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BOROUGH OF OLD TAPPAN
PLANNING BOARD
WEDNESDAY, AUGUST 10, 2022
COMMENCING AT 7:25 P.M.

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 :
:

B E F O R E:

BOROUGH OF BOROUGH OF OLD TAPPAN PLANNING BOARD
THERE BEING PRESENT:

WILLIAM WEIDMANN, CHAIRMAN
NICK MAMARY, VICE CHAIRMAN
WILLIAM BOYCE, COUNCILMAN MEMBER
THOMAS GALLAGHER, COUNCILMAN MEMBER (RECUSED)
ANNA HAVERILLA, MEMBER
CHARLES MAGGIO, MEMBER
MICHAEL ALESSI, MEMBER
DAVID KEIL, MEMBER (ABSENT)
DANIEL ELLER, MEMBER
NICKI LOULOU DIS, ALTERNATE #1 MEMBER
ROBERT SCOZZAFAVA, ALTERNATE #2 MEMBER (ABSENT)
DAVID HOLLOWAY, ALTERNATE #3 MEMBER (ABSENT)
VICKEN BEDIAN, ALTERNATE #4 MEMBER

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A P P E A R A N C E S :

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THOMAS SKRABLE, PE, Board Engineer

JOHN SZABO, PP, Borough Planner

DIANE FROHLICH, Board Secretary

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I N D E X (Continuing)

E X H I B I T S

NO. DESCRIPTION IDENT/EVID

A-27 Site Plan Profile Exhibit, 36
Dated July 13, 2022

A-28 Site Plan Profile Exhibit, 40
Dated June 22, 2022

A-29 Site Plan Colorized Buffer Exhibit 43
Dated June 8, 2022

<p style="text-align: right;">5</p> <p>1 CHAIRMAN WEIDMANN: Okay. We're ready 2 now for the application portion of the meeting. 3 COUNCILMAN BOYCE: This is when I will 4 -- 5 MR. REGAN: Yes, Class I and Class III 6 members can't participate, because this is a D-1 7 variance. 8 MS. HAVERILLA: Tom, we don't actually 9 have a quorum as of yet. 10 MR. REGAN: One, two, three, four, 11 five, we have six. 12 MS. HAVERILLA: That's enough? 13 MR. REGAN: We have six. 14 MS. HAVERILLA: We're good? 15 MR. REGAN: Yeah. 16 MS. HAVERILLA: Yes. 17 MR. REGAN: We only need five. 18 Ideally you should seven if you're 19 going to have a vote, but you're not going to have a 20 vote on this tonight. 21 MS. HAVERILLA: Okay. 22 MS. PRICE: No. 23 Good? All right. Hi, everyone, Gail 24 Price from the firm of Price, Meese, Shulman & 25 D'Arminio back on behalf of CSH Old Tappan.</p>	<p style="text-align: right;">7</p> <p>1 put together a report. 2 So naturally we didn't have a problem 3 with that. So we're hopeful that that will be ready 4 for the environmental commission as noted and then to 5 the extent that any of that needs to be addressed, we 6 can then address it at the September 14th meeting. 7 CHAIRMAN WEIDMANN: Okay. 8 MS. PRICE: Okay? So tonight I just 9 want to recall our civil engineer. 10 The board had asked for several 11 exhibits to be prepared in conjunction with line of 12 sight issues both from Lakeview, as well as from Old 13 Tappan Road and also the actual buffers between the 14 church property and our property because there had 15 been some conversation at one of the hearings 16 regarding the actual physical separation, what was 17 there on the church side versus ours and as you'll 18 recall, we actually pulled our building further away 19 from that common boundary line to increase the buffer 20 over that, which was originally provided. 21 So we have a couple of those exhibits 22 and that's pretty much it. I think that these 23 exhibits address the board's requests. 24 We will be in a position for September 25 to have a fully revised set of plans that address</p>
<p style="text-align: right;">6</p> <p>1 I just want to talk about a couple of 2 housekeeping items. 3 We were supposed to have 90 minutes 4 tonight and then the second application, 90 minutes. 5 I contacted -- actually Jen Knarich from our office 6 contacted the applicant's attorney on the other 7 matter and we did a little switching of our time, 8 because I can't proceed with our planner this evening 9 because of the tree expert on the environmental 10 commission. 11 So I have abbreviated testimony 12 tonight. So how we left it was whatever testimony 13 time I have left, I will give to that application and 14 then we'll switch it for September so it balances 15 out. Okay? 16 COUNCILMAN MAGGIO: Seems fair. 17 CHAIRMAN WEIDMANN: Okay. 18 MS. PRICE: That's one thing. 19 And just in terms of the environmental 20 commission, we did meet on 8/04 with Mr. Levy and Jim 21 Langenstein and Dan, our civil engineer, were there, 22 as well as a representative, two representatives from 23 my office. 24 And there was an initial walk of the 25 site and Mr. Levy indicated he needed more time to</p>	<p style="text-align: right;">8</p> <p>1 questions that have come up from the board, your 2 board professionals. 3 And I want to just reconfirm that our 4 client will be responsible and has agreed to be 5 responsible for the movement of the historic portion 6 of the home that is currently on our property for 7 which we are the contract purchaser. The applicant, 8 CSH Old Tappan, will undertake the movement of that 9 house and as I understand, will move it across Old 10 Tappan Road and place it on an area to be designated 11 by the senior center. 12 CSH will also take care of constructing 13 and laying the foundation for that building to be 14 placed upon and then the borough can decide what it 15 wants to do from there, how it's to be used or, you 16 know, maybe take a breath before you make that 17 decision, but we will be financially responsible for 18 moving the structure. 19 That will not include the part of the 20 house that everybody has agreed is not historic. 21 It'll just be the historic portion and the barn will 22 be coming down on our site. 23 So with that, it will certainly affect 24 the number of variances on the site since we're going 25 to be eliminating those that were previously</p>

<p style="text-align: right;">9</p> <p>1 necessary because of the historic home and its</p> <p>2 location and the revised set of plans that Dynamic</p> <p>3 will present for the September meeting and in advance</p> <p>4 of the September meeting so your professionals can</p> <p>5 review and confirm or revise our list.</p> <p>6 We've also tried -- continued to try to</p> <p>7 gain access to the church's property so that we can</p> <p>8 also, at our cost, get into the drainage pipe that is</p> <p>9 located on the church's property.</p> <p>10 If you recall we have an easement from</p> <p>11 our property to the church's property for drainage</p> <p>12 purposes. And the church had complained that they</p> <p>13 were having a backup of water on their site, so we</p> <p>14 indicated that we would run a camera test in the line</p> <p>15 at our client's cost to determine what, if any,</p> <p>16 issues were causing, you know, that backup of water</p> <p>17 and debris.</p> <p>18 (Whereupon, Mr. Mamary and Mr. Eller</p> <p>19 are now present.)</p> <p>20 MS. PRICE: Unfortunately we have not</p> <p>21 gotten access to that line despite --</p> <p>22 MR. REGAN: You haven't been permitted</p> <p>23 access.</p> <p>24 MS. PRICE: We have not been permitted</p> <p>25 access despite multiple attempts.</p>	<p style="text-align: right;">11</p> <p>1 MS. PRICE: No, they've actually</p> <p>2 retained engineering assistance, so we're hopeful</p> <p>3 that we're going to be able to work something out</p> <p>4 with Lakeview, but it's got to have a time certain so</p> <p>5 we can get the revised plans done and to Mr. Szabo</p> <p>6 and Mr. Skrable and to you as a board before the next</p> <p>7 meeting. So we'll continue to work on that.</p> <p>8 So I think that's everything on my end,</p> <p>9 so if I could recall our civil engineer.</p> <p>10 MR. SKRABLE: Gail, do you mind if I</p> <p>11 just follow up on those things, a couple of those</p> <p>12 things quickly?</p> <p>13 MS. PRICE: Sure.</p> <p>14 MR. SKRABLE: With regard to moving the</p> <p>15 house, is -- there won't be any other testimony on</p> <p>16 that, right?</p> <p>17 MS. PRICE: No.</p> <p>18 MR. SKRABLE: So just from the board's</p> <p>19 perspective as far as nailing that down, if they dig</p> <p>20 it up, move it, put it on the foundation, there's</p> <p>21 still a lot of work to be done as far as connecting</p> <p>22 any utilities to it, et cetera.</p> <p>23 You're saying your responsibility ends</p> <p>24 at placing it on the foundation?</p> <p>25 MS. PRICE: Right.</p>
<p style="text-align: right;">10</p> <p>1 COUNCILMAN MAGGIO: You actually spoke</p> <p>2 to them?</p> <p>3 MS. PRICE: Yes.</p> <p>4 And Pat Segedin who is our Old Tappan</p> <p>5 hands, legs, feet --</p> <p>6 MR. REGAN: Coordinator.</p> <p>7 MS. PRICE: -- coordinator has spoken</p> <p>8 several times, and earlier in the conversation there</p> <p>9 seemed to be reasons relating to events that might</p> <p>10 happen at the church and other reasons why it</p> <p>11 couldn't be done.</p> <p>12 MR. REGAN: Well, that's not going to</p> <p>13 hold up the board's decision or consideration of the</p> <p>14 application in its ultimate decision.</p> <p>15 MS. PRICE: Right.</p> <p>16 And I need to get the board a final set</p> <p>17 of plans, because we've had this in limbo now.</p> <p>18 So we also made the profer to Lakeview</p> <p>19 to run the camera test on their side and get in that</p> <p>20 way to determine whether we can see anything from</p> <p>21 Lakeview into the church.</p> <p>22 So that's on the table. But similarly</p> <p>23 to the church, we need to bring that to a close as</p> <p>24 well.</p> <p>25 MR. REGAN: Have they denied access to?</p>	<p style="text-align: right;">12</p> <p>1 MR. SKRABLE: Just so that's clear to</p> <p>2 the board. There's still going to be things the</p> <p>3 borough needs to do.</p> <p>4 COUNCILMAN MAGGIO: Plumbing,</p> <p>5 electrical, sanitary.</p> <p>6 MR. SKRABLE: Sewer connection.</p> <p>7 MS. PRICE: Yeah, we don't know what</p> <p>8 the end use is going to be, so...</p> <p>9 MS. HAVERILLA: Yeah.</p> <p>10 And if I may say, I don't think that</p> <p>11 the end use is -- is something that's going to be</p> <p>12 necessary for plumbing and you have the senior</p> <p>13 center, so plumbing is there.</p> <p>14 If this becomes a little museum, we can</p> <p>15 do it as is. So it's -- it's not something that has</p> <p>16 to be done.</p> <p>17 As long as it's a solid structure on</p> <p>18 slab and it's there and doesn't get hurt, we're good.</p> <p>19 MS. PRICE: Well, to that end, we will</p> <p>20 coordinate with a historic preservation expert that</p> <p>21 we have enlisted on our team for that expressed</p> <p>22 purpose. And, naturally, we'll need to coordinate</p> <p>23 with the Old Tappan Police Department for getting it</p> <p>24 moved across Old Tappan Road.</p> <p>25 And I would suspect if the board acts</p>

<p style="text-align: right;">13</p> <p>1 favorably on this application, that that would be a 2 condition of approval and clearly spelled out in the 3 developer's agreement. So it's covered in terms of 4 the documentation. 5 MR. SKRABLE: Okay. 6 MS. PRICE: And I have no problem with 7 that. 8 MR. SKRABLE: And then just 9 drainage-wise, there's just a lot up in the air. 10 And I know you're trying to get to a 11 final set of plans, I appreciate that. But I don't 12 think we've answered the question of whether or not 13 Lakeview has the obligation to take this water or 14 not. And there are still ongoing negotiations, I'm 15 assuming, with them. 16 And then, secondarily, the church, if 17 they're not going to cooperate, even though the 18 easement already exists, if this were to be approved 19 and a connection were to be made, we have no idea 20 what the problem is, how bad it is, if there really 21 is a problem, where it is, who's responsible for it. 22 I think it can get really complicated determining who 23 would have to fix it. 24 MS. PRICE: Well, we're clearly not 25 responsible for anything on the church's property.</p>	<p style="text-align: right;">15</p> <p>1 MS. PRICE: Well, our original plan, 2 and we may end up going back to the original drainage 3 plan, because if both of these off-site properties do 4 not cooperate, it's a private party issue, it's not 5 -- and I think -- 6 MR. REGAN: Well, that was discussed 7 one or two meetings ago. 8 MS. PRICE: Right. 9 MR. REGAN: I had thrown out the idea 10 of someone seeking a declaratory judgement. And I 11 think that would not be to anybody's liking. 12 MS. PRICE: Right. 13 MR. SKRABLE: I think you were 14 negotiating at that time and didn't think it was 15 necessary. 16 MS. PRICE: Well, and there -- and our 17 respective clients are still talking with each other, 18 but the missing link is the church. 19 MR. SKRABLE: And going back to that 20 original plan, I've got a lot of concerns about that 21 plan -- 22 MS. PRICE: Well -- 23 MR. SKRABLE: -- from a design 24 standpoint. 25 MS. PRICE: -- if I could ask that a</p>
<p style="text-align: right;">14</p> <p>1 The church provided the easement. The church has an 2 easement into Lakeview for drainage purposes that 3 have been on the books and not revised, not voided. 4 MR. REGAN: It's existed for, like, 30 5 years. 6 MS. PRICE: Yes, it's been in existence 7 and not challenged and not revised for years. 8 The church granted our property owner 9 the right to connect our property and development 10 into the church's property. So there's two different 11 easement agreements that have not been challenged. 12 But we're trying to assist here by 13 doing a camera test of the line from either one or 14 the other, because we're not -- we're hearing that 15 there's a problem on the church's side, but we're 16 hearing the same that you've heard. 17 So we're going the extra step offsite 18 from our property that's not triggered by anything 19 that's -- you know, that is happening on our lot, 20 Tom, so... 21 MR. SKRABLE: I agree with all of that 22 and I think you're trying to be cooperative. 23 My concern is, this moves forward, the 24 work gets done, somehow the problem gets exacerbated 25 and the public is affected by it, then what do we do?</p>	<p style="text-align: right;">16</p> <p>1 report be issued in that vein, Tom, it would be 2 helpful, because if nothing happens from Lakeview's 3 perspective and the church's perspective, we've been 4 pending for a really long time and I've given the 5 board multiple extensions, but at some point in time 6 we have to say this is the application. 7 So if you could do a report on that 8 first plan that we could review with our 9 professionals, it would be very helpful. 10 MR. SKRABLE: I'm happy to do that, but 11 just to be fair, you've been moving along and saying 12 we're working on it, we're working on it and nothing 13 has happened. 14 MS. PRICE: That's not -- don't look at 15 our side of the table on that. You know, we -- and, 16 again, it's a private party issue, so it's not a 17 zoning board issue. The easement negotiations are 18 private parties. You have to be satisfied that the 19 drainage works. That's why a report would be very 20 helpful on either one of the layouts, because then 21 Dan can address that, those issues. 22 MR. SKRABLE: I mean, it's really one 23 issue with the first design, that you're -- you're 24 discharging a pipe at grade, a concentrated flow onto 25 a private party. I don't know that you've got the</p>

<p style="text-align: right;">17</p> <p>1 legal right to do that, that's the issue.</p> <p>2 MS. PRICE: Under Option 1.</p> <p>3 MR. SKRABLE: Under Option 1.</p> <p>4 MS. PRICE: That has nothing to do with</p> <p>5 the easement agreement, though.</p> <p>6 MR. SKRABLE: No, but I thought you</p> <p>7 said you wanted a report on both options.</p> <p>8 MS. PRICE: Right, but the easement</p> <p>9 agreement has nothing to do with Option 1; agreed?</p> <p>10 MR. SKRABLE: Agreed, yeah.</p> <p>11 MS. PRICE: Agreed, okay.</p> <p>12 So that takes that off the table, but</p> <p>13 that's a legal issue in terms of ability to -- and</p> <p>14 I'll have Dan address this if you need that tonight.</p> <p>15 I didn't want to get into drainage tonight. I wanted</p> <p>16 to just keep it to these exhibits, because we don't</p> <p>17 know where we're going and we need to hear from</p> <p>18 Lakeview and the church in the next week or 10 days</p> <p>19 and then we'll be able to address where we're going.</p> <p>20 MR. SKRABLE: And I'm not saying you</p> <p>21 need to address it tonight. I just don't want the</p> <p>22 board to get backed into a corner in September and</p> <p>23 you say we've done everything we can do, this is our</p> <p>24 plan, you got to approve it.</p> <p>25 That's not fair to the board.</p>	<p style="text-align: right;">19</p> <p>1 MR. STEINHAGEN: Sure.</p> <p>2 Daniel Steinhagen from Beattie Padovano</p> <p>3 on behalf of Lakeview, the association and also</p> <p>4 Angeline Sheridan.</p> <p>5 The first time I heard about the camera</p> <p>6 going in through the Lakeview property was tonight,</p> <p>7 but I have no problem with that, that's a good idea.</p> <p>8 So in terms of inspection on the Lakeview property,</p> <p>9 which is all that I can give to the applicant, they</p> <p>10 can come on our property and do that provided we work</p> <p>11 out an agreement, insurance indemnification, things</p> <p>12 like that, which are the standard things.</p> <p>13 But my conversations with Ms. Price, at</p> <p>14 least to my recollection, were I can't get in touch</p> <p>15 with Lakeview -- excuse me -- the church. So we're</p> <p>16 at a standstill.</p> <p>17 So the suggestion that she's made</p> <p>18 tonight, which is, again, the first time I've heard</p> <p>19 it, I think is at least a good half measure to</p> <p>20 determine that there's no blockage on the Lakeview</p> <p>21 property. I can't speak to anything going on on the</p> <p>22 church, but to Mr. Skrable's point, we agree that we</p> <p>23 don't think that without an agreement between the</p> <p>24 association and the applicant that there's a right to</p> <p>25 do any of this.</p>
<p style="text-align: right;">18</p> <p>1 MS. PRICE: The board's had our</p> <p>2 original plan since I filed and I don't have my whole</p> <p>3 file here, so I can't give you a date, but it was a</p> <p>4 long time ago.</p> <p>5 And we had testimony on that original</p> <p>6 plan for multiple meetings before we changed it to</p> <p>7 provide the alternate layout by tying into the church</p> <p>8 our easement and then the church into Lakeview, but</p> <p>9 all the initial testimony went in on Option A, so</p> <p>10 it's nothing new.</p> <p>11 MR. SKRABLE: No, but that big question</p> <p>12 was not answered, do you have the legal right to do</p> <p>13 it?</p> <p>14 MS. PRICE: Okay. We're spinning here.</p> <p>15 I will make sure that I address that, but our initial</p> <p>16 application and the initial set of testimony inputs</p> <p>17 from the -- from the professionals deal with that and</p> <p>18 I'm not sure how Dan wants to refer to that, so I'll</p> <p>19 ask him when he comes up, what we're calling that.</p> <p>20 MR. STEINHAGEN: Gail, this might help,</p> <p>21 this might help.</p> <p>22 So can I be heard for two seconds on</p> <p>23 what Ms. Price just said?</p> <p>24 MS. PRICE: Just for the record --</p> <p>25 MR. REGAN: Identify yourself.</p>	<p style="text-align: right;">20</p> <p>1 MR. ELLER: So how do we answer that</p> <p>2 question?</p> <p>3 MS. HAVERILLA: Wait, I just want to be</p> <p>4 clear, you don't think they have a right to discharge</p> <p>5 on Lakeview's property, obviously --</p> <p>6 MR. STEINHAGEN: Well, so --</p> <p>7 MS. HAVERILLA: -- or you don't --</p> <p>8 MR. STEINHAGEN: So --</p> <p>9 MR. SKRABLE: You're saying either</p> <p>10 option.</p> <p>11 MS. HAVERILLA: Either option.</p> <p>12 To join in on the easement, they have</p> <p>13 no right?</p> <p>14 MR. STEINHAGEN: No, absolutely not.</p> <p>15 Absolutely not.</p> <p>16 The -- the church can't confer rights</p> <p>17 in our property to the applicant. I think we went</p> <p>18 over this, I believe, in June and I think there's a</p> <p>19 letter that I submitted that puts our position on the</p> <p>20 record.</p> <p>21 And we agree with Mr. Skrable about the</p> <p>22 points of discharge onto our property, particularly</p> <p>23 where they're changing the drainage patterns, but we</p> <p>24 can leave that for another day since the plan was</p> <p>25 amended and it's not before the board.</p>

<p style="text-align: right;">21</p> <p>1 I do have a question. I did notice</p> <p>2 that the agenda said we were starting at 7:30 and I</p> <p>3 did see people coming in. Is that something -- I</p> <p>4 mean, did that get changed? I just want to make sure</p> <p>5 that we're not --</p> <p>6 CHAIRMAN WEIDMANN: The meeting starts</p> <p>7 at 7:00.</p> <p>8 MR. STEINHAGEN: Yes, I understand</p> <p>9 that, but the agenda which is posted on the board's</p> <p>10 website advises the public that this was going to --</p> <p>11 this particular portion was going to start at 7:30.</p> <p>12 If it was changed, that's fine, but I didn't know</p> <p>13 that and I got here at 7:10.</p> <p>14 MR. REGAN: Well, we haven't really</p> <p>15 done much.</p> <p>16 MR. STEINHAGEN: No, I understand --</p> <p>17 MR. REGAN: -- except hear from</p> <p>18 Ms. Price.</p> <p>19 MR. STEINHAGEN: -- but they're</p> <p>20 entitled to hear Ms. Price too.</p> <p>21 If it was changed, that's fine.</p> <p>22 MS. PRICE: I don't know how many</p> <p>23 people want to hear Ms. Price.</p> <p>24 (Laughter.)</p> <p>25 MR. BEDIAN: Come at 7:00 next time</p>	<p style="text-align: right;">23</p> <p>1 MR. REGAN: It's a question of --</p> <p>2 MR. MAMARY: Is it -- is it based on</p> <p>3 what the property was originally used for that the</p> <p>4 easement was allowed that if the property changes its</p> <p>5 usage --</p> <p>6 MR. REGAN: There's no language</p> <p>7 regarding anything.</p> <p>8 MR. MAMARY: Because -- because if it</p> <p>9 changes its usage, then maybe the applicability for</p> <p>10 the easement isn't exactly the same.</p> <p>11 MR. REGAN: There's no prohibitory</p> <p>12 language, no limitation as to the extent of</p> <p>13 development.</p> <p>14 MR. STEINHAGEN: So, Mr. --</p> <p>15 MR. HAVERILLA: When was that easement</p> <p>16 --</p> <p>17 MR. STEINHAGEN: Mr. Mamary, I</p> <p>18 apologize --</p> <p>19 MR. MAMARY: Mamary.</p> <p>20 MS. HAVERILLA: -- given?</p> <p>21 MR. STEINHAGEN: I apologize.</p> <p>22 The example I gave the last time I was</p> <p>23 here when I spoke about this was, if I gave my</p> <p>24 neighbor an easement to use a path in my backyard, my</p> <p>25 neighbor can't give his cousin an easement to use the</p>
<p style="text-align: right;">22</p> <p>1 so...</p> <p>2 MR. STEINHAGEN: No, but you put it on</p> <p>3 the agenda that it was starting at 7:30, that's the</p> <p>4 -- the point I'm making.</p> <p>5 MR. REGAN: Well, look, that's an</p> <p>6 estimate as to.</p> <p>7 COUNCILMAN MAGGIO: Yeah, otherwise</p> <p>8 they're going to sit around for 15 minutes.</p> <p>9 MR. STEINHAGEN: It's the board's --</p> <p>10 it's the board's prerogative.</p> <p>11 I just was curious, but...</p> <p>12 COUNCILMAN MAGGIO: We won't put times</p> <p>13 in anymore.</p> <p>14 MR. STEINHAGEN: Okay.</p> <p>15 MS. HAVERILLA: Yeah, just the closing</p> <p>16 time.</p> <p>17 MR. MAMARY: Can I ask our attorney a</p> <p>18 question?</p> <p>19 Is the -- the easement that the church</p> <p>20 has that gave to the developer -- to the townhouse</p> <p>21 complex, right, is that a -- that's not assignable?</p> <p>22 MR. REGAN: No, it's recorded.</p> <p>23 MR. MAMARY: It's recorded?</p> <p>24 MR. REGAN: Yes.</p> <p>25 MR. MAMARY: So is it able to be --</p>	<p style="text-align: right;">24</p> <p>1 path in my backyard, I have to do that. It's the</p> <p>2 same principal.</p> <p>3 MR. MAMARY: Right, but if you had a</p> <p>4 path to use to your backyard, but then you changed</p> <p>5 the usage of your property to a multi --</p> <p>6 MR. STEINHAGEN: I agree.</p> <p>7 MR. MAMARY: To a carnival, now all of</p> <p>8 a sudden people that are attending the carnival can</p> <p>9 use the path.</p> <p>10 So I'm asking now that it was a</p> <p>11 single-family, five-unit development or allowed to be</p> <p>12 development, now all of a sudden is a 100-bed unit,</p> <p>13 it changes the usage.</p> <p>14 MR. STEINHAGEN: I -- I --</p> <p>15 MR. MAMARY: So, therefore, I'm asking</p> <p>16 our attorney and you're an attorney, I'm assuming --</p> <p>17 MR. STEINHAGEN: Yes.</p> <p>18 MR. MAMARY: -- with Beattie Padovano.</p> <p>19 MR. STEINHAGEN: You're going -- you're</p> <p>20 going the next step and I agree with you.</p> <p>21 MR. REGAN: But there is no prohibitory</p> <p>22 language and no restrictions.</p> <p>23 MR. MAMARY: Well, but it might allow</p> <p>24 the church to change.</p> <p>25 MR. REGAN: Correct, that's why I</p>

<p style="text-align: right;">25</p> <p>1 suggested that someone --</p> <p>2 MR. MAMARY: And that's maybe what Tom</p> <p>3 was saying in a certain kind of way, that there's no</p> <p>4 -- there's no, maybe, ability to assign</p> <p>5 responsibility.</p> <p>6 MR. HAVERILLA: Well, when was the --</p> <p>7 it could have to do with the ownership and the use of</p> <p>8 the property when this was done, because at some</p> <p>9 point it was the church and this property, so...</p> <p>10 MR. REGAN: 1991, I have it right here.</p> <p>11 MS. HAVERILLA: So...</p> <p>12 MS. LOULLOUDIS: Didn't the church own</p> <p>13 244 at some point?</p> <p>14 MS. PRICE: Yes.</p> <p>15 MR. STEINHAGEN: Not at the time of the</p> <p>16 easement, though.</p> <p>17 MS. LOULLOUDIS: Not at the time of the</p> <p>18 easement?</p> <p>19 MR. STEINHAGEN: No.</p> <p>20 MS. PRICE: Well --</p> <p>21 MS. HAVERILLA: It was not purchased by</p> <p>22 the Korean church at that point?</p> <p>23 MS. PRICE: Right.</p> <p>24 MR. STEINHAGEN: No, it wasn't</p> <p>25 purchased at the time.</p>	<p style="text-align: right;">27</p> <p>1 MS. PRICE: Well, can I just add a</p> <p>2 couple of things there?</p> <p>3 Because the title search reflects</p> <p>4 exactly who owned the property, when they owned it</p> <p>5 and it's not as simple as just saying, you know, the</p> <p>6 church and Lakeview, because there were a series of</p> <p>7 ownership entities involved, including a buyout of a</p> <p>8 mortgage from Valley Bank, Valley National Bank.</p> <p>9 So, we also don't know if the drainage</p> <p>10 was changed on the church so that all of the drainage</p> <p>11 coming from the church that had been directed into</p> <p>12 that 15-foot easement that was established back in</p> <p>13 the early '90s was still in effect.</p> <p>14 So they may have directed some of their</p> <p>15 drainage in a different manner, a different location,</p> <p>16 thereby providing us with the ability to tie in.</p> <p>17 All of this is -- unless it refers to</p> <p>18 the drainage component of our application, I would</p> <p>19 present to the board is a private party/private</p> <p>20 party-issue that needs to be decided by the Superior</p> <p>21 Court of New Jersey.</p> <p>22 MR. REGAN: That's what I said two</p> <p>23 meetings ago.</p> <p>24 MS. PRICE: Right.</p> <p>25 It's not for the zoning board to get,</p>
<p style="text-align: right;">26</p> <p>1 The easement that Lakeview gave to the</p> <p>2 church was only for the property that the church</p> <p>3 building is on.</p> <p>4 MS. HAVERILLA: And that was a Korean</p> <p>5 Presbyterian Church?</p> <p>6 MR. STEINHAGEN: I'm not sure who --</p> <p>7 what the denomination is.</p> <p>8 MS. HAVERILLA: Well, the only reason</p> <p>9 I'm saying that is because a Korean Presbyterian</p> <p>10 Church inevitably bought --</p> <p>11 MR. STEINHAGEN: Sure.</p> <p>12 MS. HAVERILLA: -- the property, so that</p> <p>13 is why maybe they gave the easement, because they</p> <p>14 owned both the properties.</p> <p>15 MR. STEINHAGEN: All I know is that the</p> <p>16 easement allows drainage from a particular lot. It</p> <p>17 doesn't say you can or you can't, but it just -- I</p> <p>18 mean, your attorney will tell you --</p> <p>19 MS. HAVERILLA: Right.</p> <p>20 MR. STEINHAGEN: -- there's no</p> <p>21 prohibitory language, but as a matter of basic</p> <p>22 property law, you can't extent an easement to an</p> <p>23 additional property without the consent of the party</p> <p>24 that's giving the easement.</p> <p>25 MR. REGAN: Correct.</p>	<p style="text-align: right;">28</p> <p>1 you know, wrapped up in who owns what and how did it</p> <p>2 get there and all of these different issues.</p> <p>3 That as Mr. Steinhagen said, it's a</p> <p>4 concept of fundamental property law. What I just</p> <p>5 said is a concept of zoning law.</p> <p>6 MS. HAVERILLA: But wouldn't it help</p> <p>7 the planning board if this -- what was it?</p> <p>8 MR. REGAN: Declaratory judgement.</p> <p>9 MS. HAVERILLA: -- declaratory judgement</p> <p>10 was done, so that at least the planning board would</p> <p>11 be clear as to what can be done?</p> <p>12 MR. REGAN: Well, a judge would sort it</p> <p>13 out and everyone would know what everyone's rights</p> <p>14 are and obligations.</p> <p>15 MS. PRICE: If you get a judge that --</p> <p>16 MR. REGAN: I'm sorry?</p> <p>17 MS. PRICE: If you get a judge who --</p> <p>18 MR. REGAN: Well, that's the problem</p> <p>19 too.</p> <p>20 MS. PRICE: -- understands zoning law.</p> <p>21 MR. SKRABLE: Bob, you obviously know</p> <p>22 this stuff better than I do, but...</p> <p>23 MR. REGAN: I don't know about that.</p> <p>24 MR. SKRABLE: Let's say we approve --</p> <p>25 let's say we were to approve an application with a</p>

<p style="text-align: right;">29</p> <p>1 condition or whatever that addressed this issue</p> <p>2 knowing that it likely would end up going to court,</p> <p>3 at that point don't we lose all control over it? The</p> <p>4 court's going to make a decision.</p> <p>5 MR. REGAN: You won't lose control over</p> <p>6 the development. You may lose --</p> <p>7 MR. SKRABLE: You lose control over</p> <p>8 that aspect.</p> <p>9 MR. REGAN: That aspect of the</p> <p>10 drainage, right.</p> <p>11 MR. ELLER: Which has been the biggest</p> <p>12 -- the single biggest issue in this entire</p> <p>13 application.</p> <p>14 MR. STEINHAGEN: But that's --</p> <p>15 MR. REGAN: That's why I thought the</p> <p>16 earlier this gets resolved, the better.</p> <p>17 We lost a couple of months because no</p> <p>18 one is taking me up on the offer of getting a</p> <p>19 declaratory --</p> <p>20 MS. PRICE: I would like to suggest</p> <p>21 that we proceed over the next 7 to 10 days and see</p> <p>22 where we are. It may be a declaratory judgement, it</p> <p>23 may be something else, but -- and it may be against a</p> <p>24 party who I don't know is here tonight.</p> <p>25 I would like to see where we end up</p>	<p style="text-align: right;">31</p> <p>1 I ever drafted.</p> <p>2 MR. STEINHAGEN: I know it is,</p> <p>3 Mr. Regan.</p> <p>4 MS. PRICE: Right.</p> <p>5 I may not agree with Mr. Steinhagen on</p> <p>6 a lot of things, but I agree with him on that.</p> <p>7 (Laughter.)</p> <p>8 MR. REGAN: The action of any agency or</p> <p>9 tribunal modifies the decision of the board, the</p> <p>10 applicant shall return to the board --</p> <p>11 MS. PRICE: Correct.</p> <p>12 MR. REGAN: -- for review and</p> <p>13 consideration.</p> <p>14 MS. PRICE: Agreed.</p> <p>15 MR. REGAN: Memorized.</p> <p>16 (Laughter.)</p> <p>17 MR. SKRABLE: It took a while to get</p> <p>18 there, but that makes me feel better, for whatever</p> <p>19 it's worth.</p> <p>20 MS. PRICE: Okay?</p> <p>21 So can I --</p> <p>22 MR. BEDIAN: I have a question about --</p> <p>23 MS. PRICE: Oh, sure.</p> <p>24 MR. BEDIAN: -- you know, I think we</p> <p>25 sidetracked with the drainage, which is important --</p>
<p style="text-align: right;">30</p> <p>1 with conversations.</p> <p>2 MR. REGAN: Yeah, I mean, we really</p> <p>3 need to get this issue resolved. The first public</p> <p>4 hearing on this was in February.</p> <p>5 MS. PRICE: Right.</p> <p>6 MR. REGAN: This is Hearing No. 5 and</p> <p>7 eventually it has to be brought to a conclusion.</p> <p>8 MS. PRICE: I agree.</p> <p>9 And I'd also like to submit to the</p> <p>10 board, since now this has become another issue, is</p> <p>11 the chain of title and how that was handled and you</p> <p>12 can read it, you don't have to interpret it, but at</p> <p>13 least you have it in front of you.</p> <p>14 MR. REGAN: Okay.</p> <p>15 MS. PRICE: Okay?</p> <p>16 MR. STEINHAGEN: One more thing to</p> <p>17 Mr. Skrable's point, if you draft a condition with</p> <p>18 sufficient clarity, if an out -- if the outcome of</p> <p>19 litigation that may or may not be filed is not in</p> <p>20 accordance with what the board approves, it gets to</p> <p>21 come back.</p> <p>22 MR. REGAN: Right.</p> <p>23 MR. STEINHAGEN: So you do get -- you</p> <p>24 do have the ability to retain control.</p> <p>25 MR. REGAN: That is in every resolution</p>	<p style="text-align: right;">32</p> <p>1 about moving the property.</p> <p>2 MS. PRICE: Moving the house?</p> <p>3 MR. BEDIAN: The historic portion of</p> <p>4 the house.</p> <p>5 Is that going to be engineered, the</p> <p>6 whole like -- the movement.</p> <p>7 MS. PRICE: Oh, yeah, we'll have to --</p> <p>8 every -- you know, every square inch has to be --</p> <p>9 MR. BEDIAN: Yeah, I've seen my -- I've</p> <p>10 seen property, you know, they -- during the movement,</p> <p>11 you know, they were damaged and, you know, crumbled,</p> <p>12 you know all that.</p> <p>13 MS. PRICE: It's not an inexpensive</p> <p>14 task to undertake and we have two different historic</p> <p>15 consultants on board so --</p> <p>16 MR. BEDIAN: Okay.</p> <p>17 MS. PRICE: -- and that would need</p> <p>18 coordination, as I said, probably with Tom, the</p> <p>19 police department and I don't know whoever else you</p> <p>20 need to get involved, but it would be an all hands on</p> <p>21 deck kind of...</p> <p>22 MR. ELLER: What do the consultants do</p> <p>23 in terms of documenting and -- I mean, documenting</p> <p>24 every aspect of the house.</p> <p>25 You know, God forbid something happens</p>

33

1 and then thing collapses, what's left after that when
 2 you guys -- if something like that were to happen and
 3 the house came down while you were moving it, it
 4 crumbled, what do you guys plan to do to document it
 5 to...

6 MS. PRICE: I'm not sure I follow you.
 7 We have pictures of inside and outside --

8 MR. ELLER: Okay.

9 MS. PRICE: -- already. No one had a
 10 key, so our historic consultant climbed in one of the
 11 windows and took pictures.

12 So we have -- we have a whole set of
 13 photographs at our disposal.

14 So, but, you know, just -- I think what
 15 happens is that, like in any -- any project, that if
 16 it -- if it doesn't stand up, it comes -- it comes
 17 down.

18 But every -- we'll exercise what's
 19 required under proper professional guidelines.

20 MR. ELLER: If any of the other, like
 21 Bergen County groups or the other historic groups
 22 wanted to come in and do the same type of thing,
 23 pictures, whatever records they wanted, would you
 24 guys have a problem doing that before you moved it,
 25 allowing them access?

34

1 I mean anything --

2 MS. HAVERILLA: I think a lot of that
 3 has been done already, all the stones have been
 4 numbered or something.

5 MS. PRICE: Yeah.

6 MS. HAVERILLA: I think they've gone --
 7 -

8 MR. ELLER: Okay.

9 MS. PRICE: It gets into access on the
 10 property and then liability, you know, if somebody
 11 falls.

12 MR. ELLER: Sure. No, I understand
 13 that.

14 MS. PRICE: So --

15 MR. MAMARY: That's why you have
 16 insurance.

17 MS. PRICE: I know, but if you have all
 18 kinds of people coming in and out of the property,
 19 that's a headache.

20 MR. MAMARY: You have insurance now,
 21 don't you?

22 MS. PRICE: The property owner has
 23 insurance --

24 MR. MAMARY: Yeah, the property owner.

25 MS. PRICE: -- right. So --

35

1 MR. MAMARY: You get a rider or --

2 MS. PRICE: I would think that we could
 3 present to the borough what we have available already
 4 and if there was a need to present more, we would go
 5 back at that point, that would be fine.

6 CHAIRMAN WEIDMANN: Okay. The floor is
 7 still yours.

8 MS. PRICE: Dan?

9 MR. REGAN: Mr. Sehnaal was previously
 10 sworn at the initial public hearing in February and
 11 he remains under oath.

12 D A N I E L T. S E H N A L, PE
 13 245 Main Street, Suite 110, Chester, New Jersey
 14 07930, having been previously sworn, testifies as
 15 follows:

16 MS. PRICE: Bob, I think that my last
 17 exhibit was A-26.

18 MR. REGAN: Right, we're up to A-27.

19 MS. PRICE: Right. Okay.

20 Are we doing up top too or no?

21 MR. SEHNAL: It was on a second ago.
 22 It kind of just shut off, because it wasn't being
 23 used.

24 MS. HAVERILLA: Right, because it
 25 wasn't being used.

36

1 MS. PRICE: Can you get this up to Dan.
 2 And maybe just pass it down. Okay.

3 MR. STEINHAGEN: Do you have another
 4 copy?

5 MS. PRICE: Yeah, it's coming down.

6 MR. REGAN: We're marking?

7 MS. PRICE: A-27.

8 MR. REGAN: What are we calling it?

9 DIRECT EXAMINATION

10 BY MS. PRICE:

11 Q. Dan, can you just identify what this is
 12 called --

13 A. Yes.

14 Q. -- A-27?

15 MR. STEINHAGEN: Gail, do you have a
 16 copy?

17 MS. PRICE: Oh, yeah, sorry, sorry,
 18 sorry.

19 It will come back around. That's where
 20 all the copies are.

21 (Whereupon, Site Plan Profile Exhibit,
 22 dated July 13, 2022 is received and marked as
 23 Exhibit A-27 for identification.)

24 BY MS. PRICE:

25 Q. Sorry, Dan.

37

1 Dan, what's the title on this?

2 **A. Again, this is Exhibit A-27 marked with**

3 **today's date. It is identified as site plan profile**

4 **exhibit, Sheet 1 of 1. It is dated July 13, 2022.**

5 **Q. Okay. So this was one of the exhibits**

6 **that the board asked to be done, correct?**

7 **A. Yes, exactly.**

8 **What this exhibit is essentially**

9 **showing -- I'm going to zoom in here without my**

10 **mouse.**

11 **What this exhibit is essentially doing**

12 **is providing two site line views from the Lakeview**

13 **townhomes directly to the north of the site.**

14 **The top profile view is Profile View**

15 **AA, which is the closest townhome building to the**

16 **site itself. Earlier, I believe, the first or second**

17 **hearing that I testified, we had the same exact**

18 **exhibit that we've shown.**

19 **However, we've since updated it since**

20 **the building has moved a little bit further away from**

21 **that property line and there was some revisions to**

22 **the berm and retaining wall for that area and then**

23 **the profile view to the bottom of the two is**

24 **identified as Profile View BB. And it is the view**

25 **from the townhome Building 1 to the west over from**

38

1 **the one that's directly behind the site.**

2 **What, essentially, this does, if you**

3 **look at the dashed line on both of these profile**

4 **views, this is a site line, and normally we would**

5 **take this from the second-story window, but we didn't**

6 **exactly know the elevation of that second-story**

7 **window, so we went a little bit more conservative and**

8 **took it from the -- essentially the bottom of the**

9 **peak of the roof, the eave of the roof.**

10 **And that line of sight then connects**

11 **the dots to the tallest portion of the proposed**

12 **building on our site.**

13 **And what you can see here is on the top**

14 **portion of the site, you have those taller trees and**

15 **then there's a bold black line that is essentially**

16 **going vertical through those profile views, that's**

17 **the property line. So that's the location of the**

18 **property line. And those trees that are directly to**

19 **the -- to the left side of that property line are all**

20 **the existing trees that are on Lakeview property that**

21 **will remain. And then you have our proposed**

22 **development to the right-hand side and those lower**

23 **level trees, those are essentially proposed trees.**

24 **Those are the height of the trees at the time of**

25 **planting.**

39

1 **And you heard our landscape architect**

2 **testify, essentially, to the rate of the growth of**

3 **those trees and as you get into 5, 10, 15 years down**

4 **the road, those trees will, you know, essentially**

5 **double in size and begin to grow into maturity and**

6 **further buffer that.**

7 **So the intent of this exhibit is to**

8 **essentially show that the existing trees to remain**

9 **will still act as a visual screen to help screen the**

10 **view from those closest townhome buildings to the**

11 **highest point of our proposed development and as well**

12 **as the landscape buffer berm that's associated with**

13 **our basin, which is that little mound that is**

14 **directly to the right of the property line, that has**

15 **the proposed plantings on it.**

16 **And as you take the site line from the**

17 **first story window of those townhome buildings, those**

18 **trees even at the time of planting, will help buffer**

19 **and screen the view from the Lakeview townhomes to**

20 **the parking area on our site to really help, you**

21 **know, provide a nice visual screen and provide some**

22 **landscaping buffer.**

23 **I don't know if you have any questions**

24 **regarding that exhibit.**

25 **Q. So the next one that was done also at**

40

1 the request of the board.

2 **A. The next one which I will identify as**

3 **Exhibit A-28.**

4 (Whereupon, Site Plan Profile Exhibit,

5 dated June 22, 2022 is received and marked as

6 Exhibit A-28 for identification.)

7 THE WITNESS: This is identified as

8 "Site Plan Profile Exhibit" with a date of June 22nd,

9 2022, Sheet 1 of 1.

10 And, essentially, what this view is

11 doing is providing the same thing, however, it's from

12 the front of the site.

13 This is a comparison from the Old

14 Tappan Road to our side, as well as the comparison of

15 the church directly to the east of us.

16 So the profile view exhibit that is to

17 the left-hand side of the page would be the

18 difference in elevations from the Old Tappan Road to

19 the finished floor of the proposed building, as well

20 as the height of the finished building.

21 So, essentially, what we're looking at

22 here is from the roadway to the finished floor

23 elevation of the Capital Seniors building is about a

24 3-and-a-half-foot difference.

25 So the Capital Seniors building,

1 finished floor of that building is 3-and-a-half feet
2 higher than the roadway.
3 Taking it a step further to the top of
4 the building, essentially where that building is
5 measured to, would be a 38-foot difference from the
6 roadway to the top of the building.

7 The exhibit that is directly to the --
8 or the profile view that is directly to the right of
9 that is the same exact type of perspective.

10 However, it is the view from,
11 essentially, or the elevation of the roadway in front
12 of the church to the same thing, finished floor
13 elevation of the church and the highest point of the
14 church.

15 So from the road to the finished floor
16 of the church there's a difference of about
17 6-and-a-half feet versus the Capital Seniors building
18 is 3-and-a-half feet.

19 So the church's finished floor is set
20 about 3 feet higher than the Capital Seniors building
21 finished floor will, and then taking it, again, a
22 step further, the view from the roadway to the
23 highest point of the church is about 49-and-a-half
24 feet versus the Capital Seniors is 38 feet.

25 So it's just to put in comparisons. I

1 know there was comments, I believe, from the church
2 at the previous hearing that our building will be
3 higher than the church, it would, you know, stand out
4 a lot more. However, this is showing that the church
5 is plus or minus 10 feet higher from the elevation
6 view when you're looking from the roadway to the
7 highest point of that church.

8 **Q.** So we wanted to show this, because that
9 question came up from several board members asking if
10 the church was lower or higher than our proposed
11 building from Old Tappan Road.

12 So that's the purpose in terms of this
13 exhibit.

14 And, Dan, just to reiterate those
15 numbers, the differences, we are at 3-and-a-half from
16 grade?

17 **A.** **Correct, from the finished floor --**

18 **Q.** Finished floor?

19 **A.** **-- to the grade of the roadway,**
20 **3-and-a-half feet.**

21 **Q.** Right.

22 And the church is at?

23 **A.** **Six-and-a-half.**

24 **Q.** Six-and-a-half.

25 And the difference to the top on our

1 property is?

2 **A.** **Thirty-eight versus 49-and-a-half.**

3 **Q.** Okay.

4 **A.** **Approximate.**

5 **Q.** Right?

6 **A.** **Because we have an actual surveyed**
7 **elevation of the finished floor of the church from**
8 **the survey, however, the height was taken,**
9 **essentially, by field measurements in which, you**
10 **know, it could be plus or minus about 6 inches.**

11 **Q.** And then you have one more, right?

12 **A.** **Yes.**

13 **Q.** That will be A-29.

14 **A.** **That's correct.**

15 (Whereupon, Site Plan Colorized Buffer
16 Exhibit, Dated June 8, 2022 is received and
17 marked as Exhibit A-29 for identification.)

18 BY MS. PRICE:

19 **Q.** And I want you to just walk through the
20 different items that are shown on this one.

21 **A.** **Identified as A-29, this is technically**
22 **labeled as site plan exhibit, dated June 8, 2022,**
23 **however, with just color added to our site plan**
24 **exhibit, so I will further mention this is a buffer**
25 **exhibit.**

1 **It's, essentially, a colorized version**
2 **of the buffer exhibit that we prepared for this**
3 **application.**

4 **The purpose of this exhibit is**
5 **essentially to provide a comparison of the buffer**
6 **width from the Capital Seniors senior living**
7 **development to the property line and from the church**
8 **development to the property line.**

9 **So we have that shared property --**
10 **common property line and we're just comparing the**
11 **buffer width.**

12 **So we're speaking purely building**
13 **setback, building setback from that western property**
14 **line. The assisted living development has a minimum**
15 **setback on that side yard of 67 feet. Whereas, the**
16 **church is about 43 feet, 42.9 feet from that property**
17 **line.**

18 **The next impervious surface would be**
19 **the driveways. The assisted living driveway is set**
20 **back 26-and-a-half feet from the property line versus**
21 **the church's driveway is 17-and-a-half feet at the**
22 **closest point to that property line.**

23 **The next impervious surface would be**
24 **the retaining wall. There is a retaining wall that**
25 **is on the southern end of the church property, as**

<p style="text-align: right;">45</p> <p>1 well as a retaining wall that is in the northern end 2 of the church property, as well as our retaining wall 3 that separates the two sites.</p> <p>4 The Capital Seniors buffer from the 5 property line to the wall is just over 20.1 feet 6 versus the retaining wall from the church in the rear 7 is about 6 feet from the property line and the 8 retaining wall at the front of the property is about 9 15 feet from the property line, so a little bit 10 closer there as well.</p> <p>11 And then, finally, we were speaking in 12 a measure of minimum buffers. So any type of 13 impervious surface or disturbance between those 14 property lines.</p> <p>15 The closest item for the assisted 16 living development remains the retaining wall at the 17 northern end of our property next to the dumpster 18 that is cut off just from that screen. That is 20.1 19 feet. Again, same as our minimum from the retaining 20 wall, that's our shortest possible portion of the 21 buffer is 20.1 feet versus the church's minimum 22 buffer is the existing air conditioning condenser 23 units that is just to the east, essentially the 24 centralized portion of the site is only set back 25 3-and-a-half feet from the site.</p>	<p style="text-align: right;">47</p> <p>1 property line and just walking over there, kind of 2 tripping over some trash that there seems to be there 3 was a lot of trash along that common property area as 4 well, but we went out there to essentially, you know, 5 verify that these buffers, how they existed in 6 comparison to the survey.</p> <p>7 Q. So just on that point, based upon your 8 -- when did you see that condition?</p> <p>9 A. That was on the 4th when we were out 10 there for the tree survey.</p> <p>11 Q. On the 4th? 12 So you attended the initial tree walk 13 with Mr. Levy, correct?</p> <p>14 A. Yes, I did.</p> <p>15 Q. And at the time of that walk, is that 16 the time that you noticed the dirt from the work on 17 the church's site being on our site?</p> <p>18 A. Yes, yes, absolutely.</p> <p>19 Q. And was there a lot of dirt or was it 20 concentrated in one particular area?</p> <p>21 A. It was generally concentrated in one 22 area directly to the southwest corner of that 23 existing enclosure for those condensing units.</p> <p>24 Q. And to the best of your knowledge as 25 project civil engineer, you haven't been called in to</p>
<p style="text-align: right;">46</p> <p>1 So when we're comparing the church 2 property to the Capital Seniors development and 3 assisted living development, the proposed development 4 definitely provides more buffering in comparison to 5 what exists from the property line to the church 6 today, because I know there was some speculation and 7 questions previously provided by the church that we 8 were closer to the property line than what they had 9 thought.</p> <p>10 Q. And you were recently out on our 11 property, correct?</p> <p>12 A. Yup, exactly.</p> <p>13 We, essentially, wanted to confirm and 14 see what was back there, make sure that condenser 15 unit, that structure was still there.</p> <p>16 The structure itself was still there. 17 However, it looks like they've been doing some 18 construction to those units. I believe that the 19 priest previously mentioned that they would be 20 replacing the condensing units. So they've since 21 been removed.</p> <p>22 There's a bunch of trenching that was 23 done. I guess they removed the existing utilities. 24 It looks like a lot of that soil that was trenched 25 back there was piled onto the Capital Seniors</p>	<p style="text-align: right;">48</p> <p>1 look at any construction on the church's property and 2 use of this site that's before the planning board, 3 correct?</p> <p>4 A. I have not.</p> <p>5 Q. You have not, okay. 6 So just run down those buffers again, 7 starting with the 47 feet.</p> <p>8 A. Well, 67.</p> <p>9 So the setback, building setback to the 10 assisted living is 67 feet versus the church is 43. 11 The driveway setback for assisted living is 12 26-and-a-half feet versus the church's 17-and-a-half. 13 The retaining wall setbacks are 20 and -- 20.1 for 14 the assisted living versus 6 feet, and 15 feet 15 respectively for the church. And then the minimum 16 buffer overall, the assisted living remains that 20.1 17 for the wall separation and the church's buffer is 18 3-and-a-half feet from the back of that enclosure.</p> <p>19 Q. So I think -- and you heard me explain 20 what our client was willing to do moving the home and 21 is committed to doing that as a condition of 22 approval, is that your understanding?</p> <p>23 A. Yes, absolutely.</p> <p>24 When we were out there on the 4th as 25 well, we did take an opportunity to review the</p>

<p style="text-align: right;">49</p> <p>1 portion of the site directly across the street and, 2 you know, just from an aboveground visual standpoint, 3 quick inspection, it looks suitable for the 4 relocation of the stone portion of that house. 5 Obviously we would have to make sure 6 there was no subgrade issues, but we'll be placing it 7 right in front of the community garden. And then 8 placing it on a new foundation with no utility 9 improvements or anything like that, simply moving it 10 to a new foundation. 11 Q. And that cost would be borne by our 12 client, correct? 13 A. That's correct. 14 MS. PRICE: I don't have anything else, 15 Mr. Chairman, just those exhibits for tonight. 16 CHAIRMAN WEIDMANN: Tom, do you have 17 any questions? 18 MR. SKRABLE: Just one quick comment. 19 Again, I think you said the trees shown on the cross 20 sections were planted height. They're much larger 21 than that. 22 I think this is mature height. 23 THE WITNESS: Well, the -- the trees 24 that are to the left of the -- 25 MR. SKRABLE: No, like on your property</p>	<p style="text-align: right;">51</p> <p>1 THE WITNESS: Yeah. 2 CHAIRMAN WEIDMANN: Mr. Szabo? 3 MR. SZABO: No, no questions. 4 CHAIRMAN WEIDMANN: Anna? 5 MS. HAVERILLA: No. 6 CHAIRMAN WEIDMANN: Charlie? 7 COUNCILMAN MAGGIO: I have a bunch of 8 random comments. In the order of the sheets I'll do 9 them in. 10 So the first one, the first sheet that 11 you have which is that one, two questions or 12 comments. One is, where you -- where you decided to 13 do the profile, why did you choose those locations? 14 Because it looks to me that that's where the trees 15 are thickest on the plan. 16 THE WITNESS: We took that Section AA 17 was just from the closest point between the two 18 buildings was the same section view that we took from 19 the first exhibit at the hearing. And the second was 20 just from a central portion of the building, no rhyme 21 or reason why. 22 COUNCILMAN MAGGIO: Only because 23 somewhere in the middle there, and obviously the 24 photograph is not clear, it's actually quite blurry, 25 but it looks like there's a dead spot of trees and</p>
<p style="text-align: right;">50</p> <p>1 if you look at the Old Tappan Road section, you have 2 trees 35-feet tall. 3 THE WITNESS: Well, I'm speaking of the 4 buffer to the rear of the site. 5 Under -- yes, the -- the Old Tappan 6 Road exhibit, yes, those trees would be the height of 7 the tree at mature. 8 But these actually might be a couple of 9 trees that are existing on our property. If you look 10 at the trees that are directly adjacent to the 11 building, those will be proposed plantings. The 12 trees may have been a couple that we have picked to 13 remain, but that would be, yes, the mature height. 14 MR. SKRABLE: Okay. 15 The same thing in the basin, I think 16 you're showing them at, like, 20 or 25. I think the 17 largest you are planting is 14. 18 THE WITNESS: I would have to confirm 19 with our landscape architect, the actual height at 20 time of planting. I believe it's still that caliper, 21 so I mean, we can certainly provide that if you like 22 us to show trees that -- 23 MR. SKRABLE: And it doesn't change the 24 content. I just -- they're going to look smaller 25 than that.</p>	<p style="text-align: right;">52</p> <p>1 I'm wondering what the view is from that center area. 2 If you just go a little bit to the left 3 of the yellow line, the right-hand yellow line, yeah, 4 right there. 5 THE WITNESS: Yeah, I mean, again, this 6 is just a visual representation. 7 COUNCILMAN MAGGIO: Yes, I'm just 8 wondering, you know, is that going to be as concealed 9 in that location? 10 THE WITNESS: It's tough to say. 11 Again, it's just a rendering. It's a 12 computer-generated image. 13 COUNCILMAN MAGGIO: I understand. 14 THE WITNESS: So we take the elevation 15 of the trees are relatively accurate. 16 COUNCILMAN MAGGIO: It seems -- it 17 seems convenient in terms of -- 18 THE WITNESS: We were not trying to get 19 one up on you or anything like that. 20 COUNCILMAN MAGGIO: The second one is 21 an observation, you probably will like this 22 observation, but looking at that very top profile, it 23 looks like the water is draining, the ground is 24 draining down from Lakeview towards your property. 25 Is that -- am I reading that right?</p>

<p style="text-align: right;">53</p> <p>1 THE WITNESS: Yeah, there's the -- I</p> <p>2 mentioned that there's a natural swale --</p> <p>3 COUNCILMAN MAGGIO: Yes.</p> <p>4 THE WITNESS: -- that is between the two</p> <p>5 properties where it drains it all to that inlet that</p> <p>6 the church --</p> <p>7 COUNCILMAN MAGGIO: Which is on the</p> <p>8 property of your client?</p> <p>9 THE WITNESS: Correct.</p> <p>10 COUNCILMAN MAGGIO: Yeah.</p> <p>11 THE WITNESS: Well, no, the inlet is on</p> <p>12 the Lakeview townhome. This is the inlet that's --</p> <p>13 COUNCILMAN MAGGIO: Just the way this</p> <p>14 is drawn, it just looks that way.</p> <p>15 THE WITNESS: Correct, but yeah, that</p> <p>16 swale is on our property and it's collecting both</p> <p>17 from Lakeview and our property, then it hopefully</p> <p>18 drains to an inlet that is on Lakeview's property to</p> <p>19 the northeast.</p> <p>20 COUNCILMAN MAGGIO: Okay. The next one</p> <p>21 is the next drawing.</p> <p>22 So the church is apparently 45 feet</p> <p>23 above the finished floor.</p> <p>24 THE WITNESS: Correct, 43 feet.</p> <p>25 COUNCILMAN MAGGIO: Forty-three feet.</p>	<p style="text-align: right;">55</p> <p>1 is not compliant?</p> <p>2 THE WITNESS: I'm not sure.</p> <p>3 COUNCILMAN MAGGIO: Not that it</p> <p>4 matters. I mean we can't do anything about it, I'm</p> <p>5 just kind of curious why it's 43-feet tall.</p> <p>6 THE WITNESS: I'm not sure.</p> <p>7 COUNCILMAN MAGGIO: All right.</p> <p>8 And then the last one is just more of</p> <p>9 an observation, again, on the last page it shows --</p> <p>10 and I'm really playing detective here and just</p> <p>11 looking at different drawings, but it sure looks like</p> <p>12 there's a lot of impervious on the church property</p> <p>13 and I just don't know if that has anything to do with</p> <p>14 their drainage problems.</p> <p>15 THE WITNESS: It could be. We didn't</p> <p>16 analyze their drainage design. I do know that</p> <p>17 there's an existing detention basin below their</p> <p>18 parking lot that consists of --</p> <p>19 COUNCILMAN MAGGIO: That's all</p> <p>20 pavement.</p> <p>21 THE WITNESS: There is a lot of</p> <p>22 pavement. But I believe that's why the detention</p> <p>23 system was designed underneath that parking lot to</p> <p>24 capture the water in.</p> <p>25 COUNCILMAN MAGGIO: That was it, just</p>
<p style="text-align: right;">54</p> <p>1 Now, we have a height of restriction of 35 feet. Is</p> <p>2 that implying that the church is not complaint --</p> <p>3 THE WITNESS: Well, it's like --</p> <p>4 COUNCILMAN MAGGIO: -- was not improved</p> <p>5 in compliance?</p> <p>6 THE WITNESS: It's a peaked roof, so</p> <p>7 it's likely measured from the midpoint of that roof.</p> <p>8 It may be a compliant building height. You mean from</p> <p>9 the zoning analysis?</p> <p>10 COUNCILMAN MAGGIO: But it's not drawn</p> <p>11 that way.</p> <p>12 THE WITNESS: Well, that's because it's</p> <p>13 to the highest point, not to the midpoint where a</p> <p>14 zoning code likely reads that sloped roof, maximum</p> <p>15 height elevation.</p> <p>16 This is just to represent the tallest</p> <p>17 points.</p> <p>18 MR. SKRABLE: We actually measure peak.</p> <p>19 THE WITNESS: Okay.</p> <p>20 COUNCILMAN MAGGIO: So then --</p> <p>21 MR. SKRABLE: The only thing that would</p> <p>22 be excluded is the parapet on a flat roof.</p> <p>23 COUNCILMAN MAGGIO: So, again, back to</p> <p>24 that question then, is this implying that the church</p> <p>25 was either approved with a variance at one point or</p>	<p style="text-align: right;">56</p> <p>1 fun looking at drawings.</p> <p>2 MR. MAMARY: I've got a question for</p> <p>3 Charlie.</p> <p>4 How strong are your glasses?</p> <p>5 (Laughter.)</p> <p>6 COUNCILMAN MAGGIO: I took them off.</p> <p>7 MR. MAMARY: What font did you use?</p> <p>8 THE WITNESS: So that's just a reduced</p> <p>9 size of our -- we just printed a smaller version.</p> <p>10 MR. MAMARY: Right.</p> <p>11 So we're, intentionally, not supposed</p> <p>12 to be able to read it, right, because...</p> <p>13 THE WITNESS: I'd be more than happy to</p> <p>14 print the board full-sized exhibits in the future,</p> <p>15 but --</p> <p>16 MR. MAMARY: Well, we have this --</p> <p>17 MS. LOULOU DIS: We're saving paper.</p> <p>18 MR. MAMARY: The second thing in</p> <p>19 Charlie's -- follow-up on Charlie, because you're</p> <p>20 unable to get in touch with the church, you've</p> <p>21 decided to do a comparative and tell us about how the</p> <p>22 other property is incompliant in many different areas</p> <p>23 or at least less compliant than what your application</p> <p>24 is.</p> <p>25 MS. PRICE: No.</p>

<p style="text-align: right;">57</p> <p>1 What -- what we did with this exhibit, 2 the board -- someone on the board -- 3 MR. MAMARY: Because every application 4 stands on its own. 5 MS. PRICE: Absolutely. 6 MR. MAMARY: And I don't know what -- 7 we don't know exactly why they have a higher -- 8 MS. PRICE: No, right. 9 MR. MAMARY: -- roof line. 10 MS. PRICE: The board was concerned 11 whether we were higher or lower than the church at 12 the hearing, I think it was two hearings ago. 13 COUNCILMAN MAGGIO: You were responding 14 to our questions. 15 MR. MAMARY: Okay. 16 MS. PRICE: Right. 17 That's why we presented this, because 18 you said basically figure it out -- 19 MR. MAMARY: Okay. It seems -- 20 MS. PRICE: -- which is higher. 21 MR. MAMARY: It seems like an opportune 22 moment, though, since the church is not represented, 23 that they were able to be compared, you know, it was 24 just as a -- . 25 MS. PRICE: No, it was specific in</p>	<p style="text-align: right;">59</p> <p>1 MR. ELLER: Let Diane blow it up on the 2 screen. 3 MR. ALESSI: Just to show you that I'm 4 not all about fire trucks, if we go back to the first 5 page, would the applicant be adverse to planting a 6 couple of trees in those, and no pun intended 7 Charlie, those bald spots on the Lakeview property? 8 (Laughter.) 9 THE WITNESS: Yeah, we actually offered 10 that up. We'd be more than happy to plant some trees 11 in there. 12 MR. ALESSI: Okay. 13 Now, I took some notes because 14 landscaping is not my forte. So are the trees on 15 Lakeview deciduous or evergreen? 16 THE WITNESS: The majority of them are 17 deciduous. 18 MR. ALESSI: Okay. And what type of 19 condition are they in? 20 THE WITNESS: I think our tree expert 21 would be a lot better to answer that than me. 22 I mean, I was out there -- 23 MR. ALESSI: Okay. 24 THE WITNESS: -- and they -- the 25 majority of them along that property line look to be,</p>
<p style="text-align: right;">58</p> <p>1 response to the board's questions. 2 MS. HAVERILLA: No, we did question 3 what it would look like from Old Tappan Road, because 4 -- 5 CHAIRMAN WEIDMANN: This was our 6 request, yes. 7 MS. HAVERILLA: -- there is slope going 8 up, so right now to us it looks like it's going to be 9 a lot higher. 10 So that's why we were looking for this. 11 MR. MAMARY: So ours is -- you mean 12 their application is going to be a lot higher than 13 the church? 14 MS. PRICE: No. 15 MS. HAVERILLA: No, we just wanted to 16 be able to visualize what the height would be. 17 MR. MAMARY: Okay. I can't -- I 18 honestly can't see the numbers. I don't have my -- 19 MR. ALESSI: Here. 20 (Laughter.) 21 MR. MAMARY: I'll come back to you. 22 MR. ALESSI: Okay. 23 MR. MAMARY: Oh my God. 24 THE WITNESS: I can pull this one over 25 there for you.</p>	<p style="text-align: right;">60</p> <p>1 you know, living, I can tell you that. I know living 2 versus dead, so... 3 MR. ALESSI: So he'll answer the next 4 question of what type of trees they are? Because I 5 know some of the trees on my property get this like 6 disease, fungus on it and they go bye-bye. 7 THE WITNESS: I do know some trees in 8 walking back there, a majority of the trees along 9 that -- that common -- property line, there was a lot 10 of beech trees back there. 11 MR. ALESSI: Okay. They're what? 12 THE WITNESS: Beech trees. They're the 13 ones that you can write your name and stuff in the 14 bark. 15 CHAIRMAN WEIDMANN: You heard about the 16 -- 17 MR. ALESSI: The disease for beech 18 trees. 19 COUNCILMAN MAGGIO: Nematodes. 20 MR. ALESSI: Okay. What is it called? 21 COUNCILMAN MAGGIO: Beech nematodes. 22 MR. ALESSI: Okay. I have that in my 23 notes. 24 Okay. And then one last question, only 25 because my friends on Central Avenue have it, they</p>

<p style="text-align: right;">61</p> <p>1 put a berm on their property with a couple of</p> <p>2 evergreen trees which decreased the amount of road</p> <p>3 traffic noise. But also kind of hides their house.</p> <p>4 Did you every think of maybe doing a berm with some</p> <p>5 smaller plantings that kind of get between those</p> <p>6 30-foot-tall trees and the -- I going to say stems --</p> <p>7 trunks?</p> <p>8 THE WITNESS: Along the frontage or the</p> <p>9 rear of the property?</p> <p>10 MR. ALESSI: The frontage.</p> <p>11 THE WITNESS: I mean, we can certainly</p> <p>12 look at that --</p> <p>13 MR. ALESSI: Both.</p> <p>14 THE WITNESS: -- but it was a -- the</p> <p>15 grade along the front of our property was already</p> <p>16 relatively steep and our landscape architect always</p> <p>17 yells at me when I have a 3-on-1 slope, because you</p> <p>18 can't plant as big trees in there.</p> <p>19 MR. ALESSI: That's right, you said</p> <p>20 that last time.</p> <p>21 THE WITNESS: We try to make it flatter</p> <p>22 for him.</p> <p>23 But I mean, if the board wants, you</p> <p>24 know, a little bit more of a berm, we can attempt to</p> <p>25 raise it, but the way the grading works out, it makes</p>	<p style="text-align: right;">63</p> <p>1 or the parking lot or anything like that that's going</p> <p>2 into your seepage pit, into the retention basin, what</p> <p>3 could we move to divert --</p> <p>4 THE WITNESS: Again, are we --</p> <p>5 MR. ALESSI: -- we at one point talked</p> <p>6 about --</p> <p>7 (Simultaneous Speaking.)</p> <p>8 THE WITNESS: We can certainly -- I</p> <p>9 don't want to get back into drainage. We can</p> <p>10 certainly --</p> <p>11 MR. ELLER: The only reason I'm</p> <p>12 bringing that point up is because we've raised it two</p> <p>13 or three times and we were told you guys were going</p> <p>14 to address it.</p> <p>15 THE WITNESS: Yeah, we're waiting to</p> <p>16 meet with the Lakeview's engineer to see if they have</p> <p>17 any preservations to the our design, but far, far</p> <p>18 less water going to Lakeview than what's going there</p> <p>19 currently.</p> <p>20 MR. ELLER: I understand what you're</p> <p>21 saying, but I don't see why --</p> <p>22 MS. PRICE: It's on our list. It's on</p> <p>23 my list for down towards the driveway we said we</p> <p>24 would look at that whether we could put a smaller</p> <p>25 basin in there.</p>
<p style="text-align: right;">62</p> <p>1 it tight.</p> <p>2 MR. ALESSI: Okay.</p> <p>3 I'll ask about the fire trucks now.</p> <p>4 I'm only kidding.</p> <p>5 I'm done.</p> <p>6 Thank you.</p> <p>7 MR. ELLER: The only thing that I --</p> <p>8 the only question I have is we have discussed, I</p> <p>9 think, at the last two meetings the possibility of an</p> <p>10 additional or a smaller retention basin somewhere in</p> <p>11 the location of where the house is currently proposed</p> <p>12 to be and which would potentially take some of the</p> <p>13 water away from the Lakeview property and potentially</p> <p>14 reduce some of the mounding and that was an issue</p> <p>15 some of the residents raised.</p> <p>16 THE WITNESS: Yeah, again --</p> <p>17 MR. ALESSI: I don't know if we ever</p> <p>18 did that math? Did we ever try to figure that out?</p> <p>19 THE WITNESS: Again, I can't change</p> <p>20 drainage areas. I can't take less water away from</p> <p>21 what's going to Lakeview now under, you know,</p> <p>22 stormwater regulations, but I'm more than happy to</p> <p>23 see if we can add another basin there for storage --</p> <p>24 MR. ELLER: I mean, anything that's</p> <p>25 currently diverting on the bigger building platform</p>	<p style="text-align: right;">64</p> <p>1 THE WITNESS: Yes, absolutely.</p> <p>2 MS. PRICE: Right. Coming in off of</p> <p>3 the roadway in that area of where the house is.</p> <p>4 MR. ELLER: Okay. Do you think we'd</p> <p>5 have an idea of what we're looking at at the next</p> <p>6 meeting?</p> <p>7 MS. PRICE: It's on my -- I star</p> <p>8 everything on my list that needs to be followed up</p> <p>9 with and I have that as one of the continued issues,</p> <p>10 when we finalize the overall drainage, that's</p> <p>11 something --</p> <p>12 MR. ELLER: That's going to be a big</p> <p>13 one for me, so...</p> <p>14 MS. PRICE: Okay.</p> <p>15 I'll star it again.</p> <p>16 MR. ELLER: Thank you.</p> <p>17 MS. LOULOU DIS: I have no questions.</p> <p>18 MR. BEDIAN: I have no questions.</p> <p>19 CHAIRMAN WEIDMANN: No questions?</p> <p>20 MR. BEDIAN: No.</p> <p>21 CHAIRMAN WEIDMANN: Okay. Can we have</p> <p>22 a motion to open the meeting to the public?</p> <p>23 MR. ALESSI: Motion.</p> <p>24 MR. ELLER: Second.</p> <p>25 CHAIRMAN WEIDMANN: Only questions for</p>

<p style="text-align: right;">65</p> <p>1 the engineer who just spoke, no other questions.</p> <p>2 MS. PRICE: Mr. Chairman, can I just</p> <p>3 ask that our direction just on what he testified to</p> <p>4 tonight, not prior testimony.</p> <p>5 CHAIRMAN WEIDMANN: Absolutely.</p> <p>6 MR. REGAN: Prior testimony was already</p> <p>7 covered.</p> <p>8 MS. PRICE: Yeah. Thank you.</p> <p>9 CHAIRMAN WEIDMANN: Yes, ma'am, step</p> <p>10 forward and state your name and address.</p> <p>11 MS. ANNESE: Jen Annese.</p> <p>12 Do you need the spelling?</p> <p>13 THE COURT REPORTER: Yes, please.</p> <p>14 MS. ANNESE: A-N-N-E-S-E. 24 Lakeview</p> <p>15 Drive.</p> <p>16 So I'm, like, ground zero right behind</p> <p>17 everything. And I just want to know, like you</p> <p>18 mentioned about -- could you just repeat what the</p> <p>19 plans were for the buffer with the houses directly</p> <p>20 behind the site?</p> <p>21 THE WITNESS: Yeah, so our landscape</p> <p>22 architect spoke in detail about his landscape plans.</p> <p>23 I mean, we have a berm that's about 5 feet in height</p> <p>24 that's about 10 feet off the property line on our</p> <p>25 property.</p>	<p style="text-align: right;">67</p> <p>1 Charlie mentioned?</p> <p>2 MR. DAVIS: Yeah.</p> <p>3 MR. ALESSI: Okay.</p> <p>4 MR. DAVIS: The dead spot.</p> <p>5 MR. ALESSI: So you're like the first</p> <p>6 one on the left of A?</p> <p>7 MR. DAVIS: I don't -- I don't see --</p> <p>8 yeah.</p> <p>9 MR. ALESSI: Okay. Thank you.</p> <p>10 THE COURT REPORTER: Your name, sir?</p> <p>11 MR. DAVIS: Arie Davis.</p> <p>12 THE COURT REPORTER: How do you spell</p> <p>13 --</p> <p>14 MR. DAVIS: A-R-I-E.</p> <p>15 THE COURT REPORTER: D-A-V-I-S?</p> <p>16 MR. DAVIS: Yes.</p> <p>17 CHAIRMAN WEIDMANN: Anyone else wish to</p> <p>18 be heard?</p> <p>19 Yes, ma'am --</p> <p>20 MS. WALSH: Yes, I have some questions</p> <p>21 for Ms. Price --</p> <p>22 CHAIRMAN WEIDMANN: Come forward, state</p> <p>23 your name and address.</p> <p>24 MS. WALSH: Mary Walsh, North Jersey</p> <p>25 Sierra Club, Hackensack, New Jersey.</p>
<p style="text-align: right;">66</p> <p>1 So we will be planting as much as we</p> <p>2 can on that berm evergreen screening, double row</p> <p>3 staggered along that property line. Also proposing a</p> <p>4 new solid fence versus a chain-link fence that's in</p> <p>5 bad shape along that property currently.</p> <p>6 MS. ANNESE: Right.</p> <p>7 THE WITNESS: I'm happy to work with</p> <p>8 Lakeview, whatever type of fence they'd like, and</p> <p>9 then we also offered up providing some additional</p> <p>10 landscaping on the actual Lakeview property if</p> <p>11 they're open to that.</p> <p>12 But the majority of those, you know,</p> <p>13 mature trees, there's probably about 50 feet worth of</p> <p>14 trees between the Lakeview townhomes and the property</p> <p>15 line, which will remain, those mature trees.</p> <p>16 MS. ANNESE: Okay. Thank you.</p> <p>17 MR. ALESSI: I just have -- which is</p> <p>18 24?</p> <p>19 MR. DAVIS: It's the dead spot.</p> <p>20 I'm her husband, I live there. My name</p> <p>21 is Arie Davis.</p> <p>22 It's the dead spot right where the</p> <p>23 Lakeview townhomes are, like where there's a gap in</p> <p>24 between.</p> <p>25 MR. ALESSI: Oh, the dead spot that</p>	<p style="text-align: right;">68</p> <p>1 My question is for Ms. Price regarding</p> <p>2 something she said.</p> <p>3 Is that all right?</p> <p>4 MR. REGAN: Well, it depends on what it</p> <p>5 is.</p> <p>6 MS. PRICE: I'm not a witness.</p> <p>7 MS. WALSH: It's about something she</p> <p>8 said.</p> <p>9 MS. PRICE: I'm not a witness.</p> <p>10 MS. WALSH: It's just one question.</p> <p>11 Are you aware that infiltration</p> <p>12 detention basins are not permitted by the borough</p> <p>13 ordinance on stormwater management.</p> <p>14 MS. PRICE: I'm not testifying about</p> <p>15 what's permitted by ordinance or not. Everything</p> <p>16 comes -- whatever is in the ordinance is in the</p> <p>17 ordinance, I can say that much.</p> <p>18 And if our plan requires something</p> <p>19 different than what's in the ordinance, then we need</p> <p>20 relief.</p> <p>21 MS. WALSH: So you are aware --</p> <p>22 MS. PRICE: No, I didn't say that.</p> <p>23 MS. WALSH: -- that this is not</p> <p>24 permitted.</p> <p>25 MS. PRICE: I didn't say that. I said</p>

<p style="text-align: right;">69</p> <p>1 whatever is in the ordinance is in the ordinance.</p> <p>2 And if we deviate from an ordinance provision, then a</p> <p>3 variance is required by state law.</p> <p>4 MS. WALSH: Okay. So you will be</p> <p>5 applying for a variance since this is not according</p> <p>6 to the ordinance?</p> <p>7 MS. PRICE: I didn't say that either.</p> <p>8 MS. WALSH: Oh.</p> <p>9 MS. PRICE: I didn't say that. I said</p> <p>10 whatever is required will be followed.</p> <p>11 MS. WALSH: Okay. That's good.</p> <p>12 Thank you.</p> <p>13 MR. SKRABLE: Just to kind of short</p> <p>14 circuit this if we can, infiltration basins are</p> <p>15 definitely allowed. I'm not sure where that</p> <p>16 information, where it came from.</p> <p>17 MS. WALSH: Not according to the May</p> <p>18 2020 stormwater management rules that the borough</p> <p>19 just approved.</p> <p>20 MR. SKRABLE: Yeah.</p> <p>21 MS. WALSH: May 2022 a new set of</p> <p>22 stormwater management rules was approved by the</p> <p>23 borough.</p> <p>24 MR. SKRABLE: Infiltration basins are</p> <p>25 encouraged.</p>	<p style="text-align: right;">71</p> <p>1 number?</p> <p>2 MS. WALSH: No, but if you go to the</p> <p>3 website -- if you go to the Old Tappan website, you</p> <p>4 will find it. You just go to forms and documents,</p> <p>5 planning board.</p> <p>6 MS. PRICE: And is it in the zoning</p> <p>7 code, within the zoning code?</p> <p>8 MS. WALSH: There's a section called</p> <p>9 "Forms and Documents" on the bottom of the website,</p> <p>10 you click on that and then it --</p> <p>11 MS. PRICE: No, I'm just asking is it</p> <p>12 within, does it fall within the zoning code?</p> <p>13 MS. WALSH: I don't know.</p> <p>14 MS. PRICE: Okay.</p> <p>15 MS. WALSH: I just know it's within the</p> <p>16 ordinances.</p> <p>17 MS. PRICE: Okay.</p> <p>18 MR. ALESSI: Can you bring us a copy</p> <p>19 next month instead of keep saying us look up, us look</p> <p>20 it up?</p> <p>21 MS. WALSH: Sure.</p> <p>22 MR. ALESSI: Thank you.</p> <p>23 (Audience Outburst.)</p> <p>24 FEMALE AUDIENCE MEMBER: Look it up.</p> <p>25 THE COURT REPORTER: I'm sorry, I can't</p>
<p style="text-align: right;">70</p> <p>1 MS. WALSH: All I can tell you is what</p> <p>2 the Bergen County engineer told me today.</p> <p>3 MR. REGAN: Well --</p> <p>4 MS. WALSH: So there is no -- there is</p> <p>5 no approval for this.</p> <p>6 MR. REGAN: That's a hearsay comment.</p> <p>7 We'd need to have the Bergen County engineer come</p> <p>8 here.</p> <p>9 MS. WALSH: Okay. So all you have to</p> <p>10 do is look at the -- look at the ordinance yourself.</p> <p>11 MR. REGAN: You can bring the Bergen</p> <p>12 County engineer here to testify and call him as a</p> <p>13 witness.</p> <p>14 MS. WALSH: I'm sure that you will read</p> <p>15 the ordinance yourself.</p> <p>16 MS. PRICE: Can I just ask a question</p> <p>17 back to the witness? You're referring to a specific</p> <p>18 Old Tappan ordinance?</p> <p>19 MS. WALSH: Correct.</p> <p>20 MS. PRICE: By -- can you identify</p> <p>21 that?</p> <p>22 MS. WALSH: It is called stormwater</p> <p>23 management rules, I believe, or stormwater management</p> <p>24 ordinance. It's posted on the website.</p> <p>25 MS. PRICE: Do you have an ordinance</p>	<p style="text-align: right;">72</p> <p>1 hear what she just said.</p> <p>2 MR. ALESSI: No, we're not going to</p> <p>3 look it up. It's for you to prove to us what you're</p> <p>4 saying -- -</p> <p>5 FEMALE AUDIENCE MEMBER: No.</p> <p>6 MR. ALESSI: -- instead of hearsay.</p> <p>7 (Audience Outburst.)</p> <p>8 MR. ALESSI: Our borough engineer says</p> <p>9 nothing.</p> <p>10 Tom Skrable is our borough engineer and</p> <p>11 he said it doesn't exist.</p> <p>12 So the hearsay is upon you to prove him</p> <p>13 --</p> <p>14 MS. WALSH: It's from May of 2022.</p> <p>15 MR. ALESSI: -- wrong, which he is an</p> <p>16 executive of our board of our mayor and council.</p> <p>17 MR. SKRABLE: And I think it's just a</p> <p>18 misunderstanding.</p> <p>19 MS. WALSH: No, I didn't say he was</p> <p>20 wrong, I just said that maybe he's not aware of it.</p> <p>21 MR. SKRABLE: Every borough --</p> <p>22 MS. WALSH: It was just approved by the</p> <p>23 borough in May of 2022. That's all I said.</p> <p>24 I did not say he was wrong.</p> <p>25 MR. SKRABLE: The borough had to adopt</p>

<p style="text-align: right;">73</p> <p>1 new stormwater regs based on state requirements.</p> <p>2 Virtually every town has the exact same</p> <p>3 regulations right now with maybe some tweaks on the</p> <p>4 penalties if you don't comply or something like that.</p> <p>5 And infiltration basins are absolutely</p> <p>6 encouraged. So I think it's a misunderstanding or a</p> <p>7 misreading.</p> <p>8 MS. WALSH: May I give Ms. Price the</p> <p>9 ordinance number that she requested?</p> <p>10 MS. PRICE: Sure.</p> <p>11 MS. WALSH: Okay, 1215-22, Stormwater</p> <p>12 Control Amendment.</p> <p>13 MS. PRICE: Okay. So that's not within</p> <p>14 the zoning ordinance.</p> <p>15 Thank you.</p> <p>16 And is the Sierra Club taking a formal</p> <p>17 opposition to this application?</p> <p>18 Are you here on behalf --</p> <p>19 MS. WALSH: We only would like to see</p> <p>20 the right thing done, following the rules of Old</p> <p>21 Tappan and honoring their ordinances and the wishes</p> <p>22 of the general public, so we're just part of it.</p> <p>23 MS. PRICE: You're here on behalf of</p> <p>24 the Sierra Club, though?</p> <p>25 MS. WALSH: Correct.</p>	<p style="text-align: right;">75</p> <p>1 FEMALE AUDIENCE MEMBER: You're an</p> <p>2 engineer.</p> <p>3 MS. HOERNLEIN: I'm a licensed civil</p> <p>4 engineer specializing in drainage.</p> <p>5 MALE AUDIENCE MEMBER: She doesn't live</p> <p>6 in Old Tappan either.</p> <p>7 MS. PRICE: I'm just asking a question.</p> <p>8 CHAIRMAN WEIDMANN: Yes, sir.</p> <p>9 MS. HOERNLEIN: I just find the</p> <p>10 non-answers infuriating.</p> <p>11 CHAIRMAN WEIDMANN: Yes, sir.</p> <p>12 MR. MORANDI: Good evening. My name is</p> <p>13 Brian Morandi, M-O-R-A-N-D-I. I live on Westwood</p> <p>14 Avenue in Old Tappan.</p> <p>15 THE COURT REPORTER: I'm sorry, your</p> <p>16 first name is it B-R-Y?</p> <p>17 MR. MORANDI: No, it's the good way,</p> <p>18 B-R-I.</p> <p>19 (Laughter.)</p> <p>20 THE COURT REPORTER: And your address</p> <p>21 again?</p> <p>22 MR. MORANDI: 1043 Westwood Avenue.</p> <p>23 THE COURT REPORTER: Thank you.</p> <p>24 MR. MORANDI: In Old Tappan.</p> <p>25 Can I -- we can't see back there. So</p>
<p style="text-align: right;">74</p> <p>1 MR. SKRABLE: And, ma'am, I'm sorry, I</p> <p>2 know there's other people who want to speak, but just</p> <p>3 to be clear, the change in 2022 was just to add a</p> <p>4 penalty provision to the ordinance. That's not the</p> <p>5 main ordinance.</p> <p>6 There's significantly more information</p> <p>7 elsewhere in the code.</p> <p>8 CHAIRMAN WEIDMANN: Yes, ma'am.</p> <p>9 MS. HOERNLEIN: My name is Carol</p> <p>10 Hoernlein, H-O-E-R-N-L-E-I-N.</p> <p>11 And I live at 216 Ackerman Avenue in</p> <p>12 Emerson. And I just want to ask a question.</p> <p>13 How many cubic yard of soil will you be</p> <p>14 moving for the project?</p> <p>15 THE WITNESS: I didn't testify to that.</p> <p>16 MS. HOERNLEIN: Usually when you do</p> <p>17 profiles you have existing grade, as well as</p> <p>18 proposed, but -- okay.</p> <p>19 I asked that last time and you said you</p> <p>20 didn't know.</p> <p>21 As an engineer I think you should.</p> <p>22 MS. PRICE: Wait, can I just ask the</p> <p>23 witness, I mean you live in -- you live in Emerson,</p> <p>24 not Old Tappan?</p> <p>25 MS. HOERNLEIN: Not Old Tappan.</p>	<p style="text-align: right;">76</p> <p>1 can we just see what the -- what the picture looks</p> <p>2 like from the front, from the street?</p> <p>3 Because these -- this is what it</p> <p>4 actually looks like. There's dead trees everywhere.</p> <p>5 And this drawing, what it looks like</p> <p>6 from the street --</p> <p>7 MR. REGAN: This is time for questions,</p> <p>8 not testimony.</p> <p>9 MR. MORANDI: I -- I am asking a</p> <p>10 question then.</p> <p>11 The question is: Did you attempt to</p> <p>12 make an actual rendering of what the trees look like</p> <p>13 or are these computer-generated images that would,</p> <p>14 perhaps, show this view in a favorable view of your</p> <p>15 project?</p> <p>16 THE WITNESS: Yeah, that's the intent,</p> <p>17 it shows proposed plantings and --</p> <p>18 MR. MORANDI: Is there a favorable view</p> <p>19 of your project versus what's actually there?</p> <p>20 THE WITNESS: Versus what's actually</p> <p>21 there? That's the existing conditions, this is</p> <p>22 proposed.</p> <p>23 MR. MORANDI: Your going to plant</p> <p>24 30-foot-high trees.</p> <p>25 THE WITNESS: Trees grow.</p>

<p style="text-align: right;">77</p> <p>1 FEMALE AUDIENCE MEMBER: They're not 2 planting them that high. 3 MR. MORANDI: That's -- you know what, 4 I didn't come here to have you be smart like that. I 5 asked you a question. Are you going to put -- I know 6 you're planting trees at time of planting. Those 7 trees are a lot bigger. 8 Are you going to plant 30-foot-high 9 trees? 10 THE WITNESS: No, it will be like this 11 height. 12 MR. MORANDI: That's all I wanted to 13 know. 14 COUNCILMAN MAGGIO: Tom Skrable asked 15 that question earlier. 16 MR. ALESSI: That was addressed. 17 MR. MORANDI: Okay. All right. No, I 18 know it was. 19 (Audience Outburst.) 20 MR. MORANDI: It was addressed from the 21 back of the property. 22 MR. ALESSI: No, it was addressed -- 23 MR. MORANDI: Okay, all right. My 24 apologies. All right. 25 One other question is: On the</p>	<p style="text-align: right;">79</p> <p>1 MR. REGAN: Thank you. 2 CHAIRMAN WEIDMANN: Yes, ma'am, 3 standing up. 4 MS. TALOCCO: Thank you, Counsel, for 5 your time. 6 My name is Linda Talocco. 7 I live at 2 Manwarren Court in Old 8 Tappan. 9 THE COURT REPORTER: Please spell your 10 last name. 11 MS. TALOCCO: T-A-L-O-C-C-O. 12 THE COURT REPORTER: Thank you. 13 MS. TALOCCO: I'm going a whole 14 different route with this, if you don't mind. 15 You don't have to live in Old Tappan to 16 actually be a part of an environment that might be 17 impacted by all this -- 18 MR. REGAN: Can you just direct the 19 question to the engineer. 20 MS. TALOCCO: -- by all this -- by all 21 this building. Okay? 22 I'm very concerned about cutting down 23 the trees as our children's asthma rates have gone 24 sky high. 25 MR. REGAN: We need a question to the</p>
<p style="text-align: right;">78</p> <p>1 setbacks, has anybody asked a question about what the 2 level -- I'm assuming you're going to have utilities, 3 you're going to have air conditioning units, you're 4 going to have heat pumps, you're going to have a 5 number of different things. 6 Has anybody done a study as to what the 7 noise level is going to be for those folks that are 8 in Lakeview? 9 MS. PRICE: I can answer. 10 We confirmed and agreed to a condition 11 to be fully compliant with the New Jersey Noise 12 Control Act -- 13 MR. MORANDI: Okay. 14 MS. PRICE: -- which regulates the 15 decibel levels 10 p.m. to 7 a.m. and then 7 a.m. to 16 10 p.m. 17 That's where the modification is. It's 18 regulated by the county board of health, \$3,000.00 a 19 day penalty for non-compliance. And I agreed to a 20 condition of approval for that. 21 MR. MORANDI: Okay. I just wanted to 22 ask questions. 23 MR. REGAN: Thank you. 24 MR. MORANDI: Thank you very much for 25 your time.</p>	<p style="text-align: right;">80</p> <p>1 engineer. 2 MS. TALOCCO: Yes, okay, the engineer, 3 all right. 4 So my question is, is we need a lot of 5 trees. We should be planting more trees than cutting 6 down any amount of trees, because it's hurting our 7 ecosystem. It's going to effect our wildlife. And 8 it's backing up to the wetlands which also will 9 affect our species. And -- 10 MS. PRICE: Could I just ask if there's 11 a question, because he didn't testify to any of this 12 tonight. 13 MR. REGAN: This is question time. 14 MS. TALOCCO: I'm sorry? 15 MR. REGAN: We need a question for the 16 engineer. 17 MS. TALOCCO: The question is -- 18 COUNCILMAN MAGGIO: Based on what he 19 testified about. 20 MS. TALOCCO: Okay. How many trees are 21 you going to be planting to protect the ecosystem and 22 our environment? 23 MS. PRICE: Just for the record, we had 24 our landscape architect testify probably 90 minutes 25 at the last hearing.</p>

<p style="text-align: right;">81</p> <p>1 And we detailed all the trees, 2 planting, removal, agreed to modifications on the 3 record and that will be part of the revised planting 4 landscaping plan submission. 5 MS. TALOCCO: Thank you. 6 Also how will this help the Old Tappan 7 residents in any way? Does anybody know the answer 8 to that? 9 What will we benefit from it? 10 MR. ALESSI: That's not a question for 11 him. 12 MS. TALOCCO: Okay. Yeah, so who do I 13 have to ask -- 14 MR. ALESSI: The questions are for this 15 witness only. 16 MS. TALOCCO: Just for that. 17 MS. PRICE: Mr. McElwee testified -- 18 MR. ELLER: There was testimony to that 19 in the beginning. 20 MR. ALESSI: There's been testimony 21 going on since May. 22 MS. TALOCCO: I just found out about 23 this a couple of days ago. 24 MR. ALESSI: You'll be able to ask that 25 again at the end.</p>	<p style="text-align: right;">83</p> <p>1 I'm just concerned about the 2 environment is getting so bad. 3 MS. HAVERILLA: Right now is just 4 questions for the professional. 5 MS. TALOCCO: Okay. So when you take 6 down a lot of trees, acres of trees, are you going to 7 be planting the same amount back, is my question? 8 COUNCILMAN MAGGIO: That was testified 9 to. 10 MS. PRICE: That was testified to. 11 MR. ALESSI: That was testified by the 12 landscape architect. 13 MS. TALOCCO: I wasn't here the last 14 time. 15 MS. PRICE: So all the transcripts are 16 posted. 17 MS. HAVERILLA: You can watch it on the 18 website. 19 MALE AUDIENCE MEMBER: The answer is 20 no. 21 MS. HAVERILLA: You can watch the last 22 meeting which has all of this -- 23 MALE AUDIENCE MEMBER: The answer to 24 your question is no, less trees. 25 MS. HAVERILLA: -- or read it.</p>
<p style="text-align: right;">82</p> <p>1 MS. TALOCCO: I was handed this flyer. 2 (Simultaneous Speaking.) 3 MS. HAVERILLA: Just so everybody 4 knows, after all the professionals have testified and 5 all of this is done, there will be time for residents 6 or anyone else to come up and give their comments. 7 MS. TALOCCO: Okay. 8 MS. HAVERILLA: Right now is just for 9 the professionals. 10 MS. TALOCCO: Okay. Cause I had gotten 11 a flyer and it said this was our last chance to speak 12 out. 13 MS. HAVERILLA: That's the flyers that 14 are going out. 15 MS. TALOCCO: Yeah. 16 MS. HAVERILLA: It has nothing to do 17 with us. 18 MS. TALOCCO: And I did -- I did get a 19 -- 20 MR. ALESSI: That's not coming from the 21 board. 22 MS. HAVERILLA: It's not coming from 23 the board. 24 MS. TALOCCO: -- a whole bunch of, you 25 know, signatures and what I could do.</p>	<p style="text-align: right;">84</p> <p>1 MALE AUDIENCE MEMBER: Less trees. 2 MS. TALOCCO: Okay. 3 Well, I -- I hope that's not the 4 answer. 5 MALE AUDIENCE MEMBER: That is the 6 answer. 7 MS. TALOCCO: He said it's not, it's a 8 no, but, you know we need to help the environment -- 9 MS. PRICE: There's a lot of different 10 people -- 11 MS. TALOCCO: -- not hurt it. 12 MS. PRICE: There's a lot of different 13 speaking and the court reporter is under an 14 obligation to get everyone down by name and comment 15 or else we're not going to have a proper transcript 16 of the proceedings. 17 MS. TALOCCO: Okay. Thank you. 18 CHAIRMAN WEIDMANN: Yes, ma'am. 19 MS. MAGARRO: First name is Patches, 20 P-A-T-C-H-E-S, last name Magarro, 4 Churchill Road in 21 Old Tappan. 22 MR. ALESSI: Can you speak up, please? 23 MS. MAGARRO: Sure. 24 My first question is for you: Could 25 you let me see how it's going to look from the</p>

<p style="text-align: right;">85</p> <p>1 street?</p> <p>2 That -- so there's going to be parking</p> <p>3 on the left, a tree on the right and then a building</p> <p>4 on the right?</p> <p>5 MS. HAVERILLA: That's the street.</p> <p>6 MR. ALESSI: It's Old Tappan Road.</p> <p>7 MS. MAGARRO: Okay.</p> <p>8 So if there's a car, there's going to</p> <p>9 be some trees in front of the building.</p> <p>10 Can you tell me what the setback is</p> <p>11 from Old Tappan Road from the beginning of the</p> <p>12 building.</p> <p>13 THE WITNESS: Yeah, that was testified</p> <p>14 the first time I gave testimony.</p> <p>15 But to assist our setback from Old</p> <p>16 Tappan Road to the property line, the front of our</p> <p>17 building is --</p> <p>18 MS. MAGARRO: What do you mean the</p> <p>19 property line?</p> <p>20 Like I'm asking specifically the</p> <p>21 setback from Old Tappan Road.</p> <p>22 THE WITNESS: Well, our setback from</p> <p>23 our property line is 55 feet.</p> <p>24 When we widen Old Tappan Road, our</p> <p>25 setback from the new roadway will be --</p>	<p style="text-align: right;">87</p> <p>1 church, for visual comparison, do you know that</p> <p>2 setback?</p> <p>3 THE WITNESS: Yeah, it's closer.</p> <p>4 MS. MAGARRO: It's closer.</p> <p>5 COUNCILMAN MAGGIO: And taller.</p> <p>6 MR. ALESSI: And taller.</p> <p>7 THE WITNESS: Yeah, they're about</p> <p>8 50 feet.</p> <p>9 MS. MAGARRO: Okay.</p> <p>10 My other question is for something that</p> <p>11 this attorney was discussing regarding the...</p> <p>12 MR. REGAN: This is time for questions</p> <p>13 for the engineer.</p> <p>14 MS. MAGARRO: Why can't -- when do we</p> <p>15 have the opportunity to talk about what she discussed</p> <p>16 today?</p> <p>17 MR. REGAN: The attorney is not</p> <p>18 testifying.</p> <p>19 MR. ELLER: She asked when she has the</p> <p>20 opportunity to ask her a question.</p> <p>21 MS. HAVERILLA: When all of the</p> <p>22 professionals are done.</p> <p>23 MS. MAGARRO: So circle back to what</p> <p>24 she said tonight at the end, even if it's a question,</p> <p>25 not a comment?</p>
<p style="text-align: right;">86</p> <p>1 MR. SKRABLE: Isn't the setback from</p> <p>2 the property line 74?</p> <p>3 THE WITNESS: Yeah, I'm sorry, 74.</p> <p>4 And from the new roadway --</p> <p>5 MS. HAVERILLA: Fifty-six?</p> <p>6 THE WITNESS: -- about 56.</p> <p>7 MS. MAGARRO: And as we were comparing,</p> <p>8 how does that compare to the setback of St. Pius?</p> <p>9 Because my thinking as I was trying to</p> <p>10 visualize this is I can't even really St. Pius from</p> <p>11 the road. So --</p> <p>12 THE WITNESS: I'm not sure what</p> <p>13 St. Pius is.</p> <p>14 MS. MAGARRO: That's the church that</p> <p>15 you were comparing it to.</p> <p>16 (Audience Outburst.)</p> <p>17 MS. HAVERILLA: No, the Korean church</p> <p>18 right next to that.</p> <p>19 COUNCILMAN MAGGIO: The Korean church</p> <p>20 right next door.</p> <p>21 MS. MAGARRO: Oh, okay, all right. So</p> <p>22 when the road is widened, this will be setback</p> <p>23 50-something feet?</p> <p>24 THE WITNESS: Yes.</p> <p>25 MS. MAGARRO: Okay. And the Korean</p>	<p style="text-align: right;">88</p> <p>1 MS. HAVERILLA: Yeah. You can only --</p> <p>2 right now you can only ask a question of --</p> <p>3 MR. REGAN: Of the engineer.</p> <p>4 MS. HAVERILLA: -- the testimony that</p> <p>5 was just made.</p> <p>6 MS. MAGARRO: Okay.</p> <p>7 MS. HAVERILLA: That's it.</p> <p>8 MS. MAGARRO: All right. That's my</p> <p>9 last question.</p> <p>10 Thank you.</p> <p>11 CHAIRMAN WEIDMANN: Yes.</p> <p>12 MR. ARDITO: Peter Ardito, 57 Glen</p> <p>13 Avenue East in Harrington Park.</p> <p>14 I'm here representing Bergen SWAN.</p> <p>15 To what you stated, can you sort of go</p> <p>16 around to the other -- I guess 27. The trees on this</p> <p>17 one and the one that's following it, those are what</p> <p>18 type of trees, roughly?</p> <p>19 Are they deciduous or evergreens?</p> <p>20 THE WITNESS: The existing or proposed</p> <p>21 conditions?</p> <p>22 MR. ARDITO: No, the proposed. What</p> <p>23 you're proposing that are going to be planted, are</p> <p>24 they deciduous or are they going to be evergreen?</p> <p>25 THE WITNESS: I'm not sure.</p>

<p style="text-align: right;">89</p> <p>1 Our landscape architect testified to</p> <p>2 that.</p> <p>3 MR. ARDITO: And to your testimony, you</p> <p>4 just testified to the fact that the trees will be</p> <p>5 helping to block the visual of the new building?</p> <p>6 THE WITNESS: Correct.</p> <p>7 MR. ARDITO: Well, obviously is it's an</p> <p>8 evergreen, that would work most of the year, where if</p> <p>9 it's a deciduous tree, come fall and the leaves fall,</p> <p>10 that would no longer be doing that job.</p> <p>11 Would that be a fair thing to say?</p> <p>12 THE WITNESS: Screen, but not block.</p> <p>13 MR. ARDITO: I'm sorry, would no longer</p> <p>14 screen, correct?</p> <p>15 THE WITNESS: Well, you can see through</p> <p>16 screens. So we'll still be screening with or without</p> <p>17 trees. Evergreen, yes, would provide more.</p> <p>18 And as I did mention that our landscape</p> <p>19 architect did testify at the last hearing, not me,</p> <p>20 that we were providing a double row of evergreen</p> <p>21 trees along our rear property line.</p> <p>22 MR. ARDITO: Okay.</p> <p>23 Because I'm just looking at the</p> <p>24 pictures and the pictures that are on this -- may I</p> <p>25 take a look at the close-up?</p>	<p style="text-align: right;">91</p> <p>1 testifying to the fact that the trees in this picture</p> <p>2 will help screen the visuals of the building for the</p> <p>3 people on Lakeview and from the front.</p> <p>4 And I'm just merely pointing out that</p> <p>5 the pictures -- the trees represented in these</p> <p>6 pictures are not evergreens.</p> <p>7 So for roughly at least a third of the</p> <p>8 year, if not a quarter of the year, there will be no</p> <p>9 substantial screening.</p> <p>10 If they were to plant evergreens, there</p> <p>11 would be much more of a constant screening.</p> <p>12 MR. REGAN: Last month the landscaping</p> <p>13 --</p> <p>14 MR. ARDITO: I just wanted to point</p> <p>15 that out.</p> <p>16 MR. REGAN: -- according to my notes</p> <p>17 testified that there would be 85 evergreens.</p> <p>18 MR. ARDITO: Right.</p> <p>19 MR. REGAN: Total of 166 new trees.</p> <p>20 MR. SKRABLE: There's a double row of</p> <p>21 evergreens.</p> <p>22 MR. ARDITO: Okay. I'm just pointing</p> <p>23 out to you that this picture does not say evergreens.</p> <p>24 MR. ALESSI: Well, Mr. Sehnal, can you</p> <p>25 work with Mr. Langenstein to update your picture to</p>
<p style="text-align: right;">90</p> <p>1 MS. PRICE: Sure.</p> <p>2 FEMALE AUDIENCE MEMBER: Could you turn</p> <p>3 the board just because we can't see it? Can you put</p> <p>4 it on the screen or the computer?</p> <p>5 MR. ARDITO: Just so you know, I'm</p> <p>6 looking at this one, this one.</p> <p>7 Would it be fair -- it's 28.</p> <p>8 MS. PRICE: Just say that.</p> <p>9 MR. ARDITO: This is A-28.</p> <p>10 CHAIRMAN WEIDMANN: Listen, this</p> <p>11 gentleman isn't here to testify to that.</p> <p>12 MR. ARDITO: No, I'm going by the</p> <p>13 drawing.</p> <p>14 And I'm saying this drawing is</p> <p>15 representing not evergreens, it's representing</p> <p>16 deciduous trees if you look at them. So I just want</p> <p>17 to make it clear, the testimony here --</p> <p>18 CHAIRMAN WEIDMANN: What did the tree</p> <p>19 expert testify to at the last meeting?</p> <p>20 MR. ARDITO: I'm not talking about the</p> <p>21 tree testifying [sic] the expert in the last meeting.</p> <p>22 I'm talking about the pictures that</p> <p>23 have been presented to you right now and to the</p> <p>24 public are making a representation that these trees</p> <p>25 are not evergreens and you're testifying, he is</p>	<p style="text-align: right;">92</p> <p>1 show what he testified to for an hour-and-a-half last</p> <p>2 meeting with the evergreen trees, please?</p> <p>3 THE WITNESS: Absolutely.</p> <p>4 MR. ALESSI: Thank you.</p> <p>5 MR. ARDITO: I just want the</p> <p>6 representation here to be fair.</p> <p>7 MR. ALESSI: That's fine.</p> <p>8 But he's going to -- the pictures are</p> <p>9 going to depict what the landscape architect</p> <p>10 testified to the last meeting.</p> <p>11 Thank you, sir.</p> <p>12 MR. ARDITO: That's fine.</p> <p>13 MR. ELLER: And they submitted a plot</p> <p>14 plan with each tree on it, right, showing where on</p> <p>15 the property?</p> <p>16 MS. PRICE: Correct.</p> <p>17 MR. BEDIAN: Yeah, there is a drawing.</p> <p>18 COUNCILMAN MAGGIO: It shows the</p> <p>19 evergreens.</p> <p>20 MS. HAVERILLA: No, he was here for</p> <p>21 that.</p> <p>22 CHAIRMAN WEIDMANN: He was here for it?</p> <p>23 MS. HAVERILLA: Yup.</p> <p>24 MS. PRICE: Yup.</p> <p>25 CHAIRMAN WEIDMANN: Yes, ma'am.</p>

<p style="text-align: right;">93</p> <p>1 MS. COSTA: Hello, Francesca Costa, 2 C-O-S-T-A. I'm from Closter, but this is a public 3 meeting, so I'm very happy to be here. 4 So I have a few questions. We know the 5 drill by now, you know, if you can't answer them. 6 That's fine. 7 Concerning the deciduous trees, I'm not 8 going to rehash what was just said, but you had just 9 confirmed to Councilman Alessi? 10 MR. ALESSI: No, financial secretary. 11 MS. COSTA: Okay. 12 So you had confirmed previously during 13 your testimony that they were deciduous trees, so 14 that might be a point of confusion. 15 So back to your testimony, you 16 mentioned dead or dying beech trees specifically on 17 the property. 18 Are you aware that the endangered -- 19 the federally endangered Indiana Bat lives mostly in 20 bark of dead trees and that might be something to 21 look into. 22 MS. PRICE: I believe we had that exact 23 question -- 24 CHAIRMAN WEIDMANN: This is not the 25 tree expert.</p>	<p style="text-align: right;">95</p> <p>1 MS. COSTA: So -- 2 MR. ALESSI: Do you have scientific 3 data about the extrication of the cicada bugs or are 4 you just saying, are you aware? Because I can turn 5 around and say are you aware that there's a troop of 6 kangaroos in my backyard. And there's no scientific 7 proof. So -- 8 MS. COSTA: So actually one thing about 9 the extricated local population of the Brood X 10 Cicadas is that we don't actually have much data on 11 it, but we don't hear them. 12 And the issue, the main issue facing 13 the cicada populations is overdevelopment and since 14 this is a mountaintop removal project, which digs 15 large portions of soil, he doesn't seem to know 16 exactly how much, but since you're moving all of 17 these soils -- 18 MS. PRICE: I'm going to object because 19 this is -- 20 MS. COSTA: -- these populations -- 21 MR. REGAN: She's testifying. 22 MS. PRICE: -- this is way out of line. 23 MR. ALESSI: Scientific data? 24 MS. COSTA: I'm answering a question. 25 MS. PRICE: No, I know, but you're not</p>
<p style="text-align: right;">94</p> <p>1 MS. PRICE: -- that exact question of 2 the landscape architect at the meeting last month. 3 MS. COSTA: Okay. 4 MR. REGAN: This goes beyond the 5 parameters of the testimony. 6 MS. COSTA: Okay. 7 MS. PRICE: And he answered the 8 question. 9 MS. COSTA: Okay. He just mentioned 10 beech trees, so... 11 Yeah, but you mentioned the flowering 12 deciduous trees, blah, blah, blah. 13 Are you aware of extricated cicada 14 populations, which are endangered by mountaintop 15 removal projects, which this is one? 16 MS. PRICE: Again -- 17 CHAIRMAN WEIDMANN: This is -- 18 MS. PRICE: -- the witness did not 19 testify -- 20 CHAIRMAN WEIDMANN: He didn't testify 21 -- so, please, this was -- 22 MS. COSTA: Well, I mean, this entire 23 project is a mountaintop removal project. 24 CHAIRMAN WEIDMANN: You're a month too 25 late.</p>	<p style="text-align: right;">96</p> <p>1 qualified as an expert and -- 2 MS. COSTA: I'm a trustee of the 3 Closter Nature Center, though I don't represent them 4 today. 5 MS. PRICE: Okay. I'm just -- I'm 6 objecting for the record: A, you're testifying; and, 7 B, you're getting into -- 8 MS. COSTA: I'm answering a question 9 that was asked of me. 10 All right. 11 CHAIRMAN WEIDMANN: Okay. Are you 12 finished? 13 MS. COSTA: Yup, thank you. 14 CHAIRMAN WEIDMANN: Thank you. 15 Yes, ma'am, please come forward. 16 MS. FERDINAND: Kathy Ferdinand, 17 15 Autumn Lane, Old Tappan. 18 My question is a little bit about the 19 engineering here and the engineering also of moving 20 -- which was proposed with some conversation here 21 tonight of moving that proposed Dutch Colonial across 22 the street or somewhere else. 23 I have a question about it. I mean Old 24 Tappan is rich in history. We have historic 25 documents. This is from 1964 from the Old Tappan --</p>

<p style="text-align: right;">97</p> <p>1 MR. REGAN: We need a question, ma'am.</p> <p>2 MS. FERDINAND: I know, I'm getting</p> <p>3 there.</p> <p>4 Where it says, you know, this measure</p> <p>5 is securing the rich lore of Old Tappan's heritage.</p> <p>6 So a Dutch Colonial, this is a Dutch</p> <p>7 Colonial that we're talking about, the Herring House.</p> <p>8 It is made with sandstone. The mortar --</p> <p>9 MR. REGAN: You need to ask a question.</p> <p>10 MS. FERDINAND: So how can it possibly</p> <p>11 be moved when the mortar is mud clay strengthened by</p> <p>12 hog's hair and straw historically? There are</p> <p>13 chimneys within the house and the native people of</p> <p>14 this town want this preserved.</p> <p>15 So how can it be possible in an</p> <p>16 engineering point of view that this could be moved</p> <p>17 and remain intact across the street or anyplace when</p> <p>18 it could possibly just stay there.</p> <p>19 MS. PRICE: We have already indicated</p> <p>20 now last month and this month that we will be</p> <p>21 responsible as a courtesy at our cost to move this</p> <p>22 historic home over by the senior center and that we</p> <p>23 have historic consultants in our professional team</p> <p>24 and we will coordinate the movement of that house,</p> <p>25 which is delicate, but it can be done and with all</p>	<p style="text-align: right;">99</p> <p>1 selection, only at our cost and cooperation.</p> <p>2 MS. FERDINAND: And I didn't think --</p> <p>3 has there been a decision that the house can't remain</p> <p>4 exactly where it is?</p> <p>5 MS. PRICE: Yes.</p> <p>6 I think that it's going to move,</p> <p>7 because just like the drainage, we have to get off</p> <p>8 these issues because we've been pending since</p> <p>9 February during just the hearing process alone, never</p> <p>10 mind the time we've been filed.</p> <p>11 So we asked the borough, we asked other</p> <p>12 organizations too for several months and no one</p> <p>13 contacted us in terms of indicating any interest in</p> <p>14 moving, preserving, utilizing, any verb that you want</p> <p>15 to take. We said that we would work with any</p> <p>16 non-profit organization.</p> <p>17 So now the borough has indicated a</p> <p>18 desire to have it and we've said fine, we're happy to</p> <p>19 help.</p> <p>20 MS. FERDINAND: Well, it just</p> <p>21 questioned the materials of the 1760s are fragile,</p> <p>22 are delicate as you said and --</p> <p>23 MS. PRICE: The witness didn't testify</p> <p>24 that that.</p> <p>25 I made a statement as a means of</p>
<p style="text-align: right;">98</p> <p>1 the protections in place.</p> <p>2 MS. FERDINAND: And I thought you said</p> <p>3 that it's delicate, but you thought if it did</p> <p>4 crumble, so be it, kind of, right?</p> <p>5 MS. PRICE: Because I said any house</p> <p>6 could crumble --</p> <p>7 MS. FERDINAND: Yeah.</p> <p>8 MS. PRICE: -- and then any house, any</p> <p>9 building you could have risk to.</p> <p>10 MS. FERDINAND: So this is 1760s.</p> <p>11 MS. PRICE: The house I live in is</p> <p>12 1760s, so I understand old houses and -- I thought</p> <p>13 you said 1960s.</p> <p>14 MS. FERDINAND: No, 1760, I'm sorry.</p> <p>15 MS. PRICE: Well, we've already agreed</p> <p>16 to condition it.</p> <p>17 MS. FERDINAND: And when it -- if and</p> <p>18 when you move it across the street, it sounds as if</p> <p>19 it's going in front of the community garden, if</p> <p>20 that's even the site of where it's going --</p> <p>21 MS. PRICE: We offered to move it to a</p> <p>22 location that the borough wants it. We didn't pick</p> <p>23 the location. We're moving it at a location where</p> <p>24 the borough would like to see it go.</p> <p>25 So that's not at our direction or</p>	<p style="text-align: right;">100</p> <p>1 confirmation for the record.</p> <p>2 That's all.</p> <p>3 MS. FERDINAND: Okay.</p> <p>4 CHAIRMAN WEIDMANN: Okay. Thank you,</p> <p>5 ma'am.</p> <p>6 Anyone else wish to be heard?</p> <p>7 Yes, ma'am.</p> <p>8 MS. FONOROW: Hi, I am Cherie Fonorow,</p> <p>9 256 Old Tappan Road, Old Tappan.</p> <p>10 THE COURT REPORTER: How do you spell</p> <p>11 your last name?</p> <p>12 MS. FONOROW: "F" as in Frank</p> <p>13 -O-N-O-R-O-W.</p> <p>14 THE COURT REPORTER: Thank you.</p> <p>15 MS. FONOROW: You're welcome.</p> <p>16 Are you aware if the house is moved or</p> <p>17 damaged, that it will loss it's historic state and</p> <p>18 federal designation?</p> <p>19 MS. PRICE: Again --</p> <p>20 MR. REGAN: He hasn't testified as to</p> <p>21 that.</p> <p>22 MS. FONOROW: That wasn't -- he was</p> <p>23 talking about the house.</p> <p>24 Can I talk -- ask him questions about</p> <p>25 the house?</p>

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1 CHAIRMAN WEIDMANN: No.
2 MR. REGAN: No.
3 MS. FONOROW: Because he did bring it
4 up.
5 COUNCILMAN MAGGIO: He didn't testify
6 --
7 MS. HAVERILLA: He didn't testify --
8 MR. REGAN: It's beyond the parameters
9 of his testimony.
10 MS. FONOROW: Okay.
11 How many trees and what height -- well,
12 you might have answered this already. How many trees
13 and what height are you removing by the buffer for
14 Lakeview?
15 MS. PRICE: Mr. Langenstein testified
16 to this at the last meeting.
17 MR. REGAN: I know. I have substantial
18 notes on it.
19 MS. FONOROW: The exact amount? He
20 said -- I thought he said in general there was
21 200-something trees.
22 MS. HAVERILLA: That was the landscape
23 architect.
24 MS. FONOROW: Excuse me?
25 MS. HAVERILLA: That was the landscape

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1 architect.
2 MR. REGAN: Last month.
3 MS. HAVERILLA: That was last month.
4 MS. FONOROW: I thought I heard it
5 again, because I was writing notes based on what I
6 was listening to.
7 But he did say, I am going to ask you,
8 are you asking the current homeowners -- you said
9 that the trees that are going to be replaced that
10 you're planting on your property, the 244 property,
11 are going to be smaller, obviously, than what's there
12 and are you asking the current homeowners to wait 10
13 to 15 years to have a screened view, have their views
14 screened of a three-story building and a parking lot.
15 THE WITNESS: I'm not asking them to
16 wait.
17 MS. FONOROW: So they should move if
18 they don't like the view, because they just lost the
19 view that they bought their property for?
20 THE WITNESS: I just testified saying
21 we're planting new trees.
22 MS. FONOROW: And you said it will take
23 10 to 15 years to create a screened buffer?
24 THE WITNESS: Based on the landscape
25 architect's testimony.

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1 MS. FONOROW: Okay. But you did talk
2 about that.
3 What is the size, the actual size and
4 dimension of the parking lot and --
5 THE WITNESS: I didn't provide
6 testimony on that this evening.
7 MS. FONOROW: -- and the road.
8 Okay. There's no mention in this of --
9 and/or drawings. These drawings actually don't
10 really show much. You know, it doesn't show the
11 scale, but there's no mention of the other neighbors.
12 You know, are you aware there's other neighbors to
13 the property besides the church and Lakeview.
14 THE WITNESS: Yes.
15 MS. FONOROW: Okay. Have you looked at
16 the property from the western side where the wetlands
17 are, there are neighbors that share the wetlands as
18 well, and where the barn is.
19 And then there's two houses right there
20 on Old Tappan Road and then you've got the neighbors
21 on Leonard.
22 So there's been no mention of the
23 neighbors at all.
24 Have you done any -- there's no drawing
25 of what it's going to look like from the point of

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1 view of the west -- the neighbors on the west of Old
2 Tappan Road.
3 THE WITNESS: No.
4 MS. FONOROW: Okay.
5 I would request to see that. I would
6 like to see what it's supposed to look like, because
7 I know what it looks like now and it looks pretty
8 amazing and very healthy.
9 Have you done a site plan of -- I don't
10 know if it's the same, done a site screening review
11 and report other neighbors west? Have you taken the
12 neighbors into consideration? Have you even
13 considered possibly not removing the barn and how
14 many trees on the side of that neighboring property?
15 I know all of the focus has been on the church.
16 There's neighbors on the other side too.
17 THE WITNESS: Absolutely.
18 MS. FONOROW: Absolutely what?
19 THE WITNESS: We considered that.
20 MS. FONOROW: And what was the
21 decision?
22 THE WITNESS: The site plan that's
23 submitted.
24 MS. FONOROW: So I don't really see
25 anything pertinent to -- well, those -- I don't see

<p style="text-align: right;">105</p> <p>1 anything -- it doesn't even show the neighbor next 2 door. Unless -- no, that's the stone house. There's 3 nothing on the drawing to show anything that's going 4 on with the wetlands. Would you say that's 5 intentional?</p> <p>6 THE WITNESS: I didn't testify to that 7 this evening.</p> <p>8 MS. FONOROW: Okay. But this drawing 9 doesn't show --</p> <p>10 MS. PRICE: Mr. Chairman, the exhibits 11 tonight are just --</p> <p>12 MS. FONOROW: It doesn't show -- 13 there's other neighbors involved and they're not 14 being -- there's no consideration and there's no 15 conversation about it and I think that's fair.</p> <p>16 MS. PRICE: Okay. Let me say my 17 sentence. These exhibits were limited to the board's 18 questions from last meeting and the meeting before.</p> <p>19 MS. FONOROW: That's fine, okay.</p> <p>20 MS. PRICE: Cherie, I'm not done. 21 It's a limited purpose. You have seen 22 the site plan and you have asked questions every 23 meeting relative to the site plan. This is not the 24 site plan. 25 So you asked questions concerning the</p>	<p style="text-align: right;">107</p> <p>1 him 45 minutes worth of questions, which that was 2 addressed too.</p> <p>3 So it's almost embarrassing and 4 insulting for you to come back every meeting and ask 5 the same questions of different people, especially 6 what Mr. Sehnaal didn't testify to.</p> <p>7 It's what we, based on what the -- we 8 asked them to do is the site plan from Lakeview, 9 which this man and woman here, we addressed that 10 question when they said the site plan, the bald spot 11 and we've done that.</p> <p>12 Alls you keep doing is coming every 13 meeting asking the same question a different way to 14 different professionals.</p> <p>15 He's not addressing the buffer to the 16 west.</p> <p>17 He's addressing the buffer that we 18 asked him to address with the site plan from the 19 road --</p> <p>20 MS. FONOROW: That I understand.</p> <p>21 MR. ALESSI: -- and this. 22 So your question to him about the west 23 buffer was asked and answered last meeting. 24 MS. FONOROW: It wasn't asked and 25 answered.</p>
<p style="text-align: right;">106</p> <p>1 visibility from other properties. 2 So I have no problem with you asking 3 questions on his testimony tonight and these 4 exhibits, but --</p> <p>5 MS. FONOROW: So if he doesn't testify 6 -- he's talking about buffers and he's talking about 7 neighbors and I have every right as a neighbor to ask 8 about a buffer that affects me.</p> <p>9 So I'm sorry, you might not think I 10 don't have a right to ask about it, but it's 11 obviously been omitted.</p> <p>12 MR. ALESSI: No, it was addressed last 13 meeting during Mr. Lang --</p> <p>14 FEMALE AUDIENCE MEMBER: No, it was 15 not.</p> <p>16 MS. FONOROW: It wasn't, they did not 17 address from that side --</p> <p>18 MR. ALESSI: Please do not interrupt me 19 during a meeting.</p> <p>20 It was addressed last meeting by Mr. -- 21 I might butcher his name -- Langenstein for 90 22 minutes, all the buffers, all the trees, deciduous, 23 non-deciduous, everything else for 90 minutes. 24 And you came up afterwards and said you 25 were self-proclaimed, whatever, by the town and asked</p>	<p style="text-align: right;">108</p> <p>1 MR. ALESSI: Please go back and read 2 that portion.</p> <p>3 MS. FONOROW: It wasn't -- to correct 4 you it wasn't asked last meeting. I was here that 5 meeting. I'm fully aware.</p> <p>6 And when I said I'm self-elected, that 7 was talking about the traffic survey, Mr. Alessi.</p> <p>8 MR. ALESSI: So --</p> <p>9 MS. FONOROW: So it had to do with 10 traffic. It had nothing to do with trees.</p> <p>11 MR. ALESSI: Either way you've asked 12 these questions.</p> <p>13 Please limit your questions to what he 14 testified to. We have another applicant tonight 15 also.</p> <p>16 MS. FONOROW: I'm asking -- okay. I 17 was asking about a buffer and asking about the other 18 neighbor, so we got the answer and I'm asking for 19 some kind of information specific about what the 20 other neighbors are going to be looking at.</p> <p>21 MS. PRICE: Can I ask you, you're 22 saying "other neighbors" --</p> <p>23 MS. FONOROW: Yes, 252 and 256, as well 24 as -- well, Leonard you basically get an idea, 25 because they're across the street, but this is the</p>

<p style="text-align: right;">109</p> <p>1 property from where the wetlands -- we're happy to</p> <p>2 come look at what the wetlands and what the property</p> <p>3 looks like from the western side of Old Tappan Road.</p> <p>4 MS. PRICE: So you're two lots down</p> <p>5 from us on the western side, correct?</p> <p>6 MS. FONOROW: Correct.</p> <p>7 MS. PRICE: So your -- there's one --</p> <p>8 there's the wetlands and then another lot and then</p> <p>9 you're the next lot down?</p> <p>10 MS. FONOROW: Correct.</p> <p>11 So you did bring up that the land from</p> <p>12 the -- the land is lower than Lakeview.</p> <p>13 So Lakeview is higher in the back than</p> <p>14 the property at 244?</p> <p>15 THE WITNESS: I didn't testify to that.</p> <p>16 MS. FONOROW: I thought you said when</p> <p>17 the gentleman came up, you said that the land is</p> <p>18 lower than Lakeview.</p> <p>19 THE COURT REPORTER: I'm sorry, I can't</p> <p>20 hear you.</p> <p>21 MS. FONOROW: I thought he said that</p> <p>22 the land is lower than Lakeview.</p> <p>23 THE WITNESS: We were speaking of the</p> <p>24 swale between the two properties. There is a low</p> <p>25 point on the property line.</p>	<p style="text-align: right;">111</p> <p>1 anything you said either?</p> <p>2 MS. PRICE: The architect gave</p> <p>3 testimony on that.</p> <p>4 MS. FONOROW: Okay. You brought</p> <p>5 somebody new has come up to my attention.</p> <p>6 You mentioned widening. Marlboro, New</p> <p>7 Jersey is objecting to the CHSH building that looks</p> <p>8 exactly the same as this one.</p> <p>9 MS. PRICE: Okay. I'm going to ask</p> <p>10 that that be stricken and objected to.</p> <p>11 MS. FONOROW: So you mentioned widening</p> <p>12 the roads that were approved --</p> <p>13 (Simultaneous Speaking.)</p> <p>14 THE COURT REPORTER: I'm sorry, I can't</p> <p>15 --</p> <p>16 MALE AUDIENCE MEMBER: There's a lot of</p> <p>17 interruption going on here.</p> <p>18 THE COURT REPORTER: There's too many</p> <p>19 people speaking at once.</p> <p>20 MS. FONOROW: You mentioned widening</p> <p>21 the road.</p> <p>22 Was that already approved by the</p> <p>23 county?</p> <p>24 THE WITNESS: Yes, conditionally.</p> <p>25 MS. FONOROW: Okay. What's</p>
<p style="text-align: right;">110</p> <p>1 MS. FONOROW: Okay. Are you -- are you</p> <p>2 planning -- I don't know, am I allowed to talk about</p> <p>3 the wetlands since you didn't say --</p> <p>4 MS. PRICE: No.</p> <p>5 MR. REGAN: No.</p> <p>6 MS. FONOROW: Okay.</p> <p>7 I'll save that.</p> <p>8 There is some -- regarding the</p> <p>9 property, though, the historic -- I don't know what</p> <p>10 it is, there is some historic in your site plan, some</p> <p>11 drawing of stone that's in the back of the property</p> <p>12 that it says it's going to be removed.</p> <p>13 Do you know what that is? I've never</p> <p>14 walked the whole property. I've never been on the</p> <p>15 property back there.</p> <p>16 So it just said on the drawing it</p> <p>17 shows, like, some historic stone area.</p> <p>18 THE WITNESS: I didn't provide</p> <p>19 testimony on that this evening.</p> <p>20 MS. FONOROW: Okay. Let's see.</p> <p>21 With regard to the building, the design</p> <p>22 of the building, can I ask about that, the</p> <p>23 three-story area.</p> <p>24 THE WITNESS: That's the architect.</p> <p>25 MS. FONOROW: That doesn't fall under</p>	<p style="text-align: right;">112</p> <p>1 conditionally?</p> <p>2 THE WITNESS: Meaning we have four</p> <p>3 conditions left to address, but they approved the</p> <p>4 design.</p> <p>5 MS. FONOROW: Can you tell us what</p> <p>6 those conditions are?</p> <p>7 THE WITNESS: It's public record. We</p> <p>8 have the review letter that you can review.</p> <p>9 MS. FONOROW: Where do we look that up</p> <p>10 since you -- are you not willing to mention it?</p> <p>11 THE WITNESS: I will submit -- no, I</p> <p>12 can. I mean I can read it into the record.</p> <p>13 MS. FONOROW: We're just wondering</p> <p>14 because -- well, I was going to ask you how much is</p> <p>15 -- how much is it going to be widened and how long</p> <p>16 will the construction be?</p> <p>17 THE WITNESS: I testified to that</p> <p>18 earlier.</p> <p>19 MS. FONOROW: How long will the</p> <p>20 construction take?</p> <p>21 THE WITNESS: I'm not sure. I did not</p> <p>22 testify to that.</p> <p>23 MS. FONOROW: No other questions.</p> <p>24 CHAIRMAN WEIDMANN: Thank you.</p> <p>25 Anyone else wish to be heard?</p>

<p style="text-align: right;">113</p> <p>1 COUNCILMAN MAGGIO: Please make it 2 about his testimony. 3 4 MR. CARPENTER: Absolutely. 5 Kurt Carpenter, 168 Central Avenue, Old 6 Tappan, New Jersey. 7 So I was little confused by the 8 drawings, are those exactly -- I mean the different 9 heights and whatnot, are they exactly to scale? It 10 seemed -- it's very little to see the cars from -- 11 look different from side to side. 12 THE WITNESS: Yes, yes, there's a 13 different horizontal versus vertical although they 14 are both done to the same scale. 15 MR. CARPENTER: Okay. Cool. 16 So the question I had was because it 17 wasn't clear, looking at the sides there, you said 18 one is like a 6 foot up from the roadway and then 19 another was 3 feet. So on the adjoining property, 20 the church property, they are like -- geez, they're 21 like 10 -- 8, 10 feet below. You're -- the top of 22 the proposed property? And there's, like, a monster 23 retaining wall. So I just -- I'm trying to 24 understand, like, if we're trying to do like an 25 apples to apples comparison on the front of the</p>	<p style="text-align: right;">115</p> <p>1 the wall. You're going to have a wall -- church is 2 on the low side of the wall. You're going to have a 3 -- a wall -- 4 MR. CARPENTER: And the church is on 5 the low side, right? 6 THE WITNESS: Correct, we'll also be -- 7 MR. CARPENTER: And you guys -- and the 8 top of the hill right now is there, we're going to 9 say like, woop, taking it down. Okay? 10 So it's just literally just going to be 11 -- so will it be a retaining wall? 12 THE WITNESS: Yes. 13 MR. CARPENTER: It will just be a 14 little bit like a wall wall wall. 15 I mean it won't be retaining anything. 16 The height will be about the same, yeah? 17 THE WITNESS: Yeah. 18 MS. PRICE: I'm not sure I follow. 19 THE WITNESS: I think -- 20 MR. CARPENTER: No, because if you take 21 out so much of the -- of the soil there's no longer 22 going to be that much of a delta between the heights. 23 I was just kind of understanding that. 24 MS. PRICE: I didn't know if you called 25 the wall something.</p>
<p style="text-align: right;">114</p> <p>1 church versus in front of that new property, the 2 church height is this. And the other property is 3 this. 4 How does that account for the height of 5 the hill, for lack of a better word? And how does 6 that get back to making your apples to apples 7 comparison in terms of relative heights and total 8 height. 9 THE WITNESS: Right, so -- so the 10 elevations are based on actual surveyed datum of the 11 roadway in front of the church, the roadway in front 12 of our property. And then the proposed elevation of 13 the finished floor of our building and the surveyed 14 elevation of the finished floor of the church. 15 So I believe you're talking about the 16 -- the retaining wall that's between the church 17 property and the property line. 18 We will similarly have a retaining wall 19 on the same property line. So we will be on the low 20 side of the wall in the front as well as the church. 21 So you'll have the -- 22 MR. CARPENTER: So -- so the retaining 23 wall will essentially be hollowed out on your side? 24 THE WITNESS: Well, we're on the low 25 side of the wall. The church is on the low side of</p>	<p style="text-align: right;">116</p> <p>1 MR. CARPENTER: The wall wall wall. 2 MS. PRICE: Okay. 3 MR. CARPENTER: The super duper wall. 4 MS. PRICE: Okay. 5 MR. CARPENTER: Okay. So that was what 6 I was trying get an apples to apples comparison. 7 MS. PRICE: Okay. 8 MR. CARPENTER: So on the -- on the 9 church design, the representation here, you have that 10 set at a 50 height, right? 11 So would you say that that is -- that 12 would be, from what you said, that's the highest 13 point on the property, that's the -- the sanctuary. 14 THE WITNESS: Well, the peak of the -- 15 MR. CARPENTER: Right. 16 But even though the predominant height 17 of that structure is a lot less because it's heavily 18 peaked for the sanctuary, it's predominantly a two -- 19 a two-story property. So it's -- like, the dominant 20 thing is probably the height, so would you -- would 21 you not agree that that's a slightly misleading 22 representation to characterize your client's property 23 in a better light? 24 THE WITNESS: No, the board had asked 25 us to provide a height comparison so we -- we</p>

1 strictly took the highest point of the church to the
2 highest point of our property.
3 MR. CARPENTER: Okay. So you're not
4 willing to agree that that's slightly misleading?
5 THE WITNESS: No, it's not. The height
6 is the height.
7 MR. CARPENTER: Bu the way it was
8 represented you're really not showing that lower
9 property which is the predominant side of the
10 property.
11 THE WITNESS: I'm not sure I follow.
12 MR. CARPENTER: Moving on.
13 And so the next question, I think you
14 testified that you had observed as the walking on the
15 property, there was a soil disturbance and garbage on
16 your client's property.
17 Is that accurate?
18 THE WITNESS: Absolutely.
19 MR. CARPENTER: So is that an
20 allegation that the church is incorrectly utilizing
21 your client's property?
22 THE WITNESS: Just a visual
23 observation.
24 MR. CARPENTER: Nothing further.
25 CHAIRMAN WEIDMANN: Anyone else wish to

1 be heard?
2 (No response.)
3 CHAIRMAN WEIDMANN: Seeing none, motion
4 to close the meeting.
5 MR. ALESSI: Motion.
6 MR. ELLER: Second.
7 CHAIRMAN WEIDMANN: All in favor?
8 (Whereupon, all present members respond
9 in the affirmative.)
10 MS. PRICE: Okay. So I didn't have
11 that much time to give back.
12 MR. REGAN: Yeah, you're going to have
13 to renegotiate that one.
14 MS. PRICE: I know, I know.
15 CHAIRMAN WEIDMANN: Anything else?
16 MS. PRICE: No, so...
17 CHAIRMAN WEIDMANN: Okay. Motion --
18 MR. ALESSI: Motion.
19 CHAIRMAN WEIDMANN: -- to adjourn this
20 part of the meeting?
21 MR. ELLER: Second.
22 CHAIRMAN WEIDMANN: All in favor?
23 (Whereupon, all present members respond
24 in the affirmative.)
25 MS. PRICE: And we're going to carry


1 without further notice?
2 MR. REGAN: Next meeting is September
3 --
4 CHAIRMAN WEIDMANN: The 15th or 14th.
5 MR. REGAN: September 14th.
6 MS. PRICE: The day after my birthday.
7 MR. REGAN: The application will be
8 carried.
9 MR. ELLER: Lucky you.
10 MR. STEINHAGEN: 7:00, Chairman?
11 MR. ELLER: We've made every meeting
12 7:00.
13 MR. STEINHAGEN: What time?
14 MR. ELLER: At 7:00.
15 (Whereupon, this matter is continuing
16 at a future date. Time noted: 8:53 p.m.)

C E R T I F I C A T E

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

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

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

1 
2 LAURA A. CARUCCI, C.C.R., R.P.R.
3 License #XI02050, and Notary Public
4 of New Jersey #50094914, Notary
5 Expiration Date December 3, 2023

1 Dated: August 16, 2022

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