09:26PM	24	of page 4, what I've done there in Figure 4 and
09:26PM	25	Figure 5 is to look at the future build condition,
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09:26PM	1	again, taking the 2019 existing traffic volumes and
09:27PM	2	growing them by 10 percent for the two-year period
09:27PM	3	and then superimposing on the left-hand side, Figure
09:27PM	4	4, the office development fully occupied, and on the
09:27PM	5	right in Figure 5 with the residential traffic
09:27PM	6	volumes.
09:27PM	7	And you could see in each one of those
09:27PM	8	figures, there's an AM and PM in and out and total
09:27PM	9	for the specific land use, whether it be office or
09:27PM	10	residential. And what I did is I tried to bold the
09:27PM	11	intersection volumes, whether they be turning
09:27PM	12	movement or through movement that would change as a
09:27PM	13	result of either the office development in that
09:27PM	14	future condition with 10 percent added traffic or the
09:27PM	15	residential.
09:27PM	16	And so that really sets the stage for
09:27PM	17	looking at the volumes themselves answering, I guess,
09:28PM	18	part of the question is how do the volumes change
09:28PM	19	with respect to the land use change, from office and
09:28PM	20	people coming to the office building in the AM peak
09:28PM	21	hour versus people now in the proposed condition
09:28PM	22	being residential and leaving and going out in the AM
09:28PM	23	peak hour.
09:28PM	24	And you could see, I guess, as an
09:28PM	25	example, traveling on Highview, and that would be the
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09:28PM	1	eastbound direction, that Figure 4, that 400 in
09:28PM	2	parentheses is in the PM peak hour, 236 is in the AM
09:28PM	3	peak hour, and if you correspond that to Figure 5,
09:28PM	4	it's 406 in the PM peak hour and 217 in the AM peak
09:28PM	5	hour.
09:28PM	6	So that there is certainly less
09:28PM	7	vehicles that are coming to the site under the
09:29PM	8	proposed residential scenario that the application is
09:29PM	9	for. And when you look at the actual driveway on
09:29PM	10	Figure 4, there's five making a left, five making a
09:29PM	11	right in the AM, 21 and 21 in the PM on Figure 4.
09:29PM	12	On Figure 4 [sic], that shifts to 12
09:29PM	13	and 12 and 7 and 7, again higher in the AM leaving
09:29PM	14	but these are not, from a traffic engineering
09:29PM	15	standpoint, the number of trips associated with the
09:29PM	16	residential development is far less than what is
09:29PM	17	associated with the office development, and that's
09:29PM	18	always true.
09:29PM	19	In this case, the office development
09:29PM	20	conversion to residential reduces the number of
09:29PM	21	vehicle trips overall. Certainly there is a balance
09:29PM	22	between what is coming into the site and what is
09:30PM	23	leaving the site, but we look at what happens at the
09:30PM	24	intersection itself from an overall intersection
09:30PM	25	level of service.
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09:30PM	1	The proposed residential land use would
09:30PM	2	have a positive effect in shifting generated traffic
09:30PM	3	and reduction in trips overall on the critical
09:30PM	4	movements for both the site driveway and the
09:30PM	5	signalized intersection itself.
09:30PM	6	The following page is based on those
09:30PM	7	traffic volumes.
09:30PM	8	Again, an analysis on the left-hand
09:30PM	9	side is the unsignalized driveway intersection, on
09:30PM	10	the right-hand side is the signalized intersection
09:30PM	11	for the 2019 existing, 2021 build with the office
09:30PM	12	development, and on the bottom the 2021 build with
09:30PM	13	the residential development.
09:30PM	14	Now, as a result of having 10 percent
09:31PM	15	additional growth, the operation of the intersection
09:31PM	16	certainly deteriorates, deteriorates to a point, in
09:31PM	17	most cases, where the northbound left turn going
09:31PM	18	towards the station is in an F level of service and
09:31PM	19	so is the southbound in an F level of service, if we
09:31PM	20	just look at the signalized intersection under
09:31PM	21	existing conditions, that's the upper right-hand
09:31PM	22	corner of that Figure 6 summary. And as you go into
09:31PM	23	either build condition, traffic operations certainly
09:31PM	24	do get worse.
09:31PM	25	They do get worse, but not as a result
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<div>113</div> <div> <p>09:31PM 1 of this proposed development, but as a result of the</p> <p>09:31PM 2 increased traffic that would be going through the</p> <p>09:31PM 3 intersection at that 10 percent level.</p> <p>09:31PM 4 Lastly, we looked on page 6, the New</p> <p>09:32PM 5 Jersey Transit Pascack Valley Line effect that it may</p> <p>09:32PM 6 have on the intersection itself. We provided the</p> <p>09:32PM 7 train schedule of trains both in the AM peak hour</p> <p>09:32PM 8 from 5:26 to 9:10 AM. And there were no trains in</p> <p>09:32PM 9 the reverse direction until 1:30 PM.</p> <p>09:32PM 10 And then in the PM peak period from</p> <p>09:32PM 11 4:45 PM to 7:43 PM, with three trains in the opposite</p> <p>09:32PM 12 direction that would occur also.</p> <p>09:32PM 13 So, in the analysis of this, each train</p> <p>09:32PM 14 takes about approximately two minutes for when the</p> <p>09:32PM 15 train signals the intersection and all the</p> <p>09:32PM 16 intersection lights are red to when those gates go</p> <p>09:33PM 17 back up, it's about a two-minute period in time where</p> <p>09:33PM 18 everything is stopped, everything has a red signal.</p> <p>09:33PM 19 The traffic signal itself operates on a</p> <p>09:33PM 20 90 second cycle, and there are 40 cycles of traffic</p> <p>09:33PM 21 in the hour. And so by calculation, we're looking at</p> <p>09:33PM 22 a result of about two minutes for each train that</p> <p>09:33PM 23 would stop, and there's three trains in the peak</p> <p>09:33PM 24 hour, so six minutes of train delay would result in a</p> <p>09:33PM 25 relatively small amount of delay, if you look at it</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </div>	<div>115</div> <div> <p>09:35PM 1 Lastly, I would say that both</p> <p>09:35PM 2 intersections around all of Broadway is under Bergen</p> <p>09:35PM 3 County jurisdiction, and Bergen County has the</p> <p>09:35PM 4 ultimate right to determine how the roadway is</p> <p>09:35PM 5 accessed, both at the intersection itself and at the</p> <p>09:35PM 6 site driveway.</p> <p>09:35PM 7 I understand that Bergen County is</p> <p>09:35PM 8 nearing their conclusion or their report, and so that</p> <p>09:35PM 9 that information, once we have that, we will be bound</p> <p>09:35PM 10 by whatever Bergen County wants to do with respect to</p> <p>09:35PM 11 operation of Broadway, and any potential restrictions</p> <p>09:35PM 12 in or out of the site or no restrictions at all.</p> <p>09:35PM 13 So, again, based on previous testimony</p> <p>09:36PM 14 and work that has been done, this is a site, from a</p> <p>09:36PM 15 pure traffic standpoint, going from office building</p> <p>09:36PM 16 development to residential, it's a lower intensity of</p> <p>09:36PM 17 land use from a traffic perspective, and there is a</p> <p>09:36PM 18 net reduction of traffic that would be coming to and</p> <p>09:36PM 19 from the site during the peak hours in question, in</p> <p>09:36PM 20 the AM and PM peak hours.</p> <p>09:36PM 21 There is no traffic impact associated</p> <p>09:36PM 22 with the conversion of this site and this land use to</p> <p>09:36PM 23 residential at all, but we went ahead and we provided</p> <p>09:36PM 24 all the backup information for your engineer to go</p> <p>09:36PM 25 through as well, all the detailed calculations are</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </div>
<div>114</div> <div> <p>09:33PM 1 per cycle or per cycle itself.</p> <p>09:33PM 2 Understandably, if you are at the</p> <p>09:33PM 3 signal when the train is arriving, you're waiting two</p> <p>09:33PM 4 additional minutes, and if you get their when there's</p> <p>09:33PM 5 no train, obviously there's no wait at all.</p> <p>09:33PM 6 So you can look at it from a worst case</p> <p>09:33PM 7 scenario, if there's an additional two minutes back</p> <p>09:34PM 8 down to there might be a zero delay as a result of</p> <p>09:34PM 9 the train.</p> <p>09:34PM 10 There's no anticipated additional stops</p> <p>09:34PM 11 that are planned from New Jersey Transit's</p> <p>09:34PM 12 standpoint, so everything would remain the same.</p> <p>09:34PM 13 Conclusion, on the bottom of page 6, is</p> <p>09:34PM 14 that we undertook a detailed analysis of the site</p> <p>09:34PM 15 driveway and the signalized intersection with an</p> <p>09:34PM 16 aggressive 10 percent growth rate to factor in</p> <p>09:34PM 17 traffic volumes from other developments in and around</p> <p>09:34PM 18 the area for a regional approach over the next few</p> <p>09:34PM 19 years. And the signalized intersection of Broadway,</p> <p>09:34PM 20 Woodcliff Lake and Highview would certainly</p> <p>09:34PM 21 deteriorate in level of service, if there were no</p> <p>09:34PM 22 mitigation or improvements to the intersection.</p> <p>09:34PM 23 But strongly I say it is not as a</p> <p>09:35PM 24 result of this proposed development of converting the</p> <p>09:35PM 25 existing office space to residential space.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </div>	<div>116</div> <div> <p>09:36PM 1 provided, and it's clear in here, although I didn't</p> <p>09:36PM 2 point that out yet, that during certain periods,</p> <p>09:37PM 3 especially during the periods in the future, traffic</p> <p>09:37PM 4 queues in that northbound directly certainly at times</p> <p>09:37PM 5 backup through where the site driveway is, and at</p> <p>09:37PM 6 certain points during that peak hour itself there</p> <p>09:37PM 7 might not be any.</p> <p>09:37PM 8 So we looked at a 50th percentile queue</p> <p>09:37PM 9 basically, which says that 50 percent of the time</p> <p>09:37PM 10 what would that traffic queue be, and so that's all</p> <p>09:37PM 11 incorporated in here as well.</p> <p>09:37PM 12 And at some point I would imagine</p> <p>09:37PM 13 you're going to ask Mr. Intindola his opinion and</p> <p>09:37PM 14 analysis as well.</p> <p>09:37PM 15 That's all I have.</p> <p>09:37PM 16 CHAIRWOMAN HEMBREE: Okay.</p> <p>09:38PM 17 MR. SPIRIG: Just for clarification,</p> <p>09:38PM 18 when you said the county would take jurisdiction --</p> <p>09:38PM 19 THE WITNESS: The county has</p> <p>09:38PM 20 jurisdiction.</p> <p>09:38PM 21 MR. SPIRIG: Jurisdiction over.</p> <p>09:38PM 22 Obviously they can't prevent people</p> <p>09:38PM 23 from coming and going into their property, but what</p> <p>09:38PM 24 they could do is they could potentially say no</p> <p>09:38PM 25 left-hand turns out of that parking lot.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </div>

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09:38PM 1 THE WITNESS: If the county approves
09:38PM 2 that, they can. It's up to the county. Access to
09:38PM 3 and from the County Road to the driveway is still
09:38PM 4 under the jurisdiction of the county, so the
09:38PM 5 developer would not be able to post any restrictions,
09:38PM 6 unless the county is okay with that.
09:38PM 7 MS. EFFRON-MALLEY: And just for
09:38PM 8 clarification, the counts that you're giving are only
09:38PM 9 AM and PM peak, they have nothing to do with the
09:38PM 10 traffic all day long or residential potentially has
09:38PM 11 more people in and out?
09:38PM 12 MR. HAYES: The weekends or nights.
09:38PM 13 MS. EFFRON-MALLEY: Right, weekends,
09:39PM 14 nights.
09:39PM 15 THE WITNESS: So traditionally what is
09:39PM 16 done is we look at the peak hour of the roadway,
09:39PM 17 which is Broadway. And when that peak volume occurs
09:39PM 18 on Broadway and we coincide that with the volume
09:39PM 19 that's coming in and out of the site. Yes, volume is
09:39PM 20 coming in and out of the site during all hours of the
09:39PM 21 day, but typically if it's not during that AM or PM
09:39PM 22 peak hour, the volume on the roadway would be less.
09:39PM 23 Even though the volume to and from the site might be
09:39PM 24 a little bit more, the worst case is still looking at
09:39PM 25 the AM and PM peak hours from an analysis standpoint.

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09:39PM 1 MS. EFFRON-MALLEY: Did you look at
09:39PM 2 weekends, Saturdays at all?
09:39PM 3 THE WITNESS: We did not look at
09:39PM 4 weekend traffic. We don't have any counts of weekend
09:39PM 5 traffic, just AM and PM.
09:39PM 6 MR. KAUFMAN: There is no weekend train
09:39PM 7 service in Woodcliff Lake.
09:39PM 8 MS. EFFRON-MALLEY: The train runs.
09:39PM 9 MR. KAUFMAN: I know that, but it
09:39PM 10 doesn't stop.
09:39PM 11 THE WITNESS: And, again, our task here
09:39PM 12 was to look at AM and PM traffic operations for the
09:40PM 13 driveway and the intersection itself.
09:40PM 14 CHAIRWOMAN HEMBREE: Right.
09:40PM 15 Thank you.
09:40PM 16 Questions?
09:40PM 17 MR. HAYES: Mr. Luglio, to what degree
09:40PM 18 would your analysis change if the county does
09:40PM 19 restrict left-hand turns out of this site?
09:40PM 20 I guess in your best estimate, what is
09:40PM 21 the route then that people would most likely take?
09:40PM 22 Because I have an idea of what it is,
09:40PM 23 and that intersection, being what it is already, I
09:40PM 24 see as being unmanageable, if that's the case.
09:40PM 25 THE WITNESS: Right now what I project

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09:40PM 1 in here was a 50/50 split just out of ease, just to
09:40PM 2 say 50/50. It's also based on the traffic volume,
09:40PM 3 which along Broadway has basically a 50/50 split in
09:41PM 4 the northbound and southbound direction.
09:41PM 5 So there are many times where there are
09:41PM 6 restrictions coming out of a site, especially making
09:41PM 7 a left-hand turn.
09:41PM 8 And so, again, the county roadway
09:41PM 9 system and the municipal system is really there for
09:41PM 10 vehicles to travel around. So vehicles would come
09:41PM 11 out, make the right turn, continue north and most
09:41PM 12 likely go on Highview, travel to the east and try to
09:41PM 13 circulate back to Broadway.
09:41PM 14 Will there be additional traffic on
09:41PM 15 other residential streets? Most likely during that
09:41PM 16 PM peak hour, maybe even in the AM peak hour when
09:41PM 17 people are leaving the residential site, there
09:41PM 18 certainly might be.
09:41PM 19 But the last part of what I would say
09:41PM 20 is that what we've assumed so far in the residential
09:41PM 21 development is that 100 percent of the people would
09:42PM 22 be taking their car out, you know, and no, there was
09:42PM 23 no account for transit credit, we wanted to be
09:42PM 24 conservative in the analysis.
09:42PM 25 MR. HAYES: But that's not kind of

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09:42PM 1 really what I was asking.
09:42PM 2 So you think that people would take a
09:42PM 3 right-hand turn and continue north in an orderly
09:42PM 4 manner?
09:42PM 5 You don't think that they would try to
09:42PM 6 cut across the left turn lane, go over the reservoir
09:42PM 7 and then dump back down Pascack? Because that's how
09:42PM 8 I think people would do it, and I think it's a
09:42PM 9 substantially worse impact than somebody who is just
09:42PM 10 going to continue to travel north.
09:42PM 11 THE WITNESS: So, again, we really
09:42PM 12 can't govern what individual motorists are going to
09:42PM 13 do.
09:42PM 14 MR. HAYES: I'm just asking your
09:42PM 15 assessment.
09:42PM 16 THE WITNESS: There might be some
09:42PM 17 people that will do that, certainly. There might be
09:42PM 18 people that will take a left and go into the train
09:42PM 19 station parking area and turn around and come back
09:42PM 20 out. So it really is a function of what is the path
09:43PM 21 of least resistance, and then also how many people
09:43PM 22 are really going to be coming out of the site during
09:43PM 23 the AM peak hour. And if they do that for a few
09:43PM 24 times and realize that that might not be the right
09:43PM 25 time to leave, to make that left-hand turn, if indeed

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09:43PM	1	there's no prohibition, we tend to see that things
09:43PM	2	start to work out, as far as when people leave their
09:43PM	3	house, especially if it's a residential.
09:43PM	4	If it's office development, there's a
09:43PM	5	time when people have to be there. From a
09:43PM	6	residential standpoint, there are different times.
09:43PM	7	It's almost a staggered time.
09:43PM	8	MR. HAYES: I don't know if that's
09:43PM	9	fair, because you're saying we have this apartment
09:43PM	10	complex, it's going to be, I forget what Mr. Burgis
09:43PM	11	said, 75 percent one bedroom apartments.
09:43PM	12	THE WITNESS: Uh-huh.
09:43PM	13	MR. HAYES: If people have to get to
09:43PM	14	the office in the morning, I'm assuming that people
09:43PM	15	have to leave their homes in the morning also to get
09:43PM	16	to their offices, so I don't think it's fair to say
09:44PM	17	that people in homes can just wait it out and go when
09:44PM	18	it's convenient for them, but if it's an office
09:44PM	19	building everybody has to be there at a certain time.
09:44PM	20	It's not a fair comparison, I don't think.
09:44PM	21	THE WITNESS: And if you want a fair
09:44PM	22	comparison, I think half of the people that live here
09:44PM	23	will most likely take mass transit, not having a
09:44PM	24	vehicle coming out of this site at all, and another
09:44PM	25	25 percent of them will probably leave before the
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09:44PM	1	peak hour of the roadway starts to get to their final
09:44PM	2	destination.
09:44PM	3	MR. HAYES: What leads you to believe
09:44PM	4	that 50 percent of the people will take mass transit?
09:44PM	5	THE WITNESS: Because of the product
09:44PM	6	that you're going to have, right, and the proximity
09:44PM	7	to the train station.
09:44PM	8	So if someone doesn't want, and we've
09:44PM	9	seen trends of people not wanting to own a car if
09:44PM	10	they're going to have access to a train station or
09:44PM	11	other transportation services, it might be buses as
09:44PM	12	well, they'll forgo that car and not have to worry
09:44PM	13	about that. So we've definitely seen that with
09:45PM	14	respect to developments around train stations or
09:45PM	15	where there's bus access.
09:45PM	16	MR. HAYES: You say you've seen that,
09:45PM	17	is that anecdotal or is that supported by some
09:45PM	18	specific studies?
09:45PM	19	THE WITNESS: It's supported by
09:45PM	20	individual studies and what the trend is from a
09:45PM	21	transportation standpoint.
09:45PM	22	New Jersey Transit is certainly
09:45PM	23	overcapacity on many different modes of travel,
09:45PM	24	especially the bus, but also on commuter rail as
09:45PM	25	well.
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09:45PM	1	MS. YETEMIAN: Is that not a little
09:45PM	2	contradictory to what Mr. Burgis was saying about
09:45PM	3	elderly probably, like those who are coming back to
09:45PM	4	live closer to their family who don't work would be
09:45PM	5	going in and out more as opposed to those who park
09:45PM	6	their car and get on a train and go in?
09:45PM	7	THE WITNESS: I think there would be a
09:45PM	8	combination of both, definitely.
09:45PM	9	CROSS EXAMINATION
09:45PM	10	BY MR. PRINCIOTTO:
09:46PM	11	Q. For the cars coming out of site, if the
09:46PM	12	left-hand turn is prohibited, you indicated they
09:46PM	13	would go up Highview?
09:46PM	14	A. They may, yes.
09:46PM	15	Q. And then from Highview, where would
09:46PM	16	they go?
09:46PM	17	A. They would circle south and then back
09:46PM	18	to Broadway. I mean, I think that's -- even though
09:46PM	19	it's a very roundabout way to get there.
09:46PM	20	MR. HAYES: So one car going through
09:46PM	21	the intersection twice?
09:46PM	22	THE WITNESS: No -- through the
09:46PM	23	intersection, the signalized intersection?
09:46PM	24	MR. HAYES: Yes.
09:46PM	25	THE WITNESS: They would only go once,
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09:46PM	1	if they want to go back southbound.
09:46PM	2	MR. PRINCIOTTO: No, I'll follow-up
09:46PM	3	with these questions.
09:46PM	4	BY MR. PRINCIOTTO:
09:46PM	5	Q. They want to go south, that's why they
09:46PM	6	want to turn left, they can't, so let's assume they
09:46PM	7	go up Highview as you suggested.
09:46PM	8	Then in order to go south, the next
09:46PM	9	road that they would hit would be Kinderkamack,
09:46PM	10	right?
09:46PM	11	A. Uh-huh.
09:46PM	12	Q. And if they really wanted to get back
09:47PM	13	onto Broadway in a southerly direction, they could
09:47PM	14	take any one of the streets that run between
09:47PM	15	Kinderkamack and Broadway, for example, Columbus or
09:47PM	16	Lincoln, correct?
09:47PM	17	MR. HAYES: Prospect too.
09:47PM	18	MR. PRINCIOTTO: Or Prospect.
09:47PM	19	CHAIRWOMAN HEMBREE: Where you really
09:47PM	20	have a trouble making a left.
09:47PM	21	THE WITNESS: South of the site,
09:47PM	22	correct.
09:47PM	23	BY MR. PRINCIOTTO:
09:47PM	24	Q. Exactly, south of the site?
09:47PM	25	And those streets are all residential,
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09:47PM	1	correct?	
09:47PM	2	A. For the most part, yes.	
09:47PM	3	Q. Highview, Prospect, Columbus, and	
09:47PM	4	Lincoln, and Kinderkamack for that matter?	
09:47PM	5	A. So what we're talking about, just to be	
09:47PM	6	clear, is, all 23 vehicles that would be coming out	
09:47PM	7	during the AM peak hour and all 14 vehicles coming	
09:47PM	8	out during the PM peak hour over the entire hour,	
09:47PM	9	which is maybe one every two minutes, it's not a	
09:47PM	10	significant amount of traffic. This is the same	
09:47PM	11	amount of traffic that is considered a standard	
09:48PM	12	deviation of traffic volumes on a day-to-day basis.	
09:48PM	13	Traffic differences on any roadway from	
09:48PM	14	a Monday through Friday has variations, it's not the	
09:48PM	15	constant 524 vehicles every day, right?	
09:48PM	16	So what we're talking about in terms of	
09:48PM	17	vehicles coming out of this site is really	
09:48PM	18	insignificant to the number of vehicles that are on	
09:48PM	19	the roadway.	
09:48PM	20	CHAIRWOMAN HEMBREE: So the county also	
09:48PM	21	makes a decision on what streets need new traffic	
09:48PM	22	lights, and they're monitoring that?	
09:48PM	23	THE WITNESS: If they're county	
09:48PM	24	roadways, yes.	
09:48PM	25	CHAIRWOMAN HEMBREE: What about, is	
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09:48PM	1	Prospect a county road?	
09:48PM	2	THE WITNESS: I don't know.	
09:48PM	3	CHAIRWOMAN HEMBREE: It is? Okay.	
09:48PM	4	So that light you need to have that	
09:49PM	5	traffic point dealt with and then you could time the	
09:49PM	6	lights better.	
09:49PM	7	MR. DELIA: I'm going to make a	
09:49PM	8	statement now. We are not going to produce anymore	
09:49PM	9	investigations, anymore reports. We've given the	
09:49PM	10	board what they've asked for. This is Mr. Luglio's	
09:49PM	11	third time here. I intend to conclude with Mr.	
09:49PM	12	Luglio tonight and not bring him back, so this is our	
09:49PM	13	time to conclude with him, any questions on what he's	
09:49PM	14	provided, please do so, but we will not be producing	
09:49PM	15	any further reports.	
09:49PM	16	CHAIRWOMAN HEMBREE: Didn't ask.	
09:49PM	17	MR. DELIA: Or any further	
09:49PM	18	investigation, you did, you brought it up.	
09:49PM	19	MR. PRINCIIOTTO: No.	
09:49PM	20	CHAIRWOMAN HEMBREE: No, I did not.	
09:49PM	21	MR. PRINCIIOTTO: She just asked who	
09:49PM	22	would be responsible for the traffic lights.	
09:49PM	23	MR. DELIA: And you said you needed to	
09:49PM	24	take a look at the southern intersection now.	
09:49PM	25	CHAIRWOMAN HEMBREE: No, I said we need	
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09:49PM	1	to take a look at it, not you. It's a problem point.	
09:49PM	2	MR. DELIA: I get that.	
09:49PM	3	CHAIRWOMAN HEMBREE: Okay.	
09:49PM	4	MR. PRINCIIOTTO: Any other questions?	
09:50PM	5	CHAIRWOMAN HEMBREE: I'm looking left.	
09:50PM	6	MR. NEWMAN: I don't have any questions	
09:50PM	7	of this witness.	
09:50PM	8	MR. PRINCIIOTTO: We need a motion to	
09:50PM	9	open to the public -- I'm sorry, did anyone else have	
09:50PM	10	a question?	
09:50PM	11	MR. HAYES: No.	
09:50PM	12	CHAIRWOMAN HEMBREE: I'm just looking	
09:50PM	13	at the time, and we have to go into closed session	
09:50PM	14	this evening.	
09:50PM	15	MR. PRINCIIOTTO: I know, but I think	
09:50PM	16	that --	
09:50PM	17	CHAIRWOMAN HEMBREE: I know they want	
09:50PM	18	to ask Mr. Luglio a question.	
09:50PM	19	MR. NEWMAN: I think the applicant made	
09:50PM	20	you clear he wants to be done with Mr. Luglio	
09:50PM	21	tonight.	
09:50PM	22	CHAIRWOMAN HEMBREE: No, I got it.	
09:50PM	23	MR. DELIA: Thank you.	
09:50PM	24	MR. NEWMAN: Unless I'm reading you	
09:50PM	25	wrong.	
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09:50PM	1	MR. DELIA: You read my mind perfectly.	
09:50PM	2	THE WITNESS: Yeah, I don't think he	
09:50PM	3	likes me.	
09:50PM	4	MR. NEWMAN: I don't think it's that.	
09:50PM	5	CHAIRWOMAN HEMBREE: All right. I'm	
09:50PM	6	asking a favor of the public. When you ask your	
09:50PM	7	questions of Mr. Luglio, please make them brief	
09:50PM	8	questions. Okay? Because we have time constraints,	
09:50PM	9	but I want to give you an opportunity to ask your	
09:50PM	10	questions. So please come forward -- oh, we have to	
09:50PM	11	open the meeting.	
09:51PM	12	MS. EFFRON-MALLEY: Motion to open to	
09:51PM	13	the public.	
09:51PM	14	MR. HAYES: Second.	
09:51PM	15	CHAIRWOMAN HEMBREE: All in favor?	
09:51PM	16	(No response.)	
09:51PM	17	(Chorus of ayes.)	
09:51PM	18	MR. PRINCIIOTTO: Also if there are any	
09:51PM	19	questions, I'm going to ask that you do your best not	
09:51PM	20	to repeat Mr. Luglio's testimony. He remembers what	
09:51PM	21	it is and we all just heard it. So I know that's	
09:51PM	22	common for people to do that, but I'm asking you not	
09:51PM	23	to do that and just go straight to the question.	
09:51PM	24	Thank you.	
09:51PM	25	MR. COUTO: Can I ask a quick question?	
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09:51PM	1	CHAIRWOMAN HEMBREE: Probably ask a
09:51PM	2	yes-or-no answer.
09:51PM	3	MR. COUTO: Yes.
09:51PM	4	You know my name, Alex Couto.
09:51PM	5	The question is, if building #2 was not
09:51PM	6	built, would there be a significant reduction in
09:51PM	7	traffic, in addition to the reduction you mentioned?
09:51PM	8	THE WITNESS: Not significant, no.
09:51PM	9	It's a very low generator of traffic. So if we're
09:51PM	10	dealing with 23 vehicles coming out in the morning,
09:51PM	11	there might be 17, so it's not a significant amount,
09:52PM	12	no.
09:52PM	13	MR. COUTO: So can you explain the
09:52PM	14	math, because from the way I understand, building #1
09:52PM	15	is 36 apartments, building #2 has 24. How did you
09:52PM	16	come to 17, how can you explain the math?
09:52PM	17	THE WITNESS: Well, the math is based
09:52PM	18	on the Institute of Transportation Engineers Trip
09:52PM	19	Generation Handbook, and it's based on average rates
09:52PM	20	of how many vehicles would be coming to and from a
09:52PM	21	particular land use based on, for this category,
09:52PM	22	probably thousands of studies.
09:52PM	23	MR. COUTO: Maybe I misled you.
09:52PM	24	Right now the numbers you gave is for
09:52PM	25	60 apartments.
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09:52PM	1	THE WITNESS: Yes.
09:52PM	2	MR. COUTO: If you didn't have building
09:52PM	3	#2, it would be 36 apartments?
09:52PM	4	THE WITNESS: That's right.
09:52PM	5	MR. COUTO: So wouldn't the numbers be
09:52PM	6	considerably lower, if it was only 36 apartments?
09:52PM	7	THE WITNESS: No necessarily, no.
09:52PM	8	MR. COUTO: Okay. I don't understand
09:52PM	9	the logic, the numbers.
09:53PM	10	Okay. Thank you.
09:53PM	11	MR. NEWMAN: Just from a thinking out
09:53PM	12	loud.
09:53PM	13	MR. COUTO: Common sense.
09:53PM	14	MR. NEWMAN: -- common sense, if there
09:53PM	15	were less units, there would be less traffic.
09:53PM	16	MR. PRINCIOTTO: I think he used the
09:53PM	17	word "considerable" or "significant," and that's
09:53PM	18	where the witness --
09:53PM	19	MR. DELIA: But Mr. Luglio said it's
09:53PM	20	already a low traffic generator, so it ends up not
09:53PM	21	being significant. That's the answer.
09:53PM	22	MR. NEWMAN: His testimony is it's not
09:53PM	23	significant no matter what. Obviously, the less
09:53PM	24	number of units, the less significant it would be.
09:53PM	25	MR. COUTO: Thank you.
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09:53PM	1	MR. NEWMAN: Anybody disagree with
09:53PM	2	that?
09:53PM	3	CHAIRWOMAN HEMBREE: Okay.
09:53PM	4	MR. COUTO: Thank you very much.
09:53PM	5	MS. GELLERT: Sally Gellert, 210
09:53PM	6	Broadway.
09:53PM	7	We heard about the potential F grades.
09:53PM	8	What are the grades for the other hours of the day?
09:54PM	9	We didn't see any of that, us in the public.
09:54PM	10	THE WITNESS: From a traffic
09:54PM	11	engineering standpoint, we look at the AM peak hour,
09:54PM	12	PM peak hour.
09:54PM	13	Traffic during the day, the
09:54PM	14	intersection or the roadway would have less traffic
09:54PM	15	on the roadway compared to what's happening in the
09:54PM	16	peak hours.
09:54PM	17	MS. GELLERT: You specifically quoted
09:54PM	18	two times when it would have an F grade.
09:54PM	19	Did you do grades for any other times
09:54PM	20	or is this the only two?
09:54PM	21	THE WITNESS: Only AM and PM peak
09:54PM	22	hours.
09:54PM	23	MS. GELLERT: And nothing on the
09:54PM	24	weekends?
09:54PM	25	THE WITNESS: That's correct.
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09:54PM	1	MS. GELLERT: I live there all day
09:54PM	2	long.
09:54PM	3	MR. PRINCIOTTO: Ma'am, ma'am, ma'am.
09:54PM	4	MS. GELLERT: I know.
09:54PM	5	MR. PRINCIOTTO: Comments later.
09:54PM	6	MS. GELLERT: Now I'm trying to --
09:54PM	7	CHAIRWOMAN HEMBREE: We understood your
09:54PM	8	question.
09:54PM	9	MS. GELLERT: Where do I find that
09:54PM	10	information? I guess that's what I need. Where do I
09:54PM	11	learn what my life is going to be like the rest of
09:54PM	12	the time when I'm living there? How do I find that?
09:54PM	13	THE WITNESS: My only comment to that
09:55PM	14	is that this development is less traffic compared to
09:55PM	15	the office development that's there now.
09:55PM	16	MS. GELLERT: (Makes sounds.)
09:55PM	17	THE WITNESS: I think I did not answer
09:55PM	18	your question.
09:55PM	19	CHAIRWOMAN HEMBREE: She didn't like
09:55PM	20	it.
09:55PM	21	MS. GELLERT: That doesn't help me at
09:55PM	22	all. Okay.
09:55PM	23	CHAIRWOMAN HEMBREE: I understand what
09:55PM	24	she's saying.
09:55PM	25	Okay. Anybody else?
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09:55PM 1 MS. JEFFAS: Laura Jeffas.
 09:55PM 2 You were stating that you think that
 09:55PM 3 some of the people that live there will not have
 09:55PM 4 cars?
 09:55PM 5 THE WITNESS: Yes.
 09:55PM 6 MS. JEFFAS: They'll just rely solely
 09:55PM 7 on the train. Is that correct?
 09:55PM 8 THE WITNESS: There will certainly be a
 09:55PM 9 percentage of the population that does not own a car.
 09:55PM 10 MS. JEFFAS: Okay. So what percentage
 09:55PM 11 do you think that would be in a situation like that?
 09:55PM 12 THE WITNESS: I really don't know. I
 09:55PM 13 know there's going to be a percentage.
 09:58PM 14 What we have done in the traffic
 09:58PM 15 analysis is assume that all people would have a car,
 09:58PM 16 that's what the assumption is, and that's what the
 09:58PM 17 analysis is based on.
 09:58PM 18 After this is fully occupied, there
 09:58PM 19 certainly will be a percentage that does not have a
 09:58PM 20 car.
 09:58PM 21 MS. JEFFAS: Okay.
 09:58PM 22 MR. NEWMAN: Yeah, but just so I'm
 09:58PM 23 clear, when you did your analysis, you assumed for
 09:58PM 24 the sake of your analysis that everybody did have a
 09:58PM 25 car?

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09:58PM 1 THE WITNESS: Yes. There was no credit
 09:58PM 2 for transit.
 09:58PM 3 MR. NEWMAN: Okay. So even though --
 09:58PM 4 THE WITNESS: I'm not saying that every
 09:58PM 5 person has a car, right.
 09:58PM 6 MR. NEWMAN: So even though you may
 09:58PM 7 believe that some people may not have a car, when you
 09:58PM 8 did your study, your testimony is based with the
 09:58PM 9 assumption that everybody has a car?
 09:58PM 10 THE WITNESS: The analysis and the
 09:58PM 11 assumption in the report is that there's no transit
 09:58PM 12 or other nonmotorized credit.
 09:57PM 13 MS. JEFFAS: Say that again, please.
 09:57PM 14 AUDIENCE VOICE: Nobody is going by
 09:57PM 15 bike.
 09:57PM 16 MR. NEWMAN: I think, if I understand
 09:57PM 17 him in English, what he's telling us is that while he
 09:57PM 18 believes that there will be people that will not have
 09:57PM 19 cars, when he did his studies, he assumed for the
 09:57PM 20 sake of his study that everybody had a car.
 09:57PM 21 MS. JEFFAS: Okay. Got it.
 09:57PM 22 MR. NEWMAN: Do I have that correct?
 09:57PM 23 THE WITNESS: No, but I'll go with
 09:57PM 24 that.
 09:57PM 25 MR. NEWMAN: Then please explain.

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09:57PM 1 MR. HAYES: You didn't provide for any
 09:57PM 2 impact from potential residents taking mass transit
 09:57PM 3 or any other type of transportation?
 09:57PM 4 THE WITNESS: That's right.
 09:57PM 5 MR. NEWMAN: So you presume that
 09:57PM 6 everybody has a car, but not everybody is using the
 09:57PM 7 car or no, I still don't have it?
 09:57PM 8 THE WITNESS: All right. So the
 09:58PM 9 equations are based on 95 percent or close to 100
 09:58PM 10 percent of all of the residents would or could use
 09:58PM 11 their vehicle only. Embedded in that data is that
 09:58PM 12 there's some percentage that probably doesn't, but
 09:58PM 13 regardless of that, what I'm saying, I just want to
 09:58PM 14 be clear, that we didn't assume every person has a
 09:58PM 15 car. So a two bedroom apartment has two cars, we
 09:58PM 16 didn't make that assumption. We just made the
 09:58PM 17 assumption that there's no transit credit at all. So
 09:58PM 18 all the vehicles that would be coming to and from the
 09:58PM 19 site would be generated by the site and no one could
 09:58PM 20 take advantage of any transit that's on the site.
 09:58PM 21 MR. PRINCIOTTO: So where did you get
 09:58PM 22 the numbers from?
 09:58PM 23 THE WITNESS: The Institute of
 09:58PM 24 Transportation Engineers.
 09:58PM 25 MR. PRINCIOTTO: And they factor in the

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09:58PM 1 fact that in those numbers, that probably some people
 09:58PM 2 take mass transit. Isn't that right?
 09:58PM 3 THE WITNESS: They really don't. It is
 09:58PM 4 devoid of anything but vehicle traffic; however,
 09:59PM 5 there's some people, again, that don't have a car.
 09:59PM 6 It is very close to 100 percent, but it's not every
 09:59PM 7 person has a car.
 09:59PM 8 MR. PRINCIOTTO: I understand, you're
 09:59PM 9 trying to be --
 09:59PM 10 MR. NEWMAN: You're being honest.
 09:59PM 11 THE WITNESS: I am not saying every
 09:59PM 12 person will have a car, I'm saying there's no credit
 09:59PM 13 for transit.
 09:59PM 14 MR. NEWMAN: I understand.
 09:59PM 15 MS. JEFFAS: Okay.
 09:59PM 16 THE WITNESS: That was a long answer.
 09:59PM 17 MS. JEFFAS: Yes, I know.
 09:59PM 18 The study, it doesn't take into
 09:59PM 19 consideration like Uber and Lyft and Amazon
 09:59PM 20 deliveries and people who don't have cars who have to
 09:59PM 21 get their groceries delivered and that stuff, right?
 09:59PM 22 THE WITNESS: So, yes, it does.
 09:59PM 23 MS. JEFFAS: It does only during the AM
 09:59PM 24 and PM hour?
 09:59PM 25 THE WITNESS: Well, are only looks at

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09:59PM 1 the AM and PM peak hours, so it does take into
09:59PM 2 account visitors, deliveries. It does take that
09:59PM 3 information into account.
09:59PM 4 MS. JEFFAS: But during the two hours?
09:59PM 5 THE WITNESS: And, again, it's the peak
10:00PM 6 hour in the morning and the peak hour in the evening.
10:00PM 7 MS. JEFFAS: Got it.
10:00PM 8 And the trip book you keep referring
10:00PM 9 to, because I'm not familiar with that, it's
10:00PM 10 regional, it's national, it's by state, it's by
10:00PM 11 county?
10:00PM 12 THE WITNESS: It's a national.
10:00PM 13 MS. JEFFAS: So we're being compared to
10:00PM 14 Arkansas.
10:00PM 15 THE WITNESS: Every transportation --
10:00PM 16 MS. JEFFAS: All of those least
10:00PM 17 populated areas.
10:00PM 18 THE WITNESS: Every transportation
10:00PM 19 professional relies on this document for doing
10:00PM 20 traffic impact studies.
10:00PM 21 MS. JEFFAS: Whether you're doing it
10:00PM 22 whether it's West Windsor, New Jersey or Woodcliff
10:00PM 23 Lake, New Jersey, correct?
10:00PM 24 THE WITNESS: Even Alaska.
10:00PM 25 MS. JEFFAS: All right.

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10:00PM 1 Thank you.
10:00PM 2 MS. HIGGINS: Josephine Higgins, 10
10:00PM 3 Pond Road, Woodcliff Lake.
10:00PM 4 Lou, in the one bedrooms, did you
10:01PM 5 include that the husband and the wife could both have
10:01PM 6 a car, so it could be two cars?
10:01PM 7 THE WITNESS: So it's really imbedded
10:01PM 8 in the equations, right. The ITE looks at it by unit
10:01PM 9 and not necessarily how many bedrooms are in that
10:01PM 10 unit. And so, again, it's a sample of thousands of
10:01PM 11 different sites, and so embedded in that there are
10:01PM 12 one bedroom, two bedroom, three bedroom.
10:01PM 13 So if you think about it this way, if
10:01PM 14 you went to a building that had 60 units and you
10:01PM 15 didn't even know what type of units were in there and
10:01PM 16 you just did a count of how many cars come in and
10:01PM 17 out, regardless of if they're residents, if they're
10:01PM 18 visitors, if they're delivery trucks, that's the
10:01PM 19 number that you're going to get.
10:01PM 20 And so it's not based on number of
10:01PM 21 bedrooms, it's these number of units produce this
10:01PM 22 level of traffic.
10:01PM 23 MS. HIGGINS: Okay.
10:01PM 24 Coming south, the county, I know,
10:02PM 25 permits them to take a left-hand turn into the

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10:02PM 1 apartment complex there.
10:02PM 2 Tell me exactly at the rush hour what
10:02PM 3 happens, go up Broadway and across the railroad
10:02PM 4 tracks and coming across the reservoir.
10:02PM 5 THE WITNESS: In the northbound
10:02PM 6 direction?
10:02PM 7 MS. HIGGINS: Yeah, somebody is -- no,
10:02PM 8 somebody comes south, they are taking a left-hand
10:02PM 9 turn into the apartment complex, what is happening
10:02PM 10 behind this person going north on Broadway and what's
10:02PM 11 happening of the cars coming across from the
10:02PM 12 reservoir behind this person taking a right and
10:02PM 13 trying to go south also?
10:02PM 14 THE WITNESS: So if someone's coming in
10:02PM 15 that southbound direction just south of the signal,
10:02PM 16 making a left turn into the site, there might be
10:03PM 17 vehicles that are behind this vehicle trying to turn
10:03PM 18 in, the vehicle would be opposing the northbound
10:03PM 19 traffic. Assuming that the northbound traffic is
10:03PM 20 starting to go, because the southbound traffic is
10:03PM 21 coming, there might be some delay associated with
10:03PM 22 making that left turn into the site. During, you
10:03PM 23 know, congested times in the peak hour, there might
10:03PM 24 be a queue in that northbound direction that does
10:03PM 25 block the site. And so then it's a question of that

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10:03PM 1 person coming southbound trying to make the left turn
10:03PM 2 into the site, waiting there, finding that gap in the
10:03PM 3 northbound traffic. It's similar to many driveways
10:03PM 4 along the county roads, and that's the best I could
10:03PM 5 really explain that to you.
10:03PM 6 MS. HIGGINS: Okay.
10:03PM 7 Do you see any hazard in it queuing up,
10:03PM 8 you know, and people start across the railroad
10:04PM 9 tracks, might not make it across the railroad tracks,
10:04PM 10 you know, something like that happening and a train
10:04PM 11 is coming?
10:04PM 12 THE WITNESS: Well, when the train is
10:04PM 13 coming, no one really should be on the railroad
10:04PM 14 tracks.
10:04PM 15 MS. HIGGINS: But they do.
10:04PM 16 THE WITNESS: Based, again, on this
10:04PM 17 level of development of the low intensity of traffic
10:04PM 18 that's coming to and from the site, having a vehicle
10:04PM 19 every other 2 or 3 minutes, I do not see this to be a
10:04PM 20 major issue over what is out there today.
10:04PM 21 MS. HIGGINS: Yeah, but in your study,
10:04PM 22 though, you did not study any of them taking a
10:04PM 23 left-hand turn coming south and making a left-hand
10:04PM 24 turn.
10:04PM 25 THE WITNESS: Oh, yes, yes, we did.

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10:04PM **1** It's part of the analysis.

10:04PM **2** MS. HIGGINS: And how many were in

10:04PM **3** that, do you have that?

10:04PM **4** THE WITNESS: For the residential

10:04PM **5** development, we have three in the AM peak hour and 12

10:05PM **6** in the PM peak hour.

10:05PM **7** MS. HIGGINS: Making a left --

10:05PM **8** THE WITNESS: Over that 60-minute

10:05PM **9** period.

10:05PM **10** MS. HIGGINS: Making a left-hand turn

10:05PM **11** into that?

10:05PM **12** THE WITNESS: Into the site.

10:05PM **13** As opposed to 29 and 4 if it were an

10:05PM **14** office building of the same square footage that is

10:05PM **15** there now.

10:05PM **16** MS. HIGGINS: All right.

10:05PM **17** Thank you.

10:05PM **18** MS. CABRERA: Hi. Ulises Cabrera, 14

10:05PM **19** Dorchester Road, Woodcliff Lake.

10:05PM **20** Before I start I just want to thank the

10:05PM **21** members of the zoning board for their dedicated

10:05PM **22** service to the borough.

10:05PM **23** Hi.

10:05PM **24** THE WITNESS: How you doing?

10:05PM **25** MR. CABRERA: Good.

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10:05PM **1** Would you agree there is no way to

10:05PM **2** determine the demographics of the future renter of

10:06PM **3** this unit?

10:06PM **4** MR. DELIA: That's outside the scope of

10:06PM **5** this witness.

10:06PM **6** MR. PRINCIOTTO: Yes, he's didn't give

10:06PM **7** testimony about demographics, so the cross

10:06PM **8** examination or the questions you ask should be

10:06PM **9** related to what he just testified about.

10:06PM **10** MR. CABRERA: Okay.

10:06PM **11** Would you agree that there's no way to

10:06PM **12** accurately determine how many renters will be

10:06PM **13** commuting to work and back home via a vehicle?

10:06PM **14** THE WITNESS: Accurately determine, no.

10:06PM **15** Could you have an estimate, yes, for sure, and that

10:06PM **16** number and that percentage will change every year.

10:06PM **17** MR. CABRERA: But your testimony is

10:06PM **18** more than -- it's just an estimate, that's what

10:06PM **19** you're saying?

10:06PM **20** THE WITNESS: Right.

10:06PM **21** Based on what the trends are for

10:06PM **22** residential near train stations, yes.

10:07PM **23** MR. CABRERA: So predicting the number

10:07PM **24** of vehicles is an assumption that you're making here?

10:07PM **25** THE WITNESS: Based on the Institute of

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10:07PM **1** Transportation Engineers, yes.

10:07PM **2** MR. CABRERA: It's an assumption.

10:07PM **3** Okay.

10:07PM **4** How do you know that five vehicles will

10:07PM **5** be leaving at a specific time, as you mentioned in

10:07PM **6** your testimony today, if all of this is just an

10:07PM **7** assumption?

10:07PM **8** THE WITNESS: It's not just an

10:07PM **9** assumption, it's based on thousands of studies that

10:07PM **10** have been compiled into waits of how many vehicles

10:07PM **11** are coming in and out of particular land uses based

10:07PM **12** on their category, in this case the number of units.

10:07PM **13** So it's not an assumption that I made,

10:07PM **14** it's a formula and a methodology that has been used

10:07PM **15** for 75 years.

10:08PM **16** MR. CABRERA: And there could be

10:08PM **17** mistakes in those calculations?

10:08PM **18** THE WITNESS: Oh, yeah, 75 years of

10:08PM **19** data. It is an assumption, but it's not an

10:08PM **20** assumption that's just made based on a whim, it's

10:08PM **21** based on data that has been collected from thousands

10:08PM **22** of other sites.

10:08PM **23** So when you say it's an "assumption," I

10:08PM **24** take a little offense to it just because it's not my

10:08PM **25** assumption.

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10:08PM **1** MR. CABRERA: Okay. And I didn't mean

10:08PM **2** it towards you.

10:08PM **3** THE WITNESS: I know you didn't.

10:08PM **4** MR. CABRERA: So given all this

10:08PM **5** calculation, the assumptions that are made by the ITE

10:08PM **6** -- did I say that correctly?

10:08PM **7** THE WITNESS: Yes.

10:08PM **8** MR. CABRERA: How do they know how many

10:08PM **9** residents will actually be owning a vehicle and how

10:09PM **10** many won't?

10:09PM **11** THE WITNESS: So, for these 60 units,

10:09PM **12** the trip generation equations assume that there's no

10:09PM **13** other transit, right. So all the vehicles that could

10:09PM **14** come in and out of the site is part of this equation.

10:09PM **15** We made the assumption that if there is

10:09PM **16** a 50/50 split of vehicles specifically coming out of

10:09PM **17** the site, 12 then would be going northbound, 12 would

10:09PM **18** be going southbound, adds up to 24 instead of 23, but

10:09PM **19** that's an assumption that we made based on the

10:09PM **20** traffic volume on Broadway.

10:09PM **21** Going back to the assumption part,

10:09PM **22** would it be 12? One day it might be 10, another day

10:09PM **23** it might be 18. It is what is on average you're

10:09PM **24** going to see coming in and out of the site. Granted

10:09PM **25** every day there will be a different number, but it

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10:10PM	1	will be certainly a little bit higher or a little bit
10:10PM	2	lower and that's why these are the average rates.
10:10PM	3	MR. CABRERA: So what was provided in
10:10PM	4	your study is just an average, and there was no high
10:10PM	5	or low?
10:10PM	6	THE WITNESS: Right. That's typically
10:10PM	7	not how the analysis is done. The analysis is based
10:10PM	8	on an average day, average conditions.
10:10PM	9	MR. CABRERA: All right. And as you
10:10PM	10	said, these are assumptions made by the ITE and --
10:10PM	11	THE WITNESS: Based on data.
10:10PM	12	MR. CABRERA: Based on the data, and
10:10PM	13	these predictions can be incorrect?
10:10PM	14	THE WITNESS: I would say that not
10:10PM	15	incorrect, I would say that they are averages, so on
10:10PM	16	any given day, it could be higher or lower.
10:10PM	17	MR. CABRERA: Okay. All right.
10:10PM	18	Thank you.
10:10PM	19	CHAIRWOMAN HEMBREE: Okay.
10:10PM	20	MS. GELLERT: Briefly.
10:11PM	21	Sally Gellert again, 210 Broadway.
10:11PM	22	On the ITE, you say they're national,
10:11PM	23	but do they take into account like population density
10:11PM	24	or suburban environment versus rural versus an urban
10:11PM	25	and so forth?
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10:11PM	1	THE WITNESS: Certain land use
10:11PM	2	categories do break it down in this latest edition
10:11PM	3	from urban to suburban. The data for urban is not as
10:11PM	4	extensive, and so it doesn't specifically take into
10:11PM	5	account population density or demographic information
10:11PM	6	directly, but, again, the process is to go out to
10:11PM	7	sites and do a count of what's actually coming in and
10:11PM	8	out. So I guess indirectly, it's whatever that
10:11PM	9	population density is in all of the studies.
10:12PM	10	MS. GELLERT: But they are all lumped
10:12PM	11	together?
10:12PM	12	THE WITNESS: They are.
10:12PM	13	MS. GELLERT: I know you didn't give
10:12PM	14	credit for transit, but given the lack of trains on
10:12PM	15	the weekend, how reasonable do you think it is that
10:12PM	16	there are going to be people without cars?
10:12PM	17	THE WITNESS: I think there would be a
10:12PM	18	percentage of people without cars, yes.
10:12PM	19	MS. GELLERT: Even with just a single
10:12PM	20	bus up the hill two hours a day, every two hours?
10:12PM	21	THE WITNESS: Yes, and part of that
10:12PM	22	answer is for hire vehicles, Uber and Lyft.
10:12PM	23	MS. GELLERT: Which creates the same
10:12PM	24	amount of traffic as if they were owned, probably
10:12PM	25	more because they come and go.
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10:12PM	1	CHAIRWOMAN HEMBREE: Anybody else?
10:12PM	2	MR. NEWMAN: Motion to close to the
10:12PM	3	public.
10:12PM	4	MR. HAYES: Second.
10:12PM	5	CHAIRWOMAN HEMBREE: All in favor?
10:12PM	6	(Whereupon, all Board Members respond
10:12PM	7	in the affirmative.)
10:12PM	8	CHAIRWOMAN HEMBREE: Okay. I think you
10:12PM	9	accomplished your goal.
10:12PM	10	MR. DELIA: Well, almost.
10:12PM	11	CHAIRWOMAN HEMBREE: Sort of.
10:12PM	12	MR. DELIA: Almost. I will rest my
10:12PM	13	case, though.
10:13PM	14	CHAIRWOMAN HEMBREE: No, you're not
10:13PM	15	going to rest your case now, are you?
10:13PM	16	MR. DELIA: That concludes my
10:13PM	17	presentation.
10:13PM	18	CHAIRWOMAN HEMBREE: Yes, it does.
10:13PM	19	MR. DELIA: So I'm resting my
10:13PM	20	presentation, yes, resting my side of the case,
10:13PM	21	subject to moving in all of the items marked for
10:13PM	22	identification into evidence.
10:13PM	23	CHAIRWOMAN HEMBREE: Okay.
10:13PM	24	MR. PRINCIOTTO: Okay. It's almost 10
10:13PM	25	after 10, with the Closed Session yet.
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10:13PM	1	Would you agree that we're not going to
10:13PM	2	finish tonight?
10:13PM	3	MR. DELIA: Yes.
10:13PM	4	MR. PRINCIOTTO: Okay. But you did
10:13PM	5	conclude all of your witnesses?
10:13PM	6	MR. DELIA: Yes.
10:13PM	7	MR. PRINCIOTTO: So our next meeting is
10:13PM	8	on June 25th.
10:13PM	9	MR. DELIA: I'll be here.
10:13PM	10	MR. PRINCIOTTO: Do you agree to
10:13PM	11	extend?
10:13PM	12	MR. DELIA: I agree to extend to June
10:13PM	13	25th.
10:13PM	14	MR. PRINCIOTTO: That is appreciated.
10:13PM	15	I was hoping not to have to go through the scheduling
10:13PM	16	history.
10:13PM	17	MR. DELIA: No, and, again, as I said
10:13PM	18	here last time and as I said to you in our
10:13PM	19	conversation, I wanted to see where we ended up
10:14PM	20	tonight, and we moved it along, not nearly as much as
10:14PM	21	I prefer, but we moved it along, so I appreciate
10:14PM	22	that, and I look forward to seeing you on the 25th.
10:14PM	23	MR. PRINCIOTTO: I expect that we will
10:14PM	24	conclude at that time.
10:14PM	25	MR. DELIA: Good. That's awesome.
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10:14PM 1 Thank you, and thank you for your efforts.
 10:14PM 2 This is not easy, I understand.
 10:14PM 3 MS. SMITH: Send me a signed extension.
 10:14PM 4 MR. DELIA: Yes. We'll talk in the
 10:14PM 5 morning.
 6 (Time noted: 10:12 p.m.)
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 2
 3
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