

COUNTY OF BERGEN
BOROUGH OF WOODCLIFF LAKE

188 BROADWAY, LP; 188 BROADWAY)
BLOCK: 2701 LOT: 3 R-15 & S-O) TRANSCRIPT
ZONES,) OF
) HEARING
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Applicant.)
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Special Meeting
Tuesday, June 22, 2021
7:30 p.m.
Via Zoom

B E F O R E:

THE ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF WOODCLIFF LAKE

BOARD MEMBERS:

- ROBIN MALLEY, Chairwoman
- SANJEEV DHAWAN, Vice Chairman
- DIANNA CEREJIO
- EMILIA FENDIAN
- CHRISTINA HEMBREE
- MICHAEL KAUFMAN
- LYNDA PICINIC
- BARBARA BUSHELL

MEG SMITH, Board Secretary

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BY: PAUL C. KAUFMAN, ESQ. and
DANIELLE M. FEDERICO, ESQ.
Counsel for the Applicant

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3 MR. PRINCIOTTO: I think we were at the
4 opening to the public for questions for Mr.
5 Burgis.

6 There are some housekeeping things we need
7 to take care of. Number one, Mr. Kaufman was
8 requesting the presence of Mr. Preiss and the
9 response received from Mr. Preiss was that he was
10 not the borough's planner. He didn't review the
11 current application, so he was not inclined to
12 testify.

13 I think, Madam Chairman, you have to make
14 a ruling on that, that pursuant to Mr. Kaufman's
15 request that he appear or that he issue a
16 subpoena. That's number one.

17 Number two, I requested that you advise
18 Mr. Kaufman if I have an objection or reservation
19 or advice to the board to place on the record that
20 I permitted to do so without interruption. It
21 would only take me a matter of probably less than
22 60 seconds and I think we'll have a more orderly
23 meeting if that occurs. Of course, I would hold
24 the same true for Mr. Kaufman. If he wants to
25 place any reservation or statement on the record

1 in a brief manner that I would let him do so
2 without talking over him.

3 So I think those are the two issues that
4 we have to resolve.

5 Also, with regard to scheduling, if you're
6 inclined to have Mr. Preiss appear, if he won't do
7 so voluntarily or by subpoena, I think we should
8 probably pick a special date for that so that we
9 can get this matter concluded. But we can discuss
10 that at the end of the meeting.

11 CHAIRWOMAN MALLEY: Okay. So pursuant to
12 your request, we'll start, if Mr. Kaufman has an
13 objection, reservation or advice -- well, let's go
14 the other way. If you have an objection, a
15 reservation or advice to the board that you want
16 to place on the record, you should be permitted to
17 do so without interruption.

18 And if Mr. Kaufman wishes to do the same
19 or have an objection or reservation on the record,
20 you should also be given the opportunity to do so.

21 I don't want either attorney talking over
22 each other. I'd like this to be a peaceful rest
23 of this hearing. So I'm going to ask that both of
24 you cooperate that way.

25 As to the subject of whether Mr. Preiss

1 should appear and testify, it's my determination
2 that, yes, he should testify based upon his review
3 letter of February 18th of this year with regard
4 to the jurisdictional issue of res judicata. I
5 could never pronounce that.

6 MR. PRINCIOTTO: Res judicata.

7 CHAIRWOMAN MALLEY: Thank you.

8 And, yes, I will be asking him to testify
9 based on that and we'll come up with a special
10 date because I know we need to get this done.

11 So we'll have another, I guess we're going
12 to have another special hearing so we can move
13 forward with that as soon as we can.

14 MR. PRINCIOTTO: Okay. In that light, I
15 would just like to make a short statement
16 reservation which I don't know if it got on the
17 record at the last meeting that the board has
18 invoked the doctrine of res judicata, which is a
19 jurisdiction issue and the application is being
20 heard on that condition and we will hear more
21 about that and res judicata what it means, the
22 five elements of that. I'm not going to address
23 it now. It will be addressed by Mr. Preiss and
24 perhaps further by me as well and we'll talk about
25 how that gets voted upon.

1 Then, hopefully, we can talk, you know,
2 some meeting dates, you know, when we can schedule
3 Mr. Preiss as well as any other testimony that we
4 can get in before the regular meeting of
5 July 27th. Okay.

6 So without further ado, I think we have to
7 open to the public the questioning of Mr. Burgis.

8 MR. KAUFMAN: May I just ask a question,
9 Madam Chairperson?

10 CHAIRWOMAN MALLEY: Yes.

11 MR. KAUFMAN: Is Miss Leheny also
12 testifying on the issue of res judicata?

13 CHAIRWOMAN MALLEY: I hadn't planned on
14 having her testify if we're going to have Mr.
15 Preiss.

16 MR. KAUFMAN: Okay. Just for the record,
17 my understanding is that Mr. Preiss is the borough
18 planner. Mr. Preiss, according to the borough's
19 website, is the planner for the zoning board and
20 Mr. Preiss is the planner for the borough's
21 planning board. So it's in that capacity that we
22 wanted to question and pose a few questions to
23 him.

24 So that's all I wanted to say. I assume I
25 will not be limited when he testifies.

1 CHAIRWOMAN MALLEY: Go ahead, Sal. You
2 want to answer that one?

3 MR. PRINCIOTTO: I will. It depends on
4 what the questions are. I know Mr. Preiss's
5 opinion, okay, is that he's not the reviewer of
6 this application. He issued a review letter with
7 regard to the issue of res judicata and, you know,
8 we can only address the questions as they arise.

9 I wouldn't rule out Elizabeth Leheny
10 testifying on the res judicata issue as well. Of
11 course you're subject to your right of
12 cross-examination on any of their direct testimony
13 should they both cover the subject, but let's move
14 on.

15 MR. KAUFMAN: But see, Sal, there's a
16 little bit of a fundamental issue here. We're the
17 applicant. We're the ones who have the right to
18 put on a case. I believe that there are areas in
19 which Mr. Preiss's testimony would be relevant to
20 the application and now what I'm hearing is that
21 I'm going to be limited to what I can question him
22 on to whatever your direct examination may be. So
23 I just want that issue to be out there at the
24 beginning and I assume we'll cross that bridge
25 when we come to it and that bridge will be when

1 Mr. Preiss testifies.

2 MR. PRINCIOTTO: We'll see what his
3 response is and we'll see what the questions are.

4 MR. KAUFMAN: Okay. That's fair.

5 MR. PRINCIOTTO: All right.

6 CHAIRWOMAN MALLEY: Okay. So moving
7 forward, why don't we get a motion to open to the
8 public for questions on Mr. Burgis's testimony
9 from last week. Questions only.

10 If we can get a motion?

11 Somebody?

12 BOARD MEMBER KAUFMAN: Motion to open the
13 public.

14 CHAIRWOMAN MALLEY: Thank you.

15 Can we get a second?

16 BOARD MEMBER CEREIJO: Second.

17 CHAIRWOMAN MALLEY: All in favor?

18 Any opposed?

19 Meg.

20 MS. SMITH: Yes, any member of the public
21 that would like to ask questions of the
22 applicant's planner, please call (201) 391-4377
23 (sic), Extension 203.

24 Any members of the public on Zoom can
25 raise their hand and you will be called one at a

1 time to address the board with your questions for
2 Mr. Burgis.

3 CHAIRWOMAN MALLEY: Meg, can you just do
4 that phone number again?

5 MS. SMITH: Sure. (201) 391-4399.

6 CHAIRWOMAN MALLEY: 4977.

7 MS. SMITH: Yes, sorry. And we're at
8 Extension 203. So it's the main borough number,
9 (201) 391-4977, Extension 203. One call at a
10 time. Questions for Mr. Burgis, the applicant's
11 planner.

12 Okay. I have no phone calls yet, but I
13 have two attendees raising their hand.

14 Mr. Alex Coute, you may address Mr. Burgis
15 and the board.

16 MR. COUTO: Hi, good evening, everyone.
17 Can you hear me?

18 CHAIRWOMAN MALLEY: Yes.

19 MS. SMITH: Yes, Mr. Couto.

20 MR. COUTO: I just want to make sure you
21 can hear me.

22 I have a quick question before I ask
23 additional questions of Mr. Burgis.

24 Will we be able to make final comments
25 after Mr. Preiss testifies or when do we continue

1 to make final comments?

2 MR. PRINCIOTTO: Final comments at the end
3 of the case after everyone has testified.

4 MR. COUTO: Okay. Thank you very much. I
5 appreciate it.

6 Mr. Burgis, I have some questions about
7 some of the testimony that you made and some of
8 the... I'll start with a couple of things.

9 One is are how you came up -- you
10 mentioned quite a few times that 439 units of
11 unmet needs of affordable housing. Now, from what
12 I understand and I have the website open, the town
13 website, there has been an affordable housing
14 settlement and during your testimony Mrs. Leheny
15 said that the unmet need is more of a negotiation
16 pre-settlement. So that never gets built to that
17 size. Is that correct or do you disagree?

18 MR. BURGIS: I don't necessarily agree
19 with that.

20 Can you hear me, Mr. Couto?

21 MR. COUTO: Yes.

22 MR. BURGIS: Unmet need derives from the
23 fact that those municipalities like Woodcliff Lake
24 that are fully developed, they just cannot meet
25 their affordable housing obligation because

1 there's not enough vacant land. So there's a
2 process whereby a municipality can do what's
3 called a vacant land adjustment and through that
4 process you come up with what's called a realistic
5 development potential and for Woodcliff Lake the
6 planner for your borough did that analysis and it
7 was determined that you had, I'll tell you in a
8 second, a 29-unit realistic development potential
9 for the third round and a larger number for the
10 second round and you combine those numbers and you
11 combine your full obligation and the difference
12 between your total affordable housing obligation
13 and your realistic development potential for the
14 two realms is how you come up with unmet need.

15 So your plan provided for a 29-unit
16 realistic development potential and consequently
17 for a third round you had a 357 unit unmet need.
18 In addition to that, for the prior round, you had
19 an unmet need of 82 units. So you add 357 and 82
20 and come up with a total of 439 units of an unmet
21 need.

22 Now, your planner is correct. We're not
23 obligated to address the entirety of that unmet
24 need obligation because it's considered more of an
25 aspirational goal. But you are obligated to show

1 a good faith effort in how one meets that number.
2 And as I had said at the last meeting, through
3 your adopted housing plan, which does in fact have
4 a judgment of compliance and repose, your plan
5 calls for two overlay zones addressing 27 units of
6 that 439 unit unmet need.

7 So you have a significant remaining unmet
8 need. You are not obligated to address the
9 entirety of it, but where sites present themselves
10 for a possible affordable housing development or a
11 portion of affordable housing development, you
12 should give consideration to it.

13 Now, I use that as one of six special
14 reasons arguing that the fact that we're adjacent
15 -- or excuse me -- across the street from the
16 train station signifies that we are at an
17 appropriate location for multi-family housing
18 because the State --

19 MR. COUTO: Mr. Burgis, my question is
20 unmet needs.

21 MR. BURGIS: You asked me a question, I'm
22 trying to answer it.

23 And I pointed out that the State Plan, the
24 State Development and Redevelopment Plan and your
25 own Master Plan has talked about proximity to a

1 train station as being an appropriate location for
2 multi-family housing and that is why I said this
3 one site that may be appropriate for multi-family
4 housing with an affordable housing satisfied. It
5 helps the municipality meet a portion of that
6 unmet need and admittedly, Woodcliff Lake has very
7 limited opportunities to meet any portion of this
8 large unmet need.

9 MR. COUTO: Okay. So let's go over some
10 of the math.

11 So the affordable housing set aside at
12 most is 20 percent of your development. Correct?

13 MR. BURGIS: Correct. 20 percent if it's
14 a for sale project; 15 percent if it's a rental
15 project.

16 MR. COUTO: So if I do the calculations,
17 53 units will at most generate 11 to 12 units for
18 unmet need. Correct?

19 MR. BURGIS: It would be 11 units if it
20 was a for sale project; eight units if it's going
21 to be a rental project.

22 MR. COUTO: Are you aware of the number of
23 housing units in Woodcliff Lake? I mean, roughly.
24 I have the numbers from 2016.

25 MR. BURGIS: I don't recall what it is. I

1 remember reading it in the Master Plan, but I just
2 don't recall it.

3 MR. COUTO: Yes, so I have the numbers
4 from the Woodcliff Lake website. So 2016 we had
5 2,137 --

6 MR. BURGIS: That sounds correct. I was
7 going to say I knew it was less than 2,500.

8 MR. COUTO: So if you can accommodate me
9 making the calculations. If I divide 439 by .2,
10 we would have to build market rate, 2,195 market
11 rate units to meet our unmet need that you
12 mentioned. Basically, you're telling us that we
13 have to build more market rate units than we have
14 housing units in Woodcliff Lake.

15 MR. BURGIS: No, I'm not saying that at
16 all, Mr. Couto.

17 As I indicated, the unmet need number is
18 typically viewed as, and I've testified to this in
19 court many times, it's an aspirational number.
20 You are not, as I said a few moments ago, you are
21 not obligated to address the entirety of that
22 number. You are --

23 MR. COUTO: So my question, if you're not
24 obligated to address it, why bring it up?

25 MR. BURGIS: Because it's a fact of the

1 whole affordable housing process.

2 MR. COUTO: But it's not --

3 MR. BURGIS: As I mentioned at the last
4 meeting, one of the difficulties municipalities
5 are facing is that the fact that under the current
6 regulations, if the State legislature doesn't
7 change the regulations and there's been no
8 indication that they are interested in changing
9 those regulations, and municipalities' unmet need
10 in one round becomes your prior round obligation
11 in the next round and that's the fair, not only
12 for Woodcliff Lake, the housing plan planners for
13 many of the surrounding municipalities and I've
14 been telling them the same thing, that, you know,
15 the mayors of all these communities should be
16 lobbying the State legislature to address this
17 issue by changing the regulations. Nobody has yet
18 pursued that. That's an unfortunate situation.
19 It's an unfortunate situation for Woodcliff Lake.
20 It's unfortunate for Park Ridge; we're their
21 housing plan planners. Saddle River, Upper Saddle
22 River and many other municipalities nearby to
23 Woodcliff Lake.

24 MR. COUTO: So what you're telling us, if
25 the legislature changes their law by 2025, this

1 might not mean anything? This could be completely
2 go away. So it's a future problem. It's not a
3 problem that exists right now.

4 MR. BURGIS: Yes, but as a planner, I
5 certain believe that you should be planning for
6 the future.

7 MR. COUTO: Okay. Let me move to --

8 MR. BURGIS: The way you plan for the
9 future is to be able to show that you've
10 affirmatively addressed at least some segment of
11 that unmet need.

12 MR. COUTO: Let me go by the numbers. So
13 you're telling us that we addressed a segment by
14 building 12 units out of 439. That's like less
15 than two percent or three percent. That really is
16 a drop in a large bucket. So it really doesn't
17 mean much.

18 Let me move onto the next question.

19 MR. BURGIS: That I disagree with you on.
20 I think in a fully developed municipality where a
21 municipality can show that they have done
22 something, that can go a long way towards the next
23 go around.

24 MR. COUTO: Let me move onto another
25 question.

1 So when we made the calculation on
2 representation you refer to the density of the
3 apartments. The proposed apartments on this
4 application, the density is around 14.7 units per
5 acre. Correct?

6 MR. BURGIS: It's actually 14.97 per acre.

7 MR. COUTO: 97, thank you.

8 So one of the things you used as a
9 reference was the affordable housing settlement.
10 It's about 230 yards north of you of this property
11 at 230 Broadway. Correct?

12 MR. BURGIS: Correct.

13 MR. COUTO: Now, when you did your
14 calculations, you used the size of the lot as .9
15 acres. Correct? You said 16 units by .9 acres.

16 MR. BURGIS: That's correct, yes.

17 MR. COUTO: So I think you made a mistake
18 because that's three lots as part of the
19 affordable housing settlement. It's Lot 1, 2 and
20 9 which adds up to 2.3 acres. So if we do the
21 calculation with those proper lots that I included
22 on affordable housing settlement, the calculation
23 is less than seven units per acre. It's like 6.3.

24 MR. BURGIS: I'm not certain if that is
25 correct because the information that I received

1 from either your settlement agreement or your
2 housing plan indicated it's .9.

3 MR. COUTO: Okay. So I sent Mr.
4 Princiotto a copy of the paperwork I have and this
5 is part of the settlement. I got it from
6 Woodcliff Lake website. Maybe Mr. Princiotto
7 can -- I can share it or he can -- you know, I
8 called the document North Broadway Affordable
9 Settlement. That was the title of my document
10 where it shows the --

11 MR. PRINCIOTTO: I think these were
12 documents that were sent to the board secretary.
13 I did receive them, but they were submitted to the
14 board secretary.

15 You can, you know, refer to them.

16 MR. KAUFMAN: Mr. Princiotto, I think we
17 should be given the opportunity to see them as
18 well. If he's going to refer to documents, he's
19 going to ask Mr. Burgis questions on a document
20 that Mr. Burgis doesn't have, we don't have. I
21 don't think that's fair at all.

22 MR. COUTO: I can share it on my screen if
23 you want to.

24 MR. KAUFMAN: Well, I think we should be
25 given a copy before you can ask him questions. I

1 mean, he should have shared it with us in the
2 first place. I'm going to, you know, I object to
3 him asking questions about a document that's not
4 germane, number one, it's not germane to the case.
5 Number two, we haven't been provided with it.
6 It's fundamentally unfair. Mr. Burgis doesn't
7 have a copy. He hasn't had a chance to read it.

8 MR. PRINCIOTTO: Well, I don't know if
9 this document was prepared by Mr. Couto. If it
10 was taken from an affordable housing settlement
11 agreement, which is posted on the website or where
12 he got it from. So perhaps we can get some
13 indication or authentication of what the exhibit
14 is and whether or not Mr. Couto can present it on
15 the screen.

16 So why don't we start first with, is this
17 a document you created, Mr. Couto or is it
18 document that you obtained someplace and if you
19 obtained it someplace, where did you obtain it
20 from?

21 MR. COUTO: This is a document that I
22 obtained from woodclifflakenj, the town website.
23 Basically, I made a picture of part of the
24 settlement from what I recall.

25 MR. KAUFMAN: Well, that creates another

1 problem. It's a picture of a part of the
2 settlement which means it's leaving out other
3 parts which may very well be relevant. I don't
4 think this is appropriate at all. Either the
5 entire document gets distributed to all of us in
6 advance or it can't be used. I don't think it's
7 appropriate. I think it's totally unfair. Now
8 you're going to take a document out of context. I
9 mean, Mr. Burgis can't answer a question in its
10 context when he hasn't seen the entire document.
11 Putting it up on the screen. How are we supposed
12 to read it. That's not right. It's not like a
13 plan. I totally object to this. This is totally
14 unfair.

15 MR. PRINCIOTTO: Well, I'll wait until
16 you're finished. Let me know if you're finished.

17 MR. KAUFMAN: I've been silent.

18 MR. PRINCIOTTO: Okay. It's
19 cross-examination. Mr. Burgis testified about
20 affordable housing requirements and specifically
21 what the density was to affordable housing site, I
22 believe talking about north of Highview and he
23 believes that Mr. Burgis may have an incorrect
24 density reference and I think it's relevant on
25 cross-examination. Of course, he should show the

1 witness the document and he's --

2 MR. KAUFMAN: How do you show a document
3 on Zoom? You can't hand it to the witness. He
4 can't read it. He can't turn the page to see what
5 was before it and what's after the page. All he
6 could see is going to be the page that Mr. Couto
7 wants to show him.

8 MR. PRINCIOTTO: Okay.

9 MR. KAUFMAN: And he can't put it in any
10 context.

11 MR. PRINCIOTTO: Well, we can do it
12 another way. The other way could be that Mr.
13 Couto could testify at, obviously, when you're
14 done with the presentation of your witnesses, Mr.
15 Couto could take an oath and testify and he could
16 present that document. So we could do it that way
17 by his direct testimony. Would you rather do it
18 that way?

19 MR. KAUFMAN: I want -- first off, I have
20 no familiarity with the document he's referring to
21 at all.

22 MR. PRINCIOTTO: You could -- I'm sorry,
23 I'm sorry.

24 MR. KAUFMAN: That's okay, Sal. I know
25 you're going to tell me to -- I'll look for it on

1 the borough website.

2 Can you tell me where exactly it is? I
3 can bring it up now. I'll bring it up.

4 MR. COUTO: Let me make sure. Let me get
5 to the borough website.

6 MR. KAUFMAN: That's what I'm doing. Once
7 my computer reboots.

8 MR. BURGIS: Mr. Princiotto, I think I
9 understand and know what the distinction is and if
10 I could take one moment I think I can clarify
11 something.

12 Mr. Couto may be talking about the larger
13 lot size that the 16 units that we're referring to
14 is on. However, I had testified that the zoning
15 ordinance calls for 16 units on a minimum lot area
16 of 43,560 square feet or one acre. So the
17 municipality had made the determination that you
18 could build 16 units on a one acre property and if
19 you do the math for 16 units on a one acre lot,
20 that comes to a density of 17.7 to the acre.

21 Now, Mr. Couto may, because I haven't seen
22 the documents he's referring to, he may be
23 referring to other adjoining properties that were
24 subsequently included in that zone, but the zoning
25 ordinance permits 16 units at one acre and that's

1 the equivalent of 17.7 to the acre and that is
2 what I had testified to.

3 MR. COUTO: Okay. Mr. Burgis, so I
4 understand --

5 MR. KAUFMAN: Excuse me. Can I just ask
6 where it is on the borough website? I've opened
7 up the borough website.

8 MR. COUTO: Let me go.

9 MR. PRINCIOTTO: Meg, can you help us with
10 that. I mean, I don't have the borough website up
11 on my screen but I know I've been there before and
12 I haven't had difficulty finding it. I mean, I
13 believe the Master Plan is on the borough website.

14 MR. COUTO: It changed today.

15 MS. SMITH: The borough website changed
16 this afternoon and went to a new website. I'm not
17 that familiar with that.

18 MR. KAUFMAN: You can't make this up.

19 MS. SMITH: You have no idea.

20 MR. COUTO: Let me see if I find it.

21 MR. KAUFMAN: We're all at the same
22 disadvantage.

23 MS. SMITH: And I have no access to the
24 borough website while I'm recording and running
25 this meeting, so I can't even search for you. I'm

1 sorry.

2 MR. COUTO: Let me see. Now it's
3 different.

4 MS. SMITH: Yeah, it's very different.

5 MR. PRINCIOTTO: I think what Mr. Burgis
6 is indicating is that they're talking about two
7 different things. Mr. Couto is talking about what
8 the settlement is and where the 16 units are going
9 to be built on how large an area and Mr. Burgis is
10 talking about something in a zoning ordinance that
11 permits a particular density.

12 MR. KAUFMAN: No, I don't know what he's
13 talking about because I have no idea what the
14 settlement is that he's talking about. Since none
15 of us can access it, I think we need to move on
16 from this topic if you don't mind.

17 MR. COUTO: Thank you.

18 MR. PRINCIOTTO: Mr. Couto, your option is
19 if you want to get the complete document and
20 testify about it and we'll --

21 MR. COUTO: I will send the complete
22 document tonight once I find it if it's okay with
23 you.

24 MR. PRINCIOTTO: Yes.

25 MR. KAUFMAN: If you send it to the zoning

1 board, I would respectfully ask that it be
2 provided to us as well.

3 MR. PRINCIOTTO: Yes, of course.

4 MR. COUTO: I'll send a copy. Thank you.

5 MR. KAUFMAN: Thank you.

6 MR. COUTO: Now, Mr. Burgis, when you
7 refer to this density that were quite high, all
8 the things you referred to were affordable housing
9 developments. So you didn't refer to the highest
10 density allowed on market rate units dwellings in
11 Woodcliff Lake. So if I read the zoning for
12 property sizes on Ordinance 380-14 where they talk
13 about the sizes of the properties, the two largest
14 market rate properties allowed the highest density
15 is the THO, which allows 5., if I have it correct,
16 5.34 and R 8150 have which calculates to 5.34 as
17 well, which is basically a third of what you're
18 proposing on this property. So I say because it's
19 better to compare --

20 MR. BURGIS: I'm not sure what the
21 question is.

22 MR. COUTO: I'm sorry?

23 MR. BURGIS: I'm not sure what the
24 question is.

25 MR. COUTO: The question is, it should be

1 comparing market rate versus market rate. Is this
2 in affordable only development plan? Is this
3 part --

4 MR. BURGIS: No, let me explain a couple
5 of things to you.

6 When you have so many market rate
7 multi-family housing, you do not have to give a
8 developer a higher density in order to help that
9 developer accommodate the affordable units. When
10 we deal with inclusionary development, which is
11 what the proposed project is, a higher density is
12 prescribed in order to encourage and facilitate
13 affordable housing on-site. So when you look at
14 your inclusionary zones, the zone districts range
15 from two zones that are 12 units to the acre to
16 one zone which is 20 units to the acre. So,
17 consequently, it's clear to me at least that the
18 municipality recognizes, understands and has
19 accommodated inclusionary development at much
20 higher densities than market rate housing.

21 Point of fact, the COAH, Council On
22 Affordable Housing, regulations governing density
23 for any inclusionary development mandates at a
24 minimum six to eight units to the acre and also
25 suggests in certain circumstances higher densities

1 would also be appropriate and the borough has had
2 a history of acknowledging that and that's how our
3 proposed density is consistent with the borough's
4 philosophical approach to inclusionary development
5 in comparison to compare this kind of inclusionary
6 project with a solely market rate project.

7 MR. COUTO: So, Mr. Burgis, at what number
8 of units does the development have to be
9 inclusionary?

10 MR. BURGIS: There's no set number that it
11 has to be, but when you're dealing with
12 inclusionary development the densities are always
13 higher than the kind of market rate densities that
14 you mentioned.

15 MR. COUTO: From what I understand, any
16 apartment rate development in our town there is no
17 ordinance that requires either 15 or 20 percent
18 affordable housing units, so what you're telling
19 us is any developer can come and create apartments
20 and will be automatic inclusionary so the market
21 rate doesn't apply to them. Everything built in
22 town, any multiple apartments will be at
23 affordable housing rates. That doesn't make any
24 sense.

25 MR. BURGIS: Actually, the regulations

1 specifically do say that. You adopted what's
2 commonly referred to as a mandatory set aside
3 ordinance and in that ordinance it specifically
4 says that any multi-family development that's
5 either approved through a use variance by the
6 Zoning Board of Adjustment or through a future
7 rezoning that occurs after your settlement
8 agreement is approved by the Court must have a 15
9 or 20 percent set aside.

10 MR. COUTO: And what you're telling us,
11 because they're set aside, then the zoning
12 requirements for density do not apply to market
13 rate anymore?

14 MR. BURGIS: That's not what I'm saying.
15 What I'm saying is that in your zoning ordinance,
16 in order to implement the settlement agreement and
17 the Court mandated judgment of compliance and
18 repose, you will have these mandatory set asides
19 for any multi-family development. So,
20 consequently, in the ARHO Zone and the ARHO-2
21 Zone, those are the two zones that you have, any
22 S-O Zone that's where you have these larger set
23 asides.

24 MR. COUTO: You're telling me --

25 MR. BURGIS: I made a mistake. I stand

1 corrected. I referenced the S-O Zone, that's the
2 zone we are in now.

3 MR. COUTO: But what you're telling us is
4 this development it will apply the same rates as
5 affordable housing zone is what you're telling us.
6 So if I read it correctly, we could add a whole
7 lot of developers coming to town, build 2,150
8 apartments and they basically build 20 percent, 20
9 units per acre.

10 MR. BURGIS: I am absolutely not saying
11 that, Mr. Couto. In fact, the settlement
12 agreement is very specific that there's a
13 mandatory set aside ordinance. One cannot use the
14 settlement agreement solely to argue that a
15 municipality must approve rezoning or a use
16 variance. I'm just pointing out the factual basis
17 underlying the affordable housing provisions and
18 pointing out that in this particular case, this is
19 my position, that being located across the street
20 from a train station, from a planning perspective,
21 suggests that multi-family housing would be
22 appropriate and that is consistent, as I said
23 earlier, with the State Plan and a number of other
24 planning documents and treatises.

25 You are not, the municipality is not

1 obligated to approve every use variance and
2 rezoning request that comes before this board or
3 the borough council. There still has to be the
4 proofs available to that applicant to justify the
5 relief to grant the approval.

6 What I'm saying in this case there's a
7 rationale and special reasons to support the
8 application.

9 MR. COUTO: Okay. Let me ask you another
10 question. I'd like to ask another question. Is
11 there anything special about this property that
12 could not be replicated in other towns or in other
13 parts of the town?

14 MR. BURGIS: I cannot say that I reviewed
15 every single site throughout the municipality to
16 determine if there are other sites available.
17 There may be.

18 I will say that given the fact that the
19 board granted you, granted the borough, approved a
20 vacant land adjustment in a very low RDP,
21 Realistic Development Potential, of only 27 units
22 would suggest it's unlikely you have many other
23 sites readily available. There's always the
24 potential like here that a developed site may
25 become available for redevelopment and you'd have

1 to look at it within the context of its criteria
2 and whether there's special reasons to warrant
3 multi-family development on such a site. But
4 overall I think you're in a good position for
5 retaining a modest gross number of affordable
6 housing units in the municipality.

7 But what I'm saying is in this particular
8 site I think the statutory burden for variance
9 relief to enable this project to be built is
10 there.

11 MR. COUTO: Okay. In summary, so the
12 market --

13 CHAIRWOMAN MALLEY: Is this a question?
14 We need to get onto the other questions tonight
15 and get through this.

16 MR. COUTO: Okay. The question is, you
17 testified that an S-O Zone you are allowed one
18 use. Correct?

19 MR. BURGIS: That is correct.

20 MR. COUTO: Now, you had an option to ask
21 for a variance to add other approved uses that are
22 already approved in town for other S-O Zone. Or
23 is the S-O Zone number two as a variety of uses
24 that you could have applied for a variance?

25 MR. BURGIS: Well, the S-O Zone only

1 allows one zone. If you're asking why didn't we
2 ask for other uses that are already permitted in
3 your municipality, we have done precisely that.
4 You permit inclusionary development in a number of
5 other zones --

6 MR. COUTO: Now --

7 MR. BURGIS: -- housing in a number of
8 zones, that's what we're here for.

9 MR. COUTO: But I don't see anywhere in
10 the code that would permit market rate apartments,
11 specifically, the code says, item 380-11 says
12 non-affordable housing apartments are not
13 permitted anywhere in town.

14 If you want, I can bring the code we're
15 talking about the Ordinance 380-11. The first
16 item about the --

17 MR. KAUFMAN: Is there a question, Mr.
18 Couto, sir?

19 MR. COUTO: It's just I disagree with this
20 point.

21 MR. KAUFMAN: That's okay. This is
22 questioning not opinion yet.

23 MR. COUTO: Okay.

24 MR. PRINCIOTTO: I think his question is
25 doesn't 380-11 prohibit market rate apartments in

1 the town. I think that's --

2 MR. KAUFMAN: Thank you, Mr. Princiotto,
3 but he wasn't asking the question and he made it
4 abundantly clear that the intent of the statement
5 was to express his disagreement with Mr. Burgis
6 and, of course, when he testifies, he can make his
7 statement.

8 MR. PRINCIOTTO: Or he can make the
9 comment.

10 MR. KAUFMAN: Yes, absolutely. Under
11 oath.

12 CHAIRWOMAN MALLEY: Okay.

13 MR. BURGIS: If I can offer, there's
14 inclusionary development or market rate housing,
15 it's multi-family housing and you do permit
16 multi-family housing and you have zones where you
17 do have a set aside with market rate and
18 affordable housing.

19 MR. COUTO: Is this area zoned for
20 affordable housing?

21 MR. BURGIS: No, that is precisely why we
22 are going through this process with the zoning
23 board on the regulations of the municipality as
24 provided for the state law, the Municipal Land Use
25 Law, specifically enables an applicant to present

1 a use variance request to this board where they
2 want to build something that is not specifically
3 permitted by code.

4 We're following the rules on this one, Mr.
5 Couto. I certainly understand that you don't like
6 that, but we are following the rules.

7 MR. COUTO: I mean, following the rules,
8 following the rules --

9 MR. PRINCIOTTO: Okay. Okay. We can't
10 have a dialogue back and forth. We just need
11 questions. There might be other people that want
12 to ask questions too.

13 MR. COUTO: True.

14 Mr. Burgis, were you aware of the
15 testimony of the real estate expert?

16 MR. BURGIS: Yes.

17 MR. COUTO: Are you aware of the historic
18 number vacancy rate before the pandemic? Are you
19 aware what dimension it was?

20 MR. BURGIS: Yeah, we talked about that
21 and the board asked questions about that at the
22 previous meeting, yes.

23 MR. COUTO: I want to make the statement
24 but...

25 MR. KAUFMAN: You can't make the

1 statement.

2 MR. COUTO: I can't make the statement,
3 but I'll finish but I think the rate is not as you
4 claim.

5 MR. KAUFMAN: Can we not have statements.
6 He's not under oath.

7 MR. COUTO: Okay. I have another
8 question.

9 Mr. Burgis, are you aware of any documents
10 provided by the applicant to the board to justify
11 the hardship?

12 MR. BURGIS: I did not submit a written
13 report of the rationale for hardship. I was
14 presented both by the real estate expert and then
15 I took his information to suggest that that
16 represented another, it was a total of six special
17 reasons to support this application.

18 MR. COUTO: Are you aware of the real
19 estate expert provided to the board any documents
20 to justify the special hardship on the rent in
21 leasing the unit?

22 MR. BURGIS: I don't recall that a written
23 report was submitted.

24 MR. COUTO: Okay. I think that's all for
25 me for now.

1 Thank you very much.

2 MR. BURGIS: Thank you.

3 CHAIRWOMAN MALLEY: Meg, can we get
4 another person?

5 MS. SMITH: Yes. Sally G, please address
6 the board.

7 SALLY G: I'm sorry, my hand was not
8 supposed to be up.

9 CHAIRWOMAN MALLEY: Next Meg.

10 MS. SMITH: Anne Marie Borelli.

11 MS. BORELLI: Hi. Good evening, everyone.
12 Can you hear me?

13 MS. SMITH: Yes.

14 MR. KAUFMAN: Good evening.

15 MR. PRINCIOTTO: Can you state your name
16 and address, for the record.

17 MS. BORELLI: Anne Marie Borelli,
18 Cressfield Court in Woodcliff Lake.

19 Does everyone need another break?

20 CHAIRWOMAN MALLEY: No.

21 MS. BORELLI: So my question, Mr. Burgis,
22 you testified that you are consistent with the
23 philosophy behind the Broadway Corridor Study that
24 multi-family dwelling is a good idea. Correct?

25 MR. BURGIS: I don't recall if I said it

1 with respect to the Broadway Corridor. It's one
2 of the Master Plan documents.

3 MS. BORELLI: Okay. Is the name of your
4 company Burgis Associates?

5 MR. BURGIS: Yes, it is.

6 MS. BORELLI: Okay. Was Burgis Associates
7 the author of the Borough of Woodcliff Lake's
8 Broadway Corridor Study?

9 MR. BURGIS: We did one of them. It's my
10 recollection that there was a firm that followed
11 us and they also prepared a Broadway Corridor
12 Study, so that would be the more current.

13 MS. BORELLI: You did yours in 2012?

14 MR. BURGIS: 2011 or '12, that would be
15 correct.

16 MS. BORELLI: Yes. Okay. Because I see
17 that your name is on the cover of the 2012
18 Broadway Corridor Study.

19 But, Mr. Burgis, do you recall Mr.
20 Princiotto's statement on June 16th that the
21 Broadway Corridor Study was not approved and it
22 was scrapped by the M & C and planning board
23 because it was decided that Woodcliff Lake was not
24 an apartment town or multi-family town and they
25 did not favor a residential Broadway Corridor. Do

1 you recall that?

2 MR. BURGIS: Oh, in fact, if you were at
3 that meeting, I specifically said it was never an
4 adopted document. I pointed that out.

5 MS. BORELLI: Okay. But they did scrap it
6 because they felt that it's a non-apartment town.
7 Correct?

8 MR. KAUFMAN: Excuse me, excuse me, you're
9 making a statement about -- excuse me. You're
10 making a statement about what's in somebody else's
11 mind and I don't think you can do that. I think
12 the only thing you can say is that it was
13 scrapped, which Mr. Burgis agreed to. You can't
14 say what's in somebody else's mind.

15 MS. BORELLI: Okay.

16 MR. KAUFMAN: I'm sorry.

17 MS. BORELLI: Now, Mr. Burgis, you
18 testified about smart growth and the Smart Growth
19 Principles of the state, which are ten in number
20 and you mentioned three of the ten. Can you give
21 us the other seven principles that you did not
22 mention?

23 If you don't recall them offhand, I have
24 the EPA Smart Growth Principles in front of me.

25 Mr. Princiotto, if you want me to read

1 them.

2 MR. PRINCIOTTO: No, no, no, wait, wait.
3 Okay. If you want to ask that question what the
4 other Smart Growth Principles are, you know,
5 that's okay. But you have to give the witness an
6 opportunity to answer the question. So let's
7 start there. If you want to present some evidence
8 at a later date, you may. You have to take an
9 oath and testify. But first let's back up.
10 You're asking a question about Smart Growth
11 Principles and the seven in particular that Mr.
12 Burgis didn't mention. Is that your question?

13 MS. BORELLI: Yes.

14 MR. PRINCIOTTO: Okay.

15 MR. BURGIS: As I testified I guess it was
16 last week that I felt that there were only three
17 other Smart Growth Principles that are being
18 affirmed by this application. That's why I did
19 not mention the other seven. I don't think they
20 apply here.

21 For example, I know one talks about
22 developing mixed use development. This is not a
23 mix -- when the Smart Growth Principles talk about
24 mixed use development, they're specifically
25 talking about at grade retail with apartments

1 above. That's not what this project is about.
2 So, consequently, that principle doesn't apply.

3 A number of the Smart Growth Principles
4 are more focused on some environmental issues that
5 don't apply here. Some apply to more urban
6 environments that do not apply here. But I had
7 testified that there were three, I believe, that
8 are applicable.

9 MS. BORELLI: Okay. So what about part of
10 smart growth development which you're still not
11 mentioning which is the transit orient development
12 and am I correct in understanding that transit
13 orient development is walkable neighborhoods with
14 a variety of mixed land use, such as restaurants,
15 retail shops, entertainment, parks, and
16 recreational areas, which are nested within
17 streets that are designed for walking? Am I
18 correct in understanding that's what transit
19 orient development is?

20 MR. BURGIS: Yes, and this is not a
21 transit oriented development because transit
22 oriented development is a technical designation
23 that a municipality gets and Woodcliff Lake does
24 not have such a designation in this corridor, so
25 it didn't apply here. However, the provision

1 regarding creating walkable neighborhoods is
2 something that theoretically could apply.

3 MS. BORELLI: Okay. So there's no
4 amenities, so there's no amenities where people
5 could walk down Broadway and enjoy. Like, there's
6 no open park area or amenities where people can
7 enjoy and have some quality of life outside.

8 So here's my question, so if there's no
9 local parks in walking distance, so should people,
10 should the tenants hang out in the parking lot
11 late at night?

12 MR. BURGIS: No, I think that's being
13 silly.

14 What I talked about in terms of Smart
15 Growth Principles was one of the principles talks
16 about developing compact building design and this
17 is a compact building design with a certain
18 density at this location.

19 One of the other principles that I do
20 believe apply where it talks about, where the
21 Smart Growth Principles talk preserving critical
22 environmental areas. The rear 44 percent of this
23 property is characterized by a very steep slope.
24 We are preserving that steep slope. We are not
25 touching it at all. All of the development is

1 occurring on existing developed portions on the
2 property.

3 So this project does in fact preserve, is
4 defined as a critical environmental feature and
5 that is property that's characterized by slopes
6 greater than 15 percent. That figure comes out of
7 quite a number of different planning documents
8 from the COAH regulations to the State Plan, they
9 all talk about environmental steep slope is an
10 environmentally sensitive feature where it's
11 greater than 15 percent. The entirety of that
12 210-foot deep portion of that property is well in
13 excess of 15 percent slope.

14 So there are certain segments that apply.
15 There are certain segments that do not apply. And
16 I had pointed that out in my direct testimony.

17 MS. BORELLI: All right. Mr. Burgis, you
18 testified the fourth purpose of land use law was
19 to promote a desirable, visual environment. Do
20 you recall the testimony from Mr. LaBarbiera when
21 asked by a resident if there were any plans to
22 change the front yard of the building, Mr.
23 LaBarbiera's response was that the only thing that
24 was being changed was the facade on the building.
25 Do you recall that?

1 MR. BURGIS: Yes.

2 MS. BORELLI: And so there will be no
3 street scape changes or improvements? No lighting
4 or benches to enhance the pedestrian experience.
5 Correct?

6 MR. BURGIS: That is correct.

7 MS. BORELLI: Okay. Mr. Princiotto, can I
8 ask you a question?

9 MR. PRINCIOOTTO: Well, you're supposed to
10 ask the witness questions but, you know, let's try
11 it. Okay. What's the question?

12 MS. BORELLI: Well, the question is that
13 Mr. Burgis testified in the last meeting that a
14 medical facility is not a permitted use at this
15 location and that the only permitted use is the
16 business professional and executive office. And
17 he also stated that there are zones identified for
18 those uses.

19 Mr. Princiotto, is it correct to say that
20 the applicant could apply for a use variance for a
21 use that already is approved in another area in
22 town such as a medical facility? Could they apply
23 for variance for a use -- I mean, for a change use
24 for that?

25 MR. PRINCIOOTTO: Well --

1 MS. BORELLI: Is it --

2 MR. PRINCIOTTO: They can ask the
3 governing body for a zoning change and they could
4 apply for any use variance that they think is
5 appropriate.

6 MS. BORELLI: Okay. So Mr. Burgis in the
7 last meeting said because it's not a permitted use
8 then, you know, there's no other option but then
9 to consider the multi-family variance that they're
10 projecting.

11 So --

12 MR. BURGIS: That's not what I said. I'm
13 sorry, Miss Borelli, is it?

14 MS. BORELLI: Yes.

15 MR. BURGIS: I'm sorry, that is not what I
16 said.

17 There was some discussion at the previous
18 meeting to the meeting I testified as to whether
19 or not medical offices were in fact permitted and
20 at the meeting I testified last week, I said
21 clearly, the ordinance does not permit medical
22 offices and I limited my comment to that and that
23 alone.

24 MS. BORELLI: Okay. So medical uses are a
25 permitted use in parts of town, whereas,

1 multi-market rate apartments are currently not a
2 permitted use anywhere in town. Correct?

3 MR. BURGIS: That is not correct.

4 MS. BORELLI: I'm not talking about
5 affordable, I'm talking market rate only.

6 MR. BURGIS: That may be correct. That
7 may be correct.

8 MS. BORELLI: Okay. All right. Thank you
9 for --

10 MR. BURGIS: The way your ordinance is now
11 structured, the judgment of compliance and repose,
12 if someone wants to build market rate housing,
13 they must also build affordable housing. And in
14 terms of an impact of apartments versus
15 apartments, you know, market rate units as well as
16 affordable units are all the same animal in the
17 end, they're apartments.

18 MS. BORELLI: But one, however, is based
19 on need and the other one is based on profit.
20 Correct?

21 MR. KAUFMAN: I'm going to object to that
22 question. Last I saw America is a capitalistic
23 country.

24 MS. BORELLI: Okay. Well, thank you, very
25 much, Mr. Burgis. And thank you, Mr. Princiotta.

1 MR. PRINCIOTTO: You're welcome.

2 CHAIRWOMAN MALLEY: Meg, next question or
3 next.

4 MS. SMITH: Gwenn Levine.

5 MS. LEVINE: Hi, thank you for taking
6 questions tonight. I really appreciate it.

7 Mr. Burgis, you had mentioned repeatedly
8 that the state found it was appropriate to put
9 multi-unit housing near a train station. Two
10 questions on that. One is the exact source of
11 that state standard?

12 MR. BURGIS: The state development and
13 redevelopment plan is one source.

14 There's a number of other documents that
15 also stand for that same proposition.

16 MS. LEVINE: Okay. Given that, is there
17 anywhere in that statement by the State that takes
18 precedence in putting a building near a train
19 station that takes precedence over traffic
20 problems?

21 Not all train stations are equal. Some
22 are located on a nice straight-away, very
23 accessible, very easy. An apartment house right
24 across the street. That's not the case here. We
25 have the Causeway. We have Broadway. We have

1 Highview, none of which line up very well. And
2 then the single driveway --

3 MR. KAUFMAN: Excuse me, Madam
4 Chairperson. This is testimony, number one.

5 Number two, I want to object to anything
6 that has to do with traffic, off-site traffic
7 since Broadway is a county road. The county has
8 exclusive jurisdiction. So I'm going to object to
9 anything that has to do with traffic.

10 CHAIRWOMAN MALLEY: Okay. And I have a
11 problem with that, because, yes, they have
12 jurisdiction over Broadway, but not all the
13 traffic goes totally to Broadway.

14 Sal, you're going to say something. I'm
15 sorry.

16 MR. PRINCIOTTO: Yeah, I mean, in terms of
17 traffic volume from other towns, you know, that's
18 not the applicant's burden and the county has
19 jurisdiction over the road Broadway. However, the
20 board has jurisdiction over the development and
21 any change in traffic patterns or any traffic
22 issues that may arise out of the proposed change
23 in use, you know, of the property can be relevant.
24 So it's a little bit different analysis, so...
25 Questions --

1 MR. KAUFMAN: I don't think so. There's
2 the Dunkin' Donuts case, off-site traffic
3 conditions are not relevant.

4 MS. LEVINE: I can ask my question. I'll
5 put it right in a question.

6 The state standard about approving
7 multi-units near a train station, does that take
8 precedent over dangerous traffic situations?

9 MR. BURGIS: Obviously, if we're dealing
10 with a dangerous traffic situation, I would think
11 it would not. However, the traffic consultant has
12 testified that the traffic patterns in the area
13 are not adversely affected by this development and
14 I know Mr. Princiotto doesn't appreciate when I
15 referred to the planner's testimony from the
16 previous hearing, but the borough's traffic
17 consultant, when we had 60 units on-site,
18 concurred with the traffic consultant of the
19 applicant.

20 MR. PRINCIOOTTO: Well, I'm not sure about
21 that. But, okay, whatever.

22 Do you have another question?

23 MR. KAUFMAN: I like that one. *Whatever.*
24 Okay.

25 MS. LEVINE: No, I've completed my

1 questions.

2 Thank you very much for listening.

3 MR. KAUFMAN: Thank you. Thanks for
4 coming out tonight.

5 CHAIRWOMAN MALLEY: Next.

6 MS. SMITH: Miss Veronica Appelle.

7 Veronica, you need to un-mute.

8 MS. APPELLE: Sorry about that. Let me
9 start all over again.

10 Good evening, everyone and welcome to all
11 the new members. Good luck.

12 I have just a quick general question.

13 Will zoning board members be given the
14 opportunity to give their reasons for how they
15 voted at the end like last time?

16 CHAIRWOMAN MALLEY: More than likely.

17 MS. APPELLE: Okay. I really appreciated
18 that. That helped a lot.

19 Okay. Mr. Burgis, you stated and I quote,
20 in many instances municipalities and boards are
21 concerned with impact on the local school system
22 and you also stated that because of declining
23 enrollments that there is room in the school
24 system to accommodate handful of kids that will
25 come out of this project. That handful of kids,

1 though, is only the tip of the iceberg is if 188
2 sets a precedent allowing rental units in
3 Woodcliff Lake.

4 Here's the question. Did you also look at
5 the extensive rental developments in Montvale
6 totaling 312 and counting and in Park Ridge, which
7 around 250 rental apartments that's just for the
8 James on Kinderkamack Road. Have you looked at
9 those?

10 MR. KAUFMAN: Excuse me, Mr. Princiotto,
11 you have cautioned people from the last
12 application and this application not to get
13 into -- you've cautioned them that developments in
14 other towns are not relevant to this application.
15 So I don't think that Mr. Burgis should be talking
16 and answering questions about Montvale and Park
17 Ridge.

18 MR. PRINCIOTTO: I'm not sure I understand
19 what the question is.

20 MS. APPELLE: Well, I have the question.

21 MR. PRINCIOTTO: In terms of -- let me
22 finish.

23 Your question I thought was with regard to
24 school age children and I'm wondering what
25 apartments in Montvale and Park Ridge have to do

1 with school age children in Woodcliff Lake.

2 Unless I misunderstood your question.

3 MS. APPELLE: Well, you know, I know that
4 as a former principal that populations evolve and
5 change. But the question really was, population
6 evolve over time and with increased density in
7 Montvale I know this will lead to increased
8 student population at Hills for sure and if Park
9 Ridge becomes overcrowded, they may petition to go
10 to Hills. So do you believe that these huge
11 rental buildings can cause a large increase in
12 students at Pascack Hills?

13 MR. BURGIS: Correct me if I'm wrong, did
14 you say given the additional development in Park
15 Ridge that the high school kids from Park Ridge --

16 MS. APPELLE: Could petition to go to the
17 Hills.

18 MR. BURGIS: Is that what was part of your
19 question?

20 MS. APPELLE: Part of it. Part of it is
21 that, you know, that the increased density in
22 Montvale will definitely send kids to Hills and
23 increase the population at Hills and it's possible
24 or could it be possible that a large increase of
25 students at Park Ridge could do the same thing?

1 MR. BURGIS: It is my understanding that
2 the planners in Montvale assessed the impact of
3 the school systems, that school system in Montvale
4 and made a determination that their projects will
5 not have any significant adverse effect on their
6 school system.

7 My recollection from the last time I
8 reviewed their housing plan --

9 MS. APPELLE: Well, I need that.

10 MR. BURGIS: Let me finish.

11 A number of their multi-family projects
12 are age restricted projects. 25 percent of the
13 units in fact won't be generating any public
14 school attendees because they're age restricted.

15 Park Ridge, I know they were hit with a
16 large affordable housing obligation. I don't know
17 if the planner there now has done that evaluation
18 there or not. But this is the first I've ever
19 heard that the high school might move their kids
20 over to another municipality. That's never been
21 done before. I was a planner back in the '80s and
22 '90s for Park Ridge when they saw a significant
23 increased growth in their school system and nobody
24 ever talked about such a thing. I doubt they're
25 talking about it now.

1 MS. APPELLE: Okay. Thank you very much
2 for the answer to that.

3 So I'd like to know what is the highest
4 density for market rate dwellings going for in
5 this town? What's the highest density for market
6 rate dwellings?

7 MR. BURGIS: I don't know for simply
8 market rate the ARHO-2 Zone permits development at
9 20 units to the acre. That's your high zone.

10 MS. APPELLE: Well, I did a little
11 research here and I thought it was 5.34 for the
12 dwellings per acre.

13 MR. PRINCIOTTO: Look, if you want to
14 testify about or make a comment at the end of the
15 case, you can. Right now it's questions of Mr.
16 Burgis.

17 MS. APPELLE: Okay.

18 MR. PRINCIOTTO: And we have two more
19 hands raised that we'd like to get through.

20 MR. BURGIS: Sorry, Sal.

21 So I will say that I was talking about a
22 combined market and inclusionary.

23 MS. APPELLE: Oh, I wasn't. I had left
24 affordable housing out of it completely.

25 So based on RA-15 and THO Zone like the

1 Gables, that's the maximum we have, 5.34. But --

2 MR. BURGIS: In reality --

3 MR. KAUFMAN: We're having a debate here.

4 MS. APPELLE: Here's the question.

5 Do you agree that the density rate of 188
6 Broadway, which is on 3.6 little bit more acres,
7 is 14.97 units per acre?

8 MR. BURGIS: Yes, I testified to that last
9 week.

10 MS. APPELLE: I realize that, but I have
11 to ask the question.

12 If this application is approved then it
13 will allow a density about three times higher than
14 anywhere else in town.

15 Thank you very much.

16 MR. BURGIS: That's not correct.

17 MS. APPELLE: Well, do the math.

18 Thank you.

19 MR. BURGIS: I'm telling you --

20 MR. KAUFMAN: Excuse me. I mean, can we
21 put her on. She's making statements again. This
22 is not right. She's not under oath and she's
23 getting argumentative with the witness.

24 MR. BURGIS: And she's wrong.

25 MR. KAUFMAN: Thank you, Joe.

1 MR. BURGIS: There is a zone, the ARHO-2
2 Zone that permits 20 units to the acre.

3 MR. PRINCIOTTO: I think the point of the
4 witness was that that's not a market rate. So,
5 you know, so...

6 MR. BURGIS: Apartments are apartments, as
7 you know.

8 MR. PRINCIOTTO: Okay. Let's move on. I
9 think --

10 MR. KAUFMAN: I have a question for Mr.
11 Burgis.

12 Is the use of a market rate unit a
13 dwelling?

14 MR. BURGIS: Yes.

15 MR. KAUFMAN: Is the use --

16 MR. PRINCIOTTO: Well, look. We're open
17 to the public.

18 MR. KAUFMAN: -- of the affordable housing
19 unit also a dwelling?

20 MR. BURGIS: Yes.

21 CHAIRWOMAN MALLEY: Mr. Kaufman, can we
22 move on?

23 MR. KAUFMAN: Thank you.

24 MR. PRINCIOTTO: We're open to the public
25 now, not to Mr. Kaufman.

1 CHAIRWOMAN MALLEY: Meg, who's next?

2 MS. SMITH: Mr. Marson.

3 MR. MARSON: Please, I'll reserve
4 comments; you reserve comments.

5 Thank you for your time, Mr. Burgis. I'll
6 be brief.

7 How do you define proximity to a train
8 station?

9 MR. BURGIS: Usually it's within a walking
10 distance of up to a quarter mile is the first ring
11 and then a half mile is the second ring.

12 MR. MARSON: Okay. My second question is
13 simple. So once the proximity standard has been
14 satisfied, when you claim or use that as one of
15 your conditions, do you consider potential
16 geographical slope water rail, I won't use the "T"
17 word, and other limitations of the area or does it
18 satisfy the proximity to the rail and that's it?

19 MR. BURGIS: I'm not sure I understand the
20 question.

21 MR. MARSON: I'll rephrase it.

22 What I'm getting at is, once you've been
23 satisfied that something is within the proximate
24 distance or the proximity of a transit area, do
25 you consider, whether or not you consider it an

1 appropriate site, other limitations of the site
2 itself? The slope? The street? The water? The
3 rail itself or is the proximity just your
4 conclusion that's close enough to be considered?

5 MR. BURGIS: Actually, I consider all of
6 those factors in any development application.
7 There are no set standards in the planning
8 literature. It says once you have ex number of
9 dwelling units within so many feet of a train
10 station, you satisfy something. It really depends
11 on the specifics of the municipality.

12 For example, in Ridgewood, over the past
13 couple of years they approved over 350 apartment
14 units within walking distance of the train
15 station.

16 In Hackensack, they approved a heck of a
17 lot more than that.

18 It really depends on the municipality and
19 the particulars of the physical features and the
20 constraints that exist.

21 MR. MARSON: Well, I appreciate that, but
22 then would you agree that Ridgewood and
23 Hackensack, the two towns that you just mentioned,
24 are geographically significantly different
25 compared to the 188 zone which appears to have its

1 own limits between slope, the rail, the water
2 itself. So that it's an unfair comparison
3 Ridgewood and Hackensack regardless of the
4 density.

5 MR. BURGIS: Well, I'm certainly not
6 suggesting that those two towns and Broadway at
7 the train station are similar. All I am saying is
8 that in relation to a train station, the numbers
9 could be dramatically different.

10 In Ridgewood, which has a very significant
11 downtown, they put a limit of about 355 units.
12 They zoned a few properties and that was it.

13 Hackensack is zoned over 2,500 units in
14 their downtown near train stations.

15 Park Ridge, as you know, has also zoned a
16 smaller number, probably close to what Ridgewood
17 has done even though I would never compare the
18 Park Ridge downtown to the Ridgewood downtown.

19 It really depends on the particulars of
20 the area.

21 MR. MARSON: Okay. So my last part then
22 is, then you would agree that some of the
23 potential limitations should be considered?

24 MR. BURGIS: I always believe that certain
25 limitations should be factored into the decision

1 making of any land use board.

2 MR. MARSON: Okay.

3 MR. BURGIS: What I'm saying here is I
4 think the factors weigh in favor of this
5 particular application.

6 MR. MARSON: Okay. Thank you.

7 MR. BURGIS: You're welcome.

8 CHAIRWOMAN MALLEY: Next Meg.

9 MS. SMITH: Karen Ardizone.

10 CHAIRWOMAN MALLEY: Can you un-mute
11 yourself?

12 MS. ARDIZONE: Hi, sorry.

13 MR. PRINCIOTTO: Can you state your name
14 and address, for the record, please?

15 MS. ARDIZONE: My name is Karen Ardizone.

16 CHAIRWOMAN MALLEY: Karen, you're going to
17 have to shut off --

18 MR. PRINCIOTTO: Do you have a TV on or
19 another device on?

20 MS. ARDIZONE: There's multiple computers
21 with neighbors in the room.

22 Can you guys hear me?

23 So there's a few questions we have. I'm
24 the one most affected by Kaufman's purchase of the
25 building because I share a property line that goes

1 up.

2 MR. PRINCIOTTO: Could you state your
3 address, please? Can you state your address,
4 please?

5 MS. ARDIZONE: Can you hear me?

6 MR. KAUFMAN: He asked you to state your
7 address.

8 MS. ARDIZONE: So I just wanted to know
9 like a few things. All the evidence that we
10 prepared --

11 MR. KAUFMAN: Sal, Sal, can we get the
12 name and address?

13 MR. PRINCIOTTO: Okay. I think we know
14 the name.

15 MS. ARDIZONE: I share the entire property
16 line up to the mountain and I own down to almost
17 Broadway.

18 MR. KAUFMAN: What's the address?

19 MS. ARDIZONE: 12 Highview Avenue.

20 MR. KAUFMAN: 12 Highview. Okay. Thank
21 you.

22 MS. ARDIZONE: And I submitted a letter
23 and pictures to show how Wellenius Wilhemlsen had
24 been here 20 years. How it affected our life, but
25 it was fine. It was 9:00 to 5:00. But now it's

1 going to be a 24/7 residential area. I just want
2 to know what happened to all the evidence that we
3 put in and pictures and letters? Is that going to
4 be re-exhibited to the board for this supposedly
5 new application which is really the same
6 application less seven units?

7 MR. PRINCIOTTO: Well, I don't recall
8 that - you said "we" - but I don't recall that you
9 submitted any exhibits in the last application.
10 Maybe I'm wrong.

11 MS. ARDIZONE: Yes, I did.

12 MR. PRINCIOTTO: You did. Okay.

13 No, this is a different hearing. It's a
14 different application. If you want to submit any
15 photographs or any evidence --

16 MS. ARDIZONE: Okay. Can I have the
17 exhibits and the letter back from the last time I
18 applied for it? Because I spent a lot of money to
19 do it. Do I get that back and I resubmit it or do
20 I have to take new pictures, new everything and
21 resubmit it? Because I'm really, truly the one
22 affected mostly out of everybody in this town is
23 right in my backyard. You're taking out my woods.
24 You're taking my --

25 MR. KAUFMAN: Questions.

1 We're not taking out any woods. Okay.

2 MS. ARDIZONE: Okay. Okay. We share a
3 property line. If you take out a tree, I'm in
4 your backyard. You're in my backyard.

5 MR. KAUFMAN: But we're not taking out any
6 woods. We're not changing the property other than
7 adding a building, which is abutting, which is in
8 the middle of the site not by your property. No,
9 there's no change proposed by your property.
10 None. The only change is the new building, which
11 is actually in the middle of the site and abuts
12 the steep slope.

13 MS. ARDIZONE: Which is in my backyard.

14 MR. KAUFMAN: But it's not in the steep
15 slope.

16 MR. PRINCIOTTO: We can't have a debate
17 right now. Okay.

18 Miss Ardizone, if you want to make a
19 request, an OPRA request for any documents that
20 you submitted in the prior application to get
21 those, you can.

22 If you want to testify or submit any
23 photographs or any other evidence that you take
24 new, you may do so.

25 Right now is the opportunity to ask

1 questions of the witness.

2 MS. ARDIZONE: Okay. So my question is
3 when will a decision be made on this property?
4 Because I need to know when I need to put my house
5 up for sale.

6 MR. PRINCIOTTO: Okay.

7 MS. ARDIZONE: And I've been here for 20
8 years.

9 MR. PRINCIOTTO: I can't tell you the
10 exact date. Okay. But it's anticipated that a
11 decision is probably going to be made in the month
12 of July.

13 MS. ARDIZONE: So in July you guys are
14 going to make a decision so I can put my property
15 up --

16 MR. PRINCIOTTO: I can't tell you for sure
17 because I can't predict the future. But my best
18 guesstimate is that there will be a decision on
19 this case in July. I'm not going to guarantee it.
20 If you want to know for sure you have to look at
21 the borough website and look at the agenda and
22 listen to the meetings. But I anticipate a
23 decision in July.

24 MS. ARDIZONE: So how much time do I have
25 to submit all of my evidence and retain a lawyer?

1 MR. PRINCIOTTO: Well, you could consult
2 with a lawyer who could give you a better, you
3 know, timetable than me.

4 As you know, this case is proceeding and
5 this is the third meeting that we've had. So --

6 MS. ARDIZONE: I know, but we missed the
7 second meeting because you made it during
8 graduation. I consulted my lawyer and I work for
9 the third largest commercial real estate firm so I
10 do have research people. I do know how much the
11 building was sold for and what it should have been
12 sold for, which is not even like, it's a moot
13 point at this point with this hearing. No one's
14 even, like, bringing that up, so. I'm just saying
15 --

16 MR. PRINCIOTTO: Look, we want to finish
17 questions with this witness tonight.

18 I mean, I represent the board. Okay. Mr.
19 Kaufman represents the applicant.

20 You could consult an attorney who can give
21 you advice to what to do from your standpoint.
22 We're proceeding with the application. I
23 anticipate that there probably will be two more
24 meetings and you should be prepared to submit, you
25 know, any evidence that you have or contact our

1 board secretary, indicate that you want to
2 testify, if you want to testify, and to get your
3 evidence together. And if you're serious about
4 retaining an attorney then you should do so.

5 MS. ARDIZONE: Yes, I am.

6 MR. PRINCIOTTO: I represent the board.

7 MS. ARDIZONE: Okay. I will retain a
8 lawyer.

9 MR. PRINCIOTTO: Okay.

10 MS. SMITH: Miss Laura Jeffas.

11 MS. JEFFAS: Hi, good evening. I'll be
12 brief.

13 Laura Jeffas, 39 Kenwood, Woodcliff Lake.

14 I just wanted to ask a couple of
15 questions.

16 Mr. Burgis, are you one of the owners of
17 the property?

18 MR. BURGIS: I am not.

19 MS. JEFFAS: Okay. But your clients are
20 the owners of the property. Correct?

21 MR. BURGIS: Yes.

22 MS. JEFFAS: Okay. Did they ever have any
23 other ideas for use of this property or is it
24 always to come into the town and have the zoning
25 changed so that they could build what they wanted?

1 MR. KAUFMAN: Wait a second, Joe.

2 It's not a proper question to ask him
3 what's in somebody else's mind. That's not
4 proper. You can ask him --

5 MS. JEFFAS: Well, I want to know if they
6 discussed.

7 MR. KAUFMAN: You can ask him if he
8 discussed it. That's different. But he can't
9 testify what's in somebody else's mind and that's
10 what you're asking.

11 MS. JEFFAS: Okay. I'm sorry.

12 Did they ever discuss with you during your
13 planning any other use of the property other than
14 this?

15 MR. BURGIS: No. I don't know what they
16 discussed before they came to me, but when they
17 came to me it was for a residential project and
18 they were asking me; can you justify this. Do you
19 think it make sense and I had said yes.

20 MS. JEFFAS: Okay. There is another quick
21 question about the size of the units. I know that
22 you're concerned about this, you know, having
23 affordable housing and I guess, you know, they
24 need affordable housing at this point. What is
25 the size of an affordable housing unit in this

1 building versus a regular saleable unit or
2 rentable unit?

3 MR. BURGIS: I don't know. The architect,
4 I believe, had testified to that.

5 MS. JEFFAS: Oh, okay. We weren't here.

6 Excuse me, Mr. Kaufman, we weren't here
7 last week.

8 MR. KAUFMAN: Let me just clarify.

9 MS. JEFFAS: I didn't know if that was a
10 question for you or not.

11 MR. KAUFMAN: That's fine. Let me just
12 clarify for you.

13 We have options on how to address the
14 affordable housing obligation, which we pledged
15 that we would do. If we decide to put the
16 affordable housing in this location, the units
17 will all be redesigned so that it has the one,
18 twos, and three bedrooms in the appropriate
19 proportions, ratios with the appropriate sizes.
20 It will be that time and we'll come back to the
21 board and show it to them.

22 I think what Mr. Burgis can do, though,
23 however, he can tell you what the general sizes of
24 affordable housing are from his knowledge.

25 Is that fair, Joe?

1 MR. BURGIS: Yes.

2 MR. KAUFMAN: Does that help you?

3 MS. JEFFAS: Yes. Thank you.

4 MR. BURGIS: There's going to be eight
5 affordable units.

6 The one bedrooms will typically be around
7 650 square feet.

8 The two bedrooms about 8 to 850 and they
9 may be a little larger depending on the dimensions
10 of the building as a whole.

11 And the three bedroom units are typically
12 found to be anywhere from 1,000 to 1,200 square
13 feet.

14 I think based on the COAH statistics,
15 there would be one three bedroom unit.

16 MS. JEFFAS: Okay. That's only if they're
17 being put into this if it's approved?

18 Maybe I'm confused here.

19 MR. KAUFMAN: Yes, there are a number of
20 different options for providing affordable
21 housing. They can be built on-site; they could be
22 built off-site, for instance.

23 MS. JEFFAS: Okay.

24 MR. PRINCIOTTO: Well, it also depends if
25 they're rental units.

1 MR. KAUFMAN: It's a number.

2 MR. PRINCIOTTO: Or sold units.

3 MS. JEFFAS: Well, these are rental units.

4 Am I correct?

5 MR. KAUFMAN: We're not definitive, but
6 right now they would be, but we don't have to make
7 that decision for some time, frankly.

8 MR. PRINCIOTTO: If they're rental units
9 it has to be a 15 percent set aside; if they're
10 owned units there's a 20 percent set aside.

11 MS. JEFFAS: Okay. Excuse me for being
12 naive, so this project that's being applied for
13 right now can either be condos or it could be
14 rental apartments. Is that correct? So it's just
15 multi-dwelling, but the actual use has not been
16 applied for, just the density.

17 MR. KAUFMAN: The actual use is applied
18 for. It's residential.

19 MS. JEFFAS: I see. But it hasn't been
20 determined whether or not apartments or condos?

21 MR. KAUFMAN: Yes, because that goes to
22 ownership, not use. The case law is clear that
23 you don't have to make that decision on an
24 application and it's not required for an
25 application.

1 MS. JEFFAS: Okay. So it could go either
2 way?

3 MR. KAUFMAN: Could.

4 MS. JEFFAS: Okay. Thank you.

5 MR. KAUFMAN: You're welcome.

6 Thank you.

7 MS. SMITH: I have two applicants raising
8 their hands. They are applicants with questions
9 before. Can I allow them to speak again?

10 CHAIRWOMAN MALLEY: It is now 10:46. We
11 still have to discuss a special meeting and other
12 applications.

13 Sal, I'm going to ask you your thoughts on
14 this.

15 MR. PRINCIOTTO: Well, you know, if
16 they've already asked questions, if it's one
17 question each perhaps we can take it. But, you
18 know, let them in and let's see.

19 MS. SMITH: Okay. Miss Borelli.

20 MS. BORELLI: Hi. Thank you very much.

21 Just another question. I'm confused about
22 this affordable housing set aside and Mr. Kaufman
23 saying that he'll let you know afterwards whether
24 he's going to put affordable housing in these
25 units or not.

1 Where in any of the documentation in
2 Woodcliff Lake does it say -- I thought it was my
3 understanding that that wasn't allowed to put --

4 MR. PRINCIOTTO: Do you have a question?
5 I know you're making a comment and you can make
6 it.

7 MS. BORELLI: My question is where is
8 that -- what documentation says that that is
9 allowed to put it somewhere else, off-site
10 somewhere else? I'm just curious, where is that
11 documentation?

12 MR. KAUFMAN: State regulations.

13 MS. BORELLI: State regulations? Okay.
14 All right.

15 And do you know, like, you know, is
16 there --

17 MR. PRINCIOTTO: We're going to, you know,
18 have to end the questioning. Unless you have a
19 simple direct question, we're going to have to
20 move on.

21 MS. BORELLI: I just want to know where to
22 look that up. I was just confused on that.

23 Okay. Thank you very much.

24 CHAIRWOMAN MALLEY: Who's our last
25 question and it's one question only.

1 MS. SMITH: Miss Levine.

2 MS. LEVINE: Thank you. I only have one
3 short question.

4 Karen Ardizzone asked before when this
5 decision would be made and Sal you mentioned you
6 can't say for sure, probably July.

7 At the last meeting it was announced that
8 the decision had to be made by August 3rd. Is
9 that the case? It was actually announced.

10 MR. PRINCIOTTO: Well, I don't think the
11 two are inconsistent. Yes, we have targeted that
12 deadline unless there's extensions. We expect to
13 decide the case before August 3rd and our last
14 regularly scheduled meeting is July 27th. So
15 there's always a possibility that we could have
16 special meetings before the 27th and we could have
17 a special meeting after the 27th and up through
18 August 3rd and even possibilities of extending
19 that deadline. So not to be evasive, but things
20 happen. Witnesses can't make meetings.
21 Situations occur. But best guesstimate is that
22 the case will be decided in July.

23 MS. LEVINE: Okay. Thank you. So
24 August 3rd at the moment is the deadline. It
25 could be changed.

1 MR. PRINCIOTTO: Correct.

2 MS. LEVINE: Thank you very much.

3 MR. PRINCIOTTO: Okay. We need a motion
4 to close to the public.

5 MS. HEMBREE: I so move.

6 BOARD MEMBER KAUFMAN: Second.

7 MS. SMITH: All in favor?

8 Any opposed?

9 CHAIRWOMAN MALLEY: Okay. We're closed to
10 the public.

11 MR. PRINCIOTTO: Okay. With regard to
12 scheduling, I think we need a special meeting
13 before the 27th, which is a regular scheduled
14 meeting and the dates that I think work for Mr.
15 Preiss and for the borough are July 14th and
16 July 20th.

17 MR. KAUFMAN: I'm away on July 14th. I'm
18 away the week of the 10th starting the 10th. So
19 if you're asking me, it would be the 14th and I'm
20 available the 14th.

21 MR. PRINCIOTTO: You're available the 14th
22 or the 20th?

23 MR. KAUFMAN: Oh, I'm sorry. Yeah, you're
24 right. I'm away. It's late. I'm sorry. I'm
25 available the 20th. Thank you.

1 MR. PRINCIOTTO: It's for you and everyone
2 else as well.

3 Board members, can they make it on the
4 20th?

5 MS. HEMBREE: What day of the week is
6 that?

7 MR. PRINCIOTTO: It's a Tuesday.

8 MS. HEMBREE: I think I can.

9 I'm going away the 28th very early in the
10 morning.

11 CHAIRWOMAN MALLEY: You're going to make
12 it to the 27th meeting?

13 MS. HEMBREE: I hope so. As long as it
14 doesn't run to 11:00 at night, I'll be all right.

15 MR. KAUFMAN: I'm with you on that. I'm
16 going to need a Xanax to get to sleep tonight.

17 MR. PRINCIOTTO: Can anyone not make
18 July 20th?

19 CHAIRWOMAN MALLEY: Barbara can't.

20 MR. PRINCIOTTO: Okay. So we have one.
21 Okay. Well, you know, I expect we'll probably
22 have a meeting on the 27th too, so there will be a
23 transcript of the 20th and certainly a recording
24 as well, so.

25 All right. So let's commit to July 20th,

1 the next special meeting. I'll make the
2 announcement right now.

3 This matter will be continued on July 20th
4 at 7:30 and we'll get to as many witnesses as we
5 can. I anticipate that will include Mr. Preiss
6 and other borough professionals.

7 MR. KAUFMAN: Great. Can I just thank
8 everybody?

9 MR. PRINCIOTTO: Sure.

10 MR. KAUFMAN: I'm thanking you. And I
11 appreciate everybody listening and your patience
12 and everybody enjoy the July 4th weekend holiday.

13 MR. PRINCIOTTO: Okay.

14 CHAIRWOMAN MALLEY: Thank you.

15 MS. SMITH: If I can just ask the
16 applicant, I know they've been really good about
17 providing a transcript as soon as it was
18 available. When the transcript for the July 16th
19 meeting is available, I'd like to provide that to
20 my board to try to catch them up and make sure
21 they're eligible to vote as soon as possible in
22 case that becomes necessary.

23 MR. KAUFMAN: Absolutely we'll do that.

24 MS. SMITH: Great. Thank you.

25 MR. KAUFMAN: And you know where to find

1 Danielle to make sure you get it.

2 MS. SMITH: Yes, definitely.

3 MS. FEDERICO: Meg, I'll get it to you as
4 soon as we have it.

5 MS. SMITH: Thank you so much.

6 MR. PRINCIOTTO: We need a motion to
7 adjourn.

8 MS. HEMBREE: So move.

9 BOARD MEMBER CEREIJO: Second.

10 CHAIRWOMAN MALLEY: All in favor?

11 Any opposed?

12

13 (Whereupon, the proceedings concluded at
14 10:53 a.m.)

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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XIO1388, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the hearing at the time and the date hereinbefore set forth.

I further certify that I am neither attorney nor Counsel for, nor employed by any of the parties to the action in which this hearing was taken.

I further certify that I am not an employee of anyone employed in this case, nor am I financially interested in this action.

Lynann Dragone

LYNANN DRAGONE, CCR
Certified Court Reporter