



<div>1</div> <div>I N D E X (continuing)</div> <div>5</div> <div>2 PUBLIC COMMENT SWORN PAGE</div> <div>3 Angeline Sheridan 214 214</div> <div>4 31 Edith Street</div> <div>5 Sharon Coughlin 217 217</div> <div>6 26 Meadowbrook Road</div> <div>7 Boonton</div> <div>8 Victor Polce 220 220</div> <div>9 28 Ritie Street</div> <div>10 Piermont, New York</div> <div>11 Brian Morandi 225 224</div> <div>12 1043 Westwood Avenue</div> <div>13 Joe Fernandez 228 228</div> <div>14 10 Leonard Drive</div> <div>15 Catherine Levine 231 231</div> <div>16 3 Klein Court</div> <div>17 Lori Charkey 236 236</div> <div>18 141 Demarest Avenue</div> <div>19 Hillsdale</div> <div>20 Kurt Carpenter 239 239</div> <div>21 168 Central Avenue</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>E X H I B I T S</div> <div>NO. DESCRIPTION IDENT/EVID</div> <div>21 A-31 Engineering Plans prepared by</div> <div>22 Dynamic Engineering,</div> <div>23 Last Revised 9/26/22 8</div> <div>24 A-32 Updated Stormwater Management</div> <div>25 Report, Last Revised 9/22/22 8</div>	<div>7</div> <div>1 (Whereupon, all rise for a recitation</div> <div>2 of the Pledge of Allegiance.)</div> <div>3 CHAIRMAN WEIDMANN: Can I have a roll</div> <div>4 call, Diane?</div> <div>5 MS. FROHLICH: Chair Weidmann?</div> <div>6 CHAIRMAN WEIDMANN: Here.</div> <div>7 MS. FROHLICH: Mr. Mamary?</div> <div>8 VICE CHAIRMAN MAMARY: Here.</div> <div>9 MS. FROHLICH: Mr. Maggio?</div> <div>10 MR. MAGGIO: Here.</div> <div>11 MS. FROHLICH: Mr. Keil?</div> <div>12 MR. KEIL: Here.</div> <div>13 MS. FROHLICH: Mr. Alessi?</div> <div>14 MR. ALESSI: Here.</div> <div>15 MS. FROHLICH: Ms. Haverilla?</div> <div>16 MS. HAVERILLA: Here.</div> <div>17 MS. FROHLICH: Councilman Gallagher?</div> <div>18 COUNCILMAN GALLAGHER: Here.</div> <div>19 MS. FROHLICH: Councilman Boyce?</div> <div>20 COUNCILMAN BOYCE: Here.</div> <div>21 MS. FROHLICH: Mr. Eller?</div> <div>22 MR. ELLER: Here.</div> <div>23 MS. FROHLICH: Ms. Louloudis?</div> <div>24 MS. LOULLOUDIS: Here.</div> <div>25 MS. FROHLICH: Mr. Scozzafava?</div>
<div>6</div> <div>1 CHAIRMAN WEIDMANN: In compliance with</div> <div>2 the Open Public Meetings Law, notification of this</div> <div>3 meeting has been sent to our official newspapers and</div> <div>4 other publications circulating in the Borough of Old</div> <div>5 Tappan.</div> <div>6 And notice --</div> <div>7 MALE AUDIENCE MEMBER: Can't hear you.</div> <div>8 FEMALE AUDIENCE MEMBER: We can't hear</div> <div>9 you. Your mike may not be on.</div> <div>10 MALE AUDIENCE MEMBER: Speak up.</div> <div>11 FEMALE AUDIENCE MEMBER: You're not</div> <div>12 here.</div> <div>13 CHAIRMAN WEIDMANN: You can hear on</div> <div>14 here?</div> <div>15 Okay. I'll -- I'll start again.</div> <div>16 In compliance with the Open Public</div> <div>17 Meetings Law, notification of this meeting has been</div> <div>18 sent to our official newspapers and other</div> <div>19 publications circulated in the Borough of Old Tappan.</div> <div>20 And notice has been posted on the</div> <div>21 bulletin board at Borough Hall.</div> <div>22 Please note the fire exits located at</div> <div>23 the main entrance where we came in and the rear of</div> <div>24 the Council Chambers there is another exit.</div> <div>25 Can we stand and salute the flag?</div>	<div>8</div> <div>1 MR. SCOZZAFAVA: Here.</div> <div>2 MS. FROHLICH: Mr. Holloway?</div> <div>3 (No Response.)</div> <div>4 MS. FROHLICH: Mr. Bedian?</div> <div>5 MR. BEDIAN: Here.</div> <div>6 (Whereupon, the Board conducts other</div> <div>7 agenda items and begins the public hearing in</div> <div>8 this matter at 7:11 p.m.)</div> <div>9 CHAIRMAN WEIDMANN: So, next up is the</div> <div>10 application for 244 Old Tappan Road.</div> <div>11 COUNCILMAN GALLAGHER: Bob, I'm</div> <div>12 stepping down.</div> <div>13 MR. REGAN: Yes.</div> <div>14 CHAIRMAN WEIDMANN: Pardon me?</div> <div>15 MR. REGAN: Mr. Boyce and Mr.</div> <div>16 Gallagher, D variances are implicated, Class I and</div> <div>17 Class III members are not eligible to vote.</div> <div>18 (Whereupon, Councilman Gallagher and</div> <div>19 Councilman Boyce recuse themselves and step</div> <div>20 off the dais.)</div> <div>21 CHAIRMAN WEIDMANN: Just put an</div> <div>22 asterisk -- Diane, put an asterisk on their name.</div> <div>23 MS. FROHLICH: Put an asterisk on their</div> <div>24 name?</div> <div>25 CHAIRMAN WEIDMANN: Yeah.</div>

<p style="text-align: right;">9</p> <p>1 As we know, Ladies and Gentlemen,  2 tonight everybody's going to have five minutes, and  3 we got a time clock in front, to come up and have  4 their say on this application, because we were hoping  5 it was going to be the final application [sic].  6 MR. REGAN: Final hearing.  7 CHAIRMAN WEIDMANN: The final hearing.  8 It doesn't look that way.  9 MR. REGAN: Well, it could happen.  10 CHAIRMAN WEIDMANN: It could happen,  11 but from what we've been hearing, it's probably not  12 going to be that way.  13 But everybody gets their --  14 MALE AUDIENCE MEMBER: Buddy, can you  15 speak up?  16 FEMALE AUDIENCE MEMBER: It's really  17 hard to hear.  18 AUDIENCE MEMBERS: We cannot hear you.  19 Sorry.  20 CHAIRMAN WEIDMANN: I apologize, I'll  21 speak loud. Okay?  22 Everybody is going to get their five  23 minutes tonight as long as you signed in ahead of  24 time.  25 Okay. Your name will be called. You</p>	<p style="text-align: right;">11</p> <p>1 we're here for public comment this evening.  2 CHAIRMAN WEIDMANN: You --  3 MR. STEINHAGEN: So, Chairman --  4 CHAIRMAN WEIDMANN: -- have some  5 witnesses?  6 MR. STEINHAGEN: Yeah.  7 Well, I think -- for the record, Daniel  8 Steinhagen from Beattie Padovano, 200 Market Street  9 in Montvale, on behalf of Lakeview and Angeline  10 Sheridan.  11 Part of the reason we don't have an  12 agreement, unfortunately, and I wish I could report  13 something otherwise, is because I got the document  14 that the board got today. I got it today, as opposed  15 to 10 days ago when it was submitted.  16 We are hopeful that an agreement can be  17 worked out. We're going to continue to try, but I  18 think -- and I'm glad Mr. Williams is here, because I  19 think where we left it was that in the event that an  20 agreement could not be reached, I was going to cross  21 examine Mr. Williams.  22 So, I think that's the first order of  23 business.  24 Before we do that, I would like a  25 decision from the board as to what plan is currently</p>
<p style="text-align: right;">10</p> <p>1 can come up, you'll be put on the clock.  2 MR. REGAN: They'll be sworn.  3 CHAIRMAN WEIDMANN: Yeah, you'll be  4 sworn. And you'll be put on the clock and say what  5 you want to say. Okay?  6 MS. PRICE: Just before we start with  7 the public, Gail Price from the firm of Price, Meese,  8 Shulman &amp; D'Arminio, 50 Tice Boulevard, Woodcliff  9 Lake, on behalf of the applicant.  10 You have one submission that was made  11 from me earlier, about 10 days ago or so, that we  12 will not be utilizing this evening because an  13 agreement that we had hoped would come together with  14 Lakeview has not materialized yet.  15 So, we do not have a signed agreement  16 with Lakeview. So I cannot proffer any testimony  17 based upon doing anything on property that we don't  18 own.  19 MR. REGAN: So, there's no new  20 evidence?  21 MS. PRICE: Correct, no new evidence.  22 And I will try to be responsive to any  23 particular questions that the board has of me  24 following public comment.  25 But it's my understanding as well that</p>	<p style="text-align: right;">12</p> <p>1 in front of the board.  2 I know that there was a submission in  3 September that Mr. Sehnal testified about. And then  4 there was a subsequent submission at the end of  5 September, that there was no testimony about.  6 And I think that was -- the October  7 meeting was canceled.  8 MR. REGAN: Would it be A-31 --  9 MS. PRICE: Correct.  10 MR. REGAN: -- the plans were revised  11 9/26?  12 MS. PRICE: Correct. A-31 and A-32 is  13 the stormwater management report --  14 MR. REGAN: Stormwater management,  15 right.  16 MS. PRICE: -- that goes with that.  17 And just for the record, I want to note  18 that I had no advance notice about any witnesses on  19 behalf of Lakeview.  20 Lakeview has known every time I'm  21 calling a witness and I intend to call a witness.  22 They have the opportunity to know about those  23 witnesses and the scope of those witnesses intended  24 testimony.  25 That has not been afforded to me and</p>

<p style="text-align: right;">13</p> <p>1 the reason -- just so everybody is clear, the reason</p> <p>2 that Mr. Steinhagen did not get the plan that the</p> <p>3 board got is because my paralegal of 25 years, her</p> <p>4 son has got stage four pancreatic cancer. And she</p> <p>5 thought she had sent it and she hadn't. And I told</p> <p>6 Mr. Steinhagen that nothing was intentional, but that</p> <p>7 MaryPat was, as you might imagine, upsidedown about</p> <p>8 her son. So, that's the reason that Mr. Steinhagen</p> <p>9 doesn't have it.</p> <p>10 But it's irrelevant because we don't</p> <p>11 have an agreement, so there won't be any testimony on</p> <p>12 it.</p> <p>13 MR. REGAN: It's not -- it's not being</p> <p>14 proffered in --</p> <p>15 MS. PRICE: Correct.</p> <p>16 MR. REGAN: -- an exhibit?</p> <p>17 MS. PRICE: Correct.</p> <p>18 MR. STEINHAGEN: At least as it relates</p> <p>19 to witnesses, I think I advised Ms. Knarich about</p> <p>20 that, at the beginning of November.</p> <p>21 But that's neither here nor there.</p> <p>22 MS. PRICE: I don't have any advice, so</p> <p>23 I'd like to just be told what kind of witnesses these</p> <p>24 are, the scope of testimony that we intend.</p> <p>25 And Mr. Williams is here for cross</p>	<p style="text-align: right;">15</p> <p>1 historic preservation.</p> <p>2 I don't believe that A-36 [sic] was the</p> <p>3 subject of testimony.</p> <p>4 MS. PRICE: There's no A-36.</p> <p>5 There's --</p> <p>6 MR. STEINHAGEN: A-31, whatever the</p> <p>7 number was.</p> <p>8 MS. PRICE: A-32 was the last --</p> <p>9 MR. STEINHAGEN: Whatever the number</p> <p>10 was.</p> <p>11 MS. PRICE: I -- and at the beginning</p> <p>12 of the last hearing, for purposes of housekeeping, I</p> <p>13 was very detailed in terms of indicating that A-31</p> <p>14 was the written product of Mr. Sehna's testimony at</p> <p>15 the hearing before.</p> <p>16 There's nothing shown on those plans</p> <p>17 that don't meet with his testimony.</p> <p>18 He's been recalled. I have made him</p> <p>19 available as the board knows time and time again in</p> <p>20 terms of the engineer.</p> <p>21 So, I don't believe that he has to</p> <p>22 stand up here and have me ask is all your prior</p> <p>23 testimony reflected in these plans.</p> <p>24 I can certainly do that. The answer</p> <p>25 will be yes. And then we can proceed.</p>
<p style="text-align: right;">14</p> <p>1 exam.</p> <p>2 I'm going to make a proffer on behalf</p> <p>3 of the public. The public has been very anxious to</p> <p>4 stand up and speak. And I'm not putting the public</p> <p>5 in any different category than Lakeview, but every</p> <p>6 meeting we hear from members of the public saying</p> <p>7 when are we going to be able to have a chance to</p> <p>8 speak.</p> <p>9 So, I don't know how -- if the board</p> <p>10 wants to hear from Lakeview's witnesses first and</p> <p>11 then members of the public?</p> <p>12 I'm good either way. I just wanted to</p> <p>13 point out that we had thought we would hear from the</p> <p>14 public first.</p> <p>15 MR. REGAN: And I think that's what the</p> <p>16 board thought, too.</p> <p>17 MR. STEINHAGEN: I'm happy to proceed</p> <p>18 in any fashion that the board wants.</p> <p>19 I can do my cross of Mr. Williams</p> <p>20 whenever you want. I can present my witnesses</p> <p>21 whenever you want, but I would like to note that with</p> <p>22 respect --</p> <p>23 MR. REGAN: You have an engineer, a</p> <p>24 planner?</p> <p>25 MR. STEINHAGEN: Yeah, an engineer and</p>	<p style="text-align: right;">16</p> <p>1 I'm not going to take any additional</p> <p>2 testimony on the subject matter of those plans.</p> <p>3 If Mr. Steinhagen wants to have a</p> <p>4 problem with that, he's entitled to it.</p> <p>5 MR. STEINHAGEN: So, the reason I -- I</p> <p>6 -- I do have an issue with it is because in September</p> <p>7 Mr. Sehna said: My drainage design works.</p> <p>8 And then when he went back, and after</p> <p>9 we -- we cross examined him, the -- the drainage</p> <p>10 design changed. The basin in the front is</p> <p>11 substantially bigger. The basin in the back is</p> <p>12 bigger.</p> <p>13 So, what he told the board that his</p> <p>14 design works...</p> <p>15 MR. REGAN: Well, Mr. Steinhagen, you</p> <p>16 said you have an engineer as one of your witnesses --</p> <p>17 MR. STEINHAGEN: Yeah.</p> <p>18 MR. REGAN: -- presumably that witness</p> <p>19 --</p> <p>20 MR. STEINHAGEN: Well --</p> <p>21 MR. REGAN: -- will testify as to that</p> <p>22 issue.</p> <p>23 MR. STEINHAGEN: I want to understand</p> <p>24 whether or not the board is accepting a different</p> <p>25 stormwater management design without any testimony?</p>

<p style="text-align: right;">17</p> <p>1 And if the answer is yes, that's fine.</p> <p>2 MR. REGAN: It's been marked in</p> <p>3 evidence, it's part of the record.</p> <p>4 MS. PRICE: And any changes to the plan</p> <p>5 were done at the behest of the board when we were</p> <p>6 asked to consider the addition of a rain garden and a</p> <p>7 smaller retention basin in the front, and also</p> <p>8 whether we can size the back any larger.</p> <p>9 And we did --</p> <p>10 MR. STEINHAGEN: And --</p> <p>11 MS. PRICE: Let me just finish.</p> <p>12 MR. STEINHAGEN: Yup.</p> <p>13 MS. PRICE: We did that.</p> <p>14 His testimony stands that our original</p> <p>15 design was fully compliant with DEP regs, that's what</p> <p>16 he's testified to.</p> <p>17 We made additions and revisions at the</p> <p>18 request of the board and -- and having heard from</p> <p>19 some members of the public, including people in</p> <p>20 Lakeview.</p> <p>21 MR. STEINHAGEN: My recollection was</p> <p>22 Mr. Skrable, in response to a question that I asked</p> <p>23 Mr. Sehna about -- about the runoff curbs indicated,</p> <p>24 you need to check that out. And that's what actually</p> <p>25 happened. They changed the curb numbers, which</p>	<p style="text-align: right;">19</p> <p>1 MR. STEINHAGEN: Can I go?</p> <p>2 Okay. So, your first witness is Selwyn</p> <p>3 Joy of Boswell Engineering.</p> <p>4 May I ask that he come up and be sworn?</p> <p>5 Ms. Price, would you mind if I took the</p> <p>6 table?</p> <p>7 MS. PRICE: No, I don't mind.</p> <p>8 Do you have a report from this expert?</p> <p>9 MR. STEINHAGEN: No.</p> <p>10 MS. PRICE: No report?</p> <p>11 MR. STEINHAGEN: Nope.</p> <p>12 MS. PRICE: Okay.</p> <p>13 MR. REGAN: Sir, would you raise your</p> <p>14 right hand, please.</p> <p>15 Do you swear or affirm that the</p> <p>16 testimony you will give in this proceeding shall be</p> <p>17 the truth, so help you God?</p> <p>18 MR. JOY: I do.</p> <p>19 S E L W Y N J O Y, PE</p> <p>20 330 Phillips Avenue, South Hackensack, New Jersey</p> <p>21 07606, having been duly sworn, testifies as</p> <p>22 follows:</p> <p>23 MR. REGAN: And for the record state</p> <p>24 your full name and spell your last name, please.</p> <p>25 MR. JOY: Selwyn Joy, J-O-Y.</p>
<p style="text-align: right;">18</p> <p>1 required them to -- to detain and keep on-site</p> <p>2 substantially more water than the plan that was</p> <p>3 presented in September.</p> <p>4 And so the fact that an exhibit was</p> <p>5 marked, if we're not going to have testimony to it, I</p> <p>6 object.</p> <p>7 MS. PRICE: And I'll just stand by my</p> <p>8 statement.</p> <p>9 Mr. Steinhagen can present whatever</p> <p>10 argument that he wishes to and I'll do the same.</p> <p>11 MR. REGAN: That's fine.</p> <p>12 Why don't we proceed, Mr. Chairman.</p> <p>13 CHAIRMAN WEIDMANN: Let's go. The</p> <p>14 floor is yours.</p> <p>15 MR. STEINHAGEN: Do we want to have</p> <p>16 cross examination of Mr. Williams now or do we want</p> <p>17 to have my witnesses?</p> <p>18 CHAIRMAN WEIDMANN: I want to hear your</p> <p>19 witnesses.</p> <p>20 MR. STEINHAGEN: When am I going to get</p> <p>21 a chance to cross examine the applicant's planner?</p> <p>22 CHAIRMAN WEIDMANN: Don't know yet,</p> <p>23 maybe next month.</p> <p>24 MR. STEINHAGEN: Okay.</p> <p>25 (Audience Outburst.)</p>	<p style="text-align: right;">20</p> <p>1 MR. REGAN: And your first name?</p> <p>2 MR. JOY: S-E-L-W-Y-N.</p> <p>3 VOIR DIRE EXAMINATION</p> <p>4 BY MR. STEINHAGEN:</p> <p>5 Q. Selwyn, can you give the board the</p> <p>6 benefit of your educational and professional</p> <p>7 experience, please?</p> <p>8 A. I have two bachelor's from Rutgers</p> <p>9 University, a Master's from NYU.</p> <p>10 And I'm currently a doctoral candidate</p> <p>11 at New York University.</p> <p>12 I currently have a -- working with the</p> <p>13 state on flood management and changing how flood</p> <p>14 miles are analyzed.</p> <p>15 I have a decade of experience, mainly</p> <p>16 in hydrology and hydraulics, working in both the</p> <p>17 public and private sector.</p> <p>18 At Boswell Engineering I do the</p> <p>19 majority of stormwater reviews.</p> <p>20 MR. REGAN: Are you a PE in New Jersey?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MR. REGAN: For how long?</p> <p>23 THE WITNESS: Four years.</p> <p>24 MR. REGAN: Have you been qualified in</p> <p>25 the field of engineering, civil engineering before</p>

<p style="text-align: right;">21</p> <p>1 any land use boards?</p> <p>2 THE WITNESS: Yes.</p> <p>3 MR. REGAN: On how many occasions?</p> <p>4 THE WITNESS: One.</p> <p>5 MR. REGAN: One?</p> <p>6 THE WITNESS: Yes.</p> <p>7 MR. REGAN: Mr. Chairman, I think he</p> <p>8 can be deemed qualified.</p> <p>9 BY MR. STEINHAGEN:</p> <p>10 Q. Just before we start into your</p> <p>11 testimony, can you give the board the subject matter</p> <p>12 in which you have a master's degree?</p> <p>13 A. Civil engineering with a concentration</p> <p>14 in urban systems and hydrology.</p> <p>15 Q. And what's your Ph.D. thesis going to</p> <p>16 be on?</p> <p>17 A. Flood modeling, remote sensing of flood</p> <p>18 modeling.</p> <p>19 MR. STEINHAGEN: So, he's qualified,</p> <p>20 Mr. Regan?</p> <p>21 MR. REGAN: I qualified him previously.</p> <p>22 MR. STEINHAGEN: Very good.</p> <p>23 DIRECT EXAMINATION</p> <p>24 BY MR. STEINHAGEN:</p> <p>25 Q. Can you tell the board what -- or what</p>	<p style="text-align: right;">23</p> <p>1 change the -- the criteria for the proposed</p> <p>2 condition.</p> <p>3 I didn't see any geotechnical reports</p> <p>4 to prove that the -- the systems would drain.</p> <p>5 I didn't see a mounding analysis.</p> <p>6 The applicant makes two mentions of</p> <p>7 bioretention basin, but the lowest orifice in the</p> <p>8 systems are at the ground elevation and, therefore,</p> <p>9 they cannot operate as a bioretention basin. They</p> <p>10 would -- they would operate more as a detention</p> <p>11 basin.</p> <p>12 And with all of this happening, chances</p> <p>13 are the bioretention basins or slash retention</p> <p>14 basins, would discharge more than what the applicant</p> <p>15 shows.</p> <p>16 And that would allow more water to go</p> <p>17 into the wetland areas adjacent to the basins.</p> <p>18 So, the flow capacities of both of</p> <p>19 those basins are 15.59 and 3.79 for the flow</p> <p>20 full-pipe capacities.</p> <p>21 So, this would not allow the soil to be</p> <p>22 stable if it actually flowed -- like flowed full.</p> <p>23 Q. Which soil are you talking about and</p> <p>24 where specifically?</p> <p>25 A. In both detention basins.</p>
<p style="text-align: right;">22</p> <p>1 documents did you review in anticipation of your</p> <p>2 testimony tonight?</p> <p>3 A. The stormwater management report</p> <p>4 entitled, "Stormwater Management Report" prepared for</p> <p>5 CSH Old Tappan, LLC, last revised September 2022, as</p> <p>6 well as the site plans.</p> <p>7 Q. And given the board's interest in</p> <p>8 moving things along, I'm not going to go into -- I'm</p> <p>9 not going to ask you point-by-point questions, but</p> <p>10 can you just run through the Lakeview Association's</p> <p>11 concerns as it relates to the stormwater management</p> <p>12 design?</p> <p>13 A. So off the bat there seems to be</p> <p>14 certain problems with how the report was analyzed</p> <p>15 with time of concentrations for the existing</p> <p>16 conditions, the applicant didn't look into the</p> <p>17 McCuen-Spiess -- the McCuen-Spiess calculations to</p> <p>18 figure out the maximum amount of sheet flow, which</p> <p>19 they used 100, which is the absolute maximum while</p> <p>20 the state requires you to use the McCuen-Spiess,</p> <p>21 which would require 35, 43 and 51 for the DA-1, 2A</p> <p>22 and 2B.</p> <p>23 This would mean that in the existing</p> <p>24 condition, there is a -- it would change the amount</p> <p>25 of runoff in the existing condition and, therefore,</p>	<p style="text-align: right;">24</p> <p>1 So, in the front and back of the site.</p> <p>2 Q. Okay.</p> <p>3 A. And so if the soil erosion standards</p> <p>4 require anything above a certain velocity to be</p> <p>5 stabilized.</p> <p>6 And so the applicant designed it for a</p> <p>7 certain velocity, and by having a higher velocity, it</p> <p>8 would no longer be applicable.</p> <p>9 And, therefore, there might be</p> <p>10 additional runoff, additional erosion. And this</p> <p>11 might end up causing erosion into the Lakeview</p> <p>12 properties that would end up causing clogging up of</p> <p>13 their systems and, eventually, after the systems clog</p> <p>14 up, it would cause more flooding in the area.</p> <p>15 Q. Could -- could the erosion cause a</p> <p>16 diversion of water on the Lakeview property away from</p> <p>17 the stormwater management -- the stormwater inlet</p> <p>18 that the applicant is proposing to discharge its</p> <p>19 stormwater towards?</p> <p>20 A. Yes, because it would block up both the</p> <p>21 inlets, as well as the pipes, by causing runoff of</p> <p>22 soil.</p> <p>23 And by blocking this, it would cause</p> <p>24 the water to flow elsewhere and cause localized</p> <p>25 flooding.</p>

<p style="text-align: right;">25</p> <p>1 Q. Is that something that Boswell 2 Engineering would have a problem with if it was 3 reviewing an application on behalf of a municipal 4 land use board? 5 A. Yes. 6 Q. Can you elaborate on what kind of 7 recommendations you have to avoid that? 8 A. And well -- 9 Q. Unless there's something else you want 10 to talk about. 11 A. And also just the location of the -- 12 the discharges. They are quite close to property 13 boundaries, which if they are not stable or had time 14 to stable, it would end up being -- it wouldn't 15 stabilize on the applicant's property, it would 16 stabilize elsewhere -- 17 Q. Okay. 18 A. -- or move elsewhere quicker. 19 Q. What's next? 20 A. Oh, can I... 21 Q. Yeah, sure. 22 Do you have anything else? I have a 23 couple more questions. 24 A. No. 25 Q. Okay.</p>	<p style="text-align: right;">27</p> <p>1 MR. STEINHAGEN: Okay. I have nothing 2 further, Chairman, and make him available to the 3 board for questions or Ms. Price. 4 CHAIRMAN WEIDMANN: We're going to get 5 a written report from his gentleman? 6 MR. STEINHAGEN: If you want one, sure. 7 CHAIRMAN WEIDMANN: Yeah, I want one. 8 MR. STEINHAGEN: Okay. 9 CHAIRMAN WEIDMANN: Okay? 10 MR. STEINHAGEN: Sure. 11 MR. MAGGIO: We have to. 12 Tom Skrable is not even here tonight. 13 CHAIRMAN WEIDMANN: Right. 14 MR. MAGGIO: He's going to need to be 15 able to evaluate -- 16 MR. STEINHAGEN: Sure. 17 MR. MAGGIO: -- what he said. 18 MR. STEINHAGEN: That's no problem. 19 MR. MAGGIO: He will need a report. 20 MR. STEINHAGEN: I can absolutely do 21 that. 22 MR. REGAN: It would have been helpful 23 if we had it -- 24 MR. STEINHAGEN: I understand. 25 I was hoping that we weren't going to</p>
<p style="text-align: right;">26</p> <p>1 Have you seen any analysis of whether 2 there's going to be adverse hydraulic impacts? 3 Well, first, what is an adverse 4 hydraulic impact? 5 A. Any adverse hydraulic impact is causing 6 flooding elsewhere. 7 So, the state systems, the town systems 8 are all analyzed for certain flows, which were 9 designed whenever they where designed, usually 20, 30 10 years ago. 11 And so any extra water that is not 12 anticipated could cause extra water in those systems 13 and extra flooding. 14 Q. Do you know if there's been any -- 15 since a significant amount of the off-site discharge 16 of the stormwater was proposed to go onto the 17 Lakeview property, have you seen in the applicant's 18 documents that they submitted to the board any 19 analysis about whether or not there will be an 20 adverse hydraulic impact on basements in Lakeview, 21 the Lakeview drainage system? 22 A. No, I have not. 23 Q. And does the Borough's ordinance 24 require that? 25 A. Yes.</p>	<p style="text-align: right;">28</p> <p>1 be here tonight with this. 2 CHAIRMAN WEIDMANN: You were hoping 3 what? 4 MR. STEINHAGEN: We were not going to 5 be here tonight with this. 6 MR. REGAN: Oh. 7 CHAIRMAN WEIDMANN: Does any -- 8 MR. REGAN: Board questions. 9 CHAIRMAN WEIDMANN: Yeah, anybody from 10 the board have any questions for this gentleman? 11 MR. ELLER: I have one, if anybody -- 12 CHAIRMAN WEIDMANN: Go ahead. 13 MR. ELLER: Just because I didn't 14 necessarily understand what you -- the point you were 15 making. 16 Can you just expound on the issue, you 17 talked about the elevation of the basins and their 18 lowest orifice. Can you expand on that versus the 19 elevation of the Lakeview property and how that... 20 THE WITNESS: Well, so the -- the 21 comment I made was in terms of how the applicant 22 stated that both of the basins were bioretention 23 basins. 24 And so in the outlet control structure, 25 the lowest orifice, the lowest outlet hole is at the</p>

<p style="text-align: right;">29</p> <p>1 bottom of the basin.</p> <p>2 MR. ELLER: Okay.</p> <p>3 THE WITNESS: As per the New Jersey</p> <p>4 Best Management Practices, the lowest orifice must be</p> <p>5 above the water-quality storm.</p> <p>6 And, therefore, it is not operating as</p> <p>7 the bioretention basin.</p> <p>8 MR. ELLER: And what is the -- okay.</p> <p>9 So it's just operating, I think you just said, as a</p> <p>10 retention basin?</p> <p>11 THE WITNESS: As a detention basin.</p> <p>12 MR. ELLER: So, what is the objection</p> <p>13 from, I guess, your part relative -- how is that</p> <p>14 relevant of the two different types of basins, why</p> <p>15 does that matter to us?</p> <p>16 THE WITNESS: Because the applicant is</p> <p>17 stating that there's going to be water quality</p> <p>18 associated with this basin because it is a</p> <p>19 bioretention basin and it is not.</p> <p>20 And, therefore -- the state requires</p> <p>21 you to perform 80 percent TSS removal on any</p> <p>22 vehicular, motor vehicle surfaces. And if it is not</p> <p>23 a bioretention basin, it is -- the state or at least</p> <p>24 according to the BMPs, it will not achieve</p> <p>25 80 percent.</p>	<p style="text-align: right;">31</p> <p>1 You mentioned motor vehicle runoff, but</p> <p>2 this basin is taking water that's coming from the</p> <p>3 building, itself, not the street.</p> <p>4 So does that apply?</p> <p>5 THE WITNESS: So, the -- it does state</p> <p>6 that both of them are bioretentions.</p> <p>7 And it is -- they are sending motor</p> <p>8 vehicle to the basins. Am I correct?</p> <p>9 MS. LOULLOUDIS: No.</p> <p>10 THE WITNESS: Yes, there's -- there's</p> <p>11 two, there's two basins. There's two basins.</p> <p>12 They're both bioretention basins.</p> <p>13 And one of them is -- is not motor</p> <p>14 vehicle while one is.</p> <p>15 MR. SCOZZAFAVA: Which one is?</p> <p>16 THE WITNESS: The -- the one in the</p> <p>17 back by Lakeview, which has a sand filter.</p> <p>18 MR. SCOZZAFAVA: Which is coming from</p> <p>19 the building and anything in the parking lot?</p> <p>20 THE WITNESS: Motor vehicles.</p> <p>21 MS. LOULLOUDIS: I have a question,</p> <p>22 Mr. Chairman, if I may?</p> <p>23 What elevation does the orifice need to</p> <p>24 be with respect to the bioretention basin to comply</p> <p>25 with the BMP manual?</p>
<p style="text-align: right;">30</p> <p>1 MR. ELLER: And how -- assuming that's</p> <p>2 the case, why does -- what does that effect --</p> <p>3 besides the wording and what we're calling it, and</p> <p>4 how it's classified by the state, whether it's one or</p> <p>5 the other, how does that affect this application in</p> <p>6 terms of...</p> <p>7 THE WITNESS: So, it -- it affects the</p> <p>8 application in terms of it is not achieving the</p> <p>9 appropriate TSS removal, but then also because it is</p> <p>10 so low, it has free discharge.</p> <p>11 And if more water goes into the basin,</p> <p>12 whether it be because something isn't analyzed as</p> <p>13 stated earlier, it would have free -- or be easily</p> <p>14 discharged out and causing more discharge downstream.</p> <p>15 MR. ELLER: So at that point you're</p> <p>16 just letting gravity do its thing?</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. ELLER: Thank you.</p> <p>19 CHAIRMAN WEIDMANN: Anybody else from</p> <p>20 the board?</p> <p>21 MR. SCOZZAFAVA: Yeah, I do.</p> <p>22 You --</p> <p>23 CHAIRMAN WEIDMANN: Any questions of</p> <p>24 this --</p> <p>25 MR. SCOZZAFAVA: I do, Mr. Chairman.</p>	<p style="text-align: right;">32</p> <p>1 THE WITNESS: So, in the application it</p> <p>2 doesn't analyze the water-quality storm, so I do not</p> <p>3 know.</p> <p>4 VICE CHAIRMAN MAMARY: I have a</p> <p>5 question for you.</p> <p>6 Are you -- and you seem to have a lot</p> <p>7 of credentials and a lot of education, I found it a</p> <p>8 little difficult to follow some of the things you</p> <p>9 were saying.</p> <p>10 But in -- just in summary, you're not</p> <p>11 very happy with what they've presented, right?</p> <p>12 So, do you have suggestions? Are you</p> <p>13 making recommendations as to what the applicant could</p> <p>14 do to mitigate the problem and to solve what might be</p> <p>15 the problem that you're uncovering so that it would</p> <p>16 be in compliance?</p> <p>17 Is that something that you would be</p> <p>18 willing to do or is that something he is --</p> <p>19 MR. STEINHAGEN: We -- we can --</p> <p>20 VICE CHAIRMAN MAMARY: -- responsible to</p> <p>21 do?</p> <p>22 MR. STEINHAGEN: We can put that in --</p> <p>23 I don't think he is.</p> <p>24 But we can -- even though I don't think</p> <p>25 we are responsible to do that, because we're not the</p>



<p style="text-align: right;">33</p> <p>1 designers for the project, we will put it in a -- in</p> <p>2 a report.</p> <p>3 VICE CHAIRMAN MAMARY: Right, but --</p> <p>4 but the idea of having an objection to what they've</p> <p>5 done is maybe to suggest --</p> <p>6 MR. REGAN: How the plan can be made</p> <p>7 better?</p> <p>8 VICE CHAIRMAN MAMARY: Yes, a plan can</p> <p>9 be made better --</p> <p>10 (Simultaneous Speaking.)</p> <p>11 MR. REGAN: -- a recommendation --</p> <p>12 VICE CHAIRMAN MAMARY: -- a better</p> <p>13 alternatives.</p> <p>14 And for that, then we could maybe</p> <p>15 understand exactly what he does, what he's</p> <p>16 recommending and then provide it back to the</p> <p>17 applicant for their --</p> <p>18 MR. STEINHAGEN: We --we will --</p> <p>19 VICE CHAIRMAN MAMARY: -- people to</p> <p>20 look at and -- and the public to make a decision as</p> <p>21 to whether or not it's sufficient.</p> <p>22 (Audience Outburst.)</p> <p>23 MALE AUDIENCE MEMBER: Why don't you</p> <p>24 ask them for answers.</p> <p>25 VICE CHAIRMAN MAMARY: -- or the public</p>	<p style="text-align: right;">35</p> <p>1 state for meeting state requirements and you're</p> <p>2 saying he doesn't or they don't?</p> <p>3 THE WITNESS: So, the applicant doesn't</p> <p>4 have to get state approval unless if it -- it goes to</p> <p>5 a land use board.</p> <p>6 And, therefore, it is strictly off of a</p> <p>7 board engineer's opinion.</p> <p>8 MR. ALESSI: But didn't the applicant</p> <p>9 meet and beat the state's recommendations, and I</p> <p>10 don't remember the numbers, by reducing the water</p> <p>11 flow by 60 percent --</p> <p>12 THE WITNESS: So --</p> <p>13 MR. ALESSI: -- of what the state --</p> <p>14 MR. STEINHAGEN: Mr. Alessi, there</p> <p>15 hasn't been, as far as know -- there was a Letter of</p> <p>16 Interpretation delineating wetlands, but as far as we</p> <p>17 know, the DEP has not reviewed a drainage design.</p> <p>18 Similarly, the Bergen County Soil</p> <p>19 Conservation District has not approved the plan</p> <p>20 that's currently in front of you yet, at least as far</p> <p>21 as we know.</p> <p>22 So, I don't believe that there is a</p> <p>23 state review that's been done.</p> <p>24 And even if there was, the board has an</p> <p>25 independent obligation. I think it's the In Re Pond</p>
<p style="text-align: right;">34</p> <p>1 will make a comment about it.</p> <p>2 MR. STEINHAGEN: Like I said, we're</p> <p>3 happy to put it in writing.</p> <p>4 When we -- if you want the -- if you</p> <p>5 want Lakeview to design a different system, it's</p> <p>6 going to need to happen a little bit more</p> <p>7 thoughtfully than tonight.</p> <p>8 I'm sure -- I'm sure he can give you</p> <p>9 suggestions now, but I think we want to really think</p> <p>10 about how we want them to design their system.</p> <p>11 MR. ELLER: Well, I'd have -- I'd to</p> <p>12 think that your engineer is involved in any</p> <p>13 conversations you're having regarding the agreement</p> <p>14 as to drainage, so I'm sure that that's already</p> <p>15 happening, no?</p> <p>16 MR. STEINHAGEN: I don't want to get</p> <p>17 into what we've been talking about with them.</p> <p>18 MR. REGAN: So has your engineer</p> <p>19 consulted with the applicant's engineer?</p> <p>20 MR. STEINHAGEN: Yes.</p> <p>21 MR. REGAN: Okay.</p> <p>22 MR. ALESSI: I -- I have a question.</p> <p>23 So -- and correct me if I'm wrong, I'm</p> <p>24 on Nick's side with the education, kudos.</p> <p>25 So, the applicant has approval from the</p>	<p style="text-align: right;">36</p> <p>1 Watershed Case from 2006 or 2007 to independently</p> <p>2 evaluate compliance with its ordinance, which is</p> <p>3 modeled after the state's guidelines and the</p> <p>4 stormwater management regulations.</p> <p>5 I believe your ordinance was adopted in</p> <p>6 2006, and the board has an obligation --</p> <p>7 MR. ALESSI: I was in grammar school.</p> <p>8 MR. STEINHAGEN: Excuse me?</p> <p>9 MR. ALESSI: I was in grammar school.</p> <p>10 MR. STEINHAGEN: So was I.</p> <p>11 (Laughter.)</p> <p>12 MR. STEINHAGEN: I think the board has</p> <p>13 an obligation, irrespective of what the state says,</p> <p>14 which we don't believe there is such an approval that</p> <p>15 has reviewed the drainage. And Ms. Price can correct</p> <p>16 me if I'm wrong.</p> <p>17 But the board has an obligation to do</p> <p>18 it itself in this process here. You have to</p> <p>19 determine if this project, the plan in front of you,</p> <p>20 complies with your Stormwater Management Ordinance.</p> <p>21 MR. REGAN: The board, I think, knows</p> <p>22 its responsibilities and has its engineer to rely on.</p> <p>23 MR. STEINHAGEN: Absolutely.</p> <p>24 But the -- I think the question was the</p> <p>25 state's reviewed it, why -- why are we doing this.</p>

<p style="text-align: right;">37</p> <p>1 MR. ALESSI: Unfortunately, our 2 engineer is not here tonight, so we'll have to 3 wait --</p> <p>4 VICE CHAIRMAN MAMARY: Counsel, aren't 5 we a land use board.</p> <p>6 MR. ALESSI: -- and defer to him.</p> <p>7 MR. REGAN: You are a land use board.</p> <p>8 VICE CHAIRMAN MAMARY: Okay.</p> <p>9 So, that is what you're claiming, that 10 they needed to do something, unless it was in front 11 -- unless or because it's in front of the land use 12 board.</p> <p>13 THE WITNESS: I'm sorry, can you repeat 14 that question.</p> <p>15 VICE CHAIRMAN MAMARY: Okay.</p> <p>16 You mentioned the word that some 17 application or some qualification had to be done 18 because --</p> <p>19 THE WITNESS: Well --</p> <p>20 VICE CHAIRMAN MAMARY: -- because or if 21 it was going to come in front of a land use board.</p> <p>22 And you said that the applicant is not 23 in compliance because they didn't come in front of 24 the board or they didn't present?</p> <p>25 Could you please explain that?</p>	<p style="text-align: right;">39</p> <p>1 Court case law says that you have to do it yourselves 2 also.</p> <p>3 MS. HAVERILLA: So, our board attorney 4 -- our board engineer who has looked at all the plans 5 and looked at them from the beginning and gave 6 opinions and gave specifications how to increase 7 everything because he wasn't happy and then, finally, 8 he does review everything and he finds that it is 9 proper and it works.</p> <p>10 You're saying -- you're disagreeing 11 with what the board engineer has found to be 12 sufficient and -- and works for the property -- for 13 the application?</p> <p>14 MR. SCOZZAFAVA: As well as the state.</p> <p>15 MS. HAVERILLA: As well as the state?</p> <p>16 THE WITNESS: According to --</p> <p>17 MS. HAVERILLA: But you have no 18 suggestions as to how to make that better?</p> <p>19 VICE CHAIRMAN MAMARY: Not yet.</p> <p>20 MS. HAVERILLA: Not yet.</p> <p>21 MR. STEINHAGEN: Do you want to give 22 some off-the-cuff suggestions now?</p> <p>23 (Audience Outburst.)</p> <p>24 MR. REGAN: I don't think that --</p> <p>25 CHAIRMAN WEIDMANN: We want to -- I</p>
<p style="text-align: right;">38</p> <p>1 THE WITNESS: That is a different 2 board.</p> <p>3 So, if there is a disturbance to either 4 a wetland or a flood hazard area, then the New Jersey 5 Department of Environment Protection, Department of 6 Land Use will then review stormwater management.</p> <p>7 VICE CHAIRMAN MAMARY: Oh, the New 8 Jersey Department, not --</p> <p>9 THE WITNESS: Yes.</p> <p>10 VICE CHAIRMAN MAMARY: -- a local land 11 use board --</p> <p>12 THE WITNESS: Yes.</p> <p>13 VICE CHAIRMAN MAMARY: -- such as 14 ourselves?</p> <p>15 THE WITNESS: That's -- as far as I 16 know, as stated, there is no disturbance at the 17 moment.</p> <p>18 And, therefore, there is no approval 19 from the DEP.</p> <p>20 VICE CHAIRMAN MAMARY: Okay.</p> <p>21 MR. STEINHAGEN: But, again, 22 Mr. Mamary.</p> <p>23 VICE CHAIRMAN MAMARY: Mamary.</p> <p>24 MR. STEINHAGEN: I'm sorry.</p> <p>25 Even if there was a permit, the Supreme</p>	<p style="text-align: right;">40</p> <p>1 want a report so --</p> <p>2 (Simultaneous Speaking.)</p> <p>3 VICE CHAIRMAN MAMARY: Yes, yes. That 4 he could -- he could say --</p> <p>5 MR. STEINHAGEN: To just tell me what 6 you want.</p> <p>7 VICE CHAIRMAN MAMARY: He could say 8 some suggestions, but --</p> <p>9 MALE AUDIENCE MEMBER: Again, it's not 10 what --</p> <p>11 MR. STEINHAGEN: It's not his job to do 12 that, sir.</p> <p>13 VICE CHAIRMAN MAMARY: Yeah.</p> <p>14 THE WITNESS: So --</p> <p>15 MR. MAGGIO: Here's a question for you, 16 why is this coming up today?</p> <p>17 MR. STEINHAGEN: Because generally the 18 way that the land use process works is the applicant 19 presents its case -- -</p> <p>20 MR. MAGGIO: Uh-huh.</p> <p>21 MR. STEINHAGEN: -- which we still 22 haven't finished it yet.</p> <p>23 MR. MAGGIO: Right.</p> <p>24 MR. STEINHAGEN: And then interested 25 parties present their own testimony afterwards, and</p>

<p style="text-align: right;">41</p> <p>1 -- and -- which is where we are.</p> <p>2 MR. MAGGIO: Why wasn't there a written</p> <p>3 report?</p> <p>4 MR. STEINHAGEN: There wasn't a written</p> <p>5 report from -- I don't believe there was a report</p> <p>6 from the applicant's planner, for instance.</p> <p>7 MR. MAGGIO: No, he testified --</p> <p>8 MR. STEINHAGEN: He testified.</p> <p>9 MR. MAGGIO: -- over ten months.</p> <p>10 CHAIRMAN WEIDMANN: So --</p> <p>11 MR. MAGGIO: I just -- I just want to</p> <p>12 know why there wasn't a written report that we all</p> <p>13 could look at, including our engineer who announced</p> <p>14 at the meeting last month that he wasn't going to be</p> <p>15 here.</p> <p>16 So, it's just -- I'd hate to say it,</p> <p>17 it's convenient that this is happening today.</p> <p>18 MR. STEINHAGEN: There isn't a report.</p> <p>19 I told -- I was asked for a report. And I was --</p> <p>20 even though one is not required, we will provide it.</p> <p>21 That's all I can offer.</p> <p>22 MR. MAGGIO: We need a written report.</p> <p>23 MR. STEINHAGEN: Sure.</p> <p>24 MR. MAGGIO: It needs to go to Tom.</p> <p>25 MR. STEINHAGEN: No problem.</p>	<p style="text-align: right;">43</p> <p>1 settlement.</p> <p>2 I hope we have a settlement.</p> <p>3 And if there is, we will advise the</p> <p>4 board to that effect also.</p> <p>5 MR. REGAN: I -- because I'm -- I'm</p> <p>6 confused at the -- at the last meeting, at the end of</p> <p>7 it, my notes reflect, Mr. Steinhagen advises</p> <p>8 agreement with Lakeview -- agreement reached with</p> <p>9 Lakeview -- between Lakeview and the applicant.</p> <p>10 THE WITNESS: Pending.</p> <p>11 MR. REGAN: And we'll have a copy of</p> <p>12 the agreement.</p> <p>13 MR. STEINHAGEN: So --</p> <p>14 MR. REGAN: So, I went home thinking,</p> <p>15 okay, that's resolved.</p> <p>16 MR. STEINHAGEN: So did I and as of</p> <p>17 today, I still don't have comments on the written</p> <p>18 agreement I sent in November to the applicant.</p> <p>19 I have an e-mail that says here are our</p> <p>20 concerns, but I still don't have comments on the</p> <p>21 document that I transmitted.</p> <p>22 MR. REGAN: Okay.</p> <p>23 We've been dealing with this for ten</p> <p>24 months. The prospect of a settlement I think is</p> <p>25 unlikely, but why don't we just proceed,</p>
<p style="text-align: right;">42</p> <p>1 MR. MAGGIO: Mr. Sehnal needs to review</p> <p>2 it as well.</p> <p>3 They need to get -- they need to rebut</p> <p>4 it or not rebut it, if you agree with it.</p> <p>5 And then we need to have an opportunity</p> <p>6 to question them.</p> <p>7 MR. STEINHAGEN: And --</p> <p>8 MR. MAGGIO: And we need to see</p> <p>9 recommendations for it.</p> <p>10 MR. STEINHAGEN: Absolutely.</p> <p>11 And I'll promise the board that we will</p> <p>12 get this to the board and the applicant well in</p> <p>13 advance of whenever this is -- if it's not done</p> <p>14 tonight, we will get it to the board and the</p> <p>15 applicant well in advance of the next date.</p> <p>16 MR. REGAN: So, you're saying also that</p> <p>17 there's no potential for settlement between the</p> <p>18 applicant --</p> <p>19 MR. STEINHAGEN: No, no. No. That is</p> <p>20 absolutely --</p> <p>21 MR. REGAN: If that's off the table,</p> <p>22 let us know.</p> <p>23 MR. MAGGIO: Is that unrelated to this?</p> <p>24 MR. STEINHAGEN: The -- my client has</p> <p>25 advised me to not ever close the door on a</p>	<p style="text-align: right;">44</p> <p>1 Mr. Chairman.</p> <p>2 MR. BEDIAN: Mr. Chairman, I have a --</p> <p>3 CHAIRMAN WEIDMANN: Yeah.</p> <p>4 MR. BEDIAN: I have a question, if I</p> <p>5 may?</p> <p>6 CHAIRMAN WEIDMANN: Please.</p> <p>7 Go ahead, the floor is yours.</p> <p>8 MR. BEDIAN: I'm a little bit confused,</p> <p>9 there's two basins, which one you -- you're</p> <p>10 contesting that it's not bioretention?</p> <p>11 THE WITNESS: Uhhmm.</p> <p>12 MR. BEDIAN: There's one in the front,</p> <p>13 which is Basin No. 1 or 2 actually and the bigger one</p> <p>14 is at the back?</p> <p>15 THE WITNESS: Neither, neither operate</p> <p>16 as a bioretention basin.</p> <p>17 MR. BEDIAN: Although it's labeled as</p> <p>18 bioretention/detention basin?</p> <p>19 THE WITNESS: Yes.</p> <p>20 So, in the report there is no</p> <p>21 evaluation of the water-quality storm.</p> <p>22 And then the orifice, if you review or</p> <p>23 turn to page --</p> <p>24 MR. BEDIAN: Because the drawing</p> <p>25 doesn't say bioretention. It just says Detention</p>

<p style="text-align: right;">45</p> <p>1 Basin No. 1.</p> <p>2 I'm looking at the drawing, which is --</p> <p>3 I'll tell you the drawing number, on the --</p> <p>4 MR. STEINHAGEN: On page 7.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MR. BEDIAN: I'm just looking at my</p> <p>7 computer.</p> <p>8 THE WITNESS: On page 7 of the site</p> <p>9 plan it is referred to as bioretention basin, as well</p> <p>10 as in the stormwater management report, last revised</p> <p>11 September, on page 6.</p> <p>12 MR. BEDIAN: I'm looking at the</p> <p>13 drawing.</p> <p>14 It says drainage and utility plan,</p> <p>15 Sheet No. 7.</p> <p>16 MR. SCOZZAFAVA: What's the date?</p> <p>17 MR. BEDIAN: The date is 5/18.</p> <p>18 MR. STEINHAGEN: Do you know what</p> <p>19 revision number you're looking at on the top right?</p> <p>20 (Brief Pause.)</p> <p>21 MR. STEINHAGEN: Would it be helpful if</p> <p>22 he came over and pointed it out?</p> <p>23 MR. BEDIAN: Well, it's -- it's on my</p> <p>24 laptop, so...</p> <p>25 MR. STEINHAGEN: No, no, no, I mean,</p>	<p style="text-align: right;">47</p> <p>1 there's also a sand filter and without geotech and</p> <p>2 since the -- the orifice is on the bottom, they will</p> <p>3 -- you cannot state that it will infiltrate into the</p> <p>4 ground.</p> <p>5 MR. MAGGIO: You -- you said that</p> <p>6 before, you had mentioned without a geotech, but we</p> <p>7 do have geotechnical information.</p> <p>8 Has that just not been provided to you?</p> <p>9 THE WITNESS: It is not included in the</p> <p>10 report.</p> <p>11 MR. MAGGIO: But there are --</p> <p>12 MS. PRICE: Yes.</p> <p>13 MR. MAGGIO: I'm looking at you, Gail.</p> <p>14 There has been --</p> <p>15 (Simultaneous Speaking.)</p> <p>16 MS. PRICE: We did it twice.</p> <p>17 MR. STEINHAGEN: They do have it, they</p> <p>18 did.</p> <p>19 MR. MAGGIO: There has been</p> <p>20 information, there was a packet of 31 documents that</p> <p>21 I have, right?</p> <p>22 MS. PRICE: Yes, we did it twice.</p> <p>23 MR. MAGGIO: So, can we make sure that</p> <p>24 he gets that?</p> <p>25 MR. STEINHAGEN: Yes. Sure.</p>
<p style="text-align: right;">46</p> <p>1 where it says bioretention basin.</p> <p>2 MR. BEDIAN: There's two -- two basins,</p> <p>3 one at the front, which --</p> <p>4 THE WITNESS: And one at the back.</p> <p>5 MR. SCOZZAFAVA: I think we're looking</p> <p>6 at two different reports.</p> <p>7 That one's May -- what date are you</p> <p>8 saying?</p> <p>9 MR. STEINHAGEN: So, the plan,</p> <p>10 Mr. Regan, what was this latest -- this is the newest</p> <p>11 one that was I guess --</p> <p>12 MR. REGAN: A-30 -- I believe it's</p> <p>13 A-31, revised 9/26.</p> <p>14 MR. BEDIAN: This one.</p> <p>15 THE WITNESS: It's 10.</p> <p>16 MR. BEDIAN: Revision 10.</p> <p>17 MR. STEINHAGEN: So do you not -- sir,</p> <p>18 do you not see where it's labeled "bioretention</p> <p>19 basin" on the plan?</p> <p>20 MR. BEDIAN: The big one doesn't say</p> <p>21 it's a retention -- bioretention basin. It's just</p> <p>22 Basin No. 1.</p> <p>23 The revision is dated September --</p> <p>24 THE WITNESS: Yes, you're correct --</p> <p>25 the back one is referred to as -- but in that basin</p>	<p style="text-align: right;">48</p> <p>1 MR. MAGGIO: You should make sure you</p> <p>2 get that, so that that doesn't become a qualifier.</p> <p>3 Let's make sure that send that to him.</p> <p>4 MR. STEINHAGEN: Yeah, I have that.</p> <p>5 MR. MAGGIO: Okay.</p> <p>6 CHAIRMAN WEIDMANN: Anyone else on the</p> <p>7 board with to be heard?</p> <p>8 MR. ALESSI: I have a -- I want to go</p> <p>9 back, Mr. Joy, to answering Ms. Haverilla's question</p> <p>10 about the qualifications of our engineer Mr. Skrable,</p> <p>11 that seem to get brushed aside.</p> <p>12 He's -- he's been looking at these</p> <p>13 plans for ten months and has been approving them and</p> <p>14 had been talking with Mr. Sehnal, if I pronounced it</p> <p>15 correctly, if not, I apologize, but you didn't answer</p> <p>16 her question.</p> <p>17 MR. STEINHAGEN: Before you do,</p> <p>18 Mr. Skrable, while he approved of certain aspects of</p> <p>19 it, he also voiced a very strong concern about</p> <p>20 another aspect of it.</p> <p>21 So as long as we're clear about what</p> <p>22 he's -- what he has done.</p> <p>23 And I think he should speak for</p> <p>24 himself, but I know that he has very strong concerns</p> <p>25 about the way that that back basin is being</p>

<p style="text-align: right;">49</p> <p>1 discharged onto Lakeview.</p> <p>2 MS. PRICE: Okay. If Mr. Steinhagen's</p> <p>3 going to testify, I'm going to object.</p> <p>4 I've given --</p> <p>5 (Simultaneous Speaking.)</p> <p>6 MR. STEINHAGEN: I'm not testifying.</p> <p>7 MS. PRICE: I've given leeway so far so</p> <p>8 we can move everything along, but I want to note the</p> <p>9 objection for the record.</p> <p>10 MR. REGAN: I think your objection is</p> <p>11 noted.</p> <p>12 The record will speak for itself.</p> <p>13 MR. STEINHAGEN: That's fine.</p> <p>14 CHAIRMAN WEIDMANN: Anyone else --</p> <p>15 MR. SCOZZAFAVA: I have one more</p> <p>16 question, this process has been ongoing for months</p> <p>17 and when the drainage was presented, why wasn't</p> <p>18 somebody questioning it at that point or shortly</p> <p>19 thereafter?</p> <p>20 That was months ago when we started</p> <p>21 that.</p> <p>22 MR. STEINHAGEN: Is that a question for</p> <p>23 the witness?</p> <p>24 MR. SCOZZAFAVA: No, that's a question</p> <p>25 for you.</p>	<p style="text-align: right;">51</p> <p>1 done today is not correct and all he's doing it is</p> <p>2 based on testimony without any document.</p> <p>3 MR. STEINHAGEN: So, I don't think that</p> <p>4 it's fair to say that everything that's done is</p> <p>5 incorrect.</p> <p>6 And, frankly, a lot of this, we don't</p> <p>7 have issue with, assuming certain tweaks are made.</p> <p>8 These aren't major changes that we're recommending.</p> <p>9 MR. SCOZZAFAVA: We've had ten months</p> <p>10 to make tweaks and we've been making tweaks.</p> <p>11 MR. STEINHAGEN: Well --</p> <p>12 MR. SCOZZAFAVA: We've been asking for</p> <p>13 tweaks as well.</p> <p>14 Let me just ask one more question and</p> <p>15 then I'll be quiet.</p> <p>16 So, you're -- you have a problem with</p> <p>17 it being classified as a -- I can't remember the</p> <p>18 phrase, a bio -- does it qualify as a retention</p> <p>19 basin?</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. SCOZZAFAVA: So --</p> <p>22 THE WITNESS: One of them does.</p> <p>23 MR. SCOZZAFAVA: -- are we splitting</p> <p>24 hairs on the words?</p> <p>25 Wait, wait, let him answer.</p>
<p style="text-align: right;">50</p> <p>1 MR. STEINHAGEN: So, is Ms. Price going</p> <p>2 to object to me testifying?</p> <p>3 MS. PRICE: I think you can answer the</p> <p>4 board member's question.</p> <p>5 MR. STEINHAGEN: Right, so I asked -- I</p> <p>6 asked Mr. Sehna questions about the drainage, but</p> <p>7 I'm not an engineer, I think thankfully, and asking a</p> <p>8 witness questions is very different than presenting</p> <p>9 an affirmative case.</p> <p>10 This is the time that the association's</p> <p>11 case goes on the record. It's like -- well, that's</p> <p>12 all I can say.</p> <p>13 I mean, why -- you can't ask the</p> <p>14 objector/interested party to present witnesses during</p> <p>15 the applicant's case, the applicant wouldn't allow</p> <p>16 that.</p> <p>17 MR. SCOZZAFAVA: But you could have</p> <p>18 been prepared behind the scenes with an expert that</p> <p>19 guided you on the questions to ask --</p> <p>20 MR. STEINHAGEN: Sure.</p> <p>21 MR. SCOZZAFAVA: -- and it doesn't seem</p> <p>22 that you were, which makes it harder for all of us,</p> <p>23 including the residents, to sit here on the night</p> <p>24 that they're supposed to be speaking, to hear that</p> <p>25 your expert now saying that everything that's been</p>	<p style="text-align: right;">52</p> <p>1 THE WITNESS: The reason why I brought</p> <p>2 that up is: One, it implies that there will be more</p> <p>3 infiltration into the ground naturally by -- by it</p> <p>4 being a bioretention basin, it has to allow the</p> <p>5 water-quality storm to infiltrate into the ground,</p> <p>6 thus reducing the amount of runoff that can discharge</p> <p>7 out.</p> <p>8 And as a result, if more discharge does</p> <p>9 go out by any of the other -- as a result of any of</p> <p>10 the other measures, pressure flow will cause more</p> <p>11 water out.</p> <p>12 MR. SCOZZAFAVA: But a retention basin</p> <p>13 is also going to drain in the ground, right?</p> <p>14 THE WITNESS: No, not -- not</p> <p>15 necessarily.</p> <p>16 A detention basin is meant to allow for</p> <p>17 free discharge. It is not a "BMP" allowable</p> <p>18 infiltration method.</p> <p>19 MR. SCOZZAFAVA: Okay.</p> <p>20 VICE CHAIRMAN MAMARY: Okay. You're</p> <p>21 going to do a report and our engineer, if he was here</p> <p>22 tonight, we would be able to move this process</p> <p>23 forward, probably make a resolution one way or</p> <p>24 another.</p> <p>25 But in the meantime, you're going to</p>

<p style="text-align: right;">53</p> <p>1 make a report, you're going to provide it back to the  2 board. Our engineer will review it, review it with  3 the engineer of the applicant.  4 And then we'll -- the Chair will make a  5 decision on how we're moving forward with the rest of  6 the testimony, whether you need to be brought back or  7 however that works.  8 MR. SCOZZAFAVA: Can I just --  9 MR. BEDIAN: I have a rhetorical  10 question, say for sake of argument you had an -- you  11 had an agreement with 24 Old Tappan Road [sic], then  12 your objection, you know, goes sideways or you're  13 still going to have an objection?  14 Sounds to me, you know, because you  15 don't have an agreement, now you're objecting.  16 MR. STEINHAGEN: I -- I don't know if  17 that's a fair question to ask the engineer.  18 MR. BEDIAN: Because last time we went  19 home, we all assumed we had an agreement, not us, but  20 you, you know, with -- with the applicant.  21 MR. SCOZZAFAVA: You also made a  22 statement, Mr. Steinhagen, that your applicant has  23 said she will not make an agreement.  24 So what -- what --  25 MR. STEINHAGEN: I never said that. I</p>	<p style="text-align: right;">55</p> <p>1 MS. PRICE: Mr. Chairman?  2 MALE AUDIENCE MEMBER: It takes two to  3 tango.  4 MR. STEINHAGEN: It takes two to tango.  5 MR. SCOZZAFAVA: Okay.  6 MR. STEINHAGEN: Yeah, as the member of  7 the public says, it takes two to tango.  8 CHAIRMAN WEIDMANN: Okay.  9 MR. STEINHAGEN: I was asked to  10 withhold my objection tonight without an agreement  11 and prejudice my client.  12 And I said no, I'm not doing that.  13 MS. PRICE: That is absolutely not  14 accurate and this record needs to reflect that while  15 Mr. Steinhagen got me a proposed agreement on the  16 afternoon of November 30th, which was two weeks after  17 we last met here, I needed to get it to transactional  18 counsel in DC for comments and drafting. And  19 transactional counsel had accurate objections,  20 because they were in agreement with my objections.  21 So what I did instead, try to make it  22 much simpler, was I detailed an 11 or 12 bullet  23 agreement back to Mr. Steinhagen and said it seems  24 like we're talking about linguistics here and the  25 content of the agreement between our two clients can</p>
<p style="text-align: right;">54</p> <p>1 said we will not close the door.  2 I hope we can get to an agreement.  3 MR. SCOZZAFAVA: So, what -- what does  4 closing the door mean, coming to an agreement,  5 doesn't it?  6 MR. STEINHAGEN: Yes.  7 MR. SCOZZAFAVA: So, when -- what's --  8 when is that going to happen?  9 MR. STEINHAGEN: As soon as I get  10 comments on it, I'm going to -- I worked on over the  11 Thanksgiving holiday on a document and I still don't  12 have comments on it. I still don't have comments on  13 it.  14 I appreciate the board's frustration.  15 I'm frustrated, too.  16 I would love to have come here tonight  17 to say, we have an agreement, Lakeview's concerns  18 about the drainage are put to bed and we don't have  19 to do this. That is what I hoped for.  20 Unfortunately, and perhaps -- and I'm  21 still hopeful that we can get that before the next  22 meeting if the applicant wants to, we do.  23 MR. REGAN: We've been hearing this for  24 months.  25 MR. STEINHAGEN: Well...</p>	<p style="text-align: right;">56</p> <p>1 be broken down as A through M.  2 And the matter of taking A through M  3 and putting it into an agreement, doesn't stop an  4 agreement from being reached by two clients.  5 So, the fact that we don't have a  6 signed agreement here is frustrating to me because I  7 did spend time taking it out of what was an  8 inaccurate agreement, and I drafted all of the bullet  9 points that we've been talking about for ten months  10 and I got it back to Mr. Steinhagen a couple of days  11 ago.  12 He's also heard from our transactional  13 counsel.  14 So, any inference that this has been  15 like, you know, bad applicant, is absolutely false.  16 And that -- and the record needs to be  17 clear on that.  18 MR. STEINHAGEN: And if you want to  19 talk about what happened after that, you got a  20 response from me that day.  21 And the only thing I had a concern  22 about was your request that we not proceed tonight in  23 the absence of an agreement so that the board can  24 take a vote. And then what happens if we don't have  25 an agreement after tonight? That's my problem.</p>

<p style="text-align: right;">57</p> <p>1 That was my -- that was my concern and</p> <p>2 that's why we are where we are.</p> <p>3 And I asked you for a proposal and I</p> <p>4 didn't get anything. I got an e-mail from someone</p> <p>5 else today.</p> <p>6 MS. PRICE: No.</p> <p>7 MR. STEINHAGEN: I responded again</p> <p>8 today.</p> <p>9 MS. PRICE: You did get a proposal.</p> <p>10 You got an 11 or 12 paragraph document back from me</p> <p>11 laying everything out so that our two clients could</p> <p>12 agree to this drainage issue that has been</p> <p>13 percolating --</p> <p>14 MR. STEINHAGEN: And --</p> <p>15 MS. PRICE: -- sorry for the pun --</p> <p>16 over the past couple of months.</p> <p>17 MR. STEINHAGEN: And as to the</p> <p>18 substance, I agreed to all of them.</p> <p>19 And I asked you for a proposal how as</p> <p>20 not to prejudice my client based upon your request</p> <p>21 that we not proceed tonight.</p> <p>22 MS. PRICE: I didn't ask you not to</p> <p>23 proceed tonight.</p> <p>24 MR. STEINHAGEN: We --</p> <p>25 MR. REGAN: I think I need to interject</p>	<p style="text-align: right;">59</p> <p>1 MR. MAGGIO: Are you close?</p> <p>2 MR. REGAN: -- or the ability to move</p> <p>3 forward and either approve or deny the application is</p> <p>4 not contingent in any way whether there's an</p> <p>5 agreement between the applicant and Lakeview.</p> <p>6 MR. MAGGIO: So are you close to a</p> <p>7 settlement?</p> <p>8 MR. STEINHAGEN: As soon as I get a</p> <p>9 copy --</p> <p>10 MR. MAGGIO: Can you both just look at</p> <p>11 each other and tell me --</p> <p>12 MR. STEINHAGEN: As soon as I get a</p> <p>13 copy of the document, and I'll tell this to</p> <p>14 Ms. Price, I'm going to review it and I'm going to</p> <p>15 give you comments back.</p> <p>16 MS. PRICE: No, and we're talking about</p> <p>17 linguistics.</p> <p>18 MR. STEINHAGEN: Correct.</p> <p>19 MS. PRICE: We do have an agreement on</p> <p>20 the terms.</p> <p>21 The terms that we thought we had when</p> <p>22 we left here the middle of November.</p> <p>23 Our client hasn't changed them. And</p> <p>24 that agreement is on the exhibit that I had filed</p> <p>25 with the board.</p>
<p style="text-align: right;">58</p> <p>1 here.</p> <p>2 MS. PRICE: I did --</p> <p>3 MR. REGAN: The board -- the board is</p> <p>4 taking action on this application one way or the</p> <p>5 other, favorable or unfavorable to the applicant.</p> <p>6 It's not contingent on an agreement --</p> <p>7 MR. STEINHAGEN: Absolutely.</p> <p>8 MS. PRICE: Correct.</p> <p>9 MR. REGAN: -- between the applicant and</p> <p>10 Lakeview.</p> <p>11 MS. PRICE: Correct, right.</p> <p>12 MR. REGAN: The board doesn't have to</p> <p>13 give that any consideration at all.</p> <p>14 MR. STEINHAGEN: But to get to an</p> <p>15 agreement --</p> <p>16 MR. ELLER: We can put a stipulation,</p> <p>17 though, correct?</p> <p>18 MR. REGAN: Not -- well, if it's going</p> <p>19 to modify the plan, they would have to come back to</p> <p>20 the board. Okay?</p> <p>21 I mean, every resolution I prepare, any</p> <p>22 action of any other -- any other agency modifies the</p> <p>23 plan that the board approves, there has to be a</p> <p>24 return to the board.</p> <p>25 But the board's decision --</p>	<p style="text-align: right;">60</p> <p>1 MR. MAGGIO: Mr. Steinhagen, do you</p> <p>2 agree with that statement?</p> <p>3 MR. REGAN: It really doesn't matter.</p> <p>4 MR. MAGGIO: I'm just curious, I want</p> <p>5 to know if we're close.</p> <p>6 (Simultaneous Speaking.)</p> <p>7 MR. REGAN: It really doesn't matter.</p> <p>8 MR. MAGGIO: Are they -- are they --</p> <p>9 because if we're close, let's get this resolved.</p> <p>10 If we're not close, let's get the</p> <p>11 public up here to make all their comments --</p> <p>12 MR. STEINHAGEN: I, unfortunately --</p> <p>13 MR. MAGGIO: -- and let's vote then.</p> <p>14 MR. STEINHAGEN: I unfortunately -- I</p> <p>15 hope I do. Unfortunately, I haven't seen the</p> <p>16 linguistic -- this agreement that we have. I don't</p> <p>17 know what it is.</p> <p>18 MR. ELLER: But she's talking about the</p> <p>19 terms, forget the -- the wording of it.</p> <p>20 MR. STEINHAGEN: The essential terms,</p> <p>21 the consideration in what we're doing, yes.</p> <p>22 MR. MAGGIO: That's all I wanted to</p> <p>23 hear.</p> <p>24 MS. PRICE: Yes.</p> <p>25 MR. STEINHAGEN: Yes. Well, I -- and I</p>

<p style="text-align: right;">61</p> <p>1 think -- but we need a document to protect my client.</p> <p>2 That's all.</p> <p>3 MR. ELLER: No one is arguing that.</p> <p>4 MR. STEINHAGEN: Well --</p> <p>5 MR. ELLER: -- as long as you're in</p> <p>6 agreement in principal, you guys can work it out.</p> <p>7 MR. STEINHAGEN: Absolutely, but I -- I</p> <p>8 can't have a situation where we say we have an</p> <p>9 agreement in principal and then someone says I'm not</p> <p>10 signing it.</p> <p>11 That's all. That's my concern.</p> <p>12 MR. ELLER: Of course.</p> <p>13 MR. REGAN: You're lucky this board is</p> <p>14 patient, because a court would not be anywhere near</p> <p>15 as patient.</p> <p>16 (Audience Outburst.)</p> <p>17 MS. PRICE: I have -- I have a couple</p> <p>18 of cross questions for this witness.</p> <p>19 (Audience Chatter.)</p> <p>20 MR. REGAN: Everyone on the board has</p> <p>21 asked their questions?</p> <p>22 MR. SCOZZAFAVA: Yes.</p> <p>23 MR. REGAN: Okay.</p> <p>24 Then the applicant can question.</p> <p>25 MS. PRICE: Okay. I just have a</p>	<p style="text-align: right;">63</p> <p>1 it was, before it got to your desk.</p> <p>2 THE WITNESS: It was handed to me by</p> <p>3 Steve Boswell.</p> <p>4 MR. REGAN: Steve Boswell. Okay, one</p> <p>5 of the partners of the firm.</p> <p>6 BY MS. PRICE:</p> <p>7 Q. Have you personally reached out to our</p> <p>8 engineer at all during this process?</p> <p>9 A. I have not.</p> <p>10 Q. Have you conducted any site visits or</p> <p>11 asked for any site visits that involve the rear of</p> <p>12 our property and the common boundary line of the</p> <p>13 Lakeview property?</p> <p>14 A. I have not.</p> <p>15 Q. And I -- did I hear it right that</p> <p>16 you've only testified at one planning or zoning board</p> <p>17 meeting?</p> <p>18 A. Yes.</p> <p>19 Q. And where was that?</p> <p>20 A. East Hanover.</p> <p>21 Q. East Hanover? Okay.</p> <p>22 Isn't it a fact, in the stormwater</p> <p>23 management report, in the appendix, that it is listed</p> <p>24 with the hydrograph summary reports water-quality</p> <p>25 design system, did you see that in the appendix?</p>
<p style="text-align: right;">62</p> <p>1 couple.</p> <p>2 CROSS EXAMINATION</p> <p>3 BY MS. PRICE:</p> <p>4 Q. Sir, when were you retained in</p> <p>5 connection with this project?</p> <p>6 A. I don't -- I can't speak on that. The</p> <p>7 -- the firm went through another member of the firm.</p> <p>8 Q. So, you don't know when you were</p> <p>9 retained?</p> <p>10 MR. REGAN: When was the firm retained?</p> <p>11 We don't need --</p> <p>12 MS. PRICE: Right.</p> <p>13 MR. STEINHAGEN: Over the summer.</p> <p>14 MS. PRICE: No, no, no, I want to hear</p> <p>15 it from the witness, Mr. Steinhagen.</p> <p>16 MR. STEINHAGEN: He just told you he</p> <p>17 doesn't know.</p> <p>18 MS. PRICE: No.</p> <p>19 BY MS. PRICE:</p> <p>20 Q. Okay. So you don't know.</p> <p>21 Do you know who retained your firm?</p> <p>22 A. No, I do not.</p> <p>23 Q. You do not? Okay.</p> <p>24 MR. REGAN: What engineer in your firm</p> <p>25 was retained, was it Kevin Boswell? Tell me who, who</p>	<p style="text-align: right;">64</p> <p>1 When you did your review, which was the</p> <p>2 foundation for your testimony tonight, did you have</p> <p>3 an opportunity to review that?</p> <p>4 A. I did.</p> <p>5 Q. You did.</p> <p>6 But you're still testifying this</p> <p>7 evening that there are no water-quality provisions</p> <p>8 despite the content of the report?</p> <p>9 A. I -- I did not state that.</p> <p>10 Q. You did not.</p> <p>11 You stated what, that the water quality</p> <p>12 there doesn't work?</p> <p>13 A. I stated that there seems to be issues</p> <p>14 in how the analysis was performed and, therefore,</p> <p>15 these -- this analysis is based off of a very certain</p> <p>16 circumstance.</p> <p>17 It's off of what everything stated in</p> <p>18 this report is correct and, therefore, if one of</p> <p>19 those circumstances is not correct, therefore, it is</p> <p>20 -- it cannot -- it will not operate that way.</p> <p>21 Q. Okay.</p> <p>22 So to that end, can you tell me, based</p> <p>23 upon your review of the case and your getting ready</p> <p>24 for tonight's hearing, what DEP regulation is being</p> <p>25 violated by this application with regard to drainage?</p>



<p style="text-align: right;">65</p> <p>1           A.     It does not follow the -- the Best 2 Management Practices of -- in the State of New 3 Jersey. 4           Q.     What regulation under -- 5           A.     N.J.A.C. 7:8. 6                   THE COURT REPORTER: I'm sorry? 7                   THE WITNESS: N.J.A.C. 7:8. 8                   MR. REGAN: N.J.A.C.? 9                   MS. PRICE: Yes. 10 BY MS. PRICE: 11           Q.     Does that section speak of particular 12 regulations concerning the number of years of the 13 storm, the creation of detention and retention ponds 14 and water quality or are you giving me the general 15 best practices citations right now? 16           A.     It states that as well as refers to the 17 Best Management Practices manual. 18           Q.     It states that as best practices 19 management, correct? 20           A.     Yes. 21           Q.     So is it your opinion sitting here 22 tonight, without a report, that this applicant needed 23 to get different DEP approval or A DEP approval for 24 this plan? 25           A.     Not at the moment, no.</p>	<p style="text-align: right;">67</p> <p>1                   MR. STEINHAGEN: Let him answer your 2 question. 3                   THE WITNESS: Best practices is for 4 everything associated with the report to be included 5 in the report so someone reviewing said document can 6 see all pertinent information. 7 BY MS. PRICE: 8           Q.     But, again, we're talking about your 9 citation to best practices without specific citation 10 to a regulation. 11                   And you did not review what's been 12 submitted by our engineer in connection with 13 additional reports, correct? 14                   Your report -- your review was limited 15 to review of this stormwater report? 16           A.     Yes, as -- as stated earlier, my 17 review, it is on this, as well as the site plans. 18           Q.     So, if there were soil tests done on 19 two separate occasions, that would be contra to your 20 testimony that there's no geotech in this record? 21           A.     Correct. 22                   MS. PRICE: I don't have anything else 23 at this point in time, but I reserve given the 24 absence of a report and my own engineer. 25                   MR. MAGGIO: That's what I was going to</p>
<p style="text-align: right;">66</p> <p>1           Q.     The wetlands are not being impacted, 2 correct? 3           A.     Correct. 4           Q.     And there's no discharge permit that we 5 would need based upon your review? 6           A.     Correct. 7           Q.     Okay. And did you not review the soil 8 tests that were supplied to the board in connection 9 with the geotech? 10           A.     I did not. 11           Q.     So that goes for either set of geotech 12 reports that were supplied to the board, you didn't 13 review either one of those? 14           A.     No, because they were not attached to 15 the stormwater management report. 16           Q.     So, you didn't ask to review anything 17 else that related to drainage? 18           A.     No, best -- best practices is for 19 everything associated with the report to be attached 20 within the report. So -- 21           Q.     Wait a minute, wait, wait. 22                   MR. STEINHAGEN: Let him answer, let 23 him answer. 24                   MS. PRICE: Again -- 25                   THE WITNESS: Best practices --</p>	<p style="text-align: right;">68</p> <p>1 ask, if we get a written report, will Mr. Sehna be 2 responding to that? 3                   MS. PRICE: I don't -- I think it's 4 going to depend on what the written report says to 5 tell you the truth, to be as honest as I can, because 6 -- 7                   MR. MAGGIO: Okay. 8                   MS. PRICE: -- hearing the stuff for 9 the first time tonight and without any specific 10 reference to any regulation, I don't know if we're 11 going to respond other than to say that. 12                   So, I'll see when we get anything in, 13 I'll be certain to review it. 14                   MR. MAGGIO: Two -- two questions; one 15 is for the two of you, Mr. Steinhagen and Mr. Joy. 16                   You mentioned earlier, it just came out 17 where you said we're talking about minor issues here. 18 Did I hear that right? 19                   Is this not a major situation that's 20 being reported upon or did I hear that in context 21 that something else? 22                   MR. STEINHAGEN: I did say that. 23                   MR. MAGGIO: Okay. 24                   So what does that mean if it's not a 25 major issue?</p>

<p style="text-align: right;">69</p> <p>1                   Why -- then why would we spend the last</p> <p>2 45 minutes talking about it?</p> <p>3                   MR. STEINHAGEN: Well, for -- I thought</p> <p>4 I -- we were at least -- there were a lot of</p> <p>5 questions from the board.</p> <p>6                   MR. MAGGIO: Sure.</p> <p>7                   We're a pretty good board.</p> <p>8                   MR. STEINHAGEN: Yeah. So --</p> <p>9                   MR. MAGGIO: I know we don't look that</p> <p>10 smart.</p> <p>11                   MR. STEINHAGEN: No, no, no, no.</p> <p>12                   MR. MAGGIO: But we actually are.</p> <p>13                   MR. STEINHAGEN: I wish the board that</p> <p>14 I sat on asked questions like this and they didn't.</p> <p>15                   And so I think you guys are doing a</p> <p>16 great job, for what that's worth.</p> <p>17                   It's our opinion that subject to the --</p> <p>18 to the issues that Mr. Joy is going -- has and will</p> <p>19 further identify in a report, and I think Mr. Skrable</p> <p>20 has told you that the new design, putting aside my</p> <p>21 objection to it being considered without testimony,</p> <p>22 is generally acceptable and that's why my client is</p> <p>23 willing now, as opposed to in September when the</p> <p>24 design did not work, because they did not properly</p> <p>25 calculate existing conditions, my client is willing</p>	<p style="text-align: right;">71</p> <p>1                   MR. STEINHAGEN: So, if you bear with</p> <p>2 me for one second, I'm going to pull the exhibit</p> <p>3 number up.</p> <p>4                   MR. MAGGIO: Sure.</p> <p>5                   MR. STEINHAGEN: I think I have it.</p> <p>6                   MR. MAGGIO: And -- and really Tom</p> <p>7 should be here for this conversation.</p> <p>8                   CHAIRMAN WEIDMANN: Yes. Absolutely</p> <p>9 correct.</p> <p>10                   MR. STEINHAGEN: Mr. Regan, do you have</p> <p>11 the runoff of the -- the exhibit number, it was an --</p> <p>12 I think an L exhibit for the runoff curb?</p> <p>13                   MR. REGAN: It was an L-1 exhibit.</p> <p>14                   MR. STEINHAGEN: That was in September?</p> <p>15                   MR. REGAN: Let me look.</p> <p>16                   October, Objection L-1, urban hydrology</p> <p>17 for small watersheds.</p> <p>18                   MR. STEINHAGEN: Yes, right here.</p> <p>19                   So --</p> <p>20                   MR. REGAN: That was the October</p> <p>21 meeting.</p> <p>22                   MR. STEINHAGEN: Right.</p> <p>23                   So, L-1, Mr. Sehna and I had a</p> <p>24 conversation about whether or not this was --</p> <p>25                   MR. MAGGIO: When you're done, I'm got</p>
<p style="text-align: right;">70</p> <p>1 to enter into an agreement, because the system</p> <p>2 properly accounts for stormwater coming down, and</p> <p>3 what's going out, subject to these -- to these</p> <p>4 suggestions that we're going -- we will put in</p> <p>5 writing.</p> <p>6                   MS. PRICE: I just want it on the</p> <p>7 record that Mr. Steinhagen's opinion of what did or</p> <p>8 didn't qualify as provable --</p> <p>9                   MR. MAGGIO: Not evidence.</p> <p>10                   MS. PRICE: -- or correct is his opinion</p> <p>11 and that's nowhere in the record, dating back to the</p> <p>12 September.</p> <p>13                   MR. MAGGIO: I'm looking at my notes</p> <p>14 from August 10th, so that's before September.</p> <p>15                   And I wrote that Tom Skrable expressed</p> <p>16 concern about drainage because the church had not</p> <p>17 provided access.</p> <p>18                   And Tom was going to issue something in</p> <p>19 writing. I don't remember if he did or he didn't.</p> <p>20                   That was the only thing I had. I've</p> <p>21 checked all my notes here. I've looked up Tom's</p> <p>22 name. There's nothing else about that.</p> <p>23                   MR. STEINHAGEN: If you bear with me --</p> <p>24                   MR. MAGGIO: -- I don't know if it's</p> <p>25 fair to say that the design didn't work.</p>	<p style="text-align: right;">72</p> <p>1 -- I'm going to ask --</p> <p>2                   (Simultaneous Speaking.)</p> <p>3                   MR. STEINHAGEN: -- forested or whether</p> <p>4 or not there had been agricultural activity going on</p> <p>5 and I think he said there were deer and so that it</p> <p>6 was -- it was being used for grazing.</p> <p>7                   And once that testimony came out, I</p> <p>8 believe, and it's my recollection, that Mr. Skrable</p> <p>9 said that should be checked.</p> <p>10                   And after that should be -- after that</p> <p>11 was checked, then the plans changed.</p> <p>12                   That's my recollection.</p> <p>13                   MR. MAGGIO: And in fairness, on my</p> <p>14 notes -- on my notes from the September 14th --</p> <p>15                   MR. STEINHAGEN: Yes.</p> <p>16                   MR. MAGGIO: -- he did feel that there</p> <p>17 was an issue about water flowing overland to</p> <p>18 Lakeview, repair the basin for erosion in a large</p> <p>19 storm should not be the responsibility of Lakeview</p> <p>20 and the church. And he thought it was a soil</p> <p>21 conservation agency issue.</p> <p>22                   I'm just -- I'm just reading my notes.</p> <p>23 And then I've got -- and then that's -- I have</p> <p>24 another commentary here.</p> <p>25                   One last question, and to follow up to</p>

<p style="text-align: right;">73</p> <p>1 one of Ms. Price's questions to Mr. Joy, when were 2 you assigned this? 3 THE WITNESS: Yesterday. 4 MR. MAGGIO: That's what I figured. 5 Okay. 6 (Audience Outburst.) 7 MR. REGAN: Yesterday. 8 MR. SCOZZAFAVA: That's a good 9 question. 10 MR. ALESSI: I -- I have a question for 11 Mr. Joy. 12 Do you -- you have documents in front 13 of you from yesterday, and you said you only 14 reviewed, excuse me, what was given to you. 15 As a professional, two masters, Ph.D., 16 sitting on boards before, did you know there was 17 documents missing that was pertinent to the testimony 18 you were going to give tonight? 19 THE WITNESS: No, I did not. 20 As I mentioned, typically everything 21 pertinent in regards to stormwater management, so, on 22 behalf of -- for Boswell Engineering, I do stormwater 23 management for the majority of the municipalities 24 and, therefore, everything -- and we -- we force all 25 of our applicants to -- all pertinent information in</p>	<p style="text-align: right;">75</p> <p>1 it wasn't where it was supposed to be, is it possible 2 that reviewing that additional info would give you an 3 opportunity to give the same or a different opinion? 4 THE WITNESS: It -- it could do either. 5 MR. SCOZZAFAVA: Oh, good. 6 THE WITNESS: Several of the -- of the 7 comments will remain regardless of the geotech or 8 not. 9 VICE CHAIRMAN MAMARY: Right. 10 And he's going to give us a report. 11 So, he'll get the additional information. He'll 12 consider it. He'll write up his report, probably 13 give it to -- 14 MR. SCOZZAFAVA: Well, as long as he 15 gets it -- 16 VICE CHAIRMAN MAMARY: -- his -- hi 17 bosses, so to speak, for their review, and then it 18 will go to the other -- other side so... 19 MR. ELLER: Guys, we've been doing this 20 for over an hour. 21 Can we just ask two things? 22 One, Mr. Steinhagen, can you make sure 23 that your engineer, whoever else in the firm is 24 required, has all the documents that have been 25 presented?</p>
<p style="text-align: right;">74</p> <p>1 regards to your stormwater management be within the 2 stormwater management report, and that way when the 3 DEP reviews it, we -- they can see everything. 4 And, therefore, since this was the 5 completed or revised document, I believed that 6 everything was there. 7 MR. ALESSI: So, your testimony was 8 based on the belief that you had received everything, 9 but knowing that it's not everything that you've 10 always received. 11 And you didn't think to ask anybody, is 12 there more documentation so I can give a thorough 13 testimony on what is going on? 14 MR. MAGGIO: He only got it yesterday. 15 CHAIRMAN WEIDMANN: He got it 16 yesterday. 17 MS. LOULLOUDIS: Yes. 18 MR. ALESSI: Maybe we shouldn't be -- 19 MR. MAGGIO: Dan, is the -- 20 MR. ELLER: Guys -- 21 (Simultaneous Speaking.) 22 MR. SCOZZAFAVA: No, no, listen, I have 23 a different question, though. 24 Now that you know there are additional 25 info that you could have been provided, even though</p>	<p style="text-align: right;">76</p> <p>1 MR. STEINHAGEN: Yes. 2 MR. ELLER: And, two, what's a 3 reasonable timeline for you guys to turn over that 4 report? 5 Because the holidays are coming up, 6 we're going to have three, four weeks. It's going to 7 be mayhem. 8 Is there -- if we said seven days from 9 today, can you get a report to our engineer and to 10 the applicant so that everybody has three weeks to 11 get their comments, get everything in order before 12 the next meeting? 13 Because once the holidays hit, we're 14 going to be into January. It's going to be New Years 15 and before we know it, we're going to be sitting here 16 again and nobody is going to have answers. 17 So, seven days from -- next Wednesday, 18 can you get us a report by close of business? 19 THE WITNESS: Yes. 20 MR. ELLER: If not earlier. The 21 earlier, the better. 22 So, it would come to both us and to the 23 applicant, so we can post it publically, everyone can 24 review it and then you guys can have your 25 conversation about it.</p>

<p style="text-align: right;">77</p> <p>1 MR. STEINHAGEN: If he says he can do 2 it, then he can do it. 3 MR. MAGGIO: Just get him the 4 information. 5 MR. STEINHAGEN: It was sent to them 6 so... 7 MR. SCOZZAFAVA: Yes, and obviously -- 8 MR. MAGGIO: Back in July. 9 MR. ELLER: I don't envy your position 10 tonight, so I'm not holding that against you, but... 11 CHAIRMAN WEIDMANN: Anyone else from 12 the board have any questions? 13 MR. SCOZZAFAVA: Yeah, I think I have 14 one more for Mr. Steinhagen. 15 (Laughter.) 16 MR. SCOZZAFAVA: You -- no, I need to 17 put you on the spot here as well. 18 MR. STEINHAGEN: Sure. 19 MR. SCOZZAFAVA: You have two people 20 that you're representing, the Lakeview group and 21 Ms. Sheridan, right? 22 MR. STEINHAGEN: Yes. 23 MR. SCOZZAFAVA: So, when you say we're 24 at the point of coming to an agreement with the 25 applicant, you're talking about both to get sign</p>	<p style="text-align: right;">79</p> <p>1 Ms. Price wants me to go there, but I know we talked 2 about it -- it's an underground connection into the 3 Lakeview system, which would eliminate a lot of the 4 issues that he raised tonight about erosion and soil 5 buildup. 6 That does not require Ms. Sheridan's 7 approval. 8 But Ms. Sheridan -- Boswell is not here 9 on behalf of Ms. Sheridan. I am, but this testimony 10 tonight is solely in relation to Lakeview. 11 MR. SCOZZAFAVA: I'm asking about the 12 agreement in principal to close this deal between the 13 applicant and your people that you're representing. 14 MR. STEINHAGEN: Just Lakeview. 15 MR. SCOZZAFAVA: Okay. 16 CHAIRMAN WEIDMANN: Anyone else? 17 MS. HAVERILLA: I just -- I find it a 18 little confusing how you're -- you're trying to do a 19 deal with one applicant [sic] who will -- if it goes 20 through, will benefit the application. 21 Whereas, you have another applicant 22 [sic] who does not want the application at all. 23 MR. REGAN: And I find it really 24 troubling. 25 MS. HAVERILLA: I think -- I think it's</p>
<p style="text-align: right;">78</p> <p>1 off -- 2 MR. STEINHAGEN: No. 3 MR. SCOZZAFAVA: -- right, not one. 4 MR. STEINHAGEN: No, the -- the issue 5 here is where is the water going. 6 MR. SCOZZAFAVA: No, no, I mean, in 7 principal, the principal of the agreement that we had 8 a month or two ago that now is gone, and you said I 9 have to get my applicant to sign off on it. 10 MR. STEINHAGEN: Well -- 11 MR. SCOZZAFAVA: -- you didn't want them 12 to be held at a disadvantage, you're talking about 13 two different groups that have to sign off, right, a 14 person and -- 15 MR. STEINHAGEN: No, no. 16 MR. ELLER: He's asking who the parties 17 are? 18 MR. STEINHAGEN: No. So the answer is 19 no. 20 The agreement would be between the 21 developer, CSH, and Lakeview, because the proposal 22 is, rather than go through the church through the 23 easement that we heard about at the beginning, rather 24 than discharge out of a scour hole onto the Lakeview 25 property, the proposal is -- and I don't know if</p>	<p style="text-align: right;">80</p> <p>1 -- 2 MR. REGAN: I think it's a real 3 problem. 4 MR. SCOZZAFAVA: That's why I'm asking 5 the question, because I can see that Lakeview 6 approves it and Ms. Sheridan doesn't and then we're 7 still sitting here talking about this. 8 MR. BEDIAN: Well, it shouldn't be our 9 problem at that point. 10 MR. STEINHAGEN: That's not the board's 11 problem. 12 MR. SCOZZAFAVA: Okay. 13 MR. REGAN: It is a problem, though, in 14 terms of -- from my -- my standpoint. 15 CHAIRMAN WEIDMANN: Let's move on. 16 MR. SCOZZAFAVA: Do we have more 17 witnesses -- 18 CHAIRMAN WEIDMANN: Anyone else from 19 the board? 20 MR. SCOZZAFAVA: -- or are we going to 21 talk to the public? 22 MR. REGAN: Do you have any other 23 witnesses or are you done? 24 MR. STEINHAGEN: Yes. 25 CHAIRMAN WEIDMANN: Okay.</p>

<p style="text-align: right;">81</p> <p>1 Bring them up.</p> <p>2 MR. STEINHAGEN: Tim Adriance.</p> <p>3 MR. REGAN: Who?</p> <p>4 MR. STEINHAGEN: Tim Adriance.</p> <p>5 MR. REGAN: Well, he signed up as a</p> <p>6 witness on the -- on the --</p> <p>7 MR. STEINHAGEN: There was little bit</p> <p>8 of confusion, I think, about how the board was</p> <p>9 proceeding tonight.</p> <p>10 I think he's going to testify tonight</p> <p>11 now and that's it.</p> <p>12 MR. MAGGIO: That's it?</p> <p>13 MS. HAVERILLA: He's actually spoken</p> <p>14 before the board.</p> <p>15 MR. SCOZZAFAVA: He has spoken.</p> <p>16 MR. MAGGIO: Yes.</p> <p>17 Not on the --</p> <p>18 MR. REGAN: We can cross him off the</p> <p>19 witness -- the public witness list.</p> <p>20 MR. ADRIANCE: Not on the application.</p> <p>21 MS. HAVERILLA: No, on the history of</p> <p>22 Old Tappan.</p> <p>23 MR. ADRIANCE: Correct.</p> <p>24 MR. REGAN: He testified previously.</p> <p>25 MR. STEINHAGEN: Did he testify or did</p>	<p style="text-align: right;">83</p> <p>1 MR. REGAN: For the record, state your</p> <p>2 full name, please, spell your last name and give us</p> <p>3 your address.</p> <p>4 MR. ADRIANCE: Timothy Daniel Adriance,</p> <p>5 A-D-R-I-A-N-C-E, 86 East Main Street, Bergenfield,</p> <p>6 New Jersey.</p> <p>7 VOIR DIRE EXAMINATION</p> <p>8 BY MR. STEINHAGEN:</p> <p>9 Q. Tim, can you, please, give the -- tell</p> <p>10 the board a little bit about yourself so that we can</p> <p>11 get you qualified.</p> <p>12 A. I have practiced historic preservation</p> <p>13 in Bergen County for the last 40 years.</p> <p>14 I professionally work as the consultant</p> <p>15 for the boroughs of Westwood, Paramus, pro bono to</p> <p>16 Closter, where I am the historic preservation</p> <p>17 chairman for their commission.</p> <p>18 I have been the historic representative</p> <p>19 for the County of Bergen Open Space Trust Fund and</p> <p>20 chairman of that body for about three or four years</p> <p>21 as my memory recalls.</p> <p>22 Past president of the Bergen County</p> <p>23 Historical Society.</p> <p>24 THE COURT REPORTER: I'm sorry, slow</p> <p>25 down, sir.</p>
<p style="text-align: right;">82</p> <p>1 he ask questions?</p> <p>2 MR. ADRIANCE: I spoke publically in</p> <p>3 August in regard to the general history of Old</p> <p>4 Tappan.</p> <p>5 MR. REGAN: He gave a background, I</p> <p>6 guess.</p> <p>7 (Simultaneous Speaking.)</p> <p>8 MR. SCOZZAFAVA: We called it</p> <p>9 testimony, because we swore him in.</p> <p>10 So, are we doing it again.</p> <p>11 MS. HAVERILLA: Not --</p> <p>12 MR. ELLER: In any event, they have the</p> <p>13 right to bring up who they want to bring up as far as</p> <p>14 I'm concerned.</p> <p>15 MR. REGAN: Let's go, we're wasting</p> <p>16 time.</p> <p>17 Sir, would you raise your right hand,</p> <p>18 please?</p> <p>19 Do you swear or affirm that the</p> <p>20 testimony you will give in this proceeding shall be</p> <p>21 the truth, so help you God?</p> <p>22 MR. ADRIANCE: Yes.</p> <p>23 T I M O T H Y D A N I E L A D R I A N C E,</p> <p>24 86 East Main Street, Bergenfield, New Jersey,</p> <p>25 having been duly sworn, testifies as follows:</p>	<p style="text-align: right;">84</p> <p>1 THE WITNESS: I'm sorry.</p> <p>2 Past president of the Bergen County</p> <p>3 Historical Society.</p> <p>4 I've written two books on historic</p> <p>5 projects.</p> <p>6 I've also been retained by Clarkstown,</p> <p>7 New York; Tenaflly, the list goes on.</p> <p>8 I have over 80 projects, which I</p> <p>9 personally restored, over my tenure in the field.</p> <p>10 I am now just solely a consultant.</p> <p>11 My most recent project was the 60th</p> <p>12 Governor of Delaware's house in Laurel, Delaware.</p> <p>13 I'm currently working on numerous other</p> <p>14 application projects for a national register.</p> <p>15 I have been quoted in numerous</p> <p>16 publications, books.</p> <p>17 I'm been the guest lecturer for</p> <p>18 Montclair State University.</p> <p>19 I've been employed by the County of</p> <p>20 Bergen to teach historic preservation.</p> <p>21 I probably know more about the Jersey</p> <p>22 Dutch Stone House than any other individual.</p> <p>23 And that's -- has been said to me by</p> <p>24 other people.</p> <p>25 BY MR. STEINHAGEN:</p>

<p style="text-align: right;">85</p> <p>1 Q. And putting aside your work for boards,</p> <p>2 have you ever testified in front of any land use</p> <p>3 boards?</p> <p>4 A. Yes.</p> <p>5 Q. And you've been qualified as an expert?</p> <p>6 A. Yes.</p> <p>7 Q. In what field?</p> <p>8 A. As a historic preservation expert.</p> <p>9 MR. REGAN: I don't have a problem with</p> <p>10 him being qualified in that field.</p> <p>11 I'm concerned about the relevance, but</p> <p>12 let's see.</p> <p>13 MR. STEINHAGEN: Is that -- is that a</p> <p>14 ruling from the Chair?</p> <p>15 MR. REGAN: Yes, he's been qualified.</p> <p>16 MR. STEINHAGEN: Okay. Great.</p> <p>17 DIRECT EXAMINATION</p> <p>18 BY MR. STEINHAGEN:</p> <p>19 Q. Tim, can you just -- we talked earlier</p> <p>20 today. Why don't you just run through your issues</p> <p>21 with what's going on.</p> <p>22 A. Okay.</p> <p>23 The property in question has the</p> <p>24 historic Gerrit Haring House, that house is on the</p> <p>25 National Register of Historic Places.</p>	<p style="text-align: right;">87</p> <p>1 accepting this structure, moved from its original</p> <p>2 site, that it will lose its national register</p> <p>3 designation. That goes without saying.</p> <p>4 It has to go back before the state</p> <p>5 historic preservation board officer so that the SHPO</p> <p>6 will make a determination of whether or not it still</p> <p>7 has eligibility.</p> <p>8 The importance of eligibility in the</p> <p>9 aspect of the government here in Old Tappan, is not</p> <p>10 only to be able to insure the protections that would</p> <p>11 go in perpetuity for the building in the ownership of</p> <p>12 the town, but, most importantly, for the grant</p> <p>13 opportunities that will be lost if you're not able to</p> <p>14 obtain national register designation, once the</p> <p>15 building has been moved.</p> <p>16 So, if there are thoughts that there</p> <p>17 are going to be improvements to the structure,</p> <p>18 maintenance, other things that are a financial need,</p> <p>19 you may be cancelling all those out with the removal</p> <p>20 of the national register designation.</p> <p>21 I've also heard statements, being here</p> <p>22 for the meetings, that there are certain aspects of</p> <p>23 the building that have been declared historic.</p> <p>24 The entire structure when it was placed</p> <p>25 on the national register is the entire structure, not</p>
<p style="text-align: right;">86</p> <p>1 It was placed on the National Register</p> <p>2 amongst the thematic nomination that was prepared by</p> <p>3 the County of Bergen under the auspices of the Office</p> <p>4 of Cultural and Historic Affairs, direction of Allen</p> <p>5 Roth and Clare Thol.</p> <p>6 The national register was created in</p> <p>7 1964, after the establishment of the National</p> <p>8 Historic Preservation Act.</p> <p>9 The intention of the national register,</p> <p>10 most people don't understand what its intention is,</p> <p>11 is to protect historic cultural sites from the</p> <p>12 actions of government.</p> <p>13 Local designation within the State of</p> <p>14 New Jersey, which is empowered by the Municipal Land</p> <p>15 Use Law, through historic preservation commissions,</p> <p>16 protects historic properties from private owners.</p> <p>17 Here we have the board here in Old</p> <p>18 Tappan making a decision relative -- relevant to a</p> <p>19 historic property, and the actions of the board in</p> <p>20 the sense of their decision, has a detrimental or a</p> <p>21 positive affect on the building.</p> <p>22 Statements have been made concerning</p> <p>23 the movement of the structure.</p> <p>24 It's very important for the Borough of</p> <p>25 Old Tappan to know that if they are going to be</p>	<p style="text-align: right;">88</p> <p>1 a stone section, not missing wings.</p> <p>2 There has been, according to what I</p> <p>3 understand, and correct the board, please tell me, if</p> <p>4 you have received a Phase I Cultural Resources Study</p> <p>5 for this property. Has there been an actual real</p> <p>6 study of the historic properties of this building?</p> <p>7 Has a document been prepared?</p> <p>8 Has a study been prepared?</p> <p>9 I believe it has not, from my inquiries</p> <p>10 with individuals within the historic preservation</p> <p>11 community in the State of New Jersey, has not</p> <p>12 happened.</p> <p>13 So, we don't even know the real</p> <p>14 history.</p> <p>15 Q. Before we go on, in the event that the</p> <p>16 board were to approve this application and authorize</p> <p>17 the relocation of the Gerrit Haring House to the</p> <p>18 Borough, would you recommend that as a condition of</p> <p>19 approval?</p> <p>20 A. Would I recommend --</p> <p>21 Q. That they be required, the applicant be</p> <p>22 required to do that, submit it, prepare it and so</p> <p>23 that it's --</p> <p>24 A. A Phase I is -- is the most primary.</p> <p>25 It absolutely has to happen before anything is done</p>

<p style="text-align: right;">89</p> <p>1 in relationship to moving the structure.</p> <p>2 It should possibly include</p> <p>3 archeological investigation, dendrochronology, deed</p> <p>4 searching, architectural study, photographic evidence</p> <p>5 before anything is moved.</p> <p>6 So, yes, a Phase I study is the</p> <p>7 preliminary, it's the first thing that you do.</p> <p>8 <b>Q.</b> What else needs to get done?</p> <p>9 <b>A.</b> If the board is going to agree that a</p> <p>10 prerequisite to the approval of the project is the</p> <p>11 moving of this historic resource within the</p> <p>12 community, then the board needs to insure that the</p> <p>13 project is going to be carried through to its</p> <p>14 fruition.</p> <p>15 In other words, a bond of a very</p> <p>16 significant amount, needs to be required by the board</p> <p>17 to the applicant so that in granting permission for</p> <p>18 their development to go forward, if the building</p> <p>19 should, oops, fall apart during the course of its</p> <p>20 move and -- that does happen and I've seen it, what</p> <p>21 is the recourse by the Borough of Old Tappan in</p> <p>22 relevance to the decision that, oh, well, the</p> <p>23 agreement is that the historic structure is going to</p> <p>24 be moved, we're going to retain our history and you</p> <p>25 can build your site.</p>	<p style="text-align: right;">91</p> <p>1 Home, the older building, inside there was Cosyn</p> <p>2 Haring's house.</p> <p>3 Cosyn was the son of Jan Pietersen</p> <p>4 Haring. Jan Pietersen Haring was one of the three</p> <p>5 Tappan patentees. Old Tappan gets its name because</p> <p>6 it's the old Haring Farm of when Harrington Township</p> <p>7 was split up and Old Tappan wanted to distinguish</p> <p>8 itself as part of the Tappan patent.</p> <p>9 So, losing the Haring House is another</p> <p>10 removal. It's almost like -- let's just take the</p> <p>11 eyeballs off of the Mona Lisa and still call it the</p> <p>12 same painting. You're going to remove the history of</p> <p>13 this town if you lose this cultural resource.</p> <p>14 It's valuable because it's not tucked</p> <p>15 away on some side street. This is right on the main</p> <p>16 street right in the middle of town. Everyone sees</p> <p>17 it. Everyone knows it.</p> <p>18 So, the Jersey Dutch House is one of</p> <p>19 three indigenous forms of architecture of the United</p> <p>20 States.</p> <p>21 You've got the skyscraper, which was</p> <p>22 invented in Chicago.</p> <p>23 You've got the ranch house, which came</p> <p>24 in from the southwest in Mexico.</p> <p>25 And the Jersey Dutch Stone House is the</p>
<p style="text-align: right;">90</p> <p>1 If it's not done, what does the Borough</p> <p>2 know in the sense of assurance that it will happen?</p> <p>3 Words are one thing, a bond is another</p> <p>4 thing.</p> <p>5 What's the guarantee?</p> <p>6 Would -- would the Borough take the</p> <p>7 applicant to court and then what becomes of the</p> <p>8 historic property?</p> <p>9 Does it get rebuilt in some sort of a</p> <p>10 forum?</p> <p>11 Old Tappan has lost a significant</p> <p>12 history. I mean, just recently you lost the Blauvelt</p> <p>13 house on Dewolf Road at the corner where it</p> <p>14 intersects with Orangeburgh. That's pre-1840. That</p> <p>15 just disappeared.</p> <p>16 So, here you have another property that</p> <p>17 could be gone tomorrow.</p> <p>18 <b>Q.</b> If the Gerrit Haring House were to be</p> <p>19 destroyed, damaged, fall apart, how would that impact</p> <p>20 the Borough?</p> <p>21 <b>A.</b> The Borough of Old Tappan has a</p> <p>22 significant history with the Haring family. The</p> <p>23 entire Borough was the Haring family farms.</p> <p>24 Cosyn Haring -- anybody remember</p> <p>25 Ingleside Nursing Home? Okay, Ingleside Nursing</p>	<p style="text-align: right;">92</p> <p>1 third of the only three indigenous forms of</p> <p>2 architecture to the United States of America.</p> <p>3 You have this resource in town. You</p> <p>4 lose that, you're losing a significant cultural</p> <p>5 resource.</p> <p>6 <b>Q.</b> Now, this isn't just a recreation of a</p> <p>7 Jersey Dutch House, is it?</p> <p>8 <b>A.</b> No, this is the original structure.</p> <p>9 <b>Q.</b> How old is it, approximately, the</p> <p>10 original part?</p> <p>11 <b>A.</b> Is --</p> <p>12 <b>Q.</b> Is it 300 years, 250 years?</p> <p>13 <b>A.</b> It's at least 250 years old.</p> <p>14 The problem is that a comprehensive</p> <p>15 study has not been done. Dendrochronology would tell</p> <p>16 us exactly when the beams were cut and would tell us</p> <p>17 when they were installed in those floors, so we would</p> <p>18 know.</p> <p>19 We can only go by best guest --</p> <p>20 estimates.</p> <p>21 I would say anywhere from 1790 with the</p> <p>22 double door house to pre-revolution into possibly</p> <p>23 1750.</p> <p>24 Doug Biscuit -- excuse me -- Doug</p> <p>25 Bissett, I'm sorry, God rest his soul. Doug Bissett</p>

<p style="text-align: right;">93</p> <p>1 did a wonderful study of every piece of property on</p> <p>2 the Tappan patent within Bergen County. And he</p> <p>3 searched every deed. He read every deed in the</p> <p>4 Bergen County Courthouse up until about 1900.</p> <p>5 And he researched that property and its</p> <p>6 ownership and found it to be about 1750, 1760, as I</p> <p>7 recall from his report.</p> <p>8 But, again, without a cultural resource</p> <p>9 study, we don't know exactly the date of the</p> <p>10 building.</p> <p>11 It's definitely right after the</p> <p>12 revolution and/or before.</p> <p>13 Q. Do you have anything else?</p> <p>14 A. No.</p> <p>15 The public wants to speak. I shall let</p> <p>16 them speak.</p> <p>17 I just encourage the Borough to do its</p> <p>18 due diligence in making a decision that you protect</p> <p>19 your cultural resource, have all your ducks in a row,</p> <p>20 make every base covered, don't miss something,</p> <p>21 because it can get lost, so...</p> <p>22 MR. ALESSI: I have a question.</p> <p>23 THE WITNESS: Yes, sir.</p> <p>24 MR. ALESSI: You said this is the</p> <p>25 federal national registry?</p>	<p style="text-align: right;">95</p> <p>1 MR. ALESSI: No.</p> <p>2 THE WITNESS: It's not federal, it's</p> <p>3 national register.</p> <p>4 BY MR. STEINHAGEN:</p> <p>5 Q. Excuse me, the federal government has</p> <p>6 designated it, as is the state, correct?</p> <p>7 A. Yes, it's on the state.</p> <p>8 If it goes on the -- it has to go on</p> <p>9 the county. It goes to the state. Then it goes to</p> <p>10 national.</p> <p>11 So all three, it's on all three.</p> <p>12 MR. ALESSI: All I want to do is see</p> <p>13 the registry number, that's all.</p> <p>14 THE WITNESS: Somebody provided it.</p> <p>15 Okay. It was put on the national</p> <p>16 registry January 10th, 1983.</p> <p>17 And it is Number 83001514.</p> <p>18 MR. ALESSI: Thank you.</p> <p>19 FEMALE AUDIENCE MEMBER: And what does</p> <p>20 that mean to you?</p> <p>21 MS. LOULODIS: Can I ask a question?</p> <p>22 FEMALE AUDIENCE MEMBER: -- sitting on</p> <p>23 the board?</p> <p>24 MR. ALESSI: What does that mean to me?</p> <p>25 FEMALE AUDIENCE MEMBER: Yeah.</p>
<p style="text-align: right;">94</p> <p>1 THE WITNESS: It's the National</p> <p>2 Register of Historic Places.</p> <p>3 MR. ALESSI: Where's the documentation</p> <p>4 that says from the federal government that that's --</p> <p>5 I mean, federal government should have a registry</p> <p>6 number. I mean --</p> <p>7 THE WITNESS: Oh, no, it's online.</p> <p>8 MR. ALESSI: It's not --</p> <p>9 THE WITNESS: It's online.</p> <p>10 MR. STEINHAGEN: Your Master Plan says</p> <p>11 it's also on this federal registry.</p> <p>12 MALE AUDIENCE MEMBER: Documented in</p> <p>13 the Historic American Building Survey.</p> <p>14 THE WITNESS: Well, the HABS is a</p> <p>15 different story.</p> <p>16 MR. ALESSI: It's like everybody else</p> <p>17 submits evidence. Like, if you --</p> <p>18 THE WITNESS: I -- I can get it to you</p> <p>19 in an e-mail tomorrow if you want it. I can look on</p> <p>20 my phone if I had a decent internet connection.</p> <p>21 It's online. It's available. It's</p> <p>22 available to the DEP, County of Bergen.</p> <p>23 I have it on my own computer at home.</p> <p>24 MR. STEINHAGEN: Is there any dispute</p> <p>25 that it's on the federal register?</p>	<p style="text-align: right;">96</p> <p>1 MS. HAVERILLA: No, don't speak to</p> <p>2 them.</p> <p>3 FEMALE AUDIENCE MEMBER: He's an</p> <p>4 expert.</p> <p>5 MR. ALESSI: I don't speak to you.</p> <p>6 CHAIRMAN WEIDMANN: Anyone from the</p> <p>7 board who wishes to be heard?</p> <p>8 MS. LOULODIS: Are you done?</p> <p>9 Can I ask --</p> <p>10 CHAIRMAN WEIDMANN: Go ahead.</p> <p>11 MS. LOULODIS: Thanks, Mr. Chairman.</p> <p>12 So, you mentioned that it's been</p> <p>13 registered since 1983.</p> <p>14 I may have asked this in an earlier</p> <p>15 meeting of a different witness, but who would have</p> <p>16 put that on the registry?</p> <p>17 Would that have been the owner at the</p> <p>18 time, the private owner or who would have petitioned</p> <p>19 for that to go onto the registry?</p> <p>20 THE WITNESS: The County of Bergen in</p> <p>21 the 1980s decided to create the historic site survey</p> <p>22 where they went through all 70 municipalities and did</p> <p>23 a survey of all the historic properties that showed</p> <p>24 up on maps, that were submitted by local borough</p> <p>25 historians and so forth.</p>



<p style="text-align: right;">97</p> <p>1 And the stone house survey was a subset</p> <p>2 part of that where specifically the stone houses of</p> <p>3 Bergen County, which are so unique, were studied as</p> <p>4 part of that overall body.</p> <p>5 And so the County of Bergen was the</p> <p>6 initiator in the sense of the placement for national</p> <p>7 register with that thematic nomination.</p> <p>8 Individuals were given a notification,</p> <p>9 the individual homeowners, the property owners, were</p> <p>10 given a notification for inclusion.</p> <p>11 If they voiced an opposition, it was</p> <p>12 noted. And there were some properties that were</p> <p>13 omitted because of the opposition.</p> <p>14 The majority of the homeowners or</p> <p>15 property owners agreed and, hence, they were placed.</p> <p>16 I believe it was 212 buildings.</p> <p>17 MS. LOULLOUDIS: Those that were opposed</p> <p>18 --</p> <p>19 THE WITNESS: No, no, 212 were placed</p> <p>20 on the national register as part of the stone houses.</p> <p>21 MS. LOULLOUDIS: But those who opposed</p> <p>22 the inclusion --</p> <p>23 THE WITNESS: It was a small number.</p> <p>24 MS. LOULLOUDIS: -- could they be forced</p> <p>25 into the inclusion or once a private homeowner says:</p>	<p style="text-align: right;">99</p> <p>1 MS. LOULLOUDIS: What are the benefits</p> <p>2 for them having it?</p> <p>3 You mentioned grant opportunities. Is</p> <p>4 that for the benefit of the homeowner that owns the</p> <p>5 house or for the town that the home is located in?</p> <p>6 THE WITNESS: There -- there have been</p> <p>7 some tax breaks and there have been initiatives</p> <p>8 towards creating greater tax breaks.</p> <p>9 If it's a property that's used</p> <p>10 commercially, you can get tax incentives for being on</p> <p>11 the national register.</p> <p>12 National register really doesn't do</p> <p>13 anything for the homeowner, other than bragging</p> <p>14 rights.</p> <p>15 Although it will protect you. The</p> <p>16 Vreeland house, as an example, in Leonia, stood in</p> <p>17 the way of Interstate 95. And Interstate 95 was</p> <p>18 moved to protect the building, so -- and because that</p> <p>19 was government intrusion.</p> <p>20 MR. MAGGIO: That was the government.</p> <p>21 MS. LOULLOUDIS: Was that a historic</p> <p>22 district?</p> <p>23 THE WITNESS: No, it's an individual</p> <p>24 site.</p> <p>25 Another individual site was Timothy's</p>
<p style="text-align: right;">98</p> <p>1 I don't want my home to be included, does the county</p> <p>2 need to --</p> <p>3 THE WITNESS: The --</p> <p>4 MS. LOULLOUDIS: -- I don't know if I'm</p> <p>5 asking the question correctly, but can --</p> <p>6 THE WITNESS: Yes.</p> <p>7 MS. LOULLOUDIS: -- if I own that house,</p> <p>8 could somebody come and say: It's going to be</p> <p>9 historic. And I oppose. And they still say, you</p> <p>10 know, it goes through the nomination process. It</p> <p>11 becomes a historic property, they put a placard out</p> <p>12 front.</p> <p>13 THE WITNESS: Yes, it does.</p> <p>14 It can be placed on the national</p> <p>15 register of historic places without the consent of</p> <p>16 the owner.</p> <p>17 The reason is, is because it does not</p> <p>18 put an imposition or a claim on the property.</p> <p>19 Unlike local designation, which acts as</p> <p>20 part of planning and zoning and can limit what can be</p> <p>21 done with a structure, when it's placed on the</p> <p>22 national register of historic places, you're only</p> <p>23 protecting it from government.</p> <p>24 So the private owner does not have any</p> <p>25 negative aspect to their property.</p>	<p style="text-align: right;">100</p> <p>1 restaurant in Norwood, corner of Tappan Road and</p> <p>2 Blanch Avenue, had a terrible fire.</p> <p>3 The owner had a question whether or not</p> <p>4 he could rebuild. The construction code official, by</p> <p>5 which I'm also a Class I license, he issued a</p> <p>6 demolition order for the structure because of the</p> <p>7 fire. And since he was acting on behalf of the town</p> <p>8 government, the state said: No, this is national</p> <p>9 register. You can't order its demolition.</p> <p>10 Hence the property owner was saved from</p> <p>11 having his building ordered demolished, and a fence</p> <p>12 was erected to protect the public, and a decision was</p> <p>13 later made when clearer heads prevailed.</p> <p>14 MS. LOULLOUDIS: Yeah.</p> <p>15 THE WITNESS: So it --</p> <p>16 MS. LOULLOUDIS: But he didn't rebuild</p> <p>17 the restaurant.</p> <p>18 THE WITNESS: No, he did not, because</p> <p>19 the insurance wouldn't cover it, but he wanted to.</p> <p>20 But it allowed him to buy the time to</p> <p>21 keep it from being ordered to be demolished because</p> <p>22 of the fire.</p> <p>23 So it did have the benefit of the</p> <p>24 private owner at that time.</p> <p>25 MS. HAVERILLA: But a private owner, if</p>

<p style="text-align: right;">101</p> <p>1 -- if they are on the registry, doesn't prohibit them  2 from knocking the house down themselves?  3 They can do whatever they want --  4 THE WITNESS: Absolutely correct.  5 MS. HAVERILLA: -- to it.  6 THE WITNESS: Correct.  7 MS. HAVERILLA: Unless it was in a  8 historic district --  9 THE WITNESS: Only -- only --  10 (Simultaneous Speaking.)  11 MS. HAVERILLA: -- where you are  12 protected.  13 THE WITNESS: Only if you have, within  14 your municipality in the State of New Jersey, a  15 historic preservation commission, which is authorized  16 and empowered through the Municipal Land Use Law,  17 when you have a commission established by ordinance  18 with the proper body as per the law, that then  19 properties would be designated --  20 MS. HAVERILLA: In a historic district.  21 THE WITNESS: In the -- well, not  22 necessarily district, but as individual sites.  23 So they can be a district or a site  24 within a municipality. That does put the imposition  25 of restrictions in the sense of review to a homeowner</p>	<p style="text-align: right;">103</p> <p>1 MS. HAVERILLA: -- he just mentioned the  2 house on Dewolf Road.  3 The owner --  4 THE WITNESS: Unfortunately --  5 MS. HAVERILLA: -- sold the house.  6 THE WITNESS: -- as a historic  7 preservationist, as a member of the historic  8 preservation community, I would say that Old Tappan,  9 like a number of other boroughs within the county,  10 has dropped the ball.  11 You do not have a historic preservation  12 commission as part of the three-legged stool of land  13 use. You've got planning. You got zoning.  14 But do you have historic preservation?  15 No.  16 So what are the protections that the  17 Borough is actually working on, in the sense of  18 empowerment, to protect your cultural resources?  19 Nothing.  20 So either you don't care as a borough,  21 not necessarily you folks, but the Borough in  22 general, Mayor and Council, and the general public  23 not speaking up and saying we need a historic  24 preservation commission, because you don't have it.  25 So, a private homeowner, acting on</p>
<p style="text-align: right;">102</p> <p>1 as planning and zoning does, in regard to height and  2 so forth.  3 MS. LOULLOUDIS: Can I ask --  4 THE WITNESS: So they're two separate  5 animals and they often get confused.  6 MS. LOULLOUDIS: Just to kind of  7 piggyback on what you were saying, Anna, does that  8 mean this home could have been, had it not -- had  9 there not been this application in front of the  10 board, could the existing homeowner simply gone and  11 pulled a demo permit and had the house taken down?  12 THE WITNESS: Absolutely.  13 MS. LOULLOUDIS: Right. Okay.  14 THE WITNESS: I'm not disagreeing with  15 that.  16 MS. LOULLOUDIS: I just wanted to double  17 check.  18 I know I had answered the -- asked the  19 question prior and I was --  20 THE WITNESS: No. The --  21 MS. LOULLOUDIS: -- given the same  22 answer.  23 MS. HAVERILLA: Which -- which, in  24 fact --  25 THE WITNESS: Unfortunately --</p>	<p style="text-align: right;">104</p> <p>1 their own initiative, could destroy a cultural  2 historic resource within your municipality, because  3 it's just like saying we're not going to have a  4 zoning board, so we don't care how big something gets  5 built, we don't care how much stuff is plowed over.  6 And that's just the way it is.  7 MR. ELLER: So, to your point then  8 right now, whoever owns the property, whether this  9 applicant owns it at the end of this or whoever it is  10 that owns it now, could go demolish this building as  11 it stands right now?  12 THE WITNESS: Get certification of  13 shutoffs, go to the construction code official, apply  14 for a demolition permit --  15 MR. ELLER: Right.  16 THE WITNESS: -- and you can --  17 MR. ELLER: Right.  18 The point I'm trying to make is that  19 right now we have an option -- we have a viable  20 option to move this to a town property --  21 THE WITNESS: Right.  22 MR. ELLER: -- and because of your  23 testimony last time, the applicant has agreed to bond  24 for that, to make sure and --  25 THE WITNESS: Excellent.</p>

<p style="text-align: right;">105</p> <p>1 MR. ELLER: -- and I think that was a  2 great point and you guys agreed to that pubically, if  3 I -- if I remember, was that they'd be willing to  4 bond to protect it and protect the town for it.  5 So --  6 THE WITNESS: Okay.  7 MR. ELLER: -- ultimately -- to be  8 honest with you, until you were here last time, I  9 really had no idea half of the information about the  10 house, how old it is, some of the stories -- you were  11 telling us stories about Old Tappan, the formation of  12 it.  13 All that's been interesting. And until  14 that, I really had no -- wasn't really that  15 interested in keeping the house.  16 THE WITNESS: Uh-huh.  17 MR. ELLER: Now that the house -- you  18 learn more about it, it is something you want to do,  19 right?  20 THE WITNESS: Sure.  21 MR. ELLER: My point is, I do want to  22 see it put on that -- on that other piece of  23 property.  24 THE WITNESS: I think it's the best  25 alternative.</p>	<p style="text-align: right;">107</p> <p>1 knock it down and dispose of it?  2 THE WITNESS: They could, but it  3 depends on whether or not the Borough is going to  4 make that a condition.  5 VICE CHAIRMAN MAMARY: No, I mean,  6 without -- without our approval or without anybody's  7 --  8 (Audience Outburst.)  9 THE WITNESS: Can they take --  10 MR. ELLER: They have to get a demo  11 permit.  12 (Simultaneous Speaking.)  13 MR. ELLER: Well, they're here, the  14 owner can do it. The applicant cannot.  15 VICE CHAIRMAN MAMARY: Yes, the owner,  16 not the applicant.  17 MR. STEINHAGEN: The applicant is here  18 asking for approval.  19 And as part of the application they've  20 said we will give this piece of history to the  21 Borough.  22 And Mr. Adriance is here to say if  23 that's going to happen and the board is going to --  24 as part of the approval process, if we're going  25 sanction that, here's what he thinks as an expert the</p>
<p style="text-align: right;">106</p> <p>1 (Simultaneous Speaking.)  2 MR. ELLER: And turned into a -- and  3 turned into a museum or something for the town to use  4 and learn about.  5 But in order for that to happen, the --  6 that's the only way I see it happening is if it's  7 moved.  8 They've agreed to bond for it.  9 And I think that at that point it's  10 kind of a --  11 THE WITNESS: Well, a proper study  12 before any action is done needs to be done.  13 You really need to know the history.  14 MR. MAGGIO: You're recommending it?  15 THE WITNESS: Absolutely.  16 MR. STEINHAGEN: The purpose of his  17 testimony is --  18 MR. MAGGIO: There's cost associated  19 with that and who's responsible to taking on that  20 cost?  21 THE WITNESS: Usually it's the  22 developer, just as they would hire a traffic study  23 engineer, they would -- or any other professional.  24 VICE CHAIRMAN MAMARY: Does the  25 applicant actually have the legal right, right now to</p>	<p style="text-align: right;">108</p> <p>1 board should do.  2 That's it.  3 MR. REGAN: But for all those things to  4 happen, the application would have to be approved.  5 MR. STEINHAGEN: Correct.  6 MR. MAGGIO: In fairness, originally  7 the applicant wanted to keep the house there.  8 MR. REGAN: Right, and subdivide it.  9 MR. MAGGIO: And subdivide it.  10 MS. HAVERILLA: Well, those two acres  11 in town.  12 MR. MAGGIO: And it changed.  13 MS. HAVERILLA: Well, the only problem  14 with the applicant keeping it there at that time was  15 the fact that they didn't know what they were going  16 to do with it --  17 MR. MAGGIO: Right.  18 MS. HAVERILLA: -- and you can see that  19 the --  20 (Audience Chatter.)  21 THE WITNESS: Right.  22 MS. HAVERILLA: -- at that time --  23 (Simultaneous Speaking.)  24 THE WITNESS: To -- to quote you, it's  25 the --</p>

<p style="text-align: right;">109</p> <p>1 MALE AUDIENCE MEMBER: They have --</p> <p>2 THE WITNESS: -- it's the best --</p> <p>3 THE COURT REPORTER: I'm sorry,</p> <p>4 Mr. Chairman.</p> <p>5 THE WITNESS: -- it's the best</p> <p>6 settlement.</p> <p>7 MALE AUDIENCE MEMBER: The best</p> <p>8 alternative is to leave it --</p> <p>9 THE COURT REPORTER: Mr. Chairman, I</p> <p>10 can't -- excuse me, sir, I can't hear what's going on</p> <p>11 because there's a lot of commentary coming from the</p> <p>12 public, I can't hear.</p> <p>13 THE WITNESS: This was just --</p> <p>14 CHAIRMAN WEIDMANN: Could the audience</p> <p>15 try to keep it down so the stenographer --</p> <p>16 THE WITNESS: The best alternative is</p> <p>17 to keep the building on its site in toto as a</p> <p>18 complete whole as it has been designated, that's the</p> <p>19 best.</p> <p>20 MR. MAGGIO: Right.</p> <p>21 THE WITNESS: The second best is moving</p> <p>22 it and preserving it.</p> <p>23 MR. MAGGIO: That's what compromise is.</p> <p>24 THE WITNESS: Of course.</p> <p>25 MR. MAGGIO: Right.</p>	<p style="text-align: right;">111</p> <p>1 pay that cost, because I mean, there's --</p> <p>2 THE WITNESS: Well, the -- the</p> <p>3 application --</p> <p>4 VICE CHAIRMAN MAMARY: Obviously it</p> <p>5 would have to be the town, because we're hoping to do</p> <p>6 it --</p> <p>7 CHAIRMAN WEIDMANN: The town.</p> <p>8 VICE CHAIRMAN MAMARY: But -- so</p> <p>9 there's a cost not only to move it, but then to</p> <p>10 reapply for the designation so that it would still</p> <p>11 qualify as a historic designated property.</p> <p>12 THE WITNESS: If you have the Phase I</p> <p>13 design -- Phase I cultural resource survey done,</p> <p>14 that's your body that gets submitted to the state</p> <p>15 historic preservation officer.</p> <p>16 It's -- because of what the building</p> <p>17 already has been established as, you're not</p> <p>18 reinventing the wheel.</p> <p>19 It's just a matter of placing --</p> <p>20 (Simultaneous Speaking.)</p> <p>21 VICE CHAIRMAN MAMARY: So does the --</p> <p>22 THE WITNESS: -- it as new context.</p> <p>23 VICE CHAIRMAN MAMARY: Does the Phase I</p> <p>24 assist the town in the reapplication because it's</p> <p>25 been done and it's been analyzed and --</p>
<p style="text-align: right;">110</p> <p>1 A good negotiation is compromise.</p> <p>2 THE WITNESS: Absolutely.</p> <p>3 And I'm not disagreeing with -- that</p> <p>4 it's a viable alternative, and it could be the best</p> <p>5 outcome, given all the circumstances that are</p> <p>6 involved.</p> <p>7 VICE CHAIRMAN MAMARY: So would you --</p> <p>8 THE WITNESS: I just want to make sure</p> <p>9 that the Borough knows what they're getting into and</p> <p>10 is --</p> <p>11 VICE CHAIRMAN MAMARY: But if it's</p> <p>12 moved, it loses its historic designation?</p> <p>13 THE WITNESS: It can reapply.</p> <p>14 VICE CHAIRMAN MAMARY: It can reapply.</p> <p>15 Who reapplies?</p> <p>16 Our town would then be responsible to</p> <p>17 reapply --</p> <p>18 THE WITNESS: Yes.</p> <p>19 VICE CHAIRMAN MAMARY: -- as the new</p> <p>20 owner of the property --</p> <p>21 THE WITNESS: Yes.</p> <p>22 VICE CHAIRMAN MAMARY: -- once it's been</p> <p>23 moved to a town property --</p> <p>24 THE WITNESS: Yes, right.</p> <p>25 VICE CHAIRMAN MAMARY: And who would</p>	<p style="text-align: right;">112</p> <p>1 THE WITNESS: Yes.</p> <p>2 VICE CHAIRMAN MAMARY: -- maybe they get</p> <p>3 involved in the -- the movement or --</p> <p>4 THE WITNESS: Right.</p> <p>5 VICE CHAIRMAN MAMARY: -- they make</p> <p>6 recommendations as to how --</p> <p>7 THE WITNESS: Yes.</p> <p>8 VICE CHAIRMAN MAMARY: -- it could be</p> <p>9 moved correctly and --</p> <p>10 THE WITNESS: What parts to retain --</p> <p>11 (Simultaneous Speaking.)</p> <p>12 VICE CHAIRMAN MAMARY: -- and that we</p> <p>13 -- and then what part and parcel --</p> <p>14 THE WITNESS: Yes.</p> <p>15 VICE CHAIRMAN MAMARY: -- we would then</p> <p>16 wish or make part of -- acknowledge that we want it</p> <p>17 to be reestablished as a designated --</p> <p>18 THE WITNESS: Yes.</p> <p>19 VICE CHAIRMAN MAMARY: -- historic</p> <p>20 designation?</p> <p>21 THE WITNESS: Yes, it's all part of it</p> <p>22 and will help you, yes.</p> <p>23 MR. MAGGIO: If we decide we want that.</p> <p>24 THE WITNESS: It's part of one process.</p> <p>25 VICE CHAIRMAN MAMARY: If -- right, if</p>

<p style="text-align: right;">113</p> <p>1 we decide we want it, but...</p> <p>2 CHAIRMAN WEIDMANN: The original --</p> <p>3 MR. REGAN: That's up to the Mayor and</p> <p>4 Council, not the board.</p> <p>5 MR. STEINHAGEN: Do we want to take a</p> <p>6 break since the chairman has left?</p> <p>7 MR. REGAN: I think it's okay.</p> <p>8 (Audience Chatter.)</p> <p>9 VICE CHAIRMAN MAMARY: I'll take over.</p> <p>10 MR. STEINHAGEN: I just want to make</p> <p>11 sure.</p> <p>12 VICE CHAIRMAN MAMARY: I'll take over.</p> <p>13 (Whereupon, a brief recess is held.)</p> <p>14 MR. ELLER: Is that something you would</p> <p>15 be willing to help the Borough do?</p> <p>16 MR. SCOZZAFAVA: For a fee.</p> <p>17 (Laughter.)</p> <p>18 MR. MAGGIO: Well, you're so passionate</p> <p>19 about it. It sounds like you'd be interested in</p> <p>20 doing that.</p> <p>21 MR. ELLER: Well, there's the Bergen</p> <p>22 County association for anybody that assists us in</p> <p>23 doing that once -- if this goes through and it's</p> <p>24 moved, I mean I would -- I would certainly like to</p> <p>25 see that redone and recertified.</p>	<p style="text-align: right;">115</p> <p>1 MR. STEINHAGEN: I was going to ask, I</p> <p>2 was going to say seven days.</p> <p>3 VICE CHAIRMAN MAMARY: The engineer is</p> <p>4 going to get the report.</p> <p>5 THE WITNESS: Not even close.</p> <p>6 MR. SCOZZAFAVA: How long? How long</p> <p>7 would it take to do a project like that?</p> <p>8 MR. MAGGIO: We're being presumptuous</p> <p>9 the town would even want it to be on the register.</p> <p>10 MR. REGAN: It would be the Mayor and</p> <p>11 Council.</p> <p>12 MR. MAGGIO: It would be the Mayor and</p> <p>13 Council's decision, and if -- if it would be put back</p> <p>14 onto the register and the town owned it, then the</p> <p>15 town could never tear it down down the road.</p> <p>16 MR. ELLER: Well, I hope so.</p> <p>17 But -- but I think --</p> <p>18 THE WITNESS: But you're not going to</p> <p>19 get any grant money for it.</p> <p>20 MS. HAVERILLA: Like you said, that's</p> <p>21 something the Mayor and Council will discuss.</p> <p>22 MR. MAGGIO: That's something that's</p> <p>23 really not for the board.</p> <p>24 MS. HAVERILLA: It's not -- it's not --</p> <p>25 MR. MAGGIO: Honestly there's no reason</p>
<p style="text-align: right;">114</p> <p>1 THE WITNESS: That's not our --</p> <p>2 VICE CHAIRMAN MAMARY: I'm sorry to</p> <p>3 interrupt you again, but what is the timetable for</p> <p>4 something like a -- what did you say it was a...</p> <p>5 THE WITNESS: Phase I --</p> <p>6 VICE CHAIRMAN MAMARY: A Phase I.</p> <p>7 THE WITNESS: -- cultural resource</p> <p>8 study.</p> <p>9 VICE CHAIRMAN MAMARY: What does that</p> <p>10 entail?</p> <p>11 THE WITNESS: That's the architect</p> <p>12 getting on-site, measuring the building, photograph</p> <p>13 it, record the physical details of the building.</p> <p>14 In addition to what the HABS, the</p> <p>15 Historic American Building Survey did in the 1930s,</p> <p>16 possibly dendrochronology study, which is very</p> <p>17 important.</p> <p>18 Then you would have an individual like</p> <p>19 myself who would be doing the actual historic</p> <p>20 research.</p> <p>21 And so it's -- it's all --</p> <p>22 VICE CHAIRMAN MAMARY: Could you have</p> <p>23 it by the same date as the other -- the engineer is</p> <p>24 going to get us another report.</p> <p>25 (Simultaneous Speaking.)</p>	<p style="text-align: right;">116</p> <p>1 for us to debate it any further.</p> <p>2 VICE CHAIRMAN MAMARY: The only think</p> <p>3 that we're looking at is whether or not --</p> <p>4 MS. HAVERILLA: Just the --</p> <p>5 VICE CHAIRMAN MAMARY: -- it's going to</p> <p>6 come down for this application.</p> <p>7 MS. HAVERILLA: Just to say, we do have</p> <p>8 a working historic committee now and they meet</p> <p>9 monthly. And they are looking at this.</p> <p>10 So, hopefully this is something that</p> <p>11 will, you know, flourish.</p> <p>12 THE WITNESS: Right.</p> <p>13 MR. ELLER: So, would you be able to</p> <p>14 help -- would you be willing to help us out?</p> <p>15 (Laughter.)</p> <p>16 THE WITNESS: I would be willing to</p> <p>17 help you out, but I am only one player in a</p> <p>18 multi-team process.</p> <p>19 MR. ELLER: Who knows more about it</p> <p>20 than anybody else in the room? So, I'd -- I'd</p> <p>21 appreciate it.</p> <p>22 But thank you.</p> <p>23 THE WITNESS: No, I certainly -- I'm</p> <p>24 more than happy to help the Borough out.</p> <p>25 MR. MAGGIO: We still have about a</p>

<p style="text-align: right;">117</p> <p>1 hundred witnesses.</p> <p>2 MS. HAVERILLA: But we have the</p> <p>3 paperwork --</p> <p>4 VICE CHAIRMAN MAMARY: Any other</p> <p>5 questions by the board?</p> <p>6 (No response.)</p> <p>7 VICE CHAIRMAN MAMARY: No?</p> <p>8 Seeing none.</p> <p>9 MR. STEINHAGEN: Done.</p> <p>10 MR. REGAN: Are you done?</p> <p>11 VICE CHAIRMAN MAMARY: Do we -- wait,</p> <p>12 wait, do we offer the --</p> <p>13 MR. REGAN: Yes.</p> <p>14 VICE CHAIRMAN MAMARY: -- the public to</p> <p>15 question the --</p> <p>16 MR. HAVERILLA: No, not until --</p> <p>17 MR. REGAN: That's up to the board.</p> <p>18 VICE CHAIRMAN MAMARY: Not the public.</p> <p>19 MS. PRICE: I just have a couple.</p> <p>20 CROSS EXAMINATION</p> <p>21 BY MS. PRICE:</p> <p>22 Q. Mr. Adriance, when were you retained?</p> <p>23 A. I was asked, probably close to a month</p> <p>24 ago.</p> <p>25 Q. Would that be retention, when you were</p>	<p style="text-align: right;">119</p> <p>1 MR. STEINHAGEN: I didn't realize that</p> <p>2 we have to identify who he's testifying on behalf of.</p> <p>3 MS. PRICE: Well, you have two</p> <p>4 witnesses. So I want to know who they're testifying</p> <p>5 for.</p> <p>6 THE WITNESS: Technically, I've</p> <p>7 attended numerous meetings here.</p> <p>8 BY MS. PRICE:</p> <p>9 Q. No, that's not my question.</p> <p>10 My question was: Who retained you and</p> <p>11 --</p> <p>12 A. Okay.</p> <p>13 Q. -- on whose behalf --</p> <p>14 A. Who asked me to be a witness?</p> <p>15 Q. Yes.</p> <p>16 A. Okay. Because I wasn't retained. I</p> <p>17 was asked to be a witness.</p> <p>18 Q. Okay.</p> <p>19 A. And I'm a witness for history, not for</p> <p>20 an individual.</p> <p>21 Q. No.</p> <p>22 Who asked you to be a witness?</p> <p>23 (Audience Outburst.)</p> <p>24 THE WITNESS: Ms. Sheridan asked me if</p> <p>25 I would come and be a witness tonight.</p>
<p style="text-align: right;">118</p> <p>1 retained?</p> <p>2 A. No, this is totally pro bono.</p> <p>3 Q. Okay. So, you're doing this pro bono.</p> <p>4 Who asked you to do it pro bono?</p> <p>5 A. Ms. Sheridan.</p> <p>6 Q. Ms. Sheridan?</p> <p>7 A. Yes.</p> <p>8 MS. PRICE: So, let me ask,</p> <p>9 Mr. Steinhagen, is this aspect of your witness with</p> <p>10 regard to your other client?</p> <p>11 MR. STEINHAGEN: I don't know what you</p> <p>12 mean.</p> <p>13 MS. PRICE: Is this witness being</p> <p>14 proffered in connection with your -- the other client</p> <p>15 that you represent --</p> <p>16 MR. STEINHAGEN: No.</p> <p>17 MS. PRICE: -- or is this witness being</p> <p>18 proffered with regard to Lakeview?</p> <p>19 MR. STEINHAGEN: Ms. Sheridan.</p> <p>20 MS. PRICE: Ms. Sheridan?</p> <p>21 MR. STEINHAGEN: Yeah.</p> <p>22 MS. PRICE: Okay.</p> <p>23 That wasn't put on the record at the</p> <p>24 beginning of his testimony that you're now putting on</p> <p>25 a witness --</p>	<p style="text-align: right;">120</p> <p>1 BY MS. PRICE:</p> <p>2 Q. On her behalf?</p> <p>3 FEMALE AUDIENCE MEMBER: On behalf of</p> <p>4 the town.</p> <p>5 THE WITNESS: On behalf of the --</p> <p>6 MS. PRICE: The witness is going to</p> <p>7 answer the question.</p> <p>8 THE WITNESS: I was asked to come and</p> <p>9 speak on the history of the house and its value and</p> <p>10 its need to be preserved --</p> <p>11 MS. PRICE: So --</p> <p>12 THE WITNESS: -- which I fully have been</p> <p>13 so brought up prior.</p> <p>14 MS. PRICE: I understand that.</p> <p>15 BY MS. PRICE:</p> <p>16 Q. I just am asking you a simple question.</p> <p>17 Were you asked to come and put testimony on this</p> <p>18 evening in connection with Ms. Sheridan's concerns</p> <p>19 about this application, yes or no?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 You don't have a report, though, that's</p> <p>23 been reduced to writing that encompasses the verbal</p> <p>24 testimony that you gave tonight, correct?</p> <p>25 A. In what regard, specific to this</p>

<p style="text-align: right;">121</p> <p>1 property or historic preservation in general?</p> <p>2 Q. No, no, no, with respect to this</p> <p>3 particular property. No report done?</p> <p>4 A. I was not asked to, but I -- do you</p> <p>5 want one?</p> <p>6 Q. No, I'm asking if you did one before</p> <p>7 your testimony this evening.</p> <p>8 A. I didn't feel that it was necessary to</p> <p>9 prepare a report specifically to this house, one,</p> <p>10 because I've not been, you know, granted access,</p> <p>11 because I have not asked for it. But I would love to</p> <p>12 be granted access to study the building.</p> <p>13 Q. Okay. That was my next question.</p> <p>14 Have you been on the property and</p> <p>15 inside the house?</p> <p>16 A. I have not been on the property or</p> <p>17 inside the house, that would be trespassing.</p> <p>18 (Laughter.)</p> <p>19 BY MS. PRICE:</p> <p>20 Q. At any point in time have you been --</p> <p>21 in the past 10 years have you been inside the house?</p> <p>22 A. I have never been inside the house</p> <p>23 because I was never granted access.</p> <p>24 Q. By any owner?</p> <p>25 A. Right.</p>	<p style="text-align: right;">123</p> <p>1 Q. -- that -- it's a very specific</p> <p>2 question.</p> <p>3 Is there a historic district defined by</p> <p>4 the municipal code in which this property falls?</p> <p>5 A. Okay.</p> <p>6 Q. Yes or no?</p> <p>7 A. It's not a yes-or-no question.</p> <p>8 Q. No, well, I want a yes or a no answer</p> <p>9 --</p> <p>10 A. Because the terminology is incorrect.</p> <p>11 Q. No, is there -- okay.</p> <p>12 (Audience Outburst.)</p> <p>13 THE WITNESS: Is the building</p> <p>14 designated by the Borough.</p> <p>15 (Audience Outburst.)</p> <p>16 BY MS. PRICE:</p> <p>17 Q. No, that's not my question.</p> <p>18 (Whereupon, Chairman strikes gavel.)</p> <p>19 CHAIRMAN WEIDMANN: Can you keep it --</p> <p>20 BY MS. PRICE:</p> <p>21 Q. My question is: Are there historic</p> <p>22 districts within the Borough of Old Tappan that are</p> <p>23 then reduced to be guidance for this board?</p> <p>24 You certainly have a lot of experience,</p> <p>25 you would know if there are actual formal districts</p>
<p style="text-align: right;">122</p> <p>1 The majority of the stone houses in</p> <p>2 Bergen County, I have been in --</p> <p>3 Q. That's not my question.</p> <p>4 A. -- because I literally knocked on the</p> <p>5 door and said can I come look at your house.</p> <p>6 Q. Mr. Adriance, we're talking about a</p> <p>7 specific application tonight --</p> <p>8 A. Right.</p> <p>9 Q. -- and a specific structure --</p> <p>10 A. I don't know who the owner is. I don't</p> <p>11 know how to --</p> <p>12 Q. Let me get my question out before you</p> <p>13 interrupt, because the court reporter can't get</p> <p>14 everybody down.</p> <p>15 A. I'm sorry.</p> <p>16 Q. And she's been going since, you know,</p> <p>17 right after 7, so I'm sure she needs a break.</p> <p>18 So there's no historic district that</p> <p>19 this property -- that is being debated by the board</p> <p>20 in connection with a land use application.</p> <p>21 There's no historic district that would</p> <p>22 apply in Old Tappan, correct?</p> <p>23 You said that, that Old Tappan doesn't</p> <p>24 have historic districts?</p> <p>25 A. It's -- well, first --</p>	<p style="text-align: right;">124</p> <p>1 that are designated in a Master Plan, then reduced by</p> <p>2 ordinance, to be in the land use, are there any of</p> <p>3 that kind of district that governs this particular</p> <p>4 house?</p> <p>5 A. I stated in my testimony that the</p> <p>6 Borough of Old Tappan does not have a historic</p> <p>7 preservation commission as empowered by the Municipal</p> <p>8 Land Use Law.</p> <p>9 Hence, therefore, there are no</p> <p>10 districts, nor are there any individual designated</p> <p>11 sites.</p> <p>12 Not every historic site is part of a</p> <p>13 district. They stand alone or are sometimes grouped.</p> <p>14 Q. That's not my question, though.</p> <p>15 A. So, the -- the question --</p> <p>16 Q. You're going far afield --</p> <p>17 A. Your question is, is there a</p> <p>18 designation in Old Tappan.</p> <p>19 Q. Yes.</p> <p>20 A. No.</p> <p>21 Q. Okay. So --</p> <p>22 A. I said that.</p> <p>23 Q. -- you have a lot of experience and</p> <p>24 you've opined on the land use procedures.</p> <p>25 To the best of your understanding, is</p>

<p style="text-align: right;">125</p> <p>1 the movement of this house part of the site plan and</p> <p>2 use variance request that have been made to this</p> <p>3 board, your understanding?</p> <p>4       <b>A.</b>     My understanding that the opinion of</p> <p>5 the board is weighed heavily on the preservation of</p> <p>6 the house, whether or not it's --</p> <p>7       <b>Q.</b>     Again, that's not my question.</p> <p>8               Is there a -- has this board reviewed</p> <p>9 this application in connection with any land use</p> <p>10 elements to the best of your knowledge?</p> <p>11               And I'll tell you what I really want to</p> <p>12 know is, you said before that a board cannot</p> <p>13 interfere or commingle in nongovernment sanctioned</p> <p>14 activities.</p> <p>15               So, is it your opinion that this zoning</p> <p>16 board has the legal right, pursuant to the Municipal</p> <p>17 Land Use Law, to say what happens with that historic</p> <p>18 building and what doesn't? Very specific -- very</p> <p>19 specific question?</p> <p>20               MR. STEINHAGEN: I'm going to -- okay,</p> <p>21 I'm going to object, number one, because it goes</p> <p>22 beyond the scope of his testimony, which I know --</p> <p>23               MS. PRICE: Not --</p> <p>24               MR. STEINHAGEN: Hold on, I'm not done.</p> <p>25 Hold on, let me put my objection on the record,</p>	<p style="text-align: right;">127</p> <p>1 Under what statute do they have the ability to say</p> <p>2 that in conjunction with this land use application?</p> <p>3               FEMALE AUDIENCE MEMBER: Look at the</p> <p>4 Master Plan.</p> <p>5               (Audience Chatter.)</p> <p>6               FEMALE AUDIENCE MEMBER: The Master</p> <p>7 Plan.</p> <p>8               THE WITNESS: I'm hearing people say</p> <p>9 the Master Plan.</p> <p>10               MR. MAGGIO: No, can't do that.</p> <p>11               THE WITNESS: No. I know that, I'm not</p> <p>12 saying that.</p> <p>13 BY MS. PRICE:</p> <p>14       <b>Q.</b>     There isn't any, correct?</p> <p>15       <b>A.</b>     I would have to research it. I do not</p> <p>16 know it off the top of my head.</p> <p>17               So, since I have not researched it, I</p> <p>18 cannot say yes.</p> <p>19       <b>Q.</b>     But --</p> <p>20               MR. REGAN: Don't even bother, because</p> <p>21 there is no legal requirement.</p> <p>22               THE WITNESS: Okay. Then I -- this --</p> <p>23 then I was going to just -- I'm going to say I agree</p> <p>24 with your counsel that it does not exist.</p> <p>25 BY MS. PRICE:</p>
<p style="text-align: right;">126</p> <p>1 please.</p> <p>2               MS. PRICE: Not so.</p> <p>3               Go ahead.</p> <p>4               MR. STEINHAGEN: It goes beyond the</p> <p>5 scope and I don't think that he's qualified to answer</p> <p>6 that, that's a legal question.</p> <p>7               MS. PRICE: Okay.</p> <p>8               The witness testified about a land use</p> <p>9 board and commingling --</p> <p>10               MR. REGAN: I think he opened it.</p> <p>11               MS. PRICE: He opened the door.</p> <p>12               THE WITNESS: And I'll answer on that.</p> <p>13 Paramus, as an example.</p> <p>14 BY MS. PRICE:</p> <p>15       <b>Q.</b>     No, we're not talking about Paramus.</p> <p>16 We're talking about Old Tappan.</p> <p>17       <b>A.</b>     I'm answering your question.</p> <p>18       <b>Q.</b>     But we're only talking about Old</p> <p>19 Tappan. We're not talking about other towns.</p> <p>20       <b>A.</b>     Old Tappan -- the Old Tappan Planning</p> <p>21 Board has the power to say yes or no.</p> <p>22       <b>Q.</b>     To what?</p> <p>23       <b>A.</b>     To saving the building and requiring</p> <p>24 it, it does.</p> <p>25       <b>Q.</b>     Under -- under -- wait, wait, wait.</p>	<p style="text-align: right;">128</p> <p>1       <b>Q.</b>     And would it matter to you whether the</p> <p>2 house was left on the subject property or moved</p> <p>3 across the street?</p> <p>4               You remember that we started off by</p> <p>5 saying that we would keep the historic structure on</p> <p>6 the property and then said we would move it across</p> <p>7 the street, correct?</p> <p>8       <b>A.</b>     Retention of the structure on its</p> <p>9 existing site is the best alternative in the sense of</p> <p>10 -- in keeping its history intact.</p> <p>11       <b>Q.</b>     And are you -- go ahead.</p> <p>12       <b>A.</b>     Moving it is the second best</p> <p>13 alternative.</p> <p>14       <b>Q.</b>     Okay.</p> <p>15       <b>A.</b>     Destruction is the worst.</p> <p>16       <b>Q.</b>     Understood.</p> <p>17               And you testified unequivocally that</p> <p>18 this current property owner could say -- right now,</p> <p>19 not my client, but the current property owner could</p> <p>20 take that house down tomorrow. File for a demo</p> <p>21 permit and the house could be gone, correct?</p> <p>22       <b>A.</b>     Yes, as long as they get the sign offs</p> <p>23 and they get the permit, under the Uniform</p> <p>24 Construction Code, yes, they could do that.</p> <p>25       <b>Q.</b>     The answer is yes?</p>



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1           A.     Absolutely. I'm not disagreeing with  
2 you.

3           Q.     Okay.

4           A.     Which is a shame.

5           VICE CHAIRMAN MAMARY: I would think  
6 that would be a bad faith.

7           MR. SCOZZAFAVA: But we would have no  
8 say now.

9 BY MS. PRICE:

10          Q.     No, I'm specifically --

11          A.     I agree.

12          Q.     I'm specifically asking about the  
13 property owner, not the applicant.

14                 And the property owner could do that?

15          A.     Sure, absolutely.

16          Q.     And our client, as the contract  
17 purchaser, has no status, standing, either way about  
18 that issue at the present time, correct?

19                 It can't demolish a house as the  
20 contract purchaser?

21          A.     If you're not the property owner, you  
22 can't tear it down.

23          Q.     Okay.

24          A.     If the property owner chooses to get --  
25 disconnected, apply for permit, it can be torn down,

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1 because there are no local protections --

2          Q.     Okay.

3          A.     That's the facts.  
4 (Audience Chatter.)

5                 MS. PRICE: That's all I have.

6                 CHAIRMAN WEIDMANN: Thank you.

7                 MR. STEINHAGEN: I have two follow-ups  
8 if I can.

9 REDIRECT EXAMINATION

10 BY MR. STEINHAGEN:

11          Q.     Tim, you're aware that the applicant  
12 here has proposed not to demolish the structure, but  
13 instead as part of its application has indicated to  
14 the board that it intends to relocate it, relocate  
15 the historic structure at its expense onto  
16 municipally-owned property and donate it to the  
17 borough?

18          A.     Yes.

19          Q.     And is the donation of the structure a  
20 valuable thing that the municipality -- that the  
21 Borough of Old Tappan is going to be getting?

22          A.     Yes.

23                 MR. STEINHAGEN: That's all I have.

24                 MR. REGAN: It sounds like that's a  
25 benefit of the application.

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1                 THE WITNESS: As long as the building  
2 is been saved, it's a benefit.

3                 If the building's lost then it's not.

4                 CHAIRMAN WEIDMANN: Does the board have  
5 any questions for this gentleman?

6                 THE WITNESS: If the building is lost,  
7 then it's not.

8                 CHAIRMAN WEIDMANN: Do you have any  
9 other witnesses?

10                MR. STEINHAGEN: No, I don't.

11                CHAIRMAN WEIDMANN: Okay.

12                We're going to take a --

13                MS. PRICE: Five minute?

14                CHAIRMAN WEIDMANN: Five-minute recess.  
15 (Audience Outburst.)

16                CHAIRMAN WEIDMANN: And then we're  
17 going to open the meeting to the public, we'll start  
18 the five-minute statements.

19                MR. STEINHAGEN: When am I going to get  
20 a chance to cross examine the applicant's planner?

21                MS. PRICE: Well, we can see.

22                CHAIRMAN WEIDMANN: Hold on.

23                MS. PRICE: We can see where we go, you  
24 know, whether -- Mr. Williams, I brought him this  
25 evening, so he's available. But I would like to have

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1 the --

2                MR. REGAN: The public has been waiting  
3 ten months.

4                MS. PRICE: -- residents to have an  
5 opportunity to be heard.

6                CHAIRMAN WEIDMANN: So, can he cross  
7 examine on January 11th?

8                MS. PRICE: I have to check with him  
9 and see if he's available on that date.

10               CHAIRMAN WEIDMANN: Okay.

11               MS. PRICE: Because getting him here  
12 tonight was a task.

13               CHAIRMAN WEIDMANN: We're going to open  
14 the meeting to the public.

15               Five-minute recess and then we'll go in  
16 the order you signed in.

17               (Whereupon, a brief recess is held.)

18               CHAIRMAN WEIDMANN: I'd like to call  
19 the meeting back to order.

20               At this time now everybody who signed  
21 in, we're going to call them one at a time.

22               We're going to swear you in. You're  
23 going to get five minutes. The clock is up here.

24               Okay. You're going to get five minutes  
25 to, you know, make your statement.

<p style="text-align: right;">133</p> <p>1                   There will be no questions directed to</p> <p>2 the applicant.</p> <p>3                   If the applicant wants, the applicant</p> <p>4 can answer you afterwards, you know.</p> <p>5                   MR. REGAN: This is not the time for</p> <p>6 questions --</p> <p>7                   CHAIRMAN WEIDMANN: Yes.</p> <p>8                   MR. REGAN: -- it's the time for</p> <p>9 statements.</p> <p>10                  CHAIRMAN WEIDMANN: Okay?</p> <p>11                  FEMALE AUDIENCE MEMBER: Can't hear</p> <p>12 you.</p> <p>13                  MALE AUDIENCE MEMBER: Can't hear you.</p> <p>14                  FEMALE AUDIENCE MEMBER: Can you talk</p> <p>15 into the microphone.</p> <p>16                  MALE AUDIENCE MEMBER: Turn the</p> <p>17 microphone on.</p> <p>18                  MR. REGAN: Yes, this is --</p> <p>19                  MALE AUDIENCE MEMBER: Put the</p> <p>20 microphone on.</p> <p>21                  MR. REGAN: The time for statements.</p> <p>22 It's not the time for questions.</p> <p>23                  This is your time to make statements</p> <p>24 either for or against the application or anything you</p> <p>25 think can be relevant that you would like the board</p>	<p style="text-align: right;">135</p> <p>1                   CHAIRMAN WEIDMANN: Father Jerry --</p> <p>2                   MALE AUDIENCE MEMBER: The system is</p> <p>3 not functioning properly.</p> <p>4                   CHAIRMAN WEIDMANN: Father Jerry heard</p> <p>5 me and he's walking up here.</p> <p>6                   MALE AUDIENCE MEMBER: How do you know</p> <p>7 that?</p> <p>8                   Ask him.</p> <p>9                   (Laughter.)</p> <p>10                  MR. REGAN: You know --</p> <p>11                  CHAIRMAN WEIDMANN: Let's move on.</p> <p>12                  MR. REGAN: -- you're crossing the</p> <p>13 line.</p> <p>14                  Sir, would you raise your right hand,</p> <p>15 please?</p> <p>16                  Do you swear or affirm that the</p> <p>17 testimony you will give in this proceeding will be</p> <p>18 the --</p> <p>19                  FR. JERRY JACOB: I do. I do.</p> <p>20 F R. J E R R Y J A C O B,</p> <p>21 236 Old Tappan Road, Old Tappan, New Jersey,</p> <p>22 having been duly sworn, testifies as follows:</p> <p>23                  MR. REGAN: All right. Thank you.</p> <p>24                  If you can just state for the record</p> <p>25 your name, please.</p>
<p style="text-align: right;">134</p> <p>1 to be aware of.</p> <p>2                   CHAIRMAN WEIDMANN: And there will be</p> <p>3 no clapping or applause. Okay?</p> <p>4                   This isn't a movie or a play. This is</p> <p>5 a hearing. Okay.</p> <p>6                   MALE AUDIENCE MEMBER: Still can't hear</p> <p>7 you.</p> <p>8                   Is it possible for you to turn your</p> <p>9 microphone on so that we can hear what you're saying?</p> <p>10                  FEMALE AUDIENCE MEMBER: Yes, please</p> <p>11 speak up.</p> <p>12                  MALE AUDIENCE MEMBER: Speak a little</p> <p>13 louder, please.</p> <p>14                  MR. MAGGIO: He's not going to be</p> <p>15 testifying anyway so it's okay.</p> <p>16                  MALE AUDIENCE MEMBER: It doesn't make</p> <p>17 any difference.</p> <p>18                  It's so frustrating to see your lips</p> <p>19 moving and not hear you.</p> <p>20                  Please speak up.</p> <p>21                  MALE AUDIENCE MEMBER: I heard him.</p> <p>22                  CHAIRMAN WEIDMANN: Okay. Friar?</p> <p>23                  The first person who signed in is</p> <p>24 Father Jerry --</p> <p>25                  MALE AUDIENCE MEMBER: Can't hear you.</p>	<p style="text-align: right;">136</p> <p>1                   FR. JERRY JACOB: Father Jerry Jacob</p> <p>2 from Malankara Archdiocese at 236 Old Tappan Road in</p> <p>3 Old Tappan, New Jersey.</p> <p>4                   MR. REGAN: Thank you very much.</p> <p>5                   FR. JERRY JACOB: So I'm here</p> <p>6 representing the Malankara Archdiocese, the</p> <p>7 archdiocese which is located right across the street,</p> <p>8 which is the church that you see. It used to be the</p> <p>9 Korean church.</p> <p>10                  The archdiocese does own this property</p> <p>11 and it is -- it encompasses the archdiocese and</p> <p>12 cathedral, the chapel, the administrative offices of</p> <p>13 the archdiocese, the private residence of the</p> <p>14 archbishop who is His Eminence Mor Titus Yeldho.</p> <p>15                  As you all know, we have Holy Mass here</p> <p>16 scheduled every Sunday, days of the Holy -- other</p> <p>17 days during the week, we have daily prayer services</p> <p>18 during the week and other days during the church's</p> <p>19 ecclesiastical calendar as well.</p> <p>20                  We chose this property due its natural</p> <p>21 background, the beauty of the property.</p> <p>22                  We had a lot of greenery behind it,</p> <p>23 which we didn't have at our last property.</p> <p>24                  The property was blessed in May 2021 by</p> <p>25 his Holiness the Patriarch of the -- who is the</p>

<p style="text-align: right;">137</p> <p>1 Supreme Head of the Universal Syrian Orthodox Church.</p> <p>2 Basically we're here -- the church, the</p> <p>3 cathedral is considered a sacred ground.</p> <p>4 Now, that is -- now that it has been</p> <p>5 consecrated, it is considered a sacred ground than</p> <p>6 what's around it.</p> <p>7 We are here strongly objecting to the</p> <p>8 application that is put forth by CSH Old Tappan, LLC.</p> <p>9 One, we have several concerns.</p> <p>10 Number one, the substantial -- that</p> <p>11 there would be substantial noise that would result</p> <p>12 from increased traffic, from residents of the</p> <p>13 proposed site, visitors, deliveries, generator, HVAC</p> <p>14 system, employees, supplies, ambulances and other</p> <p>15 emergency or vehicles and garbage pickup.</p> <p>16 Number two, another concern we had was</p> <p>17 the noise pollution will disrupt our mass at the</p> <p>18 cathedral and the chapel, which as I mentioned occurs</p> <p>19 every Sunday, other days during the week we have</p> <p>20 daily prayer services as well.</p> <p>21 The construction on the site, it could</p> <p>22 potentially take years to complete and the noise and</p> <p>23 the debris generated from this will extremely disrupt</p> <p>24 the service at the cathedral and the chapel.</p> <p>25 There is also not sufficient buffer</p>	<p style="text-align: right;">139</p> <p>1 of the surrounding wetlands. The construction</p> <p>2 activities will result in direct habitat loss for</p> <p>3 wildlife, in addition to suspended solids in the</p> <p>4 water and modification of water levels and flow</p> <p>5 regimes.</p> <p>6 Also, we're concerned about the trees,</p> <p>7 over 200 trees on the property that maybe 100, that</p> <p>8 may be over 100, I mean, several hundred years old.</p> <p>9 The 2016 Old Tappan Master -- the</p> <p>10 Master Plan, it states that, that the Borough should</p> <p>11 continue its historic high level of stewardship of</p> <p>12 the Lake Tappan Reservoir and its watershed. And it</p> <p>13 further called the area a high priority for</p> <p>14 preservation.</p> <p>15 Building an assisted living facility on</p> <p>16 this property, it contradicts this Master Plan that</p> <p>17 Old Tappan put together.</p> <p>18 And in addition, preserving this green</p> <p>19 area should be a priority for the planning board,</p> <p>20 especially in light of all of the new construction</p> <p>21 that is currently happening in Old Tappan. The scope</p> <p>22 of the proposed development will also lead to a loss</p> <p>23 of a considerable green space in the Borough.</p> <p>24 There's a loss of that 271-year-old</p> <p>25 building that we were talking about as well.</p>
<p style="text-align: right;">138</p> <p>1 between our property line where the construction is</p> <p>2 planned.</p> <p>3 In addition, once completed, the</p> <p>4 property would be probably massively out of scale on</p> <p>5 this really small lot.</p> <p>6 The proposed building, it doesn't have</p> <p>7 dedicated emergency lanes for emergency as -- as --</p> <p>8 as far as I know.</p> <p>9 A particular concern that we do have is</p> <p>10 the proposed property will likely cause increased</p> <p>11 flooding due to the huge loss of the trees adjacent</p> <p>12 to the wetlands on the site and this flooding, it can</p> <p>13 go directly into the church property itself.</p> <p>14 Our property already faces flooding</p> <p>15 during heavy rainfall and this new structure, it will</p> <p>16 cause more water to flow to the church property as</p> <p>17 the proposed structure at 244 Old Tappan Road would</p> <p>18 probably at a higher incline.</p> <p>19 We're also concerned about the danger</p> <p>20 that would be caused to the retaining walls of the</p> <p>21 church property.</p> <p>22 On that side of the property that we do</p> <p>23 have retaining walls we are also concerned about that</p> <p>24 being damaged.</p> <p>25 There will be substantial degradation</p>	<p style="text-align: right;">140</p> <p>1 And due to the inclined nature of the</p> <p>2 property, the sight line for the church will be</p> <p>3 changed due to the new three-story structure.</p> <p>4 The applicant has stated the property</p> <p>5 is the same height of the church.</p> <p>6 However, due to the incline, the new</p> <p>7 building will appear substantially taller than the</p> <p>8 church.</p> <p>9 In addition, we have concerns of the</p> <p>10 view the potential residents of this assisted living</p> <p>11 facility would have into our cathedral.</p> <p>12 Would they be looking into our altars?</p> <p>13 The archbishop's private quarters, et cetera.</p> <p>14 So, per the November 9th planning board</p> <p>15 minutes, the applicant claims that this project will</p> <p>16 be inherently beneficial to the Borough.</p> <p>17 However, we believe that preserving</p> <p>18 this as a park or a nature preserve would be just as,</p> <p>19 if not more, inherently beneficial to the community.</p> <p>20 (Whereupon, whistle sounds.)</p> <p>21 FR. JERRY JACOB: So while the</p> <p>22 applicant has attempted to address some of those</p> <p>23 issues, the efforts do fall far short of what is</p> <p>24 minimally satisfactory to all of us.</p> <p>25 The property should remain an open</p>

<p style="text-align: right;">141</p> <p>1 space is what we believe, it should stay green and it  2 should stay just the way it is and this is what our  3 request is.  4 Therefore, our request is that the  5 planning board does not approve this project.  6 CHAIRMAN WEIDMANN: Thank you.  7 FR. JERRY JACOB: Thank you.  8 (Applause.)  9 CHAIRMAN WEIDMANN: You know, there's  10 no clapping or cheering or crying.  11 Francesca Costa, Closter, New Jersey.  12 MS. COSTA: Hello again, everyone.  13 MR. REGAN: Please raise your right  14 hand.  15 Do you swear or affirm that the  16 testimony --  17 MR. SCOZZAFAVA: Right hand.  18 MALE AUDIENCE MEMBER: Right hand.  19 (Laughter.)  20 MR. REGAN: -- you give this evening in  21 this proceeding, shall be the truth, so help you God?  22 VICE CHAIRMAN MAMARY: The other right  23 hand.  24 MR. REGAN: Do you swear or affirm that  25 the testimony you'll give in this proceeding, shall</p>	<p style="text-align: right;">143</p> <p>1 slave is listed on the census record.  2 MS. PRICE: Okay.  3 MR. REGAN: Can you let Ms. Price make  4 her statement?  5 MS. PRICE: Right. Yes.  6 Most of the print is blurry and  7 illegible across the top and this -- you know, it  8 purports to have a lot of history, I guess dates on  9 it, but I have no idea what the relevance is and I  10 don't know how this witness could be qualified.  11 MR. REGAN: Well, I think we can just  12 allow some liberality to give it to the board's  13 secretary, she can keep it in the file.  14 MS. PRICE: Yes, if you could, Diane.  15 MR. REGAN: Provide that to Diane,  16 please.  17 MS. COSTA: All right.  18 And if you need -- if you require that,  19 it's just through ancestry.com. I can provide screen  20 shots of it, but, unfortunately, it's from 1830, so  21 it's a little bit blurry.  22 MALE AUDIENCE MEMBER: Screenshots.  23 MS. COSTA: All right. I'm -- I'm  24 going to jump when that things go off, I'm sorry.  25 My name is Francesca Costa and I'm a</p>
<p style="text-align: right;">142</p> <p>1 be the truth, so help you God?  2 MS. COSTA: Yes.  3 F R A N C E S C A C O S T A,  4 82 Everett Street, Closter, New Jersey, having  5 been duly sworn, testifies as follows:  6 MS. COSTA: And --  7 MR. REGAN: And could you give us your  8 name and address, please.  9 MS. COSTA: Francesca Costa, Closter,  10 New Jersey.  11 MR. REGAN: Thank you.  12 MS. COSTA: I have a visual.  13 Can I please pass this, so you can pass  14 it around?  15 It's an -- and 1830 census record.  16 It's Gerrit Haring's son. And it proves that there  17 is need for an archeological survey.  18 MS. PRICE: I'm going to object to this  19 for coming in.  20 It has handwritten notes on it. I  21 haven't been provided with this and --  22 MS. COSTA: I'm --  23 MS. PRICE: Just let me get my  24 objection down.  25 MS. COSTA: I'm labeling where the</p>	<p style="text-align: right;">144</p> <p>1 resident of Closter, New Jersey, your sister town.  2 Although I do not live within Old  3 Tappan, I celebrate your town's victories and mourn  4 her defeats in the same way I would my own neck of  5 the woods, unless it's about high school football.  6 (Laughter.)  7 MS. COSTA: We are all part of the same  8 waterways, same local environment and share our  9 history and heritage as part of Harrington Township.  10 I urge you not to approve the current  11 project at 244 Old Tappan Road.  12 In addition, I urge you to sit down and  13 really consider what price you will pay down the road  14 if you do not set aside specific land for storm flood  15 absorption and public recreation. What cultural  16 value are we destroying?  17 By the -- by the engineer report,  18 without trees more than three times the amount of  19 water would overwhelm one of the highest points in  20 your town. Water always travels downwards.  21 Can your roads, first responder centers  22 or homes cope with the water change?  23 Your fire department and Borough hall  24 are downstream from this site. I would never want to  25 see these public services incapacitated during a</p>

<p style="text-align: right;">145</p> <p>1 flood the very time they prove to be invaluable.</p> <p>2 Mountaintop removal is the term used to</p> <p>3 describe the development plans that are in store for</p> <p>4 a property so close to you.</p> <p>5 I have a master's degree in archeology,</p> <p>6 history of the classics and I can assure you that</p> <p>7 this will change the landscape of your community</p> <p>8 forever and will cost millions to revert. The damage</p> <p>9 would have been done.</p> <p>10 Thousands of years from now they will</p> <p>11 be able to date exactly when this soil and rock was</p> <p>12 moved and history will show who approved it.</p> <p>13 This company is extracting resources</p> <p>14 from your town and once the well dries up, will leave</p> <p>15 your town with no loss of sleep.</p> <p>16 Do you think this company will exist in</p> <p>17 50 years, 100?</p> <p>18 Some trees they threaten to kill are</p> <p>19 older than that. And the house is older still.</p> <p>20 Gerrit Jan Haring built this house in</p> <p>21 1750, give or take a decade, with the help of</p> <p>22 neighbors and friends.</p> <p>23 His son Fredrick was born in 1762 and</p> <p>24 both men witnessed the revolution on their doorstep.</p> <p>25 Long before Old Tappan was a -- was a</p>	<p style="text-align: right;">147</p> <p>1 people deserve a place to go and enrich their own</p> <p>2 neighborhoods.</p> <p>3 A park would be a wonderful way to let</p> <p>4 the next generation of Old Tappan residents be</p> <p>5 inspired about the rich history and ecology around</p> <p>6 them.</p> <p>7 While money is a major issue when</p> <p>8 making any decision, towns like Closter, Emerson,</p> <p>9 Oradell and Englewood all benefit immensely from</p> <p>10 their local forest and watersheds.</p> <p>11 Money is one of the most short-sided</p> <p>12 issues a town can face and through your and your</p> <p>13 municipality's dedicated work, you succeed at keeping</p> <p>14 your budget balanced and insuring the town has all it</p> <p>15 needs to keep running.</p> <p>16 But preserving a forest and historic</p> <p>17 house is one of the most long-term investments one</p> <p>18 can make. And now that priceless decision is</p> <p>19 entrusted to your planning board, as it was to</p> <p>20 generations of Old Tappan's predecessors.</p> <p>21 Many of you remember finally back to</p> <p>22 when your town was rural. No developer can know the</p> <p>23 value of Harrington Township farm soil they steamroll</p> <p>24 over.</p> <p>25 This lot is residential and this house</p>
<p style="text-align: right;">146</p> <p>1 town, it was the center of a conflict deciding the</p> <p>2 very heart of who America is.</p> <p>3 In Old Tappan enslaved and free black</p> <p>4 people lived alongside dutch farmers subsisting on</p> <p>5 same soil in vastly different conditions of life.</p> <p>6 This is Old Tappan's enduring legacy.</p> <p>7 Yes, there are horrors in the past, but</p> <p>8 it would be unconscionable to shrink away from them.</p> <p>9 I hope I am mistaken, but I have found</p> <p>10 some record to indicate Fredrick Gerrit Haring had a</p> <p>11 slave, and trees on that lot now centuries old, could</p> <p>12 have been planted by those very hands.</p> <p>13 At most meetings every professional</p> <p>14 brought before the board has been asked if an</p> <p>15 archeological survey will be conducted. They have</p> <p>16 all said no.</p> <p>17 We risk losing any chance to find</p> <p>18 archeological traces of your founders, both free and</p> <p>19 enslaved. Every day across this country we lose</p> <p>20 priceless archeology to the bulldozer. It is my</p> <p>21 professional belief that this cultural history is an</p> <p>22 inherent benefit to your town, as it is to all</p> <p>23 Harrington Township sister towns.</p> <p>24 Your town deserves the safety of a</p> <p>25 watershed actively absorbing floodwaters, and its</p>	<p style="text-align: right;">148</p> <p>1 is historic. I have spoken to the state and county,</p> <p>2 both recommending the town seek to purchase this land</p> <p>3 via grants and green space funding.</p> <p>4 As we near the 250th anniversary of the</p> <p>5 revolution, witness houses and properties untouched</p> <p>6 by development are able to apply for national grants</p> <p>7 which support renovations and preservation.</p> <p>8 If a house is moved, it loses these</p> <p>9 privileges and its position on historic lists.</p> <p>10 As a professional historian and amateur</p> <p>11 tree hugger, I highly recommend this land be invested</p> <p>12 in rather than treated as a sacrifice already lost.</p> <p>13 Your grandchildren and their grandchildren will thank</p> <p>14 you for your wisdom in knowing you shaped the next</p> <p>15 chapter of Old Tappan history.</p> <p>16 I thank the citizens of Old Tappan for</p> <p>17 appearing tonight, whether they sit on your planning</p> <p>18 board or within this crowd. You are all making</p> <p>19 history.</p> <p>20 CHAIRMAN WEIDMANN: Thank you.</p> <p>21 MR. MAGGIO: Thank you.</p> <p>22 MR. REGAN: Melissa Ingala.</p> <p>23 CHAIRMAN WEIDMANN: Melissa Ingala?</p> <p>24 MR. REGAN: Would you raise your right</p> <p>25 hand.</p>

<p style="text-align: right;">149</p> <p>1 Do you swear or affirm that the</p> <p>2 testimony you'll give in this proceeding shall be the</p> <p>3 truth, so help you God?</p> <p>4 MS. INGALA: I do.</p> <p>5 M E L I S S A I N G A L A,</p> <p>6 380 15th Street, Norwood, New Jersey, having been</p> <p>7 duly sworn, testifies as follows:</p> <p>8 MR. REGAN: For the record, state your</p> <p>9 name, spell your last name and give us your address.</p> <p>10 MS. INGALA: Sure.</p> <p>11 My name is Dr. Melissa Ingala. Last</p> <p>12 name is spelled I-N-G-A-L-A.</p> <p>13 And my address is 380 15th Street,</p> <p>14 Norwood.</p> <p>15 MR. REGAN: Thank you.</p> <p>16 MS. INGALA: So, I'm a professional</p> <p>17 biologist.</p> <p>18 I'm not a resident of Old Tappan, but I</p> <p>19 am a resident of your neighboring town in Norwood,</p> <p>20 and a lifelong resident of the State of New Jersey.</p> <p>21 As a professional biologist and</p> <p>22 assistant professor, I have studied the impacts of</p> <p>23 habitat fragmentation and habitat loss on wildlife</p> <p>24 both in the tropics and temperate regions like where</p> <p>25 we live.</p>	<p style="text-align: right;">151</p> <p>1 tricolored bat, both of which are known from this</p> <p>2 area.</p> <p>3 The tricolored bat was recently</p> <p>4 proposed by the state to become a threatened mammal</p> <p>5 in September of 2022.</p> <p>6 In the wintertime, these bats roost</p> <p>7 elsewhere, but in the summertime, properties like</p> <p>8 244 Old Tappan Road and the mature trees that they</p> <p>9 host are important roost sites for these animals.</p> <p>10 And while bats may not seem like a</p> <p>11 priority to the Municipality of Old Tappan, they're</p> <p>12 loss from the landscape could have important knock-on</p> <p>13 consequences, such as an increase in the number of</p> <p>14 biting insects that you have to suffer in your</p> <p>15 backyards every summer.</p> <p>16 Without knowing anything about the</p> <p>17 animals and plants that call 244 Old Tappan home, it</p> <p>18 is impossible to guarantee that the conversion of</p> <p>19 this property would not adversely impact them and</p> <p>20 have those knock-on consequences for the residents of</p> <p>21 the town.</p> <p>22 Given the other concerns about the</p> <p>23 hydrology changes to this region, how it would impact</p> <p>24 the wetlands, I, as a professional scientist, cannot</p> <p>25 say that this is a net benefit for the Town of Old</p>
<p style="text-align: right;">150</p> <p>1 Something I've come across in my</p> <p>2 research is that this notion that small habitat</p> <p>3 patches like the property at 244 Old Tappan Road</p> <p>4 cannot serve as useable wildlife habitat, because</p> <p>5 they are too small, is actually incorrect.</p> <p>6 These small habitat patches are really</p> <p>7 important to supporting local biodiversity.</p> <p>8 And, in fact, a 2019 paper published in</p> <p>9 the proceedings in the National Academy of Sciences</p> <p>10 showed as much indicating that even habitat areas of</p> <p>11 low ecological quality that are already impacted by</p> <p>12 pollution, runoff, the kinds of things that we would</p> <p>13 find in this suburban environment, do not affect</p> <p>14 their ability to host diverse plant and animal</p> <p>15 species, sometimes hosting up to 150 different bird</p> <p>16 species and threatened plants.</p> <p>17 Given its status as a wetland and its</p> <p>18 proximity to Lake Tappan, there's good reason to</p> <p>19 believe that even though this property is only</p> <p>20 5-and-a-half acres, it could be serving this function</p> <p>21 for our local fauna.</p> <p>22 Professionally I'm a bat biologist and</p> <p>23 so two of the species that come to mind when I think</p> <p>24 about this property are the Indiana bat, which is</p> <p>25 federally listed as an endangered species, and the</p>	<p style="text-align: right;">152</p> <p>1 Tappan without at least some further consideration of</p> <p>2 the wildlife.</p> <p>3 And that's all I have to say.</p> <p>4 Thank you.</p> <p>5 MR. REGAN: Thank you.</p> <p>6 CHAIRMAN WEIDMANN: Thank you.</p> <p>7 MR. REGAN: Kaitlin Song.</p> <p>8 Can you raise your right hand?</p> <p>9 Do you swear or affirm that the</p> <p>10 testimony you'll give in this proceeding shall be the</p> <p>11 truth, so help you God?</p> <p>12 MS. SONG: Yes.</p> <p>13 K A I T L I N S O N G,</p> <p>14 56 Leonard Drive, Old Tappan, New Jersey, having</p> <p>15 been duly sworn, testifies as follows:</p> <p>16 MR. REGAN: For the record state your</p> <p>17 full name, spell your last name and give us your</p> <p>18 address.</p> <p>19 MS. SONG: Kaitlin Song, S-O-N-G,</p> <p>20 56 Leonard Drive, Old Tappan.</p> <p>21 CHAIRMAN WEIDMANN: You're going to</p> <p>22 have to speak up.</p> <p>23 MS. SONG: So, I'm currently a</p> <p>24 sophomore at Northern Valley Regional High School.</p> <p>25 And I went to TBD and CBW while I was</p>

<p style="text-align: right;">153</p> <p>1 living here.</p> <p>2 So, I have, right now, 300-plus</p> <p>3 signatures from students and teachers from NVOT,</p> <p>4 teachers from CBW and TBD. And I also have</p> <p>5 signatures from students from Bergen County Technical</p> <p>6 Schools, Bergen Tech.</p> <p>7 And on their behalf I'm talking about</p> <p>8 how they expressed concern about the wetlands</p> <p>9 preservation and, like, the general --</p> <p>10 MR. REGAN: Ms. Song, I'm going to have</p> <p>11 to stop you right there.</p> <p>12 You can give that petition to the</p> <p>13 board's secretary. It can be filed, but I'm just</p> <p>14 going to read -- it is not me talking -- talking</p> <p>15 about this, it's New Jersey Zoning and Land Use</p> <p>16 Administration.</p> <p>17 It's Section 18-4.5, in the 2022</p> <p>18 Edition:</p> <p>19 "Often a board receives letters of</p> <p>20 objection or petitions from members of the</p> <p>21 public for or against the proposed variance.</p> <p>22 Such documents are not admissible, though, of</p> <p>23 course, the writer of a letter or signer or a</p> <p>24 petition may appear and testify.</p> <p>25 "Where the writer or signer is not</p>	<p style="text-align: right;">155</p> <p>1 time it goes off. It's like a fire alarm.</p> <p>2 MR. REGAN: Why don't you -- why don't</p> <p>3 you continue, but you can't talk about what other</p> <p>4 people think.</p> <p>5 MS. SONG: All right.</p> <p>6 So --</p> <p>7 MR. REGAN: You can tell us what you</p> <p>8 think, but not what other people --</p> <p>9 MS. SONG: Okay. So, as the youth, I'm</p> <p>10 part of the future generation and I'll probably</p> <p>11 continue living here for several years, so this</p> <p>12 impacts me directly.</p> <p>13 So, I personally want to see this space</p> <p>14 being used as a way that benefits the public and I</p> <p>15 also want to -- I'm not like necessarily opposed to</p> <p>16 like the construction of assisted living facilities,</p> <p>17 it's more rather like I'm concerned about the fact</p> <p>18 that this is being done on like property that has</p> <p>19 value, because if, like, these 200-plus trees are</p> <p>20 being cut down, then obviously that will have a large</p> <p>21 environmental impact as well as, like, the chance --</p> <p>22 the increased chances of, like, flooding and traffic</p> <p>23 and light pollution and noise pollution that happens,</p> <p>24 like, when I'm going to school, there's already,</p> <p>25 like, really bad traffic. And I can't imagine how</p>
<p style="text-align: right;">154</p> <p>1 available for cross examination, however, such</p> <p>2 documents should not be received into evidence</p> <p>3 by the board."</p> <p>4 And then several cases are cited, one</p> <p>5 of which the court noted that the fact that the board</p> <p>6 placed in evidence a petition opposing an application</p> <p>7 was one indicated that the board considered the wrong</p> <p>8 things in denying the variance.</p> <p>9 But you can give it to Diane, and</p> <p>10 she'll place it in the board's file.</p> <p>11 Thank you.</p> <p>12 MS. SONG: Anyway, so they were</p> <p>13 expressing their concerns about wanting to preserve</p> <p>14 the location --</p> <p>15 (Whereupon, whistle sounds.)</p> <p>16 MR. REGAN: We understand that.</p> <p>17 Thank you very much.</p> <p>18 (Audience Outburst.)</p> <p>19 MS. FROHLICH: No, it was my fault.</p> <p>20 MR. REGAN: Oh, it was your fault?</p> <p>21 MS. FROHLICH: Yes.</p> <p>22 MR. REGAN: Okay.</p> <p>23 (Laughter.)</p> <p>24 MS. SONG: And it --</p> <p>25 MR. ELLER: That thing scares me every</p>	<p style="text-align: right;">156</p> <p>1 much worse it will be if this construction happens.</p> <p>2 In addition, I brought up this issue in</p> <p>3 December 8th meeting to the New Jersey Historical</p> <p>4 Commission. And I want to add that they also</p> <p>5 expressed their concerns about it, but for what it's</p> <p>6 worth...</p> <p>7 MS. PRICE: I'm going to have the same</p> <p>8 objection.</p> <p>9 MR. REGAN: You're getting into</p> <p>10 hearsay, what other people are saying.</p> <p>11 MS. SONG: All right. Sorry about</p> <p>12 that.</p> <p>13 MR. REGAN: Tell us what you think.</p> <p>14 MS. SONG: So, I think that as someone</p> <p>15 who is probably going to continue living here for</p> <p>16 years, I really don't want to see this town, like,</p> <p>17 lose its historical value and, like, this will have,</p> <p>18 like, a really large environmental impact.</p> <p>19 And so I think in the long term, it</p> <p>20 will have more negative impacts than, like, positive</p> <p>21 impacts, like, in hindsight, I'm not sure that this</p> <p>22 plan will actually -- like, this -- if building this</p> <p>23 will actually have a benefit to the town.</p> <p>24 So, I suggest to consider, like, the</p> <p>25 future generations before making a decision as to</p>

<p style="text-align: right;">157</p> <p>1 whether or not to go through with this application.  2 Thank you.  3 MR. REGAN: Thank you.  4 The next speaker would be Jennifer  5 Annese, A-N-N-E-S-E.  6 Do you swear or affirm that the  7 testimony you will give in this proceeding shall be  8 the truth, so help you God?  9 MS. ANNESE: I do.  10 J E N N I F E R A N N E S E,  11 24 Lakeview Drive, Old Tappan, New Jersey,  12 having been duly sworn, testifies as follows:  13 MR. REGAN: For the record, state your  14 full name, spell your last name and your address.  15 MS. ANNESE: Jennifer Annese,  16 24 Lakeview Drive.  17 MR. REGAN: Thank you.  18 MS. ANNESE: So, I'm directly behind  19 ground zero of this.  20 And I -- I -- as a teacher in a nearby  21 Closter town, I teach environmental awareness.  22 And how am I supposed to go back to my  23 students and say, well, the very members that we  24 elected to protect us are the ones that destroyed our  25 open space?</p>	<p style="text-align: right;">159</p> <p>1 woman runs the show.  2 And I also find it disgusting how  3 condescending some of your board members are to the  4 public. I really do.  5 It's embarrassing as an educator to see  6 how disrespectful some of you are to the public,  7 regardless of how the public is acting, because the  8 public does not -- is not versed in your rhetoric on  9 an everyday basis.  10 We don't know off the cuff of our  11 sleeves what the procedures are.  12 And you're rolling your eyes and that's  13 fine, because you're one of the ones I find to be  14 incredibly condescending.  15 MR. ALESSI: You're talking to me?  16 MS. ANNESE: Yeah, I am.  17 MR. ALESSI: Okay.  18 MS. ANNESE: Exactly, looking at you,  19 talking to you.  20 MR. REGAN: I don't think we need  21 personal criticism.  22 MS. ANNESE: I thought this was my time  23 to share how I feel --  24 MR. REGAN: It's --  25</p>
<p style="text-align: right;">158</p> <p>1 I can't -- I don't understand why the  2 town has to agree to this proposed buffer variance --  3 buffer zone variance reduction.  4 Why does -- when it's supposed to be  5 60, but they want 47. Why roll back, grant variance  6 for rules that are already in place to protect our  7 residential area?  8 I do not want to view an  9 81,000-square-foot structure in what's supposed to be  10 an 8,000-square-foot lot, from my kitchen window.  11 I moved to Old Tappan for its beauty.  12 I moved to Old Tappan for its open space. I grew up  13 in Westwood. I know what this surrounding area is  14 like. I did not move here to see constant commercial  15 building. I would have moved to Englewood or  16 Hackensack if that's what I wanted.  17 I moved to Old Tappan.  18 The removal of the trees disrupt  19 drainage. And I implore the members of the board to  20 consider this happening in your backward.  21 I implore everybody to take a moment  22 and think about this structure being built directly  23 in your backyard and if -- I'm sorry -- one second --  24 it would be too extreme for this town to just simply  25 vote, yes, because it seems, no offence, like this</p>	<p style="text-align: right;">160</p> <p>1 MS. ANNESE: -- when I feel that the  2 board is disrespectful.  3 MR. REGAN: You're probably wasting  4 your time by doing -- -  5 MS. ANNESE: Oh, no, my -- I've said  6 what I needed to say.  7 Thank you for interrupting me.  8 MR. REGAN: You're welcome.  9 Mary Walsh.  10 (Audience Outburst.)  11 MALE AUDIENCE MEMBER: Shame on you.  12 MS. ANNESE: Thank you.  13 I'm so glad I elected you.  14 (Whereupon, Chairman strikes gavel.)  15 MR. SCOZZAFAVA: You didn't elect us.  16 MS. ANNESE: Whatever it is.  17 MR. REGAN: Mary Walsh.  18 Do you swear or affirm --  19 MS. ANNESE: That's right you can't  20 talk to me.  21 MR. REGAN: -- the testimony you will  22 give in this proceeding shall be the truth, so help  23 you God?  24 MS. WALSH: I do.  25</p>



<p style="text-align: right;">161</p> <p>1 MARY WALSH, 2 64 Davis Avenue, Hackensack, New Jersey, having 3 been duly sworn, testifies as follows: 4 MR. REGAN: And for the record, state 5 your full name and spell your last name and give us 6 your address, please. 7 MS. WALSH: Mary, W-A-L-S-H, 8 Conservation Chair, North Jersey Sierra Club, 9 64 Davis Avenue, Hackensack, New Jersey. 10 MR. REGAN: Thank you. 11 MS. WALSH: You're welcome. 12 My comments will focus on three 13 aspects: Nature, the Master Plan and, finally, the 14 site plan. 15 To begin, I'd like to reference 16 something that the Christophers say, it's better to 17 light one candle than to curse the darkness. 18 The property with all the trees at 244 19 is one candle in the huge amount of pollution 20 produced by the number of cars that are already 21 traversing Old Tappan Road. 22 Everything in nature is connected in 23 the most beneficial way. 24 If we look at The Enclave, we see what 25 happens when there's no care given to consider what</p>	<p style="text-align: right;">163</p> <p>1 "Goal 6: To preserve the historic 2 features of the Borough. 3 "Policy Statement, Old Tappan 4 recognizes its historic features continue to 5 be an integral part of the community's unique 6 character. Old Tappan seeks to maintain and 7 protect its historically significant 8 structures and sites from adverse impacts 9 created by development proposals, whether 10 they be public or private. 11 "Goal 9: To discourage the creation of 12 flag lots or subdivisions of property that 13 create new or disruptive developmental 14 patterns contrary and to the detriment of 15 existing residential development patterns in 16 the Borough." 17 You may be wondering why I'm reading 18 this -- these, because according to New Jersey 19 statutes annotated 40:27-4: 20 "In order to maximize the degree of 21 coordination between municipal and county 22 plans and official maps, the county planning 23 board shall be notified in regard to the 24 adoption or amendment of any municipal Master 25 Plan, official map or ordinance under the</p>
<p style="text-align: right;">162</p> <p>1 trees actually do. We know that 200 trees on the 2 property at 244 are doing the crucial activity of 3 removing pollution from the air. 4 According to the Arbor Day Foundation, 5 a mature tree will absorb more than 48 pounds of 6 carbon dioxide from the atmosphere in one year. 7 Almost five tons that doesn't have to 8 be inhaled by the residents of Old Tappan. 9 The next part of my comments involves 10 the Master Plan. This development is in direct 11 contradiction to the environmental and historical 12 elements of the Master Plan. 13 I quote from Goal 2: 14 "The Borough seeks the encourage 15 development that preserves Old Tappan's 16 sensitive environmental features, including 17 floodway and floodplains, groundwater recharge 18 areas, wetlands and their associated buffers, 19 wellhead protection areas, steep slopes and 20 environments supporting rare, threatened or 21 endangered species." 22 And you do have threatened species 23 there. 24 I'm going to speed up to Goal 2, 25 because I think I won't have enough time.</p>	<p style="text-align: right;">164</p> <p>1 Municipal Planned Unit Development. 2 "A copy of any such proposed plan, map 3 or amendment shall be forwarded to the county 4 planning board for review and report at least 5 20 days prior to the date of public hearing 6 therein." 7 So by approving this development, you 8 are changing the Master Plan, so you must hold a 9 public meeting, a public hearing and submit the 10 amended plan to the county at least 20 days before 11 that hearing. 12 My third point about the site plan, 13 there's still some minor errors, but I trust that you 14 will locate them. 15 Thank you. 16 MR. REGAN: Thank you. 17 Peter Ardito? 18 Do you swear or affirm that the 19 testimony you'll give in this proceeding shall be the 20 truth, so help you God? 21 MR. ARDITO: I do. 22 PETER ARDITO, 23 57 Glen Avenue East, Harrington Park, New Jersey, 24 having been duly sworn, testifies as follows: 25 MR. REGAN: And you'll give us your</p>

<p style="text-align: right;">165</p> <p>1 name and address, please, and spell your last name.</p> <p>2 MR. ARDITO: Peter Ardito, A-R-D-I-T-O,</p> <p>3 57 Glen Avenue East in Harrington Park.</p> <p>4 MR. REGAN: Thank you.</p> <p>5 MR. ARDITO: Mr. Chairman and Planning</p> <p>6 Board Members, I have been a member of the Harrington</p> <p>7 Park Planning Board for more than 10 years and Vice</p> <p>8 Chair for the last four years.</p> <p>9 I understand firsthand the complexity</p> <p>10 of the decision you have before you concerning this</p> <p>11 application, the 244 Old Tappan Road.</p> <p>12 I also -- I have in the past worked</p> <p>13 with Ms. Price and have great respect for her, but I</p> <p>14 am here to explain to you why you should vote no on</p> <p>15 this application.</p> <p>16 The planning board needs to answer the</p> <p>17 overriding question, would this applicant's project</p> <p>18 be of inherent benefit to the community more so than</p> <p>19 following the recommendations of your current Master</p> <p>20 Plan, which are: Preserve open space in the central</p> <p>21 district; do not rezone residential to commercial;</p> <p>22 consider stormwater management concerns and steep</p> <p>23 slopes of over 15 percent; protect the habitat of</p> <p>24 threatened species; preserve the historic house.</p> <p>25 On every count the answer is no, this</p>	<p style="text-align: right;">167</p> <p>1 Preserving 244 simply follows the</p> <p>2 Borough's Master Plan. The Master Plan reviewed and</p> <p>3 submitted to the Mayor and Council by you, the</p> <p>4 planning board of Old Tappan, in three consecutive</p> <p>5 Master Plans, 244 was specifically noted the</p> <p>6 preservation for the good of the town, its citizens</p> <p>7 and the environment.</p> <p>8 If you approve this application, you</p> <p>9 are saying that your Master Plan is not meaningful</p> <p>10 and that its recommendations carry little weight.</p> <p>11 If you approve this application, you</p> <p>12 are throwing aside logic that says there is a reason</p> <p>13 why some areas are zoned residential and others</p> <p>14 commercial.</p> <p>15 Everything in my experience as a member</p> <p>16 of my planning board tells me that CSH has another</p> <p>17 much better location to build in town that is proper</p> <p>18 and should receive easy approval, and that building</p> <p>19 at 244 location would definitely not be in the</p> <p>20 interest of the town; would not be inherently</p> <p>21 beneficial to Old Tappan's citizens; and that their</p> <p>22 application should, in fact, be denied.</p> <p>23 Thank you.</p> <p>24 MR. REGAN: Thank you.</p> <p>25 Karl Wuscher?</p>
<p style="text-align: right;">166</p> <p>1 application is not of inherent benefit for the town.</p> <p>2 When it comes to the historic house,</p> <p>3 your last three Master Plans specifically have said</p> <p>4 if the opportunity came about to save it and preserve</p> <p>5 it and make that into a park, you should do that.</p> <p>6 So it's disappointing that your Mayor</p> <p>7 and Council seemingly have not acted on that in the</p> <p>8 past.</p> <p>9 All New Jersey residents should have</p> <p>10 easy access to open space. Open space and parks are</p> <p>11 essential to quality of life in New Jersey. Open</p> <p>12 space preservation protects water resources,</p> <p>13 cultivates biodiversity and fulfills the recreational</p> <p>14 needs of the local residents.</p> <p>15 There is another location in Old Tappan</p> <p>16 that is in proximity to 244's plot and that was</p> <p>17 already zoned for commercial use. It has almost no</p> <p>18 trees on it.</p> <p>19 It was recently approved by the</p> <p>20 planning board for the same type of development in</p> <p>21 the past.</p> <p>22 It would fit the overall needs of CSH</p> <p>23 that they have requested for 244 and that would not</p> <p>24 be -- serve as negative impact on the environment of</p> <p>25 Old Tappan.</p>	<p style="text-align: right;">168</p> <p>1 Do you swear or affirm that the</p> <p>2 testimony you'll give in this proceeding shall be the</p> <p>3 truth, so help you God?</p> <p>4 MR. WUSCHER: I do.</p> <p>5 K A R L W U S C H E R,</p> <p>6 96 Haring Drive, Old Tappan, New Jersey, having</p> <p>7 been duly sworn, testifies as follows:</p> <p>8 MR. REGAN: And would you state your</p> <p>9 full name, spell your last name and give us your</p> <p>10 address?</p> <p>11 MR. WUSCHER: Karl Wuscher,</p> <p>12 W-U-S-C-H-E-R, 96 Haring Drive, Old Tappan, New</p> <p>13 Jersey.</p> <p>14 MR. REGAN: Thank you.</p> <p>15 MR. WUSCHER: I also have that letter</p> <p>16 from the ambulance corps that we never got a chance</p> <p>17 to read at the last meeting.</p> <p>18 Is that --</p> <p>19 MR. REGAN: Is this authored by the</p> <p>20 ambulance corps?</p> <p>21 MR. WUSCHER: Yes.</p> <p>22 MR. REGAN: And you're a member of the</p> <p>23 ambulance corps?</p> <p>24 MR. WUSCHER: Yes.</p> <p>25 MR. REGAN: Has the corps approved the</p>

<p style="text-align: right;">169</p> <p>1 sending of that letter?</p> <p>2 MR. WUSCHER: Yes, it was distributed</p> <p>3 to you at the last meeting.</p> <p>4 MR. REGAN: Then I think you can read</p> <p>5 it if you want to --</p> <p>6 MR. WUSCHER: Well, then I got to do</p> <p>7 the little bit for myself as a member of the town.</p> <p>8 MR. REGAN: Okay.</p> <p>9 Well, go ahead.</p> <p>10 MR. WUSCHER: Okay. I'll be quick</p> <p>11 about it.</p> <p>12 "Dear Chairman Weidmann and Members of</p> <p>13 the Planning Board:</p> <p>14 "The purpose of this letter is to</p> <p>15 request that the members of the Old Tappan</p> <p>16 Planning Board make a condition of the 244 Old</p> <p>17 Tappan Road application the requirement that</p> <p>18 the facility provides for their own private</p> <p>19 ambulance service for the residents 24/7 for</p> <p>20 both emergency and non-emergency incidents.</p> <p>21 "In addition, we are also requesting</p> <p>22 that a requirement of the application include</p> <p>23 a contingency plan for 244 Old Tappan Road</p> <p>24 resident in need of transport or emergency</p> <p>25 medical care when the dedicated private</p>	<p style="text-align: right;">171</p> <p>1 the volume jump of 20 percent in one year is</p> <p>2 unfair, unreasonable and probably</p> <p>3 unattainable.</p> <p>4 "Increasing the call volume for Old</p> <p>5 Tappan not only puts a strain on the Old</p> <p>6 Tappan First Aid Corps, but also the ambulance</p> <p>7 corps of our neighboring towns.</p> <p>8 "The First Aid Corps is part of a</p> <p>9 mutual aid agreement with our neighboring</p> <p>10 ambulance corps, River Vale, Hillsdale,</p> <p>11 Westwood, Park Ridge, Washington Township and</p> <p>12 Montvale. When one of our mutual aid partners</p> <p>13 cannot complete an ambulance crew for their</p> <p>14 own town and Old Tappan can complete a crew,</p> <p>15 we help our neighbors by sending our</p> <p>16 ambulance.</p> <p>17 "And reciprocation, when an Old Tappan</p> <p>18 resident requires an ambulance and Old Tappan</p> <p>19 does not have the manpower to staff their own</p> <p>20 ambulance, the mutual aid town will respond if</p> <p>21 available.</p> <p>22 "When an ambulance takes, itself, out</p> <p>23 of the town to assist a neighboring town, they</p> <p>24 are taking a chance that a resident of our own</p> <p>25 town might not get an ambulance service as</p>
<p style="text-align: right;">170</p> <p>1 ambulance service is already committed to</p> <p>2 another facility resident.</p> <p>3 "The Old Tappan Ambulance Corps cannot</p> <p>4 guarantee the manpower to be able to support</p> <p>5 the jump in call volume that 100-bed assisted</p> <p>6 living facility would bring to the town.</p> <p>7 "In 2021, the Old Tappan First Aid</p> <p>8 Corps responded to 520 calls. Of those 520</p> <p>9 calls almost half, 47 percent, were for</p> <p>10 patients over the age of 69. The number of</p> <p>11 calls that were for patients over the age of</p> <p>12 69 has been steadily increasing over the past</p> <p>13 four years with a 21-percent increase in 2021</p> <p>14 versus 2018. And this number will continue to</p> <p>15 grow.</p> <p>16 "Mr. McElwee stated at the</p> <p>17 February 9th, 2020 planning board meeting that</p> <p>18 he expects approximately two 911 calls per</p> <p>19 week at the assisted living facility and that</p> <p>20 he believes one of the beauties of the</p> <p>21 particular site is that there's an EMS</p> <p>22 community on our building catercorner from the</p> <p>23 site.</p> <p>24 "Expectations that the Old Tappan First</p> <p>25 Aid Corps volunteered manpower could handle</p>	<p style="text-align: right;">172</p> <p>1 needed.</p> <p>2 "An additional 100-plus assisted living</p> <p>3 calls per year is increasing this chance for</p> <p>4 the residents of our mutual aid partners as</p> <p>5 well as Old Tappan.</p> <p>6 "Despite the desire of our hardworking</p> <p>7 members to provide emergency medical care for</p> <p>8 every member of our community, the reality is</p> <p>9 that volunteerism across our neighboring</p> <p>10 communities is on a decline, while call volume</p> <p>11 continues to rise.</p> <p>12 "Although money and equipment are</p> <p>13 required for the operation of our corp, it is</p> <p>14 our volunteers that are needed to sustain us</p> <p>15 an organization.</p> <p>16 "We feel strongly that continuing to</p> <p>17 increase the workload of the volunteers will</p> <p>18 lead to burnout and a decline in membership</p> <p>19 and inevitably our current residents being</p> <p>20 deprived of compassionate free emergency</p> <p>21 medical care that they have come to expect</p> <p>22 from the Old Tappan First Aid Corps.</p> <p>23 "Thank you for considering our request.</p> <p>24 "Respectfully, the captain and</p> <p>25 president of the ambulance corps."</p>

<p style="text-align: right;">173</p> <p>1 MR. REGAN: Thank you.</p> <p>2 And thank you for your service.</p> <p>3 MR. WUSCHER: Now I'd like to speak on</p> <p>4 myself.</p> <p>5 I've been a longtime resident. My</p> <p>6 family built their house on Haring Drive back in '53.</p> <p>7 We were here when the high school was just orchards</p> <p>8 and when it was mostly farms back then.</p> <p>9 I've seen Sunden become housing.</p> <p>10 I've seen Prentice Hall be built.</p> <p>11 Prentice Hall come down to The Enclave which is</p> <p>12 really, to be honest, not all that attractive looking</p> <p>13 compared to the rest of the town.</p> <p>14 I've seen what's happening across from</p> <p>15 the high school, and this application is being used</p> <p>16 especially during the last one by, I believe the</p> <p>17 planner, that it was a beneficial use.</p> <p>18 It might be a beneficial use for people</p> <p>19 that are in the town and also as a member of the</p> <p>20 ambulance corps. I've been to other towns. There's</p> <p>21 a lot of people where their parents live with them.</p> <p>22 They can't afford a place of that</p> <p>23 expense to put their parents.</p> <p>24 They -- and a lot of parents don't</p> <p>25 want to go to a place like that.</p>	<p style="text-align: right;">175</p> <p>1 nervous.</p> <p>2 Just state your name, spell your last</p> <p>3 name and give us your address.</p> <p>4 MS. LAWRENCE: My name is Jill</p> <p>5 Lawrence, L-A-W-R-E-N-C-E.</p> <p>6 I'm a resident of Jill Lawrence Leonard</p> <p>7 Drive, which is directly across from where the</p> <p>8 property is proposed to be built.</p> <p>9 I've lived here since 2001 with my</p> <p>10 family, my husband whose mother still lives on our</p> <p>11 street in her own home, has been here since 1959.</p> <p>12 I am concerned, very concerned about</p> <p>13 the environmental impact, not just on the property,</p> <p>14 but to the residents who are living within the</p> <p>15 immediate area.</p> <p>16 I work from home. My husband works</p> <p>17 from home. We are both always sitting in our front</p> <p>18 windows and we see the children and the residents all</p> <p>19 day long, walking dogs, riding bikes, on skateboards</p> <p>20 and scooters in the summertime, that's a very big</p> <p>21 concern.</p> <p>22 In the 21 years that I have been living</p> <p>23 in town, we have never had a flood in our home, nor</p> <p>24 have any of my immediate neighbors that I have spoken</p> <p>25 with who have concerns about the property being</p>
<p style="text-align: right;">174</p> <p>1 If they do, it's usually for a short</p> <p>2 period of time. They're not there for years upon</p> <p>3 years.</p> <p>4 My dad died in his house. My</p> <p>5 grandfather died in the house. The three of them</p> <p>6 built it with my uncle. My mom died in the house,</p> <p>7 because she didn't want to go somewhere. That's --</p> <p>8 if you were to ask the people here, they would try to</p> <p>9 want to stay where they are.</p> <p>10 And seeing someplace built like that</p> <p>11 when there's other ones in the area, I just -- you</p> <p>12 know, that's all I got to say.</p> <p>13 MR. REGAN: Thank you.</p> <p>14 Jill Lawrence.</p> <p>15 Can you raise your right hand?</p> <p>16 Do you swear or affirm that the</p> <p>17 testimony you will give in this proceeding shall be</p> <p>18 the truth, so help you God?</p> <p>19 MS. LAWRENCE: I do.</p> <p>20 J I L L L A W R E N C E,</p> <p>21 53 Leonard Drive, Old Tappan, New Jersey, having</p> <p>22 been duly sworn, testifies as follows:</p> <p>23 MS. LAWRENCE: Forgive me in advance,</p> <p>24 I'm nervous.</p> <p>25 MR. REGAN: That's okay, don't be</p>	<p style="text-align: right;">176</p> <p>1 built.</p> <p>2 And that is a big concern for us at</p> <p>3 this time, that if we have stormwater running down as</p> <p>4 we've had with hurricanes and other big storms, that</p> <p>5 it will end up in our homes as opposed to down our</p> <p>6 storm drains.</p> <p>7 I'm worried about the size of the</p> <p>8 structure that is being proposed.</p> <p>9 From our residential neighborhood,</p> <p>10 there are a lot of structures that have been built</p> <p>11 recently, structures such as this in other towns that</p> <p>12 have been built. I'm from Woodcliff Lake. There are</p> <p>13 Sunrise Assisted Living homes, as well as other</p> <p>14 residences of this nature in Woodcliff Lake, but they</p> <p>15 are not in people's immediate neighborhoods where</p> <p>16 they're worried about children and families walking</p> <p>17 the neighborhood or even traffic that's going to</p> <p>18 affect the residents.</p> <p>19 Somebody mentioned the site across from</p> <p>20 Oakes Park. I'm not sure if that's an option, but</p> <p>21 that is across from a bank, already a park structure.</p> <p>22 It might be better to consider something like that</p> <p>23 for a building like this, excuse me, instead of</p> <p>24 somewhere that's near a residential neighborhood and</p> <p>25 an elementary and middle school.</p>

<p style="text-align: right;">177</p> <p>1 I do also want to address that I had a</p> <p>2 conversation with somebody who's sitting on this</p> <p>3 panel currently, back in August, saying that this is</p> <p>4 pretty much a done deal.</p> <p>5 My hope is that all of you sitting here</p> <p>6 are giving everyone the respect to listen to what we</p> <p>7 have to say and that you have not already made up</p> <p>8 your minds in your conversations with the people who</p> <p>9 are building this structure.</p> <p>10 Our town has changed dramatically in</p> <p>11 the 21 years that I have been living here and not all</p> <p>12 of it is progress, as the Mayor said in his letter to</p> <p>13 one of the residents.</p> <p>14 This is not benefiting our town in any</p> <p>15 capacity, the residents of our town.</p> <p>16 We don't even have a supermarket in</p> <p>17 this town, maybe you should consider working on that</p> <p>18 before putting another residential home for the</p> <p>19 elderly in our town.</p> <p>20 My other concern is that the property</p> <p>21 owners are from another state. I did some reading</p> <p>22 about them online and, essentially, from what I</p> <p>23 found, they buy properties in what they consider to</p> <p>24 be affluent communities, where they are assured that</p> <p>25 the residents can afford to put their loved ones into</p>	<p style="text-align: right;">179</p> <p>1 MR. REGAN: Kathy Ferdinand?</p> <p>2 Would you raise your right hand. Do</p> <p>3 you swear or affirm that the testimony you will give</p> <p>4 in this proceeding shall be the truth, so help you</p> <p>5 God?</p> <p>6 MS. FERDINAND: I do.</p> <p>7 K A T H Y F E R D I N A N D,</p> <p>8 15 Autumn Lane, Old Tappan, New Jersey, having</p> <p>9 been duly sworn, testifies as follows:</p> <p>10 MR. REGAN: And for the record, state</p> <p>11 your full name, spell your last name and give us your</p> <p>12 address.</p> <p>13 MS. FERDINAND: Kathy Ferdinand,</p> <p>14 15Autumn Lane, Old Tappan, New Jersey.</p> <p>15 MR. REGAN: Thank you.</p> <p>16 MS. FERDINAND: Tonight I am going to</p> <p>17 be repeating some of the things that were made, but I</p> <p>18 am also extending an invitation to the planning board</p> <p>19 about the historical significance and the</p> <p>20 environmental significance of this property at</p> <p>21 244 Old Tappan Road.</p> <p>22 I don't know if you all knew, but the</p> <p>23 Borough of Old Tappan was established in 1894 by a</p> <p>24 28/2 vote. It was the 28 boroughs that were the</p> <p>25 first to organize in Bergen County.</p>
<p style="text-align: right;">178</p> <p>1 these homes, but they're not managing them.</p> <p>2 They're, I believe, in Virginia. So</p> <p>3 they're not based out of New Jersey.</p> <p>4 They have really no care and concern</p> <p>5 for the residents of our small little town that is</p> <p>6 being built up.</p> <p>7 We also have the townhouse community as</p> <p>8 somebody mentioned that has just been built across</p> <p>9 from the high school, the tennis court and all you</p> <p>10 see are the tops of those buildings.</p> <p>11 The beautiful green trees are gone.</p> <p>12 Driving down Leonard Drive, what we see are beautiful</p> <p>13 green trees, that will be gone.</p> <p>14 We'll be looking at a three-story</p> <p>15 building.</p> <p>16 Thank you for your time.</p> <p>17 MR. REGAN: Thank you.</p> <p>18 Lynn McIntosh?</p> <p>19 MS. McINTOSH: I'm going to pass.</p> <p>20 Thank you.</p> <p>21 MR. REGAN: Dorothy Gillespie?</p> <p>22 MS. GILLESPIE: I'm going to pass also.</p> <p>23 MR. REGAN: Barbara Ditrolio?</p> <p>24 FEMALE AUDIENCE MEMBER: She had to</p> <p>25 leave.</p>	<p style="text-align: right;">180</p> <p>1 Of the 28 voters to organize, eight of</p> <p>2 those signatures were Haring family signatures.</p> <p>3 These are the original (indicating). This is from</p> <p>4 the 100th anniversary of Old Tappan. The sandstone</p> <p>5 houses of the -- of the Haring families.</p> <p>6 And there are eight of the Haring</p> <p>7 families sandstone houses that are documented in Old</p> <p>8 Tappan Historic Society.</p> <p>9 So, they are significant. The Haring</p> <p>10 families were important and prominent people in Old</p> <p>11 Tappan today.</p> <p>12 Sons, Cosyn Haring held 469 acres of</p> <p>13 Old Tappan property.</p> <p>14 Fredrick Haring's house is on DeWolf</p> <p>15 Road. It's still standing today. He was a member of</p> <p>16 the Eckerd company regimen of the militia.</p> <p>17 And his sons, one of which is Gerrit</p> <p>18 Haring from 244 Old Tappan Road fought in the</p> <p>19 Revolutionary War.</p> <p>20 These buildings, according to the</p> <p>21 <u>Northern Valley Press</u>, there's an article here, dock</p> <p>22 and time, and this is Gerrit's original building,</p> <p>23 stated some Northern Valley towns are graced with</p> <p>24 stately homes and buildings dating back to the 18th</p> <p>25 century from the Baylor Massacre site on the River</p>

<p style="text-align: right;">181</p> <p>1 Vale border to our east -- our west, sorry, going  2 down Old Tappan Road to the Tappan, New York eastern  3 border, we are the crossroads of history.  4 It's my hope that the planning board  5 will consider preserving the total 5-and-a-half acre  6 piece of property for its historic value, restore the  7 house and property, potentially make it an Old Tappan  8 Historic Society building for visitors, our children  9 and future generations to learn about and preserve  10 our rich history.  11 My second invitation is about the  12 environmental impact of this 244 Old Tappan Road.  13 The Master Plan has already been talked  14 about, highlights its continuation of the historic  15 high level of stewardship of the Lake Tappan  16 Reservoir and its watershed surrounding areas.  17 Even a small forest serves as a habitat  18 for a lot of living creatures and species, plus the  19 206 trees that part of the three-and-a-half acres  20 that are proposed to be cut down for this assisted  21 living facility.  22 I don't know if you've walked the  23 property. I haven't walked the property, but I stood  24 on --  25 MS. PRICE: Bob, I'm just going to need</p>	<p style="text-align: right;">183</p> <p>1 picture?  2 MS. FERDINAND: Yes.  3 MR. REGAN: Okay.  4 And when did yo do that?  5 MS. FERDINAND: The fall.  6 MR. REGAN: Okay.  7 MS. FERDINAND: So, this is limited  8 green space on the Old Tappan corridor.  9 This is a Google shot showing what this  10 area looks like and the green space that we're trying  11 to preserve.  12 So, where am I now? We could clean up  13 this site, put on hiking trails within in, mark the  14 trees, all of the species and not worry about losing  15 the tree roots that sock up this rainfall, store it  16 and release amounts of extended rain over a period of  17 time serving as a natural protection for flooding.  18 It's time to protect remaining parcels  19 of open land in town, including this fragile pond  20 ecosystem on this property.  21 The property is walking distance from  22 our schools. What a great history, environmental and  23 science field trip this could be back and forth from  24 TBD and CDW to this area.  25 In closing, I've been a resident of</p>
<p style="text-align: right;">182</p> <p>1 to, A, get foundation for this --  2 MR. REGAN: Can you indicate who took  3 those photographs?  4 MS. FERDINAND: I took these photos on  5 the church property border and I asked the church  6 permission to do so.  7 MR. REGAN: And how long ago did you  8 take the photos?  9 MS. PRICE: Right.  10 MS. FERDINAND: The fall.  11 MR. REGAN: Okay.  12 MS. FERDINAND: So, these were taken in  13 the fall.  14 The property is rich, vibrant, alive  15 and supporting all kinds of species in this area.  16 The other proposal to show you is the  17 limited green space on the Old Tappan corridor.  18 This is a drone picture of the site  19 with the trees in the area and the Gerrit property  20 right here.  21 MS. PRICE: Same question.  22 MR. REGAN: Yeah, could you just  23 indicate how you've --  24 MS. FERDINAND: Google.com.  25 MR. ELLER: Oh, it's a Google Maps</p>	<p style="text-align: right;">184</p> <p>1 this town since 1955.  2 My parents bought property here  3 thinking it was heaven on earth. My mom Alba Johnson  4 recently passed in January, restored and lived in the  5 Eckerson house for 40 years on Old Tappan Road.  6 Stop paving and building paradise.  7 Originally the property planners were  8 going to gift us 2-and-a-half acres of the western  9 part of the wooded property.  10 MS. FROHLICH: Ma'am, your time is up.  11 MS. FERDINAND: I just have three  12 sentences left.  13 Now the proposal includes, you know,  14 moving te house across the street and did you know  15 that this house doesn't have regular mortar like we  16 do today.  17 It has hog hair, straw, mud, clay  18 holding it together with a heavy-stoned arched  19 chimney that's structured inside it made out of  20 sandstone.  21 Even the pond behind it has been cited  22 in journals historically saying that children that  23 grew up in the 1700s would ice skate there and go  24 into Gerrit housing for entertainment and  25 refreshments.</p>

<p style="text-align: right;">185</p> <p>1 The last picture is my backyard. This</p> <p>2 is what the three stories on Central Avenue look like</p> <p>3 in my backyard. It was wooded. It was protected.</p> <p>4 And this is the three-story variance</p> <p>5 that this planning board voted on across from the</p> <p>6 high school and this is now what I look at and I hope</p> <p>7 that we don't have to look at this on Old Tappan</p> <p>8 Road.</p> <p>9 I urge you to preserve the 5.5 acres,</p> <p>10 the pond, the 1760 Dutch Colonial and open space to</p> <p>11 preserve the rich heritage of Old Tappan, which are</p> <p>12 the crossroads of history.</p> <p>13 Thank you.</p> <p>14 MR. REGAN: Thank you.</p> <p>15 Janis W --</p> <p>16 (Applause.)</p> <p>17 MR. REGAN: -- 49 Ogle Road.</p> <p>18 Sorry if I mispronounced your name.</p> <p>19 MS. GILLIAM: Did you say 49 Ogle Road?</p> <p>20 MR. REGAN: Yeah.</p> <p>21 MS. GILLIAM: That's not my name.</p> <p>22 MR. REGAN: Do you swear or affirm that</p> <p>23 the testimony you will give in this proceeding shall</p> <p>24 be the truth, so help you God?</p> <p>25 MS. GILLIAM: I do.</p>	<p style="text-align: right;">187</p> <p>1 I noticed, you know, the water flows</p> <p>2 different even though, you know, it goes into the</p> <p>3 sewer systems, it goes into engineered retention</p> <p>4 basins, the natural trees, just the way it absorbs</p> <p>5 the water and the soil, it does make a difference.</p> <p>6 And just in closing, one of you guys</p> <p>7 had said, you know, being presumptuous if Old Tappan</p> <p>8 wants the property, you know, as a resident and a</p> <p>9 taxpayer, I consider myself one of Old Tappan and my</p> <p>10 family and, yes, we want to preserve the property</p> <p>11 intact, leave the house, do park, educational center,</p> <p>12 you know, just for keep some green space in this</p> <p>13 town.</p> <p>14 Thank you.</p> <p>15 MR. REGAN: Thank you.</p> <p>16 Patrick Gambuti?</p> <p>17 Do you swear or affirm that the</p> <p>18 testimony you will give in this proceeding shall be</p> <p>19 the truth, so help you God?</p> <p>20 MR. GAMBUTI: Yes.</p> <p>21 P A T R I C K G A M B U T I, J R.</p> <p>22 16 Autumn Lane, Old Tappan, New Jersey, having</p> <p>23 been duly sworn, testifies as follows:</p> <p>24 MR. REGAN: And for the record, state</p> <p>25 your full name, spell your last name --</p>
<p style="text-align: right;">186</p> <p>1 J A N I S G I L L I A M,</p> <p>2 49 Ogle Road, Old Tappan, New Jersey, having</p> <p>3 been duly sworn, testifies as follows:</p> <p>4 MR. REGAN: Just state your name for</p> <p>5 the record, spell your last.</p> <p>6 MS. GILLIAM: Janis Gilliam,</p> <p>7 G-I-L-L-I-A-M.</p> <p>8 So, I'm not going to waste a lot of</p> <p>9 time. Everyone's already said a lot of what I feel</p> <p>10 that I'm against the planning board approving this</p> <p>11 for -- you know, it's against the Master Plan, the</p> <p>12 extra strain on the ambulances, the added traffic,</p> <p>13 the overbuilding in Old Tappan, but what I do want to</p> <p>14 say, I live on Ogle, I'm on a slope and kind of</p> <p>15 similar situation, it was almost five acres, zoned</p> <p>16 residential, stayed residential, developed all around</p> <p>17 me, trees cut down and there are a lot of -- there's</p> <p>18 so much wildlife it's unbelievable.</p> <p>19 Oh, and it's also up the street from</p> <p>20 the reservoir.</p> <p>21 So, little similarities and the</p> <p>22 wildlife is so displaced that it winds up coming into</p> <p>23 the properties, does a lot of damage.</p> <p>24 There use to be an owl. The owl is</p> <p>25 gone.</p>	<p style="text-align: right;">188</p> <p>1 MR. GAMBUTI: Patrick Gambuti, Jr.,</p> <p>2 G-A-M-B-U-T-I, Patrick Gambuti, Jr. 16 Autumn Lane,</p> <p>3 Old Tappan.</p> <p>4 I'm going to say something you guys</p> <p>5 probably know already, but for the benefit of myself</p> <p>6 and maybe the people here.</p> <p>7 So, the question before the board</p> <p>8 today: Does the inherent beneficial use of an</p> <p>9 assisted living facility outweigh the negative impact</p> <p>10 this project brings to the community and the site.</p> <p>11 That's where the <u>Sica</u> balancing test</p> <p>12 comes into play. In <u>Sica vs. Wall Planning Board</u> in</p> <p>13 1992, the New Jersey Supreme Court came up with this</p> <p>14 as a way to discern inherent beneficial use versus</p> <p>15 negative impact.</p> <p>16 The silver tsunami coming our way is a</p> <p>17 great marketing term and it is a real issue, but do</p> <p>18 we really need another senior facility here in town?</p> <p>19 Besides Sunrise, there are many in the</p> <p>20 area within a reasonable drive that people from ours</p> <p>21 and surrounding towns could place their loved ones.</p> <p>22 On a quick internet search, I found 21</p> <p>23 facilities close to us.</p> <p>24 Considering many of us in the sandwich</p> <p>25 generation keep our folks at home, that's a lot of</p>

<p style="text-align: right;">189</p> <p>1 options.</p> <p>2 The testimony by the planner was really</p> <p>3 good. He mentioned a lot of reasons why the facility</p> <p>4 could work, but I found one a bit off. It was the</p> <p>5 good neighbor.</p> <p>6 Yes, there were many changes made and</p> <p>7 offered that covered concerns of the board and some</p> <p>8 neighbors to the back of the property, but what about</p> <p>9 the folks to the west?</p> <p>10 It was brought up, but never addressed.</p> <p>11 What impact will this facility have on them? Is</p> <p>12 moving the historic house being a good neighbor? It</p> <p>13 is an incredibly important part of our history.</p> <p>14 The chance of it being destroyed by the</p> <p>15 move is real considering the type of construction</p> <p>16 that was done to build it. There was no historical</p> <p>17 expert to testify how this would be done and the idea</p> <p>18 of it being destroyed was basically blown off and</p> <p>19 with the applicant's attorney saying things happen,</p> <p>20 if it's destroyed, well, we tried our best.</p> <p>21 I was personally flabbergasted by that</p> <p>22 statement. That home was a treasure for this town.</p> <p>23 And I am still in bewilderment how the</p> <p>24 Mayor and Council would agree to this move.</p> <p>25 And what about the property, itself?</p>	<p style="text-align: right;">191</p> <p>1 Regarding the wetlands, the New Jersey</p> <p>2 Freshwater Wetland Protection Act Rules, 7:7A-2.2(A)2</p> <p>3 prohibits the drainage or disturbance of the water</p> <p>4 level or water table so as to alter the existing</p> <p>5 elevational groundwater or surface water regardless</p> <p>6 of the duration of such alteration, by Subsection I,</p> <p>7 adding or impounding a sufficient quantity of</p> <p>8 stormwater or other water to modify the existing</p> <p>9 vegetation, values or function of the wetland.</p> <p>10 How does the proposed drainage system</p> <p>11 comply with this NJ DEP rule?</p> <p>12 Rhetorical question.</p> <p>13 The engineer for the applicant has</p> <p>14 stated that his plan will do a better job of serving</p> <p>15 the wetland and the natural flow of the plot, itself.</p> <p>16 I think about the engineering marvels</p> <p>17 of the Colorado River and see a disaster that's been</p> <p>18 happening for decades, but the changes afoot from our</p> <p>19 climate crisis, I find it hard to believe this design</p> <p>20 will accomplish what they propose.</p> <p>21 And I know that Tom, last time he was</p> <p>22 here, did before he left that night said, he still</p> <p>23 has concerns about the drainage plan.</p> <p>24 I don't know what happened in the</p> <p>25 interim between that meeting and last, if something</p>
<p style="text-align: right;">190</p> <p>1 In <u>Sunrise Development, Inc vs. The</u></p> <p>2 <u>Princeton Zoning Board of Adjustment</u>, the board</p> <p>3 argued that the facility would greatly exceed the</p> <p>4 permitted density and floor area ratio of the zone.</p> <p>5 Consequently, the board found that the</p> <p>6 property cannot accommodate the mass and scale of the</p> <p>7 proposed building.</p> <p>8 The board also found that there would</p> <p>9 be a negative impact on the existing landscape and</p> <p>10 particularly on the existing mature trees on the</p> <p>11 property.</p> <p>12 In that case, Sunrise proposed to build</p> <p>13 three-story building consisting of over 82,000 square</p> <p>14 feet and 89 units holding 100 beds on a</p> <p>15 four-and-a-half-acre lot.</p> <p>16 Sound familiar?</p> <p>17 That board denied the application based</p> <p>18 on this and several other factor and in the mentioned</p> <p>19 lawsuit the board won.</p> <p>20 I also understand that there are ten</p> <p>21 units that qualify for our next COAH round, but in</p> <p>22 the long run, considering all the development going</p> <p>23 on in town, especially The Enclave that's going to</p> <p>24 put so much pressure on that, does that number of ten</p> <p>25 really help us in any way?</p>	<p style="text-align: right;">192</p> <p>1 happened, but at that point in time, Tom left saying</p> <p>2 you guys know about my concerns about the drainage on</p> <p>3 the property.</p> <p>4 And what about the destruction of over</p> <p>5 200 trees?</p> <p>6 According to the National Wildlife</p> <p>7 Federation, trees improve air quality, improve water</p> <p>8 quality and reduce flooding and erosion. Trees</p> <p>9 temper climate. And trees create habitat for plants</p> <p>10 and animals.</p> <p>11 Those trees are an incredibly important</p> <p>12 asset to the wetland there. And I don't think the</p> <p>13 engineer's plan sufficiently addresses those issues,</p> <p>14 other than saying it will be better than it is.</p> <p>15 I don't believe that. And I don't know</p> <p>16 if you guys really do either.</p> <p>17 I've lived in the wet -- in a wetland</p> <p>18 area of town.</p> <p>19 I live on Autumn Lane, which is by</p> <p>20 Dorotockeys Run. And the back of my property is way</p> <p>21 down below.</p> <p>22 So, I've lived in a wetland area of</p> <p>23 town for over 30 years. I've seen how changes in</p> <p>24 climate and development have changed that wetland.</p> <p>25 It's not a pretty picture.</p>



<p style="text-align: right;">193</p> <p>1 MS. FROHLICH: Sir, your time is up.  2 (Whereupon, whistle sounds.)  3 MR. GAMBUTI: Can I finish two  4 sentences?  5 MR. REGAN: Sure.  6 Go ahead.  7 MR. GAMBUTI: Thank you.  8 The grass that was planted by the town  9 when the sewers were put in by Dorotockeys Run to  10 deal with erosion issues has gone wild in my  11 observation and now takes over the wetland at the end  12 of summer.  13 This is just one of many examples of  14 how development has affected the wetland.  15 With that in mind, I can only imagine  16 how the wetland at 244 Old Tappan Road will be  17 forever changed.  18 Thank you for the extra time, I  19 appreciate it.  20 MR. REGAN: Cherie Fonorow.  21 Do you swear or affirm that the  22 testimony you will give in this proceeding shall be  23 the truth, so help you God?  24 MS. FONOROW: I do, sir.  25</p>	<p style="text-align: right;">195</p> <p>1 registry.  2 The site is a unique combination of  3 wetlands and history environmentally important to our  4 ecosystem and also Old Tappan and American history.  5 In fact, last week Governor Murphy  6 issued a mandate for \$25 million investment to  7 preserve Revolutionary War sites, not destroy them.  8 This has to do with the quincentennial  9 coming up.  10 The number one objection in all this is  11 this is the wrong project at the wrong location.  12 It's the wrong project in the wrong location.  13 This doesn't align with the Master Plan  14 and it fails in its inherent claim of inherent  15 beneficial use.  16 I know all the lingo. I've been at  17 every meeting and beyond.  18 This application isn't small or a  19 temporary decision. It concerns the future and  20 welfare of Old Tappan and it should be denied.  21 It's specifically listed in the Master  22 Plan to be preserved by the town for the inherent  23 beneficial use of all town's people and the entire  24 community all ages, all ethnicities, all religions  25 and all backgrounds.</p>
<p style="text-align: right;">194</p> <p>1 C H E R I E F O N O R O W,  2 256 Old Tappan Road, Old Tappan, New Jersey,  3 having been duly sworn, testifies as follows:  4 MR. REGAN: For the record, state your  5 full name, spell your last name and give us your  6 address.  7 MS. FONOROW: Cherie Fonorow,  8 F-O-N-O-R-O-W, Cherie Fonorow 256 Old Tappan Road.  9 I wish I was my daughter because she  10 speaks really, really fast as a millennial and I  11 don't, but I will try. And I hope I get my point  12 across.  13 For 25 years I look at the site daily.  14 The wetlands, barn, stone house, birds and wildlife.  15 Since I've become aware of this  16 project, I've done extensive research the past year  17 and questioned how could any board member approve  18 this application.  19 I've learned more about the inherent  20 benefit significance of preserving OT's historic  21 importance starting with the Tappan patent, the first  22 black freeholders and this particular lot at 244.  23 In fact, Old Tappan has the beneficial  24 distinction having one of a few historic stone houses  25 in New Jersey listed on the federal and state</p>	<p style="text-align: right;">196</p> <p>1 The Master Plan is a serious document  2 that by law has to be reviewed, updated, approved  3 every 10 years by the Mayor, by the Council, by  4 attorneys at taxpayer expense.  5 The preservation of the 244 property  6 has been specifically noted in the last three Master  7 Plans, '96, 2006, 2016.  8 So, why is the denial of this  9 application even questioned? Listed to be preserved  10 for the inherent benefit use of the community, not  11 for the benefit use to a developer's commercial  12 enterprise. They have not proven inherent beneficial  13 use that warrants the planning board to override the  14 Master Plan, to grant all these land use variances,  15 which do not conform with Old Tappan's municipality  16 guidelines. We don't know how or why this slipped by  17 the Mayor and Council's intention.  18 In 2019, 244 was foreclosed and for  19 sale, bought by Premier Development for \$400,000.00.  20 I want to go on record to ask the  21 planning board to deny this application and please  22 follow the Master Plan.  23 This application is ill-suited to the  24 property and is based -- it's based entirely on  25 planning board approval. This lies in your hands.</p>

<p style="text-align: right;">197</p> <p>1 You decide the fate.</p> <p>2           Then, of course, we know where it goes,</p> <p>3 but you know what, I believe in God and I believe the</p> <p>4 right thing should happen.</p> <p>5           I want to go on record so -- the</p> <p>6 inherent -- the inherent -- the project does not</p> <p>7 adhere to preserving open recreational space.</p> <p>8           Again, approval by the planning board</p> <p>9 goes against the will of the people, as well as the</p> <p>10 Master Plan.</p> <p>11           So, want to throw the Master Plan out,</p> <p>12 who cares that we voted on it for 30 years, we don't</p> <p>13 care what the people in the town think either, but I</p> <p>14 think you do. And you live here. And we're your</p> <p>15 neighbors.</p> <p>16           And they want us to be their residents</p> <p>17 that put our parents in there, but I don't know if</p> <p>18 that's going to go down that well because the public</p> <p>19 isn't very happy about this.</p> <p>20           The project doesn't adhere to -- sorry,</p> <p>21 briefly, traffic, some of the reasons, there's so</p> <p>22 many, I got to talk really fast.</p> <p>23           There's traffic. Morning and evening</p> <p>24 rush hour hundreds of autos and cars and trucks from</p> <p>25 Enclave additional retail shopping. Traffic survey</p>	<p style="text-align: right;">199</p> <p>1 taxing our services and what if they need it</p> <p>2 somewhere else?</p> <p>3           They're volunteers for the ambulance</p> <p>4 and fire department.</p> <p>5           They're hard to find.</p> <p>6           (Whereupon, whistle sounds.)</p> <p>7           MS. FONOROW: Can I finish a few more</p> <p>8 things?</p> <p>9           MR. REGAN: How much more do you have?</p> <p>10           MS. FONOROW: I'll make it really</p> <p>11 brief.</p> <p>12           MALE AUDIENCE MEMBER: I will defer my</p> <p>13 five minutes to her.</p> <p>14           MS. FONOROW: Would you allow that,</p> <p>15 please?</p> <p>16           MR. REGAN: Go ahead.</p> <p>17           MS. FONOROW: You know what, I mean, I</p> <p>18 have been here a long time.</p> <p>19           I'm going off my script.</p> <p>20           MR. REGAN: Take another minute.</p> <p>21           MS. FONOROW: Been here a really long</p> <p>22 time because I really care.</p> <p>23           MR. REGAN: Take another minute and go</p> <p>24 ahead.</p> <p>25           MS. FONOROW: Thank you.</p>
<p style="text-align: right;">198</p> <p>1 we feel doesn't adequately account for all this</p> <p>2 increased traffic.</p> <p>3           We've even got the 12-month closure of</p> <p>4 West Old Tappan Road that nobody's even talked about.</p> <p>5           So, all the cars and trucks are all</p> <p>6 being detoured down Washington. Where are all these</p> <p>7 trucks and construction materials and flatbeds and</p> <p>8 equipment going to go? Washington Avenue was not</p> <p>9 built for that.</p> <p>10           Safety, there's so many kids coming</p> <p>11 piling out of the school. I see them every single</p> <p>12 day. They're all walking on -- they like my side of</p> <p>13 the sidewalk. I don't know why they don't like the</p> <p>14 other side of the sidewalk because they got to cross</p> <p>15 the street, but they all come over here.</p> <p>16           It's -- I took films of it. It's</p> <p>17 crazy. They all go to Bi-State and they all walk by</p> <p>18 and they ride their bicycles and people walk their</p> <p>19 dogs. So safety is a really big issue.</p> <p>20           Stress on the police and ambulance and</p> <p>21 fire departments. The police are the first, they</p> <p>22 have to be legally the first on the scene.</p> <p>23           How many calls do they have to do?</p> <p>24 I've talked to some of the cops. I know we increased</p> <p>25 the police, but this is really hard, it's really</p>	<p style="text-align: right;">200</p> <p>1 I appreciate that, sir.</p> <p>2           The stress on the police and the</p> <p>3 ambulance, fire department, they're all located, that</p> <p>4 one street right across from where this is going to</p> <p>5 be built.</p> <p>6           I didn't even get into the mentioning</p> <p>7 of the widening of Old Tappan Road, which right now</p> <p>8 that hasn't even been approved by the county and that</p> <p>9 has to be approved and I checked on all that and OPRA</p> <p>10 forms and know about that as well.</p> <p>11           I mean, they're asking so much that are</p> <p>12 you going to allow all these accommodations for one</p> <p>13 commercial enterprise.</p> <p>14           You know, we already have an assisted</p> <p>15 living in town. We know how many calls. We hear the</p> <p>16 fire engines, this and that. There's also over 20</p> <p>17 within a five-mile radius. It's -- they've gone</p> <p>18 crazy building them because it's such a big money</p> <p>19 maker in our area.</p> <p>20           We've got the environmental issues.</p> <p>21 Again, I look at it every single day. I look out</p> <p>22 that window and it breaks my heart.</p> <p>23           The vernal pool is there. It's a</p> <p>24 natural basin. It is a vernal pool. I know they</p> <p>25 questioned it. We don't have documentation the right</p>

<p style="text-align: right;">201</p> <p>1 time of year. I can't afford -- I can't afford the  2 lawyers and experts that CHS -- CSH, Capitol Senior  3 Housing can afford. I can't afford Mrs. Price.  4 But I'm sorry, I can't afford to bring  5 in all these people and where everything that's being  6 done is really out of the heart and soul of people  7 that care and there are people just like you and  8 there are people like your children, that's how --  9 that's what you teach your kids how to grow up and to  10 stand up for what they believe in and to do the right  11 thing.  12 So, with the environment, the wetlands  13 are going to get ruined and destroyed. It's -- I've  14 said come look from my vantage point.  15 Again, it's a bird sanctuary. It has  16 been for 25 years. I've had bald eagles. I've had  17 almost every kind of bird you can think of. I've had  18 bats. I've had owls. There's a whole big decrease  19 in bird population across Rockland County and Bergen  20 County because --  21 MR. REGAN: Could you wrap it up,  22 please, because we have 19 other --  23 MS. FONOROW: I would say if you  24 approve this application, you are telling citizens  25 and businesses that you accept the paving over of Old</p>	<p style="text-align: right;">203</p> <p>1 KEN SCARLATELLI,  2 507 Dorchester Road, Catonsville, Maryland,  3 having been duly sworn, testifies as follows:  4 MR. REGAN: For the record, state your  5 full name, spell your last name and give your  6 address.  7 MR. SCARLATELLI: My name is Ken  8 Scarlatelli, S-C-A-R-L-A-T-E-L-L-I.  9 My address is 507 Dorchester Road in  10 Catonsville, Maryland.  11 Now, why am I here all the way from  12 Maryland?  13 I was born and raised in Bergen County,  14 spent more than half of my life here.  15 I'm a professional conservation  16 biologist.  17 I hold certifications as a senior  18 professional wetlands scientist and a certified  19 wildlife biologist.  20 It was brought to my attention that  21 this property, this application is proposed in wooded  22 area adjacent to what is potentially a vernal pool  23 according to the New Jersey DEP.  24 Now, why am I concerned about vernal  25 pools?</p>
<p style="text-align: right;">202</p> <p>1 Tappan Road and increasing suburban sprawl.  2 Are you taking the quality of life into  3 account for your development decisions? It's proven  4 parks, trees and registration are highly rated and  5 have more inherent beneficial use and are more  6 valuable. Allowing this type of commercial  7 development opens Pandora's box, which is what the  8 Master Plan prevents.  9 Once the community experiences the  10 negative impact, they're going to ask why has this  11 administration let the town down.  12 Please in my opinion, the applicant has  13 failed to prove the inherent beneficial benefit of  14 this project and that the benefits outweigh the cost  15 and the risks.  16 MR. REGAN: Thank you.  17 MS. FONOROW: Thank you very much for  18 giving me extra time.  19 (Applause.)  20 MR. REGAN: Ken Scarlatelli.  21 Sir, would you raise your right hand,  22 please. Do you swear or affirm that the testimony  23 you will give in this proceeding shall be the truth,  24 so help you God?  25 MR. SCARLATELLI: Yes, I do.</p>	<p style="text-align: right;">204</p> <p>1 They are very rare and special  2 habitats. There are 21 species of amphibians that  3 breed in New Jersey. Seven of them can breed only in  4 vernal pools. They're what we call obligate species.  5 Now, if you remember, the reason they  6 can breed only in vernal habitats is because they dry  7 up during the year. There's no inlet or outlet and  8 there's no fish. And the fish prey upon -- excuse  9 me -- the eggs and the larva of the amphibians.  10 So, without the fish, they're able to  11 breed, but that's not the end of the story, as you  12 remember from your basic biology, amphibians are born  13 in the water, they spend their youth as tadpoles and  14 then they grow legs and lungs and they hop out of the  15 wetlands and they occupy the adjacent uplands for the  16 rest of their lifecycle to the summer, the fall and  17 the winter.  18 Now, they require at least 2 or 300  19 feet of adjacent uplands to successfully complete  20 their lifecycle. The U.S. EPA recommends 1,000 feet.  21 So, without the vegetated uplands  22 adjacent to the vernal pool, they, essentially, cease  23 to function as that important habitat.  24 So, what I would recommend and urge the  25 board to do is to request that or acquire that the</p>

<p style="text-align: right;">205</p> <p>1 applicant -- excuse me -- hire qualified individuals  2 to conduct a survey next spring according to New  3 Jersey DEP protocols to determine whether or not this  4 wetland is, in fact, vernal habitat and if it is, I  5 would urge the board and the town, the borough to  6 reject the application under the Master Plan or some  7 other mechanism and instead improve a less intensive  8 development if one is made, preserves the majority of  9 the upland habitat and thank you for listening.</p> <p>10 MR. REGAN: Thank you.  11 Brooke Nelsor (phonetic).  12 FEMALE AUDIENCE MEMBER: Brooke's left.  13 MR. REGAN: He left.  14 Patches Magarro.  15 Do you swear or affirm that the  16 testimony you will give in this proceeding shall be  17 the truth, so help you God?  18 MS. MAGARRO: I do.  19 P A T C H E S M A G A R R O,  20 4 Churchill Road, Old Tappan, New Jersey, having  21 been duly sworn, testifies as follows:  22 MR. REGAN: For the record, state your  23 full name, spell your last name and give us your  24 address.  25 MS. MAGARRO: Patches Magarro,</p>	<p style="text-align: right;">207</p> <p>1 substantially impair the intent and purpose of the  2 plan and the zoning ordinance.  3 So let's consider the zoning in Old  4 Tappan. A change in use would be considered when the  5 property is particularly suitable for the proposed  6 use.  7 Thus, serving the general welfare of  8 the municipality, but nothing could be further from  9 the truth. This lot is particularly unsuitable for  10 this development. This lot is residential and zoned  11 for 8,000 square feet. The scope of the proposed  12 building is 80,000 square feet, ten times what is  13 allowed in our zoning ordinance.  14 The planning board is tasked as the  15 fiduciary of our land. The zoning exists to utilize  16 our entire portfolio of properties in a way that is  17 beneficial to our community in Old Tappan.  18 With so much vacant commercial property  19 in Old Tappan, it seems essentially unnecessary to  20 grant a use variance and, in fact, there's a lot  21 available already zoned for a senior living facility.  22 So, if someone could say that there is actually a  23 need for more senior housing, it's possible to build  24 one over there without losing any more residential  25 land.</p>
<p style="text-align: right;">206</p> <p>1 M-A-G-A-R-R-O, 4 Church Hill Road, Old Tappan.  2 MR. REGAN: Thank you.  3 MS. MAGARRO: I want to thank all of  4 the volunteers that serve on our planning board.  5 This is a long process and usually you're here in a  6 unknown and thankless capacity without an audience.  7 So I appreciate the attention that you've given to  8 this application.  9 This project before us seeks to use a  10 use variance, which is called a D variance.  11 Courts have stated that a D variance  12 will always be the exception, rather than the rule,  13 because this development is for senior housing.  14 It's considered an inherently  15 beneficial use.  16 As I understand that to mean, the  17 applicant is given special consideration as a  18 positive use.  19 However, the applicant also has the  20 burden to satisfy the planning board that the  21 negative impacts of the project do not outweigh the  22 good. I submit that the negative does outweigh the  23 good.  24 With regard to the second prong of the  25 negative criteria, the variance should not</p>	<p style="text-align: right;">208</p> <p>1 With regard to the Master Plan, this  2 lot is named specifically as one to target for open  3 space.  4 "Since most of the Borough's recreation  5 lands are not centrally located, explore and  6 pursue any opportunities that arise to obtain  7 property suitable for recreation near the  8 Borough's central core."  9 And goes onto specify, one other such  10 pursued property that has not yet been successful is  11 the historic Gerrit Haring House property.  12 Once the natural land at 244 Old Tappan  13 Road is gone, it's lost forever. So the first step  14 to explore and pursue this lot for recreational use  15 would be to vote no on tearing it down for a  16 commercial use. I urge the board to vote no.  17 However, if one of the plans is  18 considered, I would suggest the plan that the  19 applicant submitted that gifted Old Tappan a couple  20 of acres of the natural unspoiled land so that it  21 would remain undisturbed and residents can access it  22 for recreation and education.  23 Thank you.  24 MR. REGAN: Thank you.  25 Anna Bager.</p>

<p style="text-align: right;">209</p> <p>1 Do you swear or affirm that the</p> <p>2 testimony you will give in this proceeding shall be</p> <p>3 the truth, so help you God?</p> <p>4 MS. VILLA BAGER: I do.</p> <p>5 A N N A F. V I L L A B A G E R,</p> <p>6 6 Klein Court, Old Tappan, New Jersey, having</p> <p>7 been duly sworn, testifies as follows:</p> <p>8 MR. REGAN: For the record, state your</p> <p>9 full name, spell your last name and give us your</p> <p>10 address.</p> <p>11 MS. VILLA BAGER: Sure.</p> <p>12 My full name is Anna, A-N-N-A, F,</p> <p>13 Villa, V-I-L-L-A, B-A-G-E-R, Anna F. Villa Bager,</p> <p>14 6 Klein Court, Old Tappan.</p> <p>15 MR. REGAN: Thank you.</p> <p>16 MS. VILLA BAGER: I can definitely</p> <p>17 empathize with each of you and the level of stress</p> <p>18 and responsibility that you have to maintain the</p> <p>19 integrity of these lands in our town.</p> <p>20 I am urging you to really, truly</p> <p>21 consider if this property were in your own backyard,</p> <p>22 if this property were viewed by you and played on by</p> <p>23 your children and the thought of your grandchildren</p> <p>24 looking at this property in your own backyard.</p> <p>25 I want you to imagine that and then</p>	<p style="text-align: right;">211</p> <p>1 be the truth, so help you God?</p> <p>2 MS. BAUER: I do.</p> <p>3 S U S A N B A U E R,</p> <p>4 35 Deberg Drive, Old Tappan, New Jersey, having</p> <p>5 been duly sworn, testifies as follows:</p> <p>6 MR. REGAN: For the record, state your</p> <p>7 full name spell your last name and give us your</p> <p>8 address.</p> <p>9 MS. BAUER: Susan Bauer, B-A-U-E-R,</p> <p>10 35 Deberg Drive.</p> <p>11 MR. REGAN: Thank you.</p> <p>12 MS. BAUER: I'll keep mine short and</p> <p>13 sweet. I haven't mastered my phone yet, so I'm using</p> <p>14 the regular stuff, but I'm impressed by people who</p> <p>15 can do that.</p> <p>16 I really am.</p> <p>17 (Laughter.)</p> <p>18 MS. BAUER: I also want to thank</p> <p>19 everybody for their service to this town.</p> <p>20 I recently moved here a couple of years</p> <p>21 ago from Queens, so you can imagine the shock.</p> <p>22 When I see those buildings across from</p> <p>23 the high school, though, and I see them looking in</p> <p>24 other people's backyards, that's how I spent 40 years</p> <p>25 of my life.</p>
<p style="text-align: right;">210</p> <p>1 imagine it not being there at all.</p> <p>2 Taking it personally in your vote,</p> <p>3 that's what I'm hoping and praying that each one of</p> <p>4 you will do.</p> <p>5 Take it personally, be the custodians</p> <p>6 of what we as a community really desire in</p> <p>7 maintaining the integrity of this town.</p> <p>8 It's really, really important and each</p> <p>9 one of you will be -- your names will be etched in</p> <p>10 the history, in history of Old Tappan as being</p> <p>11 responsible for whatever may come by the destruction</p> <p>12 of this land.</p> <p>13 So, I urge you, please, to take it</p> <p>14 personally, take it personally.</p> <p>15 Thank you.</p> <p>16 MR. REGAN: Thank you.</p> <p>17 Johan Bager?</p> <p>18 MR. BAGER: I defer to everybody else</p> <p>19 because they are saying it so much better than I</p> <p>20 potentially could.</p> <p>21 MR. REGAN: Okay. Thank you.</p> <p>22 Susan Bauer?</p> <p>23 MS. BAUER: Good evening.</p> <p>24 MR. REGAN: Do you swear or affirm that</p> <p>25 the testimony you will give in this proceeding shall</p>	<p style="text-align: right;">212</p> <p>1 It's not pleasant, believe me.</p> <p>2 So, I love this place. I'm thrilled</p> <p>3 that we were finally able to afford it to be honest</p> <p>4 with you.</p> <p>5 I really moved here to be near my</p> <p>6 grandchildren, but that's besides the fact.</p> <p>7 I do understand that development is not</p> <p>8 bad, it's not inherently bad. Things have to be</p> <p>9 developed. Things can never stay exactly the way</p> <p>10 they are.</p> <p>11 But I am concerned, however, with the</p> <p>12 scope and magnitude of the current and planned</p> <p>13 projects and the impact they have on the Borough.</p> <p>14 The character and the charm of Old</p> <p>15 Tappan being changed certainly warrants concern, but</p> <p>16 more concerning is the impact these developments will</p> <p>17 have on the police, fire and emergency services.</p> <p>18 The fire and EMS department is</p> <p>19 currently in need of volunteers and answered almost</p> <p>20 300 calls this year.</p> <p>21 It seems unfair to burden the residents</p> <p>22 who volunteer their time to provide us these services</p> <p>23 with even more calls.</p> <p>24 I would think it would be an extremely</p> <p>25 important factor in any decision regarding a zoning</p>

<p style="text-align: right;">213</p> <p>1 change request.</p> <p>2 In addition, land such as the 244 Old</p> <p>3 Tappan site once developed, it's lost forever. We're</p> <p>4 never getting it back.</p> <p>5 As stewards of the Borough, I feel it's</p> <p>6 incumbent on the planning board to protect this land</p> <p>7 and set it aside for the use and the enjoyment of the</p> <p>8 residents of the Borough.</p> <p>9 It is especially important to cease</p> <p>10 this opportunity prior to any changes made by the</p> <p>11 counsel for affordable housing.</p> <p>12 I'm requesting the planning board deny</p> <p>13 the request for zoning change and move forward with</p> <p>14 acquiring the public funds and grant necessary to</p> <p>15 protect this open space for the future.</p> <p>16 I do have to say as I've been sitting</p> <p>17 here through different meetings and I hear testimony,</p> <p>18 some of it goes over my head, but when I hear the</p> <p>19 historian, when I hear the gentleman from EMS, when I</p> <p>20 hear the person who traveled from Maryland, I hope</p> <p>21 you are all taking this -- I know you're all taking</p> <p>22 it into account, but that what they're saying to me</p> <p>23 far outweighs anything that the applicant has</p> <p>24 presented and I do hope that you'll deny this</p> <p>25 request.</p>	<p style="text-align: right;">215</p> <p>1 MS. PRICE: Okay.</p> <p>2 MR. REGAN: But I think she should have</p> <p>3 the opportunity to speak.</p> <p>4 MS. PRICE: Yup, I just wanted --</p> <p>5 MR. REGAN: I'm sure Mr. Steinhagen</p> <p>6 doesn't have any objection.</p> <p>7 MS. PRICE: -- it reflected.</p> <p>8 MS. SHERIDAN: Thank you.</p> <p>9 I just want to say, you know, I'm here</p> <p>10 obviously because I don't want this application</p> <p>11 approved by the planning board and I thank you for</p> <p>12 your time. I know it's a lot of volunteer hours and</p> <p>13 it's a very thankless job.</p> <p>14 And all I want to say is that I would</p> <p>15 hope that you do uphold the Master Plan. That was</p> <p>16 the main reason why I hired Dan.</p> <p>17 It was hard to find Dan. It was really</p> <p>18 hard to find a land use lawyer that would represent</p> <p>19 the opposition.</p> <p>20 And I hired him because I thought you</p> <p>21 can use him to see different perspectives, because</p> <p>22 what the applicant presents is obviously what the</p> <p>23 applicant wants you to know.</p> <p>24 So, I hope you can extend to Dan the</p> <p>25 same respect you extend to Gail, because I hired him</p>
<p style="text-align: right;">214</p> <p>1 Thank you.</p> <p>2 MR. REGAN: Thank you.</p> <p>3 Alexandra Molina (phonetic).</p> <p>4 (No Response.)</p> <p>5 MR. REGAN: No?</p> <p>6 Angeline Sheridan?</p> <p>7 Do you swear or affirm that the</p> <p>8 testimony you will give in this proceeding shall be</p> <p>9 the truth, so help you God?</p> <p>10 MS. SHERIDAN: Yes.</p> <p>11 A N G E L I N E S H E R I D A N,</p> <p>12 31 Edith Street, Old Tappan, New Jersey, having</p> <p>13 been duly sworn, testifies as follows:</p> <p>14 MR. REGAN: And for the record, state</p> <p>15 your full name, spell your last name and give us your</p> <p>16 address.</p> <p>17 MS. SHERIDAN: Angeline Sheridan,</p> <p>18 S-H-E-R-I-D-A-N.</p> <p>19 MR. REGAN: Thank you.</p> <p>20 MS. SHERIDAN: 31 Edith Street.</p> <p>21 MS. PRICE: Can I just note for the</p> <p>22 record that I believe Ms. Sheridan is represented by</p> <p>23 Mr. Steinhagen.</p> <p>24 MR. REGAN: I think the record reflects</p> <p>25 that.</p>	<p style="text-align: right;">216</p> <p>1 for you guys, for the town who wants to see this</p> <p>2 place remain, you know, the small-town character that</p> <p>3 it does have.</p> <p>4 I have two kids, 13 and 10. We've</p> <p>5 lived here for 15 years. I graduated from NVOT with</p> <p>6 my two bothers. My parents lived here for 15 years.</p> <p>7 So, I love this town. I mean, I could</p> <p>8 have moved to another place when I graduated, but we</p> <p>9 moved back here.</p> <p>10 So, we all love Old Tappan and we want</p> <p>11 to keep it the way it is. It's beautiful. It has a</p> <p>12 lot of open space. It has great schools. The</p> <p>13 volunteers are amazing and that's it.</p> <p>14 Thank you.</p> <p>15 MR. REGAN: Thank you.</p> <p>16 Geraldine Tama?</p> <p>17 MS. TAMA: I'm good, I'll yield my</p> <p>18 time.</p> <p>19 MR. REGAN: Okay. Thank you.</p> <p>20 MS. TAMA: Everybody's basically said</p> <p>21 --</p> <p>22 MR. REGAN: Sharon Coughlin.</p> <p>23 Would you raise your right hand,</p> <p>24 please. Do you swear or affirm that the testimony</p> <p>25 you'll give in this proceeding shall be the truth, so</p>

<p style="text-align: right;">217</p> <p>1 help you God?</p> <p>2 MS. COUGHLIN: Yes.</p> <p>3 S H A R O N C O U G H L I N,</p> <p>4 26 Meadowbrook Road, Boonton, New Jersey, having</p> <p>5 been duly sworn, testifies as follows:</p> <p>6 MR. REGAN: And for the record, state</p> <p>7 your full name, spell your last name and give us your</p> <p>8 address.</p> <p>9 MS. COUGHLIN: My name is Sharon</p> <p>10 Coughlin.</p> <p>11 My last name is spelled</p> <p>12 C-O-U-G-H-L-I-N.</p> <p>13 I currently live in Booton, New Jersey.</p> <p>14 I grew up in Old Tappan.</p> <p>15 MR. REGAN: Okay.</p> <p>16 Go ahead.</p> <p>17 MS. COUGHLIN: Graduate of NVOT.</p> <p>18 I do not believe the developer has</p> <p>19 proven that we should change existing zoning laws</p> <p>20 from single-family residential to accommodate the</p> <p>21 request. Their proposed project involves</p> <p>22 constructing a large commercial building on the site.</p> <p>23 It involves cutting old growth trees</p> <p>24 and paving almost the entire site.</p> <p>25 The proposed development of 244 Old</p>	<p style="text-align: right;">219</p> <p>1 Numerous articles document the critical</p> <p>2 roles trees play in creating climate change resistant</p> <p>3 communities, which is something I believe the town</p> <p>4 needs to consider moving forward as we deal with</p> <p>5 climate changes.</p> <p>6 I believe the town board has a</p> <p>7 responsibility to follow Old Tappan's Master Plans.</p> <p>8 I would like to read a couple of excerpts from the</p> <p>9 2006 and the 2016 Master Plan.</p> <p>10 Hopefully I'm not repeating what other</p> <p>11 people have said.</p> <p>12 One of the goals of Old Tappan's Master</p> <p>13 Plan was to provide for the quantity, quality and</p> <p>14 available of parks and open space, including adding,</p> <p>15 improving and assuring proper distribution and</p> <p>16 accessibility for active and passive recreational</p> <p>17 facilities, neighborhood parks and open space to</p> <p>18 perfect -- protect environmentally-sensitive areas.</p> <p>19 And last, I'd just like to read from</p> <p>20 the Master Plan Policy Statement.</p> <p>21 Old Tappan has an established record of</p> <p>22 preserving open space, as reflected in its recreation</p> <p>23 open space inventory.</p> <p>24 This is an important policy as the</p> <p>25 Borough's remaining undeveloped areas are</p>
<p style="text-align: right;">218</p> <p>1 Tappan Road is not beneficial for many reasons.</p> <p>2 Significant changes would need to be made to the</p> <p>3 landscape of the site, including filling the vernal</p> <p>4 pool and flattening the hillside to accommodate the</p> <p>5 project.</p> <p>6 There are other sites in town more</p> <p>7 suitable for development.</p> <p>8 The site provides suitable habitat for</p> <p>9 species of special concern in New Jersey, which are</p> <p>10 species vulnerable to habitat changes.</p> <p>11 Open space is on the decline in New</p> <p>12 Jersey, particularly in Bergen County.</p> <p>13 Access to open space has documented</p> <p>14 health benefits for local residents. It's valuable</p> <p>15 to try to preserve open space when you can.</p> <p>16 The project removes 200 trees. Many</p> <p>17 from old growth, which are not common in New Jersey</p> <p>18 anymore.</p> <p>19 Latest scientific data documents that</p> <p>20 the oldest, biggest trees absorb and store more</p> <p>21 carbon in proportion to their size than young trees.</p> <p>22 Preserving mature trees plays a vital role in</p> <p>23 removing carbon dioxide from the atmosphere in</p> <p>24 addition to keeping the surrounding temperatures</p> <p>25 cool.</p>	<p style="text-align: right;">220</p> <p>1 characterized by extreme environmental constraints</p> <p>2 and also embody critical watershed areas that is</p> <p>3 relied upon for water supply.</p> <p>4 Thank you very much.</p> <p>5 MR. REGAN: Thank you.</p> <p>6 CHAIRMAN WEIDMANN: Thank you.</p> <p>7 MR. REGAN: Victor Polce.</p> <p>8 Do you swear or affirm that the</p> <p>9 testimony you'll give in this proceeding shall be the</p> <p>10 truth, so help you God?</p> <p>11 MR. POLCE: Victor Polce, 28 Ritie</p> <p>12 Street, Piermont, New York.</p> <p>13 V I C T O R P O L C E,</p> <p>14 28 Ritie Street, Piermont, New York, having been</p> <p>15 duly sworn, testifies as follows:</p> <p>16 MR. POLCE: How's everybody doing?</p> <p>17 Tired right now?</p> <p>18 I know it's been a long night. In</p> <p>19 fact, I think it's about six years since I was last</p> <p>20 here.</p> <p>21 Kind of -- you know, the place hasn't</p> <p>22 changed. It looks pretty good.</p> <p>23 But you know what, as brevity is the</p> <p>24 soul of wit, I will be short, but I'm not going to be</p> <p>25 too funny.</p>

<p style="text-align: right;">221</p> <p>1                You know, I look at every single one of</p> <p>2 you guys over here and I know that I, basically,</p> <p>3 appointed probably the majority of you planning board</p> <p>4 members who are here, obviously, Mr. Chairman,</p> <p>5 Mr. Regan, obviously, you were hired by my</p> <p>6 administration.</p> <p>7                And I think I just wanted to come up</p> <p>8 and say that, you know, there's going to be a couple</p> <p>9 of things I'm going to probably be a little bit</p> <p>10 longwinded, but I will respect four minutes and</p> <p>11 seventeen seconds.</p> <p>12                During my administration we basically</p> <p>13 had a number of properties that were privately owned,</p> <p>14 which the town was able to purchase with open space</p> <p>15 funding.</p> <p>16                One of them was Washington Avenue</p> <p>17 Estates. The other one is the beautiful Oakes Park,</p> <p>18 which everyone enjoys right now with the concerts, et</p> <p>19 cetera and the other one was Bonnabel, which is</p> <p>20 pretty close to the River Vale border.</p> <p>21                The point of that is that I know that</p> <p>22 as I'm looking at each and every one of you for 16</p> <p>23 years that I was mayor.</p> <p>24                And I lived here for 33 years along</p> <p>25 with Ed Gallagher, I was longest serving mayor.</p>	<p style="text-align: right;">223</p> <p>1 every single one of you guys know, that if I were</p> <p>2 sitting in that corner, that I would look and I would</p> <p>3 speak and I would be talking to every single one of</p> <p>4 these residents and I'd be telling you guys, you know</p> <p>5 what, bring it on, I want a good fight, because Bob,</p> <p>6 that's why I hired you, because you're one of the</p> <p>7 best land use attorneys in Bergen County. Okay?</p> <p>8                And you're still here, so that means</p> <p>9 you're doing a great job.</p> <p>10                But there are people who will take this</p> <p>11 on who are not afraid. This is historically</p> <p>12 significant also.</p> <p>13                Don't cheapen this town any more than</p> <p>14 what it's been cheapen over the past six years. It's</p> <p>15 too much. There's too much development, which has</p> <p>16 been going on. You know it and I know it.</p> <p>17                And, obviously, there are reasons for</p> <p>18 it, that I'm not privy to, because I haven't been</p> <p>19 there the past six years, I get it.</p> <p>20                But you guys are smart. You guys are</p> <p>21 articulate. You know what's going on here. You in</p> <p>22 your heart of hearts.</p> <p>23                And I want to thank you all for doing</p> <p>24 what you've been doing over the years. Thank you for</p> <p>25 your efforts. Thank you for your service, but help</p>
<p style="text-align: right;">222</p> <p>1                I know in your heart of hearts right</p> <p>2 now as I'm looking at each and every one of you, you</p> <p>3 don't agree with this project. There's something</p> <p>4 about this project that you guys are looking at and</p> <p>5 you're saying to yourselves it does not make sense.</p> <p>6 The road is too narrow to have this structure there.</p> <p>7 It's -- it was part of the historical preservation</p> <p>8 committee, which our administration had put together.</p> <p>9 I don't know when that was disbanded. It might have</p> <p>10 been for my administration. It may have been</p> <p>11 afterwards, but that's academic.</p> <p>12                But I don't think it's a coincidence</p> <p>13 that over the last six years and this has nothing to</p> <p>14 do with anybody over here, this town has changed, you</p> <p>15 know. We've gone from what I would call Old Tappan</p> <p>16 being a destination to right now it's become a drive</p> <p>17 through.</p> <p>18                And I don't think that's good for</p> <p>19 property values. I don't think that's good for</p> <p>20 people who are living here. I don't think that's</p> <p>21 good for the fire department, the police department,</p> <p>22 the ambulance corps.</p> <p>23                This is all probably about money and</p> <p>24 COAH and I get it.</p> <p>25                And at the end of the day I know and</p>	<p style="text-align: right;">224</p> <p>1 these people out here. These are the ones who are</p> <p>2 looking up at you and us when I was here and</p> <p>3 basically wanted someone to protect their asses.</p> <p>4                Thank you.</p> <p>5                (Applause.)</p> <p>6                MR. REGAN: Brain Morandi.</p> <p>7                MR. MORANDI: That's the last time I</p> <p>8 let Former Mayor Polce sign ahead of me.</p> <p>9                (Laughter.)</p> <p>10                MR. MORANDI: Brian Morandi,</p> <p>11 1043 Westwood Avenue, Old Tappan.</p> <p>12                MR. REGAN: I have to swear you in.</p> <p>13                Do you swear or affirm that the</p> <p>14 testimony you will give in this proceeding shall be</p> <p>15 the truth, so help you God?</p> <p>16                MR. MORANDI: Ace.</p> <p>17                MR. REGAN: Do you swear or affirm --</p> <p>18                MR. MORANDI: I understand that, but</p> <p>19 it's a statement.</p> <p>20                It doesn't have to be truth.</p> <p>21                MR. REGAN: I have to --</p> <p>22                MR. MORANDI: Okay.</p> <p>23                (Laughter.)</p> <p>24                MR. REGAN: I'm not making this up.</p> <p>25                MR. MORANDI: No, that's fine.</p>



<p style="text-align: right;">225</p> <p>1 MR. REGAN: Do you swear or affirm that</p> <p>2 the testimony you will give in this proceeding shall</p> <p>3 be the truth, so help you God?</p> <p>4 MR. MORANDI: Sure.</p> <p>5 Yes, I do.</p> <p>6 B R I A N M O R A N D I,</p> <p>7 1043 Westwood Avenue, Old Tappan, New Jersey,</p> <p>8 having been duly sworn, testifies as follows:</p> <p>9 MR. REGAN: All right. Thank you.</p> <p>10 MR. MORANDI: Hi, Brian Morandi,</p> <p>11 M-O-R-A-N-D-I, 1043 Westwood Avenue, Old Tappan, New</p> <p>12 Jersey.</p> <p>13 To make light of this, this is like</p> <p>14 doing standup right after Seinfeld.</p> <p>15 (Laughter.)</p> <p>16 MR. MORANDI: Somebody in this town</p> <p>17 once said not too long ago, this is Old Tappan, okay,</p> <p>18 not one of the other communities you're dealing with,</p> <p>19 it's got to be done right.</p> <p>20 Do you know who said that,</p> <p>21 Mr. Weidmann? You said it.</p> <p>22 So I implore what everybody else in</p> <p>23 this town has said, it's got to be done right.</p> <p>24 You're going -- jumping through hoops to approve a</p> <p>25 variance on something that doesn't have to be there.</p>	<p style="text-align: right;">227</p> <p>1 variance. I didn't need anything.</p> <p>2 One of the board members asked me and</p> <p>3 said, do you really need to build a three-bay? And I</p> <p>4 went back and talked to my architect who lives in</p> <p>5 town, Bob Saccone and I paid for it, I said can you</p> <p>6 do it for two, can you give me two things? Why?</p> <p>7 Because -- just because I could didn't mean I had to</p> <p>8 and it wouldn't have cost me any more money.</p> <p>9 So, what I'm asking and what everybody</p> <p>10 here is asking, what Former Mayor Polce asked you is,</p> <p>11 look, we get dollars and cents, we get it all.</p> <p>12 But when you talk about beneficial and</p> <p>13 people have said, like, you know, no one has proven</p> <p>14 it's beneficial interest or whatever, who really</p> <p>15 benefits from this.</p> <p>16 I live on Westwood Avenue. A car</p> <p>17 drives 60 miles an hour down the road. I see that</p> <p>18 every day. I talk to the policeman. Their hands are</p> <p>19 tied. They're not being paid to sit there and watch</p> <p>20 people.</p> <p>21 True story, two pickup trucks drag</p> <p>22 racing on both sides of the line right past the park.</p> <p>23 I'm just asking you, and I got two</p> <p>24 minutes, I'll give them back to you, but from</p> <p>25 everything that everybody said, it resonates. This</p>
<p style="text-align: right;">226</p> <p>1 MR. REGAN: The board hasn't approved</p> <p>2 anything.</p> <p>3 MR. MORANDI: Okay.</p> <p>4 You're jumping through hoops to listen</p> <p>5 to this, but --</p> <p>6 MR. REGAN: We have to.</p> <p>7 CHAIRMAN WEIDMANN: We have to.</p> <p>8 MR. MORANDI: Okay. Somebody's jumping</p> <p>9 through hoops.</p> <p>10 (Laughter.)</p> <p>11 (Audience Outburst.)</p> <p>12 MR. MORANDI: They're asking for all</p> <p>13 these -- someone's asking for something. Okay?</p> <p>14 It would have been just easier if</p> <p>15 somebody had bought the property and built a house,</p> <p>16 we get that. We get development, right, I get it. I</p> <p>17 get all this.</p> <p>18 Just because you can doesn't mean you</p> <p>19 should and that was written by a woman by the last</p> <p>20 name of Kenyon who's a famous American writer and</p> <p>21 what everybody has said here speaks to that.</p> <p>22 Just because you can -- I came before</p> <p>23 this board 12 years ago, the zoning board to build a</p> <p>24 three-bay garage on my property. I had all the</p> <p>25 setbacks. I had everything. I didn't need a</p>	<p style="text-align: right;">228</p> <p>1 room, this thought, this process resonates.</p> <p>2 You asked the gentleman here, the</p> <p>3 attorney, well, have you thought about doing this,</p> <p>4 you asked the drainage guy, have you thought about</p> <p>5 that.</p> <p>6 Has anybody asked the applicant, have</p> <p>7 you thought about all these other places around town?</p> <p>8 Why is -- and I'm not asking you to answer that.</p> <p>9 (Laughter.)</p> <p>10 MR. MORANDI: I'm saying -- what I'm</p> <p>11 saying is, why is it so hard for us to be in the path</p> <p>12 of least resistance to be pushed back so far?</p> <p>13 Thank you very much.</p> <p>14 (Applause.)</p> <p>15 MR. REGAN: Serina Lancia.</p> <p>16 MS. LANCIA: Joe Fernandez is going to</p> <p>17 take my spot.</p> <p>18 MR. REGAN: Do you swear or affirm that</p> <p>19 the testimony you'll give in this proceeding shall be</p> <p>20 the truth, so help you God?</p> <p>21 MR. FERNANDEZ: I do.</p> <p>22 J O E F E R N A N D E Z,</p> <p>23 10 Leonard Drive, Old Tappan, New Jersey, having</p> <p>24 been duly sworn, testifies as follows:</p> <p>25 MR. REGAN: State your name and spell</p>

<p style="text-align: right;">229</p> <p>1 your last name and give your address.</p> <p>2 MR. FERNANDEZ: Joe Fernandez,</p> <p>3 F-E-R-N-A-N-D-E-Z, 10 Leonard Drive.</p> <p>4 Just for the record, I have 35 years of</p> <p>5 construction and real estate development. I build</p> <p>6 buildings like this. It's a little hard for me,</p> <p>7 because I'm usually on this side presenting to get</p> <p>8 the building built.</p> <p>9 I'm here to talk about the impact of</p> <p>10 the area. This is two-year project. It's going to</p> <p>11 be constant trucks in and out.</p> <p>12 By the grading plan presented by</p> <p>13 Dynamic, there's 13,000 cubic yards of soil coming</p> <p>14 off of this site. That's 920 trucks that are going</p> <p>15 to be lined up Old Tappan Road.</p> <p>16 We talked about the pinch point of Old</p> <p>17 Tappan Road.</p> <p>18 At its shallowest it's 26-feet wide. A</p> <p>19 tandem truck ranges anywhere between 12- and 15-feet</p> <p>20 wide at its widest point.</p> <p>21 Any time they're taking material off of</p> <p>22 that site, they're going to have to close down Old</p> <p>23 Tappan Road.</p> <p>24 It's going to impede across the second</p> <p>25 lot. It's going to take up more than half of the</p>	<p style="text-align: right;">231</p> <p>1 Just in the different ebbs and flow, in</p> <p>2 a construction project, but it all means material,</p> <p>3 labor and trucks.</p> <p>4 Where do you stage the trucks? They're</p> <p>5 going to be lined up either up Old Tappan Road, on</p> <p>6 Leonard, on Charles.</p> <p>7 Where are people going to park? Where</p> <p>8 are the workers going to park? They got to go</p> <p>9 somewhere.</p> <p>10 So, this is all things, it's a logistic</p> <p>11 plan. I don't know if they presented a logistic</p> <p>12 plan, but this is something we're all going to have</p> <p>13 to live with.</p> <p>14 So, please consider that.</p> <p>15 Thank you.</p> <p>16 MR. REGAN: Thank you.</p> <p>17 (Applause.)</p> <p>18 MR. REGAN: Catherine Levine.</p> <p>19 Do you swear or affirm that the</p> <p>20 testimony you will give in this proceeding shall be</p> <p>21 the truth, so help you God?</p> <p>22 MS. LEVINE: I do.</p> <p>23 C A T H E R I N E L E V I N E,</p> <p>24 3 Klein Court, Old Tappan, New Jersey, having</p> <p>25 been duly sworn, testifies as follows:</p>
<p style="text-align: right;">230</p> <p>1 road. That's one point.</p> <p>2 The other point is coming in, there's</p> <p>3 deliveries that are coming in, concrete structure,</p> <p>4 going to have trucks lined up.</p> <p>5 Again, it's going to be across the</p> <p>6 center line. Anything that's delivered there is</p> <p>7 going to have to be closed down. It's going to</p> <p>8 impact police, fire, ambulance.</p> <p>9 FEMALE AUDIENCE MEMBER: The school.</p> <p>10 MR. FERNANDEZ: I'm getting to that.</p> <p>11 (Laughter.)</p> <p>12 MR. FERNANDEZ: I mean, the school is</p> <p>13 right up the road, guys.</p> <p>14 Old Tappan has got a high school in it,</p> <p>15 it's got grammar school, middle school. Everybody's</p> <p>16 driving their kid to school or kids are driving to</p> <p>17 school. That area throughout the day is taxed. This</p> <p>18 is only going to do more.</p> <p>19 This project, as I said, is going to go</p> <p>20 two years. Supply chain, switch gear, transformers,</p> <p>21 they're all year out. HVAC, 24 to 28 weeks, that's</p> <p>22 what you're looking at.</p> <p>23 This is going to be an ongoing impact</p> <p>24 of this town. And it's not going to stop after it</p> <p>25 gets to a certain point.</p>	<p style="text-align: right;">232</p> <p>1 MR. REGAN: For the record, state your</p> <p>2 full name and spell your last name and give us your</p> <p>3 address.</p> <p>4 MS. LEVINE: Catherine with a "C"</p> <p>5 Levine, L-E-V-I-N-E, 3 Klein Court, Old Tappan.</p> <p>6 MR. REGAN: Thank you.</p> <p>7 MS. LEVINE: I'm going to be brief</p> <p>8 because everybody has pretty much said all the</p> <p>9 thoughts that I've had, but in following this</p> <p>10 gentleman, I keep coming back to the one thing, how</p> <p>11 does this benefit our town?</p> <p>12 Where is this a benefit for us? And</p> <p>13 everything that's been presented, the variances that</p> <p>14 have had to be -- that will have to be weighed, I</p> <p>15 don't see any benefit to the town.</p> <p>16 What I see as a benefit of a town would</p> <p>17 be a supermarket, would be more trees on The Enclave,</p> <p>18 maybe having The Enclave not look like army barracks,</p> <p>19 that would benefit the town.</p> <p>20 But I don't see -- we have an assisted</p> <p>21 living facility already. I don't see the need for</p> <p>22 another assisted living facility especially when we</p> <p>23 have so many surrounding us.</p> <p>24 So, it's all up -- you're the keepers</p> <p>25 of our town. You're the people that make our town</p>

<p style="text-align: right;">233</p> <p>1 the success it is. It's in your hands.</p> <p>2 Do you do something that's going to</p> <p>3 benefit the residents or benefit some construction --</p> <p>4 some developer to make money and not service the town</p> <p>5 and that's totally up to you.</p> <p>6 The other thing I want to point out and</p> <p>7 just have it stated for the record, there's this</p> <p>8 reference to 200 trees being cut down. That's false.</p> <p>9 They have to by our -- I think it's our ordinance,</p> <p>10 it's an 8-inch caliber of the tree.</p> <p>11 Those trees are what they counted. I</p> <p>12 don't know if anybody else on the planning board</p> <p>13 walked the property with them.</p> <p>14 I served on the environmental</p> <p>15 commission in the '90s. I was there when the first</p> <p>16 open space thing was presented and we passed the</p> <p>17 Washington state open space -- the Washington Avenue</p> <p>18 Open Space.</p> <p>19 We walked the trees with the developer.</p> <p>20 It can be a very subjective thing. Is it 8 inches or</p> <p>21 is it 7 inches? It can be -- and it's very</p> <p>22 subjective. There's -- those 200 trees, but there's</p> <p>23 trees that are 6 inches. There's trees that are</p> <p>24 7 inches that are 20-feet high.</p> <p>25 The impact of the trees that are going</p>	<p style="text-align: right;">235</p> <p>1 the people that are going to work. Where's the</p> <p>2 benefit to the residents of this town? I don't see</p> <p>3 it. I don't see any benefit.</p> <p>4 What I do see as a benefit is making it</p> <p>5 a center. Make Old Tappan special again. Have it as</p> <p>6 a nature center, a historical center with all kinds</p> <p>7 of trails going back into the vernal pond and</p> <p>8 something that the town will enjoy and treasure</p> <p>9 forever and I just hope, I'm hoping for a miracle</p> <p>10 here.</p> <p>11 I hope you can do that for us. I know</p> <p>12 you work hard and I know you give a lot of time.</p> <p>13 I just hope you can make this happen</p> <p>14 for the town. Do something for us, not something for</p> <p>15 somebody that doesn't even live in our state.</p> <p>16 Thank you.</p> <p>17 CHAIRMAN WEIDMANN: Thank you.</p> <p>18 (Applause.)</p> <p>19 MR. REGAN: Lynn Lee?</p> <p>20 (No Response.)</p> <p>21 MR. REGAN: Lynn Lee? No.</p> <p>22 (No Response.)</p> <p>23 MR. REGAN: Lori Charkey.</p> <p>24 Do you swear or affirm that the</p> <p>25 testimony you will give in this proceeding shall be</p>
<p style="text-align: right;">234</p> <p>1 to be cut are 400 trees, maybe 500 trees. It's not</p> <p>2 200 trees.</p> <p>3 Not to mention all the brush that's</p> <p>4 going to be cut. The area is going to be clearcut.</p> <p>5 It's going to look like a bomb went off there, much</p> <p>6 like what passed, the property looks like with The</p> <p>7 Enclave looks like. It's not going to be the town I</p> <p>8 moved here 30 years ago from Virginia.</p> <p>9 Why did I move here? Because of the</p> <p>10 bucolic nature of the town, because it seemed like a</p> <p>11 warm and fuzzy town. It was tree lined. It was</p> <p>12 quaint. There was three schools here. It fit my</p> <p>13 family's needs.</p> <p>14 And I am watching it being destroyed.</p> <p>15 Again, as the keepers of our town, as</p> <p>16 the future, I'm concerned about our property values,</p> <p>17 I'm concerned about the safety issues of the change</p> <p>18 in traffic, what all these trucks are going to be,</p> <p>19 where the traffic is going to get rerouted down</p> <p>20 residential areas, where the children are going to be</p> <p>21 walked, all the children that walk to Bi-State after</p> <p>22 school to get a snack, they're going to be passing</p> <p>23 trucks and all kinds of debris or just</p> <p>24 inconveniences.</p> <p>25 The parents that go pick up the kids,</p>	<p style="text-align: right;">236</p> <p>1 the truth, so help you God?</p> <p>2 MS. CHARKEY: Yes, I do.</p> <p>3 L O R I C H A R K E Y,</p> <p>4 141 Demarest Avenue, Hillsdale, New Jersey,</p> <p>5 having been duly sworn, testifies as follows:</p> <p>6 MS. CHARKEY: Thank you.</p> <p>7 MR. REGAN: Could you state your full</p> <p>8 name, spell your last name and give us your address.</p> <p>9 MS. CHARKEY: Lori, L-O-R-I, Charkey,</p> <p>10 C-H-A-R-K-E-Y, 141 Demarest Avenue, Hillsdale, New</p> <p>11 Jersey.</p> <p>12 MR. REGAN: Thank you.</p> <p>13 MS. CHARKEY: First of all, thank you</p> <p>14 so much for everything you do. This was grueling</p> <p>15 work.</p> <p>16 As a fellow volunteer, I understand.</p> <p>17 It takes years. It's a very, very difficult decision</p> <p>18 that's weighing upon you.</p> <p>19 I've been an open space advocate and</p> <p>20 nature lover, a follower of history since I was knee</p> <p>21 high to a grasshopper.</p> <p>22 I was brought up to love nature, to</p> <p>23 value historic sites.</p> <p>24 My parents shlepped us to every</p> <p>25 monument, every national park east and west of the</p>

<p style="text-align: right;">237</p> <p>1 Mississippi.</p> <p>2 It was a wonderful education. And it's</p> <p>3 made me do what I've done, which is that since 1988</p> <p>4 I've been serving as the codirector and now director</p> <p>5 of Bergen Save the Watershed Action Network, Bergen</p> <p>6 SWAN.</p> <p>7 A lot of you know that you have open</p> <p>8 space here because of our work. Some that was</p> <p>9 preserved through legal settlements and some through</p> <p>10 your applying successfully to the open space trust</p> <p>11 fund.</p> <p>12 I've sat on that board since the</p> <p>13 beginning. I was a founding member. I still serve</p> <p>14 on it.</p> <p>15 This is the ideal application that we'd</p> <p>16 like to see before us. It has everything going for</p> <p>17 it.</p> <p>18 I'm urging you to partner with Bergen</p> <p>19 County Open Space Trust Fund, with Green Acres, with</p> <p>20 my organization, with Tenafly Nature Association,</p> <p>21 with the Sierra Club.</p> <p>22 There's money.</p> <p>23 We've had a 2009 settlement with the</p> <p>24 water company. It's earning interest ever since</p> <p>25 then. It's over a million dollars.</p>	<p style="text-align: right;">239</p> <p>1 everybody here.</p> <p>2 I've never heard such wonderful words</p> <p>3 in favor of not making a terrible mistake.</p> <p>4 Please use your logic, your</p> <p>5 intelligence and your conscience in deciding this.</p> <p>6 And thank you so much.</p> <p>7 CHAIRMAN WEIDMANN: Thank you.</p> <p>8 (Applause.)</p> <p>9 MR. REGAN: Lorrinda Morris (phonetic).</p> <p>10 MS. MORRIS: I'll pass now.</p> <p>11 Thank you.</p> <p>12 MR. REGAN: Kurt Carpenter?</p> <p>13 Do you swear or affirm that the</p> <p>14 testimony you will give in this proceeding shall be</p> <p>15 the truth, so help you God?</p> <p>16 MR. CARPENTER: I do.</p> <p>17 K U R T C A R P E N T E R,</p> <p>18 168 Central Avenue, Old Tappan, New Jersey,</p> <p>19 having been duly sworn, testifies as follows:</p> <p>20 MR. REGAN: And for the record, state</p> <p>21 your full name, spell your last name and give us your</p> <p>22 address.</p> <p>23 MR. CARPENTER: Sure.</p> <p>24 It's Kurt Carpenter at 168 Central</p> <p>25 Avenue in Old Tappan.</p>
<p style="text-align: right;">238</p> <p>1 There are other entities that are</p> <p>2 willing to also supplement that, private people.</p> <p>3 You've heard the most passionate</p> <p>4 discussions tonight arguing in favor of keeping this</p> <p>5 place. It is a gem. It's gorgeous.</p> <p>6 It's just 5.5 acres, but it's so much</p> <p>7 more significant than that.</p> <p>8 It's not just about it, it's about the</p> <p>9 direction that all of these communities go in.</p> <p>10 Why haven't we learned what we should</p> <p>11 not do?</p> <p>12 Please, I'm tired. I'm exhausted.</p> <p>13 I've worked so hard for so many years.</p> <p>14 Help me out here.</p> <p>15 We know that watershed buffers are good</p> <p>16 for us. We know we should protect our wetlands. We</p> <p>17 know that trees offer so many incredibly valuable</p> <p>18 services. We know by taking them down we do a</p> <p>19 disaster to the surrounding area.</p> <p>20 You can't reengineer back the services</p> <p>21 that nature provides. You can manage, but you can't</p> <p>22 repeat what nature can do.</p> <p>23 Please, I'm going to leave my card over</p> <p>24 there.</p> <p>25 Call me, work with me, work with</p>	<p style="text-align: right;">240</p> <p>1 MR. REGAN: Thank you.</p> <p>2 MR. CARPENTER: So, speaking late in</p> <p>3 the -- the proceedings, I wanted to echo what</p> <p>4 everyone has said.</p> <p>5 First off, to thank everyone for their</p> <p>6 extensive time these many, many months to listen to</p> <p>7 the presentation with patience, excellent questions</p> <p>8 and your job is so difficult.</p> <p>9 It is a thankless, literally thankless</p> <p>10 job as you have understood from lots of different</p> <p>11 angles.</p> <p>12 But with that said, it's also you know</p> <p>13 how incredibly important a role and a vital role that</p> <p>14 you play in the shaping the direction and character</p> <p>15 of this town.</p> <p>16 You've heard lots of people speak about</p> <p>17 their ties to the town and history and so on and so</p> <p>18 forth, and under -- stocked through all of that is</p> <p>19 understand trying to balance intelligently and</p> <p>20 creatively the desire for forward progress and</p> <p>21 transformation while still preserving the inherent</p> <p>22 character and the beauty in -- and that's in sort of</p> <p>23 air quotes, because it can be interpreted in</p> <p>24 different ways, both physical, environmental and just</p> <p>25 sort of the -- everything about the town of why Old</p>

<p style="text-align: right;">241</p> <p>1 Tappan is a draw for people to here, to live here and 2 raise families. 3 We've seen so much change over the 4 time, over the last several years of development. 5 And, again, I've been to those 6 presentations and tried to help make logical 7 arguments for and against projects. 8 For example, when the project for -- 9 across Oak Street, Oakes Park was being proposed for 10 storage, that didn't make sense for that thing and I 11 said so. 12 However, when it came up for the senior 13 home, the memory care facility, we asked intelligent 14 questions of the applicant. We got our answers. 15 We've made changes. 16 And guess what? We got it through. 17 And that was great. It was going to be helpful. 18 Now, that project didn't go through. 19 It's -- that lot is -- is now available. It wasn't 20 at the beginning when this application started. 21 The people said, oh, why can't we just 22 buy that? 23 Well, that wasn't what -- this 24 applicant started, right? So, that's just the facts. 25 Now, everybody's made great arguments</p>	<p style="text-align: right;">243</p> <p>1 beds out of this. Is ten enough? 2 Okay, maybe, but if not, and we really 3 want to go all in on COAH, can we deny this and say 4 perhaps work with some sort of public/private 5 partnership where we say let's take more of a model 6 of the Russell Street housing, the senior housing. 7 We're doing just hardcore, just serious housing, 8 nothing about housing and that's all -- every single 9 one of those is COAH. 10 You get the property, I didn't say how, 11 that's operational, but if you were able -- if you 12 were able to get the property and donate it to the 13 county, hands off, that's, like, 20 to 30 pieces -- 14 credits right there. 15 So, all I can say is, thank you again 16 for your time. 17 Consider all the options. I know you 18 do. 19 And we like the character as it is. We 20 totally understand that you have this, sort of, 21 hanging over your head. 22 Thank you so much for your time. 23 MR. REGAN: Thank you. 24 We've concluded the list, a total of 25 25 speakers.</p>
<p style="text-align: right;">242</p> <p>1 of why everything from historical, environmental, 2 operational, all kinds of impact, negative. 3 But if we take the opposite side, if 4 you guys make this decision, right, to actually 5 improve it, all right, why would that be. 6 Is it because of tax revenue that would 7 come? Because the Sunrise facilities, a very 8 analogous facility to be about \$230,000.00 of annual 9 revenue to the town for schools and the town coffers. 10 I don't think that's enough to -- to -- 11 to make a compelling argument to make this D-1, this 12 -- this use variance, right, everything based on the 13 use variance. 14 However, there is a compelling argument 15 and it hangs over all of us about the COAH 16 obligations. 17 Ms. Haverilla's incredibly helpful 18 presentation on COAH and our obligations for the 19 third round is hanging over us. 2025, I believe she 20 said. We're protected with our situation for -- 21 until that time, but after that, we're being on the 22 hook. 23 So we're going to get ten -- if you 24 approve this and because the COAH is the driving 25 mechanism for the approval, we're going to get ten</p>	<p style="text-align: right;">244</p> <p>1 More signed up and several gone home or 2 elected not to speak. 3 I guess there would be a motion to 4 close the meeting to the public. 5 CHAIRMAN WEIDMANN: Can we have a -- 6 MR. ALESSI: Motion to close. 7 VICE CHAIRMAN MAMARY: Second. 8 CHAIRMAN WEIDMANN: All in favor? 9 (Whereupon, all present members respond 10 in the affirmative.) 11 CHAIRMAN WEIDMANN: Now, Ladies and 12 Gentlemen, we're into January, January 11th is the 13 next meeting. 14 Are you going to have anybody here? 15 MR. REGAN: The planner -- 16 CHAIRMAN WEIDMANN: And by the way, 17 January 11th is another hearing also. 18 MS. FROHLICH: And it's also our 19 reorganization. 20 CHAIRMAN WEIDMANN: Pardon me? 21 MS. FROHLICH: It's also our reorg. 22 MR. REGAN: Reorganization meeting. 23 MS. PRICE: Well, I calculated, before 24 coming tonight just to see where we are from 25 February 9th, and tonight is Day 308 on a 120</p>

<p style="text-align: right;">245</p> <p>1 statutory day --</p> <p>2 MR. REGAN: I'm assume you're willing</p> <p>3 to extend the time?</p> <p>4 MS. PRICE: That's what I -- I mean,</p> <p>5 we're going to need -- I mean the board asked for</p> <p>6 additional info from Mr. Steinhagen.</p> <p>7 I don't know what's going to come,</p> <p>8 whether I'm going to have to call Dan on rebuttal</p> <p>9 and, quite frankly, reopening the record, you know,</p> <p>10 poses additional procedural issues with timing.</p> <p>11 So, we're good for 11th, right, Joe?</p> <p>12 But, you know, we're going to have to</p> <p>13 make a decision at that point, because we're really</p> <p>14 --</p> <p>15 MR. REGAN: The concern I have is how</p> <p>16 much time --</p> <p>17 MS. PRICE: -- we're over a year.</p> <p>18 MR. REGAN: The other application is</p> <p>19 residential?</p> <p>20 MS. FROHLICH: It's 306 Old Tappan</p> <p>21 Road.</p> <p>22 MR. REGAN: That's a subdivision.</p> <p>23 MS. FROHLICH: That's a subdivision.</p> <p>24 MR. REGAN: Two-lot subdivision with</p> <p>25 variances.</p>	<p style="text-align: right;">247</p> <p>1 I actually filed the application in</p> <p>2 December of '21 and it was deemed complete.</p> <p>3 MR. REGAN: The first hearing or the</p> <p>4 second?</p> <p>5 MS. PRICE: February 9th was the first</p> <p>6 hearing. So, we're way over the statutory period of</p> <p>7 time.</p> <p>8 So, I think January. And we have --</p> <p>9 one board member made reference, we have made a lot</p> <p>10 of tweaks. Every time we're asked to do something,</p> <p>11 we've done it and modified the plans.</p> <p>12 So, we certainly haven't come in here</p> <p>13 and said take it or leave it. You know --</p> <p>14 (Whereupon, Chairman strikes gavel.)</p> <p>15 CHAIRMAN WEIDMANN: Ladies and</p> <p>16 Gentlemen, the meeting isn't over yet, please.</p> <p>17 MS. PRICE: The applicant hasn't done</p> <p>18 that and has, you know, gone with additional meetings</p> <p>19 just to insure that everybody has their comments on</p> <p>20 the record.</p> <p>21 So, I would ask, though, that January</p> <p>22 really be a good focus on this to wrap things up,</p> <p>23 because at that point --</p> <p>24 CHAIRMAN WEIDMANN: Listen, if we have</p> <p>25 to --</p>
<p style="text-align: right;">246</p> <p>1 MS. FROHLICH: Yes, a decent amount of</p> <p>2 variances. It's not a simple application.</p> <p>3 MR. REGAN: No, I know.</p> <p>4 MS. FROHLICH: It's not a fence. He's</p> <p>5 already noticed.</p> <p>6 MS. PRICE: But we would carry as an</p> <p>7 ongoing to be prior to that application, correct, the</p> <p>8 new application?</p> <p>9 MR. REGAN: I think she would be first</p> <p>10 on the agenda.</p> <p>11 MS. FROHLICH: If that's what the board</p> <p>12 wants to do, absolutely.</p> <p>13 MR. REGAN: But there would be a cutoff</p> <p>14 time, because the meeting would have to be split</p> <p>15 between you and the other applicant.</p> <p>16 MS. PRICE: We'll see what happens in</p> <p>17 the next couple of weeks also, you know, on the other</p> <p>18 issues.</p> <p>19 MR. REGAN: Eventually this has to be</p> <p>20 brought --</p> <p>21 MS. PRICE: No, it really -- I mean,</p> <p>22 we're --</p> <p>23 MR. REGAN: We're going to be coming up</p> <p>24 on the one-year anniversary.</p> <p>25 MS. PRICE: We are.</p>	<p style="text-align: right;">248</p> <p>1 MR. REGAN: Is it's possible, but, you</p> <p>2 know, there's no guarantees.</p> <p>3 CHAIRMAN WEIDMANN: If we have to in</p> <p>4 February, we'll go with two meetings, try to get this</p> <p>5 done.</p> <p>6 MS. PRICE: Okay. And could that be</p> <p>7 done in January, do you think?</p> <p>8 MR. REGAN: Let's hope, let's hope.</p> <p>9 We've made a lot of progress.</p> <p>10 MS. PRICE: Because I'll ask for</p> <p>11 availability as well.</p> <p>12 MR. REGAN: Yeah, your planner needs to</p> <p>13 be here to be cross examined?</p> <p>14 Ms. PRICE: Yup.</p> <p>15 MR. REGAN: I thought he was here</p> <p>16 before.</p> <p>17 MS. PRICE: He was, but when I said go</p> <p>18 ahead, because I know we had all the public comments</p> <p>19 to get to.</p> <p>20 MR. MAGGIO: What is he testifying on?</p> <p>21 MR. REGAN: Well, he's not. He's</p> <p>22 testifying --</p> <p>23 MS. PRICE: He's not.</p> <p>24 He needs to be cross examined by --</p> <p>25 MR. ELLER: And to that point, because</p>

1 we're trying to wrap this up, the only two real  
 2 outstanding things for the next meeting are the  
 3 written engineer's report so that you can guys can  
 4 respond to it and then whatever settlement or  
 5 agreement you guys are going to try to come to with  
 6 regard to the drainage.

7 MR. MAGGIO: Not our concern.

8 MR. ELLER: It really isn't, but at the  
 9 end of the day, it's a concern of mine and we can't  
 10 use it for this purposes, but I would like to see it  
 11 resolved in that --

12 MS. PRICE: And I'll have a summation  
 13 just for the record, but, you know, I'll be  
 14 considerate of the time and I may submit a legal memo  
 15 beforehand just to try -- because it's been so long,  
 16 I think sitting here tonight, I've gotten myself  
 17 pretty much committed to doing that just to try to  
 18 bring everything together.

19 So, I'll make sure that I get that.

20 MR. STEINHAGEN: Gail, you'll get me a  
 21 copy of that, copy me on that?

22 MS. PRICE: Yup.

23 CHAIRMAN WEIDMANN: Anything else?

24 MS. PRICE: No, I don't think so.

25 CHAIRMAN WEIDMANN: Okay.

1 Can we have a motion to open the  
 2 meeting to the public?

3 MR. ALESSI: Motion.

4 MS. PRICE: Oh, wait, Mr. Chairman,  
 5 would you just carry the notice?

6 MR. REGAN: Yeah, they'll be no further  
 7 notice on this application. It's being carried to  
 8 January 11th.

9 MS. FROHLICH: January 11th, 7 p.m.

10 (Whereupon, this matter is continuing  
 11 to a future date. Time noted: 11:03 p.m.)

# C E R T I F I C A T E

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4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary  
 Public of the State of New Jersey, Notary ID.  
 #50094914, Certified Court Reporter of the State of  
 5 New Jersey, and a Registered Professional Reporter,  
 6 hereby certify that the foregoing is a verbatim  
 record of the testimony provided under oath before  
 any court, referee, board, commission or other body  
 7 created by statute of the State of New Jersey.

8 I am not related to the parties  
 involved in this action; I have no financial  
 interest, nor am I related to an agent of or employed  
 9 by anyone with a financial interest in the outcome of  
 this action.

10 This transcript complies with  
 regulation 13:43-5.9 of the New Jersey Administrative  
 11 Code.

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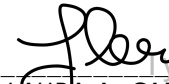
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LAURA A. CARUCCI, C.C.R., R.P.R.  
 License #XI02050, and Notary Public  
 of New Jersey #50094914, Notary  
 Expiration Date December 3, 2023

Dated: 12/21/22

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