

<div>1</div> <div> <p>BOROUGH OF OLD TAPPAN PLANNING BOARD WEDNESDAY, JULY 13, 2022 COMMENCING AT 7:30 P.M.</p> <p>IN THE MATTER OF : TRANSCRIPT : OF CSH Old Tappan, LLC : PROCEEDING Coral/Capital Senior Housing : 244 Old Tappan Road : Block 1606, Lot 3 : Assisted Living Facility : :</p> <p>B E F O R E:</p> <p>BOROUGH OF BOROUGH OF OLD TAPPAN PLANNING BOARD THERE BEING PRESENT:</p> <p>WILLIAM WEIDMANN, CHAIRMAN NICK MAMARY, VICE CHAIRMAN (ABSENT) WILLIAM BOYCE, COUNCILMAN MEMBER (ABSENT) THOMAS GALLAGHER, COUNCILMAN MEMBER (RECUSE) ANNA HAVERILLA, MEMBER (ABSENT) CHARLES MAGGIO, MEMBER MICHAEL ALESSI, MEMBER DAVID KEIL, MEMBER (7:44 P.M. ARRIVAL) DANIEL ELLER, MEMBER NICKI LOULLOUDIS, ALTERNATE #1 MEMBER ROBERT SCOZZAFAVA, ALTERNATE #2 MEMBER DAVID HOLLOWAY, ALTERNATE #3 MEMBER (ABSENT) VICKEN BEDIAN, ALTERNATE #4 MEMBER</p> <p>QUICK COURT REPORTING, LLC 47 Brian Road West Caldwell, New Jersey 07006 973-618-0872 Office@quickreporters.com</p> </div>	<div>3</div> <div> <p><u>I N D E X</u></p> <p><u>W I T N E S S E S</u> <u>SWORN</u> <u>PAGE</u></p> <p>JOSEPH McELWEE 7 Direct Examination by Ms. Price 7</p> <p>DAVID SHROPSHIRE, PE 11 Voir Dire Examination by Ms. Price 11 Direct Examination by Ms. Price 12 Board/Professional Questions</p> <p>Mr. Skrable 20 Mr. Mamary 23 Mr. Alessi 25 Mr. Eller 27 Ms. Haverilla 28 Mr. Bedian 29 Mr. Scozzafava 30 Public Questions/Comments Tracy Kugelman 34, 74 37 Old Farm Road Francesca Costa 41 82 Everett Street Closter Peter Ardito 45 57 Glen Avenue East Harrington Park Cherie Fonorow 55 256 Old Tappan Road Mary Walsh 72 145 West Hanover Street Trenton</p> <p>JAMES LANGENSTEIN, LA 77 Voir Dire Examination by Ms. Price 78 Direct Examination by Ms. Price 78 Board/Professional Questions</p> <p>Mr. Skrable 92, 99 Mr. Szabo 92, 101 Mr. Maggio 94 Chairman Weidmann 98 Mr. Mamary 99 Mr. Eller 102 Mr. Alessi 110 Mr. Keil 112 Ms. Haverilla 114 Ms. Louloudis 118</p> </div>
<div>2</div> <div> <p>A P P E A R A N C E S :</p> <p>ROBERT REGAN, ESQUIRE Counsel to the Board</p> <p>PRICE, MEESE, SHULMAN & D'ARMINIO, P.C. BY: GAIL PRICE, ESQUIRE Tice Corporate Center 50 Tice Boulevard, Suite 380 Woodcliff Lake, New Jersey 07677 (201)439-8619 Counsel to the Applicant</p> <p>BEATTIE PADOVANO, LLC BY: DANIEL STEINHAGEN, ESQUIRE 50 Chestnut Ridge Road Suite 208 Montvale, New Jersey 07645 (201) 799-2128 Attorney for Interested Party, Angeline Sheridan, 31 Edith Drive</p> <p>A L S O P R E S E N T :</p> <p>THOMAS SKRABLE, PE, Board Engineer</p> <p>JOHN SZABO, PP, Borough Planner</p> <p>DIANE FROHLICH, Board Secretary</p> </div>	<div>4</div> <div> <p><u>I N D E X (Continuing)</u></p> <p><u>W I T N E S S E S</u> <u>SWORN</u> <u>PAGE</u></p> <p>JAMES LANGENSTEIN, LA (continuing) Public Questions/Comments</p> <p>Francesca Costa 120 82 Everett Street Closter Brielle Kaiser 131 35 Council Place Harrington Park Jen Annese 133 24 Lakeview Drive Peter Ardito 135 57 Glen Avenue East Harrington Park Cherie Fonorow 145 256 Old Tappan Road Kurt Carpenter 162 168 Central Avenue Catherine Levine 168 3 Klein Court Wendy King 172 48 Dearborn Drive Angeline Sheridan 176 31 Edith Street Kathy Ferdinand 186 15 Autumn Lane Catherine Levine 189 3 Klein Court</p> </div>

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EXHIBITS

NO.	DESCRIPTION	IDENT/EVID
A-22	Department of Health Certificate of Need, Dated June 29th	7
A-23	Disaster Manual	9
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A-25	Traffic Report, dated March 31, 2022	13
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(Laughter.)

MS. PRICE: He just traveled up several hours. So, I'm just going to ask him to really just quickly, Mr. McElwee --

MR. McELWEE: Still under oath.

MS. PRICE: Under oath.

JOSEPH MCELWEE,

having been previously sworn, testifies as follows:

DIRECT EXAMINATION

BY MS. PRICE:

Q. I just made reference to the Department of Health certificate of need. Is this an accurate letter?

A. Yes, it is. We received it --

MR. REGAN: We'll have that marked --

MS. PRICE: Yes.

MR. REGAN: -- A-20 --

MS. PRICE: A-23?

MR. REGAN: A-22.

MS. PRICE: Oh, 22, correct.

(Whereupon, Department of Health Certificate of Need, dated June 29th is received and marked as Exhibit A-22 for identification.)

CHAIRMAN WEIDMANN: 244 Old Tappan Road is up. You have until 9 p.m. before we call the next application.

MS. PRICE: Okay. All set?

CHAIRMAN WEIDMANN: All set.

MR. GALLAGHER: I will be stepping down.

MR. REGAN: Yes, Mr. Gallagher, because it's a (d) variance.

MS. PRICE: Okay.

Just for the record, again, Gail Price from the firm of Price, Meese, Shulman & D'Arminio on behalf of the applicant CSH Old Tappan.

Just before our witnesses tonight, a couple of housekeeping items. We -- since the last meeting, we had a meeting that was adjourned in between for health reasons. We received our certificate of need from the Department of Health for the project for the bed count as applied for.

It was issued by the Department of Health on June 29th of this year. It's a four-page document executed by the deputy commissioner of the Department of Health. I forwarded a copy -- oh, and here comes Mr. McElwee right on queue.

No.

BY MS. PRICE:

Q. We received this, it's dated June 29th, correct?

A. That's right.

Q. Okay. And it's for the project that is currently pending before the board, correct?

A. Yes, ma'am.

Q. On page 2 of the certificate of need it makes reference to a total project cost. Can you just read that into the record?

A. The total project cost of \$26,699,260.00.

Q. And is that to the best of your understanding an accurate statement?

A. Yes, the department of health doesn't take into account all development costs; for example, they may not have operating deficit reserves or interest reserves, but that's generally the construction figure.

Q. It makes reference in this certificate of need to various findings relative to an actual agreement relative to the need for this particular site in this particular community; is that accurate?

A. That's correct.

Q. I provided copies already.

<p>9</p> <p>1 I have copies?</p> <p>2 A. Can I supplement what you just said?</p> <p>3 Q. Yes.</p> <p>4 A. It also makes reference to the</p> <p>5 10 percent Medicaid requirement that we would have</p> <p>6 for that 100-bed certificate of need.</p> <p>7 Q. For the affordable housing units?</p> <p>8 A. That's correct.</p> <p>9 Q. Yes, okay.</p> <p>10 MS. PRICE: I provided copies already.</p> <p>11 In the break I can supply additional copies.</p> <p>12 The other document I wanted Mr. McElwee</p> <p>13 just to authenticate, and, again, we provided copies,</p> <p>14 but I have additional copies, the board asked for a</p> <p>15 manual for a partial evacuation or a full evacuation</p> <p>16 --</p> <p>17 MR. REGAN: Referred to as the disaster</p> <p>18 manual?</p> <p>19 MS. PRICE: Correct.</p> <p>20 MR. REGAN: That will be A-23?</p> <p>21 MS. PRICE: A-23.</p> <p>22 (Whereupon, Disaster Manual is received</p> <p>23 and marked as Exhibit A-23 for</p> <p>24 identification.)</p> <p>25</p>	<p>11</p> <p>1 right hand, please.</p> <p>2 Do you swear or affirm that the</p> <p>3 testimony you will give in this proceeding shall be</p> <p>4 the truth, so help you God?</p> <p>5 MR. SHROPSHIRE: I do.</p> <p>6 D A V I D S H R O P S H I R E, PE</p> <p>7 277 White Horse Pike, Suite 203, Atco, New Jersey</p> <p>8 08004, having been duly sworn, testifies as</p> <p>9 follows:</p> <p>10 MR. REGAN: And for the record state</p> <p>11 your full name, please, and spell your last name.</p> <p>12 MR. SHROPSHIRE: David Shropshire,</p> <p>13 spelled S-H-R-O-P-S-H-I-R-E.</p> <p>14 VOIR DIRE EXAMINATION</p> <p>15 BY MS. PRICE:</p> <p>16 Q. David, could you provide a brief</p> <p>17 background of your educational and professional</p> <p>18 qualifications for the board and members of the</p> <p>19 public, please?</p> <p>20 A. I'm a professional engineer and a</p> <p>21 professional planner in the State of New Jersey</p> <p>22 specializing in traffic engineering and</p> <p>23 transportation planning.</p> <p>24 I have a bachelor of science from</p> <p>25 Virginia Tech in civil engineering and a master of</p>
<p>10</p> <p>1 BY MS. PRICE:</p> <p>2 Q. I have before me a document that is</p> <p>3 48-pages long and it has various sections. Are you</p> <p>4 familiar with this document?</p> <p>5 A. Yes, I am.</p> <p>6 Q. And does this document speak to the</p> <p>7 areas that were questioned by the board members</p> <p>8 relative to the procedures that would be followed in</p> <p>9 concert with the borough's emergency systems?</p> <p>10 A. Yes, that's right.</p> <p>11 During construction before operations,</p> <p>12 the executive director of the community would meet</p> <p>13 with the local officials to make sure that if there's</p> <p>14 any tweaking to that document, that it was made</p> <p>15 specific for Old Tappan.</p> <p>16 Q. And you have no problem with this</p> <p>17 document being marked as part of this record.</p> <p>18 Is that correct?</p> <p>19 A. Not at that all.</p> <p>20 Q. Thank you. Now you can go to the men's</p> <p>21 room.</p> <p>22 (Laughter.)</p> <p>23 MS. PRICE: Now, if I can call our</p> <p>24 traffic engineer.</p> <p>25 MR. REGAN: Sir, would you raise your</p>	<p>12</p> <p>1 science in civil engineering from the University of</p> <p>2 Arizona.</p> <p>3 I've practiced engineering consulting,</p> <p>4 traffic specialized for almost 40 years now.</p> <p>5 MR. REGAN: Have you previously been</p> <p>6 qualified as a traffic engineer before any land use</p> <p>7 boards in the state?</p> <p>8 THE WITNESS: About 200 including this</p> <p>9 board.</p> <p>10 MR. REGAN: I remember you were here at</p> <p>11 least once before.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. REGAN: Mr. Chairman, I'd recommend</p> <p>14 he be deemed qualified in the field of traffic</p> <p>15 engineering without the need for any further</p> <p>16 testimony.</p> <p>17 CHAIRMAN WEIDMANN: Okay.</p> <p>18 THE WITNESS: Thank you.</p> <p>19 MS. PRICE: Thank you.</p> <p>20 DIRECT EXAMINATION</p> <p>21 BY MS. PRICE:</p> <p>22 Q. David, in connection with the</p> <p>23 application, you prepared two reports and both of</p> <p>24 those reports have been filed as part of this</p> <p>25 application.</p>

<p>13</p> <p>1 Is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. I'm going to show you reports dated</p> <p>4 December 20, 2021 and March 31st, 2022.</p> <p>5 Are these copies of those reports?</p> <p>6 A. Yes.</p> <p>7 MS. PRICE: Mr. Regan, if I can have --</p> <p>8 MR. REGAN: Do you want them both</p> <p>9 marked?</p> <p>10 MS. PRICE: Yes, please.</p> <p>11 MR. REGAN: That will be -24 and -25.</p> <p>12 MS. PRICE: Correct.</p> <p>13 (Whereupon, Traffic Report, dated</p> <p>14 December 20, 2021 is received and marked as</p> <p>15 Exhibit A-24 for identification.)</p> <p>16 (Whereupon, Traffic Report, dated</p> <p>17 March 31st, 2022 is received and marked as</p> <p>18 Exhibit A-25 for identification.)</p> <p>19 BY MS. PRICE:</p> <p>20 Q. And I understand that the March 31st</p> <p>21 was an update.</p> <p>22 Is that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And you prepared an update taking into</p> <p>25 account traffic considerations post-COVID.</p>	<p>15</p> <p>1 or any mitigation with regard to the increase in</p> <p>2 traffic.</p> <p>3 So, one of the things that we did to</p> <p>4 update from the original report was actually take</p> <p>5 traffic counts during school times so that we have</p> <p>6 basically outside of COVID, the original report was</p> <p>7 done that probably was impacted by COVID in terms of</p> <p>8 reduction and background traffic.</p> <p>9 This certainly went up when we did our</p> <p>10 traffic counts in February and I think that was</p> <p>11 pretty much signifying what happened during the</p> <p>12 school hours that weren't running when we did the</p> <p>13 initial counts.</p> <p>14 The additional thing that was done in</p> <p>15 terms of the update was we also added in specific</p> <p>16 traffic from three previously approved projects, the</p> <p>17 Pearson site, 26 home residential project on Central</p> <p>18 Avenue and 72 beds, a senior facility that was</p> <p>19 approved on Central Avenue that I believe now is not</p> <p>20 going to move forward.</p> <p>21 So, actually, when we were doing our</p> <p>22 projections for the future, we probably were a little</p> <p>23 bit conservatively high because we added that traffic</p> <p>24 into the overall traffic.</p> <p>25 With regard to how we evaluated the</p>
<p>14</p> <p>1 Is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. So, I'm going to ask you to take the</p> <p>4 board and the members of the public through your</p> <p>5 report in narrative format in terms of the standard</p> <p>6 components of a traffic study and what you did</p> <p>7 relative to this particular use on this particular</p> <p>8 site?</p> <p>9 A. Well, this was a fairly standard</p> <p>10 traffic engineering study from our perspective and</p> <p>11 the reason that it's fairly standard is it's a low</p> <p>12 traffic generator. There's nothing special about</p> <p>13 this that we had to do just because it generates a</p> <p>14 low amount of traffic.</p> <p>15 Well, what is a low amount of traffic?</p> <p>16 Morning peak hour, 19 trips; afternoon peak hour,</p> <p>17 26 trips. It just doesn't generate a lot of traffic.</p> <p>18 So that made our traffic study very</p> <p>19 simple. We basically looked at the proposed site</p> <p>20 access. So that means that we needed traffic data</p> <p>21 along Old Tappan Road where the access will be</p> <p>22 located and we need to evaluate that in the before</p> <p>23 condition and in the after condition to determine</p> <p>24 what kind of impact there would be and to see if</p> <p>25 there was going to be the need for any improvements</p>	<p>16</p> <p>1 site and gave direction to the applicant where is the</p> <p>2 best place for the access, the best place for an</p> <p>3 access is opposite an existing intersection on the</p> <p>4 street as opposed to being mid-block where we had</p> <p>5 flexibility along the frontage and so certainly it</p> <p>6 made some sense to align with Holbrook Court and</p> <p>7 that's exactly how we ended up with our</p> <p>8 recommendation and also moving forward with our</p> <p>9 evaluation. So we did our traffic counts at Holbrook</p> <p>10 Court. We also have traffic counts at Leonard.</p> <p>11 We looked at the levels of service of</p> <p>12 both of those locations. There's hardly any traffic</p> <p>13 coming out of Holbrook Court today, so there weren't</p> <p>14 any issues with regard to delays in the existing</p> <p>15 condition.</p> <p>16 We then added our trips, the 19 trips</p> <p>17 in the morning, the 26 trips in the afternoon. One</p> <p>18 interesting thing is the schools really drive the</p> <p>19 peak hours. The afternoon peak hour is generally</p> <p>20 somewhere in the 4 to 6 timeframe, but based on the</p> <p>21 area schools, we counted from 2 to 6, so the peak</p> <p>22 hour actually was from 2:45 to 3:45 in the afternoon.</p> <p>23 And I see some board members shaking</p> <p>24 their heads. There's a recognition that the schools</p> <p>25 drive the level peak hour traffic out there and we</p>

<p style="text-align: right;">17</p> <p>1 overlaid our peak hour traffic on those peak hours to</p> <p>2 determine what kind of operations we'd have at this</p> <p>3 now four-legged intersection at Holbrook Court.</p> <p>4 We found Level of Service Ds or better,</p> <p>5 which are acceptable levels of service.</p> <p>6 In terms of delay, we're talking about</p> <p>7 somewhere between 25 to 35 seconds of average delay</p> <p>8 for vehicles exiting the site.</p> <p>9 Again, more than acceptable. I think</p> <p>10 you've heard previous testimony with regard to site</p> <p>11 access improvements. I think the board had desired</p> <p>12 us to look harder at that. Mr. Sehna had testified</p> <p>13 that there's actually going to be a widening along</p> <p>14 Old Tappan Road along our frontage to basically match</p> <p>15 what is already happening with Bi-State and the</p> <p>16 church.</p> <p>17 And, therefore, we're actually</p> <p>18 improving the roadway even though the levels of</p> <p>19 service are fine and we're not generating a whole lot</p> <p>20 of traffic. I believe those improvements have been</p> <p>21 conceptually agreed to and there's just tweaking that</p> <p>22 needs to be done to get those final approvals from</p> <p>23 the county for that design.</p> <p>24 So the bottom line, as I said from the</p> <p>25 beginning, this doesn't generate a whole lot of</p>	<p style="text-align: right;">19</p> <p>1 Therefore, 46, I think, is a very good</p> <p>2 number for the site and will work even though it's a</p> <p>3 little bit higher than what the RSIS would say and</p> <p>4 that also complies with some of the studies that</p> <p>5 we've done in terms of parking demands on the site.</p> <p>6 It's a good number and I believe that's</p> <p>7 a good recommendation for the board and it's a good</p> <p>8 site plan with that level of parking.</p> <p>9 The last thing I'm going to talk about</p> <p>10 is alternate development for the site. From a</p> <p>11 traffic perspective, the most intense thing that I</p> <p>12 can see that could be put on the site is a daycare</p> <p>13 center. A daycare center would generate three to</p> <p>14 five times the amount of peak hour trips that could</p> <p>15 be -- that would be generated by this assisted living</p> <p>16 facility.</p> <p>17 So just from a zoning standpoint, the</p> <p>18 zone would permit something that is more intense from</p> <p>19 a traffic standpoint and then my conclusion from that</p> <p>20 and I think it leads into the planning testimony that</p> <p>21 ultimately you'll hear, is that just from a narrow</p> <p>22 traffic perspective there's not going to be any</p> <p>23 detriment to the public good.</p> <p>24 There's not going to be any impairment</p> <p>25 to your zoning ordinance or your master plan for the</p>
<p style="text-align: right;">18</p> <p>1 traffic. Everything will operate consistently with</p> <p>2 generally accepted principals. The access has been</p> <p>3 designed in accordance with generally accepted</p> <p>4 principals. I've reviewed the truck-turning</p> <p>5 templates for the design vehicle, which is a single</p> <p>6 unit truck for the fire truck. Everything works</p> <p>7 acceptably, the turning templates that were shown to</p> <p>8 you, the truck patterns for deliveries for</p> <p>9 emergencies all work fine.</p> <p>10 The other element with regard to what</p> <p>11 we viewed is the on-site dimensions and parking.</p> <p>12 Everything, again, has been designed in accordance</p> <p>13 with generally accepted traffic engineering</p> <p>14 standards. Forty-six parking spaces have been</p> <p>15 proposed. We only need 42 with regard to the RSIS</p> <p>16 requirement of 0.5 parking spaces per unit, 42</p> <p>17 parking spaces per 83 units.</p> <p>18 We're providing 46 and we think that</p> <p>19 that is a much better number based on operating</p> <p>20 characteristics and this somewhat of a wild card with</p> <p>21 regard to EV spaces having to be required on-site, we</p> <p>22 can't guarantee that the EV spaces are going to be</p> <p>23 occupied and, therefore, having a little bit more</p> <p>24 parking on-site makes some sense so that we don't</p> <p>25 create any off-site parking issues.</p>	<p style="text-align: right;">20</p> <p>1 permitting of this assisted living use on the site.</p> <p>2 It's a good plan, it's low intense, minimal</p> <p>3 deliveries a couple times a week, minimal trash</p> <p>4 pickup a couple times a week. It just is not going</p> <p>5 to be an intense use and I believe a good use for the</p> <p>6 site from a traffic perspective.</p> <p>7 CHAIRMAN WEIDMANN: Thank you.</p> <p>8 Questions from the board?</p> <p>9 Tom?</p> <p>10 MR. SKRABLE: Just a couple.</p> <p>11 The other three developments, Pearson</p> <p>12 and the two Central Avenue projects, those numbers</p> <p>13 did you get from their traffic reports or you did</p> <p>14 your independent counts.</p> <p>15 THE WITNESS: We got them from their</p> <p>16 traffic reports.</p> <p>17 MR. SKRABLE: You used their actual</p> <p>18 numbers?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. SKRABLE: And without those, I</p> <p>21 didn't go back and look at the prior report, was the</p> <p>22 level of service any different?</p> <p>23 THE WITNESS: There may have been one</p> <p>24 degradation, but nothing major, no.</p> <p>25 MR. SKRABLE: And the worst-case</p>

<p style="text-align: right;">21</p> <p>1 scenario level of service, is that actually queuing 2 on the subject property? 3 THE WITNESS: Yes. 4 Everything on Old Tappan Road works 5 fine, but it's the delay that I mentioned at Level of 6 Service D, that happens on the site, not off site. 7 MR. SKRABLE: And that for an 8 unsignalized, that's, like, a 25 to 35 second delay? 9 THE WITNESS: Correct. 10 And that actually is during the morning 11 peak hour, which is also a little bit of an anomaly. 12 Typically you would expect that during the afternoon 13 peak hour, but what happens here during the morning 14 peak hour, you have that overlap between the work 15 traffic and school traffic, whereas in that afternoon 16 peak hour you just have school traffic that's 17 happening and not the same level of work traffic. 18 MR. SKRABLE: And as far as a breakdown 19 of east and west for your site, did you do 50/50 or 20 what did you use? 21 THE WITNESS: We have a figure that's 22 in the report and I'll just tell you what we -- it 23 was more 60/40, 60 to and from the east -- I'm sorry, 24 to and from the west and 40 to and from the east. 25 MR. SKRABLE: And just round numbers,</p>	<p style="text-align: right;">23</p> <p>1 So 10 to 19, that's a general 2 comparison. 3 MR. SKRABLE: That's all I have. 4 Thank you. 5 MR. SZABO: That was my question. 6 CHAIRMAN WEIDMANN: That was your 7 question? 8 (Laughter.) 9 MR. SZABO: It was answered, so I'm 10 good. 11 Thank you. 12 MR. SKRABLE: That's why I sit down at 13 the end, I get to go first. 14 CHAIRMAN WEIDMANN: Do you have 15 anything else? 16 MR. SZABO: No, sir. 17 CHAIRMAN WEIDMANN: Charles? 18 MR. MAGGIO: I don't have anything. 19 CHAIRMAN WEIDMANN: You don't have 20 anything? 21 MR. MAMARY: Is that an RA-40 or RA-25 22 zone currently? 23 Tom, why are you saying that there's 24 five one-family homes would be an equivalent? Is 25 there availability to build five homes?</p>
<p style="text-align: right;">22</p> <p>1 if you have a feel for, let's say you took 2 100 percent one direction or the other, like 3 everybody had to make the left out of your 4 development, would that change the level of service? 5 THE WITNESS: No, and just to put some 6 numbers to that so there's a level of comfortability, 7 when I say 26 trips, that's total in and out. 8 So during that morning peak hour in 9 terms of that Level of Service D, we've got four 10 left-turn movements coming out and three right-turn 11 movements coming out. 12 So if we've loaded all of those 13 left-turn movements all seven of them onto the 14 left-turn movement, it wouldn't change anything. 15 MR. SKRABLE: And what, just for 16 comparison purposes, would be five single-family 17 homes -- I know you compared it to a daycare center, 18 but if this were single-family, I feel like the 19 numbers would be kind of in the same ballpark as what 20 you're generating, maybe it's slightly less. 21 THE WITNESS: Slightly less. 22 The single-family homes will generate 23 anywhere from one to two peak hour trips per unit. 24 So you're talking between five and ten 25 trips during the peak hour.</p>	<p style="text-align: right;">24</p> <p>1 MR. SKRABLE: I thought that was the 2 testimony of the applicant. 3 MS. PRICE: Yeah, yeah, we did a 4 conforming five-lot subdivision that was admitted 5 into evidence at the last meeting. 6 MR. MAMARY: Is there going to be a 7 permitted left turn coming out of your -- 8 THE WITNESS: Yes. 9 MR. MAMARY: There is. 10 So at Bi-State Plaza right here there 11 is not left turn. Is there a left turn permitted out 12 of the church. 13 THE WITNESS: Yes. 14 CHAIRMAN WEIDMANN: I think there is. 15 MR. MAMARY: You think there is? 16 MS. HAVERILLA: There's a left turn 17 from Bi-State also. 18 MR. MAMARY: All the way on the 19 right-hand side? 20 MR. SCOZZAFAVA: Yeah, by CVS. 21 MR. MAMARY: On the church side? 22 MR. SCOZZAFAVA: Yeah. 23 MR. MAMARY: Mike is giving me 24 erroneous information, sorry. 25 (Laughter.)</p>

<p style="text-align: right;">25</p> <p>1 MR. SCOZZAFAVA: He's never gone to 2 CVS. 3 MR. MAMARY: So there is already 4 permitted left-hand turns past the -- I guess the 5 middle entrance and exit from Bi-State, right? 6 MR. ELLER: Right. 7 MS. PRICE: Our review from the county, 8 the county has no turning restrictions from any of 9 our letters. 10 MR. MAMARY: Okay. That was my one 11 concern about the left-hand turn, because if you had 12 to make rights, then the traffic builds up going in 13 the other direction, trucks and other cars have to 14 make U-turns or go into other streets to come back, 15 it's clogs up other streets, so... 16 All right, Mike, you're up. 17 MR. ALESSI: The 25-to 35-second delay, 18 that's from exiting your proposal? 19 THE WITNESS: Correct. 20 MR. ALESSI: Okay. I'm going to hop on 21 everybody else's questions. You had compared it to 22 five homes, child care. What if there was 48 condos, 23 like the 200 Old Tappan Road, the Pearson property, 24 everybody is calling it or double the size of the 25 Central Avenue, would that impact a lot more than a</p>	<p style="text-align: right;">27</p> <p>1 be -- even though the volume itself would be close to 2 double, the impact may be more felt because of the 3 corresponding outbound peak during the peak of the 4 street. 5 So that's why it's kind of hard to do 6 it without actually doing a calculation, but it 7 certainly would not be better. 8 MR. ALESSI: Okay. So I guess we can 9 say the lesser of two evils to have less outbound 10 traffic from the proposed property than more outbound 11 traffic? 12 THE WITNESS: Yeah, there's a synergy 13 there, absolutely. 14 MR. ALESSI: Okay. That's all I have. 15 MR. ELLER: Just one quick question. I 16 agree with you, I don't think it's going to be a huge 17 impact on traffic, but I guess this is more for 18 Ms. Price. 19 A few months ago we discussed this and 20 the applicant's willingness to stagger the staffing 21 shifts and things to make sure that it didn't -- that 22 peak hour didn't coincide -- 23 MS. PRICE: Correct. 24 MR. ELLER: -- with the existing traffic 25 for schools.</p>
<p style="text-align: right;">26</p> <p>1 daycare? 2 THE WITNESS: I mean, I haven't 3 evaluated how the levels of service might be 4 impacted, but at 48 townhouse units you're probably 5 talking somewhere in the range of 30 to 40 trips 6 being generated during the peak hour. 7 So higher trip generation, you'd have 8 more left turns. Those left turns would more be 9 compounded during the morning peak hour when the 10 townhomes are leaving. 11 So, whereas, we have a lower outbound 12 situation in the morning, townhomes, residential 13 would have a higher outbound. And, therefore, you're 14 adding more turning movements into the peak of the 15 peak. 16 So it could affect it, it could go to a 17 Level of Service E, but I haven't done those 18 evaluations. 19 MR. ALESSI: So when you're say "peak," 20 so in the morning when you're leaving, that's people 21 hypothetically living there would be leaving and then 22 that would be impacting the traffic on Old Tappan 23 Road, like so 48 units, 50 units would be almost 24 double -- double and a half? 25 THE WITNESS: I think the impact would</p>	<p style="text-align: right;">28</p> <p>1 MS. PRICE: We talked about that and 2 that's absolutely fine. We're still willing to do 3 that. 4 MR. ELLER: We'll put that in the 5 resolution, we'll figure that out? 6 MS. PRICE: Yes. 7 MR. ELLER: Perfect, thank you. 8 That's it. 9 MS. HAVERILLA: My only question is 10 when is -- I mean, the county has not certified this 11 yet. Could there possibly be a change? 12 MS. PRICE: No, we're back in just on 13 minor changes. 14 Right, Dan, we're -- yeah, I just 15 wanted to make sure from Dan, but... 16 THE WITNESS: Yeah, all the major 17 things have been taken care of. 18 MS. PRICE: Right. 19 THE WITNESS: And from the get-go, full 20 movement access only makes sense I think for some of 21 the reasons that were just stated with regard to if 22 you restricted a movement and the movement works, 23 number one, and if you restricted it, what are they 24 going to do. 25 MS. PRICE: I think we've done three</p>

<p style="text-align: right;">29</p> <p>1 submissions, so we're down to minor revisions.</p> <p>2 MS. LOULLOUDIS: I have no questions.</p> <p>3 MR. BEDIAN: I have questions, two</p> <p>4 actually. I didn't catch the level of service. Is</p> <p>5 it B like boy or D like David?</p> <p>6 THE WITNESS: D like David.</p> <p>7 MR. BEDIAN: D like David.</p> <p>8 And happens one in the morning, one in</p> <p>9 the afternoon, right?</p> <p>10 THE WITNESS: No, it's actually Level</p> <p>11 of Service C in the afternoon, so it's better in the</p> <p>12 afternoon.</p> <p>13 MR. BEDIAN: So in the morning is D?</p> <p>14 THE WITNESS: Correct.</p> <p>15 MR. BEDIAN: All right. So you have a</p> <p>16 total of 19 trips in the morning?</p> <p>17 THE WITNESS: Correct.</p> <p>18 MR. BEDIAN: And that's where the level</p> <p>19 D happens?</p> <p>20 THE WITNESS: Correct.</p> <p>21 MR. BEDIAN: Okay.</p> <p>22 THE WITNESS: And that's because the</p> <p>23 morning trips are higher than the afternoon trips.</p> <p>24 MR. BEDIAN: I see.</p> <p>25 Do you have like the total count for</p>	<p style="text-align: right;">31</p> <p>1 So did you study the left-hand turn</p> <p>2 issues?</p> <p>3 THE WITNESS: Yeah, we did and actually</p> <p>4 that's in the report with regard to level of service,</p> <p>5 which is actually an A, but I understand exactly what</p> <p>6 you're saying.</p> <p>7 To put some numbers to it, seven left</p> <p>8 turns in during that morning peak hour.</p> <p>9 So, again, it's not a high level in</p> <p>10 terms of the activity. That activity usually happens</p> <p>11 prior to 7:00 in the morning. So it's actually</p> <p>12 happening before, because that's when the caregiver</p> <p>13 -- but there's a capability and I think it's already</p> <p>14 been mentioned by the applicant and also just</p> <p>15 addressed to shift those --</p> <p>16 MR. SCOZZAFAVA: Stagger the time.</p> <p>17 Yeah, I think that's critical, because two or three</p> <p>18 cars needing to make a left-hand turn with moms and</p> <p>19 dads driving to get to CDW and TBD, that's going to</p> <p>20 create chaos and for everybody else you use an</p> <p>21 example of a preschool or a daycare, that would be a</p> <p>22 nightmare, okay, and everybody needs to recognize.</p> <p>23 Parents that drop their kids, you're looking at one</p> <p>24 that did it for years, are always in a hurry once</p> <p>25 they get the kids in, settled and then they have to</p>
<p style="text-align: right;">30</p> <p>1 the entire day? I mean, do you have that somewhere</p> <p>2 in the report.</p> <p>3 THE WITNESS: No, we didn't do a</p> <p>4 24-hour count. We did a peak hour.</p> <p>5 MR. BEDIAN: Just a peak hour?</p> <p>6 THE WITNESS: Well, actually peak</p> <p>7 period, because we did go, you know, from, I believe</p> <p>8 it was 7 to 9 in the morning, so we captured the</p> <p>9 school time and then from 2 to 6 in the afternoon to</p> <p>10 capture again school and normal work peak.</p> <p>11 MR. BEDIAN: Okay.</p> <p>12 That's all I have.</p> <p>13 MR. SCOZZAFAVA: Yeah, the only</p> <p>14 question, it's probably not even a question, I think</p> <p>15 there's more of a concern from the town and from</p> <p>16 myself of the entering the property in the morning.</p> <p>17 People that are coming down Old Tappan Road to go to</p> <p>18 work to go into the unit.</p> <p>19 If you're stuck in the unit 30 to 45</p> <p>20 seconds, that's a problem, but it's not impacting</p> <p>21 traffic. People that are going to be making</p> <p>22 left-hand turns on Old Tappan Road during the morning</p> <p>23 rush with all the parents driving their kids to</p> <p>24 school, because nobody lets them walk, that left-hand</p> <p>25 turn is going to create it.</p>	<p style="text-align: right;">32</p> <p>1 get to work.</p> <p>2 So anything with a preschool would be</p> <p>3 an absolute nightmare. There would be frustrated</p> <p>4 parents trying to get out of that lot and it would be</p> <p>5 complete chaos with parents trying to get their kids</p> <p>6 to school.</p> <p>7 THE WITNESS: I'll also mention that in</p> <p>8 terms of improvements, we actually are doing what we</p> <p>9 can do with the frontage improvements on our side of</p> <p>10 the road.</p> <p>11 Now, that might not specifically help</p> <p>12 people bypassing a left-turn movement. However, you</p> <p>13 can see that volume so low and the control in terms</p> <p>14 of managing when that traffic happens, which the</p> <p>15 board has some control over that, you've got -- I</p> <p>16 don't believe it's going to be an issue.</p> <p>17 Quite honestly, when I was out there at</p> <p>18 7 in the morning, it wasn't too terribly bad. It's</p> <p>19 when school picks up and then all of a sudden you're</p> <p>20 trying to find out what's going on.</p> <p>21 MR. SCOZZAFAVA: The real item, I'm a</p> <p>22 substitute crossing guard as a side hustle, something</p> <p>23 to do in retirement, but between the time of 7:45 and</p> <p>24 8:30, it is complete movement and people dropping</p> <p>25 kids and moving quick.</p>

<p style="text-align: right;">33</p> <p>1 So 7:00, don't talk to me about that, 2 because I've been there at 7:20, 7:30 and it's just 3 me and the birds, but after that it gets really -- 4 THE WITNESS: We can certainly -- we 5 can certainly work with that in terms of to avoid 6 that timeframe. 7 MR. SCOZZAFAVA: Right. 8 MS. PRICE: That's not a problem. 9 MR. BEDIAN: Does the high school have 10 any impact or just the CD? 11 THE WITNESS: From what I saw when I 12 was driving around and saw how the high school 13 operates, which is very, very similar to high schools 14 throughout the State of New Jersey and I'm sure 15 across the country, it does impact it, because 16 there's a lot of people that drop their kids off, 17 there's kids that drive to school. 18 So you see that activity out there. 19 You do see the bus activity that happens. 20 So it doesn't have a direct impact, 21 because you don't see queuing coming from the high 22 school, so that doesn't directly, but it raises the 23 traffic volume and that's why we saw those peak 24 hours. 25 MR. SCOZZAFAVA: Okay.</p>	<p style="text-align: right;">35</p> <p>1 MS. KUGELMAN: K-U-G-E-L-M-A-N. 2 THE COURT REPORTER: And your address, 3 please? 4 MS. KUGELMAN: Yes, 37 Old Farm Road, 5 Old Tappan, New Jersey. 6 THE COURT REPORTER: Thank you. 7 MS. KUGELMAN: As someone who travels 8 to work between 3 and 4 most days and has to drive 9 down Old Tappan Road through school traffic, there 10 have been some days I have been late to get to 11 Westwood just to get through going straight to have a 12 left turn into that access coming from Old Tappan 13 west to east. 14 Can you comment on even if it's seven 15 cars, even if it's five cars turning left without a 16 left-turn lane, that will then stop traffic 17 completely as the mother is going into parking at the 18 church parking lot do every day, because they park 19 there waiting for their kids to cross the street, you 20 have the crossing guard coming across the street. 21 So you have block, block, block, block, 22 block. I'm back past the Syrian church and it's 23 taking me 20 minutes to get from in front of CVS, 24 past the Syrian church into that first traffic 25 crossing guard at CDW.</p>
<p style="text-align: right;">34</p> <p>1 CHAIRMAN WEIDMANN: Anybody else from 2 the board have any other questions? 3 (No response.) 4 CHAIRMAN WEIDMANN: Seeing none, can we 5 have a motion to open the meeting to the public? 6 MR. ALESSI: Motion. 7 MR. ELLER: Second. 8 CHAIRMAN WEIDMANN: This is only 9 questions directed to the engineer for traffic. 10 MS. PRICE: On his testimony. 11 CHAIRMAN WEIDMANN: Pardon me? 12 MS. PRICE: On his testimony. 13 CHAIRMAN WEIDMANN: On his testimony, 14 correct. 15 Yes, ma'am, step forward. 16 MS. KUGELMAN: Hi, my name is Tracy 17 Kugelman. I've lived here since 1963. I can't 18 Holbrook Avenue. 19 MS. PRICE: It's right across the 20 street. 21 THE WITNESS: It's Vander -- 22 MS. KUGELMAN: Vander, okay, fine. 23 So now I know where that is. 24 THE COURT REPORTER: Please spell your 25 last name for the record.</p>	<p style="text-align: right;">36</p> <p>1 How can you say seven left turns or 2 seven trips is going to have a minimal impact when 3 the impact as of today is huge on any given 3:00 4 school day? 5 And I don't travel at 8 or 7 in the 6 morning, so I cannot comment on that, but I am 7 definitely there 3 to 3:30 struggling to get through. 8 THE WITNESS: Yeah, and I don't think I 9 commented that there isn't traffic out there. There 10 is traffic out there and you all experience it. 11 However, in terms of this particular 12 use, it's only four left-turn movements that we're 13 talking about and that is how we evaluated during the 14 2:45 to 3:45 timeframe. So it's the exact timeframe 15 that you're talking about. 16 The thing that happens out at this 17 particular location is the traffic signal that's at 18 Central Avenue actually gaps some traffic. 19 MS. KUGELMAN: Not at 3:00 it doesn't. 20 THE WITNESS: Well, I'm telling you it 21 does gap the westbound traffic. 22 MS. KUGELMAN: Okay. 23 THE WITNESS: And to more than the four 24 trips. 25 So, therefore, it can work, because --</p>

<p style="text-align: right;">37</p> <p>1 and the reason it can work is because it's such a low 2 generator and because it's a low generator, that is 3 kind of like part of the proofs that we have to go 4 through for this type of facility. The county would 5 be the number one concern if there was a concern out 6 there.</p> <p>7 MS. KUGELMAN: That was going to be my 8 next question.</p> <p>9 THE WITNESS: And in effect, you know, 10 they said from the very get-go it only makes sense to 11 have a full movement access.</p> <p>12 Okay. If for some reason there was 13 limitations on the movements coming in, what would a 14 normal person do, if you were a caregiver for 15 somebody who's in there?</p> <p>16 Well, you would just drive into one of 17 the places that you can make a left turn and rotate 18 right around because there's a gap in traffic created 19 by the signal in that westbound direction.</p> <p>20 So the logic, I can certainly follow 21 the logic of the county, why they would permit a full 22 movement access here. It's a low volume situation. 23 We can -- you can manage when that shifting takes 24 place to minimize it as much as possible and 25 therefore it's a good use for this particular site.</p>	<p style="text-align: right;">39</p> <p>1 reports that are on file that are public documents 2 and they're allowed to do that.</p> <p>3 MS. KUGELMAN: Okay. 4 I understand that.</p> <p>5 MS. PRICE: So to speculate would have 6 been a problem, but to use public documents are what 7 witnesses are allowed to do.</p> <p>8 THE WITNESS: For the board's comfort 9 level, I did review those studies and they were done 10 in a professional manner and they used rates that we 11 would used in our study that I believe are 12 100 percent accurate and would be accepted generally 13 by this municipality --</p> <p>14 MR. MAGGIO: We hired a traffic 15 engineer ourselves to actually evaluate that report, 16 so we're pretty confident.</p> <p>17 THE WITNESS: So you got three now 18 saying the same thing, it looks good.</p> <p>19 MS. KUGELMAN: Okay. As a member of 20 the public I don't get access to every report.</p> <p>21 MS. PRICE: No, agreed.</p> <p>22 MS. KUGELMAN: And so I'm just asking 23 and I think that's it for me.</p> <p>24 So thank you. Thank you for your time.</p> <p>25 MR. SKRABLE: Mr. Chairman, can I just</p>
<p style="text-align: right;">38</p> <p>1 MS. KUGELMAN: Okay. 2 Can I follow up on that? So given that 3 you did these studies back in March, April, May when 4 school was in session, none of those studies have 5 taken into account the vast number of trips that 6 Enclave will potentially generate since it doesn't 7 exist yet; is that true or not.</p> <p>8 THE WITNESS: Well, as I testified 9 earlier, I think I called it the Pearson site.</p> <p>10 MS. KUGELMAN: Yeah, it is the Pearson 11 site, yes.</p> <p>12 THE WITNESS: We included all the 13 traffic that was in their traffic report.</p> <p>14 MS. KUGELMAN: If it's true in their 15 traffic report and that is, in fact, real and we 16 don't know because we don't know who's going to move 17 in. They say it's going to be two or three people 18 per unit with no school aged children.</p> <p>19 MR. REGAN: We need a question.</p> <p>20 MS. PRICE: Can I just give an 21 instruction on that, because --</p> <p>22 MS. KUGELMAN: I'm sorry, hi, I don't 23 know.</p> <p>24 MS. PRICE: I'm asking the board 25 attorney. The witness used what's available as</p>	<p style="text-align: right;">40</p> <p>1 ask a quick followup?</p> <p>2 CHAIRMAN WEIDMANN: Go ahead.</p> <p>3 MR. SKRABLE: And this is out of 4 curiosity basically, but during that school peak, and 5 I'm not sure how long it lasts, you guys would know 6 better than me, is it 15 minutes, is it 30 minutes, 7 when the traffic is crawling in both directions for 8 the most part, doesn't that actually provide better 9 access into the site for the left turns?</p> <p>10 THE WITNESS: It's a great comment 11 because they're called courtesy gaps, right?</p> <p>12 Yes, when traffic is stopped, it's 13 easier to make a left turn because typically people 14 are courteous enough to allow you to do that. We 15 generally don't rely on that in our analysis and I 16 think that's why you have like an offer from the 17 client to move the shift times around, everything 18 like that.</p> <p>19 I'm not saying that you should do that, 20 because, again, this generates so little traffic, I 21 don't think it's going to be an issue out there, but 22 if the comfort level is to maneuver those shift times 23 outside of the peak, then yes.</p> <p>24 CHAIRMAN WEIDMANN: That's it, Tom?</p> <p>25 MR. SKRABLE: That's it.</p>

<p style="text-align: right;">41</p> <p>1 CHAIRMAN WEIDMANN: Anyone else from 2 the public wish to be heard? 3 Yes, ma'am, please step forward. 4 MS. COSTA: Hello, Francesca Costa, 82 5 Everett Street, Closter, New Jersey. 6 If you can't answer anything, that's 7 okay. 8 (Whereupon, Mr. Keil is now in 9 attendance.) 10 MS. COSTA: Just so that we know, how 11 much traffic does this lot generate today? 12 THE WITNESS: When we did our counts, 13 there wasn't any traffic being generated on that lot. 14 It does have a single-family home on it. 15 So it would be nominal in terms of what 16 it would generate. 17 MS. COSTA: How much traffic impact 18 would a park have on this property? 19 THE WITNESS: I would have to have a 20 better definition of what "park" is to look at the 21 Institute of Transportation Engineers Trip Generation 22 numbers to see how that would -- 23 MS. COSTA: Like small trails, small 24 parking lot. 25 It's only a five-acre lot, so...</p>	<p style="text-align: right;">43</p> <p>1 the neighboring area? 2 MS. PRICE: What road? 3 MS. COSTA: Old Tappan Road. 4 THE WITNESS: Anything that would take 5 out Old Tappan Road, would have an impact on traffic. 6 MS. COSTA: How can morning trips be -- 7 so this is just a question for me. 8 I didn't study this and I'm actually 9 interested in it. How can you have more morning 10 trips if staff has to go home at night. 11 THE WITNESS: How -- I'm sorry, I don't 12 know if I understand. 13 MS. COSTA: Sorry. 14 THE WITNESS: No, it's okay. 15 MS. COSTA: So, you know, you said that 16 a certain number of cars goes in the morning and less 17 cars go during peak hours at night, but I just didn't 18 understand personally if the same number of staff is 19 coming and leaving. 20 THE WITNESS: Mr. McElwee testified 21 with regard to the staffing levels. The lowest staff 22 level is overnight and so that outbound in the 23 morning is very low, which I think I've already 24 testified to. 25 MS. COSTA: Okay.</p>
<p style="text-align: right;">42</p> <p>1 THE WITNESS: Yeah. Well, again, I 2 can't answer that without more information. 3 MS. COSTA: So comparatively, you know, 4 this building would impact Old Tappan's traffic, 5 correct? 6 THE WITNESS: To a level that I've 7 talked about, which is insignificant. 8 MS. COSTA: Not to get grim, but how 9 often would ambulances need to be accessing a 10 business like this? 11 THE WITNESS: I think that's already 12 been testified to. 13 MS. COSTA: Does a semipermeable 14 parking lot impact traffic flow within the parking 15 lot at all? 16 THE WITNESS: Not in my experience. 17 MS. COSTA: Okay, so that's an option. 18 How much traffic would be caused by a 19 giant mountaintop removal project during 20 construction? 21 THE WITNESS: I do not know. 22 MS. COSTA: What if there -- you know, 23 we've been having large storms every year. What if 24 there is somehow a mudslide during the development 25 that took out that road, would that impact traffic in</p>	<p style="text-align: right;">44</p> <p>1 THE WITNESS: So the -- the middle -- 2 the daytime shift, that's actually -- and when I say 3 "shift," you know, the caregiver shift is one and 4 then you have management, you have -- 5 MS. COSTA: Janitorial, yeah. 6 THE WITNESS: Right, you've got several 7 things that are going on at different times in terms 8 of the ins and the outs, but that's more of an 9 inbound thing during the morning. 10 MS. COSTA: Okay. Thank you. 11 Are there any thoughts of turning this 12 into a pre-k or is that just, you know, a comparison. 13 THE WITNESS: No, I did that as a 14 comparison because part of my responsibility is to 15 take a look at the zone and try to ascertain what the 16 town had in mind for that site and the intensity of 17 that site and with a daycare being permitted in that, 18 if we're less than the most intense use, then we 19 certainly would be within the traffic confines of 20 planning for that site. 21 MS. COSTA: So out of the three 22 examples presented, either, you know, your example of 23 a pre-K or your example of, you know, this site or a 24 park, which in our experience has had the least 25 amount of traffic?</p>

<p style="text-align: right;">45</p> <p>1 MS. PRICE: Wait, can I just ask a 2 question? 3 A park, are you talking about a park 4 owned by the borough? 5 MS. COSTA: Either like a nonprofit or 6 a state owned park or the park from the borough. 7 MS. PRICE: Open to the public? 8 MS. COSTA: Yes, like a -- 9 MR. REGAN: Like a facility with a -- 10 MS. COSTA: -- county park. 11 MS. PRICE: I mean, you can't just say 12 a park without defining. 13 MS. COSTA: Like nature center, parked 14 owned by the county like Van Saun, nonprofit, open to 15 the public, like The Celery Farm. 16 THE WITNESS: If the park had a 17 playground, I can tell you that would be more 18 intense. 19 So I really don't know if I can answer 20 that question. 21 MS. COSTA: Okay. 22 Thank you. 23 CHAIRMAN WEIDMANN: Yes, sir. 24 MR. ARDITO: Peter Ardito, 57 Glen 25 Avenue East, Harrington Park.</p>	<p style="text-align: right;">47</p> <p>1 You would still have to -- 2 MR. REGAN: It's deemed to be 3 inherently beneficial -- 4 MR. ARDITO: You would still have to 5 get a variance to put a daycare center. 6 MR. REGAN: Can I talk for a minute, 7 please? 8 The proposed use here is deemed to be 9 inherently beneficial by the courts as is a daycare 10 center. I think that's why the comparison is being 11 made. 12 MR. ARDITO: But I'm just pointing out, 13 but still the applicant would have to come before you 14 and still get a variance, correct? 15 MR. REGAN: Correct. 16 THE WITNESS: I may be mistaken, but I 17 thought daycare and churches were permitted use 18 within the zone and if I misspoke, I apologize. 19 MR. ARDITO: I just wanted to put that 20 on the record, that's all. 21 MS. PRICE: Well, I don't think that 22 what you put on the record is correct. 23 So if you want to get into it, we can, 24 but you're making assumptions that are not correct. 25 MR. ARDITO: How is that not correct?</p>
<p style="text-align: right;">46</p> <p>1 I'm here representing Bergen SWAN. 2 I just want to clarify one thing. 3 We've talked about a possible daycare center. Would 4 that be considered a commercial endeavor? 5 MR. REGAN: It could be, it's a 6 permitted use. 7 MR. ARDITO: Just to be clear that if a 8 daycare went in there, the applicant would have to go 9 for a variance as this applicant is doing because 10 this is zoned for residential use only currently, 11 correct? 12 MR. REGAN: It's a residential zone. 13 MR. ARDITO: So we are asking about 14 something that is only semi-relevant, because to say 15 about a daycare center is kind of immaterial here 16 because right now the applicant needs to get a 17 variance from you guys just to put a commercial 18 property in there. 19 So a daycare center, if it would be 20 commercial as well, really is not applicable in this 21 case; is that fair to say. 22 MR. REGAN: It may be commercial, but 23 the proposed use here like a daycare center is deemed 24 inherently beneficial. 25 MR. ARDITO: That's a hypothetical.</p>	<p style="text-align: right;">48</p> <p>1 MS. PRICE: Because a daycare center is 2 inherently beneficial under existing law in New 3 Jersey. 4 MR. ARDITO: So that would mean they 5 wouldn't have to worry about getting a zoning 6 variance? 7 MS. PRICE: It would depend. 8 No, it would depend on how it was 9 classified. So you can't make a black and white 10 assumption. 11 MR. ARDITO: Okay. 12 MR. REGAN: Family daycare homes are 13 permitted. 14 MR. ARDITO: All I know is you're going 15 for a variance, because -- 16 MR. REGAN: Not a commercial. 17 MR. ARDITO: -- this is residentially 18 zoned, correct? 19 MS. PRICE: We're going for a variance 20 for an inherently beneficial use as classified by the 21 State of New Jersey. 22 MR. ARDITO: But you're doing that to 23 make this a commercial property, correct? 24 MS. PRICE: It's not -- it's a 25 residential use.</p>

<p style="text-align: right;">49</p> <p>1 MR. ELLER: Can I make a quick 2 suggestion? I know we have -- we got hours and hours 3 to go and for everybody -- 4 MR. ARDITO: Okay. I will leave that 5 alone. 6 MR. ELLER: For everybody's benefit, 7 can we just say, whether it's the applicant or 8 anybody in the audience whether we're talking about a 9 daycare, single-family homes, a park, this is the 10 application in front of us. 11 MS. PRICE: Correct. 12 MR. ELLER: I think everybody should 13 just focus on that and no other hypotheticals. 14 MR. ARDITO: I only brought it up 15 because this was brought up by -- 16 MR. ELLER: You're absolutely right. 17 MR. ARDITO: -- by the applicant and by 18 the board, okay. 19 MR. ELLER: I agree. 20 MR. ARDITO: So the only question I 21 have for you is that you seem to have done an 22 excellent job in talking about the theoretical low 23 impact that you would have on the community, but I 24 have not or I would like to hear some testimony that 25 I believe there was testimony that this application</p>	<p style="text-align: right;">51</p> <p>1 approval, the Bergen County Planning Board approval. 2 MR. REGAN: And the conditions of the 3 board. 4 MS. PRICE: And the conditions of the 5 board's resolution of approval. So everything will 6 be tied up in about 12 inches of documents and be 7 covered. 8 That being said, I don't know what, and 9 for the record I'm putting this down, because I don't 10 know what interest Bergen SWAN has on my traffic 11 engineer's testify on 12 months of heavy movement of 12 construction, because -- 13 MR. ARDITO: May I answer? 14 MS. PRICE: No, I'm not done. This 15 witness didn't testify to that. 16 So that's my objection. I don't think 17 this witness testified to it. 18 MR. ARDITO: May I counter or -- 19 MR. REGAN: Ask your question, rather 20 than engage in a debate. 21 MR. ARDITO: Okay. My questions is -- 22 I'm going to repeat the question, because this is 23 about traffic impact and I think it would be remiss 24 of the board to accept what seems to be very good 25 testimony, I don't argue his testimony about</p>
<p style="text-align: right;">50</p> <p>1 would take over a year or at least a year to be built 2 and there would be heavy construction material, there 3 would be earth movement, there would be a lot of 4 deliveries, a lot of concrete and that would be going 5 on all day long in my unprofessional opinion, but 6 just watching other stuff. 7 How would that affect the community for 8 a year? How would that affect during school time? 9 Because most development starts at least at 8:00 in 10 the morning and goes to at least 5:00 in the 11 afternoon, which means that would go right through 12 the school delivery, you're talking the high school 13 and two elementary schools. 14 Is that correct in the area? 15 MS. PRICE: Before -- first of all, 16 this traffic expert didn't testify about anything 17 even close to what this witness -- this person's 18 question is. 19 That being said, if we secure our 20 approval, all of the construction will be covered by 21 a developer's agreement, every element of 22 construction; soil movement, hours of construction, 23 everything will be covered by that developer's 24 agreement from soup to nuts, as well as being covered 25 by the Bergen County Soil Conservation District</p>	<p style="text-align: right;">52</p> <p>1 post-construction, but I think that the concern here 2 is about how it's going to affect your community and 3 affect your residence and the traffic flow. 4 Well, what's happening 5 post-construction is going to be completely different 6 than what is happening during construction, because 7 the traffic, the -- if we talk about seven cars, 8 we're not talking about seven cars, we're talking 9 about multiple trucks and many different things. 10 So I just want to bring up the fact 11 that he may not testify to this now and I apologize 12 for bringing this up, however, I think this is a very 13 strong consideration that you should consider and, 14 yes, I'm here representing Bergen SWAN. 15 MR. REGAN: Ask a question. 16 MR. ARDITO: I'm asking that you -- you 17 cannot furnished that information based on the 18 question that I have asked about how traffic would be 19 affected during the yearlong or whatever it takes for 20 construction? 21 THE WITNESS: No. 22 MR. ARDITO: You have not done anything 23 with that? 24 THE WITNESS: Correct. 25 MR. ARDITO: Okay. I would suggest</p>

<p style="text-align: right;">53</p> <p>1 that maybe the board might want to consider 2 additional information to handle that. 3 Thank you. 4 MR. MAGGIO: The traffic engineer -- 5 just so you know, the traffic engineer doesn't study 6 that. The owner could give you that information. 7 You can talk to the construction manager and give you 8 the information about what that is if that's 9 important to you. 10 MR. ARDITO: I think it should be 11 important to you. 12 MR. ELLER: To that point, in the past 13 on other -- 14 (Applause.) 15 MR. ELLER: That's exactly what we've 16 done on other applications that are on Old Tappan 17 Road. 18 In the past we've included those hours 19 of operation, where they can park trucks, what you 20 can do, where -- everything is included in a 21 resolution if this was approved just like any other 22 project and then at that point the town can issue 23 fines, they can do anything if those things are 24 preached. They can hold up the project. They can -- 25 and so it's not an unusual practice and to your</p>	<p style="text-align: right;">55</p> <p>1 there's a needed for more, the job is shut down until 2 more happens. It's something that's pretty easily 3 controlled by the municipality. 4 CHAIRMAN WEIDMANN: Yes ma'am. 5 MS. FONOROW: Hi, my name is Cherie 6 Fonorow, 256 Old Tappan Road, Old Tappan. 7 I live at the corner of Old Tappan Road 8 and Lakeview across the street from Charles for 25 9 years. The town almost voted me to be best qualified 10 to speak about traffic because of the location, the 11 unfortunate location I have at the moment. 12 How many days did you do the survey? 13 This was just one day? 14 THE WITNESS: When we did the counts, 15 correct. 16 MS. FONOROW: Okay. And do you know if 17 the school was in full session or half a day that 18 day? 19 THE WITNESS: Full. 20 MS. FONOROW: It was a full day, okay. 21 I was given information it was half a day. Maybe 22 that was the first survey. 23 THE WITNESS: And I'll just maybe make 24 one qualifier. We did review these other studies 25 that were done just to makes sure we were in bounds,</p>
<p style="text-align: right;">54</p> <p>1 point, is that towards the end of the application 2 before we vote, those are the kind of things that the 3 community should be bringing to our attention so we 4 can address them and put them in the resolution. 5 So it's just a matter of when you -- I 6 think when you brought it up, rather than what you're 7 bringing up. 8 MR. ARDITO: It was a traffic -- 9 MR. ELLER: No absolutely. Totally 10 makes sense where you're coming from. 11 THE WITNESS: If I can maybe just 12 comment, make one comment related to our role in 13 this. 14 I've done probably 2500 traffic impact 15 studies over the years and in six different states 16 we've never once really dealt with construction 17 because it's handled by all municipalities exactly 18 the way you said. 19 MR. SKRABLE: The construction traffic 20 is going to be a fluid thing and I think that -- I 21 know the developer's agreement gives the police 22 control to determine what the traffic control is. So 23 if there's an issue, it gets shut down. 24 MR. REGAN: And the borough police -- 25 MR. SKRABLE: If the police feel</p>	<p style="text-align: right;">56</p> <p>1 we were. 2 MS. FONOROW: Okay. I'm just asking, 3 because I know the first study it was only a half day 4 of school, so that made a difference. 5 Again, post-COVID, we still have COVID, 6 so it is kind of not really -- unfortunately not a 7 post-COVID world yet. 8 Not in any order of importance, but are 9 you aware of the number of units that are being built 10 and coming into Enclave in that development? 11 THE WITNESS: Off the top of my head, 12 no. I think we might have mentioned it in the 13 report, because we did use the traffic numbers from 14 that traffic repot. 15 MS. FONOROW: Okay. There were 220 16 townhomes and 20 apartments, if I have that correct. 17 So it would be 224 units. 18 Would it be fair to say an estimate 19 that these 224 units will bring a minimum of two cars 20 per household, let's say, if it was 450 cars daily 21 living in the community in and out of Enclave. 22 CHAIRMAN WEIDMANN: I believe he 23 already testified that he took the traffic report 24 from the Pearson property and the numbers you just 25 repeated were wrong, okay.</p>

<p style="text-align: right;">57</p> <p>1 MS. FONOROW: So 224 is not correct?</p> <p>2 CHAIRMAN WEIDMANN: No.</p> <p>3 MS. FONOROW: Okay. I apologize,</p> <p>4 that's what I thought I had. It's over 200.</p> <p>5 CHAIRMAN WEIDMANN: So I don't think we</p> <p>6 have --</p> <p>7 MS. FONOROW: It's over 200.</p> <p>8 CHAIRMAN WEIDMANN: -- a question.</p> <p>9 MS. FONOROW: I'm just trying to get a</p> <p>10 sense of how, you know --</p> <p>11 CHAIRMAN WEIDMANN: He already said he</p> <p>12 took that into account.</p> <p>13 MS. FONOROW: All right, fine.</p> <p>14 So let's say, okay, you took into</p> <p>15 account that's 300 cars you're estimating, 400 cars.</p> <p>16 Now, with the retail space that's going</p> <p>17 in, which is going to be used by people in New York</p> <p>18 and New Jersey, obviously you've seen it where Old</p> <p>19 Tappan Road is one of the only intersections between</p> <p>20 cut-throughs between the garden state and the</p> <p>21 Palisades and connecting the two states. So once the</p> <p>22 retail space goes in, how can you calculate the</p> <p>23 number of shoppers, cars and traffic that are going</p> <p>24 to be coming into our town using Old Tappan Road when</p> <p>25 we don't even know what the retail store, the</p>	<p style="text-align: right;">59</p> <p>1 MS. FONOROW: Okay. Was that taken</p> <p>2 into consideration that these might become occupied?</p> <p>3 CHAIRMAN WEIDMANN: Again, you have to</p> <p>4 go back to the report that he referred to regarding</p> <p>5 that piece of property.</p> <p>6 MS. FONOROW: Where will I find a copy</p> <p>7 of that report he's referring to?</p> <p>8 CHAIRMAN WEIDMANN: Well, if you come</p> <p>9 in during the week and ask our board secretary --</p> <p>10 MS. FONOROW: So it's not online</p> <p>11 anywhere for public to have access?</p> <p>12 CHAIRMAN WEIDMANN: I don't know. You</p> <p>13 would have to ask the board secretary.</p> <p>14 MS. FONOROW: Okay. I didn't even</p> <p>15 know, I wasn't even aware it existed. You know, what</p> <p>16 existed, so...</p> <p>17 MS. PRICE: Our reports are on file.</p> <p>18 Our traffic reports are on file.</p> <p>19 MS. FONOROW: Okay. So we have to come</p> <p>20 here in person to read them?</p> <p>21 MS. PRICE: Well, I don't know. Our</p> <p>22 reports have been on file.</p> <p>23 MS. FONOROW: That's what I was asking.</p> <p>24 Okay. I'm not saying they're not.</p> <p>25 MS. HAVERILLA: I think all of your</p>
<p style="text-align: right;">58</p> <p>1 businesses are that are coming in.</p> <p>2 CHAIRMAN WEIDMANN: That, again, was</p> <p>3 included in the --</p> <p>4 MS. FONOROW: But how did they</p> <p>5 calculate that when they don't even know --</p> <p>6 CHAIRMAN WEIDMANN: Maybe have to go</p> <p>7 back and read their report and see how they came up</p> <p>8 with the numbers.</p> <p>9 MS. FONOROW: Yeah, I mean a deli</p> <p>10 doesn't create as much traffic as a store.</p> <p>11 MR. ALESSI: Where did you get the</p> <p>12 information that Old Tappan Road is the only</p> <p>13 cut-through from the Garden State Parkway to the</p> <p>14 Palisades?</p> <p>15 MS. FONOROW: I said it is one of the</p> <p>16 only cut-throughs in this part of town.</p> <p>17 Again, I live on the road. So I wanted</p> <p>18 to ask, can I show at some point --</p> <p>19 CHAIRMAN WEIDMANN: Let's out address</p> <p>20 our question to the engineer here.</p> <p>21 MS. FONOROW: Okay. Are you aware that</p> <p>22 Bi-State is 30 to maybe up to 50 percent unoccupied</p> <p>23 during the time of your survey?</p> <p>24 CHAIRMAN WEIDMANN: There's six empty</p> <p>25 stores and an empty supermarket right now.</p>	<p style="text-align: right;">60</p> <p>1 files are posted on the website.</p> <p>2 MS. FONOROW: Yeah, I'm sure you've</p> <p>3 done everything --</p> <p>4 MR. ELLER: We initially ask for PDFs</p> <p>5 of everything that --</p> <p>6 MS. PRICE: And I gave --</p> <p>7 MR. ELLER: -- was going to be an</p> <p>8 exhibit, so they can post -- that's not up to you,</p> <p>9 but once we have them, they should be on the website.</p> <p>10 MS. FONOROW: Yeah, they're not.</p> <p>11 In fact, the transcripts of the</p> <p>12 meetings weren't even on the website until Monday</p> <p>13 morning going back to January.</p> <p>14 Okay. So I guess you're aware</p> <p>15 Bi-State's not occupied and you calculated how much</p> <p>16 traffic there will be once it is occupied. The food</p> <p>17 store was the center of town.</p> <p>18 What's the plan for emergencies, for</p> <p>19 emergency vehicles needing to enter and exit, usually</p> <p>20 -- usually they're at high speeds, usually it's an</p> <p>21 anxious situation, it could be life or death. What</p> <p>22 is the plan for emergency vehicles access during</p> <p>23 school high, you know, peak hours?</p> <p>24 THE WITNESS: As it would be for any</p> <p>25 other use.</p>

<p style="text-align: right;">61</p> <p>1 MS. FONOROW: With parking, just to be</p> <p>2 clear, you were stating that 46 spaces is really more</p> <p>3 than you need, but is what you're estimating; is that</p> <p>4 accurate, just to clarify?</p> <p>5 THE WITNESS: No, it's more than what</p> <p>6 would be required by the Residential Site Improvement</p> <p>7 Standards and I thought it was a very good amount for</p> <p>8 the proposal.</p> <p>9 MS. FONOROW: Am I right in saying I</p> <p>10 think you said it was 42 and the four are going to be</p> <p>11 put in for electric vehicles at the last meeting?</p> <p>12 THE WITNESS: No, I said that 42 would</p> <p>13 be required by the Residential Site Improvement</p> <p>14 Standards. We're proposing 46, which is more in line</p> <p>15 with operational analysis and I believe also takes</p> <p>16 into account if the EV spaces are not utilized, you</p> <p>17 basically have some cover.</p> <p>18 MS. FONOROW: And how many are going to</p> <p>19 be used by employees of those 46, how many employees</p> <p>20 would there be that you estimate, since everything</p> <p>21 here is an estimate?</p> <p>22 THE WITNESS: The peak employee</p> <p>23 staffing time would be approximately 30 employees.</p> <p>24 MS. FONOROW: Okay. You know, just I'm</p> <p>25 asking because Joe from Capitol Seniors had stated</p>	<p style="text-align: right;">63</p> <p>1 MS. FONOROW: Okay. You mentioned the</p> <p>2 peak hours. I'm curious, as the gentleman had said,</p> <p>3 what do you consider peak hours?</p> <p>4 CHAIRMAN WEIDMANN: I think he stated</p> <p>5 that already and please --</p> <p>6 MS. FONOROW: 8 to 9 a.m.?</p> <p>7 CHAIRMAN WEIDMANN: No, you know --</p> <p>8 MS. FONOROW: 3 to 6?</p> <p>9 THE WITNESS: 7:30 to 8:30 in the</p> <p>10 morning, 2:45 to 3:45 in the afternoon.</p> <p>11 MS. FONOROW: Okay. Regarding</p> <p>12 left-hand turns, do you know that the parents pick up</p> <p>13 and drop off their kids at St. Pius Church?</p> <p>14 THE WITNESS: I've seen it.</p> <p>15 MS. FONOROW: Okay. That has become --</p> <p>16 they've closed off -- are you aware they've closed</p> <p>17 off Charles Street now to traffic during the day?</p> <p>18 MR. SCOZZAFAVA: That's always been</p> <p>19 closed. That's been closed for years.</p> <p>20 MS. FONOROW: I've lived here 25 years.</p> <p>21 Trust me, the police were working with me to try to</p> <p>22 close it.</p> <p>23 MR. SCOZZAFAVA: During drop-off and</p> <p>24 delivery, pick up of kids, that street's been closed</p> <p>25 for quite sometime.</p>
<p style="text-align: right;">62</p> <p>1 these are mostly people that are going to be 85 years</p> <p>2 old, frail and they don't drive, they're not going to</p> <p>3 have cars.</p> <p>4 So would -- maybe this is moot at this</p> <p>5 point, but when you mentioned daycare I wasn't sure</p> <p>6 if you meant adult daycare or child daycare.</p> <p>7 THE WITNESS: I was thinking a child</p> <p>8 daycare.</p> <p>9 MS. FONOROW: Okay. Are you aware</p> <p>10 there's a child daycare center already in town?</p> <p>11 THE WITNESS: I was looking more at</p> <p>12 what was permitted.</p> <p>13 MS. FONOROW: Okay, okay, because there</p> <p>14 already is one.</p> <p>15 And you also referred to the master</p> <p>16 plan. Have you read the Old Tappan master plan?</p> <p>17 THE WITNESS: Not in total, no.</p> <p>18 MS. FONOROW: Okay. Well, the 2006 and</p> <p>19 2016 Master Plan says this property should be</p> <p>20 preserved. So, you know, I would have thought when</p> <p>21 you referred to the master plan made me bring it up</p> <p>22 with traffic, I wouldn't have brought it up</p> <p>23 otherwise.</p> <p>24 THE WITNESS: Yeah, no, I did that in</p> <p>25 light of the traffic perspective.</p>	<p style="text-align: right;">64</p> <p>1 Ms. FONOROW: I'm aware. It was a</p> <p>2 really smart move to do.</p> <p>3 MR. SCOZZAFAVA: And you're asking a</p> <p>4 lot of questions. I'm not trying to be</p> <p>5 disrespectful. The fact that people are using</p> <p>6 St. Pius to drop kids off, actually alleviates some</p> <p>7 of that backlog of traffic.</p> <p>8 MS. FONOROW: I'm not making comment.</p> <p>9 I'm just asking if he's aware of it, because I don't</p> <p>10 know -- I was going to ask you if you've spoken to</p> <p>11 parents who do pick up and drop off who do have to go</p> <p>12 sit through this traffic and do the whole routine.</p> <p>13 THE WITNESS: No.</p> <p>14 MS. FONOROW: Again, I live there, so I</p> <p>15 see it. The cars back up, because they can't get out</p> <p>16 of St. Pius Church to make the left-hand turn.</p> <p>17 MR. SCOZZAFAVA: But they're in the</p> <p>18 parking lot. It's not a big deal. It's not on Old</p> <p>19 Tappan Road if they're in the parking lot of St. Pius</p> <p>20 for a half hour, that's not a problem for Old Tappan</p> <p>21 Road.</p> <p>22 MS. FONOROW: No, but they're all</p> <p>23 trying to get onto Old Tappan Road is the point.</p> <p>24 MR. SCOZZAFAVA: True, absolutely.</p> <p>25 MS. FONOROW: That's the only way they</p>

<p style="text-align: right;">65</p> <p>1 can get out of St. Pius.</p> <p>2 There's no other exit.</p> <p>3 MR. SCOZZAFAVA: When the children are</p> <p>4 crossing, the crossing guard -- actually the parents</p> <p>5 are actually pretty polite. When the traffic is</p> <p>6 stopped, they give each other that cushion to make</p> <p>7 those left-hand turns, because they know that from</p> <p>8 the other direction no cars are crossing.</p> <p>9 So the parents in this town are very</p> <p>10 organized when it comes to drop-off and pick-up of</p> <p>11 children and the traffic flow is actually facilitated</p> <p>12 by those parents.</p> <p>13 MS. FONOROW: I agree. I can see it</p> <p>14 right in front of my house.</p> <p>15 CHAIRMAN WEIDMANN: Okay. Ma'am, any</p> <p>16 other questions for the traffic engineer?</p> <p>17 MS. FONOROW: Excuse me?</p> <p>18 CHAIRMAN WEIDMANN: Any other questions</p> <p>19 for the traffic engineer?</p> <p>20 MS. FONOROW: Yes, I did. I'm sorry,</p> <p>21 I'll try to keep it fast.</p> <p>22 Just -- oh, are you aware that, and did</p> <p>23 you take into consideration at the end of Old Tappan</p> <p>24 Road in River Vale, Toll Brothers has a huge townhome</p> <p>25 project of 249 townhomes.</p>	<p style="text-align: right;">67</p> <p>1 are developed for every county and every</p> <p>2 classification of roadway within the county so that</p> <p>3 we can utilize what is utilized industrywide for just</p> <p>4 background growth that's not specific development</p> <p>5 related.</p> <p>6 Once you get far enough away from a</p> <p>7 project, it goes to this background growth rate.</p> <p>8 So we assign that background growth</p> <p>9 rate for the two years of our project and, therefore,</p> <p>10 that traffic is in that or the county would have told</p> <p>11 us something different.</p> <p>12 MS. PRICE: And in addition to the</p> <p>13 projects that you've testified to specifically that</p> <p>14 you reviewed the reports, you also assigned a</p> <p>15 background growth rate as well for this?</p> <p>16 THE WITNESS: Yes.</p> <p>17 MS. PRICE: And that's standard traffic</p> <p>18 engineering?</p> <p>19 THE WITNESS: It is.</p> <p>20 MS. FONOROW: Is there -- and I don't</p> <p>21 know if this is appropriate. Is there someone I can</p> <p>22 contact to check on that, if they considered they</p> <p>23 know that there's 250 units being built there?</p> <p>24 MR. MAGGIO: They're going to know.</p> <p>25 It's built on two county roads.</p>
<p style="text-align: right;">66</p> <p>1 THE WITNESS: Our standard procedure is</p> <p>2 to add background growth rates on top of the</p> <p>3 development that I've already talked about. So that</p> <p>4 would be included in the background growth rate.</p> <p>5 MS. FONOROW: So would you think that</p> <p>6 -- would you -- what would you say estimated, because</p> <p>7 Old Tappan Road is the road we would assume they'll</p> <p>8 be using to go to the George Washington Bridge, the</p> <p>9 Tappan Zee Bridge to go to Rockland County to come to</p> <p>10 Old Tappan, go to the shopping center.</p> <p>11 Would you estimate -- how many cars</p> <p>12 would you estimate is going to add to the traffic</p> <p>13 flow on Old Tappan Road?</p> <p>14 THE WITNESS: I wouldn't have any idea</p> <p>15 and that's why we include background growth rates in</p> <p>16 our estimates for future build traffic and that's why</p> <p>17 the county would also ask us to do that very same</p> <p>18 thing and would raise any concerns if we have done it</p> <p>19 improperly, which they have not.</p> <p>20 So, therefore, I feel very comfortable</p> <p>21 with the projections that we have.</p> <p>22 MS. PRICE: Just take a minute and</p> <p>23 explain background growth rate just for the record so</p> <p>24 it doesn't get lost here.</p> <p>25 THE WITNESS: Background growth rates</p>	<p style="text-align: right;">68</p> <p>1 THE WITNESS: It's on a county road.</p> <p>2 MS. FONOROW: Was there any measurement</p> <p>3 or consideration about cyclists that are here not</p> <p>4 during weekdays, but on the weekends?</p> <p>5 I don't know if you know it's -- well,</p> <p>6 do you know how popular it is when we can get 20 or</p> <p>7 30 or so of these groups of cyclists, especially this</p> <p>8 season that come through where cars can't even get</p> <p>9 by, it gets so busy, you can't pass.</p> <p>10 THE WITNESS: No.</p> <p>11 MS. FONOROW: Okay. Discussing</p> <p>12 construction, and I don't know if this is traffic, I</p> <p>13 think it is. Our traffic expert is not here tonight.</p> <p>14 We didn't know you were going to be discussing</p> <p>15 traffic.</p> <p>16 Where are the -- how many construction</p> <p>17 trucks do you think are going to be coming in and out</p> <p>18 per day?</p> <p>19 THE WITNESS: I do not know.</p> <p>20 MS. FONOROW: Okay. So if you don't</p> <p>21 know that, do you have an idea of what the size of</p> <p>22 these construction trucks will be?</p> <p>23 MS. HAVERILLA: He didn't testify on</p> <p>24 construction.</p> <p>25 MS. FONOROW: Excuse me?</p>

<p style="text-align: right;">69</p> <p>1 MS. HAVERILLA: He did not testify on 2 construction. 3 MS. FONOROW: So that doesn't fall into 4 traffic even though it puts more trucks on the road, 5 okay. 6 I don't know then the other questions 7 about traffic don't fall -- well, they don't fall 8 under -- the other questions about construction don't 9 fall under the traffic testimony. 10 MS. HAVERILLA: No. 11 MS. FONOROW: Okay. Well, I just want 12 to say because I have -- you gave me a lot of ideas. 13 I was listening and I just want to make sure that the 14 public gets a chance to hear everything and I think 15 that's it. We got the cyclists, we got the cars, 16 we've got River Vale, the school was open all day, 17 the parking spaces, daycare, the master plan and peak 18 hours. 19 So thank you very much for your time. 20 MS. PRICE: Can I ask you a question? 21 MS. FONOROW: Yes. 22 MS. PRICE: You said that you didn't 23 have your traffic engineer here tonight. 24 Can I ask you who's your traffic 25 engineer?</p>	<p style="text-align: right;">71</p> <p>1 traffic -- that's all, you know. 2 MR. BEDIAN: So some of the questions 3 came from him? 4 MS. FONOROW: Excuse me? 5 MR. BEDIAN: Some of the questions came 6 from the expert? 7 MS. FONOROW: No, no, I didn't know 8 traffic was going to be discussed tonight. 9 MS. PRICE: Okay. 10 (Whereupon, the board discusses other 11 agenda items.) 12 MR. SKRABLE: Mr. Chairman, just a 13 followup on the traffic issue here, and I offer this 14 purely as a frame of reference. If you forget about 15 this development, if Old Tappan Road were designed 16 for that 15 or 20 minutes of peak school traffic 17 clearly generated by the school, it's probably going 18 to be two lanes in both directions. 19 The same thing for Central Avenue, two 20 lanes in both directions. I don't think that's 21 something anybody in this room would want to solve 22 that 15 or 20 minute problem. 23 Again, forgetting about this 24 development, just throwing it out there. 25 CHAIRMAN WEIDMANN: Thank you, Tom.</p>
<p style="text-align: right;">70</p> <p>1 MS. FONOROW: He's a resident in town. 2 I said traffic expert who happens to be an engineer 3 who designs these things and works for a developer, 4 he couldn't be here tonight. 5 MS. PRICE: Okay. 6 MS. FONOROW: But he didn't know that 7 traffic was being discussed tonight either. 8 MR. REGAN: Has he prepared a report? 9 MS. PRICE: Right. 10 MS. FONOROW: I don't know. I -- he 11 gave me a lot of information and because I thought he 12 was going to be -- I mean, it's his area of 13 expertise, not mine, so... 14 MS. PRICE: So you're not presenting 15 him as an expert? 16 MS. FONOROW: I'm not presenting him at 17 all. I'm just saying the person that I was expecting 18 to come to talk about traffic -- 19 MS. PRICE: Oh, you said "our," so I 20 didn't know. 21 MS. FONOROW: We were told it was going 22 to be landscape tonight, so... 23 MS. PRICE: Well, landscape is next 24 when we get done with the traffic. 25 MS. FONOROW: Okay. We didn't know</p>	<p style="text-align: right;">72</p> <p>1 Anyone else from the public wish to be 2 heard? 3 Yes, ma'am? 4 MS. WALSH: Mary Walsh, Sierra Club. 5 I have three questions about the 6 traffic study. 7 First, what was the manual that you 8 used to provide guidelines for your analysis? 9 THE WITNESS: Several, but the primary 10 one is the Institute of Transportation Engineers Trip 11 Generation Manual, which we've actually provided some 12 of the data for that for assisted living, because 13 we've worked on many over the last 30 years and have 14 counted them. So that's the main one that talks 15 about traffic intensity. 16 MS. WALSH: That's enough, thank you. 17 (Laughter.) 18 MS. WALSH: What were the dates of that 19 analysis? No, I'm familiar with that, it's like the 20 bible, not quite. 21 THE WITNESS: The dates, well, the 22 study is dated March 31st, 2022. 23 MS. PRICE: And the original report was 24 dated December 20th of '21. 25 MS. WALSH: So that was the day you</p>

<p style="text-align: right;">73</p> <p>1 were actually out there?</p> <p>2 MS. PRICE: Oh.</p> <p>3 MS. WALSH: That's what I'm after.</p> <p>4 THE WITNESS: The traffic counts were</p> <p>5 conducted on Thursday. This is on page 2.</p> <p>6 Actually, February 17th, it's a</p> <p>7 Thursday and then we reviewed that data in light of</p> <p>8 the other traffic reports that were prepared that had</p> <p>9 data along Old Tappan Road.</p> <p>10 MS. WALSH: So are you saying that you</p> <p>11 were out there more than one day?</p> <p>12 THE WITNESS: Not to do traffic counts.</p> <p>13 Well, I take that back. I think we did do traffic</p> <p>14 counts for the earlier report, but we kind of</p> <p>15 discounted them, because they appear to be lower</p> <p>16 because of COVID.</p> <p>17 MS. WALSH: So February 17th of this</p> <p>18 year?</p> <p>19 THE WITNESS: Correct.</p> <p>20 MS. WALSH: Okay. And do you know what</p> <p>21 time the shift is of the typical worker who provides</p> <p>22 care at the facility.</p> <p>23 THE WITNESS: Yeah, the caregiver shift</p> <p>24 usually runs 7 to 3 and then 3 to 11 and 11 to 7 in</p> <p>25 the morning.</p>	<p style="text-align: right;">75</p> <p>1 Since I don't have school-aged</p> <p>2 children, I just have a quick question. Is it</p> <p>3 possible that February 17th of this year fell during</p> <p>4 our February break?</p> <p>5 THE WITNESS: No.</p> <p>6 MS. KUGELMAN: Okay, thank you.</p> <p>7 MR. ELLER: Good question, though.</p> <p>8 THE WITNESS: We actually didn't want</p> <p>9 to make that mistake.</p> <p>10 MR. ALESSI: I have a confusion</p> <p>11 question. What would the condos in River Vale have</p> <p>12 to do with the traffic flow in Old Tappan?</p> <p>13 THE WITNESS: If there is traffic</p> <p>14 generated to and from the east from that development,</p> <p>15 it's possible it could use Old Tappan Road in front</p> <p>16 of the site.</p> <p>17 MR. ALESSI: So instead of coming down</p> <p>18 Old Tappan Road to go to the George Washington</p> <p>19 Bridge, the people in River Vale decide to take the</p> <p>20 more direct, shorter, faster route through Old hook</p> <p>21 Road, Closter Dock Road, that wouldn't have an impact</p> <p>22 on the property.</p> <p>23 THE WITNESS: I'm sure whatever traffic</p> <p>24 study they prepared would take that into account.</p> <p>25 MR. ALESSI: Okay.</p>
<p style="text-align: right;">74</p> <p>1 So that's the shift break and that 7 to</p> <p>2 3 is the largest shift. It reduces between the 3 to</p> <p>3 11 and then is very minimal between 11 to 7.</p> <p>4 MS. WALSH: Okay. Thank you.</p> <p>5 THE WITNESS: You're welcome.</p> <p>6 MS. HAVERILLA: The last study is</p> <p>7 3-21-22?</p> <p>8 THE WITNESS: 3/30 -- March 31st.</p> <p>9 MS. HAVERILLA: Just to be clear, that</p> <p>10 is on the website. It is in the folder that has all</p> <p>11 of the documents for this.</p> <p>12 MS. FONOROW: Thank you.</p> <p>13 CHAIRMAN WEIDMANN: Anyone else wish to</p> <p>14 be heard?</p> <p>15 You know, you were heard once already,</p> <p>16 ma'am.</p> <p>17 MS. KUGELMAN: I realize that. I just</p> <p>18 have one quick --</p> <p>19 CHAIRMAN WEIDMANN: Go ahead.</p> <p>20 MS. KUGELMAN: Is it possible and I</p> <p>21 don't have --</p> <p>22 THE COURT REPORTER: I'm sorry, please</p> <p>23 state your name again.</p> <p>24 MS. KUGELMAN: Tracy Kugelman, sorry,</p> <p>25 K-U-G-E-L-M-A-N, 37 Old Farm Road.</p>	<p style="text-align: right;">76</p> <p>1 CHAIRMAN WEIDMANN: Anyone else wish to</p> <p>2 be heard?</p> <p>3 (No response.)</p> <p>4 CHAIRMAN WEIDMANN: Seeing none, motion</p> <p>5 to close.</p> <p>6 MR. ALESSI: Motion to close.</p> <p>7 MR. ELLER: Second.</p> <p>8 CHAIRMAN WEIDMANN: Okay. You have any</p> <p>9 more questions for the --</p> <p>10 MS. PRICE: For this witness? No, no,</p> <p>11 done, done with the traffic witness.</p> <p>12 CHAIRMAN WEIDMANN: Anyone else on the</p> <p>13 board wish -- okay, seeing none.</p> <p>14 Your next witness.</p> <p>15 MS. PRICE: The next witness is going</p> <p>16 to be semi-long, because it's the landscape</p> <p>17 architect. So can we take a quick break for the</p> <p>18 transcriber?</p> <p>19 CHAIRMAN WEIDMANN: You're in luck,</p> <p>20 because now you just gained an extra hour-and-a-half.</p> <p>21 (Laughter.)</p> <p>22 MS. PRICE: I know, I'm in luck.</p> <p>23 MR. MAMARY: You are so lucky.</p> <p>24 (Whereupon, a brief recess is taken.)</p> <p>25 CHAIRMAN WEIDMANN: Okay. We'll call</p>

1 the meeting back to order.
 2 Okay, the floor is yours.
 3 MS. PRICE: Oh, I thought you were
 4 calling the board. If I can call my next witness.
 5 CHAIRMAN WEIDMANN: Yes.
 6 MR. REGAN: Sir, would you raise your
 7 right hand, please.
 8 Do you swear or affirm that the
 9 testimony you will give in this proceeding shall be
 10 the truth, so help you God?
 11 MR. LANGENSTEIN: I do.
 12 MR. REGAN: Can you speak up a little
 13 bit.
 14 MR. LANGENSTEIN: I do.
 15 J A M E S L A N G E N S T E I N, LA
 16 1905 Millersville Pike, Lancaster, PA 17603,
 17 having been duly sworn, testifies as follows:
 18 MR. REGAN: And could you give us your
 19 full name.
 20 MR. LANGENSTEIN: James Langenstein,
 21 L-A-N-G-E-N-S-T-E-I-N, 1905 Millersville Pike,
 22 Lancaster, PA 17603.
 23 I have a bachelor's of science from
 24 Cornell University with a major in plant science and
 25 concentration in ornamental horticulture and a

1 master's of landscape architecture from SUNY College
 2 of Environmental Sciences and Forestry in Syracuse.
 3 I've been a registered landscape
 4 architect since 1994 and I'm currently registered in
 5 five states, including New Jersey, all in good
 6 standing.
 7 VOIR DIRE EXAMINATION
 8 BY MS. PRICE:
 9 Q. And have you testified before and been
 10 accepted as an expert in the area of landscape
 11 architecture?
 12 A. I have.
 13 I've testified in over 10 New Jersey
 14 townships, Norwood, Mountainside, Waldwick, Scotch
 15 Plains, West Orange, Washington Township.
 16 MR. REGAN: Mr. Chairman, I think he
 17 can be accepted -- recognized as an expert in his
 18 field.
 19 CHAIRMAN WEIDMANN: Okay.
 20 DIRECT EXAMINATION
 21 BY MS. PRICE:
 22 Q. And Jim, you have worked specifically
 23 on other projects for CSH, correct?
 24 A. Correct.
 25 I've worked with Joe for over 20 years

1 and basically have designed over two dozen assisted
 2 living projects over the years and over a dozen of
 3 them in New Jersey.
 4 Q. And you've designed the landscape plan
 5 that bears a date, initial date --
 6 A. 5/27/22.
 7 Q. That's the last revised date?
 8 A. Correct.
 9 Q. The initial date, can you give the
 10 initial date?
 11 A. Sure.
 12 The initial date is 5/20/21.
 13 MS. PRICE: Bob, if we can --
 14 MR. REGAN: Do you want to mark it as
 15 A-26?
 16 MS. PRICE: Yes, please, A-26.
 17 (Whereupon, Landscape Plan, Last
 18 Revised 5/27/22 is received and marked as
 19 Exhibit A-26 for identification.)
 20 BY MS. PRICE:
 21 Q. You're prepared this evening to tell us
 22 what A-26 depicts, talk about the code here in Old
 23 Tappan relative to landscaping that's required for a
 24 plan --
 25 A. Correct.

1 Q. -- such as the one that we're proposing
 2 and address issues relative to landscape architecture
 3 that have been raised via other witnesses to date?
 4 A. Yes. Okay.
 5 So in order for us to construct this
 6 project, unfortunately we're taking down 203 trees,
 7 of which there -- of the 203, 11 of them are dead and
 8 27 are in poor condition.
 9 They were classified as such because I
 10 felt in my professional opinion that they had limited
 11 viability due to extensive disease or insect issues
 12 or damage and excessive goadling (phonetic) by some
 13 of the wild pines that are on the site.
 14 That leaves a total of 165 trees that
 15 we are removing. Of that, with that in mind, 304 is
 16 required to replace that number of trees based on
 17 your ordinances.
 18 We are supplying or proposing 166
 19 trees, of which 149 would be counted towards our tree
 20 replacement criteria.
 21 The remaining 155, basically we are
 22 looking -- our obligation for that, we were looking
 23 to make a contribution of over \$90,000.00 to your
 24 tree replacement fund to satisfy our requirements.
 25 CHAIRMAN WEIDMANN: Just going to be a

<p style="text-align: right;">81</p> <p>1 cash --</p> <p>2 THE WITNESS: That is allowed through</p> <p>3 your ordinance.</p> <p>4 CHAIRMAN WEIDMANN: Right.</p> <p>5 In other words, you're going to make a</p> <p>6 --</p> <p>7 THE WITNESS: Cash contribution so that</p> <p>8 basically trees can be planted elsewhere in the</p> <p>9 township.</p> <p>10 BY MS. PRICE:</p> <p>11 Q. And that cash contribution, that</p> <p>12 protocol is laid out in the ordinance, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And you've reviewed that protocol and</p> <p>15 are familiar with the cost and --</p> <p>16 A. Correct.</p> <p>17 Q. -- how the cost is itemized for the</p> <p>18 sizing of the trees, correct?</p> <p>19 A. Correct, correct.</p> <p>20 Basically they allow -- they stipulate</p> <p>21 two times the wholesale cost of the tree. Now,</p> <p>22 basically you have different sizes that are required</p> <p>23 for replacement. I think it's 3-and-a-half to 4 inch</p> <p>24 and 4 inch and I think we may have some 2-inch trees</p> <p>25 in there as well or 2-and-a-half-inch trees in there</p>	<p style="text-align: right;">83</p> <p>1 because of the potential slip/fall issues with the</p> <p>2 population that we're dealing with here.</p> <p>3 The other one is also trying not to use</p> <p>4 plants with thorns. As you get older, our skin gets</p> <p>5 a lot thinner and merely just brushing up against the</p> <p>6 plant could cause them significant, you know,</p> <p>7 scarring or cuts. So I try to not have any thorns on</p> <p>8 the property whatsoever.</p> <p>9 The other is deer pressure and Old</p> <p>10 Tappan has a lot of deer and it has a significant</p> <p>11 deer problem.</p> <p>12 So I tried to select plants that deer</p> <p>13 don't like as much as possible, because if they like</p> <p>14 it too much, then my design is going to be looking</p> <p>15 pretty sad in a few years.</p> <p>16 So I tried to select plants, boxwood,</p> <p>17 spirea, Green Giant arborvitae, things that they</p> <p>18 don't prefer.</p> <p>19 Now, that's not saying that it's deer</p> <p>20 proof, because I don't think anything is ever deer</p> <p>21 proof and, you know, things that I think will do well</p> <p>22 in one municipality don't necessarily do well in</p> <p>23 another, but I try to use things that are for the</p> <p>24 most part pretty tried and true.</p> <p>25 The other thing I look at is the scale</p>
<p style="text-align: right;">82</p> <p>1 as well.</p> <p>2 So when we calculated all that</p> <p>3 together, there was -- it's a pretty good size</p> <p>4 number, over \$90,000.00.</p> <p>5 Q. And there's also a maintenance</p> <p>6 guarantee required by the code, correct?</p> <p>7 A. Correct, yeah.</p> <p>8 Q. So that would be covered as an</p> <p>9 additional protection on the site for during</p> <p>10 construction and post-construction, correct?</p> <p>11 A. Correct, yes.</p> <p>12 Q. Why don't you talk about some of the</p> <p>13 steps that you've taken in terms of the additional</p> <p>14 plantings on the site.</p> <p>15 A. Okay.</p> <p>16 When I'm creating a landscape plan,</p> <p>17 basically there are a number of factors that I try to</p> <p>18 take into account. It's not just putting in trees</p> <p>19 and making it look pretty. There are a lot --</p> <p>20 there's a lot of thought process that goes into it.</p> <p>21 Number one is safety. I try to --</p> <p>22 don't want to create a situation where a plant is</p> <p>23 causing a problem, causing a safety issue, especially</p> <p>24 in a seniors' community, I try to limit the number of</p> <p>25 fruit and nut-bearing trees, like walnuts and oaks</p>	<p style="text-align: right;">84</p> <p>1 of the project. For the most part, I try to use</p> <p>2 plants appropriately so that we create a more human</p> <p>3 scale around the building using large shade trees</p> <p>4 screening, evergreens, things like that around</p> <p>5 periphery using the flowering trees that are more</p> <p>6 human size along the building and the smaller</p> <p>7 evergreen and flowering trees as well along the</p> <p>8 building.</p> <p>9 Last but not least is obviously the</p> <p>10 aesthetics. We want this place to look like</p> <p>11 dynamite. We want it to look great and realize that</p> <p>12 this is someone's home and so that we want someone to</p> <p>13 appreciate the plants that we use as much as they</p> <p>14 appreciate the ones that they had at their old place.</p> <p>15 We try to use plants that have fragrances, because a</p> <p>16 lot of times that brings back memories of things that</p> <p>17 they had at their own home, using things that are</p> <p>18 kind of old fashion plants like hydrangeas.</p> <p>19 Again, things that some residential</p> <p>20 properties would have.</p> <p>21 So, we try and create a lush and</p> <p>22 welcoming environment filled with color, texture and</p> <p>23 diversity and as I mentioned before, we're proposing</p> <p>24 to use 166 trees on this site. Fifty-eight are shade</p> <p>25 trees. Nine of those are street trees.</p>

1 Now, if I can direct you, the shade
2 trees are the trees that are green with yellow in the
3 them, the circles. Okay?

4 Along the Old Tappan Road, we are using
5 a fastigate type of variety of red maple called
6 Armstrong and that is tall and slender and that's
7 because you have overhead wires long the front.

8 The last thing we want to see is when
9 those trees just get to the right size and maturity,
10 the utilities come by and just hack them back.

11 So we're trying to prevent that,
12 putting something in there that's appropriate.

13 The other one, place we're using a lot
14 of shade trees, in the parking lot and that's, again,
15 as per the ordinance, we're required to put in five
16 trees and we have five trees. That's to shade the
17 cars during the hot summer months.

18 We're also using 23 flowering trees.
19 Those are the bright colored, the reds, the pinks,
20 the blues that you see in there, those are flowering
21 trees. They add seasonal color, not only when they
22 flower in the spring, but some of them will give you
23 some nice fall color as well. They also add scale
24 around the building.

25 Evergreens, we're using 85 evergreens.

1 Again, mostly to screen here. We are required to use
2 6-foot sized evergreens and we're only using 28 of
3 those and those are basically because there are some
4 slopes that are like 3-to-1 slopes that -- and for
5 the people who don't know what that means, that's
6 basically for every horizontal distance of 3 feet, it
7 goes up 1 foot.

8 So if you have an 8-foot tree,
9 evergreen, typically they're going to have a 32-inch
10 ball, okay, a ball that's going to be close to that
11 3 foot. So that means that you're going to be 6 foot
12 -- 6 inches down on the backside and 6 inches up on
13 the front side. Not a real great way to plant a
14 tree.

15 By using a smaller tree, basically
16 we'll hopefully have only like 3 inches in the back
17 and 3 inches in the front, which is a little easier
18 and manageable and it will eventually grow into a
19 similar size of what the 8 foot is, it's just
20 initially it will be a little bit smaller.

21 But we're also using 57 8-foot trees.
22 Now, we don't have to use 8 foot. We're not required
23 to. We are because we were trying to provide more
24 screen to our neighbors, specifically in the back
25 along the northern property line, that's the dark

1 green with the hatching that you see, those are
2 8-foot evergreens, things like Green Giant
3 arborvitae, Norway spruce and white spruce. Those
4 are the three that we have used extensively on this
5 project and those will get fairly tall as they grown,
6 as they mature. We're not required to use 8 foot,
7 but we're doing that because we want to try to give
8 additional screening to our neighbors.

9 Total shrubs, there's 618 shrubs on the
10 site that we're proposing: 254 are flowering, 364
11 are evergreen.

12 Now, there's different type of shrubs.
13 There's quite a few different actually. Things like
14 the Viburnum Pragense, your Viburnum Alleghany, your
15 Doublefile Viburnums, your Arrowwood are typically
16 large shrubs and they're great for screening because
17 they're dense and they're large. They get 10 to 15
18 feet.

19 Now, in the back along the detention
20 basin berm, on the top of that we can't plant
21 evergreen trees, because it's not recommended and it
22 may cause damage to the detention basin in the long
23 run. So what we did instead was we planted those
24 large shrubs so that they will give some in-fill
25 especially early on to create, again, additional

1 screening for our neighbors.

2 Along the eastern property line we have
3 them along the wall, those are Viburnum Pragense, I
4 believe and along around the generator we also have
5 them.

6 So -- and around the building are
7 typically 3-foot shrubs. We don't want them to get
8 too big, because we have windows.

9 The thing that I try to do in my
10 creation of a landscape plan is put the right plant
11 in the right place so that we're not having to hack
12 back and prune back, you know, plants so hard that
13 they become misshaped over time. Their natural size
14 is maybe 3 to 4 feet so they don't cover up windows
15 and they add to the ambiance of the building.

16 Overall, what I tried to do is get a
17 balance of flowering and evergreen trees and shrubs
18 in here.

19 So the evergreens are not necessarily
20 the most beautiful plants because they don't really
21 flower too much, but they are the backbone. They're
22 there 24/7, 12 months of the year and in the
23 wintertime your glad to see them. You know, in the
24 summertime if I did my job right, they take a back
25 door to the flowering plants that are all in bloom

1 **and all that kind of stuff, but they're still there**
 2 **in the wintertime and that's what you want.**

3 **So that's pretty much what I got.**

4 **Q.** And at the last meeting our civil
 5 engineer had been questioned about the Bergen County
 6 Soil Conversation District. You worked in
 7 conjunction with the civil engineer with regard to
 8 the Soil Conversation District, correct?

9 **A. Yeah.**

10 **Q.** Can you just talk for a minute about
 11 steps that are taken with regard to the detention
 12 basin and clearing of the land?

13 **A. Well, basically before any clearing is**
 14 **done, the silt fence has to go up. Okay?**

15 **There was questions about whether or**
 16 **not the silt fence would be adequate to hold back --**
 17 **there is a product called super silt fence and super**
 18 **silt fence is basically you take a 4-foot chain-link**
 19 **fence and you put the silt fabric attached to it.**
 20 **That's not going anywhere.**

21 **So in the case of a storm event,**
 22 **typically what happens is the soil conservation**
 23 **service will come out and inspect the silt fencing**
 24 **before the storm event and after to make sure that**
 25 **everything is okay.**

1 **So, and in this case, I think we also**
 2 **would recommend or offer to install a filter fabric**
 3 **on top of the storm drain that's on Lakeview's**
 4 **property if they so desired that.**

5 **Q.** And in terms of the Bergen County Soil
 6 Conservation District, that conversation in light of
 7 the concerns that we had relative to the drainage
 8 issues with the clearing of the land, we actually
 9 discussed with Bergen County Soil Conversation using
 10 that super silt fence, correct?

11 **A. Correct.**

12 **Q.** And we asked for the pre- and
 13 post-inspections?

14 **A. They confirmed that that they would do**
 15 **that.**

16 **Q.** And that they would come out and do
 17 those inspections as part of our approval process?

18 **A. Correct.**

19 MS. PRICE: Just for the record, I'd
 20 like that noted, that we asked for them to do that
 21 and we would be agreeable to note that as an
 22 additional condition of the board's action.

23 BY MS. PRICE:

24 **Q.** So in terms of the ordinance, although
 25 we are removing a number of trees, we're compliant

1 with the ordinance in terms of taking the steps that
 2 are necessary to either replace the trees or fund
 3 additional trees --

4 **A. That's correct.**

5 **Q.** -- for the borough to use, correct?

6 **A. That's correct.**

7 MS. PRICE: Okay. I don't have
 8 anything else for the witness.

9 CHAIRMAN WEIDMANN: Tom, do you have
 10 any questions?

11 MR. SKRABLE: Just one I think. How
 12 much of the site is irrigated?

13 THE WITNESS: The whole site will be
 14 irrigated. Now, for the detention basin, probably
 15 what we'd look at is probably put heads at the top of
 16 the basin so that they would water into it, but not
 17 put any heads down below.

18 MR. SKRABLE: So those shrubs at the
 19 perimeter of the basin would be irrigated?

20 THE WITNESS: Yeah.

21 MR. SKRABLE: And everything on the
 22 east side of the roadway?

23 THE WITNESS: Anything that we are
 24 installing would be irrigated.

25 Obviously we don't want to put any

1 irrigation going into the wetlands or anything like
 2 that.

3 MR. SKRABLE: Even trees on the top of
 4 the wall on the east side?

5 THE WITNESS: I would think so, yes,
 6 yeah.

7 MR. SKRABLE: That's all I have.

8 Thank you.

9 MR. SZABO: Mr. Chairman, I just want
 10 to make a comment. We did take a hard look at the
 11 landscape plan and found it generally acceptable. We
 12 didn't have much to comment about.

13 With regard to the tree replacement,
 14 the section of the code that I would point the board
 15 and the record to, would be Chapter 234.

16 I generally agree with the
 17 calculations. I did have an opportunity to discuss
 18 that with Mr. Langenstein. The only area of dispute
 19 or one area that I have a question on is
 20 Mr. Langenstein included what he termed to be trees
 21 in poor condition.

22 A strict reading of the ordinance
 23 refers to live -- dead trees. Those are the only
 24 exclusions that you can have under Chapter 34.

25 There's no discussion in the code about

<p style="text-align: right;">93</p> <p>1 trees that are in poor condition. While we can 2 probably define that in some way through testimony, 3 generally they're not excluded, because that's a 4 subjective -- that could be a subjective assessment. 5 There can be conditions where you might think the 6 tree is dead, but could also be saved if you're an 7 arborist. I mean, who knows. 8 So that's something that I would defer 9 the board on whether or not you want to accept the 10 trees as identified in poor condition as being 11 excluded from the calculations. 12 MR. REGAN: Because it might be 13 subjective? 14 MR. SZABO: Yeah. 15 I would suggest, respectfully, that 16 while I understand and respect Mr. Langenstein's 17 determination in this area, that is not provided for 18 in the code and should be added to the -- that would 19 be my view, but I defer the board in discussion with 20 the applicant on that, because we are looking at a 21 substantial amount of money being donated for trees. 22 But that would be my only comment on 23 the landscape plans. 24 CHAIRMAN WEIDMANN: Are you acceptable 25 of that?</p>	<p style="text-align: right;">95</p> <p>1 MR. MAGGIO: We'll try to confirm that 2 before the -- 3 MS. PRICE: Yes. 4 THE WITNESS: Sure. 5 MR. MAGGIO: Just a couple of very 6 simple, very simple questions. One is for the 7 benefit of everybody in this room, some of us may 8 already know the answer to it, but it would be 9 helpful for you to explain it. You said you were 10 unable to meet the requirement for the number of 11 trees. 12 Can you explain to everybody why that 13 is? 14 THE WITNESS: Well, essentially we have 15 -- we're taking down 203 trees and it's a wooded 16 site. 17 We were asked to put 304 trees on the 18 site and put a building and all the paving and 19 everything else on there. There's just -- it's not 20 possible to do that unless you're creating a 21 situation where you're putting trees so close 22 together that it's detrimental to their potential 23 growth. 24 MR. MAGGIO: Thank you for clarifying. 25 And then one last question.</p>
<p style="text-align: right;">94</p> <p>1 THE WITNESS: I believe so. 2 I mean, I believe, John, I thought 3 there was a portion in there that said something 4 about dead and diseased trees, as well as structural 5 issues that would make them unsafe, that's the -- 6 that's why I used that. 7 MR. SZABO: I'm not criticizing. 8 THE WITNESS: I did see it, but I don't 9 have it at my fingertips right now. 10 MR. SZABO: Yes, I have it. 11 I'll let me go through the ordinance 12 again. I didn't catch that, but I will look again -- 13 THE WITNESS: Okay. 14 MR. SZABO: -- where it refers to 15 trees. 16 THE WITNESS: I'll also try to send you 17 what I was referring to. 18 MS. PRICE: I think -- 19 MR. SZABO: Well, I have it. 20 MS. PRICE: -- one way or another -- 21 MR. REGAN: If you don't comply, you 22 will have to seek a waiver. 23 MS. PRICE: Right. 24 THE WITNESS: Right. 25 CHAIRMAN WEIDMANN: Charlie?</p>	<p style="text-align: right;">96</p> <p>1 You talked about the columnar, that's 2 what I call them, maples along the street. 3 THE WITNESS: Yeah, uh-huh. 4 MR. MAGGIO: And that's a good idea to 5 prevent it, but on the other hand I noticed on the 6 spacing that they're shown to be about 25 feet apart 7 at their fullest, at their maturest, which will be 8 quick because they're red maples. 9 They're only about 20-feet wide. 10 THE WITNESS: Right. 11 MR. MAGGIO: Was there any 12 consideration to putting those trees a little closer 13 together to provide a denser screening of the 14 facility? 15 THE WITNESS: Again, you have a lot of 16 other trees behind that as well. 17 So I don't see where putting them 18 closer will actually serve a -- I guess a purpose at 19 this point. You have some full-size maples behind 20 them. You have some under story flowering trees as 21 well underneath there. 22 MR. MAGGIO: So you're confident that 23 there should be sufficient screening? 24 THE WITNESS: I think so. 25 I mean, when they're in leaf, obviously</p>

<p style="text-align: right;">97</p> <p>1 there's no evergreen. So I'd hate to put something</p> <p>2 too close together and then have it look like a wall</p> <p>3 as well.</p> <p>4 MR. MAGGIO: And was there -- you</p> <p>5 mentioned about the evergreens. Was there any</p> <p>6 consideration about mixing some evergreen with</p> <p>7 deciduous at the front to help with the screening</p> <p>8 during the winter months?</p> <p>9 THE WITNESS: That is possible.</p> <p>10 We could use some -- you know, I would</p> <p>11 probably want to go with some lower evergreens,</p> <p>12 something like a holly or something like that, rather</p> <p>13 than some of the larger ones, because they would be</p> <p>14 --</p> <p>15 MR. MAGGIO: They can be big too.</p> <p>16 THE WITNESS: Exactly, again, they can</p> <p>17 be much bigger than what your dogwood or your</p> <p>18 redwoods would look like.</p> <p>19 MR. MAGGIO: Right.</p> <p>20 THE WITNESS: So I'm trying to create, I</p> <p>21 guess, it's possible to do that, but I think the</p> <p>22 flowering trees will give a nicer presentation from</p> <p>23 the street.</p> <p>24 MR. MAGGIO: Only for a very short</p> <p>25 period of time, though.</p>	<p style="text-align: right;">99</p> <p>1 well is that as these -- when they go in, they'll</p> <p>2 look great, but as they mature and they get mature,</p> <p>3 you know, height-wise, what's it going to look like?</p> <p>4 MR. MAGGIO: Yeah, I'm not opposed to</p> <p>5 what you said about using something smaller but that</p> <p>6 still provides some growth, but it's just during the</p> <p>7 winter months, there's nothing, but --</p> <p>8 THE WITNESS: I understand.</p> <p>9 MR. MAGGIO: -- trees that have no</p> <p>10 leaves on them.</p> <p>11 THE WITNESS: I understand, but there</p> <p>12 is also a lot of evergreens along the foundation and</p> <p>13 things like that.</p> <p>14 So it's not like it's going to be bare</p> <p>15 naked out there.</p> <p>16 MS. PRICE: We'll take a look at it.</p> <p>17 THE WITNESS: Yeah, we'll take a look</p> <p>18 at it.</p> <p>19 MR. SKRABLE: Is there any lighting on</p> <p>20 the trees?</p> <p>21 THE WITNESS: No, not right now, not</p> <p>22 proposed.</p> <p>23 CHAIRMAN WEIDMANN: Can you point out</p> <p>24 to the board where the chain link silt fence is going</p> <p>25 to go?</p>
<p style="text-align: right;">98</p> <p>1 THE WITNESS: Yeah, yeah.</p> <p>2 MR. MAGGIO: So it's only for a month</p> <p>3 or so every year. And I know that's when the</p> <p>4 pictures will be taken.</p> <p>5 THE WITNESS: Exactly.</p> <p>6 (Laughter.)</p> <p>7 MR. MAGGIO: For everybody's</p> <p>8 catalogues, but on the other hand I want to think</p> <p>9 about what our town has to deal with in terms of</p> <p>10 that.</p> <p>11 And I would suggest that you might want</p> <p>12 to reconsider some implementation of some evergreens</p> <p>13 as a mixture.</p> <p>14 THE WITNESS: Okay.</p> <p>15 MR. MAGGIO: That's it for me.</p> <p>16 CHAIRMAN WEIDMANN: Drive along where</p> <p>17 Toll Brothers is building, you know, their project,</p> <p>18 they planted a couple hundred evergreens underneath</p> <p>19 the existing trees, you know, and they staggered</p> <p>20 them, so it's going to fill in nicely.</p> <p>21 MR. MAGGIO: To that point.</p> <p>22 THE WITNESS: The question is, is what</p> <p>23 is this going to look like in 10, 20 --</p> <p>24 CHAIRMAN WEIDMANN: Correct.</p> <p>25 THE WITNESS: And that's my concern as</p>	<p style="text-align: right;">100</p> <p>1 THE WITNESS: We talked about it along</p> <p>2 the back side here and I would say that I guess it</p> <p>3 would be more Dan's criteria, but if we need it along</p> <p>4 the wetlands as well.</p> <p>5 CHAIRMAN WEIDMANN: So it's not set in</p> <p>6 stone?</p> <p>7 THE WITNESS: It's not set in stone at</p> <p>8 this point, no.</p> <p>9 We proposed it when we met with</p> <p>10 Lakeview, that we would -- what we would do in the</p> <p>11 back to protect their drains and everything back</p> <p>12 there, but I would think that we can also do it along</p> <p>13 this area here where it's along the wetland area.</p> <p>14 MR. MAMARY: What about the road in</p> <p>15 front of the road so that it doesn't --</p> <p>16 CHAIRMAN WEIDMANN: No, we don't need</p> <p>17 it.</p> <p>18 MR. MAMARY: You don't need it there?</p> <p>19 THE WITNESS: I don't think you would</p> <p>20 need it.</p> <p>21 MR. MAMARY: And the church property</p> <p>22 wouldn't be affected?</p> <p>23 THE WITNESS: You're going to have a</p> <p>24 wall along this.</p> <p>25 So there's really -- it's going towards</p>

<p style="text-align: right;">101</p> <p>1 us pretty much at that point. There's a wall on the</p> <p>2 church property as well.</p> <p>3 CHAIRMAN WEIDMANN: Okay. Thank you.</p> <p>4 Just so everybody knows, this property</p> <p>5 is going to be clearcut. There's not going to be an</p> <p>6 old tree left standing there.</p> <p>7 THE WITNESS: Oh, there will be plenty</p> <p>8 of trees left.</p> <p>9 CHAIRMAN WEIDMANN: Show me, show me --</p> <p>10 THE WITNESS: All the trees that you</p> <p>11 see in solid green here.</p> <p>12 CHAIRMAN WEIDMANN: No, I understand</p> <p>13 that. I'm saying, where the actual parking lot and</p> <p>14 building are going to be.</p> <p>15 THE WITNESS: They're going to be --</p> <p>16 the trees are going to be removed, correct.</p> <p>17 So, essentially, wherever you see the</p> <p>18 solid color green trees here along the western, those</p> <p>19 are all staying. That's all in the transition zone</p> <p>20 and in the wetland area, that's all staying.</p> <p>21 CHAIRMAN WEIDMANN: Okay.</p> <p>22 MR. SZABO: Mr. Chairman, I can clarify</p> <p>23 the process. Under Chapter 234, when you file an</p> <p>24 application for site plan, you have to simultaneously</p> <p>25 file with the environmental commissioner, which is</p>	<p style="text-align: right;">103</p> <p>1 you go to the Environmental Commission now. We've</p> <p>2 made a condition before and it gets lost and then if</p> <p>3 they don't send a report, there's no trigger and the</p> <p>4 process gets screwed up.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MR. MAMARY: My question is: You said</p> <p>7 you're taking down 203 trees?</p> <p>8 THE WITNESS: That's correct.</p> <p>9 MR. MAMARY: You needed to replace that</p> <p>10 with 304.</p> <p>11 What is it, one and a half trees per</p> <p>12 one --</p> <p>13 THE WITNESS: It depends on the size of</p> <p>14 the tree.</p> <p>15 MR. MAMARY: But you were going to --</p> <p>16 supposedly replacing it with 304, so 203 to 304 is</p> <p>17 approximately one and a half trees.</p> <p>18 THE WITNESS: Averaging, yeah.</p> <p>19 MR. MAMARY: Right?</p> <p>20 THE WITNESS: Yeah.</p> <p>21 Mr. MAMARY: You are putting in 166, is</p> <p>22 what you said?</p> <p>23 THE WITNESS: Correct.</p> <p>24 MR. MAMARY: So the difference of what</p> <p>25 you should have put in and what it is, is 138?</p>
<p style="text-align: right;">102</p> <p>1 the enforcement agent which has 30 days to issue a</p> <p>2 report to the planning board. Under 234.14,</p> <p>3 Mr. Langenstein is correct, as part of the criteria,</p> <p>4 they are permitted and the board is permitted to</p> <p>5 consider, for example, the conditions of the tree</p> <p>6 with respect to diseases and safety hazards as an</p> <p>7 example and that section I'll repeat is 234.14.</p> <p>8 What I would suggest is that, while we</p> <p>9 review the landscape plan and are satisfied with it</p> <p>10 and the numbers are working for our behalf, I would</p> <p>11 in the interim between meetings, you might want to</p> <p>12 file the necessary application, get the report from</p> <p>13 the environmental commission and follow through that</p> <p>14 process and they'll make that determination or it</p> <p>15 could become a condition of approval. I think we're</p> <p>16 so far into the process at this point that it</p> <p>17 probably can be done as a condition.</p> <p>18 MR. ELLER: Or the applicant can agree</p> <p>19 to make them living trees and make it a moot point</p> <p>20 for the purpose of that calculation.</p> <p>21 MR. SZABO: Still have to go through</p> <p>22 the process either way.</p> <p>23 MR. ELLER: I was talking about the</p> <p>24 donation for the town.</p> <p>25 MR. SKRABLE: I would strongly suggest</p>	<p style="text-align: right;">104</p> <p>1 THE WITNESS: Well, not all of those</p> <p>2 166 count towards out tree replacement. And 149</p> <p>3 count towards the tree replacement.</p> <p>4 MR. MAMARY: One-hundred-forty-nine</p> <p>5 count?</p> <p>6 THE WITNESS: Right.</p> <p>7 So the way I calculate it, it was that</p> <p>8 five of the parking lot trees do not count towards</p> <p>9 that trees replacement calculation. I also used the</p> <p>10 6-foot trees, 6-foot evergreen trees. I used two of</p> <p>11 them per one replacement tree, because it's a smaller</p> <p>12 tree. I counted the 8-foot as a full replacement,</p> <p>13 because the size.</p> <p>14 MR. MAMARY: Right. You said with the</p> <p>15 lower on one side than the other?</p> <p>16 THE WITNESS: Right.</p> <p>17 And so I counted those as full</p> <p>18 replacements versus 6-foot, I counted them as kind of</p> <p>19 a half, half a replacement per tree so that two</p> <p>20 6-foot trees equals to one replacement tree.</p> <p>21 MR. MAMARY: Okay. I'm going to leave</p> <p>22 that up to our auditor Charlie to do that kind of</p> <p>23 calculations.</p> <p>24 (Laughter.)</p> <p>25 MR. MAGGIO: You're the calculus.</p>

<p style="text-align: right;">105</p> <p>1 MR. MAMARY: No, I'm not. I make up a 2 lot of numbers. 3 (Laughter.) 4 MR. MAMARY: So 304 less 149 is 155 is 5 what you're making a contribution for? 6 THE WITNESS: Correct. 7 MR. MAMARY: And with that, you 8 calculated it to be approximately \$90,000.00? 9 THE WITNESS: Yeah. 10 MR. MAMARY: So you are basically 11 telling the town that you're giving the town about 12 almost \$600 a tree, 90,000. 13 THE WITNESS: At least, because -- 14 MR. MAMARY: So 90,000 divided by 155, 15 \$580 a tree and that's supposed to be two times the 16 -- 17 THE WITNESS: The cost of the -- the 18 wholesale cost of the tree. 19 MR. MAMARY: So I know that if I -- 20 because I like -- I'm a tree person. I mean, I don't 21 -- I can't -- you know, you were smart enough to make 22 this so small that nobody can really question it. 23 (Laughter.) 24 MR. MAMARY: And I'm trying to look at 25 it with a magnifying glass and I still can't see it.</p>	<p style="text-align: right;">107</p> <p>1 MR. MAMARY: Well, it would look a 2 little ridiculous if it's 6 and 8, like you want to 3 -- 4 THE WITNESS: No necessarily, because 5 -- 6 MR. MAMARY: You're the pro, I'm just 7 an -- I'm an amateur. 8 THE WITNESS: And usually a 6-foot tree 9 is 6 to 7 foot and an 8 foot -- 10 MR. MAMARY: They charge you for the 6 11 to 7. 12 THE WITNESS: Right. 13 MR. MAMARY: You really don't -- you 14 know, when you put it in the ground, it's 5? 15 THE WITNESS: Well, it shouldn't be. 16 It should be at least 6 and usually tag the tree so I 17 make sure. 18 MR. MAMARY: Who does the pricing -- 19 I'm just asking. Who does the pricing of the \$580.00 20 for the value of the trees if you're saying you're 21 using smaller ones? 22 THE WITNESS: Right. 23 MR. MAMARY: You know, I know one 24 arborvitae, you can get an arborvitae for, you know, 25 say 100 bucks or you can get one that's another</p>
<p style="text-align: right;">106</p> <p>1 I don't see any flowering cherries or 2 Pansy's or anything, do I? 3 THE WITNESS: We tried to use native 4 species as much as possible. 5 MR. MAMARY: Because those are 6 beautiful red trees. They're red in the beginning, 7 they get really red, you know, in the fall. 8 THE WITNESS: And that is a 9 possibility. 10 MR. MAMARY: If you're looking for my 11 vote -- 12 (Laughter.) 13 MR. MAMARY: -- I want some flowering 14 cherries and I want some Pansy's. 15 THE WITNESS: We might be able to work 16 that in. 17 MR. MAMARY: You may not need my vote. 18 I mean, the whole line that you're doing down here, 19 this is all evergreen? 20 THE WITNESS: Correct. 21 MR. MAMARY: Now, those are going to be 22 how tall? 23 Are those 6 feet? 24 THE WITNESS: Those are 6 and there are 25 some that are 8 and it depends on the slope.</p>	<p style="text-align: right;">108</p> <p>1 couple of foot -- the double, right? 2 MS. PRICE: The code has standards and 3 Chapter 234 says what you have to add in. 4 It's not just for the purchase, because 5 you have to also -- it's the ordering, it's the 6 installation, it's -- 7 THE WITNESS: The two times is supposed 8 to cover all of that. 9 MS. PRICE: Right, it's covering -- 10 MR. MAMARY: So \$580.00 per tree will 11 cover all of that? 12 MS. PRICE: Yes. 13 THE WITNESS: So what I did is I -- 14 MR. MAMARY: Did you know inflation was 15 up 9.1 percent. 16 (Laughter.) 17 MS. PRICE: The largest in 40 years. 18 MR. MAMARY: When did you do the 19 calculations? Did you consider the 9.1 percent 20 increase? 21 MS. PRICE: Yes. 22 THE WITNESS: What I did is I took the 23 current price list from a New Jersey wholesaler and 24 took his -- used his prices specifically. He's a 25 large --</p>

<p style="text-align: right;">109</p> <p>1 MR. MAMARY: Who did you use?</p> <p>2 THE WITNESS: County Line Nursery.</p> <p>3 MR. MAMARY: Do we get a discount if we</p> <p>4 -- no, okay.</p> <p>5 THE WITNESS: No. County Line, they're</p> <p>6 a wholesale nursery and they're a good-sized</p> <p>7 reputable nursery. I used their pricing to develop</p> <p>8 that budget.</p> <p>9 MS. PRICE: And Chapter 234 does spell</p> <p>10 out in the code exactly what needs to go into your</p> <p>11 calculation.</p> <p>12 MR. MAMARY: So of that \$580.00, it</p> <p>13 might be \$400.00 a tree?</p> <p>14 MS. PRICE: Right.</p> <p>15 MR. MAMARY: And \$180.00 worth of --</p> <p>16 MS. PRICE: Right.</p> <p>17 THE WITNESS: I think what probably</p> <p>18 skews it the most is that the majority of the trees</p> <p>19 are smaller trees, are 2-and-a-half inch size. Okay?</p> <p>20 So that's a \$500.00 tree based on the</p> <p>21 calculations. The larger trees, the 3-and-a-half, I</p> <p>22 think, are like -- I can tell you specifically. I do</p> <p>23 have that info.</p> <p>24 Hold on.</p> <p>25 MR. SKRABLE: While you're looking that</p>	<p style="text-align: right;">111</p> <p>1 MS. PRICE: Well, we can supply it to</p> <p>2 the board as well as a followup.</p> <p>3 MR. MAMARY: Pansy's and --</p> <p>4 MS. PRICE: With the Pansy's and the</p> <p>5 flowering cherries.</p> <p>6 MR. MAMARY: A row of them, like</p> <p>7 nice...</p> <p>8 MS. PRICE: And mixed evergreens in the</p> <p>9 front.</p> <p>10 MR. MAMARY: I'll come by, drive by all</p> <p>11 the time.</p> <p>12 That's it.</p> <p>13 CHAIRMAN WEIDMANN: That's it?</p> <p>14 MR. MAMARY: That's it.</p> <p>15 MR. ALESSI: I just have a curiosity</p> <p>16 question. You had said that you're not going to</p> <p>17 plant any trees with nuts, berries or whatever.</p> <p>18 THE WITNESS: Correct.</p> <p>19 MR. ALESSI: Now --</p> <p>20 THE WITNESS: I tried to avoid it as</p> <p>21 much as possible.</p> <p>22 MR. ALESSI: I get the red maples.</p> <p>23 As a matter of fact, I have a giant red</p> <p>24 Allen red maple on my property, but isn't an oak tree</p> <p>25 acorns.</p>
<p style="text-align: right;">110</p> <p>1 up. I think it would be helpful to show that</p> <p>2 calculation to the environmental commission, because</p> <p>3 ultimately we're going to have to agree on a number.</p> <p>4 MS. PRICE: I think we have to show it</p> <p>5 as part of the application process.</p> <p>6 It all has to be specified, Tom, and it</p> <p>7 has to be broken out by size of tree and the</p> <p>8 calculation has to be shown.</p> <p>9 MR. MAMARY: Right.</p> <p>10 THE WITNESS: Here it is.</p> <p>11 So the 3-and-a-half to 4-inch trees are</p> <p>12 \$850.00 and a 4-inch tree were \$960.00.</p> <p>13 MR. MAMARY: So \$960.00 per tree?</p> <p>14 THE WITNESS: Per tree.</p> <p>15 But there are 113 2-and-a-half-inch</p> <p>16 caliper trees that had to be supplied. There are 24</p> <p>17 3-and-a-half and there's 18 4-inch trees. So it's</p> <p>18 majorly skewed by the 2 inch.</p> <p>19 MR. MAMARY: Are you providing that to</p> <p>20 us or just the environmental --</p> <p>21 MS. PRICE: It goes on the application</p> <p>22 which goes to the environmental commission as part of</p> <p>23 --</p> <p>24 MR. MAMARY: I mean, I would want to</p> <p>25 look at that too.</p>	<p style="text-align: right;">112</p> <p>1 THE WITNESS: Correct.</p> <p>2 And if you look at where those oak</p> <p>3 trees are, they're kind of out of the beaten path</p> <p>4 where people are going to be.</p> <p>5 So they're over behind the house.</p> <p>6 They're, you know, in areas where the people aren't</p> <p>7 going to be, so that's why I put them there.</p> <p>8 MR. ALESSI: Now, just out of</p> <p>9 curiosity, it says pin oak. Is that what all oak</p> <p>10 trees are, pin oaks?</p> <p>11 THE WITNESS: No. There are a lot of</p> <p>12 different oaks. An oak is just one specific species.</p> <p>13 MR. ALESSI: Okay. I'm good, thanks.</p> <p>14 MR. ELLER: Just to reiterate what</p> <p>15 Charlie was getting at too, I would like to see a</p> <p>16 little more screening year round along the front of</p> <p>17 the building.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. ELLER: With all due respect,</p> <p>20 nobody wants to -- we don't want to be looking at</p> <p>21 another commercial building. I know it's going to be</p> <p>22 nice looking and --</p> <p>23 THE WITNESS: It's going to look more</p> <p>24 residential than it's going to look commercial, trust</p> <p>25 me.</p>

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1 MR. ELLER: The last thing everybody --

2 everyone wants to make it feel as least developed as

3 possible, so at least you see --

4 MR. MAGGIO: It's going to look

5 residential, but it's a three-story building.

6 THE WITNESS: That is correct.

7 MR. ELLER: The less everybody sees,

8 the better.

9 THE WITNESS: Okay.

10 MR. KEIL: So my questions to the

11 borough engineer and the planner have already alluded

12 to. You know, the calculations that you used in

13 order to generate the number of trees that are going

14 to be replaced. You know, I'd like to see the

15 inventory of what each species is, the diameter and

16 the species that are coming out.

17 THE WITNESS: That's all on LA -- L-3,

18 LA-3, that's the tree removal plan. There's an

19 extensive table on that plan that shows the diameter

20 and the species and the replacement value for that

21 plant.

22 MR. KEIL: All right. And that's

23 something that's going to be provided to the

24 environmental --

25 THE WITNESS: That's already submitted.

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1 MS. PRICE: We filed, yeah, we filed

2 that with the board.

3 MR. KEIL: That's something I have not

4 received yet.

5 MS. HAVERILLA: He's on the

6 environmental commission, so he's going to get the

7 plan that you're talking about.

8 THE WITNESS: Yeah, that's already part

9 of that package.

10 MR. KEIL: Okay.

11 And as Nick said, even with my glasses,

12 I can't read the table over here of replacement

13 trees. So if we can get a blow up of that figure and

14 just one question on this one. The northern and

15 eastern borders of the property here, are those trees

16 that currently exist.

17 THE WITNESS: No.

18 MR. KEIL: Okay. So those are

19 replacement trees as well?

20 THE WITNESS: Correct.

21 MR. KEIL: Okay. And just because I

22 can't read the table, what kind of trees are those on

23 the northern?

24 THE WITNESS: I believe on the northern

25 there are Green Giant arborvitae.

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1 MR. KEIL: So it's all arborvitae?

2 THE WITNESS: Yeah, and also some

3 Norway spruce are in there in the center.

4 There's also some Hemlock that are kind

5 of mixed in with the existing trees to try to create

6 a little bit more natural screening back there.

7 On the eastern property line, there's

8 predominantly white spruce and Green Giant

9 arborvitae.

10 MR. KEIL: Okay. Thank you.

11 MS. HAVERILLA: I'm going to go in a

12 little bit of a different direction.

13 THE WITNESS: Okay.

14 MS. HAVERILLA: If the stone house,

15 which has been moved over there, if that wasn't

16 there, what would you be putting in that spot?

17 THE WITNESS: That's a good question.

18 There's been some discussion about whether we put in

19 -- initially we had a rain garden in that area. We

20 could do additional trees in that area. There's a

21 number of things. So that would also impact our tree

22 replacement obviously values.

23 MS. HAVERILLA: Right. You would be

24 able to put in more trees?

25 THE WITNESS: Right.

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1 Ms. HAVERILLA: Would it be a

2 consideration, and I don't know if it's yours or

3 maybe Gail can answer this, moving -- since that

4 house is going to be moved anyway, would it be a

5 consideration to move it across the street on borough

6 property in front of the community garden next to the

7 senior center?

8 MS. PRICE: I think our client would

9 like direction as to they offer to move it and they

10 would love to hear if someone wants it, you know,

11 including the borough.

12 So if the borough wants it, the offer

13 still stands that we would be happy to move it. So I

14 think -- I guess I better look at my client.

15 (Laughter.)

16 MS. PRICE: Yes.

17 MS. HAVERILLA: And I'm pretty sure it

18 would, probably would probably fit there. We would

19 just have to really look at it and see if we can just

20 move it there and that way we can keep it as a

21 historic house on borough property.

22 MS. PRICE: Yeah.

23 Well, that would -- that would

24 certainly also help our plan as well, because it

25 really -- in terms of variances and everything else,

<p style="text-align: right;">117</p> <p>1 it complicates our plan because of where it's</p> <p>2 located, you know, and being moved, it creates a</p> <p>3 front yard setback issue and really --</p> <p>4 MR. ELLER: Does that eliminate any of</p> <p>5 the variances?</p> <p>6 MS. PRICE: Yes, multiple.</p> <p>7 It helps tremendously.</p> <p>8 MS. HAVERILLA: We just have to look at</p> <p>9 the site and make sure that it would and it can be</p> <p>10 moved there.</p> <p>11 MS. PRICE: If we can do that, then I'm</p> <p>12 happy to talk further with the client in terms of</p> <p>13 what would be involved with that and then we can look</p> <p>14 to see what else, because that area would then be</p> <p>15 opened up for more plantings.</p> <p>16 MS. HAVERILLA: I'm good with the rest.</p> <p>17 MS. PRICE: Okay.</p> <p>18 Can I just tell Mr. Keil something?</p> <p>19 There's three -- Jim's plans, the three sheets have</p> <p>20 been filed with the board. The landscaping plan is</p> <p>21 LA 1 of 3 and then LA 2 of 3 and then the tree</p> <p>22 removal plan is 3 of 3 and that Sheet 3 of 3 has all</p> <p>23 the calculations on them and they're the full sheet</p> <p>24 size.</p> <p>25 So you should have that in your</p>	<p style="text-align: right;">119</p> <p>1 screening.</p> <p>2 MS. LOULLOUDIS: But you still have the</p> <p>3 trees at the bottom?</p> <p>4 THE WITNESS: At the bottom, yeah. You</p> <p>5 can do that, because you're not hurting the integrity</p> <p>6 of the lining of the basin.</p> <p>7 MS. LOULLOUDIS: Does that make it</p> <p>8 harder to maintain the basin? Are you still able to</p> <p>9 go in there and mow the lawn and keep the weeds --</p> <p>10 THE WITNESS: Actually, I probably look</p> <p>11 at it as a situation where we would use more of a</p> <p>12 natural mix, not a grass mix in there so that it's</p> <p>13 more natural and they'd have to go in there probably</p> <p>14 once a year to cut it down.</p> <p>15 MS. LOULLOUDIS: Okay. I'm just</p> <p>16 thinking if the trees are going to be in the way or</p> <p>17 --</p> <p>18 THE WITNESS: They shouldn't be, no.</p> <p>19 MS. LOULLOUDIS: And just a comment. I</p> <p>20 know last time I worked in New York City, 3-inch</p> <p>21 trees cost \$1400.00. That was in 2016, so you're</p> <p>22 getting off cheap.</p> <p>23 THE WITNESS: That's New York City.</p> <p>24 (Laughter.)</p> <p>25 MR. BEDIAN: You have to replace six</p>
<p style="text-align: right;">118</p> <p>1 package.</p> <p>2 MS. HAVERILLA: It's all electronic</p> <p>3 too, right?</p> <p>4 MS. PRICE: Yes.</p> <p>5 We did everything electronic, as well</p> <p>6 as full size.</p> <p>7 THE WITNESS: The monitory calculations</p> <p>8 are not on there.</p> <p>9 MS. PRICE: No, no, no, the numbers.</p> <p>10 THE WITNESS: Right.</p> <p>11 MS. PRICE: Yeah, okay. Sorry.</p> <p>12 MS. LOULLOUDIS: No, that's okay.</p> <p>13 I may have misheard, but I thought that</p> <p>14 you mentioned something about trees and the detention</p> <p>15 basin, being very selective about what you put there</p> <p>16 to make sure that the system doesn't get clogged or</p> <p>17 anything like that.</p> <p>18 THE WITNESS: Well, it's not</p> <p>19 necessarily -- right, on top of the basin you don't</p> <p>20 want to put trees on top of the berm, okay, because</p> <p>21 the roots can potentially damage the core that's</p> <p>22 there and all that.</p> <p>23 So, we can use shrubs there, so that's</p> <p>24 what we used. We used large evergreen and some</p> <p>25 deciduous shrubs up there to help provide additional</p>	<p style="text-align: right;">120</p> <p>1 times the diameter in New York. So that's -- if you</p> <p>2 cut 300 trees, if you're in New York, you're</p> <p>3 replacing 700, 800 trees.</p> <p>4 MS. HAVERILLA: That sounds like</p> <p>5 affordable housing.</p> <p>6 MR. BEDIAN: What's that?</p> <p>7 MS. HAVERILLA: It sounds like</p> <p>8 affordable housing.</p> <p>9 MR. BEDIAN: Yeah.</p> <p>10 MR. ELLER: No one can explain that one</p> <p>11 either.</p> <p>12 MR. BEDIAN: Yeah. I don't have any</p> <p>13 questions.</p> <p>14 They exhausted the questions.</p> <p>15 MR. SCOZZAFAVA: No, I'm good.</p> <p>16 CHAIRMAN WEIDMANN: Seeing that the</p> <p>17 board has no further questions, can we have a motion</p> <p>18 to open the meeting to the public?</p> <p>19 MR. ALESSI: Motion.</p> <p>20 MR. MAMARY: Second.</p> <p>21 CHAIRMAN WEIDMANN: All in favor?</p> <p>22 (Whereupon, all present members respond</p> <p>23 in the affirmative.)</p> <p>24 CHAIRMAN WEIDMANN: Okay. The meeting</p> <p>25 is --</p>

<p style="text-align: right;">121</p> <p>1 THE WITNESS: Would it be all right if</p> <p>2 I turned this?</p> <p>3 CHAIRMAN WEIDMANN: Yeah.</p> <p>4 The meeting is open to the public, if</p> <p>5 anyone has any questions regarding the landscaping</p> <p>6 plan and only the landscaping plan.</p> <p>7 Yes, ma'am, step forward.</p> <p>8 MS. COSTA: Hi, I'm Francesca Costa. I</p> <p>9 live at 82 Everett Street, Closter, New Jersey.</p> <p>10 All right. So if you can answer any of</p> <p>11 these questions, that's fine. If you can't, that's</p> <p>12 fine too.</p> <p>13 Is there -- like, you know, as far as</p> <p>14 you've studied, is there any sort of real definition</p> <p>15 for a mature forest and would this property currently</p> <p>16 be defined as such?</p> <p>17 THE WITNESS: I don't know if I can</p> <p>18 answer that question.</p> <p>19 Let's just say that the majority of the</p> <p>20 trees on the site are less than 18 inches, a vast</p> <p>21 majority, 80-some percent are less than 18 inches.</p> <p>22 So it's -- that puts it at around 40 to</p> <p>23 90 years old. Okay?</p> <p>24 Now, there are some bigger trees in</p> <p>25 there that obviously are older, but the vast majority</p>	<p style="text-align: right;">123</p> <p>1 THE WITNESS: Well --</p> <p>2 MS. COSTA: What percentage of trees</p> <p>3 will you replace, you know, on this property are</p> <p>4 actually invasive?</p> <p>5 THE WITNESS: Trees? None.</p> <p>6 MS. COSTA: None? I think dogwood</p> <p>7 might be, but...</p> <p>8 THE WITNESS: No.</p> <p>9 MS. COSTA: No?</p> <p>10 THE WITNESS: Not on your list, not on</p> <p>11 the New Jersey invasive species list.</p> <p>12 MS. COSTA: Okay. Thank you.</p> <p>13 So during a large storm around 3,600</p> <p>14 cubic feet of water per hour now washes out of the</p> <p>15 property. With the removal of the trees, it will be</p> <p>16 up to 11,600 --</p> <p>17 MR. REGAN: You're testifying.</p> <p>18 MS. COSTA: Oh, no, no, I promise it</p> <p>19 will connect, I promise.</p> <p>20 MR. REGAN: You're still making an</p> <p>21 assumption that your calculation --</p> <p>22 MS. COSTA: No, it's in a report.</p> <p>23 MS. PRICE: Who's report?</p> <p>24 MS. COSTA: The civil engineer's.</p> <p>25 THE WITNESS: So he should be the one</p>
<p style="text-align: right;">122</p> <p>1 of the trees are not there.</p> <p>2 MS. COSTA: Are there any that date to</p> <p>3 the origin of the house being built?</p> <p>4 THE WITNESS: I don't believe so, no,</p> <p>5 because that's over 200 years old and I think the</p> <p>6 oldest is probably in that 150- to 175-year range.</p> <p>7 MS. COSTA: What percentage of the</p> <p>8 trees on this property are now indigenous to the</p> <p>9 area?</p> <p>10 THE WITNESS: What do you mean by that.</p> <p>11 MS. COSTA: You know, native plants or</p> <p>12 native trees.</p> <p>13 THE WITNESS: That are currently there?</p> <p>14 MS. COSTA: Yeah.</p> <p>15 THE WITNESS: They're all native.</p> <p>16 Well, I shouldn't say that.</p> <p>17 No, there are some Norway maple, but</p> <p>18 very few. You're looking at maybe, I found 13,</p> <p>19 6 percent, which is actually quite good considering.</p> <p>20 MS. COSTA: Yeah.</p> <p>21 Are you aware that 40 percent of native</p> <p>22 trees in New Jersey are endangered?</p> <p>23 THE WITNESS: I was not aware of that,</p> <p>24 no.</p> <p>25 MS. COSTA: Yeah, it's a problem.</p>	<p style="text-align: right;">124</p> <p>1 answering the question.</p> <p>2 MS. COSTA: No, no, no, this connects,</p> <p>3 this connects, I promise.</p> <p>4 You know, once the trees are replanted,</p> <p>5 will you be able to absorb some more of that water?</p> <p>6 THE WITNESS: I mean, obviously there</p> <p>7 will be some trees absorbing the water, yes. You</p> <p>8 know, to what extent, I don't know.</p> <p>9 MS. COSTA: Are you replanting smaller</p> <p>10 trees and will that impact things?</p> <p>11 THE WITNESS: I'm planting</p> <p>12 2-and-a-half-inch caliper trees, so...</p> <p>13 MS. COSTA: So will they reach the</p> <p>14 height that the trees are now?</p> <p>15 THE WITNESS: In 40 to 90 years. I</p> <p>16 mean, we're talking older trees that it's apples to</p> <p>17 oranges.</p> <p>18 You can't -- you're not going to be</p> <p>19 able to put back a tree the same size that you're</p> <p>20 taking out.</p> <p>21 MS. COSTA: Yeah, and are the trees</p> <p>22 that you're planting -- but they will potentially</p> <p>23 reach that size, right?</p> <p>24 THE WITNESS: Yeah.</p> <p>25 MS. COSTA: Even like the flowering</p>

<p style="text-align: right;">125</p> <p>1 trees?</p> <p>2 THE WITNESS: The flowering trees will</p> <p>3 not, no. They're 20, 25 foot. Okay?</p> <p>4 MS. COSTA: Okay.</p> <p>5 THE WITNESS: But, again, different</p> <p>6 usage, different appropriate usage of plant material.</p> <p>7 You don't want a tree that's going to be 60-feet tall</p> <p>8 right against the foundation of your structure.</p> <p>9 That's -- and it's going to not only cause damage to</p> <p>10 the structure, but it's also going to be ludicrous in</p> <p>11 how it looks.</p> <p>12 MS. COSTA: Yeah, we don't want widow</p> <p>13 makers, right?</p> <p>14 THE WITNESS: Exactly, and you don't</p> <p>15 want things falling on the roof and causing damage.</p> <p>16 So it's a health and safety issue in that situation.</p> <p>17 MS. COSTA: How will you address</p> <p>18 invasive phragmites within your wetlands?</p> <p>19 THE WITNESS: I didn't testify to</p> <p>20 anything about phragmites and that control.</p> <p>21 MS. COSTA: Well, it's invasive plants</p> <p>22 and --</p> <p>23 THE WITNESS: It is invasive species.</p> <p>24 I don't know if there's even any there. I think I</p> <p>25 did my walk in the wintertime, so it's tough to see</p>	<p style="text-align: right;">127</p> <p>1 and also use vernal ponds?</p> <p>2 THE WITNESS: I didn't testify to that</p> <p>3 at all, so I can't answer that question.</p> <p>4 MS. COSTA: How can semi-permeable lots</p> <p>5 benefit your trees?</p> <p>6 THE WITNESS: Come back again with</p> <p>7 that. I don't understand your question.</p> <p>8 MS. COSTA: So a lot of your trees --</p> <p>9 I'm just imagining -- sorry, I didn't see that until</p> <p>10 now, but it seems like a lot of your trees are</p> <p>11 surrounded by concrete. Would a semi-permeable lot</p> <p>12 be beneficial to those tree roots?</p> <p>13 THE WITNESS: Yes and no.</p> <p>14 The problem is, is that there have been</p> <p>15 studies shown that they will help with trees, but the</p> <p>16 thing is, is that you also have more -- these are</p> <p>17 more an urban environment. There's a lot of cases</p> <p>18 here where you have a back end that's open to roots</p> <p>19 so that it has free roam the front and in the parking</p> <p>20 lot island. It is what it is. You know, we have to</p> <p>21 do what we did there and most of those, I have shrubs</p> <p>22 in those areas and I have the trees towards the back,</p> <p>23 so...</p> <p>24 MS. COSTA: Will you address ash and</p> <p>25 beech tree die-offs and be responsible land stewards</p>
<p style="text-align: right;">126</p> <p>1 whether it's there or not.</p> <p>2 MS. COSTA: How many low brush plants</p> <p>3 will you clear? I know we counted the trees, but --</p> <p>4 THE WITNESS: There's not a lot of --</p> <p>5 again, you have a big deer issue in this town. Okay?</p> <p>6 The understory in this woods is virtually</p> <p>7 non-existent because of the deer population.</p> <p>8 So we're not taking out an awful lot.</p> <p>9 MS. COSTA: Do you think that the</p> <p>10 sudden loss of a mature forest will impact how the</p> <p>11 deer consume other areas?</p> <p>12 THE WITNESS: I can't answer that</p> <p>13 question, because I've been doing this for 30-plus</p> <p>14 years and I still can't figure out what deer think,</p> <p>15 because they're very different from when you think</p> <p>16 you have them figured out, they change.</p> <p>17 MS. COSTA: Yeah, they just got to my</p> <p>18 hostas, so...</p> <p>19 THE WITNESS: They love hostas. You</p> <p>20 know, they love -- there's a lot of things you</p> <p>21 shouldn't be doing and so I try to stay away from</p> <p>22 those plants.</p> <p>23 MS. COSTA: Are you worried about the</p> <p>24 possibility of endangering federally endangered</p> <p>25 populations like Indiana bats that survive in trees</p>	<p style="text-align: right;">128</p> <p>1 even on the wetlands areas? I know you mentioned</p> <p>2 diseased trees, really the main problem are the ash</p> <p>3 and beech trees.</p> <p>4 THE WITNESS: I would think that the --</p> <p>5 you know, especially ash and beech is a little slower</p> <p>6 in this area, die-off-wise. Ash is pretty quick.</p> <p>7 I've seen a lot of dead ash over the last few years</p> <p>8 and ash borer and the client in the past has dealt</p> <p>9 with those issues, because they don't want to see</p> <p>10 dead trees overhanging near the property as well. So</p> <p>11 that would be something that would be on an as-needed</p> <p>12 basis.</p> <p>13 MS. COSTA: You might not be able to</p> <p>14 answer this question, but like how often would</p> <p>15 landscaping happen and how much of a carbon footprint</p> <p>16 might that have?</p> <p>17 THE WITNESS: What do you mean by</p> <p>18 landscaping?</p> <p>19 MS. COSTA: You know, just maintenance</p> <p>20 of the trees that you're planting and, you know, the</p> <p>21 new ones and, you know, maintaining the shrubs and</p> <p>22 the flowers?</p> <p>23 THE WITNESS: Well, if I've done my job</p> <p>24 correctly, they shouldn't have to be doing an awful</p> <p>25 lot of pruning out there, minimal amount of pruning.</p>

1 That doesn't mean that it won't happen, because I've
2 been at a lot of job sites where it's just secondary
3 nature, they come through and do it, but that being
4 said, maintenance will happen, they'll mow the lawn,
5 they'll keep, you know -- and they'll probably do
6 pruning probably about once a year is typically what
7 most landscape companies would do.

8 MS. COSTA: Are you aware nut-bearing
9 trees are an integral part of our local ecosystem?

10 THE WITNESS: I'm aware of -- there's a
11 lot of oak in the existing woods.

12 But I also have to look out for the
13 safety of the individuals in this -- of the residents
14 and if you've ever been at an assisted living, it
15 doesn't take much for them to do a trip and fall and
16 I have literally been on a site where someone was
17 walking around on the sidewalk, they tripped and
18 fell, broke their hip. Okay? So...

19 MS. COSTA: I've been to a lot of them
20 and they don't usually tend to walk.

21 THE WITNESS: Well, they have their
22 walkers, but, you know, again, I don't want to put
23 any obstacles that I don't need to. So I tried, you
24 know, as you saw, I did put some pin oak out there in
25 the back areas where people aren't going to be

1 walking. Where people -- where there's sidewalks, I
2 try to stay away from it.

3 MS. COSTA: Are there any plans to
4 improve your wetlands areas, like introducing
5 cattails, install birdhouses or install pollinator
6 gardens, along with your rain garden?

7 THE WITNESS: Not at this time, no. I
8 don't -- again, I didn't testify to any of that, so I
9 wouldn't -- that's not part of the plan right now.

10 MS. COSTA: Let's see, do you think the
11 loss of this -- I already touched on that.

12 So what environmentally would change
13 when these new trees and plants replace old growth
14 trees in this ecosystem.

15 THE WITNESS: I can't answer that
16 question. I didn't testify to anything regarding the
17 environmental changes.

18 MS. COSTA: Okay. But I mean, like
19 you're replacing an entire forest, so --

20 MS. PRICE: I don't think he testified
21 to that. You asked him that. He didn't testify to
22 that.

23 MS. COSTA: I mean, you're cutting down
24 half the property. He even said it. Three quarters
25 of the property.

1 MS. PRICE: He didn't say he was
2 cutting down a forest, though. That's what your
3 question was.

4 MS. COSTA: I mean, it's a collection
5 of trees. Can't see the trees, right, for the
6 forest?

7 Are you aware native -- ba, ba, ba, ba.
8 Oh, are you aware that native trees and plants
9 support significantly larger portions of our local
10 wildlife?

11 THE WITNESS: And that's why I used
12 them as much as possible, yes.

13 MS. COSTA: Thank you for that.

14 Do you have any rain gardens elsewhere?
15 Sorry, I didn't see this until now. Do you have rain
16 gardens else where on the property that you were
17 considering?

18 THE WITNESS: Not at this time, no.

19 MS. COSTA: Okay. Well, thank you.

20 MS. KAISER: My name is Brielle Kaiser
21 and my address is 35 Council Place and you spell
22 Kaiser, K-A-I-S-E-R.

23 So you testified that you were looking
24 to add plants that were mostly deer resistant.

25 Do you have the numbers of how many of

1 the plants that you've chosen are not deer resistant?

2 THE WITNESS: Let's just say I would
3 not put anything that would be deer bait. Okay?

4 Things like arborvitae, the eastern
5 white arborvitae is definitely deer candy. Hostas,
6 deer candy. A lot of things that I knowingly have
7 used on other properties that deer go after, I try
8 not to use.

9 There are some things -- in fact, in
10 our meeting with our neighbors, they planted some
11 Itea around their detention basin that is now eaten.
12 So that one is a hit or miss.

13 I've used it on properties 44 acre
14 seniors development in Media, PA around a reservoir.
15 It didn't get touched. I've used it on my property.
16 I have two acres in Lancaster. It got eaten within a
17 week. So it all depends on the herd a lot of times.
18 I used it here. I will probably reconsider that
19 plant and choose something else that probably is less
20 than likely to be eaten.

21 MS. KAISER: How many of that plant do
22 you currently have on the plans?

23 THE WITNESS: I don't know off the top
24 of my head. I can tell you. I have a plant list
25 right here. Itea, I have 53.

<p style="text-align: right;">133</p> <p>1 MS. KAISER: Okay.</p> <p>2 THE WITNESS: So basically I would look</p> <p>3 at probably other plants that would be less likely to</p> <p>4 be eaten.</p> <p>5 MS. KAISER: And is there any other</p> <p>6 plants you think may be at risk for being not deer</p> <p>7 resistant?</p> <p>8 THE WITNESS: Again, it depends on the</p> <p>9 herd. A lot times, like I have used -- I've used a</p> <p>10 lot of these on other developments and not had any</p> <p>11 issues.</p> <p>12 If deer are hungry enough, they're</p> <p>13 going to eat pretty much anything. Okay?</p> <p>14 So I mean, things like inkberry is not</p> <p>15 typically eaten, but I have seem them eaten. Okay?</p> <p>16 So it all depends on the herd and</p> <p>17 that's one of those, you know, things that, okay, if</p> <p>18 they eat it, then if we have to replace it, we put</p> <p>19 something else different there.</p> <p>20 MS. KAISER: Thank for all your</p> <p>21 answers.</p> <p>22 MR. ALESSI: Mr. Chairman, I got a</p> <p>23 quick question. What road did you live on -- do you</p> <p>24 live on?</p> <p>25 MS. KAISER: Council Place.</p>	<p style="text-align: right;">135</p> <p>1 fairly large upon maturity.</p> <p>2 On top of the berm for the detention</p> <p>3 basin, we're using a mixture of evergreen and</p> <p>4 deciduous shrubs, large shrubs, things that will be</p> <p>5 10 to 15 feet at maturity.</p> <p>6 So the dark green are evergreen.</p> <p>7 You've got probably one, two -- four, five, so you're</p> <p>8 probably looking at 50 to -- 50 to 60 of those and</p> <p>9 then in between you're using -- I'm using some</p> <p>10 doublefile viburnum, which again get very big and</p> <p>11 very dense in nature.</p> <p>12 So even though they lose their leaves</p> <p>13 in the wintertime, there will still be somewhat of a</p> <p>14 screen because the density of the branching.</p> <p>15 And also you have arrowwood in there,</p> <p>16 which, again, same thing, they get large and are</p> <p>17 rather dense.</p> <p>18 MS. ANNESE: Thank you.</p> <p>19 MR. MAGGIO: Those shrubs are behind</p> <p>20 the trees?</p> <p>21 THE WITNESS: Those are behind the</p> <p>22 trees.</p> <p>23 MR. MAGGIO: You'll see them below the</p> <p>24 canopy?</p> <p>25 THE WITNESS: Right. When we met with</p>
<p style="text-align: right;">134</p> <p>1 MR. ALESSI: Council?</p> <p>2 MS. KAISER: Yes.</p> <p>3 MR. ALESSI: C-O-U-N-C-I-L?</p> <p>4 MS. KAISER: Yes.</p> <p>5 MR. ALESSI: And what town is that?</p> <p>6 MS. KAISER: Harrington Park.</p> <p>7 MR. ALESSI: Harrington Park, okay.</p> <p>8 Thank you.</p> <p>9 CHAIRMAN WEIDMANN: Yes, ma'am.</p> <p>10 MS. ANNESE: My name is Jen Annese. I</p> <p>11 live at 24 Lakeview Drive.</p> <p>12 I'm just curious, can you --</p> <p>13 MS. KNARICH: Can you just spell your</p> <p>14 last name?</p> <p>15 MS. ANNESE: A-N-N-E-S-E.</p> <p>16 I'm just here so you probably answered</p> <p>17 this before, what exactly is being done to ensure the</p> <p>18 privacy for the Lakeview residents, because I'm</p> <p>19 directly behind.</p> <p>20 THE WITNESS: So right here is Lakeview</p> <p>21 on the north property line (inaudible).</p> <p>22 All along this property line we have</p> <p>23 8-foot evergreen trees. I believe a number of them</p> <p>24 are the Green Giant arborvitae and in the middle here</p> <p>25 there's a number of Norway spruce. So they'll get</p>	<p style="text-align: right;">136</p> <p>1 the Lakeview board, Mr. McElwee did offer to do</p> <p>2 additional landscaping on their property if they</p> <p>3 wanted that so that we could provide additional</p> <p>4 screening for them.</p> <p>5 MR. MAGGIO: Thank you.</p> <p>6 CHAIRMAN WEIDMANN: Yes, sir.</p> <p>7 MR. ARDITO: Peter Ardito, 57 Glen</p> <p>8 Avenue East, Harrington Park representing Bergen</p> <p>9 SWAN.</p> <p>10 Just if I can see the map here.</p> <p>11 THE WITNESS: Sure.</p> <p>12 MR. ARDITO: These trees are still the</p> <p>13 original trees that are currently there?</p> <p>14 THE WITNESS: Correct.</p> <p>15 MR. ARDITO: And the trees that</p> <p>16 currently are here, you're removing all those trees?</p> <p>17 THE WITNESS: Correct.</p> <p>18 MR. ARDITO: Is there some reason why</p> <p>19 those trees have to be removed seeing how the --</p> <p>20 THE WITNESS: Well, because the grading</p> <p>21 of the -- for the detention basin.</p> <p>22 So you'll be grading all through on the</p> <p>23 root system. So there's -- you know, it's a --</p> <p>24 you'll be filling over top of them, which is not a</p> <p>25 good situation. Okay?</p>

<p style="text-align: right;">137</p> <p>1 So, essentially, what you're looking at</p> <p>2 is a slow decline. Initially they may survive, but</p> <p>3 over five years you're going to start seeing some die</p> <p>4 back and things like that.</p> <p>5 So I'd rather just put something in</p> <p>6 right from the start knowing that we have good</p> <p>7 screening there and the thing that's not shown on</p> <p>8 this is on the other side of that property line</p> <p>9 there's a good 20 to 30 feet of woods still there.</p> <p>10 MR. ARDITO: It will still be there?</p> <p>11 THE WITNESS: Correct.</p> <p>12 MR. ARDITO: I wasn't sure about that.</p> <p>13 THE WITNESS: Yeah, we don't have any</p> <p>14 right to take their trees down.</p> <p>15 MR. ARDITO: I didn't know where the</p> <p>16 property line was.</p> <p>17 So these trees, you said, will be</p> <p>18 roughly how tall.</p> <p>19 THE WITNESS: They'll be 8 foot at</p> <p>20 installation.</p> <p>21 MR. ARDITO: And the height of the</p> <p>22 building is going to be roughly how high?</p> <p>23 THE WITNESS: It's 38-and-a-half -- 35.</p> <p>24 MS. PRICE: Thirty-five.</p> <p>25 MR. ARDITO: Thirty-five. So you'll</p>	<p style="text-align: right;">139</p> <p>1 THE WITNESS: Yes, 85 are evergreen,</p> <p>2 yes.</p> <p>3 MR. ARDITO: So would it be fair to say</p> <p>4 that of the 166, roughly half of those are going to</p> <p>5 be evergreens, roughly?</p> <p>6 THE WITNESS: Roughly.</p> <p>7 MR. ARDITO: As opposed to the fact</p> <p>8 that currently a very, very small percentage is</p> <p>9 evergreens at all?</p> <p>10 THE WITNESS: Correct.</p> <p>11 MR. ARDITO: And the last section I</p> <p>12 just want to ask you, having walked the property, did</p> <p>13 you do any inspection on any of the trees -- I know</p> <p>14 you were asked about bats before and I know you</p> <p>15 didn't testify to that, but you have walked the</p> <p>16 property. The concern for the question I'm going to</p> <p>17 ask, the concern SWAN has is that because of the</p> <p>18 proximity of the reservoir and because it is a forest</p> <p>19 right now, it would be fair to say 203 trees does</p> <p>20 comprise a forest and it's roughly some five acres,</p> <p>21 so a small forest, let's say.</p> <p>22 THE WITNESS: Very small.</p> <p>23 MR. ARDITO: There would be possibility</p> <p>24 of wildlife that are living in the canopies of those</p> <p>25 trees. There have been witness of, pictures of</p>
<p style="text-align: right;">138</p> <p>1 still be able to see the building.</p> <p>2 Let's see, so I just want to go over</p> <p>3 the numbers again. You're going to remove 203 trees.</p> <p>4 Is that correct?</p> <p>5 THE WITNESS: Correct.</p> <p>6 MR. ARDITO: Of those 203 -- have you</p> <p>7 walked the property?</p> <p>8 THE WITNESS: I have.</p> <p>9 MR. ARDITO: How many of those trees</p> <p>10 are evergreen versus deciduous?</p> <p>11 THE WITNESS: A majority of them are</p> <p>12 deciduous.</p> <p>13 MR. ARDITO: They are?</p> <p>14 THE WITNESS: A vast majority. I don't</p> <p>15 think I saw any --</p> <p>16 MR. ARDITO: That's all right. I</p> <p>17 haven't walked the property.</p> <p>18 THE WITNESS: I don't think there's any</p> <p>19 evergreens.</p> <p>20 MR. ARDITO: And you've said, you</p> <p>21 testified that you're going to replace 166 trees?</p> <p>22 THE WITNESS: Correct.</p> <p>23 MR. ARDITO: And of those, if I was</p> <p>24 correct, you're replacing, of those 85 are going to</p> <p>25 be evergreens?</p>	<p style="text-align: right;">140</p> <p>1 eagles in the vicinity. There are hawks in the</p> <p>2 vicinity you can look at any given time.</p> <p>3 Grey horned owls have been heard and</p> <p>4 screech owls are in the vicinity. So you have --</p> <p>5 you've walked the property, but you cannot attest to</p> <p>6 the fact that there may or may not be nests for these</p> <p>7 animals.</p> <p>8 THE WITNESS: I would not know their</p> <p>9 nest to start with.</p> <p>10 MR. ARDITO: Okay. So there is the</p> <p>11 possibility that they could be within --</p> <p>12 THE WITNESS: There is a possibility,</p> <p>13 but there are also existing trees that are to remain</p> <p>14 and there's also existing trees on neighboring</p> <p>15 properties as well.</p> <p>16 MR. ARDITO: And I would like to ask</p> <p>17 this question. You have not testified to this, but</p> <p>18 it's within this realm, and that is, is there any</p> <p>19 concern that as trees are being removed and being cut</p> <p>20 down on a regular basis, I'm assuming it's going to</p> <p>21 go in a line so to speak, if you come across any</p> <p>22 nests that comprise any of the animals, Indiana bats,</p> <p>23 which are a very important species, the state is</p> <p>24 looking over those. They do -- the females nest in</p> <p>25 the dead trees, in the bark of dead trees -- the bark</p>

<p style="text-align: right;">141</p> <p>1 of dead trees, as well as some live trees.</p> <p>2 So they could be in there as well</p> <p>3 depending on when construction works. Is there any</p> <p>4 concern that if that was to be found that stoppage</p> <p>5 would happen just to try to remediate or move the</p> <p>6 nests or do something of that nature.</p> <p>7 THE WITNESS: That's something I can't</p> <p>8 answer, because frankly I don't think most</p> <p>9 construction workers will pick up on those.</p> <p>10 MR. ARDITO: Okay. So there's a</p> <p>11 possibility that if there are species in the trees,</p> <p>12 they could just be wasted.</p> <p>13 MS. PRICE: All I can say is that we</p> <p>14 have our DEP letter says that there are no endangered</p> <p>15 species on the property and we have a 50-foot</p> <p>16 wetlands buffer, but our DEP approval letter</p> <p>17 specifically says no endangered species on the</p> <p>18 property, so...</p> <p>19 MR. ARDITO: But nobody has checked the</p> <p>20 canopies out of fairness? DEP didn't go into canopy?</p> <p>21 I'm just asking.</p> <p>22 MS. PRICE: I'm just -- the letter we</p> <p>23 have from DEP who controls --</p> <p>24 MR. ARDITO: I was just asking if</p> <p>25 something was to be observed during the harvesting of</p>	<p style="text-align: right;">143</p> <p>1 diligence through our civil engineer and our team.</p> <p>2 MR. SKRABLE: My point was that it's</p> <p>3 just not the site, it's the surrounding --</p> <p>4 MS. PRICE: Yeah, no, it's not just the</p> <p>5 site. It's the broader area and plus we went even</p> <p>6 further and dug into Lakeview's approvals.</p> <p>7 CHAIRMAN WEIDMANN: I remember I was on</p> <p>8 this board when we went through the same thing with</p> <p>9 Lakeview and there was all sorts of issues about, you</p> <p>10 know, endangered species and on and on and on and</p> <p>11 like you said, the paperwork was all filled out for</p> <p>12 Lakeview and there were no issues there.</p> <p>13 MS. PRICE: Yeah, and, in fact, the</p> <p>14 application for Lakeview that was filed with the</p> <p>15 board, not necessarily this board, but the board was</p> <p>16 -- specifically requested that the property be</p> <p>17 declared not environmentally sensitive, because I</p> <p>18 noted that when I went through all the documents on</p> <p>19 the development, because I was surprised because it</p> <p>20 abuts Lake Tappan, you know, in between Lake Tappan</p> <p>21 and us and the finding was made.</p> <p>22 MR. ARDITO: I'd like to make one</p> <p>23 comment in reply to that and that is --</p> <p>24 MS. PRICE: It wasn't -- that was my</p> <p>25 comment.</p>
<p style="text-align: right;">142</p> <p>1 the trees, that some concern might be made to protect</p> <p>2 that species or move it to a sanctuary or something.</p> <p>3 MS. PRICE: I don't know.</p> <p>4 MR. ARDITO: Okay. Just asking. I</p> <p>5 think it's a legitimate question. It's an important</p> <p>6 thing for the environment and for the town.</p> <p>7 MS. PRICE: We can talk about it.</p> <p>8 MR. ARDITO: Okay. Thank you.</p> <p>9 MR. SKRABLE: Just a follow-up to your</p> <p>10 comment, doesn't the natural land request form that</p> <p>11 you submit to DEP actually give you a radius?</p> <p>12 MS. PRICE: Yeah.</p> <p>13 MR. SKRABLE: Isn't it within half a</p> <p>14 mile or a mile of the site?</p> <p>15 MS. PRICE: Yeah, and on Lakeview they</p> <p>16 didn't have it either, because we checked Lakeview's</p> <p>17 paperwork and Lakeview didn't have endangered species</p> <p>18 either and they had a 50-foot buffer on their</p> <p>19 approval.</p> <p>20 So I don't -- you know, if it doesn't</p> <p>21 exist towards Lake Tappan and it doesn't exist on our</p> <p>22 property, I'm not sure where it's existing when two</p> <p>23 lots over, you know, you have the roadway going into</p> <p>24 Lakeview.</p> <p>25 So, you know, we've exercised our due</p>	<p style="text-align: right;">144</p> <p>1 CHAIRMAN WEIDMANN: No comments. This</p> <p>2 is questions.</p> <p>3 MR. ARDITO: I'm sorry, a question</p> <p>4 then. You said about deer, that deer are eating the</p> <p>5 undergrowth, okay?</p> <p>6 THE WITNESS: Yeah.</p> <p>7 MR. ARDITO: Well, as we develop more</p> <p>8 and more property, there is the likelihood, I would</p> <p>9 guess, if you would agree, that deer are being</p> <p>10 concentrated into smaller and smaller areas and all I</p> <p>11 would say is the possibility that the same thing when</p> <p>12 Lakeview was developed, in species of birds and</p> <p>13 things could have now moved over into these woods,</p> <p>14 because their home that existed when Lakeview was</p> <p>15 removed has now been limited to this five-and-a-half</p> <p>16 acres.</p> <p>17 So I'm just, in response to what you</p> <p>18 said, I think it's also fair to say that maybe there</p> <p>19 weren't invasive -- I'm sorry, endangered species at</p> <p>20 that point, but things have changed, it's been 20</p> <p>21 years; is that fair to say? Thirty years. Things</p> <p>22 have changed.</p> <p>23 THE WITNESS: Our letter doesn't say</p> <p>24 anything.</p> <p>25 MR. ARDITO: I understand.</p>

<p style="text-align: right;">145</p> <p>1 MS. PRICE: Right.</p> <p>2 MR. ARDITO: I'm just responding to</p> <p>3 that.</p> <p>4 MS. PRICE: That's the point, our</p> <p>5 letter --</p> <p>6 MR. ARDITO: That things are being</p> <p>7 concentrated more and more.</p> <p>8 CHAIRMAN WEIDMANN: Yes, ma'am.</p> <p>9 MS. KUGELMAN: This is not a question</p> <p>10 for the landscaper. It's actually a question for the</p> <p>11 attorney.</p> <p>12 CHAIRMAN WEIDMANN: Pardon me?</p> <p>13 MS. KUGELMAN: It's not a question for</p> <p>14 the landscape architect. It's a question directly to</p> <p>15 the attorney on something she said.</p> <p>16 MR. REGAN: She didn't testify.</p> <p>17 CHAIRMAN WEIDMANN: She hasn't</p> <p>18 testified.</p> <p>19 MR. REGAN: You can only ask questions</p> <p>20 of the witnesses.</p> <p>21 MR. ELLER: You'll have another</p> <p>22 opportunity to ask Ms. Price questions later.</p> <p>23 MS. KUGELMAN: Okay. Thank you.</p> <p>24 CHAIRMAN WEIDMANN: Anyone else?</p> <p>25 Yes, ma'am.</p>	<p style="text-align: right;">147</p> <p>1 installation of the trees.</p> <p>2 MS. FONOROW: This is going to be one</p> <p>3 of the largest buildings in Old Tappan or fairly</p> <p>4 large. It's a significant scale. Okay, it's not as</p> <p>5 large as --</p> <p>6 CHAIRMAN WEIDMANN: Ma'am --</p> <p>7 MS. FONOROW: My question is: How are</p> <p>8 you going to hide this very large 30,000-square-foot</p> <p>9 building, it's actually 81,000, three-story building</p> <p>10 with 6- to 8-foot trees scattered?</p> <p>11 THE WITNESS: The beautiful thing about</p> <p>12 plants is they grow.</p> <p>13 So, initially, yes, it's -- it will be</p> <p>14 -- I think it will still be appropriate, but I think</p> <p>15 as those trees mature, I think you'll see it being</p> <p>16 more and more of a --</p> <p>17 MS. FONOROW: And what is -- well,</p> <p>18 yeah, what is the growth rate of these trees, of the</p> <p>19 evergreens for instance? I know I put white pines in</p> <p>20 and it was a big mistake, they're horrible, but I got</p> <p>21 them because they grew fast and I wanted to block Old</p> <p>22 Tappan Road, big mistake. I didn't choose the</p> <p>23 evergreens you're choosing.</p> <p>24 THE WITNESS: Notice I didn't choose</p> <p>25 any white pines for that reason. Even though they</p>
<p style="text-align: right;">146</p> <p>1 MS. FONOROW: I haven't been called</p> <p>2 ma'am so much in my life.</p> <p>3 Hi, Cherie Fonorow, 256 Old Tappan</p> <p>4 Road. How are you?</p> <p>5 There was a bald eagle in my backyard,</p> <p>6 I have a picture of, that came from 244 because he</p> <p>7 flew over and he did fly towards River Vale.</p> <p>8 MR. REGAN: This is testimony. We need</p> <p>9 a question.</p> <p>10 MS. FONOROW: Trees absorb water.</p> <p>11 There are over 200 trees that are between 50 feet,</p> <p>12 150-feet tall. Are you able to calculate how much</p> <p>13 water? There is flooding and things like that going</p> <p>14 on, stormwater and flooding is a big issue.</p> <p>15 THE WITNESS: This isn't my testimony.</p> <p>16 MS. FONOROW: Have you calculated how</p> <p>17 much the amount of water the current property these</p> <p>18 trees absorb versus the amount of water of these</p> <p>19 replacement trees?</p> <p>20 THE WITNESS: I believe our engineer</p> <p>21 answered this question already.</p> <p>22 MS. FONOROW: That's the engineer?</p> <p>23 THE WITNESS: Yes, he already testified</p> <p>24 to that.</p> <p>25 MS. PRICE: He's only testifying to the</p>	<p style="text-align: right;">148</p> <p>1 are a native species --</p> <p>2 MS. FONOROW: So how many years, just</p> <p>3 to educate, educate the room, how many years does it</p> <p>4 take for a 6-foot -- how many feet a year do they</p> <p>5 grow, half a foot a year?</p> <p>6 THE WITNESS: No, you're looking at</p> <p>7 typically around a foot per year and for Norway</p> <p>8 spruce and Green Giants, maybe a foot-and-a-half.</p> <p>9 MS. FONOROW: Okay.</p> <p>10 So it will take approximately 10 years</p> <p>11 before it kind of fills in that you don't really</p> <p>12 notice the building, you notice the trees.</p> <p>13 THE WITNESS: Yeah, that's a fair</p> <p>14 estimate.</p> <p>15 MS. FONOROW: Okay. And then the</p> <p>16 flowering trees, they're only in bloom as they said,</p> <p>17 maybe four weeks and it's interesting and you said</p> <p>18 winter, how long do you calculate winter?</p> <p>19 How long are the trees really bare?</p> <p>20 Because people think winter is like January,</p> <p>21 February, you know, time to go to Florida.</p> <p>22 THE WITNESS: No, you're probably</p> <p>23 looking October, you know, November to April.</p> <p>24 MS. FONOROW: So would you say it's</p> <p>25 fair to say that --</p>

<p style="text-align: right;">149</p> <p>1 MS. PRICE: Just let him answer the</p> <p>2 question. Okay? You asked a question. Just let him</p> <p>3 -- the court reporter has to get it down, that's all.</p> <p>4 MS. FONOROW: Okay.</p> <p>5 MS. PRICE: I know you have a lot of</p> <p>6 questions. Just ask it, let him answer, because she</p> <p>7 has to get it down.</p> <p>8 MS. FONOROW: Understood. I apologize.</p> <p>9 So sorry, I'm sorry.</p> <p>10 So the trees, the flowering trees and</p> <p>11 the trees, the indigenous trees grow -- what's their</p> <p>12 growth season that they'll actually have to offer</p> <p>13 some kind of coverage of showing landscape as opposed</p> <p>14 to building and parking lot and, you know --</p> <p>15 THE WITNESS: Typically, say, May</p> <p>16 through October.</p> <p>17 MS. FONOROW: Okay. So seven months</p> <p>18 maybe?</p> <p>19 THE WITNESS: Into October.</p> <p>20 MS. FONOROW: So we'll see a building</p> <p>21 for seven months.</p> <p>22 THE WITNESS: The maple that we're</p> <p>23 using is called October Glory. So it, you know, has</p> <p>24 a great fall color in October, so...</p> <p>25 MS. FONOROW: Okay. So absorbing water</p>	<p style="text-align: right;">151</p> <p>1 times have you walked the property?</p> <p>2 THE WITNESS: I would say at least two,</p> <p>3 three, maybe even four times.</p> <p>4 MS. FONOROW: Okay. Two, three, four,</p> <p>5 it's a lot of times.</p> <p>6 THE WITNESS: Yeah, that's -- you know,</p> <p>7 I identified every tree on that that we were looking.</p> <p>8 So there's 200 trees --</p> <p>9 MS. FONOROW: I believe you.</p> <p>10 THE WITNESS: -- that eyes on every</p> <p>11 single one.</p> <p>12 MS. FONOROW: I know tree guys, I</p> <p>13 believe you. So you've walked two, three, maybe four</p> <p>14 times, but you stated you only walked it in the</p> <p>15 winter when everything was bare?</p> <p>16 THE WITNESS: No, various times, you</p> <p>17 know, but I think when I did my final look at it, it</p> <p>18 was probably in the wintertime.</p> <p>19 MS. FONOROW: Would you be open to</p> <p>20 walking it now and seeing what it looks like?</p> <p>21 CHAIRMAN WEIDMANN: Ma'am --</p> <p>22 THE WITNESS: For what purpose, ma'am?</p> <p>23 MS. FONOROW: Because of the canopies</p> <p>24 of the trees and all that it affords the town, the</p> <p>25 benefit, animals, birds. It looks -- I live by</p>
<p style="text-align: right;">150</p> <p>1 and absorbing noise, I guess, the trees that you're</p> <p>2 choosing, right now the trees we have and the amount</p> <p>3 of them absorb a lot of noise. It was very</p> <p>4 appropriate we're doing traffic and landscape on the</p> <p>5 same evening, because there's a lot of noise in Old</p> <p>6 Tappan on that road, what would you say --</p> <p>7 MR. REGAN: We're getting involved in</p> <p>8 testimony.</p> <p>9 MS. FONOROW: The trees you're</p> <p>10 choosing, can you choose trees that absorb more of</p> <p>11 this noise pollution?</p> <p>12 THE WITNESS: Vegetation generally is</p> <p>13 not a good choice for absorbing sound unless you're</p> <p>14 talking hundreds and hundreds of feet in which case,</p> <p>15 you know, we don't even have that now, because you</p> <p>16 have -- you don't have any understory in the current</p> <p>17 woods. Okay?</p> <p>18 So even then sound would carry through</p> <p>19 there. So it -- any time you have voids like you</p> <p>20 have right now, you have nothing but trunks in there</p> <p>21 and it's not one solid trunk, so you have voids</p> <p>22 between there, so sound will bounce off between that</p> <p>23 and it would not be a good use for vegetation to be</p> <p>24 used for that.</p> <p>25 MS. FONOROW: You had stated how many</p>	<p style="text-align: right;">152</p> <p>1 there, it looks very different.</p> <p>2 THE WITNESS: It won't change our plan,</p> <p>3 our application to do that.</p> <p>4 So, you know, it's --</p> <p>5 MS. FONOROW: So it's irrelevant?</p> <p>6 THE WITNESS: It's irrelevant, correct.</p> <p>7 And we were basically trying to preserve as many</p> <p>8 trees as we can. You know, just because of the size</p> <p>9 of the development, the proximity of the wetlands and</p> <p>10 everything else, there's -- you know, it is what it</p> <p>11 is.</p> <p>12 MS. FONOROW: That's my next question.</p> <p>13 I mean, we can see -- what would you say the</p> <p>14 impervious space is going to be? Is that an</p> <p>15 engineering question?</p> <p>16 THE WITNESS: Yeah, that would be the</p> <p>17 engineer.</p> <p>18 MS. FONOROW: Well, what would you say</p> <p>19 the space of the trees left to -- is there going to</p> <p>20 be any grass? It doesn't look like there's any</p> <p>21 grass.</p> <p>22 THE WITNESS: There's small areas of</p> <p>23 grass around the building.</p> <p>24 MS. FONOROW: So there's really not</p> <p>25 much grass. So then lawnmowers won't be so much of a</p>

1 problem?

2 THE WITNESS: It will be a fast mow,
3 that's for sure.

4 MS. FONOROW: Okay. Would you say
5 grass also absorbs water?

6 THE WITNESS: Any time you have
7 vegetation on the ground, you will have -- it's a
8 pervious surface, so it would absorb water.

9 MS. FONOROW: Would it be fair to say
10 we are concerned about water because of all the
11 impervious space that's going to cover?

12 MS. PRICE: Maybe I can just cut here.

13 MS. FONOROW: Okay. Let me go back.
14 Forget that, forget that.

15 MS. PRICE: No, no, no, no. No, I'm
16 going to interject here, because we've been going all
17 along and since the beginning we have made it very
18 clear that we're not touching the wetlands, the site
19 is over five acres and we're preserving over two
20 acres of that environmentally sensitive property,
21 we're not touching it. We're not touching the
22 wetlands. We're preserving the buffer and we had
23 offered in the beginning to subdivide that property
24 and that was not accepted.

25 So we're -- even though it wasn't

1 accepted, we're still honoring that line. We're
2 still preserving it. We didn't change that.

3 So although the impervious is shown to
4 the right of that, all the protections are still in
5 place from this applicant, so nothing has changed.

6 So the impervious is in the grey area
7 for the parking lot and the building is there, but
8 all of the plantings that this witness has testified
9 to are in compliance via the tree removal and the
10 funding component of the ordinance and we're trying
11 to be as aware of the environment as possible,
12 recognizing what we're dealing with. That's why we
13 went to DEP first and got the approval from them on
14 the wetlands.

15 THE WITNESS: I believe our engineer
16 also testified regarding impervious surface on this
17 property.

18 MS. PRICE: Right. This is not the
19 witness for that.

20 THE WITNESS: I'm not the person to
21 answer that question.

22 MS. FONOROW: So how close to the
23 wetlands will be clearcut?

24 Because you said clearcut here. You're
25 not touching the buffer and you're not touching the

1 wetlands.

2 THE WITNESS: The buffer is, what,
3 50 feet from the wetlands and we're a good 10 feet
4 from that.

5 MS. FONOROW: And I think they said
6 55 feet or something.

7 THE WITNESS: So we're at 55 to
8 60 feet, somewhere in that --

9 MS. FONOROW: So everything else is
10 wiped out?

11 MS. PRICE: No.

12 MS. FONOROW: I'm asking, is everything
13 else wiped out?

14 THE WITNESS: No. I mean --

15 MS. PRICE: I think you testifies to
16 this.

17 THE WITNESS: Yeah.

18 I mean, here's the buffer in this
19 lighter green here. All this area -- I'm sorry, the
20 lighter green is the buffer area here.

21 So everything around here is all being
22 preserved. These trees here are being preserved.

23 So it's not like we're clearcutting the
24 whole site just -- and just leaving the buffer area.

25 We're leaving as many trees as we possibly can leave,

1 because that's -- it's the right thing to do.

2 MR. MAGGIO: Do you want to look at the
3 demolition drawing? Is that helpful?

4 THE WITNESS: I did them, so I don't --

5 MR. MAGGIO: No, I'm saying --

6 THE WITNESS: Yeah, I pretty much know
7 what's on there.

8 MS. FONOROW: I've looked at them, but
9 this is -- some of it's a benefit for people here
10 that couldn't see the picture at the whole beginning
11 of the meeting until it was turned around, people
12 didn't get to see.

13 Have you regarding wetlands, I'm just
14 curious, have you consulted any wetlands experts?

15 THE WITNESS: I have not, no.

16 MS. PRICE: No, we have our wetlands
17 approval in hand.

18 MS. FONOROW: I understand, but I'm
19 still -- I can ask if you've consulted any wetlands
20 experts. It's a fair question.

21 So now there's a question you might be
22 moving the stone house somewhere else. I was going
23 to say -- I won't even bother asking that question,
24 never mind.

25 As a neighbor, I share the wetlands

<p style="text-align: right;">157</p> <p>1 with the proposed applicant. It's not the owner. 2 It's the proposed applicant. What have you planned 3 to provide privacy and protection from the waste 4 water, air pollution as a result of the application 5 for the homes that are on the other side, not 6 Lakeview, the homes on the other side? 7 THE WITNESS: Basically we're leaving 8 the 50-foot buffer that's existing there right now. 9 MS. PRICE: We're not touching those 10 two acres. 11 THE WITNESS: Right. 12 MS. FONOROW: Okay. Where is -- are 13 you planning on building a retaining wall? 14 THE WITNESS: There is. 15 MS. FONOROW: And how close is that 16 retaining wall, that's right after the 50-foot buffer 17 and how high is it going to be? 18 THE WITNESS: It's right here. You see 19 this dark line right here? 20 MS. FONOROW: Yeah. 21 THE WITNESS: That's the retaining 22 wall. Okay? That's more -- the question is height 23 -wise, I believe Dan has already testified to that. 24 MS. PRICE: But everything on the other 25 side of the retaining wall is being left in its</p>	<p style="text-align: right;">159</p> <p>1 noise or would be you at least be open to using 2 electric machinery as opposed to all this gas? 3 THE WITNESS: I can't testify to 4 that -- 5 MS. FONOROW: You can't. I understand. 6 THE WITNESS: -- because a lot of that 7 depends on the contractor. 8 MS. FONOROW: Well, you also stated 9 earlier that smaller trees are easier and more 10 manageable for you to plant. 11 THE WITNESS: They are. 12 MS. FONOROW: I agree, I plant. I'm 13 also a gardener. 14 MS. PRICE: It's not his testimony. 15 MS. FONOROW: I did a lot of planting, 16 I'm a gardener. 17 Are smaller trees going to offer the 18 same benefits as 50- to 150-foot trees to the town, 19 for the beauty of the town, to the value of the town, 20 the value of the property, itself. 21 THE WITNESS: They all have different 22 values. Okay? 23 And if you look at their -- the trees 24 that I use are all native species. 25 So, you know, when you're looking at</p>
<p style="text-align: right;">158</p> <p>1 natural state. 2 MS. FONOROW: Okay. 3 THE WITNESS: The reason why we put 4 that retaining wall in there is so that we can retain 5 those trees. 6 MS. FONOROW: Okay. 7 When is -- once construction begins, 8 they said it was around 18 months, a year-and-a-half 9 it's going to be, is the landscaping the very last 10 thing that's done. 11 THE WITNESS: Sometimes, sometimes not. 12 It depends on how things progress. A lot of times 13 they try to get in the screening around the periphery 14 for neighbors as soon as possible, but, again, it 15 depends, it's all based on the construction schedule, 16 so we have no control. 17 MS. FONOROW: Are you open as far as 18 the care and maintenance of the property, the shade 19 trees you propose, you know, they create a lot of 20 leaves. 21 THE WITNESS: Uh-huh. 22 MS. FONOROW: Being a neighbor, I have 23 Lakeview and St. Pius and the amount of noise from 24 all the landscapers that come every week is crazy. 25 What steps would be taken to reduce</p>	<p style="text-align: right;">160</p> <p>1 food sources for birds, flowering dogwood comes to 2 mind. 3 I mean, I don't worry about the fruit 4 of flowering dogwood because it gets eaten by the 5 birds predominately. Okay. 6 The same thing with Magnolia, 7 Virginiana, they love the fruit as well. 8 So, you know, it's one of those things 9 where different values. 10 MS. FONOROW: I was going to say when 11 you said you're not using trees with nuts and 12 berries, I was thinking exactly the birds and 13 wildlife, because they live off of it. 14 THE WITNESS: They do. 15 MS. FONOROW: And speaking of the 16 birds, you know, that property, I call it a bird 17 sanctuary. I see all the birds. As I said, bald 18 eagle, hawks, all different kinds of birds. 19 CHAIRMAN WEIDMANN: Ma'am, questions, 20 please. 21 MS. FONOROW: Is there anything -- 22 CHAIRMAN WEIDMANN: No statements. 23 MS. FONOROW: -- being done to protect 24 the bird species in the area since the trees are 25 going to be removed?</p>

<p style="text-align: right;">161</p> <p>1 Somebody said birdhouses or some kind</p> <p>2 of gardens or something.</p> <p>3 THE WITNESS: Birdhouses aren't going</p> <p>4 to do any protection. So a lot of it is -- you know,</p> <p>5 I can't answer that question.</p> <p>6 MS. FONOROW: Because there's a lot of</p> <p>7 birds in the wetlands.</p> <p>8 THE WITNESS: Okay. Well, we're not</p> <p>9 touching the wetlands.</p> <p>10 MS. FONOROW: I understand, but they</p> <p>11 fly through. It's migration, the Audubon Society has</p> <p>12 been involved.</p> <p>13 THE WITNESS: I haven't testified to</p> <p>14 that.</p> <p>15 MS. FONOROW: We did discuss it, the</p> <p>16 cost of trees.</p> <p>17 Where did -- you got a value of</p> <p>18 estimating 100 to 150, 175-foot trees is valued at</p> <p>19 what, \$900.00 dollars? I'm asking --</p> <p>20 CHAIRMAN WEIDMANN: Ma'am --</p> <p>21 THE WITNESS: No.</p> <p>22 MS. FONOROW: They said -- he said he</p> <p>23 was going to offer \$90,000.00 to the town.</p> <p>24 CHAIRMAN WEIDMANN: That's not what</p> <p>25 he's going to offer. There is a plan, okay, that</p>	<p style="text-align: right;">163</p> <p>1 160 of them.</p> <p>2 THE WITNESS: Exactly.</p> <p>3 MR. SCOZZAFAVA: So you're not just</p> <p>4 buying --</p> <p>5 THE WITNESS: Exactly.</p> <p>6 MR. SCOZZAFAVA: So they're not just</p> <p>7 buying one.</p> <p>8 THE WITNESS: Exactly.</p> <p>9 It's not like you're going out to a</p> <p>10 garden center and you're buying one tree.</p> <p>11 You're buying 100 --</p> <p>12 MS. PRICE: Right.</p> <p>13 THE WITNESS: -- in this case 150 trees,</p> <p>14 155 trees. That gets some notice from a nursery.</p> <p>15 MS. FONOROW: Okay. Thank you.</p> <p>16 THE WITNESS: You're welcome.</p> <p>17 MR. SCOZZAFAVA: I love trees too.</p> <p>18 CHAIRMAN WEIDMANN: Okay. Thank you.</p> <p>19 Next, yes.</p> <p>20 MR. CARPENTER: Kurt Carpenter,</p> <p>21 168 Central Avenue in Old Tappan.</p> <p>22 I'm just taking a look at your plan</p> <p>23 here, it's pretty dense, the shrubs, trees.</p> <p>24 Did you have special areas or zones</p> <p>25 that you had allocated for snow removal where you're</p>
<p style="text-align: right;">162</p> <p>1 with the state and with the town telling the</p> <p>2 developer what he must -- or what he's allowed to</p> <p>3 charge for those trees.</p> <p>4 MR. REGAN: It's Chapter 234 of the</p> <p>5 borough --</p> <p>6 MS. FONOROW: So it's not relevant to</p> <p>7 what we know trees cost?</p> <p>8 CHAIRMAN WEIDMANN: Ma'am --</p> <p>9 MS. FONOROW: Okay.</p> <p>10 THE WITNESS: It's outlined in the</p> <p>11 township ordinance.</p> <p>12 MR. ELLER: It's a formula.</p> <p>13 MS. PRICE: Right.</p> <p>14 MR. ELLER: They just plug it in.</p> <p>15 MS. FONOROW: Okay. Just --</p> <p>16 MR. ELLER: Nobody has any control over</p> <p>17 it.</p> <p>18 MS. FONOROW: -- it was just -- it was</p> <p>19 just when he said \$900.00 a tree, a tree -- I know</p> <p>20 what is cost to buy trees.</p> <p>21 THE WITNESS: You're buying them retail</p> <p>22 as well, versus buying them wholesale, which is what</p> <p>23 this is predicated off of.</p> <p>24 MS. FONOROW: Got it.</p> <p>25 MR. SCOZZAFAVA: And you're buying over</p>	<p style="text-align: right;">164</p> <p>1 going to --</p> <p>2 THE WITNESS: That's a good question --</p> <p>3 MR. CARPENTER: -- because we had asked</p> <p>4 before and --</p> <p>5 THE WITNESS: Right.</p> <p>6 And, basically, what I've tried to do</p> <p>7 is along the parking lot islands you have about a</p> <p>8 3-foot space along the edges for your smaller</p> <p>9 snowfalls --</p> <p>10 MR. CARPENTER: Okay.</p> <p>11 THE WITNESS: -- you know, that they</p> <p>12 can push snow into those areas.</p> <p>13 There's ways that we could increase the</p> <p>14 usage of those areas by using -- I have evergreen</p> <p>15 shrubs in there and those are usually the ones that</p> <p>16 take the biggest hit.</p> <p>17 MR. CARPENTER: Yeah, for sure.</p> <p>18 THE WITNESS: So if -- I have a lot of</p> <p>19 spirea, which basically once they're established,</p> <p>20 they're tough to kill in those areas.</p> <p>21 You can cut them down in the fall and</p> <p>22 snow can be piled on top of them, not a problem. You</p> <p>23 can put ornamental grasses or a little bluestem or</p> <p>24 something in there that, they, again, can be cut back</p> <p>25 in the fall and snow can be piled on top.</p>

<p style="text-align: right;">165</p> <p>1 So you can increase capacity quite a</p> <p>2 bit by doing that.</p> <p>3 MR. CARPENTER: Yes.</p> <p>4 THE WITNESS: Along the retaining wall</p> <p>5 right now, exactly, that would also be a push area.</p> <p>6 MR. CARPENTER: Beyond that is the</p> <p>7 catch basin?</p> <p>8 THE WITNESS: That's the detention</p> <p>9 basin, correct.</p> <p>10 MR. CARPENTER: Can you put snow in</p> <p>11 there?</p> <p>12 THE WITNESS: You don't particularly</p> <p>13 want to go there.</p> <p>14 MR. CARPENTER: Right.</p> <p>15 THE WITNESS: It's been -- it has been</p> <p>16 done, but basically what I would recommend is that</p> <p>17 anything over -- a snowfall over 6 inches will</p> <p>18 probably be carted out.</p> <p>19 MR. CARPENTER: Really? Okay.</p> <p>20 THE WITNESS: That's not unusual.</p> <p>21 MR. CARPENTER: Yeah, because we've had</p> <p>22 some -- obviously some big storms and down in</p> <p>23 Bi-State, they just get enormous.</p> <p>24 THE WITNESS: Well, that's a huge</p> <p>25 parking lot.</p>	<p style="text-align: right;">167</p> <p>1 that.</p> <p>2 MR. CARPENTER: Right.</p> <p>3 That will be your counsel to the</p> <p>4 operator to use that.</p> <p>5 THE WITNESS: Yes.</p> <p>6 MR. CARPENTER: So when you do that,</p> <p>7 for example, those types of salts, given the</p> <p>8 proximity to this sort of sensitive area here, what</p> <p>9 is the plant life and tree root uptake or handlings</p> <p>10 or tying it up to make sure it doesn't go into that</p> <p>11 sensitive area?</p> <p>12 THE WITNESS: Well, first of all, all</p> <p>13 of that stormwater is going into our detention basin.</p> <p>14 So it's not going to that wetlands at all.</p> <p>15 MR. CARPENTER: What would be the</p> <p>16 stormwater, it would just be the melting of the snow</p> <p>17 if you're piling stuff up around the edges?</p> <p>18 THE WITNESS: No, that would still go</p> <p>19 into our site, into our detention basin. The area</p> <p>20 that we'd -- you'd be the most concerned about is</p> <p>21 what happens on Old Tappan Road and that's not our</p> <p>22 jurisdiction, that's the county. Okay?</p> <p>23 What are they using? Because he have a</p> <p>24 direct feed, they have a storm drain that goes</p> <p>25 directly into the wetlands.</p>
<p style="text-align: right;">166</p> <p>1 MR. CARPENTER: Huge parking lot,</p> <p>2 right.</p> <p>3 And then about the -- if you do put it</p> <p>4 on the thing, the snow melt stuff, the chemical you</p> <p>5 put, how will that necessarily impact your plantings</p> <p>6 and then long term with like going into the roots and</p> <p>7 this and that?</p> <p>8 THE WITNESS: That's a good question.</p> <p>9 Typically, I would say that we want to</p> <p>10 stay away from sodium chloride. That's probably the</p> <p>11 most common thing that's used. It's common rock</p> <p>12 salt. It's the cheapest and that's also not the</p> <p>13 best, that's the worst for the plant material and for</p> <p>14 concrete as well.</p> <p>15 So I would probably want to recommend</p> <p>16 that we use something like that calcium chloride or</p> <p>17 magnesium chloride in there that are a little bit</p> <p>18 better for plant material and typically it's the</p> <p>19 later season that is -- later season snows that are</p> <p>20 bigger problems because usually we get enough rain</p> <p>21 and other snowfall to push it through the soil, okay,</p> <p>22 in the earlier snows.</p> <p>23 The late season ones is where they stay</p> <p>24 to the surface and we just have to make sure that</p> <p>25 we're cognizant of not over salting and things like</p>	<p style="text-align: right;">168</p> <p>1 So that is -- that is probably the</p> <p>2 biggest concern as far as the wetlands are concerned.</p> <p>3 That wouldn't influence us at all.</p> <p>4 MR. CARPENTER: Okay. And then I did</p> <p>5 hear you talk about ornamental grasses. Those are</p> <p>6 really cool and they help fill in a lot of places,</p> <p>7 you know, so will you be --</p> <p>8 THE WITNESS: We do have some -- I do</p> <p>9 have some in there, but not a lot and part of this is</p> <p>10 not -- this is predominately trees and shrubs.</p> <p>11 There are areas that I'll come back and</p> <p>12 I'll put in some perennials and ground covers and</p> <p>13 things like that that we'll fill in spaces, so that's</p> <p>14 --</p> <p>15 MR. CARPENTER: And then the last</p> <p>16 question.</p> <p>17 I see some -- these guys over here, the</p> <p>18 fire trucks being able to turn and all that, not</p> <p>19 going to necessarily impact because it's on the</p> <p>20 little island.</p> <p>21 THE WITNESS: Correct.</p> <p>22 MR. CARPENTER: Okay. I'm just</p> <p>23 checking, tight turns.</p> <p>24 THE WITNESS: Well, it is, but, you</p> <p>25 know, you got to realize that, one, they're far</p>

<p style="text-align: right;">169</p> <p>1 enough away from there when they go in and as they</p> <p>2 grow, they're going up as well, so...</p> <p>3 MR. CARPENTER: Speaking of going up,</p> <p>4 you said you're using pin oak, also known as swamp</p> <p>5 oak, I got those things.</p> <p>6 Those guys self prune up, up, up, up</p> <p>7 every year and they get thinner and thinner or they</p> <p>8 expose more up, up, up, up.</p> <p>9 THE WITNESS: They're predominantly,</p> <p>10 the place I used them is along the wetlands.</p> <p>11 MR. CARPENTER: Right along here?</p> <p>12 THE WITNESS: Yeah, so that's the</p> <p>13 transition zone in that area. That's where, again,</p> <p>14 nobody's over there, that's the native habitat.</p> <p>15 MR. CARPENTER: Okay.</p> <p>16 Because that will start getting thinner</p> <p>17 and thinner as they grow up and they're dropping</p> <p>18 their leaves, you get more visibility through that</p> <p>19 way, right.</p> <p>20 Right?</p> <p>21 Is there another species instead of</p> <p>22 that --</p> <p>23 THE WITNESS: Well --</p> <p>24 MR. CARPENTER: -- that might retain --</p> <p>25 THE WITNESS: Actually pin oak usually</p>	<p style="text-align: right;">171</p> <p>1 So roughly about 4-foot tall.</p> <p>2 So --</p> <p>3 MS. LEVINE: Four-foot tall tree?</p> <p>4 THE WITNESS: Right.</p> <p>5 Four-foot high. The caliper is</p> <p>6 measured at --</p> <p>7 MS. LEVINE: Is the diameter of the</p> <p>8 tree?</p> <p>9 THE WITNESS: Right, at 4-foot high of</p> <p>10 the tree.</p> <p>11 MS. LEVINE: Right, right.</p> <p>12 THE WITNESS: So, it has to be, in</p> <p>13 order for a township or a borough code, 8 inches for</p> <p>14 us to count it.</p> <p>15 MS. LEVINE: So an 8-inch caliper --</p> <p>16 THE WITNESS: Correct.</p> <p>17 MS. LEVINE: -- is fairly large.</p> <p>18 THE WITNESS: It's a decent size tree,</p> <p>19 yeah.</p> <p>20 MS. LEVINE: What size tree would you</p> <p>21 say it is?</p> <p>22 THE WITNESS: Probably, I don't know,</p> <p>23 20 -- 20 to 30 feet at least minimum and in a woods</p> <p>24 situation maybe even bigger.</p> <p>25 MS. LEVINE: Right, so the 4-inch ones</p>
<p style="text-align: right;">170</p> <p>1 is pretty good for retaining leaves. That's one of</p> <p>2 the reasons why I did use it.</p> <p>3 It's better than, say, like I have</p> <p>4 along the transition area, there's a buffer area, I</p> <p>5 have red maple, I have pin oak.</p> <p>6 You see the NS, that's Nyssa, Black</p> <p>7 Gum. All three of those would typically be seen in</p> <p>8 more of a wetland-type situation.</p> <p>9 MR. CARPENTER: Sounds good.</p> <p>10 Thank you.</p> <p>11 CHAIRMAN WEIDMANN: Yes, ma'am.</p> <p>12 MS. LEVINE: I just have a quick</p> <p>13 question.</p> <p>14 Catherine Levine, 3 Klein Court, Old</p> <p>15 Tappan.</p> <p>16 When you were calculating the trees you</p> <p>17 were removing, what was the caliper size you're</p> <p>18 required to use?</p> <p>19 THE WITNESS: Eight inches and up.</p> <p>20 MS. LEVINE: Eight inches and up.</p> <p>21 So, like, the 10-foot trees, the</p> <p>22 20-foot trees are calculated into that plan.</p> <p>23 THE WITNESS: It's not based on height.</p> <p>24 It's based on the caliper inch at DBH, diameter at</p> <p>25 breast height.</p>	<p style="text-align: right;">172</p> <p>1 or the 5-inch ones, which might be 20 feet --</p> <p>2 THE WITNESS: They'd be more under --</p> <p>3 MS. LEVINE: -- are not calculated.</p> <p>4 THE WITNESS: Right, those would be</p> <p>5 more understory.</p> <p>6 In the areas that you see what look</p> <p>7 like vacant, you know, that there's nothing in there,</p> <p>8 in this buffer zone (inaudible), if you go out there,</p> <p>9 it's not empty. It's got a lot of that smaller stuff</p> <p>10 that's in there. So...</p> <p>11 MS. LEVINE: So but when -- with your</p> <p>12 plan, I think you said there was 200 trees -- 203</p> <p>13 trees you're cutting down?</p> <p>14 THE WITNESS: Correct.</p> <p>15 MS. LEVINE: It's really more than</p> <p>16 that, they just don't meet the requirements of the</p> <p>17 caliper?</p> <p>18 THE WITNESS: Yes, correct.</p> <p>19 We did not survey those trees.</p> <p>20 MS. LEVINE: Okay.</p> <p>21 So there's quite a lot.</p> <p>22 I would venture to say there's quite a</p> <p>23 lot of trees that --</p> <p>24 THE WITNESS: I don't think that there</p> <p>25 is as many as you think, especially in the interior</p>

<p style="text-align: right;">173</p> <p>1 of those, because the deer are ravenous.</p> <p>2 And there's not a lot of understory</p> <p>3 plantings in that woods.</p> <p>4 MS. LEVINE: I walk my dogs twice a day</p> <p>5 in the watershed property over the Willow Woods and</p> <p>6 there's quite a lot of little trees there, like, you</p> <p>7 know, smaller than the 8-inch calipers.</p> <p>8 My other question, can you just review</p> <p>9 the front of the building again, what you're planting</p> <p>10 in there, because it was turned to us, so --</p> <p>11 THE WITNESS: I'm sorry. Okay.</p> <p>12 So the trees, the green and yellow,</p> <p>13 these are street trees, these are fastigate maples</p> <p>14 called Armstrong Red Maple. The reason why we're</p> <p>15 using that, they'll get the size of a red maple, but</p> <p>16 they stay narrow.</p> <p>17 The reason why we're using it is</p> <p>18 because you have overhead wires right along this</p> <p>19 property.</p> <p>20 So I'm trying to prevent the utility</p> <p>21 companies from coming through over the -- you know,</p> <p>22 in 10 years and butchering our trees.</p> <p>23 So, and then going up the drive, you</p> <p>24 have Black Gum, which is Nyssa and then in here Red</p> <p>25 Maples and then the brightly colored ones are a</p>	<p style="text-align: right;">175</p> <p>1 may get more of a meadow-type application, but in the</p> <p>2 front we probably want to keep it a little more</p> <p>3 manicured.</p> <p>4 MS. KING: And then what kind of lawn</p> <p>5 pesticides will you be using?</p> <p>6 THE WITNESS: I don't know, ma'am.</p> <p>7 A lot of that depends on the contractor</p> <p>8 and what they -- what pest they're having troubles</p> <p>9 with, you know, if they're having any troubles with</p> <p>10 it.</p> <p>11 MS. KING: Because the engineer</p> <p>12 testified that they don't have to test the water</p> <p>13 coming out and going into the lake.</p> <p>14 So then if you change to having clove</p> <p>15 and other ground cover on your lawn, then you</p> <p>16 wouldn't have to worry that you're poisoning the</p> <p>17 water source.</p> <p>18 THE WITNESS: I don't think -- first of</p> <p>19 all, I can't testify to the pesticides. I didn't</p> <p>20 testify already regarding that.</p> <p>21 MS. KING: Right, but we could prevent</p> <p>22 them by --</p> <p>23 THE WITNESS: A lot of it, that would</p> <p>24 have to be -- it's a -- it's a different look than</p> <p>25 what is currently maintained at other properties</p>
<p style="text-align: right;">174</p> <p>1 collection of Dogwoods, those are the reds and then</p> <p>2 the more purply color ones are Eastern Redbud.</p> <p>3 MS. LEVINE: And to the -- just the</p> <p>4 side that's going to be your Green Giant Arborvitaes</p> <p>5 here?</p> <p>6 THE WITNESS: Green Giant and White</p> <p>7 Spruce, I believe, are in that area.</p> <p>8 MS. LEVINE: Okay.</p> <p>9 THE WITNESS: Okay?</p> <p>10 MS. LEVINE: Yeah, thank you.</p> <p>11 CHAIRMAN WEIDMANN: Yes, ma'am.</p> <p>12 MS. KING: Hello, my name is Wendy</p> <p>13 King, 48 Dearborn Drive, D-E-A-R-B-O-R-N.</p> <p>14 My question is, you have -- you said</p> <p>15 you have grass and things planted in there?</p> <p>16 THE WITNESS: Uh-huh.</p> <p>17 MS. KING: Have you considered doing</p> <p>18 all ground cover or clover lawns, because that way</p> <p>19 you won't need pesticides and you won't have to mow</p> <p>20 as much and that kind of thing and it's better than a</p> <p>21 monoculture?</p> <p>22 THE WITNESS: I understand.</p> <p>23 Not in the front. I would think that</p> <p>24 some of the areas, especially the detention basin and</p> <p>25 possibly on top of the wall between us and the church</p>	<p style="text-align: right;">176</p> <p>1 along that street, so it is a very different -- you</p> <p>2 know, there's a number of -- like the catholic church</p> <p>3 down the street has a lot of mowed lawn. It would</p> <p>4 look very odd to have a --</p> <p>5 MS. KING: Not to me.</p> <p>6 THE WITNESS: I know. It's all</p> <p>7 perspective.</p> <p>8 MS. KING: So I'd rather have clean</p> <p>9 drinking water.</p> <p>10 THE WITNESS: I understand, but that's</p> <p>11 not saying that you won't have that no matter what.</p> <p>12 MS. KING: Okay. And then just to</p> <p>13 clarify, you said it's 40 to 90 years to get the tree</p> <p>14 heights that you're saying here?</p> <p>15 THE WITNESS: To the tree diameters,</p> <p>16 yes, to 8 -- 8 to 18 inches.</p> <p>17 MS. KING: Uh-huh.</p> <p>18 So how long until there is some</p> <p>19 substance there and, you know, they talked about</p> <p>20 water absorption, that was one of the things that you</p> <p>21 said the engineer testified to the water stuff, but</p> <p>22 when we asked about the tree and the water</p> <p>23 absorption, they said we had to defer to you and the</p> <p>24 tree person would know how much water absorption.</p> <p>25 So the thing is between these</p>

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1 90-year-old trees and these, you know, five-year-old
2 trees, if that even, what's the water absorption.
3 THE WITNESS: You're still going to
4 have well drained soils.
5 The soils that you have there right now
6 are extremely well drained, okay, and that's not
7 going to change. You're going to have well drained
8 soils no matter how you look at it. You have a good
9 base material there.
10 So the trees themselves may not be
11 taking up as much water as the existing trees, but
12 the ground still is.
13 So it's not like it's going to be
14 shedding off an unbelievable amount of water because
15 you don't have the same trees.
16 Much of the calculations that Dan did
17 in his -- for his basin took that into account.
18 MS. KING: Just because the stuff I've
19 been reading about how the deep-root trees are much
20 better and those are older trees, so --
21 THE WITNESS: They absorb --
22 MS. KING: From what I've read it --
23 THE WITNESS: -- they will absorb more
24 water without a doubt because they require more
25 water.

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1 But it doesn't mean that the ground
2 isn't absorbing that water as well.
3 MS. KING: Well, they were also talking
4 about the deep-root trees being deeper in the ground
5 so it pulls the water down deeper.
6 THE WITNESS: In this case you have
7 gravelly loam soil, so it's going to be going down
8 pretty quick as it is.
9 MS. KING: All right.
10 Those are all of my questions.
11 Thank you.
12 CHAIRMAN WEIDMANN: Anyone else?
13 Yes, ma'am, in the back, all the way in
14 the back.
15 MS. SHERIDAN: Hi, Angeline Sheridan,
16 31 Edith Street.
17 THE COURT REPORTER: Please spell your
18 last name.
19 MS. SHERIDAN: S-H-E-R-I-D-A-N.
20 THE COURT REPORTER: Thank you.
21 MS. SHERIDAN: The landscape plans that
22 we're looking at now is from May 2022?
23 THE WITNESS: I believe so, yes.
24 MS. SHERIDAN: So I just wanted it to
25 be on the record that the notice that was sent to the

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1 residents within 200 feet said that the plans to be
2 present is from April 4, 2022.
3 Does your plans fully screen the
4 parking areas?
5 THE WITNESS: Yeah.
6 That's an easy question, because right
7 here on top of that wall, there's a 4-foot fence.
8 So that basically, along this retaining
9 wall here (indicating) by the detention basin,
10 there's a 4-foot fence that's -- it's solid 4-foot
11 fence.
12 So any headlights, anything are going
13 to hit that.
14 MS. SHERIDAN: Okay.
15 THE WITNESS: You're not going to have
16 any issues as far as that.
17 MS. SHERIDAN: And on the east side,
18 are -- on the east side by the parking lot there on
19 the east side, is that fully screened?
20 THE WITNESS: This side here
21 (inaudible)?
22 MS. SHERIDAN: Yes.
23 THE WITNESS: Okay. You have four
24 parking spots and you have a retaining wall right
25 here (inaudible), you have evergreen shrubs in front

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1 of that retaining wall and then you have evergreen
2 trees behind that, so I would say, yes.
3 MS. SHERIDAN: And so how tall are
4 those evergreen trees?
5 THE WITNESS: Evergreen, these are
6 mixtures of -- some are 8, some are 6.
7 MS. SHERIDAN: When it's fully matured?
8 THE WITNESS: When it's planted.
9 MS. SHERIDAN: Okay.
10 THE WITNESS: They get bigger.
11 MS. SHERIDAN: Right, I understand.
12 THE WITNESS: Okay.
13 MS. SHERIDAN: So right now, you know,
14 that -- the east side is much higher, right, then
15 where the -- than the church property.
16 MS. PRICE: No.
17 THE WITNESS: I don't -- I think
18 there's --
19 MS. PRICE: We actually have a plan, if
20 I get to our engineer, we're going to put that on the
21 record, the elevations.
22 MS. SHERIDAN: He's coming back?
23 MS. PRICE: Hopefully.
24 MS. SHERIDAN: Oh, okay.
25 So you said that you did determine the

<p style="text-align: right;">181</p> <p>1 caliper of the trees that were removed and that's how 2 you determined the number of trees. 3 THE WITNESS: That were required, 4 correct. 5 MS. SHERIDAN: Were there any that have 6 a diameter of more than 24 inches? 7 THE WITNESS: Yes. 8 MS. SHERIDAN: Okay. And so do the 9 calipers of the proposed trees comply with the 10 requirements of the borough's ordinance? 11 THE WITNESS: Yes. 12 MS. SHERIDAN: Even with the ones 13 larger than 24 inches? 14 THE WITNESS: Yes. 15 So what we did is we took -- we have 16 2-and-a-half inch caliper trees, okay, so -- and 17 there's a lot that are covered under that 18 2-and-a-half inch caliper. 19 What we did is we maxed out as much of 20 the 2-and-a-half inch caliper trees, because frankly 21 they take better and they'll grow faster than the 22 larger tree to start with. 23 So in five years you probably won't 24 know a lot of the difference between the two trees if 25 you put one in, because it takes a lot longer for a</p>	<p style="text-align: right;">183</p> <p>1 So where all those trees are, I can't 2 tell you right off the top of my head, but there's 3 12. 4 MS. SHERIDAN: Are they -- are some of 5 them going to be removed? 6 THE WITNESS: Yes, those -- 7 MS. SHERIDAN: All of them? 8 THE WITNESS: Those are going to be 9 removed. Those are the ones that we calculated to be 10 removed is 12. 11 MS. SHERIDAN: And there's no 12 consideration to save -- 13 THE WITNESS: If it's sitting in the -- 14 if it's in the middle of a building, it's kind of 15 tough to save them. 16 MS. SHERIDAN: Well, if it's not in the 17 middle of a building? 18 THE WITNESS: That's even still tough, 19 because this is a -- as far as development is 20 concerned, this is as efficient as you're going to 21 get as far as development is concerned. 22 There's not a lot of wiggle room as far 23 as trying to bump it out. In which case, if we do 24 bump it out, we take out other trees. So we did -- 25 it's kind of, like, we did what we could to save the</p>
<p style="text-align: right;">182</p> <p>1 4-inch caliper tree to get established than it does a 2 2-and-a-half. Okay. 3 What we did in our calculations as far 4 as the monetary contribution to the tree fund, that's 5 -- we took the 18 trees that are 4 inch, that we are 6 required to provide and we put a monetary value on 7 that and that went into the tree fund. 8 The same thing with the 3-and-a-half 9 inch caliper trees, those are your 24- to 36-inch 10 trees, caliper trees would be all in that. 11 MS. SHERIDAN: In that fund? 12 THE WITNESS: Yeah. 13 MS. SHERIDAN: And you mentioned that 14 the oldest tree on the property is about 150 to 15 175-years-old. 16 THE WITNESS: Probably, yeah. 17 MS. SHERIDAN: Where is that on the 18 property? 19 THE WITNESS: That's a good question. 20 There are -- there's a couple of them. Some of your 21 bigger 36-inch caliper trees are in that ballpark. 22 Okay? So there's probably, let me look at my notes 23 here real quick. 24 Oh, here it is. There are 12 trees 25 that are 24 inches and above. Okay?</p>	<p style="text-align: right;">184</p> <p>1 trees that are along the wetland as best as we could 2 and that was the priority. 3 MS. SHERIDAN: Okay. Well, because 4 currently the property right now has beneficial use 5 to the town, to the community that we're not paying 6 for right now and so this proposed property, it's 7 requesting variances and also, you know, saying that 8 this is an inherently beneficial use. 9 So I'm trying to -- I'm having a hard 10 time understanding what the beneficial use is of this 11 development compared to what it is -- what the 12 benefit is to the town right now is as it is without 13 any development. 14 MR. REGAN: The issue of inherently 15 beneficial use, the courts of New Jersey have said 16 that this type of facility is an inherently 17 beneficial use. 18 MS. SHERIDAN: Correct, it's -- 19 MR. REGAN: Not the applicant. 20 MS. PRICE: That's the law. 21 MS. SHERIDAN: Yeah, it's the law, but 22 for the town and for community, it's not. 23 MS. PRICE: It's private property. 24 It's not for the community. 25 MS. SHERIDAN: Well, it is, because I</p>

<p style="text-align: right;">185</p> <p>1 have my son walking on Old Tappan Road from CDW to</p> <p>2 Bi-State and walking by this property, as well as the</p> <p>3 other properties on Old Tappan Road. It's not just</p> <p>4 -- it's not just the private owner's --</p> <p>5 MS. PRICE: But it's private property</p> <p>6 for a private property owner, just like your private</p> <p>7 property --</p> <p>8 MS. SHERIDAN: Right.</p> <p>9 MS. PRICE: -- it's for you to enjoy and</p> <p>10 use just like this owner to use.</p> <p>11 MS. SHERIDAN: But now you are here at</p> <p>12 the planning board asking for permission from the</p> <p>13 town for variances that are not within the current</p> <p>14 laws.</p> <p>15 MS. PRICE: No.</p> <p>16 MS. SHERIDAN: Correct?</p> <p>17 MS. PRICE: And your question is --</p> <p>18 MS. SHERIDAN: Is it -- is that</p> <p>19 correct?</p> <p>20 MS. PRICE: Are you being slick?</p> <p>21 MS. SHERIDAN: I'm asking.</p> <p>22 CHAIRMAN WEIDMANN: The question is</p> <p>23 regarding -- you're here to ask questions of the</p> <p>24 landscape architect. We're not here to talk about,</p> <p>25 you know, the benefits.</p>	<p style="text-align: right;">187</p> <p>1 two years ago?</p> <p>2 THE WITNESS: It was probably when we</p> <p>3 started this whole process, which is close to a year</p> <p>4 ago.</p> <p>5 MS. SHERIDAN: So last year?</p> <p>6 THE WITNESS: Uh-huh.</p> <p>7 MS. SHERIDAN: And then when did you</p> <p>8 develop the plan, the tree removal plans?</p> <p>9 THE WITNESS: It's not necessarily the</p> <p>10 same as -- you know, it was in the first application</p> <p>11 it wasn't part of that, so it was in 12/20/21.</p> <p>12 So more than likely I walked the</p> <p>13 property in the fall of '21.</p> <p>14 MS. SHERIDAN: '21, okay. So we took</p> <p>15 drone shots of the property in the fall of 2021 and</p> <p>16 if I can show it to the board, if that's okay.</p> <p>17 MS. PRICE: Who took those shots?</p> <p>18 MS. SHERIDAN: It was a private</p> <p>19 videographer.</p> <p>20 MS. PRICE: Well, who hired the</p> <p>21 videographer?</p> <p>22 MS. SHERIDAN: He did it voluntarily.</p> <p>23 MS. PRICE: No, in terms of</p> <p>24 authenticating exhibits, you have to lay a foundation</p> <p>25 to authenticate an exhibit for a record. So I'm</p>
<p style="text-align: right;">186</p> <p>1 MS. SHERIDAN: We're not?</p> <p>2 CHAIRMAN WEIDMANN: It's not that time</p> <p>3 --</p> <p>4 MS. SHERIDAN: I thought that was the</p> <p>5 point of this application.</p> <p>6 FEMALE AUDIENCE MEMBER: But when do we</p> <p>7 get to talk.</p> <p>8 CHAIRMAN WEIDMANN: It's not that time.</p> <p>9 MS. SHERIDAN: Okay.</p> <p>10 CHAIRMAN WEIDMANN: There will be</p> <p>11 plenty of time to ask questions regarding that.</p> <p>12 Okay?</p> <p>13 If this was a free-for-all, everybody</p> <p>14 would be asking questions about, you know, all</p> <p>15 different items.</p> <p>16 This applicant has to bring in</p> <p>17 professionals too and all the professionals aren't</p> <p>18 here tonight.</p> <p>19 MS. SHERIDAN: Thank you, I understand.</p> <p>20 When did you walk through the -- you</p> <p>21 said you walked through the property a couple of</p> <p>22 times. When did you walk through the property?</p> <p>23 THE WITNESS: I don't know the specific</p> <p>24 dates, ma'am. I would have to --</p> <p>25 MS. SHERIDAN: This year, last year,</p>	<p style="text-align: right;">188</p> <p>1 entitled to know who took those shots, when they were</p> <p>2 taken.</p> <p>3 MS. SHERIDAN: It was Flying Films</p> <p>4 Photography.</p> <p>5 MS. PRICE: Flying Films, and who hired</p> <p>6 Flying Films?</p> <p>7 MS. SHERIDAN: Nobody hired them. They</p> <p>8 just did it as a volunteer.</p> <p>9 MS. PRICE: Are they here?</p> <p>10 MS. SHERIDAN: No.</p> <p>11 MR. REGAN: They need to be here.</p> <p>12 MS. PRICE: Yes, they need to be here.</p> <p>13 Ms. SHERIDAN: Why?</p> <p>14 MS. PRICE: Because I can't --</p> <p>15 THE WITNESS: You can't enter in</p> <p>16 something that's --</p> <p>17 MR. REGAN: The right to cross examine.</p> <p>18 MS. PRICE: Yeah.</p> <p>19 MS. SHERIDAN: Okay. So there are</p> <p>20 drone shots that we took in the fall of 2021 that</p> <p>21 show, you know, the property from an aerial view,</p> <p>22 similar to the way the tree removal plans are and</p> <p>23 when you compare the drone shot that we took to the</p> <p>24 drone -- to the plans that you've submitted, there's</p> <p>25 some trees that you're proposing to remove that are</p>

<p style="text-align: right;">189</p> <p>1 not here, so that was my question and that's why I</p> <p>2 would like to show the picture, but since I can't,</p> <p>3 then I don't have any other questions.</p> <p>4 MS. PRICE: Okay.</p> <p>5 MS. SHERIDAN: Thank you.</p> <p>6 CHAIRMAN WEIDMANN: Yes, yes, ma'am.</p> <p>7 MS. FERDINAND: I just have a short</p> <p>8 question.</p> <p>9 Kathy Ferdinand, 15 Autumn Lane.</p> <p>10 THE COURT REPORTER: Please spell your</p> <p>11 last name.</p> <p>12 MS. FERDINAND: F-E-R-D-I-N-A-N-D.</p> <p>13 THE COURT REPORTER: Thank you.</p> <p>14 MS. FERDINAND: Thank you.</p> <p>15 I've written a note to the Mayor and</p> <p>16 Council and also to the secretary of this board,</p> <p>17 because we can't write you personally, I guess, but</p> <p>18 scientifically I'm assuming as a landscaper you know</p> <p>19 the -- what they call the sponge effect of trees and</p> <p>20 the percolation that takes place.</p> <p>21 So the sponge effect of this, I would</p> <p>22 think, would be greatly disturbed taking down</p> <p>23 3-and-a-half acres of trees; is that accurate?</p> <p>24 THE WITNESS: Initially, I would say</p> <p>25 that's probably accurate.</p>	<p style="text-align: right;">191</p> <p>1 establish it naturally and this doesn't seem natural.</p> <p>2 So I just wanted to establish that.</p> <p>3 Okay, thank you.</p> <p>4 MR. SKRABLE: Mr. Chair, if I can just</p> <p>5 interject real briefly, because some people might</p> <p>6 have missed other testimony. I mean, there are</p> <p>7 regulations that require the applicant to recharge</p> <p>8 groundwater into the soil. They have to meet the</p> <p>9 existing amount of water that is being infiltrated</p> <p>10 into the growth for the site.</p> <p>11 So you can't get around that. They're</p> <p>12 doing it differently. They're not doing it</p> <p>13 throughout the site, they're doing it mostly in this</p> <p>14 detention basin area, but the same amount of water is</p> <p>15 getting into the ground as was getting into the</p> <p>16 ground predevelopment, that's a requirement.</p> <p>17 CHAIRMAN WEIDMANN: Everybody</p> <p>18 understand that?</p> <p>19 Yes, ma'am, we're just about out of</p> <p>20 time, but we'll take your question.</p> <p>21 MS. LEVINE: Catherine Levine, 3 Klein</p> <p>22 Court.</p> <p>23 I just want to clarity, just so</p> <p>24 everybody understands. According to state regs,</p> <p>25 you're cutting down 203 trees, but there's really</p>
<p style="text-align: right;">190</p> <p>1 You're going to have -- but you're</p> <p>2 still going to have -- you'll still have the pervious</p> <p>3 surface there. Okay?</p> <p>4 You still have part of the sponge</p> <p>5 effect is the organic matter of that litter. Okay?</p> <p>6 You still have the grass, the open</p> <p>7 space, the wetlands. A lot of that area is still</p> <p>8 intact and so you still have the absorption of those</p> <p>9 -- that rainwater.</p> <p>10 MS. FERDINAND: But the 206 trees that</p> <p>11 are coming down --</p> <p>12 THE WITNESS: Two-hundred-and-three.</p> <p>13 MS. FERDINAND: Two-hundred-and-three.</p> <p>14 THE WITNESS: Let's not add more.</p> <p>15 (Laughter).</p> <p>16 MS. FERDINAND: Two-hundred-and-three</p> <p>17 and the 3-and-a-half acres of that parking lot</p> <p>18 pavement and building would definitely affect, I</p> <p>19 would think, the sponge effect of percolating</p> <p>20 naturally.</p> <p>21 THE WITNESS: All that -- all the</p> <p>22 stormwater is still going to be percolating, going</p> <p>23 into this detention basin that has a sand bottom and</p> <p>24 Mr. Sehnal has already testified to that.</p> <p>25 MS. FERDINAND: Okay. I just -- trees</p>	<p style="text-align: right;">192</p> <p>1 more trees being cut.</p> <p>2 THE WITNESS: Potentially.</p> <p>3 MS. LEVINE: And they're 20-foot high,</p> <p>4 some taller?</p> <p>5 THE WITNESS: Not necessarily.</p> <p>6 They're less than 8 inches in caliper</p> <p>7 if they are being cut.</p> <p>8 MS. LEVINE: What's the regulation</p> <p>9 again?</p> <p>10 THE WITNESS: We have to -- what we did</p> <p>11 is we have to survey 8 inches and above.</p> <p>12 Anything above 8 inches we have to</p> <p>13 document and we have. Anything under 8 inches are</p> <p>14 not included in that.</p> <p>15 MS. LEVINE: Right. And there's plenty</p> <p>16 of 4-inch trees that could be --</p> <p>17 THE WITNESS: We don't know that</p> <p>18 number. We don't know that number.</p> <p>19 MS. LEVINE: You don't know it, but</p> <p>20 they exist on the property?</p> <p>21 THE WITNESS: I'm sure there's some</p> <p>22 that do exist, but I don't know the extent.</p> <p>23 MS. LEVINE: So it's not a total of 203</p> <p>24 that are being cut, what's required by state is</p> <p>25 what's registered?</p>

<p style="text-align: right;">193</p> <p>1 THE WITNESS: No, it's required by your 2 borough. 3 MS. LEVINE: Okay. 4 THE WITNESS: That is per the borough's 5 regulation ordinances, anything 8 inches above has to 6 be documented for tree removal and tree replacement. 7 MS. LEVINE: And just knowing the trees 8 on my property and the calipers of their trees, I 9 know the heights that they have. 10 So there's more than 203 trees that are 11 being cut, just not having to be just under the 12 ordinance, they don't -- 13 THE WITNESS: As per the ordinance, 14 it's 203. 15 MS. LEVINE: So there's more trees, 16 okay. 17 I just wanted to clarify that. 18 CHAIRMAN WEIDMANN: Okay. No more 19 questions? 20 (No response.) 21 CHAIRMAN WEIDMANN: Okay. Motion to 22 close to meeting to the public? 23 MR. ALESSI: Motion. 24 MR. ELLER: Second. 25 CHAIRMAN WEIDMANN: All in favor?</p>	<p style="text-align: right;">195</p> <p>1 MS. PRICE: That's open because we were 2 still meeting with Lakeview, because actually -- 3 MR. ELLER: That's fine, as long as you 4 guys are -- 5 MS. PRICE: No, well, wait, as long as 6 we're on the record, I could use Tom's help and the 7 board's help, because we have had, you know, a good 8 meeting, I think, with Lakeview, but we cannot get a 9 helpful meeting with the church and our client has 10 offered to run a camera test in the line from the 11 church to Lakeview to see what the pipe looks like, 12 but we can't get on the church to do it. 13 MR. REGAN: The board can't force the 14 church to meet with you. 15 MS. PRICE: I know the board can't 16 force, but -- 17 MR. SKRABLE: I got a call from a 18 contractor presumably working for the church. 19 MS. PRICE: You did? 20 MR. SKRABLE: Yes, who was checking out 21 their system. So I'm getting the impression they're 22 trying to do it independently at least first. 23 MS. PRICE: Oh, okay. 24 MR. SKRABLE: I'm not sur why. 25 MR. ELLER: Have they just been</p>
<p style="text-align: right;">194</p> <p>1 (Whereupon, all present members respond 2 in the affirmative.) 3 CHAIRMAN WEIDMANN: Okay. It's the 4 bewitching hour, so... 5 MS. PRICE: Can I just -- I had one -- 6 the board asked one question at the last meeting of 7 our civil engineer about the elevation of the church 8 versus our property and Dan ran that elevation 9 difference and I was just going to have him give you 10 that information tonight. 11 Do you want that? 12 CHAIRMAN WEIDMANN: No, because we have 13 to open it to the public. 14 MS. PRICE: All right, all right. 15 MR. REGAN: Yeah, this is a good spot 16 to break. 17 MS. PRICE: All right. 18 MR. ELLER: There's two questions 19 outstanding. 20 For the next meeting if you can get the 21 other question too. We had discussed the 22 possibility, he was going to run some numbers to see 23 what the mounding would look like if you kicked some 24 of the water to the -- further away from Lakeview to 25 a smaller retention basin.</p>	<p style="text-align: right;">196</p> <p>1 unresponsive? 2 MS. PRICE: Yeah, every call there's 3 something else why we can't get on to do it. 4 MR. REGAN: It's not going to delay the 5 process of the application. 6 MS. PRICE: No, I can't just continue 7 to delay the issue. 8 MS. HAVERILLA: Tom, I can give you a 9 number of someone to call if you need to get in touch 10 with them. 11 MR. SKRABLE: The church? 12 I spoke to the priest. He was very 13 congenial, was willing to meet, but then when Gail 14 tried to set it up, it just didn't happen for a 15 couple of different reasons. 16 MS. PRICE: It was something going on 17 in the parking lot. 18 MR. SKRABLE: And then after that I got 19 a call from a contractor, so it seemed like they're 20 pursuing it in some fashion anyway. 21 MS. PRICE: Is there's any help that 22 could be -- if it could be worked out. I just don't 23 want it to go on and on, because we have to come to a 24 design, you know, decision on what we're doing 25 relative to the drainage, because we have to put it</p>

<p style="text-align: right;">197</p> <p>1 together.</p> <p>2 MR. SKRABLE: I agree.</p> <p>3 I think it's likely that the issue is</p> <p>4 with the pipe going toward Lakeview, it probably has</p> <p>5 a bunch of roots in it, because there's no reason</p> <p>6 water should be backing up on the church property.</p> <p>7 MS. PRICE: That's what I think too,</p> <p>8 right.</p> <p>9 Okay, so that's --</p> <p>10 MR. REGAN: How many more witnesses?</p> <p>11 MS. PRICE: I just have Dan on that one</p> <p>12 issue and then if anything happens and our planner,</p> <p>13 that's it.</p> <p>14 So I'm hoping I can wrap up next</p> <p>15 meeting.</p> <p>16 MR. SKRABLE: Are we going to get a</p> <p>17 revised landscape plan showing the fences and changed</p> <p>18 numbers?</p> <p>19 MS. PRICE: I don't think I'm going to</p> <p>20 be able to show the fence, Tom, because I think that</p> <p>21 -- I think Bergen County Soil is going to want your</p> <p>22 input with Dan's input in terms of where you're going</p> <p>23 to want it.</p> <p>24 MR. SKRABLE: No, I'm talking about the</p> <p>25 proposed decorative fences now shown on this --</p>	<p style="text-align: right;">199</p> <p>1 THE WITNESS: If we put up that privacy</p> <p>2 fence, there's a chain-link fence there now, to take</p> <p>3 that down, because you don't want a no-man's land</p> <p>4 between two fences, so...</p> <p>5 MS. PRICE: So I think I understand, we</p> <p>6 need to get filed with the environmental commission</p> <p>7 before the next meeting and then at the next meeting</p> <p>8 we'll have those multiple issues and our planner,</p> <p>9 August 10th.</p> <p>10 CHAIRMAN WEIDMANN: You know, you only</p> <p>11 have -- you're only going to have a little less than</p> <p>12 two hours at the next meeting.</p> <p>13 MS. PRICE: No problem.</p> <p>14 (Laughter.)</p> <p>15 MS. HAVERILLA: Gail, the environmental</p> <p>16 commission actually does not have summer, so they're</p> <p>17 going to try to call a special meeting.</p> <p>18 So the sooner they can get everything</p> <p>19 they need, it will be easier.</p> <p>20 THE WITNESS: What do you need for --</p> <p>21 MR. SZABO: The application process is</p> <p>22 --</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. SZABO: -- under their land</p> <p>25 development administrative portion.</p>
<p style="text-align: right;">198</p> <p>1 THE WITNESS: It should be on LA-2.</p> <p>2 MS. PRICE: LA-2.</p> <p>3 THE WITNESS: Yeah, I believe so. I</p> <p>4 believe there's -- the only change actually from the</p> <p>5 last set was that from Mr. Szabo's recommendation, we</p> <p>6 included a 6-foot privacy fence along the property</p> <p>7 line.</p> <p>8 That's a question that we posed to</p> <p>9 Lakeview when we met with them and that's kind of up</p> <p>10 in the air whether they want that or not.</p> <p>11 MR. SKRABLE: Whatever is ultimately</p> <p>12 decided?</p> <p>13 MS. PRICE: Yes.</p> <p>14 THE WITNESS: Without a doubt.</p> <p>15 MR. SZABO: If Lakeview decides they</p> <p>16 don't want it --</p> <p>17 THE WITNESS: Right, exactly.</p> <p>18 MR. SZABO: And it was proposed for</p> <p>19 their benefit.</p> <p>20 THE WITNESS: I understand.</p> <p>21 MS. PRICE: Right.</p> <p>22 THE WITNESS: What I asked, what I</p> <p>23 asked --</p> <p>24 THE COURT REPORTER: I'm sorry, I can't</p> <p>25 hear the witness.</p>	<p style="text-align: right;">200</p> <p>1 MS. PRICE: Yeah.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. SZABO: The Old Tappan code is all</p> <p>4 over the place in terms of development regulations in</p> <p>5 a good way, but it would guide you, the reference is</p> <p>6 under land use administration, there's sections.</p> <p>7 It's referenced in the section with tree removal.</p> <p>8 MS. PRICE: In 234, yeah.</p> <p>9 MR. SZABO: In 234.</p> <p>10 MS. PRICE: Okay. Thank you.</p> <p>11 Thank you.</p> <p>12 So carried with no further notice,</p> <p>13 right?</p> <p>14 CHAIRMAN WEIDMANN: Yeah.</p> <p>15 (Whereupon, this matter will be</p> <p>16 continuing at a future date. Time noted:</p> <p>17 10:35 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

C E R T I F I C A T E

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 New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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 by anyone with a financial interest in the outcome of this action.

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



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: July 20, 2022

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