

1 TOWNSHIP OF TEANECK  
 2 BOARD OF ADJUSTMENT  
 3 THURSDAY, MAY 16, 2019  
 4 IN THE MATTER OF : TRANSCRIPT OF  
 5 APPLICATION AND PUBLIC HEARING : PROCEEDING  
 6 on Investigation and Adoption of :  
 7 100 STATE STREET, LLC: ZB2016-08  
 8 B E F O R E: :  
 9 TOWNSHIP OF TEANECK BOARD OF ADJUSTMENT  
 THERE BEING PRESENT:  
 10 JAMES BROWN  
 11 JAN MEYER, CHAIRMAN  
 12 HARVEY ROSEN, VICE CHAIRMAN  
 13 JERRY BARTA (RECUSED)  
 14 MONICA HONIS  
 15 ATIF REHMAN  
 16 JENNIFER PRINCE  
 17 MARK MERMELSTEIN  
 18  
 19 MARK MADAIO, ESQ.  
 20 BOARD ATTORNEY  
 21 ROSILAND McLEAN  
 22 BOARD SECRETARY  
 23 DAN MELFI  
 24 TOWNSHIP ENGINEER  
 25 JOSEPH VINCE  
 BOARD ENGINEER  
 WENDY BERGER, ESQ.  
 Attorney for the Applicant  
 Reported by: Angela (Angie) M. Shaw-Crockett  
 Certified Court Reporter  
 Registered Merit Reporter  
 Certified Realtime Reporter

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 1 CHAIRMAN MEYER: So we're going to  
 2 continue with the hearing, ZB2016-08, 100 State  
 3 Street, LLC, presented by Ms. Berger from Cole  
 4 Schotz, correct?  
 5 MS. BERGER: Yes. Good evening.  
 6 CHAIRMAN MEYER: Good evening. I know you  
 7 are not in full voice, so try to, as best you  
 8 can, keep your voice up.  
 9 MS. BERGER: Yes, I will. And I'm going  
 10 to take the microphone and give one to our  
 11 expert and one to myself so we can have  
 12 microphones down by the plans.  
 13 CHAIRMAN MEYER: Good. Now, also,  
 14 anyone -- welcome, everyone. For those who  
 15 have never been to a zoning meeting before,  
 16 there are certain procedures. They are  
 17 available just for informational purposes only  
 18 with our clerk or I think -- Rosiland, are  
 19 there extra of these procedures?  
 20 THE BOARD SECRETARY: Right there on the  
 21 podium with the agenda.  
 22 CHAIRMAN MEYER: So let's maybe have them  
 23 moved over to the side so they don't disturb  
 24 the proceeding here in the middle of the  
 25 hearing. Let's do that.

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 1 Let the record reflect that  
 2 Mr. Mermelstein and Ms. Prince, they have  
 3 arrived.  
 4 Good evening. Okay. Ms. Berger, please  
 5 present.  
 6 MS. BERGER: Okay. We're going to be  
 7 continuing the presentation with the same  
 8 witness that we had last time, who is the  
 9 project engineer, David Juzmeski.  
 10 CHAIRMAN MEYER: Before you continue, I  
 11 just want to know, are there any additional  
 12 plans that were -- amended plans that were  
 13 made?  
 14 THE WITNESS: Yes.  
 15 CHAIRMAN MEYER: Your microphone. If you  
 16 press the green light.  
 17 THE WITNESS: It's on, Mr. Chairman.  
 18 CHAIRMAN MEYER: Ask the gentleman to help  
 19 you in the green.  
 20 THE WITNESS: Good evening, Mr. Chairman.  
 21 Can you hear me?  
 22 CHAIRMAN MEYER: Yes.  
 23 THE WITNESS: Thank you. Good evening,  
 24 Mr. Chairman, members of the board.  
 25 Mr. Chairman, where would you like me to

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1 stand? Here, there, facing the audience?  
 2 CHAIRMAN MEYER: Where you are, that's  
 3 fine.  
 4 MR. ROSEN: And any witnesses wish to see  
 5 it and can't, come forward.  
 6 UNIDENTIFIED AUDIENCE MEMBER: Could you  
 7 speak into the mic, please?  
 8 MR. ROSEN: Any members of the public that  
 9 can't see the plans from where you're seated,  
 10 please come closer.  
 11 UNIDENTIFIED AUDIENCE MEMBER: Please move  
 12 the mic close so we can hear.  
 13 CHAIRMAN MEYER: Can you hear?  
 14 UNIDENTIFIED AUDIENCE MEMBER: No, he's  
 15 whispering to his friends.  
 16 THE BOARD SECRETARY: Mr. Rosen, pull the  
 17 mic closer if you want to speak.  
 18 UNIDENTIFIED AUDIENCE MEMBER: Thank you  
 19 for complying with the request.  
 20 CHAIRMAN MEYER: Go ahead, sir.  
 21 THE WITNESS: Mr. Chairman, the civil  
 22 engineering plans that have not been updated  
 23 since last time we were before you. The last  
 24 plan that we haven't presented and want to  
 25 present tonight is the lighting plan for the

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1 facility.  
 2 This is sheet C8.00. This is ground floor  
 3 lighting plan. The project has two  
 4 different --  
 5 EXAMINATION BY  
 6 BY MS. BERGER:  
 7 Q. Before we go further, do we need to mark  
 8 this separate? Has it changed at all?  
 9 A. It has not changed. It's the same set of  
 10 plans that were before the board last meeting.  
 11 MR. MADAIO: So let's continue with the  
 12 numbering system we have, which these are all  
 13 part of the 31-page set, known as Exhibit A-2.  
 14 And you have indicated this is C.  
 15 Do I have that correct?  
 16 THE WITNESS: That's correct.  
 17 MR. MADAIO: C8.00, ground floor lighting  
 18 plan.  
 19 THE WITNESS: That's correct.  
 20 A. As I was saying, the lighting proposed for  
 21 this facility -- there are two different types of  
 22 lights. We have recessed lights for the property  
 23 garage and we have building lights. We actually  
 24 have some bollard lights. On C8.00 --  
 25 CHAIRMAN MEYER: I've got a question. The

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1 question was -- if there were updated plans,  
 2 and the answer was "no," correct?  
 3 THE WITNESS: The civil engineering plans  
 4 I'm presenting were not updated.  
 5 CHAIRMAN MEYER: Because you told me last  
 6 time -- and I don't know if there was a change  
 7 made, that there was an ability to add on 25  
 8 parking spots on the upper level by tandem  
 9 parking spots.  
 10 Ms. Wendy Berger is standing up. She has  
 11 something to say, I'm sure.  
 12 MS. BERGER: Mr. Myer, we will address  
 13 that question that you asked. We will address  
 14 it after we're done finishing with the direct  
 15 testimony to finish the set of plans and then  
 16 we'll go back and answer questions that were  
 17 raised at the last hearing.  
 18 CHAIRMAN MEYER: Because if the change --  
 19 MS. BERGER: We are not changing.  
 20 CHAIRMAN MEYER: If there's change in the  
 21 configuration of the parking, I'm sure it  
 22 wouldn't affect the lighting plan. That's why  
 23 I'm asking now.  
 24 MS. BERGER: Right. No, we are not  
 25 changing.

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1 UNIDENTIFIED AUDIENCE MEMBER: Ms. Berger  
 2 will need to adjust her microphone.  
 3 MR. MADAIO: Wendy, for a moment when you  
 4 were talking with David, we heard you very  
 5 clearly, just for a moment. Now I don't think  
 6 anyone can hear you.  
 7 Stay on that mic and speak much louder.  
 8 MS. BERGER: Sorry. We did not change the  
 9 plan, but we will readdress your question.  
 10 CHAIRMAN MEYER: Thank you.  
 11 A. To get back to the lighting plan. On the  
 12 ground floor concept and on the plans before you, we  
 13 have some building onto lighting and some bollard  
 14 onto lighting. This lighting will provide  
 15 illumination for pedestrians, both walking on  
 16 sidewalk and accessing the building from the -- both  
 17 the sidewalk to the front entrances to the building.  
 18 On the sheet which is an accompanying  
 19 sheet is Sheet 8.01. This is called the lighting  
 20 plan for the lower and the upper level. What this  
 21 sheet depicts is the lighting for the individual  
 22 parking decks. And you could see that the lighting  
 23 is a recessed-style lighting mounted to the ceiling  
 24 of the deck, portraying light downward. And what  
 25 you see is, there's no spillage onto the adjacent

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1 properties because they have deflectors on them. So  
 2 the lighting -- although we provide substantial  
 3 illumination on site, there's no net effect on the  
 4 adjacent properties along the perimeter of the  
 5 property.  
 6 That really concludes, you know, the  
 7 direct testimony of the lighting. If there's  
 8 questions on that, you can ask or I could move on  
 9 to --  
 10 MR. ROSEN: Yes. I'd like to go back to  
 11 the street lighting.  
 12 THE WITNESS: Yes, sir.  
 13 MR. ROSEN: Could you show us and the  
 14 audience any particular lighting that's  
 15 dedicated to the entranceway to the garages?  
 16 THE WITNESS: Yes, sir. There's four  
 17 specific building-onto-light fixtures. One in  
 18 each corner and one located on either side of  
 19 the lobby. It's a four-leaf clover building  
 20 onto lighting that provides illumination for  
 21 both the driveways and the sidewalk along the  
 22 frontage.  
 23 MR. ROSEN: Will those be on all the time  
 24 or are they only activated by motion?  
 25 THE WITNESS: Those will be on all the

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1 time.  
 2 BY MS. BERGER:  
 3 Q. And is it your opinion that the lighting,  
 4 as proposed, complies with the ordinance  
 5 requirements of the municipality?  
 6 A. I believe so, yes.  
 7 Q. And is it your opinion that the lighting,  
 8 as proposed, will supply sufficient lighting on the  
 9 site for safety movement access?  
 10 A. Yes, it will.  
 11 CHAIRMAN MEYER: Okay. Thank you.  
 12 Any questions of members of the board for  
 13 this witness? Hearing none.  
 14 MS. BERGER: I would now like to go into  
 15 answering some of the questions that were  
 16 raised by the board at the last hearing that  
 17 this witness can answer.  
 18 CHAIRMAN MEYER: Okay, please.  
 19 MS. BERGER: If I could?  
 20 CHAIRMAN MEYER: Sure.  
 21 BY MS. BERGER:  
 22 Q. At the last hearing, a question was raised  
 23 about possibly expanding the upper level parking  
 24 deck. Have you reviewed that?  
 25 A. Yes, I have.

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1 Q. And have you reviewed it yourself and have  
 2 you reviewed it with others?  
 3 A. Yes, I have. Both.  
 4 Q. And could you tell the board what your  
 5 findings are in that regard?  
 6 A. Sure. As requested, we took a look at the  
 7 applicant's need to extend the upper level to the  
 8 back rear property line. And the question, which  
 9 originally was, if you extend there, how many  
 10 additional spaces you can gain.  
 11 The first answer is that is we can  
 12 potentially gain 25 spaces if we extend it. The  
 13 negative aspect of it is if we extend that and  
 14 eliminate the potential municipal lot that we're  
 15 proposing across the street, I think that is more of  
 16 a benefit to the community and the reason being  
 17 this:  
 18 We feel that the existing parking on site,  
 19 as proposed, is sufficient for our building. The  
 20 parking that we're proposing across the street is  
 21 really a public benefit. If the spaces on site are  
 22 not used, we have -- the parking cannot come on site  
 23 and use those spaces. I think the spaces --  
 24 CHAIRMAN MEYER: Excuse me. Excuse me.  
 25 When do you come with the notion that you're

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1 not supposed to, if you want to get this  
 2 application through, that the conditions of  
 3 completing the parking lot across the street?  
 4 What does that have to do with how many spaces  
 5 you have underneath the building?  
 6 MS. BERGER: The requirement for parking  
 7 is based upon RSIS.  
 8 CHAIRMAN MEYER: I understand that. But  
 9 if you intend to increase the spaces underneath  
 10 the building, I didn't ask you whether or  
 11 not -- not go through or cancel the agreement  
 12 or possibility to develop the parking site  
 13 across the street. It was only as to the  
 14 additional parking on the building I was  
 15 concerned about last time and that's what you  
 16 answered me.  
 17 And I, you know, foresaw some  
 18 consideration that would increase the overall  
 19 parking and maybe the public could benefit even  
 20 more from the parking across the street that  
 21 would be accessible to anyone.  
 22 BY MS. BERGER:  
 23 Q. But with regard to the proposed increase,  
 24 have you determined that that's not the best zoning  
 25 alternative for this site?

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1 A. Well, on top of the -- the extending the  
 2 building versus the off-street parking, extending  
 3 the existing parking to the rear along the property  
 4 line, this second floor is elevated. And at that  
 5 far corner, you will see an elevator parking deck  
 6 approximately 15 feet above grade. And I think at  
 7 that close proximity to the adjacent properties, I  
 8 think it comes out as an opposing figure because  
 9 it's made out of concrete, which is why I think the  
 10 intention of the architect was to provide that  
 11 step-back in our architectural feature rather than a  
 12 shaved flat wall along the adjacent property.

13 CHAIRMAN MEYER: Is there going to be  
 14 parking behind that wall?

15 THE WITNESS: Well, there's existing  
 16 residential homes here. I don't know what  
 17 their concept is for parking.

18 CHAIRMAN MEYER: No, but weren't there  
 19 garages behind --

20 MS. BERGER: Those garages have been  
 21 removed.

22 CHAIRMAN MEYER: Right. So they're going  
 23 to be used for additional parking behind the  
 24 wall. So -- okay, whatever.

25 BY MS. BERGER:

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1 Q. So in your testimony, you're saying that  
 2 if that deck was extended, there would be a wall  
 3 that would be constructed approximately 15 foot high  
 4 above grade, of cement, surrounding that parking  
 5 deck. Is that on three sides?

6 A. That's correct.

7 Q. And that is not in keeping with the  
 8 design, which is to open up the area to light and  
 9 air for the surrounding properties?

10 A. That's correct.

11 Q. Which is also the design of the building  
 12 as a step design?

13 A. That's correct. If you see intonations  
 14 (phonetic) within the building where you have the  
 15 architect, any modifications of the building come in  
 16 and out provide architectural interest, I think the  
 17 way the deck is in is in keeping with his design.

18 Q. And with regard to the request for  
 19 additional parking, you would then have additional  
 20 parking spaces that would be tandem and they would  
 21 be for one-bedroom units; is that correct?

22 A. That's correct.

23 Q. And it would also cover what would be the  
 24 guests, so called guest parking, although the guests  
 25 have no means of access?

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1 A. That's correct.

2 Q. So in your opinion, is it --

3 CHAIRMAN MEYER: Are you testifying or is  
 4 he testifying?

5 BY MS. BERGER:

6 Q. In your opinion, is extending the deck a  
 7 benefit for this project?

8 A. I don't believe that it is and I explained  
 9 the reasons why.

10 CHAIRMAN MEYER: Can I just -- go ahead.

11 BY MS. BERGER:

12 Q. There was also a question raised at the  
 13 last hearing as to provision of areas for bicycles  
 14 and an area for a motorcycle. Have you looked at  
 15 that?

16 A. That's correct, I have. I looked at both  
 17 parking levels. We can accommodate motorcycle  
 18 parking and covered bicycle parking at both parking  
 19 levels. I can pull up the site plan and give you  
 20 the approximate location it would be located and  
 21 quantify --

22 Q. Could you please do that?

23 A. I'm going to be referring to Sheet C4.01.  
 24 This is the site improvement's plan for the lower  
 25 and the upper level parking areas. And I'm going to

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1 just pan over first at the upper level.

2 The basic far left corner on the plan,  
 3 there's a hatched area. We can accommodate two  
 4 motorcycle spaces at that location. And if you pan  
 5 at the same upper-level parking area to the bottom  
 6 right, you will also have a hatched area in that  
 7 location. We can provide a space for two additional  
 8 motorcycles and approximately five covered bicycle  
 9 parking spaces at elevation. That's the upper  
 10 level.

11 In the lower level, similarly we can  
 12 provide a -- next to the lobby area. Now I'm  
 13 pointing to the lower-level parking area. Right  
 14 next to the lobby area, since there's no doors in  
 15 that location, we can provide covered bicycle spaces  
 16 at that location. Again, require another five  
 17 bicycle spaces and an additional motorcycle space at  
 18 that level, as well.

19 Q. Additionally, at the last hearing, there  
 20 was a question about room for a place for children  
 21 to play at the building or on site.

22 Have you looked at the plan in that  
 23 regard, as well?

24 A. Yes, I did.

25 Q. Could you please tell the board --

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1 A. Sure. I'm going to need the architectural  
2 plan just to illustrate location. Can I see the  
3 floor plan, please? The floor plan illustrates the  
4 flex space and the open space.  
5 I'm going to be referring to Sheets A-200.  
6 This was also a part of the original set that was  
7 submitted. And I just want to point to the center,  
8 where it illustrates a tenants common area of  
9 approximately 1200 square feet. The owner has the  
10 ability to provide an area that could be dedicated  
11 to the children that we'll be building in that  
12 tenants common area.  
13 There's also a flex space on the lower  
14 level that is open and can be utilized as a  
15 children's play area, as well, that's internal to  
16 the building.  
17 Q. And is it your opinion that in this  
18 specific site, it's best to have a children's play  
19 area within the building rather than exterior?  
20 A. I agree, yes. I think the lower areas, we  
21 want to provide a nice buffering on the side of the  
22 building and that area is, you know, possibly  
23 15 feet. I think this internal area where you  
24 have watch over the kids is a better alternative.  
25 CHAIRMAN MEYER: Okay. Anything else,

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1 Ms. Berger?  
2 MS. BERGER: Yes. I think there was one  
3 more -- one more. Is that it?  
4 CHAIRMAN MEYER: I'm sorry. Any more  
5 questions, Ms. Berger?  
6 MS. BERGER: Yes, there was one more  
7 question, if I could?  
8 THE WITNESS: There's one more request  
9 made. It was regarding speed bumps coming in  
10 and out of the driveways.  
11 CHAIRMAN MEYER: Mr. Rosen.  
12 THE WITNESS: That's correct.  
13 Mr. Rosen, we took a look at that and we  
14 could accommodate on both of the driveways  
15 speed bumps. We just have to confer with your  
16 engineer what location he wants, that he  
17 prefers them to be.  
18 MR. ROSEN: Inside or outside?  
19 THE WITNESS: I think it would be  
20 partially covered. I think you want to  
21 approach the speed bump right before you  
22 approach the stop bar. So you kind of get a  
23 warning that there is a stop sign coming up.  
24 So we'll just keep parking covered on each  
25 side of the driveway.

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1 MR. REHMAN: Sorry. I have a question.  
2 If we can go back to parking, the 25 actual  
3 spaces.  
4 Is it a fair assessment that the decision  
5 to not go through with the parking is truly for  
6 aesthetic reasons, not necessarily the  
7 possibility or any safety concerns?  
8 THE WITNESS: I think it's -- aesthetic is  
9 one reason. I think usability of those spaces,  
10 you're going to haven tandem spaces for  
11 potentially a one-bedroom that they may never  
12 use them. And the only reason is for zoning  
13 reasons is just for proximity of that building  
14 wall and it being elevated right on the  
15 property line. I think it's an imposing solid  
16 structure elevation.  
17 BY MS. BERGER:  
18 Q. There was another question that was raised  
19 at the hearing with regard to snow removal. Has  
20 that been investigated?  
21 A. Yes. We contacted some contractors  
22 regarding this facility, in particular. And what  
23 they told us was if there was a substantial storm,  
24 this area, which is approximately 4,000 feet, they  
25 would be able to plow it and remove it off site from

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1 the facility, basically haul it off site.  
2 CHAIRMAN MEYER: And they would be under  
3 that building to do that?  
4 MS. BERGER: I'm sorry. Mr. Meyer, I  
5 couldn't hear you.  
6 CHAIRMAN MEYER: They would be able to get  
7 under the building to do that?  
8 THE WITNESS: Well, the final portion of  
9 that operation will be another typical pickup  
10 truck because that area is so small, they would  
11 plow it, come down the ramp and then do it.  
12 CHAIRMAN MEYER: Push it out under the  
13 garage?  
14 THE WITNESS: That's correct.  
15 CHAIRMAN MEYER: Now, you're an engineer,  
16 correct?  
17 THE WITNESS: Yes, sir.  
18 CHAIRMAN MEYER: And you're testifying as  
19 a planner tonight?  
20 THE WITNESS: I am not.  
21 CHAIRMAN MEYER: Okay. So your opinion,  
22 whether or not from a planning perspective, an  
23 additional 25 spaces would benefit this  
24 application, is really outside your purview.  
25 Wouldn't you agree with me on that?

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1 THE WITNESS: From a planning standpoint,  
2 yes, I would agree with that.  
3 CHAIRMAN MEYER: Thank you.  
4 MR. ROSEN: If the 25 extra spaces were  
5 added, would they be tandem parking?  
6 THE WITNESS: Yes, sir.  
7 MR. ROSEN: So you would have not double  
8 tandem parking, you would have triple tandem  
9 parking?  
10 THE WITNESS: No, not necessarily. The  
11 extension would happen on the upper level where  
12 those are all single spaces.  
13 CHAIRMAN MEYER: Sir, from an engineering  
14 standpoint, you could have one-bedroom  
15 apartments where there could be two cars in  
16 that household; isn't that correct?  
17 THE WITNESS: I think I'll leave that  
18 answer to our planner because he does have  
19 statistics and I think in our earlier first  
20 meeting, our traffic engineer testified that on  
21 average, you're going -- based on the census,  
22 that there's 1.1 spaces per unit in Teaneck.  
23 So is it possible? Yes, it's possible.  
24 It's also possible that a two-bedroom may only  
25 need one space.

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1 CHAIRMAN MEYER: Okay. But that was not  
2 my question. Thank you.  
3 Anything else? Anyone from the board have  
4 a question?  
5 MS. BERGER: I just had one more question.  
6 BY MS. BERGER:  
7 Q. With regard to parking, if you did have to  
8 increase the size of the deck to put 25 spaces,  
9 would you then, by RSIS, be allowed to count street  
10 parking for the -- meeting the code requirement?  
11 A. Yes, you could count them at this time.  
12 CHAIRMAN MEYER: Thank you. Questions  
13 from -- identify yourself for the record.  
14 Also, get a microphone from the board or go to  
15 the podium to ask questions.  
16 State your name and affiliation.  
17 MR. VINCE: Joseph Vince, Schwanewede Hals  
18 Engineering. There's just a couple of items in  
19 the report that I think we just need to go  
20 over.  
21 MS. BERGER: And if you could -- just for  
22 the record, state the date of the report.  
23 MR. VINCE: Sure. It was a letter written  
24 February 21, 2019.  
25 MS. BERGER: Thank you.

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1 MR. VINCE: Item No. 4 discusses that the  
2 underground retention basins are proposed  
3 within 5 feet --  
4 (Reporter interruption.)  
5 MR. VINCE: The underground retention  
6 basins are proposed within 5 feet of the  
7 township and sewer main within 2 feet of the  
8 property line. There's a high possibility that  
9 excavation of the sanitary sewer by the  
10 township in the future will not --  
11 CHAIRMAN MEYER: Slow.  
12 MR. MADAIO: You're going four times too  
13 fast. She's trying to write down what you are  
14 saying.  
15 MR. VINCE: I apologize.  
16 MR. MADAIO: Significantly slower for the  
17 court reporter.  
18 A. There's a possibility that excavation of  
19 the sanitary sewer by the township in the future  
20 will not adversely affect the privately owned  
21 detention basin on the subject property.  
22 So we recommend that the applicant TV  
23 inspect and repair, as required, the sanitary sewer  
24 along the length of the property frontages and  
25 possibly install permanent sheathing along the

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1 entire length of the proposed detention basin  
2 adjacent to sanitary sewer so that the sewer can be  
3 excavated in the future.  
4 CHAIRMAN MEYER: You've got to slow down.  
5 You're killing her.  
6 MR. VINCE: Oh, I'm sorry.  
7 THE BOARD SECRETARY: You've got that,  
8 Angie?  
9 THE COURT REPORTER: Yes, I'm okay. I'm  
10 with you.  
11 MR. MADAIO: So apparently, there's an  
12 underground detention basin near some municipal  
13 sewer lines?  
14 MR. VINCE: Yes.  
15 MR. MADAIO: Tell us what you want.  
16 MR. VINCE: We wanted the TV to inspect  
17 the sewer and ensure that it's in good  
18 condition because if the township excavates the  
19 sewer in the future, it is going to impact  
20 their privately owned detention basin.  
21 So we're recommending that they provide a  
22 sanitary sewer easement along the frontage of  
23 the property and the TV inspect and line and  
24 repair, if necessary, the township sewer during  
25 construction so that we don't have to go back

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1 in the future and excavate it.  
 2 CHAIRMAN MEYER: Ms. Berger, will you  
 3 agree to that?  
 4 MS. BERGER: I'll let our experts say.  
 5 THE WITNESS: Yes, we concur.  
 6 CHAIRMAN MEYER: Thank you. Next.  
 7 MR. VINCE: The sewer calculations for the  
 8 project are over 8,000 gallons a day. So they  
 9 will be required to get a treatment work's  
 10 approval from the DEP. So --  
 11 CHAIRMAN MEYER: They'll agree to that,  
 12 correct?  
 13 THE WITNESS: Yes, I do, Chairman.  
 14 MR. VINCE: They'll have to monitor the  
 15 sewage floor, if necessary, to make sure that  
 16 there's no adverse impact on the township line  
 17 which verify capacity.  
 18 CHAIRMAN MEYER: And they also agree to  
 19 that?  
 20 THE WITNESS: Yes, Chairman.  
 21 MR. VINCE: Will they agree to shore up  
 22 the adjacent structures along the property  
 23 line, as necessary, to build their project?  
 24 THE WITNESS: Yes, we'll consider this.  
 25 MR. VINCE: And the last thing --

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1 second-to-last thing is that there is a utility  
 2 pole at the rear of the property along the  
 3 property line. We believe that they serve and  
 4 provide power for the adjacent properties and  
 5 it's going to be where the proposed building is  
 6 located. They're going to need to relocate  
 7 those poles and provide the power to the  
 8 adjacent property somehow and provide a utility  
 9 easement for that power.  
 10 THE WITNESS: We will provide continuous  
 11 electrical service to the adjacent properties.  
 12 CHAIRMAN MEYER: Are you requiring them  
 13 also to put the electrical service and other  
 14 utilities underground in the frontage of the  
 15 building?  
 16 MR. VINCE: Well, the line is along the  
 17 rear -- yeah, for their building, the electric  
 18 should be required to be underground, yes.  
 19 CHAIRMAN MEYER: Do you agree to that?  
 20 THE WITNESS: Yes, sir.  
 21 MR. VINCE: And just the last thing we  
 22 touched upon last meeting and for water quality  
 23 purposes, I've talked to Mr. Juzmeski about the  
 24 drainage design and we believe that it can be  
 25 designed and technically it be designed

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1 technically okay.  
 2 CHAIRMAN MEYER: Technically okay. In  
 3 other words, does the township engineer approve  
 4 the technical drawings as to the drainage?  
 5 MR. VINCE: We've looked at them in  
 6 concept. There's a few things in the report  
 7 that they're going to need to be addressed if  
 8 the board grants the approval. But based on  
 9 our review of the drainage calculations at this  
 10 time, we feel that what's being proposed is  
 11 reasonable and this application, if the board  
 12 chooses to approve it, anything that's  
 13 outstanding at this point is technical in  
 14 nature and can be dealt with between the  
 15 engineers after the fact.  
 16 CHAIRMAN MEYER: So you're satisfied with  
 17 the drainage calculations in this application  
 18 if it would be approved?  
 19 MR. VINCE: Yes. The only thing we would  
 20 want to reiterate is that if there has to be an  
 21 underground manufactured treatment device for  
 22 the water quality on the lot across the street,  
 23 that the applicant shall be responsible to  
 24 maintain it through a homeowners association  
 25 and the burden is not put on the DEPW.

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1 CHAIRMAN MEYER: So that would be the  
 2 bylaws, so whatever --  
 3 MR. VINCE: Right. If they can figure out  
 4 a surface basin, then the maintenance won't be  
 5 too difficult for the DEPW. But an underground  
 6 structure does require service contracts and  
 7 things of that nature and we recommend that the  
 8 applicant be responsible to maintain that  
 9 rather than --  
 10 CHAIRMAN MEYER: Will the applicant be  
 11 responsible for that?  
 12 THE WITNESS: We will comply if required  
 13 by DEP.  
 14 CHAIRMAN MEYER: Well, I think not by DEP.  
 15 I think it's by what the engineer suggests  
 16 would be the best solution, because they have  
 17 an understanding of the surrounding need for  
 18 this.  
 19 THE WITNESS: Chairman, if your engineer  
 20 requires it, we will provide it.  
 21 CHAIRMAN MEYER: Thank you.  
 22 MR. VINCE: Thank you. Sorry, I was too  
 23 fast.  
 24 CHAIRMAN MEYER: Nope, it's okay. Next.  
 25 Anyone else from the board have any questions

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1 of this witness?

2 MS. BERGER: Any other board

3 professionals?

4 CHAIRMAN MEYER: Anyone from the public

5 have questions of this witness as to what he

6 testified to?

7 Ma'am, go ahead. Come. Stand up.

8 Everybody who wants to talk and ask questions

9 only as to this witness, form a line here to my

10 right, your left, and then go to podium,

11 please.

12 MS. ELIYAHU: Hi.

13 CHAIRMAN MEYER: Tell us who you are and

14 then you can proceed.

15 MS. ELIYAHU: Okay. Good evening. My

16 name is Debbie Eliyahu. I'm a Teaneck

17 resident.

18 THE BOARD SECRETARY: Spell it, please.

19 MS. ELIYAHU: E-L-I-Y-A-H-U. And the

20 first thing I want to address is the indoor

21 play area, the fact that there's nothing

22 outdoors.

23 CHAIRMAN MEYER: Questions.

24 MS. ELIYAHU: Yes. It's a question. You

25 stated that's safer because parents can watch

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1 their children.

2 Does that mean that it is -- that there

3 are -- that there's no room for children to

4 play outdoors if parents feel that they can

5 competently supervise their children outside as

6 they would in a park, for example, or in a

7 playground outside or a sideyard or backyard in

8 a home?

9 THE WITNESS: I believe and I think we

10 could accommodate some area external to the

11 building if that was a concern by this board

12 and the residents. We could potentially

13 accommodate some small area on either side of

14 the building.

15 MS. ELIYAHU: When you say "small area,"

16 what kind of small area are you talking about?

17 THE WITNESS: Well, we have a 15-foot

18 buffer in, approximately, a hundred feet. So

19 in particular, that's all we need to do. And

20 we have a balance providing sufficient buffer

21 from this building to the adjacent property and

22 try to, you know, provide an outdoor area at

23 that location.

24 MR. ROSEN: What's the potential area

25 you're suggesting?

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1 THE WITNESS: About 15 feet in length on

2 either side and maybe approximately 100 feet in

3 depth. But --

4 CHAIRMAN MEYER: What is that space used

5 for, moving in and moving out?

6 THE WITNESS: There is a dedicated loading

7 area. That's why I say it's limited because we

8 have a dedicated loading area and we have some

9 buffered landscaping on that -- so that 15-foot

10 is much less. It's approximately 10 and that

11 depth, which is less to approximately -- maybe

12 50 to 70 feet of usable area.

13 BY MS. BERGER:

14 Q. So based upon that size, it was your

15 opinion that having an indoor area was a better

16 zoning alternative, correct?

17 A. That's correct.

18 CHAIRMAN MEYER: Okay. Next question,

19 ma'am.

20 MS. ELIYAHU: Okay. Now, you mentioned

21 that you're going by the census for -- about

22 the number of cars for bedrooms.

23 When was that -- which census are you

24 talking about, the United States Census?

25 THE WITNESS: I was referring to the

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1 testimony of the traffic engineer that was

2 concluded two meetings ago.

3 MS. ELIYAHU: Have you done any -- okay.

4 I need to look into this, but okay.

5 Is this information based specifically on

6 that area?

7 CHAIRMAN MEYER: What information?

8 MS. ELIYAHU: The 1.1 cars per --

9 CHAIRMAN MEYER: I think this witness is

10 not really the right person to ask. It was

11 the -- I believe the traffic engineer or

12 planner that can better answer. Mr. Lydon,

13 who's sitting down, he's going to be up later

14 tonight and I think he's the right person you

15 should ask those questions and grill him as

16 much as you want.

17 MS. ELIYAHU: Thank you. I look forward

18 to it.

19 CHAIRMAN MEYER: I think you should save

20 that admonition and that question for him.

21 MS. ELIYAHU: Thank you. And also, about

22 the issue of the parking spots under the

23 building versus across the street.

24 Are you aware that people who live in a

25 building long enough learn how to game these



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1 systems and learn efficient ways of managing to  
 2 make exceptional use of the rules so that they  
 3 can make sure that they always find parking for  
 4 their cars?  
 5 I say that as somebody who lived in  
 6 Manhattan and had exceptional parking at all  
 7 times.  
 8 MS. BERGER: I'm going to just say that I  
 9 don't think that he's the appropriate person to  
 10 answer that question.  
 11 CHAIRMAN MEYER: I don't think it's a real  
 12 question for this engineer. He designs and so  
 13 on. He's not really about the real use of the  
 14 building. I think that comes for someone else  
 15 to testify to.  
 16 MS. ELIYAHU: Well, it was the issue of  
 17 having the parking under the building versus  
 18 across the street and whether or not the people  
 19 who have the cars parked across the street,  
 20 whether that would really be for municipal use  
 21 as opposed to being basically safe for the  
 22 residents of the building.  
 23 CHAIRMAN MEYER: I hear your point and I  
 24 tried to debunk his testimony and --  
 25 MS. ELIYAHU: And I couldn't really pull

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1 it out.  
 2 CHAIRMAN MEYER: But that's okay. I don't  
 3 think it's a question for this witness.  
 4 Ms. Berger is dying to say something, but we're  
 5 going to hold her for a second.  
 6 So I think you're going to ask that  
 7 question also of Mr. Lydon, because I think  
 8 he's smiling and he's waiting for that  
 9 question, so he's going to be ready to answer  
 10 that question for you.  
 11 MS. ELIYAHU: I look forward to it.  
 12 CHAIRMAN MEYER: Two questions for you.  
 13 Anything else you'd like to ask this witness?  
 14 MS. ELIYAHU: Is there a time for  
 15 comments?  
 16 CHAIRMAN MEYER: Yes. At the end of the  
 17 application, it may be today, it may be in six  
 18 meetings. I don't know when it ends. But when  
 19 it ends, you can speak until your heart is  
 20 content almost about what you would like to  
 21 tell the board why we should deny the  
 22 application or vote for the application. And  
 23 that will be the right time to come with your  
 24 comments and you could be sworn in advance when  
 25 you come to the podium by our learned counsel

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1 here and then you'll have an opportunity to  
 2 tell us all what you think about this.  
 3 MS. ELIYAHU: Thank you. Happy to do so  
 4 and I appreciate your guidance and I'm here to  
 5 take the oath and tell you what I know.  
 6 CHAIRMAN MEYER: Very good. Next. The  
 7 lady over there (indicating). Please state  
 8 your name and good evening.  
 9 MS. BROWN: Good evening. My name is  
 10 Juanita Brown, Teaneck resident. A lot was  
 11 said about the parking and I'm not sure that I  
 12 understood it.  
 13 CHAIRMAN MEYER: So now is the process  
 14 where you ask questions of this witness only.  
 15 He's an engineer. So he talked about the  
 16 design of the parking, he talked about the  
 17 structure of the building and anything that is  
 18 an engineering question that he already  
 19 testified to.  
 20 So you're more than welcome to ask  
 21 questions of him only.  
 22 MS. BROWN: To my understanding and  
 23 remembrance -- so much was said about parking  
 24 and such -- you said something to the effect  
 25 that there would be additional parking that

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1 would be a benefit to the community and to the  
 2 visitors or guests of the residents.  
 3 But then Ms. Berger -- well, the question  
 4 that Ms. Berger said that the residents won't  
 5 have access to it. So the question is --  
 6 CHAIRMAN MEYER: I think you  
 7 misunderstood.  
 8 MS. BROWN: Maybe.  
 9 CHAIRMAN MEYER: Let me tell you what I  
 10 think I understood. And if Ms. Berger  
 11 disagrees with me, she can correct me.  
 12 MS. BROWN: I just need clarification.  
 13 CHAIRMAN MEYER: Okay. I think she said  
 14 the following: That the access under the  
 15 building would be gated or some kind of  
 16 controlled access. Access to the parking lot  
 17 across the street is public and would be  
 18 available for anyone at all times, correct,  
 19 Ms. Berger?  
 20 MS. BERGER: Yes.  
 21 CHAIRMAN MEYER: Thank you.  
 22 MR. ROSEN: For your knowledge and anyone  
 23 else's, the owners of the project have agreed  
 24 if this project were to pass -- and correct me  
 25 if I'm wrong -- to finish -- to renovate the

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1 space across the street and make it accessible  
 2 to the township for public parking. And  
 3 presumably that would be available to the  
 4 residents of this building, but anybody in the  
 5 public could commit access to that space.  
 6 So when you talk about public space across  
 7 the street, that's what we're referring to.  
 8 Doesn't exist yet. But, again, if this  
 9 application were approved, the builders have  
 10 committed to finishing that space and making it  
 11 accessible.  
 12 MS. BROWN: So it would be accessible for  
 13 the guests?  
 14 MR. ROSEN: Correct.  
 15 MS. BERGER: Just for your edification,  
 16 it's 44 parking spots across the street.  
 17 MS. BROWN: Wonderful.  
 18 CHAIRMAN MEYER: Thank you. Next person.  
 19 Please come and stand in line so we can  
 20 efficiently use our time this evening.  
 21 MS. LEWIS: Good evening. Lilian Lewis,  
 22 L-E-W-I-S. I'm a Teaneck resident.  
 23 CHAIRMAN MEYER: What is your address?  
 24 MS. LEWIS: Do I have to give my address?  
 25 CHAIRMAN MEYER: You don't have to give me

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1 your address. I'm asking.  
 2 MS. LEWIS: I prefer not to.  
 3 My first question --  
 4 CHAIRMAN MEYER: Questions for this  
 5 gentleman.  
 6 MS. LEWIS: My first question regarding  
 7 the 25 additional parking spaces, you explained  
 8 that you extend the top level of the parking  
 9 garage?  
 10 THE WITNESS: The chairman asked if we  
 11 were to extend it, how many spaces would we  
 12 gain?  
 13 MS. LEWIS: Okay. And you commented that  
 14 you would have to build a concrete wall?  
 15 THE WITNESS: That's correct, ma'am.  
 16 MS. LEWIS: And you also stated that  
 17 across that wall is a residential property.  
 18 THE WITNESS: That's correct, ma'am.  
 19 MS. LEWIS: Now, in all probability, did  
 20 you say that it's probable that the residential  
 21 property across that concrete wall may be  
 22 windows of the residents facing that concrete  
 23 wall. Is that a probability?  
 24 THE WITNESS: Repeat that. I didn't hear.  
 25 MS. LEWIS: Okay. Here is your concrete

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1 wall. Here's the residents on the other side  
 2 of concrete wall.  
 3 I'm asking is it probable -- is there a  
 4 possibility that the residents there, there  
 5 will be windows there in that residence that  
 6 are now facing that concrete wall? Is that a  
 7 possibility?  
 8 THE WITNESS: That is a possibility.  
 9 MS. LEWIS: Okay. Thank you.  
 10 My second question. Explain to me -- you  
 11 said that you would have to move the utility  
 12 pole if you build this complex and you said  
 13 that you guaranteed -- or something like  
 14 that -- that the residents would have  
 15 continuous use of their electrical whatever it  
 16 is.  
 17 THE WITNESS: That's correct.  
 18 MS. LEWIS: Explain to me how they would  
 19 have to -- you would have to remove the access,  
 20 remove the pole and put it somewhere else?  
 21 Explain to me.  
 22 THE WITNESS: I will. The engineer was  
 23 referring to a utility pole that's located in  
 24 the back right corner. That utility pole  
 25 provides electrical service to the building

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1 that is just adjacent to us.  
 2 What PSE&G would do is install a new pole  
 3 first before they took that off service and  
 4 they would transfer the service from the  
 5 existing pole to the new pole. It would be a  
 6 delay, maybe an hour or two, but that could be  
 7 done.  
 8 Same thing if you were -- during a power  
 9 outage, there's a transfer of repair from the  
 10 existing to the new.  
 11 MS. LEWIS: So we'd possibly have an hour  
 12 or two hours of inconvenience?  
 13 THE WITNESS: That's correct, ma'am. When  
 14 would be -- the homeowner, let them know ahead  
 15 of time that time when that would occur. So  
 16 that way they can use them.  
 17 MS. LEWIS: The young lady before me asked  
 18 about -- two women before me -- asked about the  
 19 play area and you stated that it's indoors  
 20 rather than outdoors?  
 21 THE WITNESS: That's correct, ma'am.  
 22 MS. LEWIS: Now, would you agree or  
 23 perhaps a possibility, since your development  
 24 would have a setback of 9.9 feet in the front,  
 25 when you're required to have 30 feet from the

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1 front, is that possibly why there's no play  
2 area for the children?

3 THE WITNESS: I think with respect to the  
4 setback, it's more of a planning term.

5 CHAIRMAN MEYER: I think Mr. Lydon is the  
6 one that you have to address that question to.  
7 I think. Ms. Berger?

8 MS. BERGER: Yes.

9 MS. LEWIS: No other questions.

10 CHAIRMAN MEYER: Thank you very much.  
11 Next question, please.

12 MS. EDWARDS: Theresa Edwards,  
13 E-D-W-A-R-D-S, Teaneck resident. Am I allowed  
14 to ask questions about the previous testimony  
15 at the last meeting?

16 CHAIRMAN MEYER: I'm sorry?

17 MS. EDWARDS: In the last meeting, you  
18 were talking about the move-in and move-out  
19 zone and how the moving vans could be --

20 CHAIRMAN MEYER: Could you speak a little  
21 slower? because I have a hard time following  
22 your question. So if I can't understand, I'm  
23 not sure she can understand.

24 MS. EDWARDS: At the previous meeting, you  
25 were talking about the moving-in and moving-out

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1 zone and that the moving vans could be in the  
2 front of the building while people were moving  
3 in without impeding traffic in the eastbound  
4 because of the wide lanes.

5 When you stated this, did that take into  
6 account that there's a bus stop right in front  
7 of the building?

8 THE WITNESS: Yes, ma'am.

9 MS. EDWARDS: So can you explain to me  
10 how --

11 THE WITNESS: Well, actuality, the plan I  
12 have in front of me, the one that was  
13 represented last time, the bus stop is located  
14 at this location. If you have a -- this is  
15 essentially a truck. The truck is parked a  
16 little further back. The bus can come in and  
17 park and then continue wherever they're headed.  
18 Same thing with other traffic. They can bypass  
19 this truck. That's if the moving is being done  
20 by a large truck.

21 Most of the units are between, I believe,  
22 680 to 1200 square feet. We're going to have a  
23 on-site moving area where a typical single-unit  
24 truck, 30 foot long, besides a few guest trucks  
25 can kind of come in, park there. The loading

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1 could be done without that pattern.

2 MS. EDWARDS: Yes. I remember that part.  
3 I was more concerned about the long, and so a  
4 bus would be able come to up and be flush with  
5 the sidewalk?

6 THE WITNESS: With the curb.

7 MS. EDWARDS: Without adjudging into the  
8 truck. That's your testimony?

9 THE WITNESS: That's correct.

10 MS. EDWARDS: Thank you.

11 CHAIRMAN MEYER: Next person, please.  
12 Ma'am, just move up.

13 MR. VEACH: Good evening. James Veach,  
14 V-E-A-C-H, Teaneck resident.

15 The council hasn't asked for that  
16 information and there's a reason. And I think  
17 people are entitled and I think you should  
18 respect their decision not to give their  
19 addresses. There's a reason for that.

20 CHAIRMAN MEYER: Ask your question.

21 THE BOARD SECRETARY: Sir, first would you  
22 spell your last name.

23 MR. VEACH: V-E-A-C-H.

24 THE BOARD SECRETARY: Thank you.

25 MR. VEACH: And Teaneck requires a zoning

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1 code, a building code. It requires 9-foot-wide  
2 parking spaces, correct?

3 THE WITNESS: That's correct.

4 MR. VEACH: Why did Teaneck adopt a  
5 9-foot-wide parking space?

6 MS. BERGER: I'm going to object to that.  
7 He would not know why Teaneck adopted anything.

8 CHAIRMAN MEYER: There is an objection --

9 MR. VEACH: If he's going to testify --

10 CHAIRMAN MEYER: Excuse me. Hello. When  
11 I speak, you don't. Please. But I'll hear  
12 you.

13 Would you like to comment to the  
14 objection? Do you have a reason why you want  
15 to -- I'm going to -- I'm very inclined to  
16 sustain the objection. You're an attorney.  
17 You know what that means. So if you want me to  
18 hear you on that, let's go.

19 MR. VEACH: Yes, please. This gentleman  
20 is testifying about providing us with either 36  
21 or 46, 8-foot spaces. Teaneck requires nine.  
22 If he knows what he's talking about, he should  
23 be able to explain to us why Teaneck insists on  
24 9-foot-wide parking. If he even knows -- if  
25 he's not qualified, then he shouldn't be

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1 talking about parking spaces.  
 2 CHAIRMAN MEYER: No, there's a difference  
 3 between knowing what the ordinance and what the  
 4 regulations say and the reason why he's done it  
 5 that way. That's the difference. And the  
 6 objection is sustained. Next question.  
 7 MR. VEACH: Well, we can agree that  
 8 Teaneck does require 9-foot-wide parking  
 9 spaces, correct?  
 10 THE WITNESS: That is correct.  
 11 MR. VEACH: You're proposing either 36 or  
 12 46, 8-foot-wide parking spaces, correct?  
 13 THE WITNESS: That's correct.  
 14 MR. VEACH: Which is it, 36 or 46?  
 15 THE WITNESS: Thirty-six.  
 16 MR. VEACH: These 36 spaces are located in  
 17 particular parts of the building?  
 18 THE WITNESS: They're on both decks.  
 19 MR. VEACH: They're on both decks?  
 20 THE WITNESS: That's correct.  
 21 MR. VEACH: Are they in particular areas  
 22 of both decks?  
 23 THE WITNESS: Well, specifically since you  
 24 asked, the parking spaces are striped. They're  
 25 striped. They're not 18. All of them.

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1 The exception is at the columns, the board  
 2 has put it in for that level. That's the only  
 3 pinch point. The physical parking space and  
 4 the usable space is the D9 by 18. The only  
 5 pinch point, as I said, is that that column  
 6 location is -- and those column locations are  
 7 not located where you -- and he asked us for  
 8 the vehicle by the doors of the far rear view  
 9 passengers.  
 10 MR. VEACH: Does Teaneck require  
 11 9-foot-wide spaces because they're worried  
 12 about impeding traffic?  
 13 MS. BERGER: I'm going to object again.  
 14 THE WITNESS: I don't know why.  
 15 CHAIRMAN MEYER: He answered. He doesn't  
 16 know why. Next question.  
 17 MR. VEACH: And you talked to the township  
 18 engineer about putting 36 spaces on the 8-foot  
 19 wide?  
 20 THE WITNESS: The township engineer has  
 21 reviewed these plans.  
 22 MR. VEACH: And did he explain to you why  
 23 Teaneck insists on 9 feet?  
 24 THE WITNESS: He did not explain that.  
 25 MR. VEACH: What about across the street?

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1 Are they 9-foot or 8-foot?  
 2 THE WITNESS: They're going to be 9-foot.  
 3 MR. VEACH: You're doing 8-foot to get as  
 4 many parking spaces as you can into the  
 5 building --  
 6 MS. BERGER: I'm going to object. It's a  
 7 statement. It's not a question.  
 8 CHAIRMAN MEYER: Let's hear the question.  
 9 Mr. Veach didn't finish his question. We'll  
 10 let Attorney Veach finish his question and then  
 11 if you have an objection, you'll make your  
 12 objection and I'll rule on it like I'm supposed  
 13 to and then we'll continue.  
 14 MR. VEACH: Sir, you're proposing 36  
 15 8-foot spaces to get as many parking spaces as  
 16 you can into that building; isn't that correct?  
 17 THE WITNESS: That's incorrect, sir. Like  
 18 I said earlier, the physical striped parking  
 19 space from space to space is 8- to 9-foot. The  
 20 only reason we are asking for a variance for  
 21 the width is because of the columns from the  
 22 upper level. At that point, it decreases to  
 23 8-foot.  
 24 MR. VEACH: In other words, you're saying  
 25 I'm going to stripe a 9-foot area, but there's

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1 a pole coming down in the parking space?  
 2 THE WITNESS: That's correct. But it's  
 3 either -- if you look at most parking deck  
 4 designs, the poles are intentionally located at  
 5 the stripe because if they were in the middle  
 6 of the space, you couldn't park there. So  
 7 that's -- the design is intentional to be an  
 8 added stripe that we have full access.  
 9 MR. ROSEN: How many parking spaces are  
 10 affected by poles being present, therefore  
 11 reducing it from nine to eight?  
 12 THE WITNESS: Thirty-six.  
 13 MR. ROSEN: So the rest of the parking,  
 14 though, are the 9-foot wide, as required? It's  
 15 only 36 in question, correct? Thirty-six in  
 16 question that are affected by these poles?  
 17 THE WITNESS: Yes.  
 18 MR. ROSEN: Thank you.  
 19 CHAIRMAN MEYER: Mr. Veach, any other  
 20 questions?  
 21 MR. VEACH: We heard questions from the  
 22 chair and other people asking why you couldn't  
 23 add more parking spaces at the rear of the  
 24 building. Do you recall that?  
 25 THE WITNESS: At the rear of the building?

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1 MR. VEACH: You were asked about "could  
2 you add additional parking spaces."  
3 THE WITNESS: Yeah, and I think I answered  
4 it.  
5 MR. VEACH: And I think you said you  
6 declined to do that. You aren't going to do  
7 that, right?  
8 THE WITNESS: Because I just gave the  
9 board alternatives why I feel the best  
10 alternative would be to provide a municipal  
11 parking lot across the street and what the  
12 negative impacts would be to extend that.  
13 MR. VEACH: But if you did additional  
14 parking spaces in that building, would they be  
15 8-foot spaces or 9-foot spaces?  
16 THE WITNESS: Depending on the pole  
17 locations again, it's -- there's going to be --  
18 we would be pushing them back. It would be a  
19 variety of both.  
20 MR. VEACH: There would be 8- and 9-foot  
21 spaces?  
22 THE WITNESS: At the column locations,  
23 that's correct.  
24 MR. VEACH: Now, with that testimony, you  
25 provided testimony last -- at the last hearing

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1 about drainage.  
2 THE WITNESS: Yes, sir.  
3 MR. VEACH: And you have a catchment  
4 system.  
5 THE WITNESS: A what?  
6 MR. VEACH: A catchment system?  
7 THE WITNESS: Yes.  
8 MR. VEACH: And that catchment system  
9 requires that you maintain water quality  
10 control.  
11 THE WITNESS: That's correct.  
12 MR. VEACH: Across the street, if I recall  
13 your testimony before, that had not been  
14 addressed whether you would have a catchment  
15 across the street.  
16 THE WITNESS: We do have one across the  
17 street as well.  
18 MR. VEACH: Did you come up with that  
19 after your testimony last time?  
20 THE WITNESS: No, sir. It was on the  
21 original plans.  
22 MR. VEACH: All right. Could you explain  
23 to us and the people who are here, what do you  
24 mean by a catchment system. How does this  
25 work?

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1 THE WITNESS: DEP requires a design of the  
2 development of this nature. You collect the  
3 rainwater, which means that we have catch  
4 basins. We collect it, store it somehow on  
5 site, whether it's an above-ground detention  
6 basin or through pipes underground or chambers.  
7 And they require you to release it at a much  
8 slower rate than it currently occurs,  
9 offsetting the municipal system.  
10 So basically DEP mainly says to actually  
11 reduce the amount of flow going into the  
12 municipal system.  
13 MR. VEACH: So you don't overcome  
14 Teaneck's system?  
15 THE WITNESS: That's correct.  
16 MR. VEACH: And you also have to treat  
17 that water, correct?  
18 THE WITNESS: That's correct.  
19 MR. VEACH: How do you treat it?  
20 THE WITNESS: A number of ways. You  
21 can -- DEP has a whole manual guidance  
22 treatment process, as your engineer mentioned.  
23 There's also the different methods, sand  
24 filters. There's a variety of ways.  
25 MR. VEACH: If you had only designed a

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1 nine-unit apartment building there, you would  
2 have left a lot more ground around, correct?  
3 THE WITNESS: Repeat that again, sir?  
4 MR. VEACH: If you're specifically trying  
5 to get 68 units on these three lots. If you  
6 had only designed the building with nine units,  
7 you would leave a lot of open space around the  
8 building, correct?  
9 THE WITNESS: You would still have to  
10 comply with the DEP requirements regardless of  
11 what type of development it would be.  
12 MR. VEACH: Wouldn't there be a lot less  
13 runoff?  
14 THE WITNESS: Well, this system that we're  
15 proposing improves substantially the runoff  
16 from this site, whether it could be a different  
17 use, an office building or whatever, this  
18 system that we're proposing dramatically  
19 improves the off-site impacts from the site.  
20 MR. VEACH: So doesn't the building  
21 itself, the building itself, doesn't it  
22 increase the amount of runoff?  
23 THE WITNESS: Again, naturally, because  
24 you're increasing the impervious coverage,  
25 which is why we're required to detain it on

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1 site.

2 MR. VEACH: That's why you need the extra?

3 THE WITNESS: Anytime -- even a

4 single-family home, we need to have a

5 catchment, sir.

6 MR. VEACH: There's no catchment there

7 now.

8 THE WITNESS: That's because the existing

9 building is outdated. DEP didn't have

10 standards on that building when built. The DEP

11 standards are much more stringent now, which is

12 why we have to comply.

13 MR. VEACH: Let's go across the street.

14 Again, a catchment system over there and you

15 have to treat water over there.

16 THE WITNESS: That's correct.

17 MR. VEACH: Now, you mentioned something

18 about -- the other engineer mentioned something

19 about a maintenance agreement.

20 What kind of contract would the developer

21 have to enter into to treat that water?

22 THE WITNESS: That's not --

23 MS. BERGER: That wouldn't be the purview

24 of this board. It would be the purview of the

25 mayor and council. It's a township lot as to a

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1 written agreement.

2 CHAIRMAN MEYER: I think the question

3 could be answered if he knows.

4 MR. MADAIO: The question is a general

5 question about what types of --

6 CHAIRMAN MEYER: Are you objecting to the

7 question?

8 MS. BERGER: Do you have any idea?

9 THE WITNESS: Well, DEP on top of what the

10 requirements are, as far as detention on site

11 for the parking --

12 CHAIRMAN MEYER: Stop, stop, stop. And

13 also the reason I stopped you before is only

14 one person can speak at the time because,

15 Angela, the court reporter, only has two hands

16 and can only take down one person at a time.

17 So let's -- I think you should ask your

18 question again. I think it's a good question.

19 If the witness can answer, he can answer. If

20 he can't, he can't. Go ahead.

21 MR. VEACH: Can you describe --

22 CHAIRMAN MEYER: And if Ms. Berger has an

23 objection to it, she'll state her objection and

24 we'll discuss it. Go ahead.

25 MR. VEACH: First of all, you need a

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1 maintenance contract for both catchment areas,

2 right?

3 THE WITNESS: Again, the DEP has their own

4 mandates and they require -- they prepare a

5 maintenance manual for this -- for whatever

6 apartments are proposed. On top of that,

7 there's a schedule that has to be followed and

8 they have periodic maintenance, whether

9 there -- it's 2 inches of rainfall, you come

10 out and check to make sure the system is

11 operating and you have to identify who is the

12 responsible party of that maintenance

13 agreement. That's what they require.

14 MR. VEACH: Now, the lot across the

15 street, 89 State Street, I believe, the lot

16 across the street, right now, are there any

17 structures on that lot?

18 THE WITNESS: No, it's vacant.

19 MR. VEACH: There's not a runoff problem

20 with that offhand, correct?

21 THE WITNESS: Well, because it's open,

22 sir.

23 MR. VEACH: Correct. It's just open

24 space.

25 THE WITNESS: Well, it's uncontrolled

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1 runoff, so you do have uncontrolled runoff,

2 meaning that when it rains, there's nothing to

3 collect it. There's nothing to stop it from

4 coming into the municipal storm system. When

5 we build it, we're proposing a catchment area.

6 It doesn't have any catchment. It can erode.

7 There's other issues there from having a vacant

8 piece of land.

9 MR. VEACH: You're proposing a catchment

10 area and a maintenance contract and everything

11 because you're going to pave over the open

12 space?

13 THE WITNESS: That's correct. And on top

14 of that, by doing that, you improve -- again,

15 the same thing that we're required to do on

16 that system, we're required to do on the

17 parking lot, is we're required to reduce the

18 amount of runoff, not maintain. We have to

19 reduce it even after approving the municipal

20 system if that runs off.

21 MR. VEACH: And who pays for the

22 maintenance contract?

23 THE WITNESS: Again, I think I testified

24 to your borough engineer's question that if

25 we're required to provide water quality advice,

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1 whether it's this side, that side, it will be  
2 maintained. That's what I testified. If  
3 that's required by your board engineer, we  
4 would comply.  
5 MR. VEACH: Who is "we"?  
6 THE WITNESS: "Who is we," what?  
7 MR. VEACH: You said, "we will maintain."  
8 THE WITNESS: We as the owners' reps and  
9 the developer or the municipality. We are  
10 required to maintain -- we'll maintain that  
11 system.  
12 MR. VEACH: Are you testifying, sir, that  
13 the township may have to take over  
14 responsibility for maintaining that catchment?  
15 THE WITNESS: Sir, I didn't -- the only  
16 question regarding maintenance was for the  
17 water quality advice, not for the system  
18 itself. That's a municipal lot. We don't have  
19 responsibility to maintain that. It's a  
20 municipal lot.  
21 MR. VEACH: So, I understand.  
22 CHAIRMAN MEYER: They have to take  
23 responsibility, I don't know.  
24 For that, Ms. Berger maybe can answer what  
25 was the arrangement with the township if there

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1 was such arrangement regarding this specific  
2 issue?  
3 MS. BERGER: It is my understanding that  
4 there was no agreement for the applicant to  
5 maintain the township lot in the future. The  
6 township employees would be maintaining the  
7 township lot as they do for other township  
8 properties.  
9 CHAIRMAN MEYER: Okay. There's your  
10 answer.  
11 MR. VEACH: So let me see if I can clarify  
12 this. Across the street, the catchment area  
13 has to be maintained. Who's going to pay for  
14 it?  
15 MS. BERGER: I think the question was  
16 asked and answered.  
17 CHAIRMAN MEYER: I think the township -- I  
18 think -- what I understand now is that the  
19 township is going to maintain like any other  
20 municipal parking lot. I'm not sure, but  
21 that's what I hear. Next question.  
22 MR. VEACH: How much will that cost?  
23 CHAIRMAN MEYER: Do you know how much it  
24 costs?  
25 THE WITNESS: I do not.

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1 MR. VEACH: Could it cost 10,000 a year?  
2 CHAIRMAN MEYER: He just said he did not  
3 know.  
4 MR. VEACH: Have you ever worked on areas  
5 that have similar catchment areas?  
6 THE WITNESS: Similar in what way?  
7 MR. VEACH: Similar, approximately the  
8 same size, same amount of runoff?  
9 THE WITNESS: Yes, sir. I did a project  
10 down the street at 140 State Street.  
11 MR. VEACH: At 140. How much did that  
12 maintenance contract cost?  
13 THE WITNESS: I don't have that  
14 information.  
15 MR. VEACH: Do you know if there's a  
16 contract with the township that would permit  
17 the developer to use 89 State Street?  
18 THE WITNESS: I do not know.  
19 MR. VEACH: I believe the engineer  
20 testified just after you, the township's  
21 engineer, talked about something about -- he  
22 used the word "association" having to pay for  
23 the maintenance contract.  
24 Do you know who he was referring to?  
25 THE WITNESS: No.

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1 MR. VEACH: Do you know anything about a  
2 resolution passed by the township council back  
3 in 2016 having to do with this property?  
4 THE WITNESS: I do not, sir.  
5 MR. VEACH: How many units does a  
6 developer propose to build here?  
7 THE WITNESS: The proposal is for 68.  
8 MR. VEACH: Could I mark as an exhibit,  
9 Township of New Jersey Resolution 66-2015  
10 having to do with 100 State Street development?  
11 CHAIRMAN MEYER: I'm sorry. What do you  
12 want to mark?  
13 MR. VEACH: I want to mark a resolution.  
14 It's Resolution 66-2015.  
15 CHAIRMAN MEYER: Well, you can mark it as  
16 an exhibit, not as in evidence. If you have  
17 any questions that relates to this --  
18 MR. VEACH: I would like to show him this  
19 document.  
20 CHAIRMAN MEYER: So mark it as Veach-1.  
21 (Exhibit Veach-1 was marked for  
22 identification, as of this date.)  
23 CHAIRMAN MEYER: Show it to Ms. Berger  
24 first.  
25 MR. VEACH: You want me to mark it?

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1 CHAIRMAN MEYER: You can mark it. In the  
 2 meantime, let's let Ms. Berger take a look at  
 3 it. I think that's fair and that's how it's  
 4 supposed to be done.  
 5 This is an exhibit for identification  
 6 only, not into evidence. If you want to move  
 7 it into evidence, you can do that later if it's  
 8 appropriate.  
 9 Ms. Berger, step away from the witness.  
 10 MR. VEACH: I'd like to direct your  
 11 attention down to the second "whereas."  
 12 MS. BERGER: I'm going to object because  
 13 it's my understanding that this is  
 14 cross-examination of his direct testimony and  
 15 we're getting into things that have nothing to  
 16 do with his direct testimony.  
 17 CHAIRMAN MEYER: Let Mr. Veach ask a  
 18 question. If it has something to do with the  
 19 direct testimony if it relates to this  
 20 ordinance.  
 21 So ask the question and maybe you can  
 22 connect it -- connect it up with the document  
 23 you seek to show the witness.  
 24 MR. VEACH: I'm correct, aren't I, that  
 25 your testimony is based on the building with 68

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1 units, correct?  
 2 THE WITNESS: Correct.  
 3 MR. VEACH: I'm going to direct your  
 4 attention to the second "whereas," which  
 5 refers --  
 6 CHAIRMAN MEYER: Why don't you read the  
 7 whereas and then ask the pertinent question.  
 8 MR. VEACH: You're right. That's a good  
 9 idea.  
 10 CHAIRMAN MEYER: Thank you.  
 11 MR. VEACH: "Whereas defendant, 100 State  
 12 Street, LLC" --  
 13 CHAIRMAN MEYER: Slower.  
 14 MR. VEACH: "Whereas defendant, 100 State  
 15 Street LLC, has entered into a contract of sale  
 16 with 100 State Street Development LLC, to sell  
 17 the property so as to construct a multi-family  
 18 rental residential building consisting of not  
 19 more than 63 residential dwelling units subject  
 20 to the terms and conditions hereinafter set  
 21 forth," and there aren't any conditions.  
 22 Do you know why this township resolution  
 23 says no more than 63 units can be built here?  
 24 THE WITNESS: I do not, sir.  
 25 MR. VEACH: I'd like to mark another

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1 document.  
 2 MR. MADAIO: Let's do this. The first  
 3 document was what, ordinance or resolution?  
 4 MR. VEACH: The first document was a  
 5 resolution passed by the township council and  
 6 it's Resolution 218-2016.  
 7 CHAIRMAN MEYER: Give a copy to the clerk  
 8 so she can keep the exhibits.  
 9 MR. VEACH: I'm sorry. I've got the wrong  
 10 resolution. It's Resolution 66-2015, adopted  
 11 by the council on April 7, 2015.  
 12 CHAIRMAN MEYER: Is that Veach-1?  
 13 MR. VEACH: That's Veach-1.  
 14 CHAIRMAN MEYER: Give a copy to  
 15 Ms. McClean.  
 16 MS. BERGER: I have one.  
 17 CHAIRMAN MEYER: Ms. McClean will keep a  
 18 copy of exhibits.  
 19 MR. MADAIO: And you'd like to mark? I  
 20 apologize.  
 21 MR. VEACH: Yes. And I would like to mark  
 22 as Veach-2, a Resolution 218-2016, 2016,  
 23 adopted on September 20, 2016, a resolution  
 24 dealing with the 100 State Street parking lot  
 25 agreement.

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1 CHAIRMAN MEYER: Ms. Berger, have you seen  
 2 it?  
 3 MS. BERGER: Yes.  
 4 (Exhibit Veach-2 was marked for  
 5 identification, as of this date.)  
 6 CHAIRMAN MEYER: Question?  
 7 MR. VEACH: Whereas -- No. 3.  
 8 "Whereas" -- and by the way, this resolution  
 9 refers to 100 State Street Development LLC as  
 10 the development.  
 11 "Whereas as an incentive for the approval  
 12 of such application for development, the  
 13 developer has proposed to design, construct,  
 14 pave, and stripe a parking lot on premises  
 15 owned by the Township of Teaneck, commonly  
 16 known as 89 State Street, Teaneck, New Jersey,  
 17 and also shown and designated as Block 5002,  
 18 Lot 23, on the tax map of Township of Teaneck  
 19 and to lay it out and re-stripe angled parking  
 20 along State Street, all at the developer's sole  
 21 cost and expense."  
 22 Now, my question is: Do you know why  
 23 there's no reference to the township's having  
 24 to take care of this catchment area in this  
 25 resolution?



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1 THE WITNESS: I do not know.  
 2 MR. VEACH: It also refers to angled  
 3 parking along State Street. What does that  
 4 refer to, if you know?  
 5 THE WITNESS: I'm not familiar with the  
 6 resolution, so I don't know what the contents  
 7 of what that conversation was.  
 8 MR. VEACH: Is the developer also supposed  
 9 to put stripes on the State Street itself?  
 10 MS. BERGER: I object because he just  
 11 answered the question.  
 12 CHAIRMAN MEYER: Sustained.  
 13 MR. VEACH: The play area. We've heard  
 14 about the play area. You're trying to reduce  
 15 the size -- the site bass [sic], the amount of  
 16 parking space you have on each side of the  
 17 building, from 30 to 15, correct?  
 18 THE WITNESS: Correct.  
 19 MR. VEACH: So that's why the play area  
 20 would be 15 feet wide?  
 21 THE WITNESS: Correct.  
 22 MR. VEACH: The 15 feet is a length of a  
 23 basketball free-throw line, right?  
 24 THE WITNESS: Well, we -- to answer the  
 25 direct question, yes. But we feel we provided

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1 appropriate space within the building, which is  
 2 why we count on using all of that space other  
 3 than for a buffer.  
 4 MR. VEACH: Thank you.  
 5 THE WITNESS: Thank you, sir.  
 6 MR. MADAIO: Mr. Veach, I'm assuming you  
 7 want to move those into evidence? They're  
 8 borough documents.  
 9 MR. VEACH: I also -- I think you can all  
 10 take notice these are all public records.  
 11 MR. MADAIO: We've marked them for a  
 12 purpose. I trust you want them moved into  
 13 evidence?  
 14 MR. VEACH: I do. And I'd like you to  
 15 take notice of them.  
 16 CHAIRMAN MEYER: You have a copy to give  
 17 to Ms. McClean marked Veach-1 and Veach-2 .  
 18 (Exhibit Veach-1 and Veach-2 was moved  
 19 into evidence, as of this date.)  
 20 MR. VEACH: I've given them to Ms. Berger.  
 21 CHAIRMAN MEYER: There's a lady -- please  
 22 come forward.  
 23 THE BOARD SECRETARY: Mr. Veach, the ones  
 24 you marked, I need to put in the file.  
 25 MR. VEACH: Okay. I will give you my copy

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1 because they're easy to print out.  
 2 THE BOARD SECRETARY: Sounds good to me.  
 3 CHAIRMAN MEYER: Good evening.  
 4 MS. ROGOVIN: Good evening. My name is  
 5 Paula Rogovin, R-O-G-O-V-I-N. I live in  
 6 Teaneck. I'm active in the environmental  
 7 movement. I'm saying that because I want to  
 8 ask some environmental questions that are  
 9 related to his issue.  
 10 CHAIRMAN MEYER: Excellent.  
 11 MS. ROGOVIN: I'm concerned, we're  
 12 concerned. I'm concerned --  
 13 CHAIRMAN MEYER: One second. Did you get  
 14 her name?  
 15 THE COURT REPORTER: Yes.  
 16 MS. ROGOVIN: -- about climate change and  
 17 in a period of climate emergency.  
 18 During this time, every town, every city  
 19 needs to preserve as much open space as  
 20 possible. When things get paved over, then the  
 21 rain is not absorbed.  
 22 CHAIRMAN MEYER: What is your question?  
 23 MS. ROGOVIN: Just to lay that out, what's  
 24 currently in place where the parking lot would  
 25 be across the street from the building?

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1 THE WITNESS: It's -- I think it's a  
 2 vacant lawn area.  
 3 MS. ROGOVIN: It's lawn. Would that be  
 4 paved over for the parking lot?  
 5 THE WITNESS: Partially.  
 6 MS. ROGOVIN: So we'd be losing open space  
 7 there. The building, how -- what was the  
 8 width, 30 feet is what the town regulation is.  
 9 How many feet would it be?  
 10 THE WITNESS: You're talking about the  
 11 front yard setback, ma'am?  
 12 Yeah, the front yard setback at the two  
 13 corners is 10 feet and it extends to a wider  
 14 area between the lobby and the entrance area,  
 15 and the requirement is 30 feet.  
 16 MS. ROGOVIN: But you're asking for  
 17 15 feet --  
 18 THE WITNESS: On either side, that's  
 19 correct.  
 20 MS. ROGOVIN: On either side. There goes  
 21 open space again.  
 22 CHAIRMAN MEYER: So here's how we do it.  
 23 Isn't it true that there is -- they're reducing  
 24 open space? That's how you maybe ask the  
 25 question, and then he has to say "yes," because

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1 it's true, right? Isn't that correct?

2 THE WITNESS: That's correct, Chairman.

3 MS. ROGOVIN: In the parking across the

4 street from the building, is there any

5 guarantee that anyone from the -- from the

6 building would get a parking spot?

7 THE WITNESS: From what I've been told,

8 they're not designated parking spaces for this

9 building. There's a municipal lot open for

10 the -- including nonresidents.

11 MS. ROGOVIN: Because people said at the

12 last meeting, it's a very trafficky area and

13 it's hard to get parking, so sometimes could it

14 be filled entirely with people who don't even

15 live in the building?

16 THE WITNESS: Could the adjacent parking

17 be filled with people that don't live in the

18 building? I think that's more than likely.

19 CHAIRMAN MEYER: Isn't it true, sir, that

20 the building -- the parking lot across the

21 street, it's open to anyone?

22 THE WITNESS: Yes, Chairman.

23 MS. ROGOVIN: Okay. And the parking at

24 the side of the building, is there any -- are

25 there any designated spots for the employees,

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1 the custodians, the --

2 THE WITNESS: There is not.

3 MS. ROGOVIN: That concerns me because --

4 CHAIRMAN MEYER: That assumes that there

5 are custodians, people who come to work at the

6 building.

7 MS. ROGOVIN: Every building has a

8 superintendent and other staff. So I'm just

9 concerned about where people are going to park,

10 because it's already a parking nightmare.

11 Would each apartment unit get one spot?

12 THE WITNESS: I think there was testimony

13 at the beginning of the proceedings. I believe

14 that's the case, ma'am.

15 MS. ROGOVIN: And if a family had two

16 cars, they could not apply for a spot within

17 that parking lot?

18 MS. BERGER: Ma'am, I don't think this

19 witness is the right witness to answer who

20 could apply. The landlord will assign parking

21 to each of the tenants.

22 MS. ROGOVIN: And the motorcycles, is that

23 considered the one vehicle per unit?

24 THE WITNESS: No. The question was from a

25 board member, can we accommodate motorcycles on

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1 site and identify that there's open space, not

2 occupied car spaces, that we can accommodate

3 mostly on site without losing any of the other

4 spaces on site.

5 MS. ROGOVIN: Okay. Do you know how wide

6 an SUV is?

7 THE WITNESS: It depends. They're around

8 7 1/2 to 8 feet, ma'am.

9 MS. ROGOVIN: And -- wait a minute. 7 1/2

10 to 8 feet. And how wide is a Camry?

11 THE WITNESS: It's under 7 feet.

12 MS. ROGOVIN: And these 8-foot-wide spots

13 would have to accommodate a 7-1/2-foot SUV?

14 THE WITNESS: And the SUV that is about a

15 width -- an 8-foot width. You're talking about

16 the Hummers. Those are the widest, which would

17 not be accessed. But if they were, we do have

18 wider spaces on site to accommodate a larger

19 vehicle.

20 MS. ROGOVIN: If you can get -- if you're

21 lucky enough to be the person who gets the

22 wider space.

23 CHAIRMAN MEYER: Just questions. Ask

24 questions.

25 MS. ROGOVIN: I'm concerned because I had

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1 some knee surgery. And there are other people

2 like me. When I get out of my car, I have to

3 open the door pretty wide. And so I'm very

4 concerned about these 8-foot spots that are not

5 what's required by our town.

6 CHAIRMAN MEYER: Ma'am, let me help you.

7 If you need to open the door wide in order to

8 allow a person the full access to the vehicle,

9 would there be enough space to do that at the

10 proposed location?

11 THE WITNESS: Yes, there would be,

12 Chairman. As I testified earlier, where the

13 doors are opening, there's a full line and full

14 width. So those are typical municipal-standard

15 spaces. You have plenty of room to exit and

16 enter the vehicle.

17 MS. ROGOVIN: On both sides?

18 THE WITNESS: Yes, ma'am.

19 MS. ROGOVIN: I would just like to appeal

20 to the zoning board to think about the climate

21 change.

22 MS. BERGER: Excuse me.

23 CHAIRMAN MEYER: That will come at a later

24 time. You can come back and voice that

25 opinion.

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1 Mr. Powers, you would like to ask some  
2 questions of this witness?  
3 MR. POWERS: I would. Thank you.  
4 Charles Powers, Teaneck, P-O-W-E-R-S.  
5 I want to follow up on something that  
6 Ms. Rogovin was asking. You said that the  
7 parking lot across the street, which is going  
8 to be paved over, is lawn; is that right?  
9 THE WITNESS: It's vacant, it's lawn, it  
10 might be some gravel and it's vacant.  
11 MR. POWERS: How many trees are there?  
12 THE WITNESS: I don't believe there are  
13 any.  
14 MR. POWERS: Absolutely wrong, sir.  
15 CHAIRMAN MEYER: Ask him a question.  
16 MR. POWERS: Are you sure that there are  
17 no trees?  
18 CHAIRMAN MEYER: Mr. Powers, let me -- you  
19 asked a question. You're very good at it.  
20 You've done it so many times. If you don't  
21 like the answer, don't argue with the witness.  
22 You ask a question, he answers. He didn't  
23 know. He doesn't know. Maybe he's wrong. You  
24 might be right.  
25 MR. POWERS: Are there trees which are

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1 proscribed from being cut on public property on  
2 that property?  
3 THE WITNESS: There are such trees based  
4 on the area -- this was done as a concept for  
5 the meeting. There are some trees that will  
6 have to be removed. However, we're mitigating  
7 that by also adding a substantial amount of  
8 vegetation on site.  
9 MR. POWERS: And --  
10 THE BOARD SECRETARY: Hold it.  
11 Mr. Powers, I have to listen to the CD, the  
12 stenographer has to do her job. The laughing  
13 is not included.  
14 UNIDENTIFIED AUDIENCE MEMBER: I thought  
15 it was funny.  
16 THE BOARD SECRETARY: Hold on. If you  
17 have something to say, hold it and come to the  
18 mic on your turn.  
19 UNIDENTIFIED AUDIENCE MEMBER: I will.  
20 THE BOARD SECRETARY: Okay. Thank you.  
21 MR. POWERS: Do you know if any of the  
22 trees that are on that lot are trees which are  
23 proscribed from being cut on public property by  
24 the township?  
25 THE WITNESS: I think it's a municipal

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1 lot, so it's a municipality.  
2 MR. POWERS: Are there trees which fall  
3 under that category?  
4 THE WITNESS: Repeat that again?  
5 MR. POWERS: Are some trees in this town  
6 which you are not allowed to cut on public  
7 property, are any of those trees on that  
8 property?  
9 THE WITNESS: I am not sure.  
10 MR. POWERS: Thank you. I want to go back  
11 and make sure -- I'm a little slow, so I want  
12 to try to understand where we really are.  
13 If I understand it, you came in today, you  
14 were responding to a series of questions that  
15 proposed some significant changes, I believe,  
16 in the second deck of the parking lot; am I  
17 correct about that?  
18 THE WITNESS: That's correct.  
19 MR. POWERS: And you went through the  
20 entire presentation and I'm not sure where you  
21 ended up, whether or not you were denying that  
22 the developer would accommodate that additional  
23 set of spaces that you would achieve or you are  
24 simply recommending that they -- that the  
25 developer not do so.

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1 I'm trying to understand the relationship  
2 between what you presented at the last meeting  
3 and I watched the whole hearing.  
4 CHAIRMAN MEYER: Are you asking if there's  
5 a difference between what he presented the last  
6 time and this time?  
7 MR. POWERS: Yes, I'd like to understand.  
8 Where are you now in respect to the  
9 drawings and the testimony you gave last time?  
10 Is the position that -- at least you as  
11 the engineer are representing the developer on,  
12 that you have made no changes whatsoever in the  
13 parking arrangement, with the possible  
14 exception of additional delineation of space  
15 for motorcycles?  
16 THE WITNESS: You're accurate. We have  
17 not made any additional changes besides the  
18 motorcycle and the bicycles.  
19 MR. POWERS: So we are back to the  
20 question of how the RSIS understands the full  
21 complement of required spaces for a 68-unit  
22 structure of the particular type that you are  
23 talking about, the configuration of bedrooms,  
24 et cetera, et cetera; is that correct?  
25 There is no --

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1 CHAIRMAN MEYER: Let him answer.  
 2 THE WITNESS: What was the question? I  
 3 wasn't --  
 4 MR. POWERS: Are we to understand that  
 5 your testimony from last time is, in fact, the  
 6 position of you as the engineer and the  
 7 developer about what it is that we in Teaneck  
 8 are being asked and the board is being asked to  
 9 approve.  
 10 There's no change from what you proposed  
 11 last time with the exception of the  
 12 motorcycles?  
 13 THE WITNESS: There's no change.  
 14 MR. POWERS: And how many spaces are left  
 15 for motorcycles?  
 16 THE WITNESS: The motorcycles, we can  
 17 accommodate approximately six on-site  
 18 motorcycles, approximately 15 bicycles.  
 19 MR. POWERS: What are the dimensions of  
 20 those spaces?  
 21 THE WITNESS: Motorcycle spaces, there's  
 22 no standard RSIS for motorcycles. There are  
 23 approximately -- while you can accommodate a  
 24 motorcycle with an available width of 4 by  
 25 9-foot. We have much larger areas than that,

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1 but I think the minimum usable space would be  
 2 4 by 9.  
 3 MR. POWERS: I want to go to the retention  
 4 area.  
 5 THE WITNESS: Sure.  
 6 MR. POWERS: And I'm -- this is -- I don't  
 7 think I've actually understood the drawings  
 8 that I've observed and I haven't observed them  
 9 all. The retention area is how much -- how  
 10 many feet below the lower deck that you've now  
 11 added in this new configuration?  
 12 MS. BERGER: There's no change in the  
 13 configuration.  
 14 MR. POWERS: No, no. I know. There's no  
 15 change from your last testimony. There is  
 16 change from your 2016 application.  
 17 CHAIRMAN MEYER: Just let him answer the  
 18 question if he knows.  
 19 THE WITNESS: I think your question was:  
 20 What was the depth of our retention system?  
 21 MR. POWERS: Yes.  
 22 THE WITNESS: The rear elevation on one  
 23 end, I'm pointing to Sheet C6.00. This is the  
 24 depth floor drainage plan.  
 25 We see the dashed line along the

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1 underground detention system. At the far right  
 2 corner, the access to the detention system is  
 3 at elevation 97 and depth is 89 feet, so  
 4 80-foot depth. And the pipe size itself is  
 5 4 feet. So from grade to the top of pipe is  
 6 around 4 feet.  
 7 MR. POWERS: What is the water table at  
 8 that point?  
 9 THE WITNESS: We have technicians that  
 10 will geotech this location. That being said,  
 11 you would be served with a water table with  
 12 respect to the water detention system if you  
 13 relied on infiltration. This is an enclosed  
 14 detention system that will collect it, the  
 15 runoff, and discharge it at a much slower rate.  
 16 MR. POWERS: You said you do not know what  
 17 it is, it is not sitting in the water tank?  
 18 THE WITNESS: We haven't done the testing.  
 19 MR. POWERS: So you do not know?  
 20 THE WITNESS: I do not know at this time  
 21 what the water table is.  
 22 MR. POWERS: And the relationship of that  
 23 system to the one that's going to be -- are you  
 24 going to be installing the one across the  
 25 street?

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1 THE WITNESS: Me personally?  
 2 MR. POWERS: Of course not. Is the  
 3 developer going to --  
 4 THE WITNESS: I don't know the specific  
 5 meaning between mayor and council and township  
 6 and developer with respect to the construction  
 7 and installation of that system.  
 8 MR. POWERS: There is a developer's  
 9 agreement to -- that may have actually expired.  
 10 It may need to be reviewed, but the -- but are  
 11 you --  
 12 CHAIRMAN MEYER: Question.  
 13 MR. POWERS: Do you know that developer's  
 14 agreement?  
 15 THE WITNESS: I don't know.  
 16 CHAIRMAN MEYER: He does not know anything  
 17 about it.  
 18 MR. POWERS: Thank you.  
 19 MR. REHMAN: Mr. Powers, quick question  
 20 for you: Do you have information to suggest  
 21 that the trees in the lot are of the type that  
 22 should not be cut?  
 23 MR. POWERS: I made a visual observation  
 24 of it this afternoon. I suspect that at least  
 25 two of them are, but I cannot confirm that, but

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1 I will check with the Shade Tree Advisory Board  
2 and find out.  
3 CHAIRMAN MEYER: Thank you. Ma'am?  
4 Do me a favor everyone. Turn off your  
5 phones.  
6 MS. RAGGIO-ASHLEY: My name is Tanya,  
7 T-A-N-Y-A, Pagan, P-A-G-A-N, Raggio,  
8 R-A-G-G-I-O, hyphen Ashley, A-S-H-L-E-Y.  
9 CHAIRMAN MEYER: Good evening.  
10 MS. RAGGIO-ASHLEY: Good evening.  
11 CHAIRMAN MEYER: Questions of this  
12 witness.  
13 MS. RAGGIO-ASHLEY: I'm going to be  
14 questioning this witness and I'm looking at you  
15 first because I want to make sure you  
16 understand why I'm going to question the  
17 witness --  
18 CHAIRMAN MEYER: Good.  
19 MS. RAGGIO-ASHLEY: So my background is in  
20 pediatrics --  
21 CHAIRMAN MEYER: I don't think that's --  
22 MS. BERGER: I'm going to object because  
23 it's for a purpose of question only.  
24 CHAIRMAN MEYER: There's no --  
25 MS. BERGER: No testimony.

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1 MS. RAGGIO-ASHLEY: I'm not testifying.  
2 CHAIRMAN MEYER: Ask the question.  
3 MS. RAGGIO-ASHLEY: I need to say  
4 something before I say anything else.  
5 MS. BERGER: No.  
6 CHAIRMAN MEYER: I don't think so.  
7 MS. RAGGIO-ASHLEY: Last time I was here,  
8 the attorney did the same thing and did not let  
9 me speak and my question has to do -- I did my  
10 homework. I went and looked at the plans, I  
11 looked at the master plan and it talked about  
12 public health.  
13 So I was trying to set up the question  
14 contextually. I'm no lawyer, but I'm trying to  
15 ask him about the issues surrounding the  
16 15 feet for children and about public issues  
17 regarding residential crowding.  
18 So I was trying to explain contextually  
19 why I was trying to ask.  
20 CHAIRMAN MEYER: But he's an engineer.  
21 MS. RAGGIO-ASHLEY: He is an engineer.  
22 CHAIRMAN MEYER: That's all he is. He may  
23 not have the same qualifications as you have.  
24 MS. RAGGIO-ASHLEY: I understand, but I am  
25 going to ask him as the engineer.

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1 Sir, do you know of any studies or have  
2 you looked at any studies regarding the area  
3 requirements for a play area for children in  
4 such a structure? Have you built other  
5 units --  
6 CHAIRMAN MEYER: One question at a time.  
7 MS. RAGGIO-ASHLEY: Sorry.  
8 CHAIRMAN MEYER: It's a good question and  
9 you did perfect.  
10 MS. RAGGIO-ASHLEY: Okay. Thank you.  
11 CHAIRMAN MEYER: So let's take one step at  
12 a time and you can ask a follow-up question and  
13 then continue until he's done.  
14 MS. RAGGIO-ASHLEY: Thank you, sir.  
15 THE WITNESS: Ma'am, I'm not aware of any  
16 requirements for any residential building.  
17 Those requirements are specifically, I believe,  
18 for a dedicated day-care center, which this  
19 building does not have. And I know they have  
20 specific state standards. But for a facility  
21 like this, I'm not aware of any.  
22 MS. RAGGIO-ASHLEY: Okay. Let me ask the  
23 question differently. As an engineer, are you  
24 aware of any studies that address the planning  
25 in a suburban community where you put a

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1 structure like you are proposing, of how much  
2 square area you should allocate given the  
3 number of children you might expect in this  
4 kind of a building?  
5 THE WITNESS: I think our planner has the  
6 direct information just about what you asked  
7 with respect to the children and all of that,  
8 and I think he would be more appropriate to  
9 answer your question.  
10 MS. RAGGIO-ASHLEY: Is he here this  
11 evening?  
12 THE WITNESS: Yes, ma'am.  
13 MS. RAGGIO-ASHLEY: We'll revisit that  
14 question. Thank you, sir.  
15 And, again, I don't know if this is  
16 appropriate for you as an engineer or for the  
17 gentleman who's sitting here.  
18 In terms of residential crowding and the  
19 impact on the mental health and the well-being  
20 of a community, when you put a structure with  
21 as many units as you are proposing in such a  
22 small square area, again, are you aware of any  
23 studies, any planning studies in communities  
24 such as Teaneck, where you have, you know, more  
25 private homes, of the adverse health impact of

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1 that? And, again, I'm asking you as engineer  
 2 looking at the master plan of Teaneck, as well  
 3 as what we're supposed to do when we grant  
 4 variances looking at public health.  
 5 THE WITNESS: Again, ma'am, I wish I could  
 6 answer that, but I think it's more the purview  
 7 of the planner looking at the master plan.  
 8 CHAIRMAN MEYER: She's asking you do you  
 9 know or not?  
 10 THE WITNESS: I do not.  
 11 CHAIRMAN MEYER: Next question.  
 12 MS. RAGGIO-ASHLEY: Thank you, sir. So if  
 13 it is this gentleman's purview, may I ask that  
 14 those questions be answered later or do you  
 15 need me to ask?  
 16 CHAIRMAN MEYER: Of course. You will have  
 17 an opportunity to ask questions after his  
 18 testimony is over.  
 19 MS. RAGGIO-ASHLEY: Thank you, sir. And I  
 20 look forward to talking to you.  
 21 CHAIRMAN MEYER: Okay. You want to say  
 22 something, ask questions?  
 23 MS. KRON: Yes, good evening. My name is  
 24 Carol Kron, K-R-O-N. and I'm a resident of  
 25 Teaneck.

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1 be that accessible. We exceed both those  
 2 requirements. Spaces are nine and accessible  
 3 is nine, as well.  
 4 MS. KRON: So then all spaces are not  
 5 8-foot. The handicapped spaces would be  
 6 9-foot.  
 7 THE WITNESS: That's correct.  
 8 MS. KRON: Thank you. And you said there  
 9 are four?  
 10 THE WITNESS: Four total.  
 11 MS. KRON: Total.  
 12 THE WITNESS: Yes.  
 13 MS. KRON: And so does that number depend  
 14 on who eventually occupies the building? And  
 15 if there are more residents occupying the  
 16 building that need handicapped spaces, then  
 17 does that number increase?  
 18 THE WITNESS: That standard is  
 19 identified -- designated by the Department of  
 20 Justice, that quantity. What they do on site  
 21 as far as management to accommodate a person  
 22 with those --  
 23 MS. KRON: You're going a little fast for  
 24 me.  
 25 THE WITNESS: I'm sorry. I think the

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1 CHAIRMAN MEYER: Hello.  
 2 MS. KRON: Hello. Because I didn't hear  
 3 the word mentioned, when you --  
 4 THE BOARD SECRETARY: Pull the mic up a  
 5 little bit. Yes, thank you.  
 6 MS. KRON: Because I didn't hear the word  
 7 mentioned, when you were talking about parking  
 8 spaces and you were talking about the 8-foot or  
 9 9-foot, how many of these spaces are designated  
 10 handicapped?  
 11 THE WITNESS: We can refer to a drawing,  
 12 ma'am. We have two handicapped spaces per  
 13 floor, four total. And that complies with the  
 14 ADA standards, requirement.  
 15 BY MS. BERGER:  
 16 Q. And what are the size of those spaces?  
 17 A. Those spaces are full, unimpeded 9 by 18.  
 18 MS. KRON: 9 by 18. So 9-foot wide?  
 19 THE WITNESS: Actually, the size,  
 20 themselves, can accommodate the van accessible  
 21 as well, which is also a requirement.  
 22 MS. KRON: So those spaces have to be  
 23 9-foot?  
 24 THE WITNESS: They have to be a minimum 8  
 25 actually, with an aisle of 8-foot, as well, to

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1 on-site management would have to accommodate a  
 2 person if those four spaces are occupied. It  
 3 would have to accommodate them by other means.  
 4 MS. KRON: So the stretchers -- I don't  
 5 understand. What does that mean?  
 6 THE WITNESS: At this time, we comply with  
 7 current ADA standards. There is room, if one  
 8 needed additional space to make it ADA, as  
 9 well.  
 10 MS. KRON: And that happens after the  
 11 building is built and everything is marked?  
 12 How does that work?  
 13 THE WITNESS: Well, I think it's -- if  
 14 there's a need, they have the ability to  
 15 accommodate it.  
 16 MS. KRON: Which means -- what does  
 17 "ability to accommodate"--  
 18 THE WITNESS: Meaning, we have the  
 19 necessary area to provide additional ADA spaces  
 20 if they were required. At this time, they're  
 21 not required.  
 22 MS. KRON: Right. Because it's not  
 23 occupied by identifying people who might be  
 24 handicapped, right?  
 25 THE WITNESS: Well, for design purposes,

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1 again, the Department of Justice sets standards  
 2 based on how many spaces you provide. We're  
 3 providing up to 100, and the requirement is  
 4 four. So we provided four spaces.  
 5 CHAIRMAN MEYER: Ma'am, if I can help you.  
 6 I think the engineer can tell you if I'm  
 7 incorrect.  
 8 THE WITNESS: If you could speak a little  
 9 louder.  
 10 CHAIRMAN MEYER: Yes, I will speak louder.  
 11 There are standards by the state that are  
 12 required for building multi-family units. And  
 13 as far as I understand, the proposed amount of  
 14 handicapped or these spaces are in accordance  
 15 with the law. And the plans have been reviewed  
 16 by the building department and have also made  
 17 sure that they're in compliance with the law.  
 18 MS. KRON: Right. So the law must be  
 19 dependent on some kind of study that says four  
 20 per building of this size?  
 21 CHAIRMAN MEYER: Exactly. Per some form  
 22 as you said. If it's 68 units, they have to  
 23 provide four handicapped spaces.  
 24 MR. ROSEN: It's called ADA and it's a  
 25 federal code.

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1 MS. KRON: I understand ADA.  
 2 MR. ROSEN: That's what they're testifying  
 3 to.  
 4 MS. KRON: So I'm just curious as a matter  
 5 of curiosity, having a mother that I just had  
 6 to wheel into a handicapped spot. Because  
 7 there's a lot of space needed for a wheelchair,  
 8 accessible and all of that.  
 9 MR. ROSEN: That's all required by  
 10 guidelines.  
 11 MS. KRON: I just want to clarify.  
 12 If more than four cars are needed by  
 13 people who are handicapped, then what the  
 14 developer is saying is that after the building  
 15 of the parking area, that they will make  
 16 accommodations for those extra people who need  
 17 a handicapped spot.  
 18 MR. ROSEN: I don't think the owner has  
 19 testified to that.  
 20 MS. KRON: Okay. So I just want to be  
 21 clear. So if there are more than four people,  
 22 you do not have accommodations for extra  
 23 handicapped spots, as of now?  
 24 THE WITNESS: As of now, because I don't  
 25 know how many more that are needed. They're

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1 not illustrated.  
 2 MS. KRON: And also that the developer  
 3 will provide that if more than four people need  
 4 handicapped spots. Is that what you're saying?  
 5 THE WITNESS: I think the attorney can  
 6 answer that.  
 7 MS. BERGER: We said that if there is an  
 8 extra need, there is room that was testified by  
 9 the engineer to modify spots if the developer  
 10 finds that it's necessary.  
 11 MS. KRON: If there's room?  
 12 MS. BERGER: Yes.  
 13 MS. KRON: Thank you.  
 14 CHAIRMAN MEYER: You're welcome.  
 15 MS. KRON: Thank you for speaking louder,  
 16 too.  
 17 MR. REHMAN: I wanted to clarify. I think  
 18 it's important. Regarding making room for  
 19 extra handicapped, that's only up to a certain  
 20 extent. If it turns out the building is  
 21 occupied by 50 percent of people who are  
 22 handicapped, you don't have the ability to --  
 23 MS. BERGER: No, no. No one wants to make  
 24 that representation, but there was  
 25 representation that there was room to

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1 accommodate a space a little larger, if  
 2 necessary. And if the developer found that  
 3 there were permanent residents that needed  
 4 that, there would be ability to do so.  
 5 CHAIRMAN MEYER: Okay.  
 6 MS. BERGER: We can't speculate now.  
 7 MS. HONIS: If that is the case,  
 8 Ms. Berger, approximately how many extra spaces  
 9 could be made handicapped accessible and how  
 10 many regular spaces would that now detract  
 11 from?  
 12 MS. BERGER: I wouldn't know, but we could  
 13 look up that answer and try to give it to you.  
 14 MS. HONIS: Thank you.  
 15 MR. SOHN: Alan Sohn, S-O-H-N. 752  
 16 Cottage Place.  
 17 CHAIRMAN MEYER: Good evening.  
 18 MR. SOHN: Good evening. If I may ask.  
 19 What is the state of water runoff on the  
 20 merged 100 State Street, the 5004 Lots 3, 4,  
 21 and 5?  
 22 THE WITNESS: The property itself, there's  
 23 no infrastructure because it is outdated. The  
 24 majority of the water just runs over the land  
 25 into the adjacent properties. This piece is

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1 somewhat vacant that goes directly to State  
2 Street or it runs off to the perimeter buffers.  
3 MR. SOHN: And at 89 State Street, 502 Lot  
4 23 where the proposed parking lot would go?  
5 THE WITNESS: We haven't -- at this point  
6 in the design, we only prepared a concept plan.  
7 MR. SOHN: Will the water runoff situation  
8 be aggregated by the covering over with lot  
9 coverage as those two sites merge 100 State  
10 Street and 89 State Street?  
11 THE WITNESS: Repeat that again? I'm  
12 sorry. I didn't hear you.  
13 MR. SOHN: Will the water runoff situation  
14 be aggravated by the addition of the impervious  
15 coverage as it will combine lots 100 State  
16 Street at the parking at 89 State Street?  
17 THE WITNESS: It will not.  
18 MR. SOHN: Inherently based on just adding  
19 coverage.  
20 THE WITNESS: Repeat that?  
21 MR. SOHN: Based on covering water that  
22 would increase --  
23 THE WITNESS: No, because we are  
24 addressing the increase in impervious coverage  
25 by providing the detention systems.

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1 when I return, we can address that.  
2 MS. BERGER: And just for the record --  
3 MR. MADAIO: The microphone and talking  
4 directly into it.  
5 MS. BERGER: Sure.  
6 MR. MADAIO: You're still not talking  
7 directly into it. Loud. Please.  
8 MS. BERGER: Can you hear now?  
9 MR. MADAIO: Again, it worked perfectly a  
10 half hour ago for 30 seconds.  
11 Is there anybody who can address that  
12 issue of why that microphone is not working?  
13 MS. BERGER: With regard to that, we'll  
14 present testimony later. But the re-striping  
15 is going to be required when we did not have as  
16 many parking spots on site. So by putting two  
17 levels of parking on site, there was no need  
18 for the re-striping, and those spots are  
19 available for the public on the street. So  
20 that's why it was changed.  
21 MR. SOHN: Ms. Berger, with all due  
22 respect, I think you're reading into the  
23 context of the agreement.  
24 CHAIRMAN MEYER: Mr. Sohn, let's not get  
25 into an argument. Just ask -- this is the time

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1 MR. SOHN: Where would that water  
2 detention system be located at 100 State  
3 Street?  
4 THE WITNESS: It is -- what I showed you  
5 earlier, this is again Sheet C6.0, is located  
6 along the perimeter of the building.  
7 MR. SOHN: So the water detention will be  
8 provided on site of 100 State Street and on  
9 site for 89 State Street?  
10 THE WITNESS: Yes, sir.  
11 MR. SOHN: Do you have a plan based on  
12 re-striping State Street as required by the  
13 developer's agreement?  
14 THE WITNESS: I do not have.  
15 MR. SOHN: Again, the developer's  
16 agreement, which was included behind Resolution  
17 218-2016, which was approved on September 20,  
18 2016 and, again, Mr. Madaio has that as Exhibit  
19 A-1, specifies that the developer shall --  
20 (Reporter interruption.)  
21 -- and continues to lay out and stripe  
22 ample parking along State Street subject to the  
23 approval of the township engineer.  
24 THE WITNESS: Again, sir, I'm not privy to  
25 that resolution. I'm not aware of it. Maybe

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1 we ask questions of the witness. This is the  
2 time.  
3 MR. SOHN: It was Ms. Berger's statement.  
4 CHAIRMAN MEYER: I understand that, but  
5 take it for what it is and move on.  
6 MR. SOHN: Have your statements about  
7 traffic flow and its impact on State Street  
8 reflect the re-striping and angled parking to  
9 be added as required onto the agreement?  
10 THE WITNESS: I didn't testify to traffic  
11 flow and the re-striping.  
12 MR. SOHN: Thank you very much.  
13 CHAIRMAN MEYER: Thank you, Mr. Sohn.  
14 I think you were already up here asking  
15 questions. The gentleman in green.  
16 MR. SANTAELLA: My name is John Santaella,  
17 S-A-N-T-A-E-L-L-A. I live at 154 Pinewood  
18 Place for 42 years.  
19 Now, most of the questions I had were  
20 asked by others, so I will not bore the board  
21 or the audience by repeating them.  
22 CHAIRMAN MEYER: Thank you.  
23 MR. SANTAELLA: Ms. Kron just asked a  
24 question about handicapped parking, something  
25 that had not occurred to me at all.



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1 The question was answered. There could be  
 2 additional handicapped parking built. That's  
 3 not a definitive answer. It's a possible  
 4 answer.  
 5 But by the same token, if such additional  
 6 handicapped parking would be created, it would  
 7 impact existing parking and lessen it.  
 8 CHAIRMAN MEYER: Correct. There was a  
 9 question from the members of the board who had  
 10 the same question and that was answered in the  
 11 affirmative.  
 12 MS. BERGER: Can you answer it?  
 13 THE WITNESS: Can I answer that, Chairman?  
 14 CHAIRMAN MEYER: Sure.  
 15 THE WITNESS: If this were approved, we're  
 16 required to provide 100 spaces. We could not  
 17 eliminate spaces without coming back to this  
 18 board if we needed additional ADA spaces.  
 19 So no, we would not eliminate existing  
 20 spaces to accommodate ADA spaces. If we had  
 21 the room, we would. If we needed additional  
 22 spaces, we can convert to ADA and we'd have to  
 23 come back to this board, ask for additional  
 24 variances. We can't just take spaces away to  
 25 accommodate ADA.

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1 MR. SANTAELLA: There's only a limited  
 2 amount of space there. If you add an  
 3 additional handicapped spot, that takes away  
 4 from the existing space.  
 5 THE WITNESS: I testified earlier, we have  
 6 these areas on site that are striped that we  
 7 could potentially move some spaces to  
 8 accommodate additional space. That's what I  
 9 was referring to. Not that I would be  
 10 eliminating any existing spaces.  
 11 MR. SANTAELLA: Okay. Now, I know this  
 12 question was asked by the gentleman. There's a  
 13 question to be answered by either the architect  
 14 or the developer. Why aren't they here? That  
 15 I address the board.  
 16 MR. MADAIO: They're here.  
 17 MR. SANTAELLA: The representative of the  
 18 developer is here. Can she really answer for  
 19 the developer or can she only guess what the  
 20 applicant might do?  
 21 MR. MADAIO: There are many other  
 22 witnesses here this evening. If there were  
 23 very specific questions about a witness, a  
 24 witness who testified earlier, we could have  
 25 them brought back if they're not here tonight.

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1 But right now what we're doing is asking  
 2 questions of this witness. So there's not  
 3 really an issue about the architect, although  
 4 the planner is here, I think there's a traffic  
 5 person here or who else?  
 6 MS. BERGER: My planner. We concluded  
 7 with our traffic expert and our architect.  
 8 MR. MADAIO: So architectural testimony is  
 9 over. Traffic testimony is over. Engineering  
 10 testimony is back and planning testimony is  
 11 next.  
 12 MR. SANTAELLA: Okay. Fair enough.  
 13 Now, numerous questions were asked  
 14 earlier, would there be or would there not be.  
 15 Your answer was "there could be."  
 16 Now, English is not my first language and  
 17 I know that the words "would" and "could" are  
 18 not interchangeable.  
 19 THE WITNESS: Can you be more specific?  
 20 MR. MADAIO: What question are you  
 21 referring to?  
 22 MR. SANTAELLA: You were asked about  
 23 access to -- the drawings aren't there right  
 24 now.  
 25 Well, whatever. The point is that it

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1 was -- the question was in the form of "would,"  
 2 and the answer was "could." Another question  
 3 was, Did the architect provide four? The  
 4 response was "I think he did."  
 5 MS. BERGER: My client -- my witness is  
 6 under oath and he's answering to the best of  
 7 his ability under oath.  
 8 MR. SANTAELLA: I'm not questioning that  
 9 at all. He does not answer the question that  
 10 he's asked.  
 11 CHAIRMAN MEYER: That's exactly the point.  
 12 If he doesn't answer to either our satisfactory  
 13 or to your satisfactory, that weighs the  
 14 evidence and the credibility of the witness.  
 15 MR. SANTAELLA: I'm not questioning his  
 16 credibility.  
 17 CHAIRMAN MEYER: That's how the process  
 18 works. If he can't answer straight on  
 19 something or there may be something that he's  
 20 unsure about, it reflects on how we perceive  
 21 his testimony to be credible, less credible,  
 22 forthcoming. And that all comes into the  
 23 evaluation of whether or not eventually this  
 24 application will be denied or approved.  
 25 And you can summarize at the end of the

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1 case. You can make a list. Let me give you  
 2 some advice. And that this witness, he wasn't  
 3 sure about this, and therefore you shouldn't  
 4 take his credibility for granted. And, you  
 5 know, you recall the testimony. That's the  
 6 process.  
 7 And you'll have the opportunity to come to  
 8 all the meetings, take notes, copious notes.  
 9 And you can attack the whole thing at the end  
 10 going through all the testimony.  
 11 MR. SANTAELLA: Thank you. I'm not  
 12 questioning the gentleman's credibility at all.  
 13 Except that when he answers "I think," he's  
 14 answering for something that he thinks the  
 15 architect may have and that's something we have  
 16 to take into consideration. And yes, it is.  
 17 And I will hold you to that.  
 18 CHAIRMAN MEYER: We'll question  
 19 credibility of any witness that comes the same  
 20 way as the credibility of the people that make  
 21 statements at the end, you know, why, how, who.  
 22 The same thing. We'll also take all of that  
 23 into account.  
 24 MR. SANTAELLA: Thank you again.  
 25 CHAIRMAN MEYER: Keep that in mind until

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1 the end of the case.  
 2 Ma'am, you had the follow-up question?  
 3 MS. LEWIS: Thank you. Lilian Lewis,  
 4 L-E-W-I-S. Regarding -- I don't know if I  
 5 wrote it down correctly. Something about 8,000  
 6 gallons, you said, about sewage. Can you  
 7 explain that again?  
 8 THE WITNESS: I think what your engineer  
 9 was referring to the sewage we generated by  
 10 this building. Anything that exceeds 8,000  
 11 would have to get approved by the DEP. And he  
 12 was asking that we submit to them and we agreed  
 13 to.  
 14 MS. LEWIS: So you anticipate more than  
 15 8,000 gallons of sewage per day?  
 16 THE WITNESS: That's correct, ma'am.  
 17 MS. LEWIS: Based on 68 units?  
 18 THE WITNESS: That's correct.  
 19 MS. LEWIS: And given the nine units  
 20 you're permitted to have, then of course you  
 21 would not exceed this 8,000. It's potentially  
 22 less than 8,000 --  
 23 THE WITNESS: It's a calculation. So it  
 24 would be less.  
 25 MS. LEWIS: Even if you decreased it from

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1 68 down to 20 units, it probably would not  
 2 exceed the 8,000 gallons per unit?  
 3 THE WITNESS: Right. It's an equation  
 4 based on nine units.  
 5 MS. LEWIS: Due to the excessive units.  
 6 Thank you.  
 7 MS. ELIYAHU: Very quick follow up.  
 8 Debbie Eliyahu, E-L-I-Y-A-H-U.  
 9 With regard to motorcycle parking, are  
 10 they the 4 by 9 next to each other, they're  
 11 not, like, one behind each other?  
 12 THE WITNESS: They're -- I'll show you.  
 13 At the upper level, they will be next to each  
 14 other. And in this area, there will be one in  
 15 front of another. You have parallel spacing on  
 16 the street, you've got one in front of the  
 17 other. That's how that configuration will be  
 18 at that location.  
 19 MS. ELIYAHU: There will be room to move  
 20 out without knocking another motorcycle over?  
 21 THE WITNESS: Yes, ma'am.  
 22 MS. ELIYAHU: Thank you.  
 23 CHAIRMAN MEYER: That concludes the  
 24 public's question of this engineer.  
 25 Do you have any cross?

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1 MS. BERGER: No.  
 2 CHAIRMAN MEYER: Okay. Does Angie need a  
 3 break?  
 4 THE COURT REPORTER: Yes.  
 5 (At 8:57 p.m. a recess was taken.)  
 6 (At 9:10 p.m. the meeting resumes.)  
 7 CHAIRMAN MEYER: All here. Ms. Berger,  
 8 call your next witness, please.  
 9 MS. BERGER: Yes. My next is our planner,  
 10 Steve Lydon, from Burgis Associates.  
 11 MR. MADAIO: Mr. Lydon?  
 12 STEVEN M LYDON P P A I C P,  
 13 called as a witness, having first been  
 14 duly sworn, was examined and testified as  
 15 follows:  
 16 MR. MADAIO: You are Steven Lydon. Spell  
 17 your last name and your affiliation and  
 18 spelling of your affiliation.  
 19 THE WITNESS: Sure. My last name is  
 20 spelled Lydon, L-Y-D-O-N. I'm a senior  
 21 associate with Burgis Associates. That's  
 22 B-U-R-G-I-S. We're located in Westwood, New  
 23 Jersey. I'm here to offer planning testimony  
 24 as a licensed planner.  
 25 MS. BERGER: And --

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1 MR. MADAIO: Your microphone is working,  
 2 Wendy. His is not. So I know you wanted to  
 3 say something, but what you said, let's  
 4 transfer so that maybe we can hear Mr. Lydon.  
 5 MS. BERGER: Yes.  
 6 EXAMINATION  
 7 BY MS. BERGER:  
 8 Q. Mr. Lydon, there are many people here from  
 9 the township who might not have attended other  
 10 meetings and they do not know your qualifications,  
 11 experience, and background, although you have  
 12 testified here before.  
 13 Could you please go over that for them.  
 14 A. Certainly. I'm a Rutgers University  
 15 graduate. I have a degree in environmental planning  
 16 and design. After graduation, I became a licensed  
 17 professional planner. I hate to say this, but in  
 18 late 1980s. It did exist.  
 19 I have held my license ever since then.  
 20 Mr. Madaio, please don't do the math. I'm also  
 21 certified by the American Institute of Certified  
 22 Planners. That's sort of the national affiliation  
 23 for planners. I have been on the Board of Regional  
 24 Planning Agency. I have been a planning director  
 25 for about 11 years for the Morris County

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1 Municipality where I was also the zoning officer.  
 2 And for the last 18 years or so, I have been with  
 3 Burgis & Associates, either testifying in front of  
 4 boards like this one or sitting with boards in a  
 5 couple of the municipalities or testifying in court.  
 6 Q. And did you also have experience with the  
 7 county planning office?  
 8 A. Yes, I did, for about three years at the  
 9 beginning of my career.  
 10 MR. MADAIO: Unless there's more reason to  
 11 hear Mr. Burgis' qualifications, Mr. Burgis is  
 12 obviously a qualified and professional expert.  
 13 Mr. Lydon is, obviously, a qualified expert in  
 14 the field of planning.  
 15 MS. BERGER: Thank you.  
 16 THE WITNESS: Thank you.  
 17 CHAIRMAN MEYER: Okay. Let's go.  
 18 BY MS. BERGER:  
 19 Q. Mr. Lydon, with regard to the project in  
 20 question, have you had an opportunity to view the  
 21 site?  
 22 A. Yes, I have.  
 23 Q. And have you had an opportunity to review  
 24 the plans and the application that was submitted?  
 25 A. Yes.

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1 Q. Including the request for numerous  
 2 variances; is that correct?  
 3 A. That's correct.  
 4 Q. Could you please tell the board your  
 5 findings with regard to review of the area, the  
 6 application, the plans?  
 7 A. Sure. In order to come to the conclusion,  
 8 in addition to going to the site, the site that I  
 9 was familiar with, I also reviewed the master plans  
 10 that the planning board of Teaneck have adopted.  
 11 I have also reviewed the re-examination  
 12 reports that the planning board has adopted, and of  
 13 course I've reviewed the zoning ordinance adopted by  
 14 the mayor and council.  
 15 Q. And have you also reviewed the planning  
 16 report issued by this board's planner?  
 17 A. Yes, I have. There are two things sort of  
 18 preemptive I want to mention before we get into the  
 19 typical planning testimony.  
 20 The first one, this lot is a little bit  
 21 unusual. We always say each lot is unique. This  
 22 one is especially unique because there's a deed  
 23 restriction placed on the property by the Township  
 24 of Teaneck in the 19 -- early in the 1960s. And  
 25 that deed restriction was sort of interesting. It

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1 was required -- subjected to sale when the township  
 2 sold it and required the use of the property be put  
 3 to office or medical office space.  
 4 And on the one hand, that was not so  
 5 unusual, but it is because the zoning ordinance at  
 6 the time had it in the RM zone. So even though the  
 7 property was zoned for multi-family housing, it was  
 8 sold to a particular doctor with the understanding  
 9 it would be zoned as an office building. And we'll  
 10 talk about that in a little bit later.  
 11 The other thing I want to mention to the  
 12 board is someone from here with applicants seeking a  
 13 D1 variance. That's the traditional use variance.  
 14 We're not seeking that today because we're in the RM  
 15 zone, and multi-family dwellings are permitted in  
 16 the RM zone.  
 17 So what we're seeking is a D -- in  
 18 parlance of the industry, a D5 and D6 variance. One  
 19 is to exceed the density and one is to exceed the  
 20 allowable building height. It's a huge distinction  
 21 because in order to be granted a D5 or a D6 variance  
 22 by this board, we do not need to show special  
 23 reasons. For the D1 variance we would. The D5 and  
 24 the D6 variance, I'm not sure again for the 455D-70,  
 25 D1, D5, D6. For the 5 and the 6 variance, we need

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1 to show that the property can support the  
 2 development irregardless of the fact that it's  
 3 taller than the ordinance will allow, and we have to  
 4 be able to demonstrate that the property can handle  
 5 the additional density over and above what the  
 6 ordinance would allow. That's a far different  
 7 standard than special reasons.

8       There's earlier testimony at earlier  
 9 hearings. The property is on the south side of  
 10 State Street, about 230 feet east of Queen Anne  
 11 Road. It's fairly large. It's about eight-tenths  
 12 of an acre. It's rectangular. It's 115 feet deep  
 13 and 300 feet in width along State Street. And  
 14 that's sort of an interesting dimension for a lot.

15       Typically -- and I'm not sure where you  
 16 all live, but typically your lot is deeper than it's  
 17 wide. A typical traditional city lot is 50 feet  
 18 wide, 100 feet deep. So it's twice as deep as it is  
 19 wide. Here, that's sort of -- that math is sort of  
 20 flipped because we have a pretty wide lot, but not a  
 21 very deep lot.

22       And if you look at traditional housing in  
 23 the cities, especially older housing, the lot sort  
 24 of became a framework for the dwelling, if it's a  
 25 dwelling, that was constructed on the property. So

S. Lydon 110

1 you have houses which are relatively somewhat  
 2 narrow, but longer. They followed what -- and  
 3 allowed what the property gave them. So it's no  
 4 surprise that this property in this proposed  
 5 development is doing the same thing. The building  
 6 is wider than it seems because that's what the lot  
 7 provides.

8       The other thing that's interesting about  
 9 this property is what's currently on it. It's an  
 10 old obsolete -- and I call them "dead" office  
 11 building. It is a U-shaped building with a --  
 12 connected by a second-story balcony or walkway.  
 13 It's a separate location. We do a lot of work for  
 14 Hartz. They're tearing down buildings they built --  
 15 office buildings they built in the mid '80s because  
 16 they're obsolete. This building is apparently built  
 17 in 1963, '64. It's an obsolete building. It's been  
 18 abandoned by the marketplace. It is part of the  
 19 fabric of the neighborhood, however, and I think  
 20 there will be testimony that wraps that around later  
 21 on.

22       One of the big difficulties of this  
 23 building as well, as I spent some time earlier with  
 24 the engineer talking about handicapped parking  
 25 spaces and I'm sure the architect talked about

S. Lydon 111

1 accessible means of travel. This is a two-story  
 2 office building which sees a lot of medical patients  
 3 and which has an elevator. So it's not functional  
 4 in today's world. It's not marketable.

5       I'm sure you've heard they're building a  
 6 five-story building. We've all heard testimony  
 7 about 64 units that are proposed. Part of that  
 8 includes the affordable housing set-aside, which I  
 9 will get to later.

10       We're proposing 100 parking spaces on  
 11 site, and 44 in the new municipal parking lot that  
 12 the applicant is proposing in conjunction with the  
 13 township to build across the street.

14       Our testimony is the parking stalls that  
 15 we have proposed on site, 100 stalls, adequately and  
 16 sufficiently serves the 68 dwelling units proposed.  
 17 Our testimony is those 44 parking spaces that we're  
 18 proposing across State Street will be -- serves the  
 19 general public, which could include people coming to  
 20 the subject building, probably not. And most of the  
 21 time will serve the general residents of the area.

22       I mentioned earlier that we are here with  
 23 a proposed permitted use, multi-family housing. We  
 24 are not seeking the D1 variance. To give you a  
 25 little warning, I'll probably say that three more

S. Lydon 112

1 times it's so important.

2       Even though we are not here with a D1  
 3 variance, I think it's relevant for this board to  
 4 hear what the master plan says for the community.  
 5 And there was a master plan that was prepared by the  
 6 planning board in 2007. It explicitly called for  
 7 encouragement and expansion of multi-family housing  
 8 where there's no detriment to impacts on certain  
 9 neighborhoods. It says single-family neighborhoods.

10       And the reason for it, the planning board  
 11 determined and realized that putting additional new  
 12 multi-family housing where there already is existing  
 13 multi-family housing is good planning practices for  
 14 the township. What they specifically sought to  
 15 avoid was putting multi-family houses in  
 16 single-family districts. We're surrounded by  
 17 multi-family housing. They want to encourage  
 18 multi-family housing in this area.

19       They also seek to strengthen the vitality  
 20 of commercial districts. This plan was written in  
 21 2007. Since then, some can put Amazon as the  
 22 universe. I don't know how it's doing in Mars, but  
 23 on Earth, it's doing pretty darn good. And if you  
 24 drive up and down main streets, not just Teaneck and  
 25 Cedar Lane, but on Westwood Avenue in Westwood where

S. Lydon 113

1 offices are, and Franklin Avenue we're building,  
 2 there are a lot of vacancies, brick-and-mortars.  
 3 And a lot of planners are spending a lot of time  
 4 trying to repopulate those spaces.  
 5 But when will they do it? Quite frankly,  
 6 there's no mystery. You put wallets on the street.  
 7 You encourage housing in close proximity to the  
 8 stores and restaurants and commercial spaces that  
 9 have been built throughout the county. This does  
 10 that.  
 11 In the earlier part of my testimony, I  
 12 said we're about 230 feet from Queen Anne Road.  
 13 It's a beautiful little shopping area. It's got a  
 14 wide road. It's got pedestrian crossings. It has  
 15 an uninterpreted sidewalk and rear yard. It's a  
 16 good place to encourage pedestrian shoppers.  
 17 People, for whatever reason, most of them  
 18 have an incentive to go. The way to address that,  
 19 first and foremost, is to put feet on the street,  
 20 wallets on the street, put people in close proximity  
 21 to them. The other thing you do is you expand the  
 22 community used in those zones and you find new use  
 23 to replace the hardware store that left or the card  
 24 shop that's gone.  
 25 So I've got to believe that when the

S. Lydon 114

1 master plan talked about putting land uses like  
 2 multi-family houses in a place like this and other  
 3 places where there's surrounding multi-family, it  
 4 was because of the consistency and compatibility  
 5 between the new uses and the old uses. And it's  
 6 also because those places in Teaneck, by and large,  
 7 have developed close to commercial areas. In this  
 8 case, the 230 feet from Queen Anne Road, we're a few  
 9 more feet from Teaneck Road. In the middle or  
 10 between two commercial areas.  
 11 One of the recommendations besides  
 12 additional one-family was the need to respond to the  
 13 marketplace and changing the needs and encouraging  
 14 field developments.  
 15 The other problem besides confronting  
 16 contemporary planning besides the Amazon effect, is  
 17 the 1980s and '90s, we built lots of office space.  
 18 Now we need to figure out how to repopulate those  
 19 office spaces because, as I mentioned Amazon  
 20 earlier, they didn't go to suburban Parsippany,  
 21 Wayne, Mahwah, New Jersey. They wanted to go to  
 22 Long Island City, New York. Google is over there.  
 23 So we have a problem with a lot of office space that  
 24 is technologically obsolete. It's very difficult  
 25 and expensive if you can provide ADA facilities and

S. Lydon 115

1 then the marketplace doesn't warrant extra suburban  
 2 office space.  
 3 So the master plan saw this as an issue in  
 4 2007 and said we need to respond to those  
 5 marketplaces.  
 6 It's relevant to this application because  
 7 there is a vacated, obsolete, older office building,  
 8 dead office building on this site. And the 2007  
 9 national plan recommends that the township address  
 10 that and address it through zoning and planning.  
 11 In 2011, the re-examination report. The  
 12 re-examination report is sort of a weird piece to  
 13 certain people. Even the planning professionals can  
 14 barely understand them. They're not -- they don't  
 15 stand in and stand for master plan. They sort of  
 16 evaluate the master plan several years after it was  
 17 first created to see if it's still relevant or if it  
 18 needs to be tweaked or needs to be tossed.  
 19 And in the 2011 re-examination report, one  
 20 of the major problems that was identified was the  
 21 substandard housing stock and the need for more  
 22 housing. We have a substandard office building, no  
 23 longer viable, but we are providing additional  
 24 housing. We've noted on the existing conditions a  
 25 need for underutilized sites to be redeveloped to

S. Lydon 116

1 reduce the tables. That's this site in a nutshell.  
 2 It's exactly what this applicant is proposing and  
 3 what's before this board tonight.  
 4 In 2017 -- I know 2014, because it really  
 5 dealt with a different portion of the township, but  
 6 in 2017, the master plan or the planning board saw  
 7 fit to prepare a new land use element, and in that  
 8 identified range of problems was in finding  
 9 non-residential real estate base, the Amazon effect,  
 10 and the empty office spaces. It also identified  
 11 outdated zoning and the need to provide affordable  
 12 housing.  
 13 One of the big problems identified in that  
 14 master plan land use element was prevalence of  
 15 vacant dead office space creating a negative impact  
 16 to the surrounding neighborhoods. That's this site.  
 17 They could have been writing about this particular  
 18 site. And it goes on after it acknowledges and it  
 19 mentions the difficulty these office buildings can  
 20 create. It says -- and this is, I think, unusual  
 21 language in the master plan. And we write and read  
 22 a lot of master plans. It said, "It was incumbent.  
 23 There was a responsibility upon Teaneck to evaluate  
 24 zoning policies to include a wider range of  
 25 re-scenarios for vacant and underperforming office

S. Lydon 117

1 properties." That's pretty strong language. It  
 2 puts affirmative burden on -- it suggests there's an  
 3 affirmative burden on the township to address them  
 4 and address the sites that fit our site to a T.  
 5 It also notes there's a major demographic  
 6 shift underway creating tremendous demand for  
 7 multi-family housing. And I don't know what you  
 8 want to call the young people out there,  
 9 Millennials, Generation Y, Generation X, call them  
 10 what you will, they're a generation that doesn't own  
 11 things. They stream everything.  
 12 They don't own cars, they Uber. They  
 13 don't want to be bound, to a large degree, to buy a  
 14 house. So the demand for rental housing has gone  
 15 through the roof. And I'm just wondering. There's  
 16 a need for rental housing. I hear it all the time.  
 17 I hear testimony about it all the time. There's a  
 18 real thing in Teaneck. There's a demand for  
 19 housing.  
 20 So I went to the American Community Survey  
 21 with the US Census Population, the US Census  
 22 Publication, and they do surveys. And one for 2017  
 23 has some interesting facts in it. It says that  
 24 Teaneck has now 14,000 housing units. It's a pretty  
 25 big number. The population is just a hair under

S. Lydon 118

1 40,000.  
 2 Your rental vacancy rate is 0.6 percent.  
 3 You don't have any vacant rental housing in this  
 4 community. According to the US Census, American  
 5 Community Survey, 5 percent is considered normal,  
 6 healthy, operating ratio or percentage.  
 7 Five percent of people can move in and move out.  
 8 People can sell homes or rent properties for a --  
 9 what's considered market reasonable price. Five  
 10 percent. You have 0.6 percent. That shows there's  
 11 a tremendous housing -- rental housing shortage in  
 12 Teaneck and is currently down.  
 13 CHAIRMAN MEYER: What date is that report?  
 14 THE WITNESS: 2007, Mr. Chairman -- 2017.  
 15 I'm sorry. 2017, the rental vacancy rate was  
 16 .6 percent.  
 17 A. The census, of course, counts things.  
 18 They count everything. The average household size  
 19 in a rented, occupied unit in 2017 in Teaneck was  
 20 2.38 people. Somewhere, there's a theory that  
 21 apartments are overwhelmed with people and there are  
 22 people living everywhere in apartments. That may  
 23 have been true one time in the past. It is not true  
 24 today in Teaneck. Your average apartment has 2.38  
 25 residents. Some with more.

S. Lydon 119

1 CHAIRMAN MEYER: What size apartment, one  
 2 bedroom?  
 3 THE WITNESS: It's --  
 4 CHAIRMAN MEYER: Or average-average?  
 5 THE WITNESS: It's an average across the  
 6 township.  
 7 A. So that's a reference that the major  
 8 demographic shift that's transforming Teaneck and  
 9 was discussed in the 2017 land use element and is  
 10 collaborated by census data.  
 11 Going back to the 2017 master plan land  
 12 use element for the amendment. I told you earlier  
 13 this suggested that there was a responsibility upon  
 14 the township to gather the zoning policies. They  
 15 made a recommendation. There was a way for the  
 16 township policy to act. They recommend that Teaneck  
 17 capitalize on opportunities to replace -- I'm sorry.  
 18 Let me try again. They recommended that Teaneck  
 19 capitalize on opportunities to replace or redevelop  
 20 aging obsolete office buildings with high-quality  
 21 new multi-family rental housing, provide a more  
 22 diverse, quality housing, while simultaneously  
 23 providing for significant new tax ratable.  
 24 Once again, we have on this site that  
 25 aging obsolete office building. With the 2017

S. Lydon 120

1 master plan land use element that recommended that  
 2 those sites be replaced with quality, new,  
 3 multi-family rental housing, we're proposing 68  
 4 units of rental housing. There is need to encourage  
 5 the expansion of multi-family housing.  
 6 It also goes on and says that if  
 7 multi-family housing was constructed in Teaneck, it  
 8 would also help fulfill another master plan goal of  
 9 the product and the fair share of affordable  
 10 housing.  
 11 It specifically talks about 10 percent  
 12 affordable housing set-aside. And I know the board  
 13 is familiar with set-asides. What that means is the  
 14 developer would deed restrict 10 percent of units,  
 15 some one-bedroom units, some two-bedroom units, and  
 16 some three-bedroom units for qualified low-income  
 17 housing for households. And the size of the  
 18 bedrooms would be the first among family sizes. So  
 19 a one-person household doesn't end up with a  
 20 three-bedroom rental apartment.  
 21 So the land use recommendation from two  
 22 years ago was to have 10 percent set aside. We're  
 23 proposing 15 percent. So 15 percent is more than  
 24 what your master plan recommends. That land use  
 25 element of --

S. Lydon 121

1 CHAIRMAN MEYER: One second. Talking  
 2 about the COAH low-income housing. Wasn't  
 3 there a requirement by virtue of the settlement  
 4 with Teaneck and the state that you're required  
 5 to put away 15 percent?  
 6 THE WITNESS: Well, that's a requirement  
 7 within the township. Neither the planning  
 8 board nor the Board of Adjustment are a party  
 9 to that, and I do not believe that the zoning  
 10 ordinances implement that.  
 11 And, Mr. Madaio, you can explain better  
 12 than I. But basically, the ordinances that are  
 13 in place when the application is filed are the  
 14 ones that count, are the ones that are viewed.  
 15 And as of now, to the best of my  
 16 knowledge, Teaneck has not adopted any  
 17 ordinance which would provide for us to provide  
 18 any affordable housing. The master plan,  
 19 though, in 2017 recommended that we do a  
 20 10 percent set-aside. We're proposing to do a  
 21 15 percent set-aside.  
 22 And for those who are concerned, for some  
 23 members of the board who may be concerned that  
 24 that means that you have free-for-all  
 25 apartments, it doesn't mean that at all. There

S. Lydon 122

1 are income guidelines published by or  
 2 republished by the state where if you're too  
 3 low income, you don't qualify. And then they  
 4 have limits as to how much you make or have had  
 5 in the past and then you don't qualify either.  
 6 CHAIRMAN MEYER: And it's not administered  
 7 by the developer or the builder. It's a  
 8 third-party entity that will administer and  
 9 give out to approve these low-income  
 10 households, correct?  
 11 THE WITNESS: You're absolutely right,  
 12 Mr. Chairman. The township will most likely --  
 13 I say "most likely" because I haven't done it  
 14 yet. But my experience with other  
 15 municipalities, they'll hire something called  
 16 an "administrative agent." My client will pay  
 17 for an administrative agent to work on this  
 18 project. It won't be the township. And those  
 19 administrative agents are all approved by the  
 20 Department of Community Affairs.  
 21 They will take all the applications for  
 22 the affordable housing units, they will  
 23 interview all households, they will determine  
 24 which ones qualify and which ones don't. And  
 25 they will provide a list of eligible

S. Lydon 123

1 households. They will probably do a lottery  
 2 and they will determine who's selected to be in  
 3 the affordable housing units.  
 4 The developer writes the check and the  
 5 township, quite frankly, doesn't want to be  
 6 involved because it's a bureaucratic nightmare.  
 7 They want to hand it off to an administrative  
 8 agent.  
 9 BY MS. BERGER:  
 10 Q. Just for the record and for those who  
 11 weren't here earlier, could you give the breakdown  
 12 for the proposed affordable housing units?  
 13 A. Yes. Just like everything else, dealing  
 14 with affordable housing in New Jersey is very  
 15 bureaucratic. The requirements are that two -- in  
 16 this case for 68 units, overall development of the  
 17 property. We're proposing two units have to be  
 18 three-bedroom units. Two units, but no more than  
 19 two units, can be one-bedroom units. And the  
 20 balance, which in the case is six -- no, that's not  
 21 it. No. Six two-bedrooms. So there will be two  
 22 one-bedroom affordable housing units if this  
 23 application is approved. There will be six  
 24 two-bedroom affordable housing units; and there will  
 25 be two three-bedroom units.

S. Lydon 124

1 CHAIRMAN MEYER: So there two, six and  
 2 two?  
 3 THE WITNESS: Two, six and two,  
 4 Mr. Chairman. So one, two, and three.  
 5 MR. ROSEN: Sixty-eight units, 15 percent  
 6 is 10.2. What happened to the .2. It goes  
 7 into a fund?  
 8 THE WITNESS: Mr. Rosen, Teaneck has  
 9 adopted the ordinance. We'll probably be asked  
 10 to make a contribution for two-tenths of the  
 11 unit.  
 12 The administrative affordable housing  
 13 trust fund, which is maintained by the township  
 14 and used to basically rehab existing housing  
 15 units in townships that are operated by low- or  
 16 moderate-income households.  
 17 MR. ROSEN: Thank you.  
 18 A. Very briefly, I'm going to go over the  
 19 2017 master plan. But it talks about three key  
 20 features that they want all multi-family housing  
 21 units to address. They wanted -- special attention  
 22 should be paid to facades of new buildings. We have  
 23 complied with that recommendation. You see the  
 24 architect described it and presented the  
 25 architectural plans. The building is beautiful.

S. Lydon 125

1 Affordable housing. It recommends --

2 MR. ROSEN: When you talk about facades,

3 you're talking about the architectural

4 appearance of the facade, right?

5 THE WITNESS: Yes, sir.

6 MR. ROSEN: Subject to whose guidelines,

7 to whose judgment, to --

8 THE WITNESS: Ultimately, I suspect to the

9 board's judgment. We -- New Jersey, except for

10 maybe Cape May, we do have guidelines. There

11 are guidelines. I've seen a lot of

12 multi-family housing projects go up.

13 This building strives for a more open

14 facade and use of colors, and setting the

15 facades in different setbacks I think is quite

16 attractive.

17 MR. ROSEN: Again, that's subject to the

18 review of this board that you meet the

19 guidelines and the facade has to be

20 aesthetically pleasing.

21 THE WITNESS: Yes, sir.

22 A. The second thing, it said that all

23 multi-family housing developments should have

24 affordable housing set aside. We talked about that

25 earlier. We're going to do about 50 percent and

S. Lydon 126

1 provide for 15 percent of affordable housing.

2 And I saved the best one for last.

3 Parking requirements. This is a document that the

4 planning board adopted in 2017. It reserves that

5 newer multi-family developments will demand a much

6 smaller supply of off-street parking than what the

7 residential site improvement standards would

8 otherwise recommend.

9 And there's a lot of misunderstanding

10 about residential site improvement standards when it

11 comes to parking. The state of New Jersey, as small

12 as they are, is a big juror state. Even people at

13 DCA who wrote the residential site improvement

14 standards, recognized that one size doesn't fit all.

15 So although when it came to engineering

16 designs, we've heard about sanitary sewer line and

17 we've heard about stormwater lines. If you know how

18 much area you have to accommodate or how many units

19 you're dealing with, you can figure out how big the

20 pipe needs to be. And it doesn't matter if that

21 pipe is new, Teaneck or Atlantic City, its engineer,

22 it's a slope. Parking is different. So they made

23 the parking recommendations.

24 So the 2017, your planning board, said

25 that housing -- the multi-family housing in Teaneck

S. Lydon 127

1 will remain a much smaller supply of off-street

2 parking than one RSIS, Residential Site Improvement

3 Standards, would otherwise recommend.

4 And it went on to say why. It's the

5 occupants of the newer multi-family residential

6 developments. Again, Teaneck has much lower parking

7 demands than carved out in the RSIS document.

8 This observation and recommendation by

9 your planning board is borne out by the 2017 census

10 data I referred to earlier. Forty-three percent of

11 your housing stock has one or no cars available to

12 it. They said "vehicles." I'll call them cars.

13 That is township-wide. One or zero cars for

14 43 percent of the housing stock.

15 Now, as a planner who's been in this field

16 a long time, I will suggest to you -- in fact, I

17 will tell you that when they say 43 percent of the

18 housing stock, they're not saying there's a

19 four-bedroom house someplace on Chadwick Lane that

20 doesn't have a garage or parking -- a driveway.

21 What they're really referring to are apartments.

22 MR. ROSEN: Did you say how many rental

23 units there are in the town?

24 (Reporter interruption.)

25 MR. ROSEN: My question was how many

S. Lydon 128

1 rental units there are. And I'm saying

2 there's -- since 2017, there have been a couple

3 new buildings that have gone up on Queen Anne

4 and on Windsor Road and now on in Teaneck.

5 But in 2017, how many rental units -- do

6 you have those figures for what they are in

7 Teaneck?

8 THE WITNESS: In Teaneck in 2017, there

9 were 3,542 apartments. To give you the flip

10 side, there were 9,774 owner-occupied housing

11 units.

12 MR. ROSEN: So you're saying -- going back

13 to your statement of the rental vacancies

14 .6 percent -- I can't do the math, too late,

15 .6 percent of approximately 3500 rental units

16 in Teaneck go up are probably vacant; is that

17 right?

18 THE WITNESS: .06.

19 MR. ROSEN: That's 1 percent or about 30

20 apartments in all of Teaneck?

21 THE WITNESS: Yes.

22 MR. ROSEN: You think that's an accurate

23 figure?

24 THE WITNESS: Yes. You didn't ask, but

25 I'll tell you anyway. The owner -- the



S. Lydon 129

1 ownership -- the owner residential units --  
 2 it's getting late. You're right, Mr. Rosen.  
 3 Units that are owned by their occupants, the  
 4 vacancy rate for them is only 2.6 percent.  
 5 That means your housing market is twice as  
 6 tight as a normally functioned operating  
 7 housing line on the ownership ones. On the  
 8 for-sale ones, there's not one apartment  
 9 available in those units.

10 MR. ROSEN: This is a valuable exercise  
 11 for us to know exactly what this breakdown is.

12 THE WITNESS: To put these numbers in  
 13 context, I think these numbers may have changed  
 14 in 2015. And I think they will probably be  
 15 reviewed by the planning board when they made  
 16 some of the recommendations on all family  
 17 housing. It recognized that there is a  
 18 shortage not just to affordable housing in  
 19 Teaneck, but of ownership housing and rental  
 20 housing.

21 MR. ROSEN: And one more question, sir.  
 22 I'd ask for projects that are either recently  
 23 completed or entering construction. Would you  
 24 say that's 1,000 units that are under  
 25 construction now?

S. Lydon 130

1 THE WITNESS: I don't have that number  
 2 right in front of me. I think a thousand may  
 3 be high, but even if it was a thousand units,  
 4 it's probably in that range. With the number  
 5 of vacant units in the community, you still  
 6 have a very low number of vacant units. I  
 7 think the rest is somewhere in the 500 range is  
 8 pretty close.

9 A. So getting back to the parking  
 10 requirements and the recommendations of the master  
 11 plan and the report from the Census Bureau,  
 12 Teaneck's traffic and parking consultant has  
 13 reviewed development and it's concluded that the  
 14 amount of the proposed parking is sufficient for the  
 15 anticipated demand.

16 That tells me two things: One, the  
 17 applicant has provided sufficient parking and your  
 18 traffic and parking consultant is agreed with the  
 19 planning board's 2017 document that when it comes to  
 20 the multi-family housing, less parking is better  
 21 than more parking.

22 BY MS. BERGER:

23 Q. And is that -- are you referring to the  
 24 Stonefield Engineering design report of  
 25 February 2019?

S. Lydon 131

1 A. Yes. In fact, there is -- there's a  
 2 second page. Yes, on Item No. 6. The proposed  
 3 municipal parking lot would be sufficient to support  
 4 the RSIS guest parking requirement.

5 So, again, it's to minimize the amount of  
 6 parking.

7 MR. REHMAN: Sorry to interrupt. I get  
 8 the studies. It suggests Teaneck may not need  
 9 as much parking as may otherwise be required.  
 10 And I guess I get that's what it says on paper.

11 How do you reconcile that with everyone in  
 12 this room who actually lives here who would  
 13 probably disagree with it because it sounds  
 14 like the biggest concern is parking?

15 (Applause.)

16 MR. REHMAN: I'm just trying to reconcile  
 17 it with the reality of what people seem to be  
 18 complaining about.

19 THE WITNESS: Two things. And I think  
 20 that in time this will be part of the important  
 21 factor. A lot of the developments that older  
 22 Teaneck, just like as the stormwater management  
 23 controls, did not provide for on-site parking  
 24 of residents.

25 So they -- if you will, if you look at the

S. Lydon 132

1 hundreds of units in this area, there probably  
 2 is a deficit. Forget "probably." There is a  
 3 deficit of on-site parking that exists today,  
 4 it exists yesterday, and will exist tomorrow  
 5 whether this application is approved or not.

6 I'm under oath. I'm not going to tell you  
 7 anything else. How did we get there? We got  
 8 there because certain properties didn't provide  
 9 any on-site parking.

10 We believe this applicant is proposing a  
 11 partial solution to that. We're proposing 44  
 12 spaces across the street, which will generally  
 13 be available to the public. We're increasing  
 14 the supply of the public parking. You've heard  
 15 that the resolution requires that we re-stripe  
 16 State Street. Right now it's parallel parking  
 17 spaces, that would be 70 or so. And then a  
 18 wide drive aisle both east and west.

19 By providing parallel -- by going from  
 20 parallel parking to angled parking, the number  
 21 of stalls would greatly increase.

22 MR. ROSEN: I thought Ms. Berger corrected  
 23 the record --

24 MS. BERGER: Yeah, I think that the town  
 25 changed that once we put in more parking on our

S. Lydon 133

1 site, the two levels of parking. It's my  
 2 understanding that the township did not want  
 3 the change in striping. But that was -- that  
 4 thought was when there was not two levels of  
 5 parking on the site and the 100 spots --  
 6 MR. ROSEN: No, I understand. I want to  
 7 make sure we're clear on what's being required  
 8 and what's not.  
 9 CHAIRMAN MEYER: On one side of the street  
 10 is angled parking, right, Mr. Lydon? On the  
 11 north side of the street on State Street, there  
 12 is, in fact, angled parking?  
 13 THE WITNESS: I was out there the other  
 14 day, Mr. Chairman. I believe the parking may  
 15 have been angled at one time. Yes, there is  
 16 staggered parking.  
 17 CHAIRMAN MEYER: Thank you. I drive there  
 18 at least three times a day. But not on the  
 19 sidelines.  
 20 THE WITNESS: Well, north and south.  
 21 CHAIRMAN MEYER: Only on the end parking  
 22 towards Teaneck Road.  
 23 BY MS. BERGER:  
 24 Q. And just while you're talking about it,  
 25 how many street spots are there now?

S. Lydon 135

1 know -- I didn't do the demographic study who's  
 2 living along State Street, what the household  
 3 composition is, but the new developments in  
 4 Jersey City and Hoboken, which are not Teaneck,  
 5 are providing, at most, one parking space per  
 6 unit, regardless of the number of bedrooms.  
 7 And oftentimes you're providing .75, .85.  
 8 Because the younger generation is --  
 9 MR. REHMAN: Clarification. The studies,  
 10 they don't take into account any existing  
 11 backlog of the parking? I think that's what  
 12 you said, right? It doesn't look at designs,  
 13 design flaws for past buildings. It's just  
 14 saying that if everything was perfect, a town  
 15 like Teaneck, we require less parking than --  
 16 THE WITNESS: That's a fair assessment.  
 17 And just to carry the thought a little further.  
 18 We are not that far away from buses and  
 19 vehicles. My prediction. You're going to have  
 20 atomic vehicles at the surface. You're going  
 21 to go to dinner. You call for a car and say, I  
 22 need a car at 6:45 p.m. on a Friday. It comes  
 23 to your house and takes you to the restaurant.  
 24 It picks you up in two hours and takes you  
 25 back. It's going to take a while, but that's

S. Lydon 134

1 A. There are 33 street -- State Street.  
 2 There are 33 on-street parking spaces on the north  
 3 side and there are 34 on-street parking spaces on  
 4 the south side of State Street.  
 5 MR. ROSEN: Of this property?  
 6 THE WITNESS: No, on the street.  
 7 MR. ROSEN: On the entire street. From  
 8 Queen Anne Road --  
 9 THE BOARD SECRETARY: Okay. Use the mic,  
 10 please.  
 11 MR. ROSEN: From Queen Anne Road to  
 12 Teaneck Road, you're saying that there are 33  
 13 spaces?  
 14 THE WITNESS: On the north side of State  
 15 Street, and there are 34 on-street parking  
 16 spaces on the south side of State Street.  
 17 MR. ROSEN: Seems off. But if that's what  
 18 it is, that's what it is. Thank you.  
 19 THE WITNESS: You're right. When you look  
 20 at it, there are long sections of State Street  
 21 developed parking on the east or west side.  
 22 But the spaces that are there are indicated.  
 23 MR. ROSEN: Okay.  
 24 THE WITNESS: So get back to your other  
 25 question. What's happening now, and I don't

S. Lydon 136

1 going to drive parking demand much further  
 2 south. And these numbers that are rolling  
 3 around today are incredibly high in eight  
 4 years.  
 5 CHAIRMAN MEYER: Mr. Lydon, I'll let you  
 6 continue the testimony in a little bit. I  
 7 think we need to change the tape.  
 8 (A pause/break in the proceeding at 9:57  
 9 p.m.)  
 10 MR. POWERS: Good and welfare.  
 11 At approximately 9:00.  
 12 According to the code.  
 13 CHAIRMAN MEYER: Mr. Powers, please be  
 14 quiet. Otherwise, you'll be removed. Please  
 15 be quiet.  
 16 How are we doing with the tape?  
 17 (Back on the record at 10:03 p.m.)  
 18 CHAIRMAN MEYER: Let me just make out some  
 19 approximation of how long your direct is going  
 20 to continue.  
 21 MS. BERGER: It's probably going to be  
 22 another hour, would you say?  
 23 THE WITNESS: I hope not.  
 24 MS. BERGER: Maybe 40 minutes.  
 25 CHAIRMAN MEYER: Forty minutes more?

S. Lydon 137

1 MS. BERGER: Yeah, it could be, you know.  
 2 CHAIRMAN MEYER: Okay. I don't think  
 3 we're going to finish your direct tonight, but  
 4 I think if you want to take another look in 15  
 5 minutes?  
 6 MS. BERGER: I'll let Mr. Lydon go and if  
 7 I feel he should stop at a certain point.  
 8 CHAIRMAN MEYER: When there's a good place  
 9 to stop so you can pick up next time, I think  
 10 that would be a good idea. And then we'll, I  
 11 guess, bring him back.  
 12 MS. BERGER: Correct.  
 13 CHAIRMAN MEYER: I also have the engineer  
 14 left.  
 15 MS. BERGER: Yes.  
 16 CHAIRMAN MEYER: I also have a question  
 17 for him before he leaves tonight. I want to  
 18 recall him. But let's not take you out of  
 19 where you want. So you continue until you find  
 20 a break where you can break and we'll put you  
 21 on next time again. But I just need to ask the  
 22 engineer a few questions before and then we'll  
 23 go to good and welfare.  
 24 THE WITNESS: Thank you, Mr. Chairman. I  
 25 know it's getting a little late.

S. Lydon 139

1 handing out. Could you please sit down.  
 2 Please. Unless you want to hand me something?  
 3 MR. ROSEN: I just want to get a sense of  
 4 what that opinion was -- what was on the books?  
 5 THE WITNESS: One of them would have been  
 6 140 State Street, just to the west of this  
 7 particular site.  
 8 MR. ROSEN: Which is not built.  
 9 THE WITNESS: Which is not built. But was  
 10 approved. 1500 Teaneck Road was not approved  
 11 yet. The building you mentioned, Avalon. I  
 12 think one on Palisade which is an eight-story  
 13 building, that had been approved. And I  
 14 believe there was one south, down by Bogota  
 15 maybe.  
 16 MR. ROSEN: So the planning board in 2017,  
 17 understanding what was already under  
 18 construction or was already on the drawing  
 19 board, still saw the need for additional rental  
 20 housing. Is that what you're testifying to?  
 21 THE WITNESS: Yes, Mr. Rosen. And they  
 22 talk about turning around the tax base. And I  
 23 know it's not an issue --  
 24 CHAIRMAN MEYER: Outside of our purview.  
 25 THE WITNESS: Well, it's not the

S. Lydon 138

1 CHAIRMAN MEYER: Take your time. I want  
 2 you to take your time. Question, applicant,  
 3 people have questions for the witness.  
 4 Everybody gets to take their time. I'm not  
 5 speeding up nothing.  
 6 THE WITNESS: To get back to what  
 7 Mr. Rosen asked me about, we talked about new  
 8 development going on. It's interesting what  
 9 you said what you did. Because in the 2017  
 10 land use element, notes reasonable family  
 11 housing improvement. It says, there remains a  
 12 need to identify further opportunities for the  
 13 private market to develop vacant or  
 14 underutilized sites to help in turning around  
 15 the tax base.  
 16 MR. ROSEN: Well, what would have been  
 17 improved by that time --  
 18 THE BOARD SECRETARY: Mic, Mr. Rosen.  
 19 MR. ROSEN: What would have been improved  
 20 by that time, the new building on Palisade --  
 21 Queen Anne Road which was under construction?  
 22 THE WITNESS: Right.  
 23 MR. ROSEN: Avalon --  
 24 CHAIRMAN MEYER: Sir, please. I'm sorry.  
 25 In the back there. I don't know what you're

S. Lydon 140

1 purview --  
 2 CHAIRMAN MEYER: That's the planning board  
 3 issue. You're a planner. You can talk about  
 4 it, but it's not really taken from a land use  
 5 zoning perspective into our deliberation and  
 6 consideration.  
 7 THE WITNESS: You're right, Mr. Chairman.  
 8 CHAIRMAN MEYER: Thank you. I love that.  
 9 THE WITNESS: So I started to think about  
 10 some of the impacts that these developers that  
 11 we're talking about might have on the township  
 12 and, specifically, the Board of Education.  
 13 Because that's always an issue we hear about.  
 14 As planners, we hear about traffic and  
 15 school-age children.  
 16 So the Department of Education's website,  
 17 they'll tell you the official enrollment levels  
 18 for each school year.  
 19 In the year 2009-2010, so the beginning of  
 20 the decade, 4,162 students were enrolled in  
 21 Teaneck schools.  
 22 CHAIRMAN MEYER: How many again?  
 23 THE WITNESS: 4,162 students.  
 24 BY MS. BERGER:  
 25 Q. And what year was that again?

S. Lydon 141

1 A. That was 2009-2010.

2 MR. ROSEN: That's the entire Teaneck

3 public school system?

4 THE WITNESS: Yes. The enrollment for the

5 2016-2017 school year, which was the most

6 recent one published, is 3,621 students.

7 So if my math is correct, this decade has

8 seen a reduction in student enrollment of 541

9 students. And it's been a pretty steady

10 decline. So that tells me the --

11 MR. ROSEN: Again, that's public school,

12 not including parochial school or charter

13 school?

14 THE WITNESS: That's correct.

15 MR. ROSEN: Public school system. High

16 school, junior school, and --

17 THE WITNESS: And preschool, yes. So

18 since then, it started. The Teaneck enrollment

19 has dropped by 541 students, which leads me to

20 my next thing, because people always want to

21 know, well, who's going to live in this

22 building? And we don't know if it's going to

23 be Bob Smith or somebody else, but we have a

24 pretty decent idea by published data how many

25 people are going to live in the single-family

S. Lydon 142

1 house with four bedrooms or a low-rise

2 apartment building or a high-rise apartment

3 building.

4 Dr. Liskin, a graduate of Rutgers, Newark,

5 New Jersey, did a study back in 1987. And it

6 was for the North Jersey area, the northern

7 portion of the country. It quickly became out

8 of date and there was a need in New Jersey for

9 a more specific study.

10 So using the 2000 data, in 2006, they

11 published what they called "Who Lives in New

12 Jersey Housing." And it was 40 or 50 pages of

13 charts of different types of housing. He wrote

14 it down, single family, low-rise multi-family,

15 garden apartments, mid-rise/high-rise. He also

16 broke it down by size. One-bedroom,

17 two-bedroom, three-bedroom or whatever. He

18 also wrote it down by ownership versus rents.

19 And we found quickly in the industry that the

20 projections did not involve any listings,

21 publication, or policy, certainly in the

22 Northern New Jersey area.

23 So finally last November, Dr. Liskin got

24 back to work and did a new study. And we're

25 proposing a marketplace and we're proposing

S. Lydon 143

1 affordable units and we have certain bedroom

2 distribution. I did two studies. I did two

3 analyses:

4 One was for the market rat ing and how many

5 units we have, and we know what that

6 distribution is; and I did the second one for

7 the affordable ones, the affordable units

8 because people always say, well, that doesn't

9 include all of the affordables that we have.

10 It has 27 kids in there.

11 The market rate housing and there's 58

12 units ago -- it's a long time since I put that

13 number out -- based on Dr. Liskin's

14 documentation, which was published in 2017,

15 2018. And bedrooms, 22 one-bedroom; 32

16 two-bedroom units; and 40 three-bedrooms units,

17 he then anticipated 3.14 school-aged children

18 to live in the development. So next I turn --

19 CHAIRMAN MEYER: The whole development?

20 THE WITNESS: The 58 units.

21 CHAIRMAN MEYER: School-aged children,

22 only four kids?

23 THE WITNESS: 3.14.

24 CHAIRMAN MEYER: 3.1 kid.

25 THE WITNESS: 3.14 children. So

S. Lydon 144

1 school-age children.

2 CHAIRMAN MEYER: School age.

3 THE WITNESS: School-aged children. So

4 then I looked at the estimates, the projections

5 for the low- to moderate-income housing units,

6 the affordable housing units. There you have

7 ten units, and he projects based on the two

8 one-bedroom units, the six two-bedroom units,

9 and the two three-bedroom units, that there'd

10 be a total of 2.59, let's call it 2.6,

11 school-age children living in those units.

12 So I take that as I submit and I look at

13 the decline in enrollment. And I don't think

14 school-age population is going to be a problem.

15 MR. ROSEN: You're predicting based upon

16 government practice and the population, as

17 predicted, to be in both the affordable and

18 non-affordable, that there's not going to be

19 six school-age children in this 68-unit

20 development?

21 THE WITNESS: That's correct.

22 CHAIRMAN MEYER: Mr. Rosen?

23 MR. ROSEN: And that will also extrapolate

24 school enrollment. I think the point you're

25 making -- I don't want to put words in your

S. Lydon 145

1 mouth -- that Teaneck public schools are  
 2 currently underserved and that could easily  
 3 handle any increased school-age children. Is  
 4 that what you're implying?  
 5 THE WITNESS: That type of building, yes.  
 6 CHAIRMAN MEYER: Is there a zone concern  
 7 from a zoning law perspective, something that  
 8 we as the zoning board have to take into  
 9 consideration in disapproving and approving an  
 10 application, what the impact is on the school  
 11 system, I don't think so.  
 12 THE WITNESS: I think you can.  
 13 CHAIRMAN MEYER: I can, but am I required  
 14 to?  
 15 THE WITNESS: No. No, you're not. The  
 16 planning board, when they do the master plan  
 17 and the mayor and council and maybe zoning need  
 18 to take into consideration.  
 19 CHAIRMAN MEYER: That's two different  
 20 things. We're a quasi statutory board. We  
 21 have our obligations and requirements and  
 22 things we must do and things we must not do.  
 23 THE WITNESS: At some point in my  
 24 testimony, I'm going to get to the negative  
 25 criteria. And one of the things I want to

S. Lydon 146

1 point out in the negative criteria is that this  
 2 building on the dead office facility of the  
 3 site, is not going to overtax the school  
 4 district.  
 5 I also don't believe it's going to overtax  
 6 the township in the sense of population growth.  
 7 You've got, let's say, 40,000 people in town.  
 8 The average rental occupied unit has 2.38  
 9 living people in there. I don't think a  
 10 handful, roughly, say, 150 people, 200 people  
 11 are going to have an oversized impact in the  
 12 community according to the analysis.  
 13 And the traffic, it's interesting if you  
 14 view the traffic studies. Traffic on State  
 15 Street has gone down since the earlier  
 16 application. The count which you had in 2016,  
 17 the count which you had in 2017, you're going  
 18 to have variances that are going to go down,  
 19 which suggests the issue about the parking has  
 20 also gone down.  
 21 CHAIRMAN MEYER: It may, it may not.  
 22 THE WITNESS: Well, we know the counts  
 23 went down.  
 24 CHAIRMAN MEYER: That doesn't mean the  
 25 people actually park there. It may mean that

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1 less people drive through there or go other  
 2 ways.  
 3 THE WITNESS: That's true. One thing they  
 4 do do is take the multiple buses that are  
 5 available.  
 6 CHAIRMAN MEYER: In other words, there are  
 7 a lot of factors one can extrapolate that would  
 8 result in less traffic on State Street, right?  
 9 THE WITNESS: Yes, Mr. Chairman. I would  
 10 agree with that statement.  
 11 MS. BERGER: Mr. Chairman, do you think  
 12 this is the appropriate time to stop so you can  
 13 have the engineer brought back to answer your  
 14 question?  
 15 CHAIRMAN MEYER: Yes. There was one  
 16 question I had to ask Mr. Lydon regarding --  
 17 and what about police, ambulance, fire  
 18 department?  
 19 THE WITNESS: I believe the building is  
 20 designed with appropriate elevators.  
 21 CHAIRMAN MEYER: I understand that.  
 22 THE WITNESS: So that's a big plus.  
 23 CHAIRMAN MEYER: So you can wait with that  
 24 testimony. I just wanted you to address those  
 25 issues so that you would have our finest

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1 officers here, as well. And they're also  
 2 interested in knowing that. So fire, TVAC, and  
 3 police department issue impact.  
 4 MR. REHMAN: Mr. Lydon, I just have one  
 5 question related to -- it sounds like the  
 6 master plan makes this compelling argument for  
 7 a development of this type. I'm just  
 8 wondering, based on your experience, do you  
 9 know why, when there is such a compelling  
 10 argument for this type of development, why  
 11 towns don't change the ordinances so that it  
 12 can be used as opposed to having dead areas.  
 13 Just based on your general experience, why  
 14 don't towns just follow through and make them  
 15 relevant?  
 16 THE WITNESS: That's a very good question.  
 17 And I think part of it is that the planning  
 18 board is partly responsible for doing the  
 19 master plan. And they have certain things they  
 20 would like to say typically to the plan use  
 21 policy.  
 22 There are a host of things where mayor and  
 23 council need to review. First and foremost is  
 24 the budget, personnel. As borough attorneys  
 25 will tell you, it takes some time for two

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1 things to happen. One, to build a consensus;  
 2 and two, to go through the process.  
 3 And on that point, the affordable housing  
 4 buildings in New Jersey is 75. In 2015 the  
 5 court gave towns six months of rent housing  
 6 plans to get them approved by the courts.  
 7 They're still doing it.  
 8 It's not a fast process. And because two  
 9 different boards are involved, it takes longer.  
 10 And that's why. That's part of the reason why  
 11 there is a variance procedure available to  
 12 developers.  
 13 CHAIRMAN MEYER: Thank you. Just need to  
 14 note for the record, Ms. Honis has certified  
 15 that she has read the two transcripts regarding  
 16 this application on -- for meeting on  
 17 February 21 and April 4. And Mr. Rehman has  
 18 certified that he has gone over the transcript  
 19 from January 17, 2019 regarding this matter.  
 20 So that's on the record. Okay.  
 21 THE WITNESS: Thank you, Mr. Chairman and  
 22 the board.  
 23 CHAIRMAN MEYER: You're not excused except  
 24 until the next meeting, and which I think we're  
 25 going to schedule this matter for June 6. It's

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1 going to be adjourned to -- maybe then  
 2 adjourned to June 20, at that time. It depends  
 3 on the availability of your experts and your  
 4 calendar and everybody else's calendar.  
 5 So for now, it's the June 6, without  
 6 further notice to the public, and it's going to  
 7 be most likely in the -- that meeting most  
 8 likely will be in the regular chambers where we  
 9 normally are in the township chambers.  
 10 If the meeting gets moved -- or if this  
 11 matter is going to go on June 6, we might be  
 12 back here. If this matter is going to go to  
 13 June 20, if the school is available, we don't  
 14 know, do we?  
 15 So it's not available.  
 16 THE BOARD SECRETARY: Mr. Chairman, I can  
 17 find out Monday. It could be the library.  
 18 CHAIRMAN MEYER: Library. You will find  
 19 out. There will be a notice about that. But  
 20 it's not going to be a notice in the paper so  
 21 far.  
 22 I make a motion to have this matter moved  
 23 for calendar purposes or at least all needing  
 24 to be heard June 6 in the regular chambers, or  
 25 we'll designate a place without further notice.

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1 MS. BERGER: 7:00 p.m., correct?  
 2 CHAIRMAN MEYER: 7:00 p.m. or soon  
 3 thereafter.  
 4 MR. ROSEN: So moved.  
 5 CHAIRMAN MEYER: Most likely it will be  
 6 June 20.  
 7 MS. BERGER: Just for clarification on the  
 8 record, our first hearing was not in January.  
 9 It was in February 21.  
 10 THE BOARD SECRETARY: February 21, yes. I  
 11 misspoke.  
 12 CHAIRMAN MEYER: I am sorry. February 21,  
 13 that goes for Mr. Rehman's certification.  
 14 Thank you for that clarification.  
 15 I have a question for the engineer. Let's  
 16 put him back on.  
 17 Sir, do you recall that I raised the issue  
 18 last time with respect to adding the 25 spaces  
 19 at the rear of the property on the first level  
 20 of parking, correct?  
 21 MR. JUZMESKI: Yes, sir.  
 22 CHAIRMAN MEYER: What is the dimensions  
 23 from where the front line of the parking spot  
 24 now to the end of the rear had you pushed it  
 25 all the way through -- to the wall or what do

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1 you call it? How many feet would that be?  
 2 MR. JUZMESKI: Let me just understand. If  
 3 I pushed this wall from the current wall to the  
 4 property line?  
 5 CHAIRMAN MEYER: Yes. Where you indicated  
 6 you have 25 additional spots if you had moved  
 7 that wall backwards to the rear of the line,  
 8 from the other direction. From the original  
 9 spot to the end of that wall, you said -- if I  
 10 don't -- if I'm not mistaken, you said there's  
 11 more spaces for two cars; is that correct?  
 12 There was a greater length that you would  
 13 house -- would be able to park two cars there.  
 14 MR. JUZMESKI: You asked if we can do  
 15 tandem parking.  
 16 CHAIRMAN MEYER: Yes. How long is that  
 17 whole tandem?  
 18 MR. JUZMESKI: From this wall to the  
 19 property line?  
 20 CHAIRMAN MEYER: Yes.  
 21 MR. JUZMESKI: So approximately 15~1/2  
 22 feet.  
 23 CHAIRMAN MEYER: Not from the wall. From  
 24 the beginning of the space, from the original  
 25 space.

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1 MR. JUZMESKI: From this space to the  
2 property line?  
3 CHAIRMAN MEYER: Yes.  
4 MR. JUZMESKI: It's about 30 or 40 feet.  
5 CHAIRMAN MEYER: And how long is each  
6 parking space?  
7 MR. JUZMESKI: Each space is 9 feet long.  
8 CHAIRMAN MEYER: So it would be more than  
9 standard parking, correct?  
10 THE WITNESS: Well, you have to  
11 accommodate a full space, a 9-by-18 space. We  
12 would have to modify some of these striping  
13 along the front so we can get 18 and 18.  
14 CHAIRMAN MEYER: So we're maybe 2 feet  
15 short?  
16 MR. JUZMESKI: That's correct.  
17 CHAIRMAN MEYER: Now, the wall in the back  
18 that you talk about, does that have to go all  
19 the way up or could it be half the wall?  
20 MR. JUZMESKI: It's basically going to be  
21 a parapet wall for safety of the vehicles, and  
22 basically the structural support of the deck  
23 itself. So it's not necessarily a full wall.  
24 It would be -- a family designed it in there,  
25 obviously, but --

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1 CHAIRMAN MEYER: You build a half wall,  
2 but it would be --  
3 MR. JUZMESKI: I don't know, Mr. Chairman.  
4 There's a deck. I can't see parking just out  
5 in the open.  
6 CHAIRMAN MEYER: Would you be able to  
7 behind the wall, if you pull it in a little  
8 bit, would there be room for plantings to  
9 lessen the impact of the concrete wall to the  
10 public?  
11 MR. JUZMESKI: No, we would be right on  
12 the property line. There's no room.  
13 CHAIRMAN MEYER: Is it possible to move in  
14 a little bit?  
15 MR. JUZMESKI: Again, to move it that way,  
16 we have a low level, but we'd be right on the  
17 property line.  
18 CHAIRMAN MEYER: All right. Thank you.  
19 MR. JUZMESKI: That you, Chairman.  
20 MR. BROWN: I have a question. I think  
21 there was a fair amount of misunderstanding  
22 about the 8-foot parking spaces versus the  
23 9-foot. Out of the total of 18 feet, can you  
24 tell us how much of the 8-foot-wide parking  
25 spaces, what the length of 8-foot-width is?

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1 MR. JUZMESKI: The length?  
2 MR. BROWN: So if it's 18 feet, you just  
3 said the striping is still 9 feet. It's only  
4 at the rear of those spaces that's 8 feet,  
5 right?  
6 MR. JUZMESKI: I'll explain. All spaces  
7 are 18-foot length, all. The striped parking  
8 spaces, if I'm pointing -- if I'm looking at  
9 sheet C4.01, these parking striping from stripe  
10 to stripe is 9-foot wide. At the individual  
11 column supports, it's about a 2-by-2 column.  
12 At that area, the stripe -- the available space  
13 reduces by about a foot on this vehicle side  
14 and on the opposite vehicle side. So for a  
15 very short period --  
16 MR. BROWN: There's 2 feet out of the  
17 total of 18, it's 8 feet wide. The rest of  
18 that space is 9 feet.  
19 MR. JUZMESKI: That's correct. Thank you,  
20 Mr. Brown.  
21 CHAIRMAN MEYER: Okay. That concludes for  
22 tonight, at least for 100 State Street.  
23 We're going to go to good and welfare.  
24 Ms. Berger, why don't you see if you can  
25 get out of here. I'm sure you don't want to

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1 hang around for all of that, experts and  
2 clients.  
3 THE COURT REPORTER: Just to make sure  
4 before you leave, you will need good and  
5 welfare?  
6 MS. BERGER: Yes.  
7 (Time noted: 10:27 p.m.)  
8  
9 GOOD AND WELFARE  
10 CHAIRMAN MEYER: Please limit the comments  
11 to what you're going to talk about to two to  
12 three minutes.  
13 MR. ROSEN: Reminder again for those of  
14 you who intend to speak about this project in  
15 your good and welfare remarks, you're not being  
16 sworn in. We don't have the opportunity to ask  
17 you questions nor will the attorney. So I  
18 would suggest you are free to make whatever  
19 statement you want, but this is not the time  
20 for you to speak about this application. We  
21 can't take it and admit it as evidence, okay?  
22 Understand that. Okay.  
23 Mr. Madaio.  
24 UNIDENTIFIED AUDIENCE MEMBER: It's my  
25 understanding that you can speak on anything?

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1 MR. ROSEN: Yes, you can. But I'm making  
2 the point for your own edification, your own  
3 knowledge, that this is not a good or  
4 appropriate time to talk about this application  
5 because we can't take it as evidence.  
6 Normally in our process when you will be  
7 asked for your comments about this application ,  
8 we will swear you in the way the process goes.  
9 So if you intend again to speak about this  
10 application, it's not a good idea.  
11 CHAIRMAN MEYER: If you want to talk about  
12 this application at the end of the case, there  
13 will be an opportunity to speak about it.  
14 Okay.  
15 MR. MADAIO: Let me make sure that we make  
16 it for the record what I believe the analysis  
17 of the law should be. This board understands  
18 there's a municipal ordinance regarding good  
19 and welfare and we intend to comply with that  
20 ordinance.  
21 The public and the board should understand  
22 that there's also a Municipal Land Use Law that  
23 says that this board cannot take any testimony  
24 outside the scope of the public hearing. The  
25 public hearing just ended. Anything that

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1 anyone says on good and welfare about this  
2 application, you are allowed to hear the words,  
3 board members, but you cannot take it into  
4 consideration in your review of the  
5 application.  
6 So, board members, we cannot supersede the  
7 ordinance, nor can we stop people from enjoying  
8 the right to speak about this or anything else.  
9 But the public and the board should understand ,  
10 anything that is said about this application  
11 from this moment forward, is not only not  
12 included in the record of the application, it  
13 cannot be considered as evidence by the board  
14 members. It is meaningless for the purposes of  
15 the application.  
16 However, if you want to say it,  
17 understanding that the board cannot consider  
18 it, we absolutely honor the good and welfare  
19 ordinance. I think that is why several board  
20 members have said to you, whatever you'd like  
21 to say now, it would be a million times more  
22 valuable in the public hearing part at the end  
23 when you can say anything you want and it has  
24 to be considered as evidence.  
25 But we can't stop you from saying it.

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1 Board members, you are instructed to ignore.  
2 Okay. That is my take on the law.  
3 UNIDENTIFIED AUDIENCE MEMBER: You're  
4 going to ignore? Because this is my first time  
5 coming. I don't know how we've come this far  
6 that we can avoid a master plan, a building  
7 that is proposed to be 86 point 200 feet high  
8 [sic] and it is -- that's proposed, but the  
9 building height is 35 feet proposed, supposed  
10 to be.  
11 I don't know how we come to this for a  
12 period in Teaneck to allow developers to  
13 dictate to us how we are supposed to live in  
14 our town.  
15 I've been here, a resident for 44 years.  
16 I know there's an attitude of congestion,  
17 particularly in the northeast corner where I  
18 live, and it's crowded me out and my family.  
19 I should ask the board not to consider  
20 space, but to consider human beings. I think  
21 we're being overlooked. The overall  
22 development changes the nomenclature of our  
23 town. We can no longer be called a township.  
24 We are urban/suburban with all the development  
25 that's going on in the northeast. What happens

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1 to the homeowners? What happens to the  
2 seniors? And we're supposed to be an  
3 age-friendly town? This is very unfriendly,  
4 this development.  
5 And as far as the affordable housing units  
6 are concerned, to me that's just particularly  
7 10 percent of the housing units. It's a joke.  
8 I'm asking you to reconsider what you're  
9 doing in this township. It's very  
10 uncomfortable to live here. Thank you.  
11 CHAIRMAN MEYER: Thank you very much.  
12 MR. MADAIO: Board members, you understand  
13 my instructions regarding anything that was  
14 said about an application.  
15 MR. VEACH: These comments are going to be  
16 general. James Veach, V-E-A-C-H.  
17 These are general comments , but I'm going  
18 to key off the expert, quote/unquote, planner  
19 that the developer brought here to talk to you  
20 about Teaneck.  
21 You may recall that during his remarks, he  
22 talked about a 2007 master plan and he talked  
23 about a 2017 re-examination of the master plan  
24 and I believe his words were a "strange beast."  
25 It is indeed a strange beast.



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1 In 2007, we had hundreds of residents who  
 2 spent thousands and thousands of hours drafting  
 3 a master plan. The re-examination is something  
 4 conducted and cooked up by Joey Bodner and the  
 5 planning board. Re-examination, it reames my  
 6 art of the deal. They're pushing raters.  
 7 They're saying build wherever you can. That's  
 8 not the master plan. The master plan is 2007.  
 9 I don't understand why anyone won't address  
 10 this question.

11 Why can't the developer live with the  
 12 zoning code? This gentleman asked an excellent  
 13 question. If the township council wants to  
 14 turn Teaneck into Hackensack, why don't they  
 15 just change all the zoning laws? Why don't  
 16 they just say redo spot zoning in Teaneck. We  
 17 don't bother the zoning laws. We let the  
 18 planning do whatever they want to do. Why  
 19 don't they do that? Or I think that has to be  
 20 a state law.

21 These zoning codes are hard to change. So  
 22 why can't this developer make enough money, if  
 23 he follows the zoning code? Couldn't he make  
 24 enough money with nine units? Keep the 30-foot  
 25 setbacks on both sides. Keep the 30-foot

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1 setback in the front. Spare a tree or two.  
 2 Leave a square inch of open space. Could he  
 3 make enough money that way? Thank you.

4 THE BOARD SECRETARY: Mr. Veach, don't  
 5 forget to give me the exhibits back.

6 MR. VEACH: Coming there, Roz.

7 MR. MADAIO: Any of that regarding the  
 8 pending application not bearing the public  
 9 hearing on the application has to be ignored by  
 10 you.

11 CHAIRMAN MEYER: Go ahead, Mr. Rose.

12 MR. ROSE: My name is Howard Rose,  
 13 R-O-S-E. I want to thank you, Chairman Meyer,  
 14 as well as the board, for your time and  
 15 service. It's appreciated. And you keep it  
 16 interesting.

17 And I have a couple of concerns that are  
 18 general. One which is microphone utilization.  
 19 We all know that the microphones are terrible  
 20 for you, for the planning board -- or let me  
 21 first mention. I'm a member of the planning  
 22 board, I'm a member of the Board of Education  
 23 and I'm not here representing either. I'm here  
 24 representing myself as an active member of the  
 25 community who works, plays, and volunteers for

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1 the community.

2 At any rate, regarding microphones. We  
 3 know they're terrible. I don't understand. I  
 4 remember when we bought the last ones. Instead  
 5 of buying ones that are headsets, they function  
 6 with the head moving. Instead, many of us --  
 7 I'm not castigating; I'm just criticizing.  
 8 There's a difference. You sit with the  
 9 microphone 3 feet away from you. You're  
 10 reminded. You bring your lips towards it. You  
 11 almost have to kiss these microphones and then  
 12 you relax and two minutes later you're not  
 13 heard and it's a problem. So that's why you  
 14 get the reminders and I hope things change and  
 15 I hope the council will manage to buy something  
 16 new that's workable and usable and functional.

17 At any rate, one of the things I'm  
 18 concerned about, and I pose the question to  
 19 both council, as well as to this board, as well  
 20 as members of the planning board regarding  
 21 knowledge of the master plan. Some of the  
 22 answers that I received were less than  
 23 desirable. Some people had read it, some  
 24 people read portions of it, some had not read  
 25 it at all, some were planning to read it, and

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1 it's a concern.

2 Because zoning ordinances, master plan,  
 3 all tie in together. And the objective, I  
 4 think, of anyone who's doing any kind of a  
 5 request for a variance is that they're trying  
 6 to get a project done. And I appreciate that.  
 7 And I go with the optimism that they're trying  
 8 to do the best as possible. They want to make  
 9 a reasonable profit. They want to maximize  
 10 profit and they want to adhere to the rules and  
 11 regulations as much as possible. And the  
 12 result is sometimes, Whoa, wait a second. What  
 13 you're proposing doesn't measure up to what we  
 14 expect, what we require, consequently the need  
 15 for a variance.

16 I hope that when you consider this, you  
 17 consider not just what you're hearing from paid  
 18 professionals, from people who are putting  
 19 forth these projects, but you also give strong  
 20 consideration to the public.

21 And regarding the public, I read an  
 22 article, wrote a letter to the editor in the  
 23 Suburbanite from last week, who remembered not  
 24 identifying ourselves as a member of the  
 25 planning board, nevertheless spoke about an

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1 item and indicated, well, it says 25 people who  
 2 were making statements.  
 3 CHAIRMAN MEYER: Mr. Rose, your two  
 4 minutes are up.  
 5 MR. ROSE: Thank you.  
 6 CHAIRMAN MEYER: State your name for the  
 7 record.  
 8 MS. BROWER: Good evening. My name is  
 9 Ruth Brower. I'm a member of East Burlington  
 10 Neighborhood Association and a very longtime  
 11 resident of Teaneck. I've seen many changes.  
 12 B-R-O-W-E-R.  
 13 Many residents should remember the  
 14 steering of home buys of color to the northeast  
 15 section of Teaneck. Now, a repeat of this  
 16 injustice has many similarities through  
 17 systematic discrimination by the dumping of all  
 18 of these rental apartments and the unrealistic  
 19 granting of variances to these builders.  
 20 And articles on the Suburbanite, Thursday,  
 21 May 2nd, issue, make mention of the impact  
 22 study to be done. A quote from that article,  
 23 the report may show, this will completely  
 24 revitalize the State Street district.  
 25 Our homes and our lifestyles should not

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1 have to support the financial well-being of the  
 2 State Street district. Hopefully, you  
 3 represent all of the residents of Teaneck and  
 4 will come to an educated and fair decision.  
 5 And I hope that all of you have visited this  
 6 area that we're talking about and not just a  
 7 rendering of it. I hope that you do not sell  
 8 Teaneck to investors and think about the people  
 9 who lived there for some time. Thank you.  
 10 CHAIRMAN MEYER: Thank you very much.  
 11 State your name for the record.  
 12 MS. LEWIS: Lilian Lewis, L-E-W-I-S.  
 13 As one councilman says over and over  
 14 again, when you come to these hearings, the  
 15 Board of Adjustment should have the planning  
 16 board in one hand and the variance in the  
 17 another and see how they compare.  
 18 I want to first read from the State and  
 19 Land Use Law, Article 9.  
 20 It says, "No variance may be granted under  
 21 the terms of this section, including a  
 22 variance, including an inherently beneficial  
 23 use without a showing that such variance can be  
 24 granted without substantial detriment to the  
 25 public good and without substantially impairing

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1 the intent and the purpose of the zoning  
 2 planning, zoning ordinance."  
 3 I'm going to go down to the next part,  
 4 40:55D-2. Purpose of the Act. It is the  
 5 intent and purpose of this Act to encourage  
 6 municipal action, to guide the appropriate use  
 7 or the development of all lands in this state  
 8 in a manner which would promote the public  
 9 health, that means having the outdoor play area  
 10 for the children; safety, not overcrowding  
 11 area, moral and general welfare. And a need to  
 12 promote the establishment of appropriate  
 13 population densities and concentrations that  
 14 will contribute to the well-being of persons,  
 15 neighborhoods, communities, and regions and  
 16 preservation of the environment. That is  
 17 keeping green space.  
 18 Going down to the master plan as the  
 19 planner just -- he picked and chose what he  
 20 wanted to read. This was proposed -- of  
 21 course, the 2007, again proposed again in 2017  
 22 re-examination, those preserved the character  
 23 of existing low-density residential, exposing  
 24 the predominant character of the township.  
 25 And then the objectors preserved and

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1 handed over this -- renew character of  
 2 established neighborhoods.  
 3 So when he was talking about just the land  
 4 being able to sustain the 68 units, but this  
 5 was talking about preserving the predominant  
 6 character of the township. And the predominant  
 7 character of this township are single-family  
 8 housing, not multi-family housing.  
 9 The other problem I mentioned, he was  
 10 talking about the .6 percent vacancy of the  
 11 35,000 -- where was that 35,000 he stated -- I  
 12 can't find the number. But anyway, but when  
 13 you calculate .06 percent [sic], it comes out  
 14 to about two units of vacancy. Well, do me a  
 15 favor, all of you, submit that over to Teaneck  
 16 Road to DeGraw and Teaneck Road, and look at  
 17 that complex there and count the number of  
 18 vacancies. I assure you, it's more than two  
 19 vacancies.  
 20 And the other thing last thing, going back  
 21 to, send the parking.  
 22 CHAIRMAN MEYER: Three minutes are up.  
 23 Thank you.  
 24 MS. LEWIS: Thank you. I'll be back next  
 25 time.

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1 CHAIRMAN MEYER: Thank you. Appreciate  
 2 it.  
 3 MS. DECARLO-BURNS: Hello. Linda  
 4 DeCarlo-Burns, D-E-C-A-R-L-O-B-U-R-N-S. East  
 5 Votee Neighborhood Association. It covers  
 6 roughly from Queen Anne to Teaneck, Route 4.  
 7 CHAIRMAN MEYER: Thank you.  
 8 MS. DECARLO-BURNS: At our last meeting,  
 9 right before you heard the State Street case,  
 10 you had another case before you which was  
 11 regarding the expansion of driveway. And you  
 12 were questioning that person really, really  
 13 carefully. And you were very concerned about  
 14 the impact to the neighbor of this wide  
 15 driveway.  
 16 Compare and contrast. Here in the  
 17 northeastern section of Teaneck, these  
 18 variances that you're granting are impacting  
 19 our lives in ways that only people who live  
 20 here are trying to tell you and suggest it and  
 21 we have no resource to support it.  
 22 According to the city data, the northeast  
 23 section of town has approximately 8,000 people  
 24 per square mile. But all of Teaneck, the rest  
 25 of Teaneck has about 6,000 people per square

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1 mile. And what that means is that the  
 2 northeastern section of town is more congested,  
 3 more populated than the rest of Teaneck.  
 4 So to say that the northeast section of  
 5 town should bear additional density without  
 6 weighing the impact to the residents in the  
 7 same way that you've weighed the impacts to the  
 8 neighbor of that wide driveway, it seems  
 9 unbalanced. That's all I have to say.  
 10 CHAIRMAN MEYER: Thank you.  
 11 MS. BELCHER: Good evening. Denise  
 12 Belcher. I'm a resident and a business owner  
 13 here in town. B-E-L-C-H-E-R.  
 14 In full disclosure, I do also serve on the  
 15 planning board and I am not here representing  
 16 them in any way. But as a resident and a  
 17 business owner, I also live in the north  
 18 Teaneck Road area of town.  
 19 I just am a little concerned about what's  
 20 happening from the vantage point of many of the  
 21 things they have been already been said, mainly  
 22 congestion.  
 23 I know that there was quite a bit of  
 24 discussion about parking and provisions that  
 25 the developer is making. But for someone that

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1 owns a home in town, we see constantly people  
 2 parking on streets along Teaneck Road and many  
 3 of them probably may be Teaneck residents, but  
 4 they live in other areas of town, running to  
 5 New York City transit buses. And that creates  
 6 a major congestion problem. It even prevents  
 7 some of us from pulling in and out of our  
 8 driveways.  
 9 So that being said, I know the  
 10 developer -- it sounds like he's trying to make  
 11 provisions for parking, but I'm really  
 12 concerned about what additional 68 units --  
 13 these 68 units will have upon north Teaneck  
 14 Road. So I ask that you take that into  
 15 consideration.  
 16 I know that the planner mentioned D5 and  
 17 D6 variance. He mentioned that property -- the  
 18 property can support the variance. I really  
 19 question, can it really support 12 variances to  
 20 the extent that they are requesting.  
 21 Also, I just want to mention that the --  
 22 he mentioned that the demand for rental housing  
 23 based upon the master plan. Well, I encourage  
 24 everyone to read the master plan. And in  
 25 particular, the re-evaluation in 2017 and what

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1 it truly says. There were a lot of things that  
 2 were not mentioned.  
 3 And lastly, I just want to mention that  
 4 the Stonefield Engineering report that he  
 5 referenced, what other impact does it have,  
 6 such as the impact not just on parking, fire  
 7 and police, but what impact does it have on our  
 8 hospital and schools. I don't really feel that  
 9 the report he gave on the schools was  
 10 comprehensive enough. He cites from Rutgers  
 11 professors and reports, but how truly does it  
 12 reflect on our schools.  
 13 CHAIRMAN MEYER: Thank you. Your three  
 14 minutes are up.  
 15 MS. BELCHER: Thank you very much for your  
 16 time.  
 17 MR. MADAIO: Board members, to the extent  
 18 that that was directed at any application and  
 19 not during the public hearing, you cannot  
 20 consider any of those matters.  
 21 MS. DAVIS: Hi, my name is Wendy Kaye  
 22 Davis, D-A-V-I-S. I wanted to speak in favor  
 23 of the proposed development. I know you need  
 24 to ignore everything I say.  
 25 MR. MADAIO: Yes, indeed.

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1 MS. DAVIS: But the dead building on State  
 2 Street has been a black hole in an otherwise  
 3 vibrant heart of Teaneck, and I would love to  
 4 see multi-family residents to help bring more  
 5 people in the area and revitalize what is  
 6 really an eyesore. Thank you.

7 MR. MADAIO: If you would like that to  
 8 count, you will have to say that during the  
 9 public hearing.

10 MS. DAVIS: Thank you.

11 MR. ORGEN: Hi, good evening. I'm Eric  
 12 Orgen, O-R-G-E-N.

13 So I've been a Teaneck resident going on  
 14 21 years and I'll say this. If you're a  
 15 developer, you've got to be crazy not to build  
 16 in this town because the people here are so  
 17 awesome. But the times have changed and it  
 18 can't be the way it used to be.

19 I've seen my property taxes more than  
 20 triple in the 20 years that I've owned my home  
 21 here in Teaneck. And anyone who's willing to  
 22 make an investment to make the town better to  
 23 provide more and do more and to modernize where  
 24 we are today, should be welcome in any kind of  
 25 development whatsoever.

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1 If you drive around this town, many of the  
 2 apartment buildings are old, they are rundown,  
 3 they are falling apart. I've had the privilege  
 4 of being a life member of the ambulance corps.  
 5 I've been in multi -- every single building in  
 6 this town at one point or another. Many of  
 7 them are not easy to navigate, to get into.  
 8 They don't have elevators, they're old, they're  
 9 crumbling, they're falling apart.

10 So if we have someone who wants to make an  
 11 investment in the township, to put up a  
 12 building, to put up a house, put up a store,  
 13 put up a restaurant, 7-Eleven, whatever it is,  
 14 if they're going to put money into it and make  
 15 that investment, we should, as a board and  
 16 town, support any efforts here. Thanks.

17 CHAIRMAN MEYER: Thanks. Next person.

18 MR. HIRSCHHORN: Sean Hirschhorn,  
 19 H-I-R-S-C-H-H-O-R-N.

20 MR. MADAIO: You understand anything you  
 21 say about the application we have to ignore.

22 MS. DECARLO: That's fine. As someone  
 23 who's attended planning board meetings and  
 24 zoning meetings, I think the township continues  
 25 to develop a true downtown area with ample

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1 parking. That being said, about eight years  
 2 ago, my wife and I -- at that time my fiancee',  
 3 were looking at apartments in Teaneck and  
 4 Washington Heights. And comparing the  
 5 aesthetics of the apartments compared to the  
 6 costs, the Washington Heights apartments were  
 7 significantly better. I think in adding to the  
 8 apartments in town would force landlords and  
 9 owners to improve the existing buildings and  
 10 create better accommodations for its own  
 11 residents as well as improving in general,  
 12 Teaneck.

13 That being said, I also think that State  
 14 Street is a very wide street, that perhaps it  
 15 should be considered making it two lanes each  
 16 way. Thank you.

17 CHAIRMAN MEYER: Thank you. Very much.

18 State your name for the record.

19 MR. DULITZ: Brian Dulitz, D-U-L-I-T-Z. I  
 20 lived in the Warren apartments for four years  
 21 and I can attest to everything that man just  
 22 said. And I think the new development -- and  
 23 the new development is going on will both  
 24 create a new project, which will allow -- not  
 25 only to reduce the cost, but also make the

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1 current owners of the projects that I -- the  
 2 properties that I live in have to compete with  
 3 what's new out there. And I think that the new  
 4 competition is great for Teaneck.

5 CHAIRMAN MEYER: Thank you. Next. State  
 6 your name for the record.

7 MR. KLAPPER: Elliot Klapper.

8 MR. MADAIO: You understand anything you  
 9 say about the application, we have to not  
 10 listen to you. We have to ignore.

11 You still want to say it?

12 MR. KLAPPER: Yes. K-L-A-P-P-E-R.

13 So I just wanted to come out also and  
 14 thank the board members for your time and  
 15 service. I know it's not easy staying out here  
 16 late and listening to everybody.

17 I think that it's smart for towns to look  
 18 forward and to look how a town can be improved  
 19 both by adding money into different  
 20 infrastructures, but also having private  
 21 individuals invest into the community through  
 22 development. I think it needs to be done in a  
 23 smart way.

24 I think this project sits in between two  
 25 other multi-family developments. It's in an

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1 area that should be developed. With these type  
2 of developments, I think that if you invest in  
3 your town, the town will continue to grow and  
4 creates jobs and opportunities for people.  
5 More people will want to live here. More  
6 people will come to the town who want nicer  
7 things, nicer homes.

8 As the person before me said, it will  
9 cause all the other apartments in the area to  
10 be renovated and make them want to do these  
11 things, as well. I think if you look at the  
12 development in a smart way and approve things  
13 that makes sense, it's really, really good for  
14 the town and all their events there is in the  
15 town.

16 CHAIRMAN MEYER: Next person, please.

17 MR. KLATSKY: My name is Michael Klatsky,  
18 K-L-A-T-S-K-Y. So tonight I want to share  
19 something with the board that doesn't  
20 necessarily relate to this application. I  
21 recognize -- I recognize that you cannot  
22 consider anything that I speak about for the  
23 application tonight. So I want to provide you  
24 with high-level context of what's happening in  
25 the planning world that we're inside of.

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1 Recently, the Regional Planning  
2 Association Consortium of 33 counties that make  
3 up --  
4 (Reporter interruption.)  
5 MR. KLATSKY: I want to share something  
6 with you from a document released by the  
7 Regional Planning Association. So the Regional  
8 Planning Association.  
9 CHAIRMAN MEYER: Not so fast because the  
10 court reporter has to take it down.  
11 MR. KLATSKY: So the Regional Planning  
12 Association over the past few years has  
13 recognized that there's been a critical housing  
14 shortage in our region. Our region has about  
15 22 million people.  
16 Over the past decade, 4.6 million of those  
17 people have come of age. That's 23 percent of  
18 the total population is between the ages of 20  
19 and 34 right now and they're looking for a  
20 place to live.  
21 We're also fortunate that many people are  
22 comfortable aging in place, which means that  
23 there are no housing opportunities because all  
24 of the houses are taken. And all of the  
25 people -- those 4.6 million people are children

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1 that grew up in the homes that currently exist,  
2 which means we have a huge deficit over the  
3 past decade. The entire region has produced  
4 300,000 homes; 150,000 in New York City and  
5 about 100,000 in North Jersey.

6 I would tell you as a planner, I'm happy  
7 to be a planner. I did a lot of work with the  
8 New York Metropolitan Transportation Council  
9 with the North Jersey Transportation Fire --  
10 NJDOT, New York City DOT, New York State DOT  
11 and so on. But you're not here to hear about  
12 that tonight. You're here to hear about the  
13 need for housing in the lower region.

14 Now, zooming into our region, the area in  
15 question is known as "the plaza." You all know  
16 about it. It's where all of the apartment  
17 buildings are. West Englewood Avenue has no  
18 connection, thanks to the developers in the  
19 1940s, who decided that it would not be worthy  
20 to put a street connecting to Bogert Street,  
21 which is the street in east Votee neighborhood.  
22 Which means that people do not have anything to  
23 do with the folks in the east Votee  
24 neighborhood because it's a 15-minute walk  
25 without direction travel, where if you travel

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1 in the same distance to the north to Ayers  
2 Court, it's a two-minute walk. So that doesn't  
3 happen. Because if you're walking Teaneck  
4 Road, with speeding cars and buses, or on Queen  
5 Anne Road, where there's parking lots by bubble  
6 dreams and gas station and office buildings.  
7 My point here tonight is that this area  
8 exists in somewhat of a bubble. The  
9 northeast --  
10 CHAIRMAN MEYER: Time is up. Sorry.  
11 MR. MADAIO: Anything on that which was in  
12 any way construed as testimony about the  
13 application, unfortunately you have to ignore  
14 or unfortunately it doesn't matter.  
15 And if anybody wants to say anything up  
16 here, you can.  
17 MS. RAGGIO-ASHLEY: I won't say anything  
18 about it. Tanya Pagan Raggio-Ashley.  
19 I delayed saying anything about this, but  
20 when I watched the attorney being escorted out  
21 of here with the police officer, I felt I  
22 needed to say something.  
23 At the last meeting, the lawyer was very  
24 rude to me. First she was in my private space,  
25 then she started yelling at me. Near the end

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1 of the meeting, I don't know if it's because  
 2 she was anxious, she picked up her stuff and  
 3 she walked smack into me like this  
 4 (indicating). She hurt me. Okay.  
 5 I had surgery, back surgery years ago. I  
 6 was up all night. I feel like today what  
 7 happened -- and maybe wasn't her intention --  
 8 was something that we call implicit bias.  
 9 She was walked out of here with a police  
 10 escort. At the end of that meeting, one of the  
 11 plainclothes policemen -- and let me say that I  
 12 love our Teaneck policemen and I want to say  
 13 thank you.  
 14 (Applause.)  
 15 MS. RAGGIO-ASHLEY: At the end of our last  
 16 meeting, one of the plainclothes policeman said  
 17 to me, Do you want to file a complaint? And I  
 18 didn't. I should have. I heard somebody said  
 19 I should have. And you know why I didn't?  
 20 Because I live in Teaneck. I want to make this  
 21 work. I'm actually not against that building.  
 22 I'm just against how tall it is and I'm not --  
 23 that's the only reason why I came last time.  
 24 But for me, for that to happen to me and  
 25 my family has been here for 50 years, and she

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1 gets a police escort? That tells me that she  
 2 thinks that I'm worthless. And you know what?  
 3 I don't know if I'm going to come back another  
 4 time, because I came back here to speak, I  
 5 asked my question, I was supposed to be able to  
 6 approach the gentleman from the planning -- the  
 7 planner and he did it and I didn't get a chance  
 8 to. And I'm not supposed to be here. I'm  
 9 supposed to be on vacation with my family the  
 10 next time it's scheduled.  
 11 But more importantly, I just want to make  
 12 sure no other Teaneck person is treated the way  
 13 I was and devalued the way I was while someone  
 14 who behaved badly was valued. That's all.  
 15 Thank you.  
 16 CHAIRMAN MEYER: Thank you. Next person  
 17 please.  
 18 DR. RAGGIO: Good evening. My name is  
 19 Roland Raggio. I'm a resident of Teaneck.  
 20 There's been a lot of discussion this evening  
 21 about demographics, about ratables, about  
 22 parking spaces. But what hasn't been discussed  
 23 is that the northeast section of Teaneck has  
 24 been a longstanding middle-class community  
 25 populated by primarily people of color, people

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1 of color that have been here for a long time.  
 2 And the northeast section of Teaneck is  
 3 having to bear the burden of this  
 4 hyper-expansion. The town can't accommodate  
 5 it. They're trying to twist and turn so  
 6 someone can make a profit. So people that  
 7 can't find housing that want to be here can  
 8 squeeze in here.  
 9 We have multiple schools in this area. We  
 10 have children that have to cross streets. You  
 11 have developers saying, oh, well, the  
 12 population is going down. The population is  
 13 going down throughout the country. But that  
 14 doesn't mean that the existing children that  
 15 are here don't deserve to have an opportunity  
 16 to cross streets safely, to get back and forth  
 17 to school safely.  
 18 We're talking about a decrease in  
 19 population within the public school system. We  
 20 have not addressed the increase in the student  
 21 population in nonpublic schools that also need  
 22 to be transported safely.  
 23 I would also like to talk about the way  
 24 these meetings are handled. It is absolutely  
 25 deplorable to see the way the chairman,

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1 Mr. Meyer, addresses people. Disrespectful,  
 2 rude, and dismissive. There's no place for  
 3 this in our community.  
 4 (Applause.)  
 5 DR. RAGGIO: And something really should  
 6 be done about this. In all the years -- and  
 7 I'm almost 60 years old, I don't think I've  
 8 ever seen something as deplorable as your  
 9 behavior, Mr. Meyer. It's absolutely  
 10 atrocious.  
 11 (Applause.)  
 12 DR. RAGGIO: And with that being said,  
 13 there are other things that can be done with  
 14 100 State Street. Think about the people in  
 15 this community. Provide services for the  
 16 people in this community.  
 17 You're not taking care of the residents  
 18 who are already here that you want to continue  
 19 to expand and expand. And you're doing it off  
 20 the backs of the people that are already here.  
 21 If you want to expand Teaneck, then  
 22 distribute that burden across the entire town,  
 23 not just one section of it. Thank you.  
 24 (Applause.)  
 25 MR. ROSE: Howard Rose. Could we have all

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1 of the board members turn off their machines  
2 and focus on what's being said here?  
3 CHAIRMAN MEYER: Go ahead, Mr. Powers.  
4 MR. POWERS: Chuck Powers, Teaneck. I  
5 want to talk for a minute about something that  
6 you folks did in 2013.  
7 It was in the fall of 2013, you went  
8 through a long process in which the  
9 applicant/developer told you a bunch of  
10 different things about his own problems and go  
11 ahead and cleaning out the piece of property  
12 that was sold light industrial. And he wanted  
13 to put 128 residential properties on a  
14 light-industrial property. And you folks went  
15 through a long process and it's unclear to me  
16 why that change of use was actually permitted,  
17 except that the developer chose not to take his  
18 application to the planning board and then to  
19 the zoning process and get the thing zoned as  
20 if it's a residential property. And you folks  
21 went ahead and finally approved, and in May of  
22 2014 council passed the developer's agreement,  
23 which had a two-year limit on how long it would  
24 be before that had to be completed, and the  
25 occupancy completed and the way in which the

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1 occupancy was granted.  
2 That property came back to you in 2015 for  
3 a major change even after the developer's  
4 agreement. It came back to you in 2017 for a  
5 height increase. And guess what, it is 2019,  
6 three years after that, was to further complete  
7 it under the developer's agreement unless there  
8 was a re-evaluation by this body and by the  
9 council to put it back on the board.  
10 My point about this is that whole business  
11 of providing dramatic variances has a very  
12 strange output in terms of what's happened in  
13 this town.  
14 I drove by there. There's 60 -- they  
15 say -- it's a 60-car parking lot on it. And  
16 guess what? There are eight cars there. We  
17 only have four of those seven or eight -- it's  
18 a little unclear -- seven or eight residential  
19 levels approved for even temporary occupancy.  
20 The other four aren't approved yet. And  
21 there's also kind of redevelopers. The town  
22 knows that.  
23 It's important for you folks to think  
24 about how it could be that something you  
25 approved in 2013 has proven to be so much in

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1 violation of the agreement of the town.  
2 CHAIRMAN MEYER: Thank you very much.  
3 Next, please.  
4 CHAIRMAN MEYER: Good evening.  
5 MS. SHILAN: Micki Shilan, Teaneck.  
6 S-H-I-L-A-N, M-I-C-K-I. They call me Shilan  
7 but it's really Shilan (pronunciation).  
8 Anyway, I've been living in this town for  
9 over 50 years and I've seen many changes.  
10 Right now I represent a couple of thousand  
11 seniors that are living in this town and don't  
12 know where to go if they sell their homes.  
13 They find that the buildings that are  
14 going up, the rentals, are very high.  
15 Remember, we remember years ago what things  
16 cost and they still feel that way.  
17 One of the other things is I spend a lot  
18 of time at the senior center, Palisade Avenue,  
19 and I listen to those trains going by, idling,  
20 going by. You can't talk. And how many of  
21 them -- you have two major developments right  
22 by the railroads. And you think people are  
23 going to come in and drive around the streets  
24 in those potholes and say, wow, I'm going to  
25 live near the railroad.

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1 So I don't know how fast you're going to  
2 sell those apartments, but, again, you really  
3 have to consider things that are going on in  
4 town. And the residents are really very  
5 unhappy with what's going on.  
6 So think about it. The railroads, the  
7 noise, the potholes. If you keep building,  
8 we're going to sink. I'll tell you that.  
9 Thank you.  
10 (Applause.)  
11 CHAIRMAN MEYER: Thank you very much.  
12 Next person, please.  
13 MR. SILLS: Hello. My name is Roosevelt  
14 Sills, S-I-L-L-S.  
15 I've been in Teaneck 39-plus years and  
16 this is a place that I love. I often tell on  
17 the community scholarship board, I go to the  
18 high school and talk to the children. I told  
19 them I was in the military 30 years. I tell  
20 everywhere in the world how well Teaneck is so  
21 highly spoken of.  
22 I'm here to say I'm not against -- I'm  
23 actually development friendly. But one thing  
24 I'm concerned about is that our master plan is,  
25 to me, means safety and also means quality of

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1 life.

2 I have lived in an area -- I have lived in

3 an area there have been crisis where many , many

4 people in a small -- in such a small area where

5 there was a crisis, they had to move people

6 out. And I thought that I'd recommend to our

7 leadership -- I was in leadership for many

8 years in the military -- that you need to take

9 a look at our evacuation plan. If something

10 really happened in the northeast with a large

11 number of people, whether fire or something

12 crazy happened on the train tracks or whatever,

13 and have to move these people too, it would be

14 the most compact area in the northeast.

15 We need to look at that and consider the

16 quality and safety, as one of my number one

17 priority. And I'm also speaking as a resident.

18 CHAIRMAN MEYER: What branch of service?

19 MR. SILLS: Army, Sergeant Major.

20 MR. MADAIO: Mr. Sills, if you want to

21 come back the next time this is on or when the

22 hearing is over, you can talk as part of the

23 hearing, it will make its way in the public

24 record.

25 MR. SILLS: Thank you, sir.

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1 MR. KAPLAN: Keith Kaplan, K-A-P-L-A-N. I

2 want to thank the attorney and the Chair for

3 laying out the rules for people, and I know

4 there's been some confusion in the past.

5 I want to tangentially touch on the area.

6 I want to talk about something that Mr. Rose

7 brought up about people don't really understand

8 the master plan in its total context. And I'm

9 one of the people that read the master plan and

10 I read the amendments and passed many of the

11 re-examinations when I was on the planning

12 board.

13 And the context of the master plan

14 dovetails with the zoning that the town has

15 passed since we were incorporated in 1895. I

16 won't bore you with the entire history, but

17 from the '30s to the '40s, this area, in

18 particular by State Street, was sold, parsed

19 off, and zoned.

20 In '48, when the original zoning at issue

21 here was brought up, the owner on the north

22 side, Mr. Stanley Ford, came forward and he

23 didn't understand why the zoning was being put

24 at this level when the apartments just down the

25 block, if you go by the news place, are already

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1 five stories high. He owned the property and

2 felt it would be a problem for him.

3 This is what the council said when they

4 were passing Ordinance 878. And it's an

5 important ordinance and I'll get to that reason

6 in a second. He said if we didn't have

7 apartments in town -- this is Councilman Putan

8 (phonetic). This is a quote. He thought it

9 would benefit the town as a whole. Also if the

10 ordinance is discriminatory, relief could be

11 found in the courts.

12 The mayor, Mayor Brett, stated that this

13 ordinance was probably not perfect, but that it

14 was a step in the right direction, that the

15 council were honestly trying to do what's best

16 for the township as they see it and if it does

17 need a revision, there's a Board of Adjustment

18 and the courts.

19 This Ordinance 878 not only accepted

20 zoning, but it created the Board of Adjustment

21 for Teaneck. And specifically the zoning,

22 which was contemplated in the context of the

23 master plan that was brought up, specifically

24 talks about the idea that certain properties

25 are not going to fit neatly into zoning. After

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1 all, if every property fit neatly, we don't

2 need the zoning board. We can just look at

3 whatever zone it is, we can look at -- what

4 we're trying to do here is meet the rules of

5 the master plan, which state that in

6 multi-family zones, we use the multi-family

7 zone approach as to shifting multi-family zones

8 into other sections of town.

9 Now, Dr. Hagathy, who's also on the

10 council, thought the fact that the council had

11 established in this ordinance that the Board of

12 Adjustment indicated that they did not expect

13 it would be perfect and problems would be

14 brought --

15 CHAIRMAN MEYER: Thank you very much.

16 MR. KAPLAN: That is the context of the

17 regional ordinance of September 7, 1948.

18 CHAIRMAN MEYER: Thank you very much.

19 MR. SPEARS: Joshua Spears, longtime

20 resident of Teaneck, S-P-E-A-R-S.

21 Granted, I know I can't address directly

22 the things from the hearing, but I will be back

23 next month to do this again.

24 CHAIRMAN MEYER: Excellent.

25 MR. SPEARS: But I caution you about one



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1 thing. Something my dad told me years ago. He  
 2 said "thieves can lie and liars can thiefe."  
 3 Be careful where it is you get your facts  
 4 from. With the ADA, I used to sit on the board  
 5 in town when the ADA first came out years back,  
 6 decades ago. And I just looked it up while I  
 7 was sitting back here. The size of those  
 8 parking spaces are not correct. You can look  
 9 it up yourself.  
 10 CHAIRMAN MEYER: Take it up with the  
 11 planner next time.  
 12 MR. SPEARS: 2015, 2010, The Department of  
 13 Justice, ADA Regs, Section 208 and 502. It  
 14 gives you the size of parking spaces. That's  
 15 all I have to say for now.  
 16 CHAIRMAN MEYER: Thank you. Please bring  
 17 it up with the planner. That would be smart.  
 18 MR. SPEARS: I will.  
 19 MR. SCHWARTZ: Mark Schwartz. I'll be  
 20 quick. S-C-H-W-A-R-T-Z.  
 21 I wanted to speak to his comment about  
 22 to -- I don't believe the word is "ignore," but  
 23 don't pay attention to the 2017 master plan  
 24 re-examination and show me a modern show.  
 25 Focus on the 2007. I know the 2007 master

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1 plan. I know the 2017 master plan because I  
 2 sat here and I wrote it. I sat there and I  
 3 wrote it until 2:00 in the morning.  
 4 It was also in 2007, shared by Joey  
 5 Bodner. Mr. Rose, myself sat on the board. So  
 6 to sit here and say ignore the 2017 master  
 7 plan, which was a Bodner show, he also wrote  
 8 the 2007 master plan.  
 9 And I urge you, if you have more time  
 10 tonight -- because it's only been a few  
 11 minutes -- to read the 2017, which is ten years  
 12 after the 2007. Ten years in New Jersey, where  
 13 almost every single municipality has built  
 14 multi-family housing. 2017 was a different  
 15 world in 2007. Read the 2017. Read the 2007.  
 16 It will talk about what really needs to be in  
 17 Teaneck.  
 18 CHAIRMAN MEYER: Thank you. Next person.  
 19 This is last person for the night.  
 20 MR. OSTROTH: Yes. I'm Jeff Ostroth,  
 21 O-S-T-R-O-T-H.  
 22 I remember seeing a TV show a while ago  
 23 where a lawyer ends on trial, makes some  
 24 statement and the judge said, "The jury is  
 25 instructed to ignore everything that was said."

Good and Welfare 195

1 The lawyer turned to his client he said it  
 2 would take brain surgery for them to ignore  
 3 everything.  
 4 That was a cynical lawyer, but there's an  
 5 kernel of truth. And the parts of the  
 6 pompousness of the board attorney's instruction  
 7 to ignore it.  
 8 This is not -- this is not evidence that's  
 9 being entered. These are expressions of  
 10 opinion and expressions of feeling. And I  
 11 would hope that it will go into your ears and  
 12 into your consciousness and into your  
 13 consciences.  
 14 CHAIRMAN MEYER: Thank you.  
 15 MR. OSTROTH: As far as the thing about --  
 16 yes, we don't we know there's a purpose of  
 17 variances. It is to adjust for these little  
 18 problems. These are wholesale variances,  
 19 extreme variances. They are not intended to  
 20 adjust. They are intended to nullify the  
 21 master plan.  
 22 CHAIRMAN MEYER: Thank you. That was the  
 23 last person. I said the last person.  
 24 MR. ROSEN: We want to go home too, you  
 25 know. This is not fair to us.

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1 CHAIRMAN MEYER: Thank you. Motion to  
 2 adjourn.  
 3 MR. SOHN: The question is, what if  
 4 everybody does that? If everybody goes to  
 5 Bischoff's and orders rum raisin ice cream,  
 6 some people will get ice cream --  
 7 CHAIRMAN MEYER: Mr. Sohn, please stop.  
 8 The meeting is over. Mr. Sohn, step down from  
 9 the microphone.  
 10 (Time noted: 11:21 p.m.)  
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C E R T I F I C A T E

I hereby certify that the proceedings herein are  
from the notes taken by me in this matter of the  
aforementioned case; and that this is a correct  
transcription of the same.

-----  
Angela (Angle) M. Shaw-Crockett  
Certified Court Reporter  
Registered Merit Reporter  
Certified Realtime Reporter  
License No. XI102184

**(Time noted: [2]**

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**BY MS.**

**BERGER: [17]**

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**MEYER: [263]**

**DR. RAGGIO: [3]**

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**MR. BROWN: [3]**

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**MR. DULITZ: [1]**

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**MR.**

**HIRSCHHORN:**

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**MR. JUZMESKI:**

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**MR. KAPLAN:**

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**MR. KLAPPER:**

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**MR. KLATSKY:**

[3] 177/16 178/4

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**MR. MADAIO:**

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**MR. OSTROTH:**

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**MR. POWERS:**

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**MR. REHMAN:**

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**MR. ROSE: [3]**

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**MR. ROSEN: [52]**

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**SANTAELLA:**

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**SCHWARTZ: [1]**

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**MR. SILLS: [3]**

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**MR. VEACH:**

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**MS. BERGER:**

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**MS. BROWER:**

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**MS. BROWN: [6]**

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**MS.**

**DECARLO-BUR**

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**MS. DECARLO:**

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**MS. EDWARDS:**

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**MS. ELIYAHU:**

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**MS. HONIS: [2]**

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**MS. LEWIS: [22]**

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**MS. ROGOVIN:**

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**MS. SHILAN: [1]**

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**THE BOARD**

**SECRETARY:**

[17] 3/19 5/15  
24/6 29/17 43/20  
43/23 66/22 67/1  
74/9 74/15 74/19  
86/3 134/8 138/17  
150/15 151/9 162/3

**THE COURT**

**REPORTER: [4]**

24/8 67/14 104/3  
156/2

**THE WITNESS:**

[251]

**UNIDENTIFIED**

**AUDIENCE**

**MEMBER: [9]**

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	118/2 118/10	11 [1] 105/25
<b>UNIDENTIFIED</b>	<b>08 [2]</b> 1/7 3/2	<b>115 feet [1]</b> 109/12
<b>AUDIENCE</b>	<b>1</b>	<b>11:21 [1]</b> 196/10
<b>MEMBER:...</b> [5]	<b>1 percent [1]</b>	<b>12 [1]</b> 171/19
7/25 74/13 74/18	128/19	<b>1200 [2]</b> 17/9
156/23 159/2	<b>1,000 [1]</b> 129/24	42/22
'	<b>1.1 [2]</b> 21/22 32/8	<b>128 [1]</b> 185/13
'30s [1] 190/17	<b>1/2 [3]</b> 71/8 71/9	<b>14,000 [1]</b> 117/24
'40s [1] 190/17	152/21	<b>140 [3]</b> 59/10
'48 [1] 190/20	<b>10 [1]</b> 31/10	59/11 139/6
'64 [1] 110/17	<b>10 feet [1]</b> 68/13	<b>15 [5]</b> 14/3 65/17
'80s [1] 110/15	<b>10 percent [5]</b>	77/18 137/4 152/21
'90s [1] 114/17	120/11 120/14	<b>15 feet [7]</b> 13/6
.	120/22 121/20	17/23 31/1 65/20
.06 [2] 128/18	160/7	65/22 68/17 82/16
168/13	<b>10,000 [1]</b> 59/1	<b>15 percent [6]</b>
<b>.06 percent [1]</b>	<b>10.2 [1]</b> 124/6	120/23 120/23
168/13	<b>100 [20]</b> 1/7 3/2	121/5 121/21 124/5
<b>.2 [1]</b> 124/6	60/10 62/11 62/14	126/1
<b>.6 [4]</b> 118/16	62/16 63/24 64/9	<b>15-foot [2]</b> 30/17
128/14 128/15	89/3 92/20 93/9	31/9
168/10	93/15 94/2 94/8	<b>15-minute [1]</b>
<b>.6 percent [4]</b>	97/16 111/10	179/24
118/16 128/14	111/15 133/5	<b>150 [1]</b> 146/10
128/15 168/10	155/22 184/14	<b>150,000 [1]</b> 179/4
<b>.75 [1]</b> 135/7	<b>100 feet [2]</b> 31/2	<b>1500 [1]</b> 139/10
<b>.85 [1]</b> 135/7	109/18	<b>154 [1]</b> 96/17
<b>0</b>	<b>100,000 [1]</b> 179/5	<b>157 [1]</b> 2/12
<b>0.6 percent [2]</b>	<b>104 [1]</b> 2/4	<b>16 [1]</b> 1/3
	<b>10:03 [1]</b> 136/17	<b>160 [1]</b> 2/12
	<b>10:27 [1]</b> 156/7	<b>162,184 [1]</b> 2/13

<b>1</b>	<b>1960s [1]</b> 107/24	194/15 194/15
<b>165 [1]</b> 2/13	<b>1963 [1]</b> 110/17	<b>2009-2010 [2]</b>
<b>166 [1]</b> 2/14	<b>1980s [2]</b> 105/18	140/19 141/1
<b>169 [1]</b> 2/14	114/17	<b>2010 [3]</b> 140/19
<b>17 [1]</b> 149/19	<b>1987 [1]</b> 142/5	141/1 193/12
<b>170 [1]</b> 2/15	<b>2</b>	<b>2011 [2]</b> 115/11
<b>172 [1]</b> 2/15	<b>2 feet [3]</b> 23/7	115/19
<b>173 [1]</b> 2/16	153/14 155/16	<b>2013 [3]</b> 185/6
<b>174 [1]</b> 2/16	<b>2 inches [1]</b> 55/9	185/7 186/25
<b>175 [1]</b> 2/17	<b>2-by-2 [1]</b> 155/11	<b>2014 [2]</b> 116/4
<b>176 [1]</b> 2/17	<b>2.38 [3]</b> 118/20	185/22
<b>177 [1]</b> 2/18	118/24 146/8	<b>2015 [9]</b> 2/24 60/9
<b>18 [9]</b> 45/25 46/4	<b>2.59 [1]</b> 144/10	60/14 63/10 63/11
86/17 86/18 106/2	<b>2.6 [1]</b> 144/10	129/14 149/4 186/2
153/11 153/13	<b>2.6 percent [1]</b>	193/12
153/13 155/17	129/4	<b>2016 [10]</b> 2/25
<b>18 feet [2]</b> 154/23	<b>20 [8]</b> 63/23 94/17	60/3 63/6 63/22
155/2	103/1 150/2 150/13	63/22 63/23 78/16
<b>18-foot [1]</b> 155/7	151/6 173/20	94/17 94/18 146/16
<b>180 [1]</b> 2/18	178/18	<b>2016-2017 [1]</b>
<b>182 [1]</b> 2/19	<b>200 [2]</b> 17/5	141/5
<b>185 [1]</b> 2/19	146/10	<b>2017 [33]</b> 116/4
<b>187 [1]</b> 2/20	<b>200 feet [1]</b> 159/7	116/6 117/22
<b>188 [1]</b> 2/20	<b>2000 [1]</b> 142/10	118/14 118/15
<b>1895 [1]</b> 190/15	<b>2006 [1]</b> 142/10	118/19 119/9
<b>19 [1]</b> 107/24	<b>2007 [16]</b> 112/6	119/11 119/25
<b>190 [1]</b> 2/21	112/21 115/4 115/8	121/19 124/19
<b>192 [1]</b> 2/21	118/14 160/22	126/4 126/24 127/9
<b>194 [1]</b> 2/22	161/1 161/8 167/21	128/2 128/5 128/8
<b>1940s [1]</b> 179/19	193/25 193/25	130/19 138/9
<b>1948 [1]</b> 192/17	194/4 194/8 194/12	139/16 141/5

<b>2</b>	<b>2:00 [1]</b> 194/3	47/14 48/15
<b>2017... [12]</b> 143/14	<b>2nd [1]</b> 165/21	<b>37,102 [1]</b> 2/6
146/17 160/23	<b>3</b>	<b>39-plus [1]</b> 188/15
167/21 171/25	<b>3 feet [1]</b> 163/9	<b>4</b>
186/4 193/23 194/1	<b>3,542 [1]</b> 128/9	<b>4 by [1]</b> 78/2
194/6 194/11	<b>3,621 [1]</b> 141/6	<b>4 feet [2]</b> 79/5 79/6
194/14 194/15	<b>3.1 [1]</b> 143/24	<b>4,000 feet [1]</b>
<b>2018 [1]</b> 143/15	<b>3.14 [3]</b> 143/17	19/24
<b>2019 [5]</b> 1/3 22/24	143/23 143/25	<b>4,162 [2]</b> 140/20
130/25 149/19	<b>30 [6]</b> 42/24 65/17	140/23
186/5	95/10 128/19 153/4	<b>4.6 million [2]</b>
<b>208 [1]</b> 193/13	188/19	178/16 178/25
<b>21 [6]</b> 22/24	<b>30 feet [3]</b> 40/25	<b>40 [3]</b> 136/24
149/17 151/9	68/8 68/15	142/12 143/16
151/10 151/12	<b>30-foot [2]</b> 161/24	<b>40 feet [1]</b> 153/4
173/14	161/25	<b>40,000 [2]</b> 118/1
<b>218-2016 [4]</b> 2/25	<b>300 feet [1]</b> 109/13	146/7
63/6 63/22 94/17	<b>300,000 [1]</b> 179/4	<b>40:55D-2 [1]</b> 167/4
<b>22 [2]</b> 2/3 143/15	<b>31-page [1]</b> 6/13	<b>41 [1]</b> 2/7
<b>22 million [1]</b>	<b>32 [1]</b> 143/15	<b>42 [1]</b> 96/18
178/15	<b>33 [4]</b> 134/1 134/2	<b>43 [1]</b> 2/7
<b>23 [3]</b> 64/18 93/4	134/12 178/2	<b>43 percent [2]</b>
178/17	<b>34 [3]</b> 134/3	127/14 127/17
<b>230 feet [3]</b> 109/10	134/15 178/19	<b>44 [5]</b> 37/16
113/12 114/8	<b>35 [1]</b> 2/6	111/11 111/17
<b>25 [10]</b> 7/7 11/12	<b>35 feet [1]</b> 159/9	132/11 159/15
19/2 20/23 21/4	<b>35,000 [2]</b> 168/11	<b>455D-70 [1]</b>
22/8 38/7 151/18	168/11	108/24
152/6 165/1	<b>3500 [1]</b> 128/15	<b>46 [3]</b> 44/21 45/12
<b>27 [1]</b> 143/10	<b>36 [7]</b> 44/20 45/11	45/14
<b>29,103 [1]</b> 2/5	45/14 45/16 46/18	



<b>5</b>	103/1 111/16 120/3	46/18 47/1 47/3
<b>5 percent [1]</b> 118/5	123/16 168/4	47/15 47/23 49/15
<b>50 [4]</b> 31/12	171/12 171/13	71/15 72/4 86/8
142/12 181/25	<b>68-unit [2]</b> 76/21	86/25 87/5 154/22
187/9	144/19	<b>8-foot-wide [3]</b>
<b>50 feet [1]</b> 109/17	<b>680 [1]</b> 42/22	45/12 71/12 154/24
<b>50 percent [2]</b>	<b>6:45 [1]</b> 135/22	<b>8-foot-width [1]</b>
91/21 125/25	<b>7</b>	154/25
<b>500 [1]</b> 130/7	<b>7 feet [1]</b> 71/11	<b>8.01 [1]</b> 8/19
<b>5002 [1]</b> 64/17	<b>7-1/2-foot [1]</b>	<b>80-foot [1]</b> 79/4
<b>5004 [1]</b> 92/20	71/13	<b>81 [1]</b> 2/9
<b>502 [2]</b> 93/3	<b>7-Eleven [1]</b>	<b>85 [1]</b> 2/9
193/13	174/13	<b>86 [1]</b> 159/7
<b>541 [2]</b> 141/8	<b>70 [2]</b> 108/24	<b>878 [2]</b> 191/4
141/19	132/17	191/19
<b>58 [2]</b> 143/11	<b>70 feet [1]</b> 31/12	<b>89 [7]</b> 55/15 59/17
143/20	<b>73 [1]</b> 2/8	64/16 93/3 93/10
<b>6</b>	<b>75 [1]</b> 149/4	93/16 94/9
<b>6,000 [1]</b> 169/25	<b>752 [1]</b> 92/15	<b>89 feet [1]</b> 79/3
<b>60 [3]</b> 2/24 184/7	<b>7:00 p.m [2]</b> 151/1	<b>8:57 [1]</b> 104/5
186/14	151/2	<b>9</b>
<b>60-car [1]</b> 186/15	<b>8</b>	<b>9 feet [4]</b> 46/23
<b>63 [2]</b> 62/19 62/23	<b>8 feet [4]</b> 71/8	153/7 155/3 155/18
<b>64 [2]</b> 2/25 111/7	71/10 155/4 155/17	<b>9,774 [1]</b> 128/10
<b>66 [2]</b> 2/24 2/25	<b>8,000 [8]</b> 25/8	<b>9-by-18 [1]</b> 153/11
<b>66-2015 [4]</b> 2/24	102/5 102/10	<b>9-foot [14]</b> 47/1
60/9 60/14 63/10	102/15 102/21	47/2 47/19 47/25
<b>67 [1]</b> 2/8	102/22 103/2	48/14 49/15 49/20
<b>68 [12]</b> 52/5 60/7	169/23	77/25 86/9 86/18
61/25 89/22 102/17	<b>8-foot [13]</b> 44/21	86/23 87/6 154/23
		155/10

<b>9</b>	30/16 31/1 31/21	131/18 133/24
<b>9-foot-wide [5]</b>	31/24 32/21 33/13	138/7 138/7 139/22
44/1 44/5 44/24	34/20 35/2 35/11	140/3 140/9 140/11
45/8 46/11	35/15 35/16 35/23	140/13 140/14
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