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BOROUGH OF WOODCLIFF LAKE
Zoning Board Agenda
IN RE: 216 Broadway, LLC

TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before PAMELA ADAMO, a Certified
Shorthand Reporter and Notary Public of the State of
New Jersey, held via Zoom, on December 14, 2021,
commencing at 8:35 p.m.

Page 2

1 A P P E A R A N C E S:
 2 ROBIN MALLEY - Chairwoman
 3 SANJEEV DHAWAN - Vice Chairman
 4 DIANNA CEREIJO
 5 GARY MENZE
 6 CHRISTINA HEMBREE
 7 MICHAEL KAUFMAN
 8 LYNDA PICINIC
 9 PHILLIP MANISCALCO
 10 BARBARA BUSHELL
 11 MEG SMITH
 12 SAL PRINICIOTTO - Board Attorney
 13 DIJIA CHEN - Board Planner
 14
 15
 16 BEATTIE PODAVANO, LLC
 17 200 Market Street
 18 Montvale, NJ 07645
 19 BY: ARTHUR NEISS, ESQ.
 20 Attorneys for 216 Broadway, LLC
 21
 22
 23
 24
 25

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1 CHAIRWOMAN MALLEY: Okay. I know we
 2 have an attorney on this one.
 3 SECRETARY SMITH: Mr. Arthur Neiss is
 4 here representing the applicant.
 5 CHAIRWOMAN MALLEY: There he is. Okay.
 6 MR. NEISS: Good evening Chairwoman
 7 Malley, Vice Chairman Dhawan, members of the board
 8 and professionals. My name is actually Arthur Neiss
 9 and I am a member of the law firm Beattie Podavano,
 10 LLC, whose offices are located in Montvale.
 11 Tonight I represent 216 Broadway, LLC,
 12 the owner of the property at 216 Broadway which as
 13 the chairwoman has pointed out is also known as Block
 14 2602 Lot 11. It's actually located on the northwest
 15 corner of Broadway and Highview Avenue.
 16 The applicant comes before you for site
 17 plan review and as indicated seeking several
 18 variances some of which result from preexisting
 19 conditions.
 20 The primary driver of this application
 21 is to create residential uses on the first floor
 22 where until recently a retail carpet store had
 23 operated.
 24 The building consists of approximately
 25 3 stories. On the top floor there is a two-bedroom

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1 CHAIRWOMAN MALLEY: Okay. Our next
 2 application is 216 Broadway, LLC, Block 2602 Lot 11.
 3 It's 216 Broadway in an R-15 zone. It's a
 4 residential zone. They're requesting a variance for
 5 one, a use variance for multiple dwellings in a
 6 single-family zone.
 7 Two, maximum building coverage of
 8 16.1 percent where 15 percent is required. It's an
 9 existing nonconforming with no change.
 10 Three, maximum total coverage of
 11 60.5 percent where 40 percent is required. That's an
 12 existing nonconforming at 55.8 percent.
 13 Four, total maximum coverage -- I'm
 14 sorry, the total maximum height of 40.1 feet where
 15 30 feet is required. The existing nonconforming is
 16 33.5 feet.
 17 Five, minimum front yard setback of
 18 18.5 feet on Broadway and 31.8 feet on Highview
 19 Avenue where 35 feet is required. That's an existing
 20 nonconforming with no change.
 21 Application was received on 9/8/21
 22 deemed administratively complete on 9/14/21. Deemed
 23 complete by borough engineer on 10/14/21. And do we
 24 have proof of application on this one?
 25 SECRETARY SMITH: Yes, we do.

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1 dwelling. On the second floor there is a studio
 2 apartment and also a two-bedroom dwelling.
 3 For the first floor where the commercial
 4 use had been the applicant proposes a studio
 5 apartment and two, two-bedroom units.
 6 The property is located in the R-15 zone
 7 which is a district for single-family properties.
 8 The applicant's property which is across Broadway
 9 from the Woodcliff Lake train station currently
 10 contains several existing dwelling units.
 11 As you will hear in the testimony
 12 tonight, the location of the property in close
 13 proximity to the train station creates the kind of
 14 transit oriented development that is favorably viewed
 15 in the borough's master plan.
 16 The property consists of 15,005 square
 17 feet or 0.34 of an acre. The applicant is proposing
 18 a number of modifications and improvements both to
 19 the site as well as to the building. The building
 20 was built a 151 years ago. Right now it does show
 21 considerable signs of its age.
 22 The application seeks to modernize the
 23 structure and the property while maintaining and
 24 accentuating its historical architectural elements.
 25 The one element that comes quickly to my mind is the

<p style="text-align: right;">Page 6</p> <p>1 restoration of the cupola, which unfortunately calls 2 out a variance.</p> <p>3 Nonetheless, the applicant believes that 4 the variance for the cupola could be granted because 5 it serves as an aesthetic purpose only, but would 6 restore the look of the building to its historical 7 roots.</p> <p>8 In addition, the applicant has made 9 improvements to the parking and vehicle circulation 10 on the site. In short, with the elimination of the 11 commercial use on the first floor, the application 12 reduces the parking demand for the property.</p> <p>13 Significantly, the proposal eliminates 14 completely the parking area that is currently on the 15 corner of the site at the Broadway and Highview 16 Avenue intersection. That asphalt area will now be 17 populated by lawn and landscaping.</p> <p>18 Tonight the applicant will present four 19 witnesses. First, will be John DaCosta, the 20 principal of the applicant. Mr. DaCosta will briefly 21 address the history of the site and his vision for 22 the realization of this application.</p> <p>23 The next witness will be Michael Doster 24 of ArchStone Architecture, LLC. Mr. Doster will 25 discuss the architectural changes and elements to the</p>	<p style="text-align: right;">Page 8</p> <p>1 SECRETARY SMITH: Yes there was.</p> <p>2 MR. PRINICIOTTO: Proof of service as 3 well?</p> <p>4 SECRETARY SMITH: Yes.</p> <p>5 MR. PRINICIOTTO: Okay. And Mr. Neiss, 6 I'd like to go over with you the time for review of 7 this application. I've seen some letters from are 8 Neglia both in October, November and December. I'm 9 seeing this as it being deemed complete and certified 10 as of November 1st which would mean that the decision 11 would have to be rendered by March 1st. Are you in 12 agreement with that?</p> <p>13 MR. NEISS: I am.</p> <p>14 MR. PRINICIOTTO: Okay. All right. So 15 do we have a court reporter for this hearing?</p> <p>16 MR. NEISS: We do.</p> <p>17 SECRETARY SMITH: Yes.</p> <p>18 MR. PRINICIOTTO: So by agreement the 19 board's decision will be due by no later than 20 March 1st and hopefully before that and I know that 21 March 1st deadline would be before our March meeting 22 so unless the board needed a further extension it 23 should be resolved by our February meeting at the 24 latest.</p> <p>25 MR. NEISS: My hope Mr. Priniciotto, is</p>
<p style="text-align: right;">Page 7</p> <p>1 building structure.</p> <p>2 Next up will be Frank Visingardi of HDR 3 Engineering. Mr. Visingardi will of course discuss 4 the engineering of the site including some of the 5 variances called out by the new site plan. 4.</p> <p>6 Finally, the applicant will introduce 7 Joe Burgis its professional planner. Mr. Burgis who 8 is, I believe familiar presence before this board, 9 will discuss the reasons and justifications for the 10 variances and also contextualize the property into 11 the location in the borough.</p> <p>12 Speaking for the applicant we are 13 grateful for the attention this board has given and 14 will tonight give this application. Given what the 15 applicant seeks to accomplish I believe this project 16 is compelling and if approved will result in an 17 important old and new asset to the borough of 18 Woodcliff Lake.</p> <p>19 Assuming no questions for me Madame 20 Chairwoman, may I proceed with the applicant's first 21 witness?</p> <p>22 MR. PRINICIOTTO: Before you call your 23 first witness I would like to go over a few items 24 with you. There was proof of publication, but was 25 there proof of service?</p>	<p style="text-align: right;">Page 9</p> <p>1 because of the financial considerations and 2 constraints that if the board was willing to approve 3 this application, that we get it on as quickly as we 4 can because of those financial issues.</p> <p>5 MR. PRINICIOTTO: Okay. We will try to 6 move along as rapidly as we can.</p> <p>7 MR. NEISS: And we will tonight as well. 8 I think the application is fairly straightforward and 9 hopefully we can get through it. And if that's the 10 case I would like to introduce, if that's okay with 11 you, Chairwoman, I would like to introduce John 12 DaCosta.</p> <p>13 CHAIRWOMAN MALLEY: That is as well as 14 Mr. Priniciotto, did you have anything else to go 15 over or was that it?</p> <p>16 MR. PRINICIOTTO: No, that was primarily 17 it. The deadline to render a decision will be 18 March 1st of 2022. And we will proceed on that 19 basis.</p> <p>20 CHAIRWOMAN MALLEY: Okay.</p> <p>21 MR. NEISS: Mr. DaCosta, are you with 22 us?</p> <p>23 MR. DaCOSTA: I am. Can everyone hear 24 me?</p> <p>25 MR. PRINICIOTTO: We can hear you, but</p>

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1 we can't see you yet. And I do need to swear you in.
 2 Please state your full name for the
 3 record.
 4 MR. DaCOSTA: Sure. My name is John
 5 J. DaCosta, Jr.
 6 MR. PRINICIOTTO: Can you raise your
 7 right hand, sir.
 8 MR. DaCOSTA: My hand is raised.
 9 MR. PRINICIOTTO: Do you swear to tell
 10 the truth and nothing but the truth so help you God?
 11 MR. DaCOSTA: I do.
 12 MR. PRINICIOTTO: Okay. Mr. Neiss, do
 13 you want to put forth the witness's qualifications
 14 for the board?
 15 MR. NEISS: Mr. DaCosta is the principal
 16 of the applicant so --
 17 MR. PRINICIOTTO: I'm sorry, for some
 18 reason, we did have a DaCosta who was an engineer so
 19 I was probably thinking about another hearing.
 20 MR. NEISS: That's Rob Costa. It's
 21 okay.
 22 MR. PRINICIOTTO: I'm sorry.
 23 MR. NEISS: Mr. John DaCosta has his own
 24 area, several areas of expertise, but those aren't
 25 really relevant here tonight.

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1 MR. PRINICIOTTO: Okay.
 2 MR. NEISS: Okay.
 3 (Witness sworn)
 4 Q. So Mr. DaCosta, can you give, can you
 5 tell the board a little bit about yourself and a
 6 little bit about this proposed project?
 7 A. Absolutely. And I want to thank the
 8 board for having us tonight.
 9 Before I do describe my vision for the
 10 project, I did want to tell you a little bit about
 11 myself first.
 12 MR. PRINICIOTTO: Mr. Neiss, we can't
 13 see the witness. I don't know if that's what you
 14 intend.
 15 MR. NEISS: I can see him.
 16 THE WITNESS: I'm also presenting my
 17 screen but you should be able to see me as well.
 18 CHAIRWOMAN MALLEY: I cannot see you,
 19 you need to unshare so we can see you while you
 20 speak.
 21 MR. PRINICIOTTO: Okay.
 22 CHAIRWOMAN MALLEY: Scroll down on your
 23 screen maybe.
 24 MR. PRINICIOTTO: Now I can see him.
 25 A. Okay. So I won't bring up the

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1 presentation is that all right? Or would you
 2 prefer --
 3 Q. I think you can do that now because I
 4 think the board can see you on, in one of the
 5 thumbnails. I can see you now even though you are
 6 sharing the screen.
 7 MS. HEMBREE: I can see him as well.
 8 CHAIRWOMAN MALLEY: I can't see him.
 9 Can you scroll down on your, are you on your PC or
 10 something? If you scroll down with the scroll bar,
 11 it's not moving. It's the first page that I have on
 12 my screen.
 13 MS. BUSHELL: If you go up to view you
 14 can then, view on the top of your screen, you can go
 15 down to side by side speaker.
 16 MS. HEMBREE: I'm sorry, I don't see
 17 that.
 18 MR. PRINICIOTTO: Yeah, I do. That was
 19 helpful. There are a lot of different ways you can
 20 look at the screen.
 21 MR. NEISS: But Ms. Hembree, you can
 22 hear?
 23 MS. HEMBREE: I can hear. I saw him
 24 briefly.
 25 MR. NEISS: Yeah, he's not that good

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1 looking.
 2 MS. HEMBREE: Oh, I think he's
 3 wonderful. I wouldn't say that.
 4 THE WITNESS: All right.
 5 MS. BUSHELL: Do you see view on the top
 6 or bottom, wherever it is. Top right. Yes, it says
 7 view. I have more, participants, share, stop video.
 8 MR. PRINICIOTTO: It's up in the
 9 right-hand corner, it should be up in the right-hand
 10 corner where it says view. Do you have a cursor?
 11 MS. HEMBREE: No.
 12 MR. PRINICIOTTO: Can you go up into the
 13 right-hand corner?
 14 MS. HEMBREE: I did.
 15 MR. PRINICIOTTO: You can --
 16 CHAIRWOMAN MALLEY: Are you on an iPad?
 17 You probably can't do it on the iPad.
 18 MS. HEMBREE: Okay. All right. I will
 19 listen.
 20 THE WITNESS: Great. Thank you.
 21 A. So before I go into my vision on the
 22 project I did want to inform the board a little about
 23 myself.
 24 I'm a life long resident of Bergen
 25 County. I was born in Hackensack raised my early

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1 life in Hasbrouck Heights and spent most of my life
 2 childhood through high school in Lyndhurst.
 3 For the past 14 years I have resided in
 4 New Milford with my wife and two sons who are 12 and
 5 nine, and my daughter who is six.
 6 I possess a Bachelor of Science and
 7 Engineering Technology from NJIT and I have a
 8 postgraduate certification from MIT. I have been in
 9 the architectural engineering construction industry
 10 for more than 20 years. In addition to my
 11 involvement in real estate development since 2004 I
 12 have worked for Google as part of their data center
 13 and delivery engineering team and I currently lead
 14 Google's design efforts globally for all their the
 15 data center.
 16 I am also the president of the DaCosta
 17 Development and Construction, a residential and
 18 commercial construction firm founded in 2010. The
 19 company enjoys a healthy representation of doing high
 20 end, quality and attractive projects. We were
 21 recently featured in a 201 magazine article for an
 22 outdoor project in Woodcliff Lake. We delivered an
 23 approximately 1600-square foot outdoor space with a
 24 fully covered kitchen and living room and all the
 25 amenities.

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1 My company will be performing and
 2 overseeing the renovation work for the application
 3 here before you tonight.
 4 I'm also the president of JLA Properties
 5 the company that owns the applicant 216 Broadway,
 6 LLC. JLA bought the property on February 19, 2021.
 7 JLA also owns properties in Pennsylvania and in New
 8 Jersey. JLA also currently owns 101-105 in Woodcliff
 9 Avenue in Woodcliff Lake. We obviously believe
 10 Woodcliff Lake is a great place and a great place to
 11 invest in.
 12 Like all of you I have a background of
 13 service to my community for the last 12 years. I
 14 myself have been a member of the New Milford planning
 15 board and currently serve as its vice chairman. I'm
 16 also involved in several charity organizations that
 17 are important to me and my family.
 18 Moving on to the building. You know,
 19 the building and property at 216 have a very
 20 interesting history. Much of which I learned about
 21 from a September 19, 2018 Pascack press article
 22 called Back in Time Faber Brothers Broadloom Company.
 23 After reading it I got in contact with two wonderful
 24 women at the Pascack Historical Society who helped a
 25 lot to resurrect that history.

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1 There was one -- there wasn't really a
 2 comprehensive source for all the information, I did
 3 get some blurbs and some photos. Essentially what we
 4 know is the structure was built in 1870 by Nicholas
 5 B. Ackerman. The area now called Woodcliff Lake was
 6 still known as Pascack then and the building served
 7 as Ackerman's home and originally his business as a
 8 general store. Later it became a grocery store and
 9 for many years it was also the area's post office.
 10 And also, interestingly enough, it hosted the first
 11 telethon in the valley.
 12 Across the street is what I believe is
 13 both the town and Sillas property, but early on there
 14 was a coal yard and a mill there.
 15 Additionally, Mr. Ackerman was director
 16 of Hackensack and New York extension railroad company
 17 and was responsible for that extension of the
 18 railroad to the Pascack Valley that opened up in
 19 1871. Back then what's been known as Pascack Valley
 20 on the line Ackerman construction the station
 21 directly across the street from the building at his
 22 own expense, you know, from his general store. And
 23 that station is now the New Jersey Transit, Pascack
 24 Valley line Woodcliff Lake station.
 25 JLA is only the fourth or fifth owner of

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1 the property, and my research suggests that the
 2 property has always been a mixed use. We haven't
 3 been able to determine when the cupola was removed,
 4 but when we originally developed architectural
 5 concepts for the building we wanted the cupola to
 6 look something like the historic photos we have.
 7 I will skip to this here. The original
 8 building was designed in what is known as an
 9 Italianate style, which was very common for large
 10 residential and commercial buildings of that time.
 11 Some common Italianate architectural
 12 features are, you know the cupola that you see, not
 13 always but very common. Over hanging eaves with
 14 substantial brackets is a key feature. Tall and
 15 narrow windows and of course a first story only
 16 porch.
 17 We searched and found a few buildings in
 18 the area. We found one at 528 Hillsdale Avenue in
 19 Hillsdale that was true to that Italianate style.
 20 That property served as something of a guide for us.
 21 For the exterior design we also used
 22 some creative, modern but architecturally interesting
 23 elements. My architect will go over some of those
 24 with you. But you've probably seen some of those in
 25 the renderings like the one that I have on the

Page 18

1 screen.

2 Currently and talking, you know, the

3 current state of the building and what we plan to do

4 and what we've done so far. With, you know,

5 obviously no slight intended to its former owners the

6 building has been neglected for quite some time.

7 We're going to dress it up, we're going to make it

8 new again. And I, as you can see the proposed facade

9 on the right, I would rather not refer to our work as

10 iconic, but I'm certain it will become a beautiful

11 asset to the community and certainly the Broadway

12 corridor.

13 So the building as Arthur Neiss

14 mentioned is on .34 acres. There is a basement and

15 three above-grade floors. The first floor is

16 accessed from the south and the west. It's

17 approximately 2,200 square feet and is currently

18 occupied by the Faber Brothers Broadloom Company and

19 carpet retail show room.

20 On the second floor there is a

21 570-square foot studio apartment and 11,020-square

22 foot two-bedroom apartment. And on the third floor,

23 the top floor, there is a two-bedroom apartment of

24 approximately 1,370 square feet.

25 As I looked in purchasing the building I

Page 19

1 could see that there was settling due to overloading

2 on the first floor and some general neglect of the

3 main masonry bearing wall in the basement.

4 So I brought on a structural engineer to

5 review what I was seeing. I worked with him and we

6 developed a permanent structural shoring plan using

7 5-inch steel columns, W8-by-28 steel beams in the

8 basement.

9 We installed wood columns and laminated

10 beams on the first floor, so we have steel in the

11 basement took the load off the structure and we went

12 up onto the first floor and put, you know, wood and

13 laminated beams there. We did that while Faber was

14 still constructing business, they are installed and

15 they are in the middle of their showroom as we speak.

16 We did the best we could to not disrupt any of their

17 business.

18 In total we added about 6,500 pounds of

19 blue steel structural supports. We performed final

20 building inspection with the borough and approval on

21 December 9th, just last week.

22 Our proposal will not affect the site

23 plan for third floor residences. After we complete

24 the project we are presenting to you we intend to

25 refresh, but not add any square footage to the

Page 20

1 bathrooms in those units.

2 On the exterior, if I may, on the

3 exterior we're going to install new siding and

4 exterior architectural features. We are looking to

5 add gutters and leaders and put in new up-to-date

6 onsite drainage system which there currently is not.

7 The windows on the first floor will be

8 updated. If the board approves the small height

9 variance we're requesting we will restore the

10 belvedere or which is also sometimes known as cupola.

11 It will be ornamental and obviously nonresidential in

12 nature. We would look to put a low intensity light

13 that can be seen with a straight view from the

14 causeway and for a short segment on Broadway. The

15 light is intended to be fully shield to the west and

16 will not affect any neighboring homes.

17 We are before you because we are looking

18 to convert the first floor commercial space to three

19 residential units as Arthur has reviewed. Two,

20 two-bedrooms and a studio. The two larger units will

21 be about 600 and just under 1,100 respectively and

22 the studio is looking to be approximately 360 square

23 feet.

24 The two bedroom units will be accessed

25 from the south through a shared interior, I'm sorry

Page 21

1 interior vestibule and accessed via new portico over

2 the existing entrance masonry patio. The studio will

3 be accessed from the entrance on Broadway. All of

4 the unit units will be rental units.

5 Moving to the exterior, the two most

6 challenging issues on site were parking and

7 circulation. As you've seen on the plan our

8 engineers came up with an efficient way to get the 12

9 required parking spaces on site, while also balancing

10 the property's overall look.

11 For this they moved the new retaining

12 wall closer to the property line on the west side,

13 although this increases the overall lot coverage by a

14 small amount, and required rear parking closer to the

15 new wall, circulation is much more improved. The

16 height of the wall also with two tiers that you see

17 on the plan means that no headlights will be shining

18 into the neighbor's window.

19 The greatest benefit, we believe the

20 greatest benefit, of the new parking and circulation

21 plan is we eliminate that really, I'll call it ugly

22 front yard parking lot on the corners of Highview

23 Avenue and Broadway.

24 Now at the location there will be green

25 landscaped area. I think everyone can agree that the

Page 22

1 result is far better visual appearance for this
 2 particular corner.
 3 Because many of the variances we're
 4 seeking are preexisting we were able to do a lot of
 5 this with minimal requests for variances from the
 6 board.
 7 I am very excited about the project. I
 8 am, you know, happy to play a part in developing
 9 Woodcliff Lake in a way that will benefit the town
 10 and maintain its historical housing stock in the
 11 field.
 12 At this time I'm happy to answer any
 13 questions you may have. My professionals are also
 14 here to respond to any and thank you for your time
 15 and your review of this project.
 16 MR. PRINICIOTTO: Before we get to
 17 questions, Mr. Neiss, the exhibits that are being
 18 referred to by the witness I'm not sure that they
 19 were submitted and I'd just would like to know how we
 20 are marking them.
 21 Meg, I noted that marked as A-4
 22 renovation of photos dated September 2021. I'm not
 23 sure what those are, but I'd like to --
 24 SECRETARY SMITH: That is a package that
 25 was submitted with the application of most of these

Page 23

1 photos if not all of them. The cover sheet said
 2 renovation and photos and dated 2021.
 3 MR. PRINICIOTTO: Okay. I was looking
 4 at -- all right.
 5 SECRETARY SMITH: And the historic
 6 information that he showed was in there and these
 7 proposed look of the building was in there. I think
 8 all of these photos were in that package that was
 9 provided.
 10 MR. NEISS: Actually, if I may, there
 11 were additions of two, I think, two new photographs.
 12 THE WITNESS: They are the two that are
 13 on the screen.
 14 MS. HEMBREE: I don't have those.
 15 SECRETARY SMITH: It does say new
 16 content so I guess we have to label these two photos.
 17 MR. NEISS: Yes and mark them
 18 separately, please.
 19 MR. PRINICIOTTO: So just for
 20 clarification on -- let me just find the exhibit
 21 list.
 22 MR. NEISS: Mr. Priniciotto, I'm sorry,
 23 I'd like to help you but I didn't get a copy of the
 24 exhibit list.
 25 MR. PRINICIOTTO: You didn't. Okay.

Page 24

1 MR. NEISS: No. I know what we
 2 submitted, but Meg, did you create a separate exhibit
 3 list for the application?
 4 SECRETARY SMITH: Yes, I did and I sent
 5 it to Mr. Priniciotto.
 6 MR. NEISS: Okay.
 7 MR. PRINICIOTTO: I just had it. Bear
 8 with me. Okay. Now I see what you did, Meg.
 9 So there is a cover sheet which states
 10 "Renovations to 2016 Broadway Woodcliff Lake," which
 11 was presented on the screen and it's dated
 12 September 2, 2021. And there are eight images, well
 13 actually two photographs, historical photographs, as
 14 well as six images. And they are labeled image one
 15 through image six.
 16 And then there is a virtual material
 17 board. And then there is another exhibit which is
 18 labeled "Rehabilitation to Date," with two
 19 photographs and some structural detail.
 20 And go up to image 12, actually what's
 21 on your screen right now was submitted. Images
 22 seven, eight and nine are the product data, and the
 23 other, the one through six images are those building,
 24 existing building and different --
 25 THE WITNESS: I've added these, these

Page 25

1 are the only two added and because I added them I
 2 changed the date. That is the only changes.
 3 MR. PRINICIOTTO: Okay, so these --
 4 CHAIRWOMAN MALLEY: Image 13 and image
 5 14.
 6 MR. PRINICIOTTO: Okay. So we'll mark
 7 that image 13 and image 14 we'll mark that A-11 and
 8 the other images I'm going to add that to this A-4
 9 which will have images 1 through 12.
 10 (Whereupon A-4 was received and marked
 11 for identification.)
 12 (Whereupon A-11 was received and marked
 13 for identification.)
 14 MR. PRINICIOTTO: As well as two
 15 historical photos. Okay. Thank you.
 16 MR. NEISS: Since it's up on the screen
 17 I would just like to point out that the image that's
 18 there now shows the original cupola above the Esso
 19 sign.
 20 CHAIRWOMAN MALLEY: Yes.
 21 MR. NEISS: So again, are there any
 22 questions for Mr. DaCosta from the board?
 23 MS. HEMBREE: Can we see the other side
 24 of the building where the parking is going to be?
 25 The access to the house is on the north side;

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1 correct?

2 CHAIRWOMAN MALLEY: North and east side.

3 THE WITNESS: This is standing on the

4 north side looking south.

5 MR. PRINICIOTTO: I think what she is

6 looking for is what you are proposing.

7 MS. HEMBREE: What the drawing looks

8 like, how you are going to get in and out of it.

9 THE WITNESS: I will pull up that plan.

10 I don't have a rendering but I do have a plan.

11 MS. HEMBREE: Okay.

12 THE WITNESS: Please let me know if you

13 can see this.

14 MS. HEMBREE: Okay. I see it. Oh,

15 okay.

16 Q. Mr. DaCosta, you are showing the board

17 what is currently the site plan, the most recent site

18 plan for the project; correct?

19 A. That is correct.

20 MR. NEISS: Ms. Hembree, does that help,

21 does that.

22 MS. HEMBREE: Yeah, I mean, it's a

23 problematic corridor as everybody knows and the

24 people -- I lived there a long time ago up the hill

25 so I'm familiar with the property and the way -- but

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1 with the change to the road over the reservoir and

2 the traffic light, it's problematic getting out of it

3 from the south part of Highview Avenue. You know, if

4 you come out of the driveway, is it, can you ingress

5 and egress from both Broadway and Highview?

6 THE WITNESS: No, the plan would be to

7 ingress from Broadway and go out onto Highview either

8 west or east.

9 MS. HEMBREE: Well, the problem is

10 going, if you want to go south on Broadway you would

11 have a problem. And I don't quite know how to fix

12 that. I mean you're going to have to go up the hill

13 but that's in snowy weather that's a difficult thing

14 to do. We can only go north on Broadway. Because in

15 order -- I kind of watched it because it's not my

16 favorite intersection -- I have watched it and people

17 if they are lucky they can get one car in front of

18 the cars that are waiting to go through the light

19 going south. And then they can get out.

20 But other than that, they really can't

21 get out. And I don't quite know how to fix that.

22 MR. NEISS: Are you speaking from the,

23 from Highview Avenue or are you speaking from the

24 site?

25 MS. HEMBREE: No, from Highview

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1 Avenue -- well that's the site. If you can only get

2 out onto Highview Avenue, you can get in from

3 Broadway but you can only get out from Highview

4 Avenue. In order to go south you have to go up the

5 hill and around because it's too difficult to get

6 out. There is no way to line up so-to-speak.

7 Because people are waiting coming south

8 on Broadway to go through the light. When the light

9 turns you have a left turn and a north movement and

10 only if there is no traffic can you get out.

11 CHAIRWOMAN MALLEY: Christine, sometimes

12 there are nice people, we let them in.

13 MS. HEMBREE: No, I know.

14 MR. PRINICIOTTO: Can I get a --

15 MS. HEMBREE: Do it the other way around

16 and go in from Highview and out from Broadway?

17 MR. NEISS: I think that question is

18 probably better expressed to the engineer if you

19 don't mind me saying so.

20 MS. HEMBREE: No, it's okay. I'm not

21 sure it's a solvable problem, but I'm just aware of

22 it.

23 MR. NEISS: Right. I'm curious

24 Ms. Hembree, you said this is not your favorite

25 corner, can you tell me which is your favorite corner

Page 29

1 in town?

2 MS. HEMBREE: Well, the corners that

3 move. You know, that if you get in line to go north,

4 south, east, west you can move. This is, you're

5 really not able, if you come to the bottom of

6 Highview Avenue it's a crap shoot as to whether you

7 can get out or not. You can turn right but you can't

8 turn left very easily.

9 MR. NEISS: Well, again the engineer can

10 address because parking is set up, at least to my

11 eye, the parking is set up in such a way that the

12 flow works from coming in from Broadway and exiting

13 on to Highview, but the engineer can discuss that.

14 MR. PRINICIOTTO: Can I just get a

15 reference as to the date of this site plan that you

16 have up on the screen right now?

17 MR. NEISS: Of course. Mr. DaCosta you

18 can confirm it, but to my knowledge that's dated

19 December, last revised December 1, 2021.

20 SECRETARY SMITH: That would be A-9,

21 Mr. Prinicotto.

22 MR. PRINICIOTTO: Okay. Thank you.

23 Because I was looking at the one dated August 31st,

24 but I know a revised plan was sent and that's marked

25 A-9. So what's on the screen is A-9. Thank you,

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1 Meg.

2 MS. HEMBREE: I mean, technically you

3 already have the building occupied with apartments on

4 the second and third floors and the only thing you

5 are adding is the first floor. So there is already a

6 problem with people getting in and out from Highview.

7 And it makes it easier to get into the site from

8 Broadway.

9 I'm just pointing out that, you know, I

10 don't know how it would, it may not inconvenience a

11 lot of people. I don't know.

12 MR. NEISS: What may make it even better

13 is eliminating the commercial use and so the amount

14 of traffic will be reduced as a result.

15 MS. HEMBREE: Well, there is not a whole

16 lot of commercial use at that store. There's not,

17 and there never has been in my opinion. It was

18 always like nobody goes there.

19 UNIDENTIFIED PERSON: Well, the -- well,

20 there's a store -- that has high traffic -- we have

21 no control, somebody that doesn't have a business

22 model that's successful doesn't change it.

23 It's impressive. I'm going to look at

24 it this way, what the general idea and scope and plan

25 are here, it's what ten spots, 11 spots?

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1 THE WITNESS: Well, 12.

2 UNIDENTIFIED PERSON: I do notice there

3 is the handicapped spot here.

4 MS. HEMBREE: I think the house is

5 gorgeous. I love it. I love what you have done with

6 it.

7 UNIDENTIFIED PERSON: Well, it's tucked

8 behind everything, it controls the in and out where

9 it's got to go. There's some good thought here.

10 MS. BUSHHELL: I agree. I think it's

11 beautiful, but I'm looking at if I had to go south

12 and had to get out on Highview and make a left turn

13 and that's the hill, I think it's an accident waiting

14 to happen. With the cars coming down Highview, will

15 they be able to stop while I'm trying to make a left

16 to go up Highview Avenue? I wish there was.

17 MS. HEMBREE: No, you don't have to go

18 up Highview, Barbara. You go in from Broadway. You

19 mean to go into the building?

20 MS. BUSHHELL: No leaving. Leaving.

21 Yeah. I wish there was a solution.

22 MS. HEMBREE: Oh, leaving.

23 CHAIRWOMAN MALLEY: It's really no

24 different than it is today. People are coming in and

25 out on both streets.

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1 UNIDENTIFIED PERSON: Agreed.

2 MS. BUSHHELL: And it works?

3 CHAIRWOMAN MALLEY: It's worked pretty

4 much all along. I mean I was over there on Saturday,

5 I sat in the parking lot I was watching what was

6 going on. There were people, that carpet store is

7 still in existence, people are were going in and out.

8 So you know.

9 UNIDENTIFIED PERSON: Do you have

10 schematics of the existing parking situation and how

11 many technical spots are there now.

12 UNIDENTIFIED PERSON: I think they wrote

13 it. They were going to reduce the amount of parking

14 spots.

15 THE WITNESS: Yes, and so Frank or Joe,

16 Mr. Danzig, if you would like to jump in at all here.

17 There is really not that many spots for the amount of

18 area, paved area that we have got existing on this

19 site. There is a couple spots close to the fence,

20 the rear of the building, the west side, that are --

21 there's striped lines there, but it's not ideal I'll

22 call it.

23 MS. HEMBREE: Yeah.

24 Q. Mr. DaCosta, can I just confirm with you

25 that what you have on the screen right now is a

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1 document called "Existing Condition sheet V, as in

2 Victor, one that's dated August 31, 2021?

3 A. This is V-1; correct. August 31st.

4 Yes.

5 MR. VISINGARDI: This is Frank

6 Visingardi from HDR, do I need to be sworn in before

7 I speak?

8 MR. PRINICIOTTO: Yes, if you are going

9 to testify you have -- well, and this is a question

10 for the Chairwoman Malley, we are questioning the

11 first witness now. Do you want to open to the public

12 with regard to the first witness if there are no more

13 questions by the board or do you want to take the

14 testimony of one additional witness before you open

15 to the public?

16 CHAIRWOMAN MALLEY: Let's take the

17 testimony of another witness since Mr. DaCosta is

18 going to be here, I think, through the whole

19 presentation.

20 MR. PRINICIOTTO: Okay.

21 CHAIRWOMAN MALLEY: Let's continue.

22 MR. PRINICIOTTO: We'll open to the

23 public for the two witnesses.

24 CHAIRWOMAN MALLEY: Correct. There is a

25 lot more to this, there are a lot of variances, there

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1 is a change from residential in R-15 zone that we
 2 still have to consider so parking is just one, one of
 3 the issues that we have to deal with, ingress and
 4 egress so I would rather move forward and hear more
 5 of their application. I hope everybody agrees with
 6 that.

7 MR. PRINICIOTTO: Okay. I will swear in
 8 the next witness.

9 CHAIRWOMAN MALLEY: Yes, thank you.

10 MR. PRINICIOTTO: Can you state your
 11 name for the record.

12 MR. DOSTER: Yes, it's Michael
 13 P. Doster.

14 MR. NEISS: No, I think you want the
 15 testimony of Mr. Visingardi for the parking?

16 MR. PRINICIOTTO: Yes. I thought that's
 17 who you were going to call.

18 MR. NEISS: Right. Mr. Doster is the
 19 architect. So Mr. Visingardi is, I suspect, the next
 20 witness who you would like to hear from.

21 MR. PRINICIOTTO: Okay. Can we have --

22 MR. VISINGARDI: We have four witnesses
 23 all together.

24 MR. PRINICIOTTO: Mr. Visingardi, I'm
 25 going to ask you to raise your right hand. Do you

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1 swear to tell the truth and nothing but the truth, so
 2 help you God?

3 MR. VISINGARDI: I do.
 4 (Witness sworn.)

5 MR. PRINICIOTTO: Mr. Neiss you can
 6 qualify this witness, I believe, who is an expert.

7 MR. NEISS: That's correct
 8 Mr. Priniciotto.

9 Q. Mr. Visingardi, what is the nature of
 10 your occupation?

11 A. Professional engineer licensed in New
 12 Jersey.

13 Q. And how long have you been so?

14 A. Since 1996. 25 years.

15 Q. And have you had an opportunity to
 16 appear before planning and zoning boards in the state
 17 of New Jersey as an engineer?

18 A. I have.

19 Q. And have you been qualified before those
 20 boards as an engineer?

21 A. Yes.

22 Q. And has your license ever been revoked
 23 or suspended for any reason at all?

24 A. It has not.

25 Q. And in all of the appearances that you

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1 have had before boards, whether planning or zoning
 2 boards, have you always been accepted as an expert in
 3 engineering?

4 A. I have.

5 MR. NEISS: Chairwoman Malley, I would
 6 respectfully request Mr. Visingardi be declared as an
 7 expert in the field of engineering.

8 CHAIRWOMAN MALLEY: Do any of our
 9 members have any questions?

10 MS. HEMBREE: No, he's qualified.

11 CHAIRWOMAN MALLEY: Okay. Then let's
 12 move on. Yes.

13 MR. NEISS: Thank you.

14 THE WITNESS: Thank you.

15 Q. Mr. Visingardi, you have heard some of
 16 the questions about the parking and the circulation
 17 on the property. What can you tell the board about
 18 how this project was designed from an engineering
 19 standpoint?

20 A. We were certainly trying to improve
 21 access, ingress and egress from the site. Currently
 22 all the access is from Highview Avenue, a pretty wide
 23 curb cut and then a sea of asphalt parking area for
 24 cars to pull in and make their turns backing out and
 25 coming back onto Highview Avenue.

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1 So ingress and egress from Highview, if
 2 they want to exit and go towards Broadway they ran
 3 into these traffic conditions that exist with that
 4 kind of offset intersection with a light just a
 5 little further south.

6 We are improving that by providing
 7 one-way traffic through the site. Our entrance is
 8 off the county road Broadway, so there will be an
 9 entrance off of Broadway and circulating and exiting
 10 out onto Highview Avenue. There will not be any
 11 reverse vehicle movements back out onto any right of
 12 way, it will all be forward motion. And that is an
 13 improvement just in safety in itself.

14 Regarding concern about changing
 15 location of ingress to Highview and then exit out
 16 onto Broadway, the county does have a habit of
 17 limiting left turns out of sites, so that concern
 18 about if we do reverse the traffic pattern on site,
 19 we may see the county allow us only right-hand turns
 20 out on the Broadway so all traffic would go north,
 21 which would sort of defeat that flexibility we have
 22 if we come out an exit on to Highview Avenue that
 23 folks can either go north or south onto Broadway.

24 Since that intersection is with a county
 25 road I gather any potential change with the lighting,

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1 the stop bars on Broadway would have to be presented
 2 to the county for any sort of adjustment and that
 3 would be, have to be approved by the county engineer.
 4 I don't think this project will solicit that kind of
 5 attention to the county. That may require some more
 6 attention on a borough level whereby maybe there's
 7 history of accidents and the like.

8 But as far as our project here we are
 9 improving access. We have actually received some
 10 responses from the county. They have no issue with
 11 our ingress from Broadway. They did ask us to
 12 eliminate one of the returns on the curb cut as it
 13 will be just an entrance. So the curb cut with a
 14 return to the north on Broadway will be just a
 15 straight cut towards the, what will be curb line on
 16 Broadway.

17 As far as parking we are providing 12
 18 spots which the borough engineer has approved, has
 19 agreed those are the number of spaces required for
 20 the number of dwelling units on this property.

21 We do provide an aisle width in
 22 accordance with the residential standards of New
 23 Jersey and the parking spaces also meet the
 24 requirements of the residential standards.

25 We are providing a single handicapped

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1 ADA compatible parking spot closest to the entrance
 2 that will be made accessible to handicapped folks.
 3 So we are being mindful of potential residents at the
 4 site.

5 As mentioned we are revising the grading
 6 on the east side of the lot and that's on to the top
 7 of the screen. We are providing a two tiered
 8 retaining wall that will support the grade. And also
 9 provide an area suitable for parking.

10 John did mention before that two tiered
 11 retaining wall will prevent headlights from spilling
 12 light onto the neighboring lot.

13 Other improvements to lighting we are
 14 providing lighting in the parking area. We will have
 15 pole mounted lights with dark sky fixtures so the
 16 light is directed onto the parking area and not
 17 spilling out onto the neighboring property.

18 Regarding landscaping, so that sea of
 19 asphalt there that is on the frontage of Highview
 20 Avenue will be removed and will be replaced with lawn
 21 area as well as shrubbery and trees. So that is
 22 going to vastly improve the frontage of the site. I
 23 know there was a variance requested regarding
 24 coverage of the site.

25 You may take into account we are

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1 replacing some of the right-of-way area that was
 2 covered with impervious area by making this
 3 improvement along Highview Avenue and moving that
 4 impervious area to make more suitable use of the
 5 parking area around the site.

6 Q. Mr. Visingardi, I just want to stop you
 7 for a minute. The county expressed some concern
 8 about site lines with regard to the landscaping. Can
 9 you comment about that just briefly?

10 A. Yes. Definitely. The county's
 11 concerned with the intersection, Highview and
 12 Broadway, and they want to make sure sight lines are
 13 not encumbered by any sort of trees, shrubs. So our
 14 shrubs will be selected so that the, and maintained,
 15 so that they do not grow more than 30 inches above
 16 grade so that drivers and their vehicles can have a
 17 clear line of sight up and down Broadway.

18 The same applies for our exit on to
 19 Highview Avenue. We are not providing any sort of
 20 landscaping that will inhibit drivers's ability to
 21 see up and down Highview. And will be able to have a
 22 line of sight to see these vehicles coming down the
 23 hill, be able to make decisions to make left turns
 24 and right turns appropriately and avoid incidents
 25 with on-coming traffic.

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1 Regarding drain -- on the site as John
 2 had mentioned earlier that currently there is no
 3 facilities on site to handle drainage, storm water
 4 run off simply runs off the building paved areas and
 5 onto the right-of-ways of Highview and Broadway. We
 6 will be collecting that drainage and running it to
 7 storm water management system and a dry well which
 8 the borough engineer already had set the volume
 9 required for that dry well and we will be providing
 10 that in our feature submissions.

11 So we will be improving the drainage of
 12 the site reducing the burden that is placed on the
 13 borough and county drainage systems.

14 We also have onsite an enclosure plan
 15 around the area that will store trash and
 16 recyclables. We are providing that screening so the
 17 traveling public on Highview Avenue will not see
 18 trash receptacles in their glory but will actually
 19 have a shield around them.

20 CHAIRWOMAN MALLEY: Is that for a
 21 dumpster or for garbage cans?

22 THE WITNESS: John, I believe you were
 23 looking at potentially even having a 4-yard container
 24 inside that unit. We will be exploring that a little
 25 closer to see the actual demand, but it will be sized

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1 sufficiently for the needs of the residents.

2 MR. DaCOSTA: Yeah, currently it's town

3 pick-up for the four units. We sized the area so

4 that we could get single, you know, four-yarder in

5 there with some recycling receptacles, but it can

6 just as easily become a series of, you know, larger

7 garbage cans also depending on what the arrangement

8 is for pick-up, whether it's municipal or private.

9 CHAIRWOMAN MALLEY: I didn't realize the

10 town picked up for buildings. I thought they only

11 did it for residential. Okay.

12 MR. PRINICIOTTO: The -- it's a

13 container, they're not going to pick it up.

14 MR. DaCOSTA: Right. If we were to

15 required to provide our own hauler we would put a

16 container in there.

17 CHAIRWOMAN MALLEY: Okay.

18 MR. NEISS: And Mr. DaCosta your company

19 employs people who go to the various properties that

20 you own both in Woodcliff Lake and elsewhere; is that

21 correct?

22 MR. DaCOSTA: Correct. Yes, and the

23 construction company does quite a bit of work in the

24 area as well.

25 MR. NEISS: And those people will be

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1 managing this property so that the garbage will be

2 organized within the trash enclosure, it won't be

3 strewn about the property, your people will take care

4 of that is my assumption. Would that be correct?

5 MR. DaCOSTA: That is a correct

6 assumption. And I myself will also be on occasion on

7 the property, I like to keep things clean and neat.

8 MR. PRINICIOTTO: Is the trash enclosure

9 area shown on this exhibit.

10 MR. DaCOSTA: Yes. It's here. I can go

11 to a drawing that probably better outlines it. Here.

12 Trash enclosure here. You can see my cursor on the

13 screen?

14 MR. PRINICIOTTO: Yes, I saw it. Thank

15 you.

16 CHAIRWOMAN MALLEY: Going back to where

17 you have the retaining wall, there seems to be more

18 buffering around the backside of the property up the

19 Highview hill. Is there any buffering over than

20 those retaining walls between that and the next door

21 neighbor.

22 MR. VISINGARDI: We do have landscaping

23 planned in that area between shrubs and ground cover

24 will be placed on those tiered sections of the

25 retaining wall area.

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1 CHAIRWOMAN MALLEY: Anything with

2 height?

3 MR. DaCOSTA: There is also an existing

4 hedge row there. Further to the east there likely

5 will be some existing trees to remain and any of the

6 new planting including the retaining wall.

7 CHAIRWOMAN MALLEY: So which trees are

8 coming out?

9 MR. DaCOSTA: The trees that are coming

10 out -- and I'm meeting with in 2 weeks with

11 Mr. Garcia at the site to review that -- there are

12 two large trees to the north side of the property

13 where the parking is. It appears that there is also

14 an additional row of tall trees to that north side on

15 the north property that appear, but we don't have to

16 touch those and they are not on the property. It

17 appears there are two on the north side that would

18 have to come down. And the plant area when we dig up

19 for the retaining wall we look to maintain as many as

20 we can. There is a lot of overgrown stuff on that

21 east side right now so I'm not sure how much of it

22 is, you know, solid hardwood trees in good health

23 versus vs. some overgrown weeds. But the intent

24 would be to maintain as much planting as possible.

25 MR. NEISS: But in any event the

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1 applicant will comply with the borough's tree

2 ordinance no matter what; correct?

3 MR. DaCOSTA: Correct. And just I will

4 mention again I'm going over that specifically with

5 Mr. Garcia in 2 weeks.

6 CHAIRWOMAN MALLEY: I'm not sure if you

7 were done with your presentation Mr. Visingardi.

8 MR. VISINGARDI: Yes, I am. Thank you.

9 CHAIRWOMAN MALLEY: Okay. Does anybody

10 else have questions you guys want to ask him. Go

11 ahead Barbara.

12 MS. BUSHELL: I looked at your formula

13 on how many parking spaces that you will need and it

14 said that you need 1.8 for one bedroom. Wouldn't it

15 be a little better to give the one bedroom two spaces

16 because it could be a couple that live there?

17 MR. VISINGARDI: Yes, when you add up

18 all the units we round up, so we are providing

19 12 units overall which will be sufficient.

20 MS. BUSHELL: Oh, okay.

21 MR. PRINICIOTTO: This meets residential

22 site improvement standards for parking?

23 MR. VISINGARDI: It does, yes.

24 CHAIRWOMAN MALLEY: And I didn't ask

25 earlier, does this fall in line with the affordable

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1 housing guidelines in terms of the sizes of
 2 apartments that are required? For some reason I was
 3 thinking a three-bedroom was required, Frank?
 4 MR. PRINICIOTTO: I think, Robin, that
 5 is going to be an issue for other experts, I think,
 6 but I will defer to Mr. Neiss on that.
 7 MR. NEISS: Yes. In fact Mr. Burgis
 8 will address that specific question.
 9 CHAIRWOMAN MALLEY: Okay. Thank you.
 10 Because I guess that falls in line with parking too.
 11 That's where I was looking at some numbers.
 12 Do we have a requirement and I don't
 13 have any of that in front of me right now for
 14 buffering between -- well, it's an R-15 zone that we
 15 are looking at. What is our, we are looking at an
 16 R-15 what is our buffering requirement for the rear
 17 yard or side yard between this and the neighbor?
 18 MR. PRINICIOTTO: Well, I don't have the
 19 section off the top of my head but there is a
 20 requirement for buffering between commercial and
 21 residential zones. Mr. Neiss, is there a landscaping
 22 plan?
 23 MR. NEISS: There is. It was just up on
 24 the screen, Mr. Priniciotto.
 25 MR. DaCOSTA: It should still be on the

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1 screen.
 2 MR. NEISS: There it is.
 3 MR. PRINICIOTTO: Okay. But it's not,
 4 where you have those tiered retaining walls it's not
 5 showing any plantings there. Does it? Or is it just
 6 am I not reading it correctly?
 7 MR. VISINGARDI: Yes, in the hexagons
 8 those are the plants that will be applied up there so
 9 the HG and JN are on the chart.
 10 MR. PRINICIOTTO: Those are right there?
 11 MR. VISINGARDI: Yes.
 12 CHAIRWOMAN MALLEY: I guess we are used
 13 to seeing a color rendering. This makes it a little
 14 harder to...
 15 MS. CHEN: Chairman Malley, just to
 16 clarify, I don't believe there are actual buffering
 17 in terms of, you know, distance for landscaping
 18 requirements for this property and they do require
 19 existing nonconformity to both front yards, but they
 20 do comply currently with the other, the setback from
 21 the two other property lines. However, their parking
 22 is actually noncompliant with requirements or
 23 setbacks for parking so the code requires parking to
 24 be, I think, at least 10 feet from site and rear
 25 property lines.

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1 So both sides eastern and northern that
 2 will be noncompliant. Additionally, parking also is
 3 required to be setback at least 30 feet from any
 4 residential zones. So they will also be noncompliant
 5 with that requirement.
 6 CHAIRWOMAN MALLEY: Was that, that was
 7 not a variance that was requested?
 8 MS. CHEN: I don't believe it was
 9 requested but we did include that in your planning
 10 review letter.
 11 CHAIRWOMAN MALLEY: Okay.
 12 Anyone else with questions? Do we want
 13 to open to the public at this point? Reserve the
 14 right for more questions afterwards?
 15 MS. HEMBREE: Sure. I move that we open
 16 the meeting to the public.
 17 CHAIRWOMAN MALLEY: For questions of
 18 these first two witnesses only.
 19 Can we get a second?
 20 MR. MANISCALCO: Second.
 21 CHAIRWOMAN MALLEY: I missed who said
 22 that.
 23 SECRETARY SMITH: Mr. Maniscalco, I
 24 believe.
 25 MR. MANISCALCO: Yes.

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1 SECRETARY SMITH: Can I ask that the
 2 shared screen be taken down? Okay. All this favor
 3 of opening to the public?
 4 ALL MEMBERS: Aye.
 5 SECRETARY SMITH: Any opposed? Okay.
 6 The meeting is now open to the public for questions
 7 of the first two witnesses for this application at
 8 216 Broadway. If you are attending on Zoom you may
 9 raise your hand and you will be called upon. If you
 10 are watching on, members of the public live TV please
 11 call (201) 391-4977, and dial extension 203 and we
 12 can take one call at a time for questions for this
 13 application from the first two witnesses.
 14 I currently have several people raising
 15 their hand on Zoom. The first is John Mayo. You may
 16 address the board with questions.
 17 MR. MAYO: Good evening, ladies and
 18 gentlemen. My name is John Mayo I live at 11
 19 Highview Avenue. I am the abutting property to the
 20 project before the board.
 21 Overall I am not opposed to the project.
 22 I think it's a beautiful rendering. I think
 23 restoring the history is a great idea, I'm a big
 24 history buff myself. But I do have some significant
 25 concerns regarding light intrusion, disturbance of

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1 significant trees, and I did review the plans and the
 2 review letter from the borough engineer. I thought
 3 your professionals did a good job of identifying the
 4 relief required.
 5 I do understand that the retaining walls
 6 will block direct headlights from heading up on to
 7 Highview, but with the light fixtures proposed which
 8 I do not know how high they are, what type of
 9 fixtures they are and what color, temperature they
 10 will have meaning how bright light they will be. I
 11 am under the impression that I am going to have a
 12 significant glow coming out from the property that I
 13 have never had before.
 14 MR. PRINICIOTTO: Mr. Mayo, do you have
 15 questions you want to ask the engineer, I mean, it
 16 sounds like you do have questions in your comments.
 17 In other words you have questions --
 18 MR. MAYO: I do, but I would like to
 19 explain my issues prior. Even with the light
 20 intrusion, the parking lots on the sideline on
 21 Broadway it won't shine light directly into my
 22 windows but every time someone parks there in dark
 23 hours I will be seeing headlights on my property in
 24 my living room and kitchen window.
 25 I would like to know from engineer the

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1 wall heights, the trees that are being removed, I do
 2 believe that there is a need to extend the retaining
 3 walls down along the parking lot towards Broadway as
 4 well. I don't believe you are going to be able to
 5 get those --
 6 MR. PRINICIOTTO: Mr. Mayo, I probably
 7 should have said this earlier but this is a time for
 8 you to ask questions. If you want to make comments
 9 about the application --
 10 MR. MAYO: Well, I'll ask a comment of
 11 the engineer. Do you think the parking as proposed
 12 is going to disturb the trees, the significant trees
 13 on my parking or the grading and proposing
 14 disturbance on my property.
 15 MR. VISINGARDI: Well, the grading
 16 proposed will be well within the property of
 17 Mr. DaCosta. And as far as trees they shouldn't
 18 impact trees off site.
 19 John did mention that he's going to meet
 20 with a borough official -- Marcile (phonetic) is the
 21 name, John -- to go over the trees that will be
 22 removed off this lot and then we are also going to
 23 comply with the borough ordinance to replace trees
 24 accordingly with our landscaping plan.
 25 MR. MAYO: And let me ask you, the trees

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1 on my property have significant canopy that lies over
 2 the property owner's property line and will your
 3 paving disturb the root system for those trees? And
 4 will the paving cover up the existing root system
 5 denying those trees of water?
 6 MR. VISINGARDI: I would have to check
 7 the canopy, but I would think our paving system is
 8 not going to be to that depth that will disturb the
 9 root system. And certainly we are looking at ways to
 10 reinduce storm water that falls on the site back into
 11 the ground so we will not simply be shedding storm
 12 water as the site currently does but actually
 13 returning some to the ground which will also be a
 14 source of water for your trees.
 15 MR. MAYO: Would that source of recharge
 16 be located near trees that you may be covering with
 17 pavement.
 18 MR. VISINGARDI: You mean the canopy of
 19 the trees?
 20 MR. MAYO: Yes, if you are going to
 21 cover a canopy would you be proposing recharge close
 22 to those areas?
 23 MR. VISINGARDI: We haven't cited the
 24 recharge areas, but we can simply put it in the side
 25 yard, the side yard along the Broadway frontage where

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1 we can provide recharge of storm water back into the
 2 ground.
 3 MR. MAYO: Thank you. And can I ask
 4 again, how tall are the retaining walls that you are
 5 proposing.
 6 MR. VISINGARDI: Yes, they are two
 7 tiered, neither tier will exceed 3 feet. So the
 8 overall height of both tiers combined will be about
 9 6 feet.
 10 MR. MAYO: And there is only 3 feet of
 11 separation does that retaining wall require geogrid
 12 reinforcement to be run behind the wall?
 13 MR. VISINGARDI: So we'll have 5-foot
 14 clearance to the property line and I may have to
 15 defer to my coworker Joe regarding geogrids and that,
 16 but I don't envision the need for that. But.
 17 MR. MAYO: Only 6 feet high?
 18 MR. VISINGARDI: Each wall will be
 19 3-foot --
 20 MR. MAYO: I get that, but as an
 21 engineer do you analyze that as a single wall or a
 22 double wall?
 23 MR. VISINGARDI: So we look at the zone
 24 of influence at each retaining wall so the 3-foot the
 25 second tier will be 3-foot offset so that zone of

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1 influence will likely hit below grade so we do look
2 at that, but I don't see looking at this two tiered
3 system as a single height wall.
4 MR. MAYO: Okay. I do have one more
5 question. If the board were to grant a variance for
6 two parking stalls would you be able to place three
7 parallel parking stalls along the Broadway sideline,
8 reduce the amount of impervious cover, provide more
9 separation thereby reducing your relief requirements
10 in lieu of you know, well -- that can be the question
11 there.
12 MR. VISINGARDI: So the question is if
13 parallel parking is provided along our entrance.
14 MR. MAYO: Yes, and you had a variance
15 for two stalls, if you fit three parallel parking
16 stalls instead of the five and reduce your impervious
17 cover and provide greater separation.
18 MR. VISINGARDI: Well the "if" statement
19 is key, but yes, we can provide three spaces there
20 and that would reduce impervious coverage.
21 MR. MAYO: Okay. And I guess that would
22 be all the questions for this witness. I thank the
23 board for their time. I will have more comments
24 later.
25 CHAIRWOMAN MALLEY: Thank you, Mr. Mayo.

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1 SECRETARY SMITH: Okay.
2 MS. CHEN: Before we go I just wanted to
3 add a note the retaining wall will also require a
4 variance. The code only allows maximum height up to
5 3 feet.
6 CHAIRWOMAN MALLEY: Thank you, Dijia.
7 SECRETARY SMITH: The next person on
8 Zoom raising their hand is Walter Appelle. And he
9 has now been unmuted.
10 MR. APPELLE: I think it's Ron Appelle.
11 SECRETARY SMITH: It's coming up as
12 Robert Appelle on your participant list.
13 MR. APPELLE: Thank you very much for
14 taking my call. I live at 23 Cresskill Court for
15 those of you who are new to this Zoom. I also want
16 to say that the facade is lovely, the cupola looks
17 great and a lot of thought and effort went into this.
18 This question can be for Mr. DaCosta or
19 Mr. Visingardi, either one. I'm not sure which one
20 so either one can answer.
21 I just want to know if I'm correct in
22 understanding that the entrance will be entered from
23 Broadway and exit on Highview and that it's like a
24 one-way; is that correct? You can't go in and out,
25 you can't choose just Broadway in Highview out; is

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1 that correct? Okay. Good.
2 MR. DaCOSTA: That's correct, yes, it
3 would be one direction circulation.
4 MR. MAYO: So now it's also my
5 understanding that the 16 affordable units that are
6 being built on Broadway or hopefully being built on
7 Broadway, and with their egress, with they're in and
8 out off of Highview as the only in and out, am I
9 right about that? Those 16 units could then generate
10 a minimum of 32 parking spaces, 32 cars entering and
11 exiting very near on Highview where the exist is for
12 your development?
13 CHAIRWOMAN MALLEY: That has nothing to
14 do with this application.
15 MR. APPELLE: Oh, okay. I'm sorry. All
16 right. So all right one last thing. There isn't any
17 parking for any visitors in this plan. So my
18 assumption -- is there any parking for any visitors
19 in this plan? Visitors to the six rental units.
20 MR. VISINGARDI: The number of parking
21 spaces provided were as per the New Jersey
22 residential standards.
23 MR. APPELLE: Okay. Then my assumption
24 is they can't park on Broadway so they will be
25 parking up and down Highview if there is no other

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1 place to go.
2 MR. PRINICIOTTO: Well, they meet the
3 requirement of.
4 MR. APPELLE: I got that. Thank you
5 very much, Mr. Priniciotto, I get it, thanks. And
6 thank you all for your time.
7 CHAIRWOMAN MALLEY: Thank you.
8 SECRETARY SMITH: Okay. I have an
9 Anthony raising his hand.
10 MR BAGGETT: Hi there, Anthony Baggett
11 here at 39 Campbell Avenue, a couple blocks over from
12 the property there.
13 First I wanted to start off and
14 compliment John on your plans for the property and
15 your presentation with the historic, you know, the
16 whole history of the property. Very good insight on
17 it all.
18 But I will tell you I do have some
19 concern with regard to the density on the property.
20 So I would want to question you on that. For one, I
21 understand that it's been a multiuse property, you
22 stated in your testimony earlier you believe since
23 it's inception or generally since the inception.
24 At the time of your purchase, how was
25 that done? Is that under a special use permit or how

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1 was that allowed prior to your purchase of it because
 2 it is an R-15 which would be a single family use as
 3 my understanding is. Could you explain that?
 4 MR. DaCOSTA: How the previous owner or
 5 owners, series of owners, came to be approved of
 6 their current, you know, the current use, I'm not
 7 aware.
 8 MR. BAGGETT: Okay. But you purchased
 9 the property as an R-15 property which would be a
 10 single-family dwelling; is that correct?
 11 MR. DaCOSTA: No, I purchased an
 12 existing nonconforming mixed-use property.
 13 MR. BAGGETT: Mixed nonconforming
 14 mixed-use property. And then you are going for a
 15 variance for a continuation of the nonconforming
 16 mixed use, but now it's not mixed-use it's just all
 17 residential, is that clear?
 18 MR. DaCOSTA: Correct.
 19 MR. BAGGETT: Okay. And my
 20 understanding typically going for a variance you are,
 21 obviously you are looking for some sort of relief or
 22 in this case continuation of relief based on some
 23 sort of say hardship I guess you would say.
 24 Is there a reason why that first floor
 25 couldn't remain as commercial space and then the

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1 other units remain as residential as prior use has
 2 been as opposed to opening it up to more residential
 3 use?
 4 MR. DaCOSTA: So your question is for
 5 the first floor can I continue to use it as a
 6 commercial space, I think is the question, and keep
 7 the building exactly as it is. And the short answer
 8 is that can happen as long as that business the same
 9 exact business stays there. As soon as that business
 10 or a different type of business whether it's a
 11 doctor's office or something else would come in that
 12 would create the need for additional variances. And
 13 to get the first floor to comply with commercial the
 14 parking requirements to do anything on that first
 15 floor would be more stringent than the residential
 16 and would require more spots than the residential
 17 that we are seeking.
 18 MR. BAGGETT: Okay. So basically it's
 19 your belief that actually making that first floor
 20 residential at this point would actually be less
 21 impactful on the neighborhood than maintaining it as
 22 commercial or bringing it up to current standards to
 23 be commercial there; is that correct? Or is that
 24 accurate?
 25 MR. DaCOSTA: I believe that the

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1 proposal is a good proposal and use of the property.
 2 Doing a, let's say, some sort of professional office
 3 or some other type of commercial on the first floor
 4 would require more amenities on the site.
 5 MR BAGGETT: Okay. Now, will there
 6 be -- I guess this question would not be for you, but
 7 to the board in general will there be an opportunity
 8 to question or comment the board prior to the closing
 9 out the hearing at the end here?
 10 MR. PRINICIOTTO: This is your
 11 opportunity to ask questions of the witnesses and
 12 they are not done. These are the first two
 13 witnesses. So you have the opportunity to question
 14 any witnesses and at the end you will be able to make
 15 comments at the end of all the testimony.
 16 MR. BAGGETT: Okay, very good. That
 17 would be the end of my questions for Mr. DaCosta.
 18 Thank you, John.
 19 MR. DaCOSTA: Thank you.
 20 SECRETARY SMITH: I have a Ms. Gwen
 21 Levine.
 22 MS. LEVINE: Hi there. Thank you for
 23 taking my question and I appreciate all the details
 24 you guys go into.
 25 The building proposed is beautiful,

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1 there is no question about it. I have one quick
 2 question and then a larger concern.
 3 The quick question is, I noticed, I
 4 believe all the parking spaces were nine feet wide
 5 except one. The one near Highview is 8 feet. Does
 6 that conform to whatever is required?
 7 MR. VISINGARDI: So you are looking at
 8 the handicapped space, what we call ADA compliant.
 9 MS. LEVINE: Is that what it is?
 10 MR. VISINGARDI: Yes adjacent to it is
 11 what is shown with a cross hatch so that is a wider
 12 area so it provides folks who may be even in a van,
 13 you know, to exit the vehicle.
 14 MS. LEVINE: Okay. I understand. I
 15 didn't realize that's what the hatch space was. So
 16 they have plenty of space. Okay.
 17 I want to express my concern that
 18 because this would be 6 units, all residential
 19 multiunit --
 20 CHAIRWOMAN MALLEY: Gwen, questions not
 21 comments, please.
 22 MS. LEVINE: Yeah, this is a question.
 23 How would the 6 units on .34 acres not set a
 24 precedent for 18 units per acre up and down Broadway
 25 and throughout the town? That's my concern. How

<p style="text-align: right;">Page 62</p> <p>1 would it not do that? Could it be an exception 2 somehow so it would be only this property that would 3 have that density and no other? 4 MR. NEISS: Madame Chairwoman, I think 5 that question would be better asked of Mr. Burgis, 6 the planner. If -- 7 CHAIRWOMAN MALLEY: Let's save that one 8 for later. Do you want to re-ask that one when we 9 get to the planner, Gwen? 10 MS. LEVINE: If I can ask that when 11 Mr. Burgis speaks, yes, that is certainly okay with 12 me. Thank you. 13 SECRETARY SMITH: I have a Mr. Alex 14 Couto. 15 MR. COUTO: Hi, Mr. DaCosta, hi everyone 16 on the board. I like the building, it looks 17 beautiful. 18 You seem like very concerned with our 19 town and seem like a very wise man. Have you thought 20 about the density that you're proposing for 21 residential, that this might set a standard for the 22 rest of the town. 23 AUDIENCE MEMBER: You asked about the 24 change in zoning, why can't, he didn't exactly 25 answer.</p>	<p style="text-align: right;">Page 64</p> <p>1 town. Have you thought about maybe keeping it as it 2 has been grandfathered three residential properties, 3 maybe larger units, but keep it as grandfather so it 4 doesn't set a legal precedent for the rest of the 5 town on the density? 6 MR. NEISS: Madame Chairwoman, may I 7 also suggest that question be better asked of 8 Mr. Burgis? 9 CHAIRWOMAN MALLEY: You may. 10 MR CUOTO: Okay. The other question is 11 I love the cupola. I don't know if that could be 12 addressed to you or maybe I could be directed who to 13 ask, I love the cupola but could that set as a legal 14 precedent for height on the rest of the town? 15 MR. NEISS: Same thing. I would say 16 that Mr. Burgis is in a much better position to 17 answer that question. 18 MR. CUOTO: Okay. By the way I love the 19 design. If you could modify the density I would love 20 to support it. Thank you. 21 MR. DaCOSTA: Thank you. 22 SECRETARY SMITH: I have Hasmig 23 requesting to speak. 24 MS. YETEMIAN: Hi, this Hasmig Yetemian. 25 I live on Edward Place up the street on Highview. I</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. DaCOSTA: We are getting some 2 feedback. 3 AUDIENCE MEMBER: He bought it. It's 4 already zoned. He's making it sound like it's a new 5 business were to go in there he would have to get a 6 variance anyway. 7 MR. COUTO: I'm sorry -- 8 AUDIENCE MEMBER: No, he might have 9 to -- if he were putting something else in with new 10 permits, he might have to upgrade parking, things 11 like that but. 12 MR. PRINICIOTTO: Sounds like there is 13 more than one person speaking at a time. 14 MR. CUOTO: I'm not speaking. 15 CHAIRWOMAN MALLEY: It looks like 16 Anthony was speaking. 17 SECRETARY SMITH: I'll have them mute. 18 MR. DaCOSTA: He just muted. 19 SECRETARY SMITH: Okay. 20 MR. DaCOSTA: Mr. Couto, would you mind 21 re-asking that question, I apologize. 22 MR. CUOTO: I mean you seem like a very 23 thoughtful person, I love your property. My question 24 have you considered the impact that you might be 25 setting a precedent on the density for the whole</p>	<p style="text-align: right;">Page 65</p> <p>1 wanted to say thank you very much, it's a beautiful 2 building the way you have come up with the rendering 3 for the property on Broadway -- 4 MR. PRINICIOTTO: We are losing your 5 voice a little bit, I don't know if you are speaking 6 into the microphone. 7 I think we lost you. Your voice got 8 very, very low. 9 MS. YETEMIAN: Can you hear me? 10 MR. PRINICIOTTO: Barely. 11 MS. YETEMIAN: Okay. 12 SECRETARY SMITH: Much better. 13 MS. YETEMIAN: My question is and I 14 don't know whether or not either one of these two 15 have the answer. Has anybody thought, have the 16 answer to whether or not a fire truck can turn into 17 that property from the way the entrance is that's off 18 of Broadway to make a sharp left turn coming 19 eastbound on Broadway, making a sharp left turn and 20 then swing a right turn into that property, maybe 21 having to deal with a fire or where the fire would 22 have to be addressed by the fire department or -- 23 there anybody that at this point who has the answer 24 of the witnesses who have spoken right now? 25 MR. VISINGARDI: It's my understanding</p>

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1 generally the fire department will fight the fire
 2 from the street. There is not a need for a fire
 3 truck to make circulation on to this single lot.
 4 CHAIRWOMAN MALLEY: My request on that
 5 is going to be to get the fire department approval.
 6 So we will be sending this over to them. Thank you,
 7 Meg.
 8 SECRETARY SMITH: I will make a note of
 9 it. Got it. Hasmig, do you have any other
 10 questions.
 11 MS. YETEMIAN: That's it for now. Thank
 12 you.
 13 SECRETARY SMITH: I have Annemarie
 14 Borrelli requesting to speak.
 15 MS. BORRELLI: Hi, good evening
 16 everyone. Mr. DaCosta, congratulations on the
 17 design. I want to commend you, it's a beautiful
 18 design and giving back to Broadway, great character I
 19 think it's a great building. However I have a
 20 concern about the density as well.
 21 And so when you purchased this property
 22 did you intend on converting it to completely
 23 multifamily?
 24 MR. DaCOSTA: I did, yes. That was my
 25 intention.

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1 MS. BORRELLI: Okay. So you did not
 2 consider keeping the ground floor for commercial use
 3 probably as an amenity maybe like having a cafe come
 4 in adding some value to the town for the community.
 5 It's a beautiful building. I would love to go there
 6 and sit there in a cafe, that would be a beautiful
 7 building and a great amenity especially for people to
 8 walk around especially when the walking trail around
 9 the lake and then go in there to the cafe.
 10 I think that would be a great amenity
 11 for the town. It's a beautiful building and, you
 12 know, it would be perfect for the, you know, for the
 13 community to enjoy it as well. So you did not
 14 consider that?
 15 MR. DaCOSTA: I would be lying if I told
 16 you I didn't. That's certainly something that would
 17 be interesting and you are not the first resident to
 18 have suggested something similar.
 19 Again, some problems. It's -- she's an
 20 old building, real old building and that first floor,
 21 you know, putting things, you know, my intention is
 22 to always keep the three units up top, right, those
 23 are grandfathered in. Those are great units. You
 24 know when you start to get into, you know, creating a
 25 retail space like that on the first floor it changes

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1 the dynamic of the building, the utilities required
 2 and the parking would likely look a lot different
 3 than it currently does. So that would probably bring
 4 up more stringent requirements for commercial needs
 5 but we have looked at it in the course of our
 6 diligence very early on.
 7 MS. BORRELLI: But it would be possible;
 8 correct?
 9 MR. DaCOSTA: Without going into, deep
 10 into design like we did here, there were a number of
 11 flags that I mentioned as to why we didn't go down
 12 that road.
 13 MS. BORRELLI: Okay. All right. So you
 14 are aware that there is a density issue there;
 15 correct?
 16 MR. DaCOSTA: Right.
 17 MS. BORRELLI: Okay. All right.
 18 Another question is right now your proposed parking
 19 on the north side of the building it looks to me from
 20 the rendering that the headlights would be pointing
 21 northwest; correct.
 22 MR. DaCOSTA: If you are entering from
 23 Broadway, yes, they would be northeast.
 24 MS. BORRELLI: I'm sorry, you are right.
 25 Northeast. I'm sorry. I was standing on my head at

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1 the time, so sorry. Northeast. Right.
 2 And so I wasn't sure, you said that
 3 there would be a 6-foot retaining wall?
 4 MR. DaCOSTA: Yes, it would be stacked
 5 3-foot, 3-foot plantings and then the grade does
 6 continue to go up past the top.
 7 MS. BORRELLI: So the headlights would
 8 not shine on the house just east, like on the
 9 property right next door where the house is set back,
 10 right on the northeast corner of the, of your sight,
 11 because it looks to me like the headlights would be
 12 pointing straight up to their house.
 13 MR. DaCOSTA: They would be directed
 14 north and east like you said once you turn in, but
 15 there is a significant grade change there which
 16 should make it, you know, really a nonissue for the
 17 most part.
 18 You know, that, if you look at it even
 19 now we are going to be dropping that and putting the
 20 retaining walls in and I have even pulled into the
 21 property from that location at night, not that it's a
 22 parking lot, to do service and whatnot, so I don't
 23 see it being an issue. It should be well shielded.
 24 MS. BORRELLI: You say should be, that's
 25 an interesting word. So well, thank you very much

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1 and, okay, thank you, that is all I have. Thank you.
 2 MR. DaCOSTA: Thank you.
 3 SECRETARY SMITH: That is the only
 4 members raising their hand to address the public at
 5 this point. I do have John Mayo raising his hand
 6 again. Mr. Priniciotto, can I recall him or no? I
 7 believe he took his hand down.
 8 MR. PRINICIOTTO: Well --
 9 SECRETARY SMITH: Nope, it's back up.
 10 MR. PRINICIOTTO: Okay.
 11 AUDIENCE MEMBER: Does the store owner
 12 know they are going to make --
 13 MR. PRINICIOTTO: Meg, we need to only
 14 have one person speak.
 15 SECRETARY SMITH: I'm trying there are
 16 several people who -- hold on now. I believe I have
 17 everybody muted except if it's okay to call Mr. Mayo,
 18 can I call him a second time?
 19 MR. PRINICIOTTO: Chairwoman Malley do
 20 you have any objection to Mr. Mayo asking an
 21 additional question?
 22 CHAIRWOMAN MALLEY: No, that's fine.
 23 Let's get through the questions.
 24 SECRETARY SMITH: Mr. Mayo, you can
 25 address the board.

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1 MR. MAYO: Thank you, very much. I
 2 really just wanted to confirm that Mr. DaCosta was
 3 going to be available for comment later? I
 4 understand maybe the engineer might not be, but there
 5 were questions I didn't get answers on, how high the
 6 lights proposed? Could that be answered?
 7 MR. DaCOSTA: I would defer to
 8 Mr. Visingardi, I believe there is six or 7-foot
 9 light pole, is that correct, from what we looked at
 10 Frank.
 11 MR. VISINGARDI: Well, we haven't laid
 12 it out yet when we start to do the photometrics, but
 13 the design concept is to use what we call Dark Sky.
 14 So they don't allow light to emit upwards as well as
 15 we're going to put cutoffs so they don't shed light
 16 on to your property, Mr. Mayo.
 17 MR. MAYO: Okay. And can I ask would
 18 you know the color of those lights? Hopefully it's
 19 not going to be a bright light.
 20 MR. PRINICIOTTO: I think the question
 21 is what are the color of the lights, I know that is a
 22 term used nowadays for lighting.
 23 MR. DaCOSTA: It is. I'm not sure if
 24 Frank or Joe, I'm not sure if it's there in the
 25 ordinance, sometimes it's not with the color

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1 temperature. But we typically don't like to go over,
 2 35,000 Kelvin. When you start getting into 4,000 and
 3 it gets blue and white and it's 3,500 and below is
 4 usually a lot more natural.
 5 MR. MAYO: It becomes more of a
 6 workplace, bright light.
 7 MR. DaCOSTA: Yes, I have written light
 8 ordinances before and I agree, I try not to go over
 9 3,500.
 10 MR. MAYO: Okay. I will have some
 11 comments later but I do believe these are my
 12 questions with regard to the design. Thank you.
 13 MR. DaCOSTA: Thank you.
 14 CHAIRWOMAN MALLEY: Thank you.
 15 SECRETARY SMITH: Okay. I do not have
 16 any other attendees raising their hand and I have had
 17 no phone calls.
 18 CHAIRWOMAN MALLEY: Can we get a motion
 19 to close to the public? Barbara?
 20 MS. BUSHHELL: Yes.
 21 MS. HEMBREE: Motion to close.
 22 MS. PICINIC: Second.
 23 CHAIRWOMAN MALLEY: Lynda. Okay.
 24 SECRETARY SMITH: Any opposed? All in
 25 favor.

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1 ALL MEMBERS: Aye.
 2 SECRETARY SMITH: Any opposed?
 3 CHAIRWOMAN MALLEY: Okay. We are closed
 4 to the public.
 5 On those light that we were just talking
 6 about if they have to be shielded from any of the
 7 other properties that can be done I'm assuming? Is
 8 that --
 9 MR. PRINICIOTTO: They have to provide
 10 additional information and testing before they
 11 can render a review letter and --
 12 CHAIRWOMAN MALLEY: I just want to make
 13 sure we are protecting the neighbors on any side if
 14 that is necessary. I know we have to get more
 15 information from them.
 16 MR. DaCOSTA: Frank, I don't know if you
 17 want to add to that but the dark sky fixtures would
 18 be no light beyond zero degrees and then if required
 19 once the lights are laid out the photometrics are
 20 done, there is I think a waffling that can be put on
 21 it if there was spillage.
 22 MR. VISINGARDI: Yes, we call those
 23 cut-offs. That's right.
 24 CHAIRWOMAN MALLEY: Okay.
 25 VICE CHAIRMAN DHAWAN: Quick question

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1 about the lights. Early on somebody mentioned the
 2 cupola would have some kind lighting on it, that was
 3 early on.
 4 MR. DaCOSTA: Yes, that was in my
 5 testimony.
 6 VICE CHAIRMAN DHAWAN: Can you explain
 7 that again, what is that light.
 8 MR. DaCOSTA: The intent would be a very
 9 low intensity light almost equivalent to a candle
 10 burning at the top. It's a feature it's not
 11 necessary although we believe it would be, it would
 12 look very nice.
 13 VICE CHAIRMAN DHAWAN: That is just
 14 decorative just to illuminate.
 15 MR. DaCOSTA: Correct.
 16 VICE CHAIRMAN DHAWAN: A candle light.
 17 Okay. Understood.
 18 MR. DaCOSTA: Okay.
 19 CHAIRWOMAN MALLEY: And Mr. DaCosta
 20 question for you. When you bought this building, did
 21 you go to the building department at all, you know,
 22 knowing that it was a nonconforming use and that you
 23 had planned from the get go to change the use? Did
 24 you make any inquiries.
 25 MR. DaCOSTA: I referenced the local

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1 ordinances to determine, you know, some possibilities
 2 as well as I went to the building department for the
 3 structural rehabilitations.
 4 CHAIRWOMAN MALLEY: So you were very
 5 much aware that our master plan did not allow what
 6 you were looking to do.
 7 MR. DaCOSTA: I was aware that it was in
 8 a, you know, a nonconforming use, existing
 9 nonconforming use, yes.
 10 CHAIRWOMAN MALLEY: Okay. I was just
 11 curious, you know, you being I think you said on a
 12 planning board or zoning board in New Milford.
 13 MR. DaCOSTA: Planning, yes.
 14 CHAIRWOMAN MALLEY: Why you would take a
 15 chance but that's up to you. Okay. It's now ten
 16 after 11, our meeting ends by 10:30.
 17 SECRETARY SMITH: Ten after ten.
 18 CHAIRWOMAN MALLEY: I'm sorry. Yes. It
 19 was 11 after ten. I'm reading it backwards. It's
 20 not wishful thinking. I'm actually hoping to watch
 21 the end of nephew's graduation out in Arizona.
 22 So our meeting is over in less than 20
 23 minutes. I don't think we are going to get through
 24 somebody else's testimony, is that a, am I right, you
 25 have two more people to testify?

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1 MR. NEISS: Yes, I think we have, the
 2 architect's testimony is going to be quite short in
 3 my view he is next up Michael Doster. And then all
 4 that's left is Mr. Burgis and Mr. Burgis is with
 5 well-known commodity here in town and I think his
 6 testimony will be, in fact I'm quite sure, his
 7 testimony will be short and sweet and right to the
 8 point. That's how Mr. Burgis seems to work.
 9 So if you wouldn't mind chairwoman, I'd
 10 like to see if we can plow ahead and maybe even
 11 finish.
 12 MR. KAUFMAN: Robin, real quick, don't
 13 we have to open to the public back again?
 14 MR. PRINICIOTTO: After the next witness
 15 testifies, yes.
 16 CHAIRWOMAN MALLEY: That's why I'm
 17 looking at the clock and saying you know we are now
 18 down to like 16 minutes and I don't see us making it
 19 through.
 20 MS. PICINIC: And there are comments
 21 even after questions.
 22 MS. HEMBREE: Yes, right. I think we
 23 should do it in January.
 24 VICE CHAIRMAN DHAWAN: I agree.
 25 CHAIRWOMAN MALLEY: I think so too

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1 because we are going to be pushing to get it done
 2 tonight.
 3 MS. HEMBREE: I agree. And you need to
 4 look at your nephew's graduation in Arizona, why not,
 5 it's more important than 15 minutes.
 6 CHAIRWOMAN MALLEY: Thank you,
 7 Christina.
 8 MS. HEMBREE: You're welcome.
 9 MR. PRINICIOTTO: I agree. I think, you
 10 know, no matter how brief witnesses are then you have
 11 to open to the public you are not going to get done
 12 with that witness in less than 15 minutes.
 13 MS. HEMBREE: Robin, is there anything
 14 else you need to do? So I will make a motion to
 15 close the meeting if you want.
 16 CHAIRWOMAN MALLEY: Thank you.
 17 MS. HEMBREE: Is there anything else we
 18 need to do?
 19 It's been an excellent presentation,
 20 Mr. Neiss, thank you for being extremely well
 21 organized, it's always a pleasure and polite that's
 22 even better.
 23 CHAIRWOMAN MALLEY: Yes, and a beautiful
 24 building. I will say that.
 25 MS. HEMBREE: Yes. Yes.

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1 MS. PICINIC: It is very beautiful.
 2 It's going to add a lot to the building if it's
 3 approved.
 4 MS. HEMBREE: Yes. Yes.
 5 CHAIRWOMAN MALLEY: My agenda is buried
 6 under here somewhere.
 7 MS. HEMBREE: I have it right here, I
 8 don't think there is anything else.
 9 MR. NEISS: So --
 10 MS. HEMBREE: Public session and
 11 adjournment, Robin.
 12 MR. NEISS: May I just say, Chairwoman,
 13 if it is the board's intention to adjourn the matter
 14 and take it up at your next meeting which we
 15 certainly hope to be the case, may I respectfully
 16 request that we make that announcement now so that we
 17 don't need to renote and the public is aware of the
 18 adjourned date.
 19 MS. HEMBREE: Sure. Yes.
 20 MR. PRINICIOTTO: Absolutely.
 21 MS. HEMBREE: The reorganization
 22 meeting, Meg, when is that going to be?
 23 SECRETARY SMITH: January 25th.
 24 MR. NEISS: So January.
 25 MR. PRINICIOTTO: Official announcement

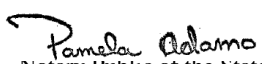
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1 this matter will be continued on January 25th at 7:30
 2 p.m.
 3 MS. HEMBREE: 2022.
 4 MR. PRINICIOTTO: 2022. Thank you. No
 5 additional notice shall be given. So anyone who is
 6 interested in this application the next hearing date
 7 January 25th, 2022, at 7:30 p.m.
 8 CHAIRWOMAN MALLEY: Okay. And I don't
 9 think we have anything for a public session tonight,
 10 am I correct?
 11 MR. PRINICIOTTO: Closed session, right?
 12 CHAIRWOMAN MALLEY: No public session.
 13 So.
 14 MR. NEISS: I'm sorry, if I can just
 15 interrupt one last time?
 16 MS. HEMBREE: Maybe.
 17 MR. NEISS: I just wanted to thank the
 18 board for what clearly was a very focused discussion
 19 by you and I know my client and my professionals look
 20 forward to seeing you again.
 21 CHAIRWOMAN MALLEY: Thank you. If we
 22 can get a motion to adjourn?
 23 MS. HEMBREE: I so move.
 24 MS. BUSHELL: Second.
 25 CHAIRWOMAN MALLEY: All in favor?

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1 ALL MEMBERS: Aye eye.
 2 CHAIRWOMAN MALLEY: Bye. Happy
 3 Holidays.
 4 MS. PICINIC: Happy New Year.
 5 MS. BUSHELL: Congratulations to your
 6 nephew.
 7 (Whereupon the meeting is adjourned at
 8 10:17 p.m.)
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1 CERTIFICATE.
 2
 3 I, PAMELA ADAMO, a Notary Public and
 4 Certified Shorthand Reporter of the State of New
 5 Jersey, do hereby certify that the foregoing is a
 6 true and accurate transcript of the testimony as
 7 taken stenographically by and before me at the time,
 8 place and on the date hereinbefore set forth.
 9 I DO FURTHER CERTIFY that I am neither a
 10 relative nor employee nor attorney nor counsel of any
 11 of the parties to this action, and that I am neither
 12 a relative nor employee of such attorney or counsel,
 13 and that I am not financially interested in the
 14 action.
 15
 16 
 Notary Public of the State of New Jersey
 My commission expires April 29, 2023
 License No. 30X100209200
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