

1 TOWNSHIP OF TEANECK
2 BOARD OF ADJUSTMENT
3 THURSDAY, JUNE 20, 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 EDWARD MULLIGAN
15 DANIEL WEIRIN
16 MONICA HONIS
17 ATIF REHMAN
18 MARK MERMELSTEIN

19 BRIAN EYERMAN, ESQ.
20 ACTING BOARD ATTORNEY

21 ROSILAND McLEAN
22 BOARD SECRETARY

23 DAN MELFI
24 ZONING OFFICER

25 JOSEPH VINCE
BOARD ENGINEER

ELIZABETH LEHENY
BOARD PLANNER

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: Thank you very much.
2 We have with us tonight Mr. Eyerman,
3 counsel for the board tonight, since Mr. Madaio
4 could not be here.
5 We left off at Mr. Lydon's testimony.
6 MS. BERGER: Just as a matter of
7 logistics, do you want me to have Mr. Lydon
8 stand here with me because there's no
9 microphone over there?
10 CHAIRMAN MEYER: If this one is on.
11 Okay. Are we ready to proceed?
12 MS. BERGER: Good evening, Mr. Chairman,
13 and members of the board. My name is Wendy
14 Berger. I'm the attorney for the applicant
15 here for the continued hearing on this matter.
16 At the last hearing, we were in the middle
17 of the testimony of Mr. Lydon, the planner. He
18 is here this evening. He's still under oath
19 and we'd like to begin by continuing with his
20 testimony.
21 CHAIRMAN MEYER: Sure.
22 THE WITNESS: Good evening.
23 CHAIRMAN MEYER: Good evening, Mr. Lydon.
24 I think you have to pull the mic over to your
25 side, further over so we can all hear.

1 MS. BERGER: If the board recalls,
2 Mr. Lydon went over the testimony with regard
3 to the location of the property, the conditions
4 of the property, the conditions of the area,
5 the surrounding area he talked about. And now
6 we were talking about the variances that were
7 being requested.
8 THE WITNESS: That's correct. And the
9 first thing I would like to point out is that
10 we are not here seeking a D1 typical use
11 variance. And that's because unlike the
12 current use on the property which is not a
13 permitted use, we are seeking to establish a
14 permitted use on the property.
15 So we do not need the D1 use variance. We
16 don't need to show special reasons.
17 EXAMINATION
18 BY MS. BERGER:
19 Q. So what is there?
20 CHAIRMAN MEYER: One second. First of
21 all, you've got to pull the mic closer to you
22 when you answer the question, because I see
23 people in the back cannot hear what you're
24 saying. That's number one.
25 Number two, Ms. Berger, did you send us

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1 new plans with respect to the 25 additional
 2 parking spots that we talked about last time?
 3 MS. BERGER: No, we did not.
 4 CHAIRMAN MEYER: Okay. Are you going to
 5 plan on doing that?
 6 MS. BERGER: No, we're not.
 7 CHAIRMAN MEYER: You're not?
 8 MS. BERGER: No. Because as we discussed,
 9 it is our opinion and our expert's opinion that
 10 those spaces are not needed and that it would
 11 not be good planning and good zoning to
 12 increase the size of that parking deck due to
 13 the fact that it would then go to the property
 14 line. We would have a large wall around it in
 15 the back, which we think will have detrimental
 16 impact around the neighbors. We don't think --
 17 CHAIRMAN MEYER: Isn't it -- okay. Fine.
 18 I understand what you're saying. I'm just
 19 somewhat -- how should I say -- if they should
 20 approve -- if the board will approve this, I
 21 would like to see those 25 additional spaces
 22 that are on the premises as a condition to the
 23 approval if that would come to that.
 24 Everything else would be acceptable, at
 25 least the way I see, the balances that we have

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1 to look at. That will be a deficiency unless
 2 those 25 spaces were actually put in and as
 3 available additional spaces for the tenants in
 4 the case of the tenant.
 5 MS. BERGER: So we listened to your
 6 concern, and your concern was additional
 7 parking. And what we've done since then is
 8 Mr. Lydon has had a chance to speak with the
 9 town's traffic expert and discussed the ability
 10 to re-stripe additional parking spots in the
 11 street.
 12 CHAIRMAN MEYER: It has nothing to do with
 13 permits. I'm saying on the premises, I think
 14 that it is important to have that additional 25
 15 spaces.
 16 But listen, you can present everything you
 17 want. I'm just feeling at this point that if
 18 everything else pans out for this application,
 19 I think I would require additional 25 spaces
 20 because I think that will be the appropriate
 21 balance and the appropriate use of that space
 22 in this particular -- on this particular site.
 23 So I think I've made myself very clear.
 24 MS. BERGER: I understand that that is
 25 your position.

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1 CHAIRMAN MEYER: It's your application, so
 2 you do what you want.
 3 MS. BERGER: Right. Based upon the need,
 4 the requirement of RSIS, which we have more
 5 than what's required by the code, we thought
 6 based upon your comment that you'd like to see
 7 more parking, that if you've been on that
 8 street, you'll see that part of the street is
 9 parallel parking and part of the street is
 10 angled parking.
 11 CHAIRMAN MEYER: I know the location very
 12 well.
 13 MS. BERGER: So we had discussed with your
 14 expert the ability to make more angled parking
 15 on the street. That way, there would be more
 16 parking spaces not only -- available for the
 17 whole area, not just for this project which, if
 18 we increase the parking on site, it would only
 19 be for the apartment dwellers, because
 20 remember, there's a gate that comes down. So
 21 it doesn't even help visitors. It would only
 22 be for the apartment dwellers. But by
 23 re-striping, we could pick up more parking
 24 spots on the street.
 25 CHAIRMAN MEYER: How many more parking

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1 spaces are you going to pick up on the street?
 2 MS. BERGER: So we think there will be
 3 about eight spots. It could be more, it could
 4 be less. And the reason I can't tell you the
 5 exact number, if you recall, there was
 6 testimony that the town is looking into
 7 possibly relocating a bus stop on the street
 8 because based upon where that might be
 9 re-located, it could affect that number. So --
 10 CHAIRMAN MEYER: That is not -- that's
 11 very nice that you get the additional eight
 12 spots. I think that would be a good idea to
 13 create more parking on the street for everyone.
 14 But this doesn't really absolve or take
 15 away my comments about the 25 spots on the
 16 premises.
 17 MS. BERGER: Well --
 18 CHAIRMAN MEYER: You don't have to argue
 19 with me. I'm just telling you how I feel so I
 20 can give you an indication that what I think is
 21 necessary. And if it was up to me and
 22 everything else -- as I said before -- I think
 23 this application can only be granted, if
 24 everything else pans out, that these additional
 25 25 spots would be in place, okay?

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1 So I don't have to address that anymore.
 2 Please continue.
 3 BY MS. BERGER:
 4 Q. So I was asking you a question. And my
 5 question is: The existing building on the site,
 6 which had been used for medical and other office
 7 use, was that use a permitted use and within the
 8 zone?
 9 A. No, it was not.
 10 Q. So what it was used for was a
 11 nonconforming use?
 12 A. That's correct. And by approving this
 13 application, the conformity with the surrounding
 14 land uses will be enhanced and improved.
 15 Q. And so the multi-family use is a permitted
 16 use within the zone; is that correct?
 17 A. That's correct. We're in the RM zone,
 18 which allows for multi-family housing.
 19 Q. Are there variances required with regard
 20 to this application?
 21 A. Yes, there are a few. There are two use
 22 named variances, even though through the years, the
 23 courts have changed the burden of proof on these
 24 type of applications.
 25 More specifically, we're seeking density

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1 and height variances, and those are called 40, 55D,
 2 74, and 5 and 6.
 3 So we're seeking to exceed the maximum
 4 permitted density and the maximum permitted height.
 5 And we don't need to show particular suitability, we
 6 don't need to show how we comply with the Sica
 7 decision. Instead, the decisions are -- the court
 8 decisions are GRUBBS v. Rahway for density and
 9 Grasso v. Spring Lake Heights. And both of those
 10 decisions sort of evolved out of the Coventry
 11 decision.
 12 And they basically asked you to show how
 13 the site can still function, even though you're
 14 seeking variances. And I think we can meet that
 15 burden. Then of course, you always have to show the
 16 negative criteria for every variance.
 17 And the first way to show site functions
 18 well is whether or not there's consistency with the
 19 master plan. And in this case, there is. The
 20 master plan intent here in Teaneck is to encourage,
 21 not just to allow, but to encourage the expansion of
 22 multi-family housing where it doesn't impinge upon
 23 single-family neighborhoods.
 24 And you've all been to the site. There
 25 are no single-family neighborhoods on State Street

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1 or Ayers Street behind us.
 2 So the master plan continues and talks
 3 about encouraging compatible infield development
 4 We're adjacent to other multi-family developments,
 5 so we do achieve that compatibility with the
 6 surrounding development. Your master plan also
 7 encourages the vitality of commercial districts.
 8 One way you do that, as I testified at the last
 9 hearing, is by putting feet on the streets. I call
 10 it "wallets on the streets," homeowners in proximity
 11 to your commercial districts.
 12 In this particular case, there's a
 13 commercial district to the east of us along Teaneck
 14 Road and there is another commercial district about
 15 equal distance away along Queen Anne. So as far as
 16 supporting the commercial districts, this proposed
 17 development works too.
 18 Your master plan also calls for the
 19 provision of affordable housing. We have -- I have
 20 testified that this applicant is willing to provide
 21 for affordable housing. This application has been
 22 going on for a while, certainly not any fault of the
 23 board's. When we started, Teaneck was looking for
 24 10 percent affordable housing set-aside. We are
 25 proposing 15 percent, which is what Teaneck is now

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1 seeking.
 2 So that's been an increase since this
 3 application started. We're willing to meet that
 4 higher level of affordable housing.
 5 Q. And that's being met on site, correct, not
 6 off site?
 7 A. That's correct. Those affordable units
 8 will be constructed as part of this development if
 9 the board approves it.
 10 CHAIRMAN MEYER: And that was -- as far as
 11 my notes say, one bedroom -- two one-bedrooms,
 12 six two-bedrooms and two three-bedrooms; is
 13 that correct?
 14 THE WITNESS: That is correct,
 15 Mr. Chairman. And that is consistent with the
 16 soon-to-be signed, we think, Teaneck settlement
 17 agreement with the Fair Share Housing Center.
 18 And it's also consistent with the COAH
 19 regulations for 1993.
 20 A. Your master plan also seeks consistency
 21 with a height and density, and, once again, we're
 22 consistent and compatible with that. And because
 23 it's in New Jersey, your master plan encourages
 24 actions which are consistent with the purposes of
 25 the Municipal Land Use Law and there are a number of

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1 purposes of the Municipal Land Use Law that this
 2 application follows:
 3 One, is to encourage municipal action to
 4 guide the appropriate use of lands.
 5 What Ms. Berger is passing to you are
 6 photos that I took either early this month or late
 7 last month. They are photos of the site that we
 8 have -- the condition of the site today.
 9 CHAIRMAN MEYER: Hold on one second.
 10 Who's testifying to this?
 11 THE WITNESS: I am.
 12 CHAIRMAN MEYER: So let's just proffer
 13 what we're testifying to before we give out the
 14 pictures.
 15 THE WITNESS: Certainly. Those are photos
 16 that I took. I purport to you they accurately
 17 reflect conditions when I took them and I
 18 believe they continue to accurately reflect
 19 conditions.
 20 They are two photos -- two photos of the
 21 subject site.
 22 CHAIRMAN MEYER: Marked as what, A-18.
 23 (Exhibit A-18 was received and marked for
 24 identification, as of this date.)
 25 THE WITNESS: They are two images of the

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1 subject site as it looks today. I think the
 2 first one on top is a -- more of a frontal
 3 view, and the one -- the second one is looking
 4 at the eastern side wall. That's the condition
 5 of the site today. As I said earlier, it's a
 6 dead, abandoned office building. So this
 7 application encourages municipal action to
 8 guide appropriate use of land by causing that
 9 use to be eliminated and a conforming,
 10 consistent, compatible use to replace it.
 11 It talks about promoting establishment of
 12 appropriate population densities. We believe
 13 we achieved that with proposed use. It talks
 14 about encouraging appropriate and efficient use
 15 of public funds. Again, another municipal land
 16 use purpose.
 17 As part of the application, we are willing
 18 to work with Township of Teaneck to do two
 19 things:
 20 One, to take a lot on the north side of
 21 State Street and create a 44-space public
 22 parking lot that would be available to the
 23 public as the Township of Teaneck decides.
 24 Those spaces would not be in any way reserved
 25 for the use or enjoyment of this particular lot

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1 with people living in them.
 2 The other thing we're proposing to do
 3 that's efficient use of public funds is we're,
 4 again, willing to work with the township, as
 5 they direct, to re-stripe and possibly remove
 6 bus stops to provide additional on-street
 7 parking on State Street.
 8 CHAIRMAN MEYER: You get approximately
 9 eight -- seven, eight -- eight, nine.
 10 THE WITNESS: That's what we believe,
 11 Mr. Chairman, preliminary number.
 12 MS. BERGER: We couldn't give you an exact
 13 number.
 14 CHAIRMAN MEYER: I understand. That's
 15 what their representation was.
 16 THE WITNESS: Correct.
 17 A. Another purpose of the Municipal Land Use
 18 Law is the person who designed a visual environment.
 19 I'll give you photos of what the site looks like
 20 today now, not too good. I'm not the architect on
 21 the project, but we have introduced architectural
 22 renderings of what the project will look like and I
 23 believe it is a greatly enhanced desirable visual
 24 environment, so we are meeting that purpose of the
 25 Municipal Land Use Law, as well.

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1 THE WITNESS: Mr. Chairman, for
 2 clarification, the first set of photos we
 3 distributed tonight, were they marked as A-8?
 4 CHAIRMAN MEYER: Eighteen. Consisting of
 5 two pages.
 6 MS. BERGER: Thank you.
 7 CHAIRMAN MEYER: This is going to be 19.
 8 THE WITNESS: This is A-19.
 9 (Exhibit A-19 was received and marked for
 10 identification, as of this date.)
 11 THE WITNESS: Those are photographs that I
 12 took, the same time frame.
 13 CHAIRMAN MEYER: When were they taken?
 14 THE WITNESS: They were taken earlier this
 15 month or the end of May 2019. There are three
 16 photographs comprising A-19 and they show each
 17 of the buildings.
 18 The first one is the building at the
 19 corner of State Street and --
 20 CHAIRMAN MEYER: Next to the Walgreens
 21 shopping center.
 22 THE WITNESS: That's correct. Just west
 23 of the shopping center.
 24 CHAIRMAN MEYER: This is -- the way I see
 25 it, and correct me if I'm wrong -- a southerly

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1 direction?

2 THE WITNESS: Yes, south -- along the

3 southwest, I believe, yes.

4 CHAIRMAN MEYER: Southeast.

5 THE WITNESS: Okay. Southeast.

6 CHAIRMAN MEYER: I'm very familiar with

7 that.

8 THE WITNESS: The second photograph --

9 MR. ROSEN: One question. What's the

10 height of this building?

11 Do you know offhand what the height of

12 this five-story building is?

13 THE WITNESS: It's five story, but I was

14 not able to find the height.

15 The next photograph is 1475 Palisade

16 Avenue.

17 MR. ROSEN: This looks like the east

18 side --

19 CHAIRMAN MEYER: Northern side of State

20 Street.

21 MR. ROSEN: Northeastern side of Terrace

22 Circle, right? These are the garages that are

23 along Palisade?

24 THE WITNESS: I believe that's correct,

25 Mr. Rosen, yes.

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1 MR. ROSEN: And we're looking from the

2 south, the east side of Palisade?

3 THE WITNESS: Yes, looking north.

4 MR. ROSEN: Got it.

5 THE WITNESS: And I think what's

6 interesting about both of those photographs is

7 they are about equal distance from the site.

8 One is a few hundred feet to the east and one

9 is a few hundred feet to the west and slightly

10 north. They sort of bookend the proposed

11 development.

12 The third photograph is what I think is

13 called Teaneck Gardens [sic] and that portion

14 of Teaneck Gardens.

15 CHAIRMAN MEYER: Teaneck Square.

16 THE WITNESS: Okay. Teaneck Square is the

17 Queen Anne frontage. So it's sort of opposite

18 1475.

19 MR. ROSEN: You're looking from the

20 railroad tracks on Palisade. You're looking at

21 the rear of the building. When was this taken?

22 THE WITNESS: It was early May and --

23 MR. ROSEN: That building was completed,

24 so you're looking -- I recognize the building

25 across the street from the railroad tracks.

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1 And you're looking due east. This is the

2 northern side of the building.

3 THE WITNESS: Okay.

4 MR. ROSEN: Okay.

5 BY MS. BERGER:

6 Q. And what is that building?

7 A. That is another image of 1475.

8 Q. And all of these buildings that you are

9 showing photographs, are they multi-family

10 residential properties?

11 A. Yes, they are.

12 Q. And is that consistent with the

13 neighborhood is of multi-family residential

14 properties?

15 A. Yes, it is. And including properties on

16 both sides of subject property and behind.

17 Q. And are some of the properties in the

18 neighborhood also built to the property line on the

19 side or very close?

20 A. Very close to the side, and the one that's

21 on State and Ayers has two front yards and they're

22 both very shallow and I believe that they are

23 less -- they have less front yard width than the

24 subject site on the proposed conditions.

25 Q. And the property adjoining with the

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1 garages, is that close to -- the garage is close to

2 the property line?

3 A. Yes, it is.

4 MR. ROSEN: Just out of curiosity, I

5 understand why you're showing us the first

6 apartment building and the third page of the

7 apartment building.

8 What's the purpose of the second sheet?

9 What you trying to tell us by that? That's a

10 three-story --

11 THE WITNESS: That's the one that's across

12 the street. I'm sorry. I missed it. That's

13 the one that's across the street from 1475.

14 MR. ROSEN: I understand.

15 THE BOARD SECRETARY: Wait. One person at

16 a time. We have a stenographer.

17 MR. ROSEN: I get that. My question:

18 What's the intent of this picture? What are

19 you trying to state by this?

20 THE WITNESS: I was showing that the

21 introduction of height in the neighborhood is

22 not a new phenomenon. We have the building on

23 State Street and Ayers Court. It's an older

24 building. We have a newer development, and

25 just to the north of the site we have an older

21

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1 development.

2 MR. ROSEN: Point taken.

3 THE WITNESS: Thank you.

4 CHAIRMAN MEYER: New development. That

5 was not done by zoning by this board, correct?

6 THE WITNESS: That was done by this board.

7 Mr. Burgis testified -- might have been me. I

8 think it was Mr. Burgis.

9 CHAIRMAN MEYER: Okay.

10 THE WITNESS: As with all variances, we

11 need to show that there's no negative detriment

12 to the public good, and we believe this

13 application furthers the public good.

14 CHAIRMAN MEYER: Why?

15 THE WITNESS: I'm glad you asked,

16 Mr. Chairman. First, there are no

17 single-family dwellings nearby. And that's

18 important because your master plan calls for

19 encouraging multi-family housing developments

20 if single-family dwellings are not in the

21 neighborhood. I would define this neighborhood

22 as being one that does not have single-family

23 neighborhoods. So it encourages and furthers

24 the goals of the master plan.

25 The second reason is there's no

22

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1 substantial detriment. There are similar uses

2 nearby.

3 The third reason is there are similar

4 heights nearby, and I think this is an

5 interesting portion of the testimony.

6 Some of that was done -- some of those

7 heights are very old, as shown in A-18 and

8 A-19 -- actually A-19. Some of them were

9 through actions of this board and some of them,

10 quite frankly, were also through actions of the

11 mayor and council. So 1500 --

12 CHAIRMAN MEYER: What do you mean by that?

13 THE WITNESS: 1500 North Teaneck Road, the

14 old Verizon Building, was the subject of a

15 rezoning by the mayor and council. And as a

16 result of that, they allowed a building that

17 was to be five stories.

18 So they saw the wisdom and they saw the

19 benefit of a taller structure in the area. And

20 that structure, if you will, is visible as it's

21 going up, if you stand in front of the subject

22 site.

23 CHAIRMAN MEYER: So do you know the height

24 of that structure when it's done, where it

25 starts and everything?

23

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1 THE WITNESS: It's 55 feet -- I'm sorry.

2 It's five stories and --

3 CHAIRMAN MEYER: Slow down, slow down.

4 The Verizon project that's recorded on the

5 corner of State Street or behind the gas

6 station and State Street and Teaneck Road, and

7 you say that was approved by the mayor and

8 council?

9 THE WITNESS: Correct.

10 CHAIRMAN MEYER: How high is that project

11 supposed to end up? It's not finished, but

12 it's almost there.

13 THE WITNESS: Yes. It's five stories and

14 66 feet.

15 CHAIRMAN MEYER: 66 feet?

16 THE WITNESS: Correct.

17 CHAIRMAN MEYER: And the proposed

18 application height that it seeks is what?

19 THE WITNESS: 73 feet. 73 feet to the

20 roof. 73.25 feet to the roof.

21 There is another building in the area,

22 which I did not take photos of because it's in

23 the area, but it's not visible from our site,

24 is the Avalon Bay site. That building also

25 received a rezoning by the mayor and council

24

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1 and that building was allowed to have five

2 stories, as well. And there, the maximum

3 height limitation is 70 feet.

4 So I think -- two things that are worth

5 noting. Both of those rezonings are recent.

6 Both of those rezonings are in the area. One

7 can be seen from the other site and they both

8 allow for five-story developments and let's

9 call it 70 feet -- 66 feet. I believe it's

10 very similar, compatible, comparable to what

11 we're proposing at 73.25 feet.

12 MR. ROSEN: Would you happen to know the

13 height of the newest project on the Queen Anne

14 side -- Teaneck Square, the newest project that

15 was finished last year?

16 Page 3 on your second -- would you happen

17 to know what the height of the building is on

18 the Queen Anne side? The building slopes down

19 Palisade. It's taller, but --

20 THE WITNESS: I don't have a number in

21 feet. I believe that's an eight-story

22 structure, though.

23 MR. ROSEN: It's seven.

24 THE WITNESS: Seven.

25 MR. ROSEN: It's raised up. So the first

S. Lydon 25

1 floor is on stilts and it provides for parking.
 2 So let's call it eight, but actually seven
 3 stories of residential apartments. But it's,
 4 in reality, eight stories. Would you estimate
 5 what that height is?
 6 THE WITNESS: The garage parking levels
 7 are probably at least 8 feet clear, and then
 8 the residential are probably on the low side to
 9 be 9 feet clear.
 10 MR. ROSEN: So that would be 7 times 9 is
 11 63. So about 70, 71 in height?
 12 THE WITNESS: Yes, sir. And there's one
 13 last property that I want to discuss as far as
 14 height and that's the property that was
 15 formerly developed, the gas station at the
 16 corner of State Street and Queen Anne Road. It
 17 was approved by this board.
 18 Mr. Burgis did testify on that one several
 19 years ago.
 20 BY MS. BERGER:
 21 Q. Is that 140 State Street?
 22 A. Yes, it is.
 23 MR. ROSEN: Let me just -- the newest
 24 project is probably more like 80 feet. I know
 25 there's a parapet wall. It's more like 80,

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1 maybe 85 feet.
 2 THE WITNESS: I want to be conservative,
 3 Mr. Rosen. You're probably right.
 4 MR. ROSEN: Okay. Thank you.
 5 THE WITNESS: So 140 Queen Anne Road --
 6 State Street, I'm sorry, is an application
 7 that's been approved.
 8 BY MS. BERGER:
 9 Q. By this board?
 10 A. By this board. It allows for a five-story
 11 building and on an 18,000-square-foot lot, it will
 12 allow 42 dwelling units.
 13 So, again, even though that's not built,
 14 there is an approval on it. And I think it shows
 15 that what the applicant -- what this applications is
 16 seeking to do is very consistent and compatible with
 17 both the existing pattern of the development, the
 18 newer pattern of the development, and the pattern
 19 that hasn't been constructed yet. So I think those
 20 all go to the negative criteria.
 21 I think another issue that addresses the
 22 negative criteria and shows that this application
 23 enhances the public good is the design provides for
 24 articulation for lighting and for air. And I think
 25 it's a very attractive mid-block development which,

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1 with its articulation back and forth and green areas
 2 in the front yard, will clearly create a desirable
 3 visual environment and a much, much better-looking
 4 site than what is there now. And steady improvement
 5 is one of the bases and purposes of the Municipal
 6 Land Use Law.
 7 And I don't think -- I think it's wise not
 8 to overlook the introduction of new housing units
 9 close to businesses, which I can support those
 10 businesses as I mentioned earlier, and also public
 11 transit. There are literally bus stops in State
 12 Street right in front of this development. There
 13 are additional bus stops on Teaneck Road, which do
 14 provide Express Turnpike services to New York City
 15 during rush hour.
 16 So as we try to move commuters out of cars
 17 and off the carbon cycle, we need to provide
 18 reasonable alternatives for them to commute to work.
 19 And having a bus right at the doorstep literally
 20 achieves that purpose.
 21 Another way we're not creating substantial
 22 detriment but, in fact, enhancing the public good is
 23 the construction of the public parking lot on the
 24 north side of Teaneck Road that we talked about
 25 earlier. Forty-four additional parking spaces are

S. Lydon 28

1 what we believe can be placed on that site. And our
 2 client has agreed to provide for that parking if the
 3 township wants it. So that will increase the supply
 4 of public parking.
 5 There's something that the board should be
 6 aware of because I believe it was approved by the
 7 planning board. The development just to the south
 8 of the subject site has just received approval to
 9 add 20 parking spaces on its site on Ayers Street.
 10 So a couple of things are happening.
 11 One, the demand for on-street parking is
 12 being reduced by 20 spaces. That's a significant
 13 reduction through action that another property is
 14 undertaking.
 15 CHAIRMAN MEYER: Demand?
 16 THE WITNESS: Yes, sir.
 17 CHAIRMAN MEYER: You're just making 20
 18 more spaces available?
 19 THE WITNESS: On site where there weren't
 20 any. So that development did not have on-site
 21 parking. With this application -- with the
 22 other application I'm referencing, which is now
 23 being implemented as we sit here, the demand
 24 for 20 spaces will be eliminated. So there
 25 will be more spaces for those who still desire

S. Lydon 29

1 them.

2 In addition, this application agrees to

3 supply on site -- of on-street parking by Ayers

4 that we talked about earlier, plus the new

5 parking lot across the street. So we will be

6 simultaneously seeing a reduction in the demand

7 for on-street parking and we'll also be seeing

8 the increase in the supply of on-street

9 parking. So I think that goes to enhancing the

10 public good.

11 I talked last time, we expect about seven

12 or eight new school-age children, public

13 school-age children, to be residing in the

14 development based on the latest reference

15 report. So we don't think there's any

16 substantial --

17 CHAIRMAN MEYER: Based upon what report?

18 THE WITNESS: The latest Who Lives in New

19 Jersey Housing report, prepared by

20 Dr. Listokin, which is published by Rutgers and

21 is dated November 2018.

22 CHAIRMAN MEYER: Do you know if Teaneck

23 did any of these studies themselves?

24 THE WITNESS: The Teaneck school board did

25 do a study. I reviewed it. I looked at it.

S. Lydon 30

1 Quite frankly, I'm not sure it's too relevant

2 to this particular application and I say that

3 with all due respect to the person who prepared

4 it and to the Teaneck board and to this board.

5 It didn't -- it didn't address what the likely

6 school impacts would be in this development.

7 CHAIRMAN MEYER: It didn't address any

8 other developments?

9 THE WITNESS: It did.

10 CHAIRMAN MEYER: Which ones.

11 MS. BERGER: You want to give us a second

12 and we'll take it out?

13 CHAIRMAN MEYER: Sure.

14 THE WITNESS: It's entitled Demographic

15 Study for the Teaneck School District, Teaneck,

16 Bergen County, State of New Jersey. It is

17 prepared by Whitehall Associates, Inc., and it

18 gives his name, address, Kinnelon, New Jersey

19 and it's dated April 10, 2019. It is a 12-page

20 report.

21 MS. BERGER: Do you want to --

22 THE WITNESS: I don't know if we want to

23 introduce this. And I say that with all

24 respect because he didn't address this site.

25 But to answer the question which ones he

S. Lydon 31

1 did address, he addressed 1500 Teaneck Road,

2 the Verizon site.

3 CHAIRMAN MEYER: What was the address with

4 respect to the Verizon site in that report?

5 THE WITNESS: Well, he got the number of

6 units wrong. He's off by five. There's 228

7 units in that development. He says there's

8 223.

9 He also deals with 1387 Hill Street, which

10 is another development in the area which this

11 board approved.

12 CHAIRMAN MEYER: Let's be a little more

13 simple so I can understand.

14 THE WITNESS: I'm sorry.

15 CHAIRMAN MEYER: What did he say the

16 impact would be on the school system with

17 respect to the 200-some -- on the Verizon site,

18 200 and -- how many again?

19 THE WITNESS: 223.

20 CHAIRMAN MEYER: -- twenty-three new

21 units.

22 What would the impact of those 223 units

23 be upon the school system?

24 THE WITNESS: He believes there would be

25 44 students spread out among the grades.

S. Lydon 32

1 CHAIRMAN MEYER: Forty-four means how many

2 per unit? Not even -- not even .25.

3 THE WITNESS: Yes. He also looked at 1387

4 Hill Street, which is an application I

5 testified before this board on. He says there

6 are seven units now in that application.

7 CHAIRMAN MEYER: How much would that

8 impact?

9 THE WITNESS: Well, he's wrong. There

10 aren't seven units in that proposed building

11 unless the client snuck another unit in without

12 telling you. Because it was only approved for

13 six. He says there would be a total of six

14 school-age children. Quite frankly, I don't

15 know --

16 MS. BERGER: Two.

17 THE WITNESS: I'm sorry, yeah. I combined

18 the two, two lines. He said there would be two

19 in that development.

20 He also looked at 1775 Windsor Road, which

21 is, I believe the Avalon Bay development.

22 CHAIRMAN MEYER: How many units does he

23 list there? Start with that.

24 THE WITNESS: 248, which I believe is

25 correct.

1 CHAIRMAN MEYER: Okay.
 2 THE WITNESS: He says 30, 46 -- about
 3 63 -- 63 school-aged children in that
 4 development.
 5 CHAIRMAN MEYER: So that's approximately a
 6 quarter -- .25, each unit; is that right? If
 7 my math is okay?
 8 THE WITNESS: I couldn't do that math this
 9 late at night, Mr. Chairman.
 10 MR. ROSEN: The two large projects that
 11 you detail should add, give or take, a few
 12 children, about 100 children.
 13 THE WITNESS: I don't think that's what he
 14 was estimating, yes.
 15 MR. ROSEN: But this proposed project he
 16 didn't analyze?
 17 THE WITNESS: No, sir.
 18 CHAIRMAN MEYER: What do you extrapolate,
 19 based upon your experience, the amount of
 20 estimated school children that this site would
 21 generate?
 22 THE WITNESS: About six or seven,
 23 Mr. Chairman.
 24 CHAIRMAN MEYER: How do you make that
 25 calculation?

1 THE WITNESS: By taking the tables of
 2 charts that are found in this study and
 3 applying --
 4 CHAIRMAN MEYER: "This" being?
 5 THE WITNESS: Who Lives in New Jersey
 6 Housing, the November 2018 study from Rutgers ,
 7 and applying the multipliers to the various
 8 bedroom distributions, and we would come up
 9 with about six or seven school-age children in
 10 a given year.
 11 CHAIRMAN MEYER: Is it fair to say that in
 12 the study by the school board, that it seemed,
 13 approximately, the -- it's either .2 to .25 per
 14 unit of children that would be generated by
 15 these units?
 16 Is that fair to say that he would -- this
 17 person who made this -- made these calculations
 18 would come to a number like that or is it...
 19 With that average, let's say, over all
 20 these three projects, is there or are they a
 21 common -- in other words, I'm asking you can
 22 you, out of that report, extrapolate based upon
 23 the 223 units at Verizon, the 200 -- however
 24 many units at the Avalon and the other
 25 buildings on an average, come to a number that

1 would -- that this report will on average --
 2 (Brief interruption)
 3 CHAIRMAN MEYER: We'll take a break.
 4 (At 7:47 p.m. a recess was taken.)
 5 (At 7:48 p.m. the hearing resumes.)
 6 CHAIRMAN MEYER: Okay. Is the young lady
 7 in the back all right? She's good.
 8 We had a little break here.
 9 Do you get my question, Mr. Lydon?
 10 THE WITNESS: I did and I'm a little
 11 uncomfortable, Mr. Chairman. I think the
 12 report is what it is, but I really haven't
 13 analyzed. I think there's a better report
 14 coming.
 15 Your own planning firm is doing a
 16 comprehensive area-wide study of more than just
 17 school-aged children, and, quite frankly, I
 18 think that study will be comprehensive and
 19 accurate and I'm sure will have the right
 20 number of units.
 21 I'm just a little uncomfortable about
 22 giving too much weight to this report, which
 23 wasn't done for tonight's hearing.
 24 CHAIRMAN MEYER: I'm not asking you to
 25 give weight to it. I'm just asking to see if

1 you can help me summarize it in a way that I
 2 understand what this person is -- but if you're
 3 not comfortable about doing that because it's
 4 not your report and if you weighed by occupant
 5 sizes of the units there are intended to be
 6 built, then maybe it's a different formula. So
 7 I'm not pushing you. If you could, you could.
 8 THE WITNESS: In the inaccuracies that I
 9 see, I'm a little reluctant.
 10 MR. ROSEN: Could you refresh our memory.
 11 You testified at the previous session about the
 12 Teaneck school population. I don't know
 13 whether it was current or what comparison was
 14 used. Could you give us a thumbnail summary of
 15 those statistics?
 16 CHAIRMAN MEYER: I have the numbers from
 17 last time, Mr. Rosen. I think 2009 and 2010,
 18 Mr. Lydon testified that there was 4,162
 19 students in the public school system. And in
 20 2016, 2017, there were 3,621; is that correct?
 21 THE WITNESS: Yes, sir.
 22 CHAIRMAN MEYER: That's what I wrote down.
 23 THE WITNESS: If I remember right, because
 24 I haven't found it yet --
 25 MS. BERGER: Here.

S. Lydon 37

1 THE WITNESS: The reduction in school-aged
 2 children was 541 students during this decade in
 3 the Teaneck school district. Their enrollment
 4 has dropped 541 students in that time frame.
 5 MR. ROSEN: That's because it's all
 6 schools in the entire county?
 7 THE WITNESS: Yes, Mr. Rosen. It's the
 8 number that the Teaneck Board of Ed reports to
 9 the Department of Education annually.
 10 MR. ROSEN: Okay.
 11 THE WITNESS: So from 2009 to 2010 to
 12 today, the drop has been 541 students as it
 13 went from -- a student population went from
 14 4,162 students to 3,621 for last year for which
 15 numbers were reported, a drop of 541 students.
 16 So based on that and the low school-age
 17 public school population anticipated to reside
 18 in this building, I've concluded that there
 19 will not be a negative impact on the Board of
 20 Ed or the school district.
 21 I'm not the traffic engineer, but there
 22 was testimony presented to the board that the
 23 traffic would be able to be absorbed into the
 24 local school -- the local street network
 25 without a significant loss of service.

S. Lydon 38

1 We're also seeking some variances for area
 2 in bulk. Our lot is supposed to be, under the
 3 ordinance, 1.5-acres. We have somewhat smaller
 4 than that, .79 acres. So we're seeking a
 5 variance for that. All the surrounding
 6 properties adjacent to us are developed, so
 7 there is no additional land to acquire. We are
 8 stuck with the 34,500-square-foot lot.
 9 We're also seeking setbacks from the front
 10 yard, the side yard, and the rear setbacks.
 11 However, we're very consistent with the
 12 surrounding development and we're also
 13 consistent with the -- some of the recent
 14 approvals and including some of the
 15 rezonings -- and I keep messing up here.
 16 The Queen Anne development that I have
 17 photos of, the impervious coverage there was
 18 allowed to be 80 percent of lot area. So we
 19 are very consistent with that number. The
 20 Verizon number was -- I'm sorry. 1500 State
 21 Street was allowed to be 80 percent of lot
 22 area. The Avalon Bay development was at
 23 70 percent of lot area. Our proposed lot
 24 coverage is lower than and very consistent to
 25 140 State Street. Their impervious coverage

S. Lydon 39

1 was 98 percent. They also had a 0-foot setback
 2 along State Street and along Queen Anne Road.
 3 And also, the intensity of their development
 4 not only was approved for 42 units, they're
 5 also approved for something like 8,000-square
 6 feet of retail space on the first floor.
 7 So I think the -- as you look at the
 8 development, the property -- the proposed
 9 development is very consistent and compatible
 10 with the surrounding development and recent
 11 approvals in the area. And I think -- those
 12 variances can be granted without any
 13 substantial detriment to the public good.
 14 BY MS. BERGER:
 15 Q. At the prior hearing, you talked about the
 16 shape of this lot and the fact that the building
 17 would be longer in width than in the depth.
 18 Could you just explain that to the board
 19 again and go over that?
 20 A. Yeah. Most of the residential lots are
 21 narrower but deep. A typical citywide, I testified
 22 to, was 50 feet wide and 100 feet deep. In this
 23 situation, we have the reverse. We have a lot which
 24 is 110 feet in depth, but 300 feet in width.
 25 So the proposed building, no surprise,

S. Lydon 40

1 sort of mirrors and mimics the lot configuration.
 2 It is a longer but shallower building. And that's
 3 no surprise. We think the setbacks are appropriate.
 4 The building to the west of us is within
 5 10 feet of the property line, and naturally has the
 6 area where it's about 7 feet from the property line.
 7 We're more than double that. We're 15 feet.
 8 In fact, part of the driveway encroaches
 9 onto the subject property.
 10 CHAIRMAN MEYER: Which driveway?
 11 THE WITNESS: The driveway to the west.
 12 A. Their western driveway encroaches onto the
 13 subject site. The property to the east has a
 14 one-story garage. It is immediately on the property
 15 line. So we think that the 15-foot side yards are
 16 more than adequate for the -- how the development
 17 gets established.
 18 There are a few waivers that are mostly
 19 associated with parking. They have to deal with the
 20 RSIS 9 X 18-foot parking spaces. We're seeking
 21 to -- we are proposing 9 X 8s, but the pole
 22 supporting the building -- in the area of the pole,
 23 all of it makes it a little bit narrower for the
 24 foot or so where the pole is there.
 25 We also are seeking -- your ordinance

S. Lydon 41

1 limits driveway width to 20 feet. We're seeking
 2 wider than that to provide more access in and out
 3 that's safe and appropriate. And that was all
 4 testified to earlier. We think there was actually
 5 enhanced public benefit as opposed to a great
 6 detriment.

7 So we believe that you have -- the
 8 building height and density are approvable and we
 9 think the C variances and the waivers can also be
 10 granted without any detriment to the public good or
 11 without substantial impairment to the master plan
 12 zoning ordinance.

13 MS. BERGER: I have no further questions
 14 of this witness.

15 CHAIRMAN MEYER: Okay. Do we have any
 16 questions from members of the board of this
 17 witness?

18 MR. REHMAN: I have a couple of questions.
 19 The first question, you mentioned possibly
 20 re-stripping the street to placate additional
 21 parking spots and possibly moving a bus stop.
 22 Have you guys considered the traffic
 23 impact of that proposed change?

24 THE WITNESS: Yes, we have. We have been
 25 in contact with the township engineer and

S. Lydon 42

1 everything is, obviously -- only will go
 2 forward if the township agrees that it makes
 3 sense to do it and it is safe and an
 4 appropriate design modification. But we are
 5 making the offer.

6 MS. BERGER: And your traffic expert is
 7 here and he could address that if you'd like,
 8 the board's expert.

9 MR. REHMAN: The other question is when
 10 you're talking about the negative criteria and
 11 the impact on the schools, it sounds like
 12 there's an inherent assumption that the less
 13 number of students in the school is better for
 14 the school. Because it sounded like, you know,
 15 there would not be significant negative impacts
 16 on the schools because the number of students
 17 was so low.

18 Is that -- because I can think of reasons
 19 why more students may be good if you're getting
 20 funding per student, if you want to increase
 21 the diversity in the school.

22 So what is that assumption based on?

23 THE WITNESS: You're absolutely right. I
 24 think it's the hangover of too many years of
 25 testifying. One of the concerns --we also have

S. Lydon 43

1 two concerns with a residential development:
 2 Traffic and school kids. And you're going to
 3 be overloading the school districts.

4 What's been happening is that --
 5 especially since the 2008 recession -- the
 6 fertility rates have dropped dramatically. In
 7 fact, the weekend after I spoke at the last
 8 hearing, there was an article in the New York
 9 Times which I clipped out from Saturday,
 10 May 18. And it talked about the -- headline is
 11 Data Shows Fall in Birthrate for Fourth Year in
 12 a Row. And it also talks about the 2018 total
 13 fertility rate also fell to a record low.

14 So what happened previously before the
 15 recession, people were worried about schools
 16 being overcrowded. What's happening now is
 17 suburban schools are actually going to be
 18 emptying out and I think we're soon getting to
 19 the point where funding becomes an issue and
 20 also what they can offer. If you don't have
 21 school children, you may not be able to offer
 22 that enhanced art or music or Latin class.

23 So it's really to show that this
 24 application, if it's approved as proposed,
 25 would not put a burden on the schools there.

S. Lydon 44

1 MR. REHMAN: And the last question: Can
 2 you confirm that you are not seeking a variance
 3 for parking?

4 So the number of spaces on the lot, not
 5 including the additional lot that you've
 6 proposed to pay for the town, on site, the
 7 number of parking is sufficient; is that
 8 accurate?

9 THE WITNESS: Yes, it is. And let me give
 10 you a brief explanation for that.

11 Before 1993, towns were allowed to create
 12 residential parking scenarios. In 1993 New
 13 Jersey, in its infinite wisdom, changed that
 14 when they gave us the Residential Site
 15 Improvement Standards. Those standards tried
 16 to estimate what parking there may be in rural
 17 Salem County, in Hoboken, and in Teaneck.

18 What they did was they eventually gave up
 19 with creating a one-size-fits-all and they
 20 said, These are recommended numbers, we'll
 21 leave it up to local expertise and local
 22 experience.

23 The residential plans showing the 100
 24 on-site parking spaces, the plans have been
 25 reviewed by Teaneck's experts. And I'm not

S. Lydon 45

1 going to testify for them. They found the
 2 parking more than sufficient and more than
 3 adequate.
 4 There's also a little extra part to that.
 5 Part of the RSIS standards has a guest parking
 6 component. And in this case, I think the guest
 7 parking standard is 32 spaces or something.
 8 Those guest stalls do not -- are not required
 9 to be provided on site. So if you wanted a
 10 very hard approach on the parking demand, you
 11 could say that it's X and then the off-site
 12 parking satisfies the guest parking.
 13 So, yes, we are more than -- we have more
 14 than adequate parking on site, yes.
 15 MS. BERGER: But again, the board's expert
 16 is here this evening who could address the
 17 board on that.
 18 CHAIRMAN MEYER: Anyone else?
 19 THE WITNESS: By the way, I thought I
 20 heard you say that the lot was 110 feet deep.
 21 I misspoke. It's 115 feet deep, so I just
 22 wanted to correct that.
 23 MR. WETRIN: Just thinking of the existing
 24 parking problem in the town is probably the
 25 result of poor planning in the buildings or

S. Lydon 47

1 people own and will reduce the need for parking
 2 in multi-family buildings.
 3 MR. WETRIN: I think what I meant was with
 4 all of this driving and thinking how the roads
 5 will look in 10, 15 years' time, is that there
 6 will be a heavy frequency of cars pulling up to
 7 the building and pulling away. And same with
 8 deliveries.
 9 I was at a New Jersey planning board
 10 meeting recently and a couple of buildings were
 11 being built that has lanes in the front of the
 12 building that will allow cars to pull up and
 13 move away.
 14 I remember you talking about adding
 15 parking in the front of the street. I was
 16 talking about heavy frequency of deliveries
 17 from Online. So there could be a lot of cars
 18 coming in and pulling up briefly.
 19 Have you ever considered that before?
 20 THE WITNESS: Yes. And I think we're
 21 fortunate here. As you know, there's parking
 22 on State Street now. We're proposing to modify
 23 that. I think when the autonomous vehicle
 24 reaches that level of utilization, I think we
 25 would be asking the township to take some of

S. Lydon 46

1 when that part of town was built many years
 2 ago.
 3 Just thinking forward into the future,
 4 just wondering what plans have you got in place
 5 for deliveries or someone who wants to drive
 6 electric cars?
 7 THE WITNESS: We have a design that's
 8 shown in the architectural plans, an area for
 9 bike storage so people can bike. We also have
 10 an area for motorcycle storage and they do not
 11 occupy space for cars. In addition, for the
 12 delivery situation, we do have space in the
 13 building, dedicated space for taking delivery
 14 packages.
 15 As far as autonomous vehicles, I think
 16 that that's going to happen. When it happens,
 17 it's going to reduce the amount of parking that
 18 a residential building will demand because I
 19 envision it being a service. You call up, you
 20 order a car, it comes and picks you up, takes
 21 it where you want to go and then it leaves.
 22 And then it comes back, picks you up and takes
 23 you back to your home and leaves again.
 24 So I think with the advent of autonomous
 25 vehicles, it will reduce the number of vehicles

S. Lydon 48

1 those parking spaces out and convert them to
 2 autonomous vehicle waiting zones.
 3 And I think you're right. I think we
 4 learned the quick pickup and discharge. So I
 5 don't think you'll need many spaces to
 6 accommodate demands.
 7 MS. BERGER: Additionally, if you recall
 8 in the earlier testimony, the board had asked
 9 us to consider having a spot for delivery on
 10 site, adding, and we did add that spot in the
 11 front of the building.
 12 MR. WETRIN: Have you made any provisions
 13 for electric car charging ports?
 14 THE WITNESS: No, we have not. At this
 15 point, that's something that could be added to
 16 the development as the need develops.
 17 But I think if I read the most recent
 18 number, less than 1 percent of the new car
 19 market is being attracted to the electric
 20 vehicle. So it's still a very small
 21 percentage.
 22 MR. WETRIN: One more question. Just to
 23 clarify on parking across the road. Until you
 24 mentioned guest parking just now, I was
 25 struggling to understand the correlation

S. Lydon 49

1 between the parking across the road and
 2 improving your application on this building.
 3 Are you saying that the only -- what is
 4 the purpose of the parking across the road? Is
 5 that to satisfy the relevance to this
 6 application or is that to satisfy guest
 7 parking?
 8 THE WITNESS: No, it's not. We believe
 9 that the 100 stalls on site are more than
 10 sufficient to meet both the tenants and their
 11 guests' parking demands.
 12 The 44 spaces across the street that we're
 13 proposing in cooperation with the township are
 14 for the general public, but not people living
 15 or using or guests of our own building. What I
 16 was trying to do was relate back to how the
 17 RSIS tries to address parking standards.
 18 But to be clear, we believe -- and we're
 19 very confident about this -- that the parking
 20 that's on the proposed plans is more than
 21 adequate to meet the demands of the building
 22 and its guests.
 23 MR. WETRIN: It seems to me that the
 24 parking across the road is almost like a
 25 (indiscernible). I don't see the relevance of

S. Lydon 50

1 that necessarily for this application.
 2 THE WITNESS: Well, it's recognizing there
 3 is a parking crunch in the neighborhood. It's
 4 trying to enhance the public good. It's
 5 recognizing that that first building on 818
 6 is -- if I remember correctly -- 40 units of
 7 housing there with zero parking.
 8 So what we're seeking to do, using the
 9 township parcel, is provide additional parking
 10 for the general neighborhood. But it's not
 11 parking we anticipate we'll need for our
 12 development.
 13 MS. BERGER: And I would say, Mr. Lydon is
 14 answering these questions. He's not the
 15 parking expert for the project, who had already
 16 testified, but we could have the town experts
 17 answer some of these questions to help you with
 18 the answers -- if the board wants that at this
 19 point.
 20 MR. ROSEN: I just wanted to clarify some
 21 statistics you gave us at the last meeting
 22 about rental units in town and vacancy rates.
 23 My handwriting is not legible.
 24 MS. BERGER: Just give us one second.
 25 We're going to get that information out.

S. Lydon 51

1 THE WITNESS: I can't believe the numbers
 2 you wrote, Mr. Rosen, because they're so low.
 3 MR. ROSEN: That's one of the questions.
 4 I wanted to make sure.
 5 THE BOARD SECRETARY: Let the record
 6 reflect that Ms. Honis has arrived.
 7 MR. ROSEN: You testified, I think, that
 8 there were approximately 14,000 single-family
 9 housing units and about 3500 apartments.
 10 THE WITNESS: I believe I testified there
 11 are about 14,000 total housing units. And --
 12 MR. ROSEN: 3500 or so apartments?
 13 THE WITNESS: I think that sounds right.
 14 MR. ROSEN: And then you said -- I'm not
 15 sure what year this was for, but you said that
 16 the vacancy rate was under 1 percent?
 17 THE WITNESS: Yes. Let me clarify, if I
 18 can, for you. I'm reading from the American
 19 Fact Finder, selected housing characteristics
 20 for the year 2017. It's the most current ones
 21 that are available.
 22 And according to -- and this is for
 23 Teaneck and Teaneck only. According to this
 24 data, the rental vacancy rate in Teaneck is
 25 0.6 percent.

S. Lydon 52

1 MR. ROSEN: So that means about 20
 2 apartments turn over every year; is that right?
 3 THE WITNESS: Maybe a little bit more than
 4 that, but somewhere in that low number, yes.
 5 MR. ROSEN: You also gave us a figure
 6 about how many -- on average, how many people
 7 per apartment for the rental units of Teaneck.
 8 What was that number?
 9 THE WITNESS: The average household size
 10 of a renter-occupied unit, again, from the
 11 American FactFinder 2017 data is 2.38.
 12 MR. ROSEN: So let's go -- let's estimate
 13 down. There are two people per apartment.
 14 Now, you just testified, I think, totaling up
 15 how many new units either have been built or
 16 are planned, I think you cited between Windsor
 17 Road and Teaneck a/k/a Verizon and Queen Anne ,
 18 I think it's about 6- or 700 units?
 19 THE WITNESS: I think that's accurate.
 20 MR. ROSEN: And also in this -- there are
 21 60s. So let's call it 700, 800.
 22 So between these four developments that
 23 are currently approved, built, or being applied
 24 for, that should bring between 1500 to
 25 2000-unit residents to Teaneck?

S. Lydon 53

1 THE WITNESS: That's a reasonable
2 assumption, yes.
3 MR. ROSEN: And they're all in that basic
4 Queen Anne plaza area, right. Winthrop Road is
5 probably a little further north.
6 THE WITNESS: On the other side of the
7 tracks.
8 MR. ROSEN: So those numbers are about
9 what you've testified to, right?
10 THE WITNESS: Yes, sir.
11 MR. ROSEN: Okay. Thank you.
12 CHAIRMAN MEYER: Anyone else from members
13 of the board?
14 Do our experts have any questions of
15 Mr. Lydon?
16 Who wants to go first?
17 MS. LEHENY: So I'm Elizabeth Leheny,
18 board planner.
19 CHAIRMAN MEYER: Spell your last name.
20 MS. LEHENY: L-E-H-E-N-Y.
21 And so I have questions I want to just
22 say. The property is located --
23 E L I Z A B E T H L E H E N Y,
24 called as a witness, having first been
25 duly sworn, was examined and testified as

S. Lydon 55

1 recommend it?
2 THE WITNESS: Sure. In the global sense,
3 I would first say that the mayor and council
4 have had an opportunity to zone the nearby
5 properties and when they have, they have
6 selected 70 feet as an appropriate number in
7 some cases, a 70 feet building height. They
8 have selected five stories as being an
9 appropriate height. And the density and
10 impervious coverage are also similar.
11 But more specifically about this
12 particular property, which is what you asked,
13 in 2015, township council approved resolution
14 where they spoke about the appropriateness of
15 this property being developed for a
16 multi-family housing development with much
17 greater number of units than the existing RM
18 zone would allow. In fact, it's almost the
19 exact number we're seeking today.
20 And when you look at that number and you
21 recognize that this site is .79-acres, the idea
22 that the -- there needs to be an increase in
23 the building height and there will be the need
24 for the increase in building mass seems very
25 obvious.

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1 follows:
2 MS. LEHENY: So the property is located in
3 the RM zone. You made a very good case for a
4 multi-family use here. And of course a
5 multi-family use is permitted in the RM zone.
6 So it's not really an issue of whether they
7 should be able to.
8 THE BOARD SECRETARY: Hold on one minute,
9 please. Can everybody hear her?
10 AUDIENCE MEMBER: Barely.
11 MS. LEHENY: The question is: How do you
12 reconcile this height, this density, these
13 variances or setbacks with the fact that this
14 is in the RM zone, it doesn't envision that
15 type of density, that type of height, even it's
16 not recommended in the most recent master
17 plans?
18 The counsel has not rezoned despite other
19 nearby rezoning. They haven't rezoned this
20 site or made any recommendations in the RM
21 zone.
22 So how do you address in the negative
23 criteria, how do you reconcile what you're
24 proposing with the fact that the zoning doesn't
25 permit that and the master plan doesn't

S. Lydon 56

1 So I think the council has looked at this
2 property somewhat recently and did make the
3 determination, by passing the resolution, that
4 a development in the mid 60s is appropriate for
5 the site. So since that was a finding of mayor
6 and council, I think it's one that this board
7 could take judicial notice of.
8 MS. LEHENY: I wanted to say they didn't
9 change the zoning, though.
10 CHAIRMAN MEYER: Questions.
11 MS. LEHENY: The next question: Can you
12 provide testimony addressing cumulative
13 requests of requested variances for density by
14 its lot area? We'll ask for the bulk
15 variances.
16 The significant deviations from the
17 requirements in the RM zone, especially in
18 light of the fact that the master plan, the
19 zoning doesn't permit it and the master plan
20 doesn't mention it or make recommendations
21 regarding it.
22 THE WITNESS: I'm not sure I understand
23 your question. The zone does permit
24 multi-family.
25 MS. LEHENY: Similar to the effects of the

S. Lydon 57

1 deviations from the RM zone, you requested
 2 quite a few variances.
 3 CHAIRMAN MEYER: And your question?
 4 MS. LEHENY: That they did.
 5 MS. BERGER: She wants to know --
 6 CHAIRMAN MEYER: I'm not sure. I'm not
 7 clear of the question.
 8 MS. LEHENY: The question is: Can you
 9 describe the cumulative effects of these
 10 significant deviations from the RM zone? It's
 11 not just height, it's not just density, it's
 12 all --
 13 CHAIRMAN MEYER: Can you do that,
 14 Mr. Lydon?
 15 THE WITNESS: When you mean "cumulative,"
 16 you're talking about this specific variance on
 17 this one lot?
 18 MS. LEHENY: On this one lot.
 19 THE WITNESS: Yes, I can. I think if you
 20 look at what the 2016 master plan amendments
 21 talk about, I believe that those goals and
 22 aspirations, although they refer to a
 23 particular property just down the street from
 24 that, are very much transferable.
 25 And I think if you look at the proposed

S. Lydon 58

1 architectural plans, you'll see that the
 2 present-day office building will be replaced
 3 with a much more attractive building which will
 4 conform with the standard type of development,
 5 and I think it is a building which will greatly
 6 increase the desirable visual environment and
 7 will have appropriate setbacks.
 8 So, yes, we are seeking a density
 9 height -- a density variance and a height
 10 variance, but I think it's very much compatible
 11 to the historic pattern and the evolving
 12 pattern in the neighborhood. And, again, we
 13 granted it, my estimation, in my opinion,
 14 without any substantial detriments to either
 15 what the mayor and council have sought or the
 16 planning board has recommended.
 17 MS. LEHENY: Those are the only questions
 18 I have.
 19 CHAIRMAN MEYER: Thank you very much.
 20 MR. VINCE: I have no further questions of
 21 the expert. But if the board wants me to
 22 clarify?
 23 CHAIRMAN MEYER: Questions from the
 24 audience?
 25 Questions only of this expert, Mr. Lydon,

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1 is ready to answer anyone and everyone's
 2 questions.
 3 Go ahead and please state your name for
 4 the record.
 5 MR. SELOVE: My name is David Selove,
 6 S-E-L-O-V-E, 169 West Forest Avenue.
 7 THE BOARD SECRETARY: You were in my
 8 office the other day. You spoke really clear.
 9 So you're going to have to hold it closer to
 10 your mouth so the stenographer can pick it up.
 11 CHAIRMAN MEYER: Before you start. I just
 12 want to put on the record that I think you
 13 called my office and tried to speak to me. And
 14 you spoke to me in my office and you asked me
 15 certain questions which I did not answer. I
 16 told you that was not appropriate. So I just
 17 want to put that on the record. But go ahead.
 18 MS. BERGER: I'm sorry. I didn't hear
 19 where you lived? Would you mind just
 20 repeating.
 21 MR. SELOVE: 169 West Forest Avenue.
 22 MS. BERGER: Thank you.
 23 MR. SELOVE: In each of the master plans
 24 from 2007 to 2017 --
 25 CHAIRMAN MEYER: You've got to try to slow

S. Lydon 60

1 down. Try and slow down and try to project.
 2 MR. SELOVE: I understand. In the master
 3 plans from 2007 through 2017, there's a
 4 regularly repeated goal and mandate.
 5 It says, "Preserve the character of
 6 existing low-density residential neighborhoods
 7 forming the predominant character of the
 8 township."
 9 And I've heard some of your replies so
 10 far. I'm changing my question because of that.
 11 (Indiscernible)
 12 CHAIRMAN MEYER: What's the question?
 13 MR. SELOVE: The question is: How can you
 14 describe maintaining the character and the
 15 existing density of the neighborhood when all
 16 the buildings behind this new development are
 17 two stories tall or one story tall and they
 18 have greater setbacks and more space
 19 surrounding? Is there any space for the kids
 20 to play and additional parking?
 21 I mean, there are other places --
 22 CHAIRMAN MEYER: Let him answer the
 23 question.
 24 MR. SELOVE: Okay.
 25 CHAIRMAN MEYER: One question at a time.

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1 THE WITNESS: That is not the only goal of
 2 the master plan. There is another goal that
 3 talks about the encouraging production and
 4 generation of multi-family housing where it
 5 will not impinge on single-family
 6 neighborhoods.

7 This neighborhood fits that description to
 8 a tee. So when you say to maintain low-density
 9 neighborhood, it has to be placed in context of
 10 the neighborhood. I believe I have placed it
 11 in the context. This is a multi-family
 12 neighborhood.

13 You mentioned building heights. There's a
 14 building just to the east of us that's five
 15 stories. There is a building approved just to
 16 the west of us at five stories. There is a
 17 building that is now occupied at eight stories,
 18 plus some two levels of parking, on Palisade
 19 Road just to the north of us. There is a
 20 building still under construction at 1500 that
 21 is five stories in height. There is a building
 22 that is now getting occupied at Avalon Bay,
 23 which is five stories.

24 So yes, this five-story building is
 25 consistent with the other buildings in the

S. Lydon 62

1 area, both existing, under construction, being
 2 occupied, and not yet constructed.

3 MR. SELOVE: Are you aware of the row
 4 house and the duplex houses and the garden
 5 apartments that are affordable and market rate
 6 apartments? They're in places like Englewood,
 7 Edgewater, Tenafly, even Brooklyn. Why can't
 8 we have home like that in the development?

9 THE WITNESS: I don't know how to respond
 10 to that question.

11 MS. BERGER: Objection.

12 CHAIRMAN MEYER: What's your objection?

13 MS. BERGER: My objection is he's asking
 14 why projects can't be built that we don't know
 15 about in other towns. We have no reference, we
 16 don't know those projects. So we really can't
 17 answer the question.

18 CHAIRMAN MEYER: Fair enough. Next
 19 question.

20 MR. SELOVE: In your previous testimony,
 21 you described, as you just did recently a few
 22 minutes ago, 100 State Street's dimensions as
 23 115 feet deep, 300 feet wide, and you know
 24 their typical city lot is 50 feet wide and
 25 100 feet deep.

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1 For the past several years, all the years
 2 that I've lived in Teaneck, I noticed on the
 3 west Englewood part of town, there's some very
 4 large houses and very large housing plots.

5 I was wondering why those plots, which I
 6 think are probably comparable to this, weren't
 7 looked at or suggested?

8 THE WITNESS: This property is zoned for
 9 multi-family housing. I don't know where that
 10 zone is that you're talking about, but we are
 11 proposing to remove the dead office building
 12 that's nonconformance to the zone and replace
 13 it with a very attractive, conforming office
 14 building.

15 So I think that is one of the goals of the
 16 master plan.

17 MR. SELOVE: This is a more statistical
 18 question. You said that the --

19 CHAIRMAN MEYER: The what?

20 MR. SELOVE: Statistical question. You
 21 said that the demand for rental housing is gone
 22 through the roof and you cited this is the
 23 American Community survey and you highlighted
 24 the 5 percent vacancy rate as normal.

25 I found some of the statistics that you

S. Lydon 64

1 cited, but I couldn't find anything that said
 2 demand has gone through the roof, nor the
 3 5 percent is a normal condition for rental
 4 availability.

5 You mentioned a moment ago the number that
 6 I did find and that was the Teaneck's turnover
 7 was 0.6 percent, which looks very much like
 8 about 80 percent of America based on the amount
 9 you can also get through the census bureau.

10 So how can you elaborate on the term
 11 "normal" or by 5 percent is this special
 12 number?

13 CHAIRMAN MEYER: Question: Can you
 14 elaborate on those numbers?

15 THE WITNESS: It's my expertise and my
 16 training and my education.

17 MR. SELOVE: I see. I thought you'd see
 18 West Englewood in that case.

19 MS. BERGER: I object.

20 CHAIRMAN MEYER: There's no question.

21 MR. SELOVE: One last question.

22 CHAIRMAN MEYER: Next question. You're
 23 looking at the transcript of what Mr. Lydon
 24 said last time?

25 MR. SELOVE: I have it with me, but I'm

S. Lydon 65

1 not going to look at it.

2 CHAIRMAN MEYER: Go ahead.

3 MR. SELOVE: What I understand is that

4 Teaneck recommends to approve a 10 percent

5 affordable housing allowance in the building,

6 but you are promoting a 15 percent affordable

7 housing. What's the rationale for the

8 additional 5 percent?

9 THE WITNESS: Well, just by way of

10 background, Mr. Chairman and board members,

11 Teaneck was imposing a 10 percent affordable

12 housing set-aside. They, along with a lot of

13 other municipalities, are in settlement

14 agreements with the Fair Share Housing Center.

15 They are in all of those settlement agreements

16 that I'm aware of, requiring a 15 percent

17 set-aside if it's a rental development.

18 So we have been in contact with Teaneck

19 officials. We understand that that is what

20 they hoped to agree to, and so we are willing

21 to agree to the 15 percent set-aside. My

22 client would prefer 10 percent set-aside for

23 financial reasons, but we're willing to do a

24 15 percent set-aside and provide 10 affordable

25 housing units when it's available.

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1 MR. SELOVE: Thank you.

2 CHAIRMAN MEYER: Next question, please.

3 MS. FINE: Good evening. How are you?

4 My name is Dr. Tanya Pagan Raggio-Ashley

5 and I'm just going to request that the "doctor"

6 be included in the transcript. I know last

7 time, Ms. Berger requested that my background

8 not be included, but I am a doctor and I would

9 appreciate that.

10 MS. BERGER: Just for the record, I never

11 did make any such request.

12 CHAIRMAN MEYER: Ms. Berger, sit down.

13 DR. RAGGIO-ASHLEY: So I'm here to follow

14 up on several questions that I had last time

15 and also issues regarding what you said today,

16 because I live right down the street from the

17 area that you spoke of.

18 CHAIRMAN MEYER: What address do you live?

19 DR. RAGGIO-ASHLEY: I live at 33 West

20 Tryon Avenue, Teaneck.

21 So let me start out, Mr. Lydon, by saying

22 you gave your background last time. You

23 mentioned that you're a graduate from Rutgers

24 Law Student [sic] School.

25 THE WITNESS: I'm not saying Law Student.

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1 Just "Rutgers."

2 DR. RAGGIO-ASHLEY: Okay, Rutgers.

3 THE WITNESS: That's the only correction.

4 DR. RAGGIO-ASHLEY: And in environmental

5 planning --

6 THE WITNESS: And zoning, yes.

7 DR. RAGGIO-ASHLEY: -- and design? Are

8 you going to allow me to finish?

9 THE WITNESS: I apologize. I apologize.

10 MR. EYERMAN: Ask your question.

11 DR. RAGGIO-ASHLEY: I'm trying very hard.

12 He interrupted me.

13 So as an expert in that area, are you

14 familiar with what's now called the Rutgers

15 Edward J. Bloustein School of Planning and

16 Public Policy? That's why I referred to it in

17 that manner.

18 Are you familiar with their planning

19 health communities initiative?

20 THE WITNESS: I'm aware. I would say -- I

21 wouldn't say I'm very familiar with it.

22 DR. RAGGIO-ASHLEY: I would like to enter

23 into the record that that's an initiative by

24 Rutgers Edward J. Bloustein School of Public

25 Policy and I enter it because Mr. Lydon says

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1 he's an expert in this area and planning out

2 the community's initiative. It's a critical

3 one as it pertains to what we're discussing in

4 Teaneck.

5 CHAIRMAN MEYER: So let me explain to you.

6 I don't think -- I mean, you can ask that if

7 you have something you want to refer to and

8 enter it into the record. You want to enter it

9 as evidence, you're saying?

10 DR. RAGGIO-ASHLEY: I would.

11 CHAIRMAN MEYER: So the rules of evidence

12 work a little differently. The rules of

13 evidence works that you need someone who has

14 familiarized themselves with this document in a

15 professional capacity or the author of this

16 document or another expert who is in the field

17 of planning, engineering, et cetera, who wants

18 to testify on your behalf for this document.

19 I mean, Mr. Lydon, in this case, said he's

20 not familiar with it.

21 DR. RAGGIO-ASHLEY: May I at least mention

22 the document, sir?

23 CHAIRMAN MEYER: You can mention the

24 document.

25 DR. RAGGIO-ASHLEY: But I can't enter into

S. Lydon 69

1 evidence?

2 THE BOARD SECRETARY: Wait, hold it. It's

3 one at a time. We have a great stenographer,

4 but even she can't keep up, okay?

5 CHAIRMAN MEYER: You can mention the

6 document, but for us to understand what the

7 document is about, you need someone to explain

8 that is familiar with the area in the field of

9 engineering, planning, et cetera, in order to

10 lend some credence to the document that we can

11 understand what it is. Otherwise, we don't

12 really get your point other than it's a piece

13 of paper and, you know, some people will say

14 that a document speaks for itself. But it

15 doesn't. It doesn't speak for itself. We need

16 someone to testify as to the document.

17 DR. RAGGIO-ASHLEY: Fair enough. I

18 understand.

19 CHAIRMAN MEYER: Mr. Lydon says he's not

20 familiar. You want to be heard?

21 MS. BERGER: Yes.

22 CHAIRMAN MEYER: Mr. Lydon says he knows

23 about this -- what was it called again?

24 DR. RAGGIO-ASHLEY: It's Planning Healthy

25 Communities Initiatives and it's listed on the

S. Lydon 70

1 website.

2 CHAIRMAN MEYER: I don't think he said

3 that. I think he testified that he knows of

4 the new name or familiar with the new name of

5 the Department of Planning. Is that what the

6 question was before?

7 DR. RAGGIO-ASHLEY: No. May I repeat my

8 question or do you want the stenographer to

9 help?

10 CHAIRMAN MEYER: Sure.

11 DR. RAGGIO-ASHLEY: Mr. Lydon, I had asked

12 if you are familiar with the Planning Healthy

13 Communities Initiatives, which is by Rutgers

14 Edward J. Bloustein School of Planning and

15 Public Policy.

16 THE WITNESS: I'm somewhat familiar with

17 it, yes.

18 DR. RAGGIO-ASHLEY: I'll leave it alone,

19 then.

20 CHAIRMAN MEYER: Then you can ask

21 anything, follow up. You want to be heard?

22 MS. BERGER: Yes. This is

23 cross-examination based upon his direct

24 testimony.

25 CHAIRMAN MEYER: I understand.

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1 MS. BERGER: I believe that this is

2 information that is not the basis of his direct

3 questioning. Therefore, I'm going to object to

4 this line of questioning.

5 CHAIRMAN MEYER: I agree with you to a

6 certain extent. I'm going to give a little

7 leeway to the lady, the person here who's not

8 an attorney, and therefore let's see what the

9 questions are. But either Mr. Lydon knows the

10 answer or he doesn't. It doesn't mean he's

11 supposed to know or he's not supposed to know.

12 Let's see where it takes us.

13 Go ahead.

14 DR. RAGGIO-ASHLEY: Okay. So I asked this

15 question because during Mr. Lydon's last

16 testimony and even tonight, he spoke --

17 CHAIRMAN MEYER: Somebody is talking. Can

18 we -- sir, please sit down. You're

19 interrupting the questions and the answers.

20 Go ahead.

21 DR. RAGGIO-ASHLEY: You referenced

22 multiple documents, which are also included in

23 the Planning Healthy Communities and the

24 documents you mentioned which are noted by the

25 stenographer from last time were the American

S. Lydon 72

1 Community Survey, the U.S. Census, and several

2 other documents. You also mentioned the master

3 plan.

4 And so when we reference these documents

5 as well as the master plan, we talk about

6 healthy communities and that's why I mentioned

7 this.

8 CHAIRMAN MEYER: So what is the question?

9 DR. RAGGIO-ASHLEY: So my question is: I

10 have several questions.

11 One is last time you testified, you said

12 that there was 15 -- not you, the engineer

13 testified there was 15 square feet -- there was

14 15 square feet for children to play in. And

15 when I asked if you were -- if he was aware of

16 the standards, I was told that I had to ask

17 Mr. Lydon and I couldn't ask the question that

18 day, so I'm going to ask him now.

19 Is he familiar with what the standards are

20 for the amount of play area that children need

21 based on the .79 acres, and you're building 68

22 units in that area? That's my first question.

23 CHAIRMAN MEYER: Let's see if he can

24 answer the question.

25 THE WITNESS: No, I'm not aware.

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1 CHAIRMAN MEYER: Next question.
 2 DR. RAGGIO-ASHLEY: Okay. The second is:
 3 You mentioned today, that there were no one
 4 single-family homes near the buildings that
 5 were recently built on Queen Anne Road, the
 6 buildings being built on State Street, as well
 7 as Avalon Bay. And I didn't know if you knew
 8 that 33 West Tryon Avenue where I live and
 9 where many other people in this room live,
 10 there are one-family homes literally right
 11 across the street from the building that you
 12 mentioned. Were you aware of that?
 13 THE WITNESS: I think that's a
 14 mischaracterization of my testimony.
 15 DR. RAGGIO-ASHLEY: Okay. Repeat it and
 16 I'll -- please, forgive me.
 17 THE WITNESS: I worked on the 1500 North
 18 Teaneck Road development and I am very aware
 19 that Amsterdam Avenue or Street borders that
 20 site. I said that State Street didn't have any
 21 single-family homes on it.
 22 DR. RAGGIO-ASHLEY: I'm not going to
 23 dispute the gentleman, but I'll just refer to
 24 the stenographer's notes from earlier.
 25 CHAIRMAN MEYER: Well, why so?

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1 My understanding from the master plan and
 2 from other documents from the planning board
 3 and the city council is that they were supposed
 4 to have two spaces per apartment; is that
 5 correct?
 6 THE WITNESS: It may be with Teaneck, may
 7 have said at one time, but that's not
 8 consistent with the RSIS requirements.
 9 DR. RAGGIO-ASHLEY: That wasn't my
 10 question.
 11 CHAIRMAN MEYER: Let's do the question
 12 again.
 13 DR. RAGGIO-ASHLEY: Okay. My
 14 understanding from the master plan, from
 15 documents that I reviewed and the -- regarding
 16 the plans you submitted and other documents,
 17 that there's a requirement in Teaneck.
 18 CHAIRMAN MEYER: Is it true that there's a
 19 requirement in Teaneck to --
 20 DR. RAGGIO-ASHLEY: To have two parking
 21 spaces for each apartment?
 22 THE WITNESS: There is no such requirement
 23 in Teaneck.
 24 DR. RAGGIO-ASHLEY: Okay. The next
 25 question is you mentioned the children and you

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1 DR. RAGGIO-ASHLEY: He said that I
 2 misquoted him and that he didn't say State
 3 Street earlier.
 4 CHAIRMAN MEYER: I don't know. The record
 5 will reflect that next time. So --
 6 DR. RAGGIO-ASHLEY: This is very important
 7 because he's making an argument that he's
 8 not -- that he's enhancing the community
 9 through this building and that he's not
 10 creating any problems in the community as is
 11 noted regarding low-density residential areas.
 12 And I'm trying to make a point that all around
 13 these buildings --
 14 CHAIRMAN MEYER: Now you're testifying, so
 15 ask the question.
 16 DR. RAGGIO-ASHLEY: I'll ask him again.
 17 So are you aware that right up the street
 18 from the building on Queen Anne Road that you
 19 referenced, there are multiple one-family
 20 homes?
 21 THE WITNESS: Of course.
 22 DR. RAGGIO-ASHLEY: Okay. Thank you.
 23 Next. In terms of parking spaces, you
 24 mentioned that there were more than enough
 25 parking spaces for the 68 units.

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1 mentioned fertility rates.
 2 Are you aware that Teaneck has a very
 3 unique population and that our fertility rates
 4 are higher than --
 5 CHAIRMAN MEYER: Do you know if the
 6 fertility rate is different in Teaneck than the
 7 average New Jersey --
 8 DR. RAGGIO-ASHLEY: Wait a minute. I have
 9 no -- sir, I have problem with that.
 10 CHAIRMAN MEYER: Isn't that the question?
 11 DR. RAGGIO-ASHLEY: I have no problems
 12 with that. Can you answer the question, sir?
 13 THE WITNESS: I don't know what the
 14 question is.
 15 CHAIRMAN MEYER: Do you know whether
 16 Teaneck is different as to the average New
 17 Jersey fertility rates?
 18 THE WITNESS: No, I do not know.
 19 DR. RAGGIO-ASHLEY: I'm not allowed to
 20 make any statements, right?
 21 CHAIRMAN MEYER: Right. Questions only.
 22 DR. RAGGIO-ASHLEY: Are you familiar with
 23 the demographics of Teaneck? Because last time
 24 you brought up during your testimony the
 25 demographics of Jersey City.

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1 Are you familiar with the fact that the
 2 racial, ethnic, and religious demographics of
 3 Jersey City are different from Teaneck and
 4 based on those demographic differences, that
 5 the fertility rate is different amongst the
 6 women in Teaneck versus Jersey City?
 7 THE WITNESS: I don't know what the
 8 Teaneck -- Teaneck's specific fertility rate
 9 is.
 10 DR. RAGGIO-ASHLEY: That wasn't my
 11 question.
 12 CHAIRMAN MEYER: Okay. Next.
 13 DR. RAGGIO-ASHLEY: No problem. The next
 14 question is regarding -- the question asked
 15 earlier about the cumulative impact?
 16 CHAIRMAN MEYER: I'm sorry?
 17 DR. RAGGIO-ASHLEY: There was a question
 18 regarding cumulative impact.
 19 CHAIRMAN MEYER: Oh, cumulative impact.
 20 DR. RAGGIO-ASHLEY: I want to follow up on
 21 that question, and this is my last question
 22 regarding your planner.
 23 Are you familiar that when you do
 24 planning, you need to look at the cumulative
 25 impact of multiple buildings going up at once,

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1 as in the case of Teaneck, where we have
 2 approximately 250 units going up on Teaneck
 3 Road about a block and a half away, we've got
 4 your 68 units, we've got a little over 200
 5 units right down the block on the Queen Anne
 6 Road property, and I believe close to 280 units
 7 in the Avalon building.
 8 So are you familiar, as a planner, sir, as
 9 an expert planner, of the impact of that on the
 10 health of the community as well as the travel
 11 of the community?
 12 THE WITNESS: I didn't testify to either
 13 the health or the traffic.
 14 DR. RAGGIO-ASHLEY: That wasn't my
 15 question. I said as a planner doing an impact
 16 analysis, are you familiar with the impact of
 17 having that many units built at once in the
 18 community?
 19 MS. BERGER: I'm going to object. It was
 20 asked and answered.
 21 CHAIRMAN MEYER: No, it wasn't. I don't
 22 care about asked and answered. Here's what I
 23 care about is if Mr. Lydon can answer the
 24 question.
 25 But in fairness, I think, to you,

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1 Ms. Berger, I think that -- I don't think
 2 Mr. Lydon testified as to the health impact.
 3 DR. RAGGIO-ASHLEY: No. But my question
 4 to him was is he -- he's a health planner?
 5 CHAIRMAN MEYER: Health planner, no.
 6 DR. RAGGIO-ASHLEY: He's a --
 7 CHAIRMAN MEYER: He's a licensed
 8 professional planner.
 9 DR. RAGGIO-ASHLEY: Licensed professional
 10 planner. So my question for him, is he aware
 11 of -- is he aware of the health impact as well
 12 as the traffic impact of the cumulative effect
 13 of having that many buildings built within a
 14 short period of time? And we're talking about
 15 approximately over 700 units within a
 16 seven-block area.
 17 CHAIRMAN MEYER: Are you aware of the
 18 cumulative health and traffic impact?
 19 THE WITNESS: I would say no,
 20 Mr. Chairman.
 21 DR. RAGGIO-ASHLEY: Thank you, sir. Thank
 22 you.
 23 MR. MELFI: Mr. Chair, quick question. I
 24 don't believe we need our engineer here and our
 25 traffic guy here anymore.

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1 CHAIRMAN MEYER: Oh, I think we need both.
 2 I don't think he testified, did he?
 3 MS. BERGER: Your engineer testified.
 4 MR. MELFI: They both testified. They
 5 both testified.
 6 MS. BERGER: Yes.
 7 CHAIRMAN MEYER: Are you going to testify?
 8 MS. LEHENY: I can talk about my letter.
 9 CHAIRMAN MEYER: Let's see what happens
 10 after the questions.
 11 MS. BURNS: Linda DeCarlo Burns, Teaneck
 12 resident. Good evening.
 13 CHAIRMAN MEYER: Good evening. Questions
 14 only.
 15 MS. BURNS: Mr. Lydon, you mentioned the
 16 proximity of public transportation, and I was
 17 wondering if you were aware of the ability for
 18 the public transportation in the area to absorb
 19 any additional people, commuters, to New York
 20 City?
 21 THE WITNESS: It can. It can do that
 22 because New Jersey Transit has the ability to
 23 adjust routs and adjust locations of bus
 24 stations and that is part of their reason for
 25 existence and they do that on a regular basis,

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1 mostly consultation with the New Jersey --
 2 North Jersey Transportation Planning
 3 Association.
 4 MS. BURNS: Were you aware that Senator
 5 Weinberg had a New Jersey Transit bus board
 6 here in Teaneck (indiscernible) --
 7 THE WITNESS: No, I missed that.
 8 MS. BURNS: Okay. Well, she had a --
 9 CHAIRMAN MEYER: Only questions. You will
 10 have an opportunity when everything is done in
 11 this case to give your comments and tell us all
 12 the information that you're going to testify
 13 to.
 14 MS. BURNS: The second question I have is,
 15 do you know when the former tenants of the
 16 properties' leases expired at 100 State Street?
 17 THE WITNESS: I don't have that
 18 information.
 19 MS. BURNS: And the reason I'm asking that
 20 question is I'm wondering if you know how long
 21 the building has been sitting empty?
 22 THE WITNESS: I'm not sure.
 23 MS. BURNS: I'll have an opportunity to
 24 provide information later.
 25 CHAIRMAN MEYER: You can provide anything

S. Lydon 82

1 here. All the testimony. Everybody can give
 2 their two cents.
 3 MS. BURNS: Those are my two questions.
 4 Thank you.
 5 CHAIRMAN MEYER: Thank you very much.
 6 Thank you. Next person, please.
 7 MS. EDWARDS: Therise Edwards. It's
 8 T-H-E-R-I-S-E, E-D-W-A-R-D-S.
 9 I have just a couple of questions based on
 10 your testimony tonight, and then a few
 11 questions with regard to testimony you gave
 12 previously.
 13 You mentioned a couple of cases in talking
 14 about the variances you were seeking and you
 15 mentioned Russo and I believe another one.
 16 Just for my own edification, can you just
 17 tell me when and where those cases occurred?
 18 Could you repeat them and say when and
 19 where they occurred?
 20 THE WITNESS: Second one, you couldn't
 21 quite hear was Grubs. They're all New Jersey
 22 cases. I believe they're also pre-recorded
 23 cases, although I'm not the attorney.
 24 What happened briefly is use variances
 25 used to all be looked as one angle. And then

S. Lydon 83

1 in the Coventry case, the Court said, you know,
 2 this doesn't make a whole lot of sense. It's a
 3 permitted use. They just don't meet some of
 4 the conditions. So why are we holding them to
 5 the same standards as if it wasn't a permitted
 6 use.
 7 So that was Coventry in Westwood. That
 8 was about 1993, I believe. And then a few
 9 years later, I think in Randolph Town Square,
 10 the court looked at a case where it was --
 11 yeah, it was an appellate case. And the court
 12 said the same reason we used in the Coventry,
 13 and that was Randolph Township, should be
 14 applied to this other type of D variance.
 15 And then it just went down the chain. And
 16 Grubs and Slother (phonetic) and then another
 17 case applied that idea of a lessened burden on
 18 both density and height cases. So you don't
 19 need to show the special reasons and you don't
 20 need to meet the Medici standard that courts
 21 used to hold density and FAR and judicial use
 22 applicants to. So it's a lower standard
 23 because the use is already permitted.
 24 CHAIRMAN MEYER: Randolph was '99.
 25 THE WITNESS: Thank you, Mr. Chairman.

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1 And that was an FAR case.
 2 MS. EDWARDS: Okay. All right. With
 3 regard to the affordable units, will they be
 4 comparable in size and amenities to the units
 5 that are not part of the COAH?
 6 THE WITNESS: We haven't gotten that far
 7 into the design of the building. They have
 8 been reserved, if you will, in the zoning.
 9 The bedroom distribution has been
 10 programmed into the building design. But as
 11 far as finishes and even size, that hasn't
 12 gotten that far.
 13 CHAIRMAN MEYER: Mr. Lydon testified two
 14 one-bedrooms, six two-bedrooms, and two
 15 three-bedrooms, for a total of ten units.
 16 THE WITNESS: That's correct.
 17 MS. BERGER: And that is the count.
 18 That's accurate. Yes.
 19 MR. EYERMAN: And complies with our new
 20 setback?
 21 THE WITNESS: And those standards are
 22 consistent with the bedroom distribution that
 23 COAH has established and Fair Share Housing
 24 Center is looking to impose.
 25 CHAIRMAN MEYER: Does that answer your

S. Lydon 85

1 question?

2 MS. EDWARDS: Yes. It wasn't the answer I

3 was hoping for, but it was a direct answer to

4 the question, so yes.

5 And then you mentioned a couple of

6 properties along State Street that have equal

7 or lesser coverage or coverage areas that are

8 similar.

9 Do you have images of those properties?

10 You brought some images about the taller, the

11 height --

12 THE WITNESS: Well, one of them is the

13 Palisade Road development. I do have pictures

14 of that. But, no -- yes. I have an image of

15 that. That would be the one.

16 MS. EDWARDS: Okay. I think -- okay.

17 So I'm going to go on to the comments that

18 you made both tonight and part of the comments

19 you made at your last testimony and part

20 remains tonight.

21 The numbers that you gave, you said you

22 got them from the Department of Education

23 website?

24 THE WITNESS: Yes.

25 MS. EDWARDS: Okay. Could you tell me

S. Lydon 86

1 where on the website you obtained that data?

2 Because the numbers that I found were different

3 than the numbers that you quoted.

4 THE WITNESS: There is a website, and I

5 have it bookmarked on my machine. It's says

6 something along the line like Taxpayers Guide

7 to Education -- Taxpayers Guide to Education

8 Spending in New Jersey. And if you click

9 through that or that website similar name, it

10 will take you to different reports of different

11 districts. And I went to the Teaneck district

12 for various years.

13 MS. EDWARDS: Can I show this to him? Am

14 I allowed to?

15 MR. EYERMAN: Show it to the attorney

16 first.

17 MS. EDWARDS: Okay, sure.

18 THE WITNESS: That --

19 CHAIRMAN MEYER: One second. There's no

20 question pending.

21 Here's the procedure. You can ask

22 Mr. Lydon the following. Once Ms. Berger has

23 looked at the document, you can ask the

24 following question of Mr. Lydon:

25 Mr. Lydon, have you seen this document or

S. Lydon 87

1 this information before?

2 MS. EDWARDS: I think he answered that

3 before.

4 THE WITNESS: Not this particular

5 arrangement of data, no.

6 CHAIRMAN MEYER: Do you know what the data

7 shows and where it's from?

8 THE WITNESS: It says it's from the State

9 of New Jersey Department of Education 2009-2010

10 Enrollment. And it's specific to Teaneck

11 Township.

12 MS. EDWARDS: You can hold on to that for

13 a moment. Is that okay?

14 CHAIRMAN MEYER: Yeah, you can ask a

15 question.

16 MS. EDWARDS: Okay.

17 CHAIRMAN MEYER: He can read off the

18 document if he thinks it's reliable.

19 MS. EDWARDS: I had assumed that this is

20 where the Department of Education posts their

21 enrollment data, I guessed that that was --

22 CHAIRMAN MEYER: You want to ask him

23 maybe. Do you know if this is the location

24 where the -- what was it?

25 MS. EDWARDS: This is where the Department

S. Lydon 88

1 of Education posts the enrollment data for all

2 of the districts in the state of New Jersey.

3 CHAIRMAN MEYER: Mr. Lydon, is that true?

4 THE WITNESS: It may be one of the places

5 they post enrollment data. There's at least

6 one other place where they post enrollment

7 data.

8 CHAIRMAN MEYER: Where would that be,

9 Mr. Lydon?

10 THE WITNESS: School finance -- State of

11 New Jersey, Department of Education, School

12 Finance, Taxpayers Guide to Education Spending

13 2018, is one page that I have and six-page

14 website or six pages in this website.

15 CHAIRMAN MEYER: Your name was?

16 MS. EDWARDS: Therise Edwards.

17 CHAIRMAN MEYER: 2009?

18 MS. EDWARDS: Well, I have three years in

19 here. I have the two years that he has

20 testified to and then I have an additional

21 year, which is the '17, '18.

22 CHAIRMAN MEYER: So the one you have

23 there, Mr. Lydon, '17, '18, the one you have?

24 THE WITNESS: 2018.

25 CHAIRMAN MEYER: 2018. Why don't you ask

S. Lydon 89

1 him to compare or --

2 MS. EDWARDS: We can contrast and compare.

3 CHAIRMAN MEYER: Whatever you want to ask.

4 Let's see if we can get a good question and

5 will challenge Mr. Lydon.

6 MS. EDWARDS: Based on the information

7 that I found using this.

8 CHAIRMAN MEYER: What is "this"?

9 MS. EDWARDS: This document that I just

10 handed to him.

11 CHAIRMAN MEYER: 2009.

12 MS. EDWARDS: Well, it's 2009, 2010 and

13 then 2016, 2017. Because that's what he

14 referred to in his testimony for the decade.

15 He indicated that there was a total drop in

16 enrollment of 541 students.

17 CHAIRMAN MEYER: I remember that.

18 MS. EDWARDS: Okay. Using the numbers

19 from the department -- the New Jersey

20 Department of Education's DOE data, enrollment,

21 the drop would be a total of 462 students.

22 Do you think that's fair to say if looking

23 at --

24 THE WITNESS: I can't possibly say it's

25 fair, accurate, or inaccurate. I do have the

S. Lydon 90

1 numbers that DOT reported on this form for

2 2016, 2017. It said that the average daily

3 roll plus sent students was 3,621. Is that the

4 number that you have?

5 MS. EDWARDS: You're looking at '16, '17?

6 THE WITNESS: '16, '17.

7 MS. EDWARDS: Actually, no. I have 35 --

8 well, 3552.5. So that finds half of the

9 students.

10 MS. BERGER: So I think if I could help

11 for a second, that number includes "sent"

12 students. This number does not include "sent"

13 students.

14 CHAIRMAN MEYER: That's the discrepancy.

15 So you're both right.

16 MS. BERGER: Correct.

17 MS. EDWARDS: So then turning your

18 attention to 2017, 2018, just on the forms, I

19 don't know -- do you have data? You said you

20 didn't have anything past '16, '17.

21 THE WITNESS: Not with me, sorry.

22 MS. EDWARDS: Okay. So looking at the

23 information that I obtained, which does not

24 include the "sent" data, it shows a slight

25 uptick in enrollment, about 32 students.

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1 THE WITNESS: In the ten years that I

2 offered testimony on, I would not be surprised

3 if there was fluctuations year to year, up or

4 down. I was looking at the two end points, the

5 beginning of the decade and currently.

6 MS. EDWARDS: Okay. So with that, have

7 you attempted to contact the district to get

8 any more current data from the '18, '19 school

9 year or projections for the '19, '20 school

10 year?

11 THE WITNESS: No, I did not.

12 MS. EDWARDS: Okay. Are you aware that

13 before the 2019 -- 2018-2019 school year, the

14 district received a state grant to increase

15 their preschool enrollment?

16 THE WITNESS: No, I am not.

17 MS. EDWARDS: Okay. So for this school

18 year, they did receive --

19 MR. EYERMAN: Ask a question.

20 CHAIRMAN MEYER: Ask your question. Are

21 you aware of that?

22 MS. EDWARDS: Are you aware that the

23 district received a subsequent grant to further

24 increase the preschool for the district for the

25 '19, '20 school year?

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1 THE WITNESS: No, I am not.

2 MS. EDWARDS: So would you be surprised to

3 learn that the preschool numbers from 2017

4 to -- 2017-2018 to the projection for 2019-2020

5 shows an increase of 814 students?

6 MS. BERGER: I'm going to object because I

7 don't know if it's appropriate to talk about

8 being surprised. He's not --

9 CHAIRMAN MEYER: Are you aware -- hold on.

10 Let me help, Ms. Berger.

11 Are you aware that according to the data

12 that's been sent, which is referred to, that

13 there's an increase of 815 students in the year

14 of 2018?

15 THE WITNESS: No. No, Mr. Chairman. I'm

16 not.

17 MS. EDWARDS: From 2017-18 to 2019-20.

18 CHAIRMAN MEYER: 150 students. Are you

19 aware of that?

20 MS. EDWARDS: 114.

21 CHAIRMAN MEYER: 114 increase. Are you

22 aware of that?

23 THE WITNESS: No.

24 CHAIRMAN MEYER: Next question.

25 MS. EDWARDS: We're going to -- just one

S. Lydon 93

1 more question regarding the -- have you gone to
 2 the district website to look at the budgeting
 3 information which is what they submit to the
 4 Department of Education and how they
 5 partially -- how they provide the data to the
 6 public?
 7 THE WITNESS: No, I did not.
 8 MS. EDWARDS: So --
 9 CHAIRMAN MEYER: Why are those questions
 10 relevant? Going to a website to see how much
 11 money they have? Relevance.
 12 MS. EDWARDS: Because in addition to that
 13 includes enrollment numbers.
 14 CHAIRMAN MEYER: Okay. Fair enough.
 15 MS. EDWARDS: I was just about to get to
 16 that.
 17 CHAIRMAN MEYER: He didn't go to that
 18 website, so he doesn't know anything about it.
 19 MS. EDWARDS: So then you're not aware
 20 that the projected enrollment for next year is
 21 3,945 students?
 22 THE WITNESS: No, I looked at the
 23 reporting numbers.
 24 CHAIRMAN MEYER: In fairness to your
 25 questions about projections, projections of

S. Lydon 94

1 what happens next year is very hard for an
 2 expert to testify to.
 3 MS. EDWARDS: They were actually carrying
 4 over the numbers from the current year.
 5 THE BOARD SECRETARY: Hold it. The
 6 conversations can go in there or out there
 7 (indicating) because it's going to pick up
 8 everything you're saying. Thank you.
 9 MS. BERGER: Mr. Meyer, are we taking a
 10 break after this?
 11 CHAIRMAN MEYER: Yes. For everyone
 12 standing, please have a seat because we're
 13 going to take a break after Ms. Edwards.
 14 Any other questions of this witness?
 15 MS. EDWARDS: Not about the enrollment
 16 numbers, but I do have a couple about the
 17 traffic.
 18 CHAIRMAN MEYER: About the traffic?
 19 MS. EDWARDS: Yes.
 20 CHAIRMAN MEYER: The traffic that he
 21 testified to or the traffic engineer that they
 22 have?
 23 MS. EDWARDS: Well, he mentioned some of
 24 the information from the traffic study.
 25 Unfortunately, I was not here for that and I

S. Lydon 95

1 didn't get a copy of it anyway. So as much as
 2 he is able to answer.
 3 CHAIRMAN MEYER: Did you read the
 4 transcript from the prior hearing? Because
 5 it's not fair to ask him questions that he may
 6 or may not. If he testified to A, B, C about
 7 traffic, about parking, I don't know what he
 8 testified to and what you want to bring
 9 forward. Then that's a fair question, I think.
 10 But I'm not going to...
 11 MS. EDWARDS: Well, he did testify that
 12 according to the transcript, as to traffic,
 13 it's interesting if you view the traffic
 14 studies, traffic on State Street has gone down
 15 since the earlier application.
 16 CHAIRMAN MEYER: Are you reading from a
 17 specific page and line in the transcript?
 18 MS. EDWARDS: Yes. 146, starting at Line
 19 13.
 20 CHAIRMAN MEYER: So what is your question
 21 with respect to that?
 22 MS. EDWARDS: According to the testimony
 23 by the traffic engineer, you said 2016, and I
 24 believe you meant 2015, did you not? I believe
 25 that's what's used.

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1 THE WITNESS: I'm not sure what traffic
 2 count was taken. It was an earlier application
 3 versus this application.
 4 MS. EDWARDS: Okay. With respect to the
 5 fact that was used, it was the 2015, were you
 6 aware that the evening count, the data was
 7 collected at a time when two of the three high
 8 schools were on half-day sessions?
 9 THE WITNESS: No. I was referring to what
 10 the traffic studies found.
 11 MS. EDWARDS: And in addition to that
 12 width, the calculation of -- sorry. I lost my
 13 place.
 14 With the future number and the New Jersey
 15 DOT annual background growth rate that was
 16 used -- I'm sorry -- this is A14. And I am on
 17 page 3 and skipping to paragraph 3.
 18 CHAIRMAN MEYER: On the transcript page 3?
 19 MS. EDWARDS: Oh, no. I'm sorry. On the
 20 traffic studies report.
 21 CHAIRMAN MEYER: Okay.
 22 MS. EDWARDS: Sorry. This isn't my usual
 23 stock and trade.
 24 CHAIRMAN MEYER: It's fine. Don't worry.
 25 MS. EDWARDS: I thought he had it. I'm

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1 sorry. I thought he had it.

2 MS. BERGER: He did not testify on the

3 traffic study.

4 MR. EYERMAN: Ma'am, are you going to ask

5 him a question on the traffic study? He is not

6 the traffic expert.

7 MS. EDWARDS: Can the traffic expert

8 answer it, then?

9 MS. BERGER: The traffic expert already

10 testified. His testimony is concluded.

11 MS. EDWARDS: So will I be able to point

12 out the extreme deficiencies in the report when

13 I give my comments later?

14 CHAIRMAN MEYER: Absolutely.

15 MS. EDWARDS: Okay. We'll go for it then.

16 (At 9:07 p.m. a recess was taken.)

17 (At 9:25 p.m. the hearing resumes.)

18 CHAIRMAN MEYER: Ladies and gentlemen,

19 let's continue the questioning of Mr. Lydon.

20 MR. VATSKY: Questions for your

21 professional engineer. I have questions about

22 energy, which I don't know if they're included.

23 CHAIRMAN MEYER: Can anyone hear in the

24 back?

25 THE BOARD SECRETARY: Could you spell your

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1 last name, please?

2 MR. VATSKY: V-A-T-S-K-Y. I don't know if

3 they're already included in the master plan.

4 MR. EYERMAN: So you're going to ask

5 questions of this planner about energy?

6 MR. VATSKY: I'm going --

7 MR. EYERMAN: What did you say you're

8 going to ask him questions about? You can ask

9 him what he's testified to, but nothing more

10 than that.

11 MR. VATSKY: I can't ask a question about

12 the appliances in the building?

13 CHAIRMAN MEYER: Let's hear what the

14 question is about. I believe this is

15 appropriate. It doesn't seem that way, but

16 let's hear your first question.

17 MR. VATSKY: My first question is: Is

18 this -- is this a LEED-certified building?

19 THE WITNESS: I don't know. I'm not the

20 architect.

21 CHAIRMAN MEYER: Next question.

22 MR. VATSKY: Next question. Will the

23 apartments have Energy Star appliances?

24 THE WITNESS: I don't know. I'm not the

25 purchasing agent.

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1 CHAIRMAN MEYER: He's a planner, sir.

2 Mr. --

3 MR. VATSKY: Vatsky.

4 CHAIRMAN MEYER: This is the planner. He

5 talks about the appropriateness of the

6 structure and the site, the impact, the --

7 everything. So I don't think -- and he can

8 only testify to things he's an expert in. He's

9 not an expert in electric energy.

10 MR. VATSKY: He testified that there would

11 not be electric vehicle charges to charge

12 electric cars.

13 CHAIRMAN MEYER: He read the plans, I

14 think, and saw stalls for electrical cars --

15 chargers for electrical cars.

16 Is that a fair statement, Mr. Lydon?

17 THE WITNESS: Yes, Mr. Chairman.

18 MR. VATSKY: What was the statement?

19 CHAIRMAN MEYER: That somebody asked him

20 about electrical cars from one of the board

21 members, and I think the testimony, if I'm not

22 mistaken, was at the time that when he examined

23 the plans, it did not seem there were stalls

24 for electrical chargers.

25 MR. VATSKY: That's right. I'm not in

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1 agreement with that.

2 CHAIRMAN MEYER: He said that, right? I

3 can't argue with him, right, but that's what he

4 said.

5 MR. EYERMAN: What's your next question,

6 sir?

7 MR. VATSKY: He doesn't know if they're

8 LEED certified or solar on the top of the

9 building?

10 THE WITNESS: I'm not aware of it, no.

11 MR. VATSKY: Is there going to be any

12 electric battery reserve in case we lose

13 electrical power to the building so there's

14 power to the apartments?

15 THE WITNESS: Again, I'm not the

16 architect. I don't know.

17 MR. VATSKY: Huh?

18 CHAIRMAN MEYER: He's not the architect;

19 he doesn't know, he says.

20 MR. VATSKY: He's not the chief of the

21 plans?

22 CHAIRMAN MEYER: He's not the architect.

23 He's the planner.

24 MR. VATSKY: Okay.

25 CHAIRMAN MEYER: Thank you.

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1 MR. VATSKY: How do I get those answers?
 2 CHAIRMAN MEYER: There was an architect
 3 here at prior meetings. That was the
 4 appropriate time to ask of the architect what
 5 kind of design he had made for those kinds
 6 of...
 7 MR. VATSKY: Can I get the name of the
 8 architect?
 9 CHAIRMAN MEYER: Sure. Ms. Berger will
 10 give you the name. What's the name of the
 11 architect that testified?
 12 MS. BERGER: I believe Mr. Ralph Walker
 13 testified.
 14 CHAIRMAN MEYER: Speak louder.
 15 MS. BERGER: Ralph Walker testified.
 16 THE BOARD SECRETARY: If he calls the
 17 office Monday, I can give you the information.
 18 MR. VATSKY: I'll call you.
 19 CHAIRMAN MEYER: You can have access to
 20 the plans if you want to, sir. You have access
 21 to the plans if you want to go down to the
 22 building department.
 23 MR. VATSKY: These plans?
 24 CHAIRMAN MEYER: Yes, these plans.
 25 Next question? Mr. Veach?

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1 MR. VEACH: Could we see if we could get
 2 this mounted? James Veach, Teaneck.
 3 V-E-A-C-H.
 4 Mr. Lydon, I want to focus on your
 5 credentials a little bit, okay?
 6 THE WITNESS: Sure.
 7 MR. VEACH: You attended Rutgers
 8 University, correct?
 9 THE WITNESS: Correct.
 10 MR. VEACH: You got a degree in
 11 environmental planning and design?
 12 THE WITNESS: Correct.
 13 MR. VEACH: Was your testimony before the
 14 board on how the construction of this 68-unit
 15 apartment building with adjacent parking lot
 16 will affect the environment?
 17 THE WITNESS: To some degree it was.
 18 MR. VEACH: To what degree?
 19 THE WITNESS: Well, I told you about the
 20 fact in this particular location, there is
 21 opportunity to use mass transit.
 22 MR. VEACH: Are you testifying that this
 23 building will give the transit people more
 24 business?
 25 THE WITNESS: I'm testifying that there is

S. Lydon 103

1 an opportunity, a very practical and available
 2 opportunity for residents of this building to
 3 use New Jersey bus service.
 4 MR. VEACH: You testified you brought
 5 before the board tonight -- you testified about
 6 photographs you took in the area.
 7 Do you recall that?
 8 THE WITNESS: Yes, I do.
 9 MR. VEACH: While you were there taking
 10 those photographs, did you have occasion to get
 11 on the 167 or on the 168 bus?
 12 THE WITNESS: Did I get on that bus? No,
 13 I did not.
 14 MR. VEACH: And have you ever ridden the
 15 167 or 168 to Port Authority from 7:00 or 8:00
 16 a.m. in the morning from Teaneck?
 17 THE WITNESS: No, I haven't.
 18 MR. VEACH: Have you ever tried to get
 19 home from Port Authority on the 167 or 168 to
 20 Teaneck at 5:00, 6:00 in the evening?
 21 THE WITNESS: No, I haven't.
 22 AUDIENCE MEMBER: You need to.
 23 MR. VEACH: Now, if I understand it right,
 24 this building is going to generate more sewage;
 25 is that right?

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1 THE WITNESS: I didn't testify to it.
 2 MR. VEACH: Fine. So even though you have
 3 background in environmental planning, you're
 4 not testifying here today with respect to
 5 sewage?
 6 THE WITNESS: No, I'm not.
 7 MR. VEACH: You're not testifying about
 8 the number of trees?
 9 THE WITNESS: That's correct.
 10 MR. EYERMAN: He's the planner. Ask him
 11 questions about being the planner.
 12 You should know better. Don't ask him
 13 questions outside of his field. His field is
 14 planning, not architecture.
 15 Ask him questions about his field, sir,
 16 and questions about what he testified.
 17 MR. VEACH: Let me go to his testimony.
 18 MR. EYERMAN: Thank you.
 19 MR. VEACH: Let me talk about economics a
 20 little bit.
 21 CHAIRMAN MEYER: Economics?
 22 MR. VEACH: In your testimony, sir, you
 23 used the term "feet on the street."
 24 THE WITNESS: I did.
 25 MR. VEACH: What were you trying to get

S. Lydon 105

1 across?

2 THE WITNESS: People spend a certain

3 amount of money on expenditures every year;

4 restaurant, money, card shops, pizza places.

5 And one of the things we have noticed in the

6 planning field is a lot of municipality

7 downtowns are suffering. And one of the ways

8 we are thinking of trying to revitalize some of

9 those areas is by broadening the potential

10 uses, and another way which a lot of

11 municipalities are doing that is they are

12 introducing residential housing into commercial

13 areas because people, generally speaking, will

14 shop in a convenient location. And oftentimes

15 it's convenient where they work or where they

16 play or where they live.

17 So with that theory in planning circles

18 these days, a lot of municipalities are -- many

19 of the zoning buildings introduce residential

20 uses into commercial areas.

21 In Teaneck's particular case, we have a

22 multi-family residential zone which happens to

23 be very conveniently located to not just one

24 commercial area, but two.

25 MR. VEACH: But you're closer to The

S. Lydon 106

1 Plaza, correct?

2 THE WITNESS: We're close to both.

3 CHAIRMAN MEYER: What's the question?

4 MR. VEACH: You are closer to The Plaza at

5 100 State Street; isn't that correct?

6 MR. EYERMAN: Closer to what?

7 MR. VEACH: This gentleman testified there

8 are two business districts.

9 CHAIRMAN MEYER: Mr. Veach, you're an

10 attorney. Try to ask questions so the record

11 is complete. You say -- I don't have to teach

12 you how to ask questions.

13 MR. VEACH: Maybe you do.

14 CHAIRMAN MEYER: Okay. So let me teach

15 you.

16 If you say you're closer to A than B, then

17 I think the record would be much clearer and

18 you get a better question and a better answer.

19 MR. VEACH: Excellent. 100 State Street.

20 Are those people living at 100 State Street if

21 it is built, are they closer to The Plaza or

22 Teaneck Road?

23 THE WITNESS: They're closer to both. I

24 have not measured the number of feet from one

25 to the other, but they are close to both

S. Lydon 107

1 commercial areas.

2 MR. VEACH: Sir, aren't they closer to The

3 Plaza than Teaneck Road?

4 MR. EYERMAN: He just answered. He said

5 he didn't measure. He gave his answer.

6 Next question.

7 MR. VEACH: So you can't tell us, as you

8 sit here today, whether those people are closer

9 to The Plaza or to Teaneck Road?

10 MS. BERGER: I direct my client not to

11 answer the question.

12 CHAIRMAN MEYER: He's not your client.

13 MS. BERGER: It's asked and answered over

14 and over.

15 CHAIRMAN MEYER: Ms. Berger, the word is

16 "objection."

17 MS. BERGER: Objection.

18 CHAIRMAN MEYER: Sustained. Next

19 question.

20 MR. VEACH: Have you spoken to any of the

21 business owners in The Plaza about 100 State

22 Street?

23 THE WITNESS: No.

24 MR. VEACH: Have you spoken to any members

25 of the township council about 100 State Street?

S. Lydon 108

1 THE WITNESS: Yes.

2 CHAIRMAN MEYER: Who?

3 THE WITNESS: Council people.

4 MR. VEACH: Who?

5 THE WITNESS: With Mr. Pruitt, Councilman

6 Pruitt.

7 MR. VEACH: Dr. Pruitt?

8 THE WITNESS: Yes.

9 MR. VEACH: Who else?

10 THE WITNESS: I believe he's the only one.

11 MR. VEACH: What did you talk about?

12 THE WITNESS: The project.

13 MR. VEACH: What did he say to you and

14 what did you say to him?

15 THE WITNESS: He wanted to know who's

16 going to live in the project, the development.

17 He asked how it would compete with other

18 particular developments in the area. He asked

19 if there were certain features that the

20 property may or may not have.

21 MR. VEACH: And what did you say?

22 THE WITNESS: I answered him.

23 MR. VEACH: So he asked you about how this

24 project -- how this project compared to other

25 projects in the area.

S. Lydon 109

1 Is he talking about 1500 Palisade Avenue?
 2 Was he talking about those other projects?
 3 MS. BERGER: I'm going to object because
 4 the purpose of the cross-examination is based
 5 upon his direct testimony and not about
 6 anything further.
 7 CHAIRMAN MEYER: I will give Mr. Veach --
 8 even though he's an attorney, I'll give him a
 9 little leeway. But I think you're getting a
 10 little out of the direct testimony. There's a
 11 scope there. You know that, Mr. Veach. So
 12 let's tread lightly.
 13 So can you formulate the question a little
 14 tighter and maybe Mr. -- we're talking about
 15 Dr. Pruitt discussed with Mr. Lydon, which
 16 wasn't in the testimony either, but I'll give
 17 you that opportunity to question Mr. Lydon
 18 about that.
 19 MR. VEACH: So when he asked you about how
 20 you would compare 100 State Street to other
 21 projects in the vicinity, what did you say?
 22 CHAIRMAN MEYER: Did he ask you about
 23 that, Mr. Lydon? Was that a question that
 24 Dr. Pruitt asked you?
 25 THE WITNESS: No, I don't think so.

S. Lydon 110

1 AUDIENCE MEMBER: You just said it.
 2 THE BOARD SECRETARY: If you want to talk
 3 and make comments, you'll have a chance to come
 4 to the mic.
 5 MR. VEACH: All right. Where did you have
 6 this conversation?
 7 MR. EYERMAN: If he had a conversation
 8 outside the board, it's not included in his
 9 testimony.
 10 Mr. Chair, it's inappropriate to ask him
 11 questions about conversations that he had
 12 outside his testimony. He's testified to the
 13 board. At this point, it's to question him
 14 about his testimony.
 15 MR. VEACH: Mr. Chairman, what I'm trying
 16 to do is focus on his prior testimony and his
 17 testimony today, from which he has talked about
 18 coming to this area, taking photographs,
 19 walking around the neighborhood, and now he's
 20 talked to a member of the township council and
 21 I would like to know if he was standing at that
 22 location in The Plaza when he had that
 23 conversation.
 24 CHAIRMAN MEYER: Okay. That's a fair
 25 question.

S. Lydon 111

1 THE WITNESS: No, I was not.
 2 MR. VEACH: Were you on the telephone?
 3 CHAIRMAN MEYER: Mr. Veach? Attorney
 4 Veach? I think...
 5 Where are we going with this? What is
 6 your proffer of this question?
 7 MR. VEACH: I'm trying to focus on the
 8 testimony which I believe is something to the
 9 effect that putting all these people at 100
 10 State Street will generate more business and
 11 "feet on the street."
 12 CHAIRMAN MEYER: So what does that have to
 13 do with conversation with Dr. Pruitt, council
 14 member?
 15 MR. VEACH: I would like to know if
 16 Dr. Pruitt was also interested in "feet on the
 17 street."
 18 CHAIRMAN MEYER: Why don't you ask
 19 Dr. Pruitt? After the meeting, you can ask Dr.
 20 Pruitt.
 21 MR. VEACH: I would like to ask this
 22 witness.
 23 CHAIRMAN MEYER: By the way --
 24 THE BOARD SECRETARY: Wait. Now, you
 25 heard me speak a couple of times. One person

S. Lydon 112

1 at a time. It hasn't changed. One person at a
 2 time.
 3 CHAIRMAN MEYER: First of all, when you
 4 ask what Dr. Pruitt said, isn't that what we
 5 call "hearsay"? Didn't we hear that in law
 6 school?
 7 MR. VEACH: Is this a criminal trial?
 8 CHAIRMAN MEYER: No, but it's rules of
 9 evidence, and certainly you as an attorney are
 10 held to a greater standard than a regular
 11 layperson. So let's move along.
 12 MR. VEACH: Are you aware, sir, if any
 13 members of the township council owned
 14 commercial properties in The Plaza?
 15 AUDIENCE MEMBER: Of course.
 16 MS. BERGER: I'm going to object.
 17 CHAIRMAN MEYER: Are you aware -- you're
 18 making an objection?
 19 MS. BERGER: Yes.
 20 CHAIRMAN MEYER: Let me hear the question
 21 one more time.
 22 MR. VEACH: I'm asking this witness
 23 whether he's aware if any members of the
 24 township council own commercial and rental
 25 properties in The Plaza.

S. Lydon 113

1 CHAIRMAN MEYER: If he's aware, let him
2 answer.

3 MS. BERGER: I'm going to object because
4 it was not part of the direct testimony and
5 we're really going far afield here.

6 CHAIRMAN MEYER: I understand, but I'll
7 allow the question.

8 THE WITNESS: No.

9 CHAIRMAN MEYER: There you go. Next
10 question, Mr. Veach.

11 MR. VEACH: I think you testified that
12 you've appeared before the Teaneck Board of
13 Adjustment before, correct?

14 THE WITNESS: Correct.

15 MR. VEACH: How many times?

16 THE WITNESS: I don't know.

17 MR. VEACH: Give me an idea, rough
18 approximation.

19 THE WITNESS: I don't know.

20 MR. VEACH: Could it be 100 times?

21 THE WITNESS: I don't know.

22 MR. VEACH: You testified about Hill View,
23 a seven-apartment complex. Do you recall that?

24 THE WITNESS: Excuse me. I didn't quite
25 hear you.

S. Lydon 114

1 MR. VEACH: You testified about Hill View,
2 a unit that has an apartment building that has
3 seven units and came up in the context of the
4 education questions. And you said, Well, maybe
5 it's not six, seven, maybe the owner slipped in
6 another apartment. Do you recall that?

7 THE WITNESS: 1387 Hill Street, yes. I
8 did say something about that tonight.

9 MR. VEACH: Is that in Teaneck?

10 THE WITNESS: Yes, it is.

11 MR. VEACH: Did you appear before the
12 Board of Adjustment in connection with that
13 property?

14 THE WITNESS: Yes, I did.

15 MR. VEACH: Who was the developer?

16 THE WITNESS: I don't recall.

17 MR. VEACH: Is it the same developer
18 that's doing 100 State Street?

19 THE WITNESS: No.

20 MR. VEACH: Now, you testified, I believe
21 tonight, that you also were involved with
22 respect to 1500 Teaneck Road.

23 THE WITNESS: Correct.

24 MR. VEACH: Who is the developer?
25 THE WITNESS: I don't recall.

S. Lydon 115

1 CHAIRMAN MEYER: Mr. Veach, it is not
2 really relevant who the developer is on
3 different properties. He's here as to
4 planning. That's where you need to go into
5 detail and cross-examine the witness. That's
6 where you score the points.

7 You don't score the points by trying to
8 figure out how many times Mr. Lydon, who's a
9 very well-known planner in Bergen County, has
10 testified before this board and other boards.
11 Mr. Lydon testified before this board as long
12 as I can remember, and I've been on this board
13 23, 22 years I've served on behalf of the town.

14 So I know Mr. Lydon. So I understand. I
15 could not tell you how many times he's been
16 before this board or other boards I appeared
17 before. We have seen Mr. Lydon, as well.

18 So you've got to score points. You want
19 to score points, go to the essence of his
20 testimony, which is the -- which are the issues
21 that he brought up, how the planning conforms
22 to the master plan, whatever you think is
23 appropriate. But that's where you score the
24 points. Not about how many times he testified
25 before this board. Okay. If you want to help

S. Lydon 116

1 yourself, that's what you go after.

2 MR. VEACH: Sir, isn't it true you
3 concluded both of those buildings 1500 and Hill
4 Street should be built as a developer wished?

5 CHAIRMAN MEYER: He never testified.

6 MR. EYERMAN: Every application before
7 this board is a stand-alone application. His
8 testimony on other boards.
(Reporter interruption.)

10 THE BOARD SECRETARY: Brian, she can't
11 hear you.

12 MR. EYERMAN: Every application that comes
13 before the board is a stand-alone application,
14 meaning that anytime he's testified before this
15 board, it's not prejudicial, influential upon
16 the present application.

17 MR. VEACH: One more question and I'll
18 move on.

19 Do you recall ever testifying in front of
20 the board of adjustment to the effect that the
21 building the developer wanted built should not
22 be built?

23 MS. BERGER: I'm going to object to the
24 question. It has no relevance to his direct
25

S. Lydon 117

1 testimony.

2 CHAIRMAN MEYER: I'll allow it.

3 THE WITNESS: No.

4 MR. VEACH: Thank you. How many

5 assignments has Burgis & Associates taken from

6 Cole Schotz?

7 MS. BERGER: I'm going to object to the

8 question.

9 CHAIRMAN MEYER: Now you're objecting?

10 Sustained. Next question.

11 MR. VEACH: Have you ever turned down an

12 assignment from Cole Schotz?

13 MS. BERGER: I'm objecting to the

14 question.

15 CHAIRMAN MEYER: Sustained.

16 MR. VEACH: There's a master of city and

17 regional planning, an MCRP. What is that?

18 MS. BERGER: I'm objecting to the

19 question. It has nothing to do with his direct

20 testimony.

21 CHAIRMAN MEYER: I'll allow it.

22 THE WITNESS: It's a degree that Rutgers

23 and other schools give.

24 MR. VEACH: But you don't have one?

25 THE WITNESS: Correct.

S. Lydon 118

1 MR. VEACH: That's been upgraded by the

2 Bloustein school, correct?

3 MS. BERGER: I'm going to object.

4 CHAIRMAN MEYER: Sustained.

5 MR. VEACH: On page 3, from the Burgis

6 Associates web page -- withdrawn.

7 You've worked for Burgis for over 18

8 years, correct?

9 THE WITNESS: That's correct.

10 MR. VEACH: They have a listing of

11 principals and associates on the website,

12 correct?

13 THE WITNESS: I've never gone to the

14 website.

15 MR. VEACH: You've never looked at your

16 own website?

17 THE WITNESS: No.

18 MR. VEACH: Do you have a license, a

19 landscape architect with Burgis?

20 MS. BERGER: I'm going to object. It has

21 no relevancy to his direct testimony.

22 CHAIRMAN MEYER: Mr. Veach, you will score

23 points. I can only direct you what to do, but

24 you know better.

25 MR. VEACH: Just to clarify so we have no

S. Lydon 119

1 more confusion going on. I just want to make

2 sure. I think I've got this. You're not an

3 architect, right?

4 MR. EYERMAN: He's come before this board

5 as a planner.

6 MR. VEACH: He can be a planner and an

7 architect.

8 MR. EYERMAN: He's not. He's here to

9 testify as a planner, sir.

10 MR. VEACH: Well, let's just confirm that

11 he's not an architect, because he has testified

12 about these buildings. He says, Oh, this

13 building is outdated, this building is

14 beautiful, ugly. I just want to clarify that

15 he is not an architect.

16 THE WITNESS: I'm not an architect.

17 MR. VEACH: And you are not an engineer?

18 MS. BERGER: I'm going to object again.

19 His testimony was he's a licensed planner in

20 the state of New Jersey and that is how he

21 testified.

22 CHAIRMAN MEYER: Sustained.

23 MR. VEACH: And you're not an economist?

24 THE WITNESS: I'm not a cook.

25 MR. VEACH: You're not an economist?

S. Lydon 120

1 MS. BERGER: Objection.

2 CHAIRMAN MEYER: Sustained.

3 MR. VEACH: Now, the Burgis firm has been

4 around since 1988, correct?

5 THE WITNESS: I don't know.

6 MR. VEACH: You don't know how long your

7 firm has been around?

8 MS. BERGER: I object. He's asked -- you

9 asked a question; he answered the question.

10 CHAIRMAN MEYER: Sustained.

11 MR. VEACH: The firm identifies clients

12 that engaged in, quote, "residential

13 development," right?

14 MS. BERGER: Object. It has no relevance

15 to his direct testimony.

16 CHAIRMAN MEYER: Overruled.

17 THE WITNESS: I haven't gone to the

18 website. I don't know what it says.

19 MR. VEACH: Let me show you your own

20 website. Can we mark as V-3?

21 MS. BERGER: No. I'm going to object to

22 this line of questioning. It has no relevancy

23 to his direct questioning. We've already --

24 the board has already accepted him and accepted

25 his qualifications as a licensed planner. That

S. Lydon 121

1 was the scope of his testimony.
 2 CHAIRMAN MEYER: Sustained.
 3 MR. VEACH: Mr. Chairman, I want to
 4 explore where there are conflicts of interest
 5 here and I want to also explore that the
 6 capacity in which Burgis has given testimony on
 7 both sides of the street for years.
 8 CHAIRMAN MEYER: I'm sorry. You want
 9 to --
 10 MR. VEACH: I want to explore what the
 11 Burgis firm has been doing since 1988 with
 12 respect to representing both municipalities on
 13 the one side and corporate entities on the
 14 other side.
 15 CHAIRMAN MEYER: But that's not
 16 appropriate for this witness. I'm sorry. He's
 17 not Mr. Burgis.
 18 Sir, you're an attorney. You know very
 19 well how to present a case or should know how
 20 to present a case, but I don't think this is
 21 appropriate for this witness to come as a
 22 planner to testify on this application about
 23 the firm that he works for.
 24 MR. VEACH: This witness has testified
 25 about Avalon Bay.

S. Lydon 122

1 Sir, doesn't Burgis Associates do work for
 2 Avalon properties, Avalon Bay?
 3 THE WITNESS: I don't think so.
 4 MR. VEACH: Would you be surprised to know
 5 that your website says so?
 6 THE WITNESS: I haven't gone to my
 7 website. I don't know how many times you want
 8 me to say that. I have not looked at our
 9 website.
 10 MR. VEACH: Could I show it and refresh --
 11 show him his own website?
 12 MS. BERGER: No, it has no relevance.
 13 MR. EYERMAN: You have to ask him
 14 questions about his testimony. This is
 15 cross-examination. Stop, sir. This is
 16 cross-examination about his testimony that he's
 17 given this board. It has nothing do with that.
 18 MR. VEACH: He has testified several times
 19 tonight about Avalon Bay and the structure they
 20 put up on Windsor Road.
 21 MR. EYERMAN: He used it as a comparison.
 22 Whether his firm did work there or not, it has
 23 no relevance to this board.
 24 The questions must be related to the
 25 testimony he gave. Just because he mentioned

S. Lydon 123

1 Avalon Bay doesn't give you the right to ask
 2 him all kinds of weird questions about it.
 3 MR. VEACH: How about this question.
 4 He testified Avalon properties was so --
 5 Avalon Bay was so many feet high. How do you
 6 know that?
 7 THE WITNESS: I was using the ordinance
 8 that the township council adopted.
 9 MR. VEACH: You didn't go over and look at
 10 it?
 11 THE WITNESS: No.
 12 MR. VEACH: Do you know whether there's a
 13 large parking lot built -- parking structure
 14 built next to Avalon Bay?
 15 MS. BERGER: Objection. It had no part of
 16 the direct testimony.
 17 CHAIRMAN MEYER: Overruled.
 18 THE WITNESS: I haven't been there. I
 19 don't know.
 20 MR. VEACH: Your firm, Burgis, has done
 21 work for a lot of townships, correct?
 22 MS. BERGER: I'm going to object because
 23 it's not his firm.
 24 CHAIRMAN MEYER: Sustained. Sustained.
 25 MR. VEACH: Do you know Mr. Preiss?

S. Lydon 124

1 MS. BERGER: I'm going to object.
 2 CHAIRMAN MEYER: Which Mr. Preiss?
 3 MR. VEACH: The town planner, Mr. Preiss.
 4 MS. BERGER: I'm going to object. There's
 5 no relevancy.
 6 CHAIRMAN MEYER: Overruled. Do you know
 7 him?
 8 THE WITNESS: Yes, I know Mr. Preiss.
 9 MR. VEACH: How long have you known
 10 Mr. Preiss?
 11 CHAIRMAN MEYER: Okay. I'm going to make
 12 the objection and I'm going to sustain my own
 13 objection.
 14 MR. VEACH: Have you worked with
 15 Mr. Preiss on the project?
 16 CHAIRMAN MEYER: Objection. Mr. Veach,
 17 you've got to move on.
 18 MR. VEACH: Mr. Chairman, I'm trying to
 19 explore whether there is a relationship,
 20 perhaps too cozy, between the township's
 21 planner and the paid planner hired by the
 22 developer in this case.
 23 CHAIRMAN MEYER: I refer you to the
 24 opportunity to take an appeal on that issue.
 25 MR. ROSEN: Mr. Veach, Mr. Lydon was

S. Lydon 125

1 qualified early on in the process. So that
 2 would have been the appropriate time for you to
 3 question his credentials and question, in your
 4 mind, a potential conflict of interest.
 5 I think that you're beating this horse to
 6 death. Mr. Lydon has been accepted by this
 7 board and we will look upon his testimony as
 8 expert testimony, and I believe that you're
 9 wasting our time and the public's time.
 10 CHAIRMAN MEYER: You can hire your own
 11 expert and bring your own expert next time and
 12 now we have his testimony on transcripts. You
 13 hire your own expert in the field of planning
 14 who's a licensed planner in the state of New
 15 Jersey, and you go to town. That's the way to
 16 do it. Score some points.
 17 MR. VEACH: Could you give me some money
 18 for that?
 19 CHAIRMAN MEYER: I'm sorry?
 20 MR. VEACH: Could you make a contribution
 21 for me to do that, hire a planner?
 22 Mr. Rosen, this is the first time I've had
 23 a chance to ask this witness any questions.
 24 I'll move on, but how could I challenge his
 25 qualifications? This is my first time asking

S. Lydon 126

1 him questions.
 2 MR. ROSEN: Mr. -- the public always has
 3 an opportunity to question somebody's
 4 eligibility to be an expert. That is the way
 5 we always work. I don't know whether you were
 6 here that day, but all of our expert witnesses
 7 are routinely questioned by the attorney,
 8 whether it's a current attorney or there's any
 9 other attorney that's been on this board.
 10 And even when we know that that expert is
 11 well known to us, he still has to go through
 12 the process of questioning to determine their
 13 eligibility. We have done that weeks ago,
 14 months ago.
 15 It's inappropriate, in my mind, to pursue
 16 a line of questioning that relates to this
 17 expert when we already verified he's an expert
 18 witness. So please continue.
 19 MR. VEACH: Mr. Lydon, why the spot
 20 zoning?
 21 MS. BERGER: I object to the question.
 22 There's no relevancy to his direct testimony.
 23 CHAIRMAN MEYER: Overruled.
 24 THE WITNESS: "Spot zoning" is a term used
 25 in zoning law.

S. Lydon 127

1 MR. VEACH: What does it mean?
 2 THE WITNESS: It means an action of the
 3 mayor and council in adopting a zoning
 4 ordinance that is not supported by the
 5 planning -- by the master plan.
 6 MR. VEACH: So it's when the mayor and
 7 council changes the zoning code?
 8 THE WITNESS: Yes.
 9 MR. VEACH: Now, I thought you said
 10 earlier that the mayor and council had done X
 11 and Y with respect to certain properties here
 12 in town. Do you recall that?
 13 THE WITNESS: Yes, I recall that.
 14 MR. VEACH: Are you saying that's spot
 15 zoning?
 16 THE WITNESS: No, I never said that.
 17 MR. VEACH: Are you familiar with the term
 18 "zoning by variance"?
 19 THE WITNESS: I've heard it used.
 20 MR. VEACH: What does it mean?
 21 THE WITNESS: I think it means whenever
 22 the person who's using the term means it to be.
 23 MR. VEACH: So in other words, would you
 24 agree that application for 12 variances, if
 25 that were granted, wouldn't that be an example

S. Lydon 128

1 of zoning by variance?
 2 THE WITNESS: I don't think so. Not
 3 necessarily.
 4 MR. VEACH: Have you given examples of
 5 other properties nearby where either the board
 6 of adjustment or the mayor and council, in your
 7 words, has allowed buildings to be built that
 8 don't comply with Teaneck zoning code?
 9 THE WITNESS: That's incorrect. I did not
 10 say that.
 11 MR. VEACH: The building on -- the Verizon
 12 Building on Teaneck Road, was that area zoned
 13 for five stories originally?
 14 THE WITNESS: I don't know.
 15 MR. VEACH: What about the building on
 16 Queen Anne Road that you brought pictures to?
 17 You had pictures of that building and you
 18 brought them here tonight.
 19 How did that developer get permission to
 20 go up the seven stories?
 21 THE WITNESS: He submitted an application
 22 to the Board of Adjustment, they heard all of
 23 the testimony, they heard from the public, if
 24 there was any public, and they granted an
 25 approval.

S. Lydon 129

1 MR. VEACH: So if you go around town and
 2 you find buildings in an area that's three
 3 story high, two story, three story, and
 4 suddenly you see buildings that are five story
 5 and seven story, isn't that an example of
 6 zoning by variance?
 7 THE WITNESS: Not necessarily.
 8 MR. VEACH: Are you familiar with a case
 9 Caro versus 28 McWhorter Street, LLC.
 10 THE WITNESS: I can't say that I am.
 11 MR. VEACH: Are you familiar with a New
 12 Jersey Supreme Court case Burbridge versus Mine
 13 Hill?
 14 THE WITNESS: Yes, that was something to
 15 do with a recycling center, an auto sales yard,
 16 I believe.
 17 MR. VEACH: I'm going to quote you a
 18 portion of a sentence from that decision.
 19 MS. BERGER: I'm going to object to this
 20 line of questioning. It doesn't have relevancy
 21 with regard to the direct testimony of this
 22 witness.
 23 CHAIRMAN MEYER: I'm going to sustain that
 24 objection, Mr. Veach. If you have an issue
 25 that lends itself to a legal argument, you are

S. Lydon 131

1 there's an opportunity for Ms. Berger to
 2 respond. Because you're taking -- if you're
 3 going to read the entire case from the Supreme
 4 Court, the entire case, with all the facts and
 5 all the opinions and so on, then I think it's
 6 appropriate. And we're not going to do that
 7 because that's not the process we do. But
 8 that's why we have briefs.
 9 So if it's a legal issue, it's something
 10 to do with case law, the appropriate way would
 11 be to submit a brief and Ms. Berger will submit
 12 a reply brief and we'll take it into
 13 consideration. And if you need to have -- or
 14 you're in opposition to the brief, then respond
 15 and you can have a reply. Maybe that's a
 16 better way to do that. Why don't we do that,
 17 and Mr. Lydon's testimony is still open. I'm
 18 sure that we're not going to finish all the
 19 questions that everybody has here tonight for
 20 Mr. Lydon.
 21 MR. VEACH: So I would move to strike the
 22 testimony he gave tonight where he cited in a
 23 long-winded fashion, talked about his talk.
 24 I didn't jump up and say "I object." He
 25 didn't submit a brief. I request,

S. Lydon 130

1 more than welcome to submit a brief.
 2 MR. VEACH: Mr. Chairman -- I'm sorry.
 3 CHAIRMAN MEYER: I think that would be the
 4 appropriate way. This is the time we have to
 5 question Mr. Lydon, not about his ability to
 6 process a legal case.
 7 If there's an issue that you want to bring
 8 up that is a legal nature, that is a case that
 9 has relevance that has been overlooked, then
 10 submit a brief and we'll take that under
 11 consideration.
 12 MR. VEACH: Mr. Chairman, this witness
 13 tonight took it upon himself to cite several
 14 cases. And then he went on to explain the
 15 interpretation of those cases and what they
 16 held. Do you recall that?
 17 CHAIRMAN MEYER: I recall.
 18 MR. VEACH: Having held himself out as
 19 somebody who knows something about case law in
 20 New Jersey law property-wise, I think I have a
 21 right to ask him questions about some other
 22 cases.
 23 CHAIRMAN MEYER: The way that you do --
 24 that is not the way to do it, because that is
 25 an issue of briefing a specific case where

S. Lydon 132

1 respectfully, that you take his testimony where
 2 he cites case law as if he were a lawyer, take
 3 it out of the record.
 4 CHAIRMAN MEYER: So you can put that as a
 5 point in your brief. Of course you're going to
 6 give me the reasons why that's to be cut off,
 7 the proper legal authority, and then our lawyer
 8 will look at it and advise us as to the
 9 legalities and the appropriateness of striking
 10 part of the transcript or any other remedy
 11 that's available.
 12 MR. VEACH: Page 108 in your transcript,
 13 previous testimony, you testified --
 14 CHAIRMAN MEYER: Transcript. Which
 15 transcript? There's a few transcripts.
 16 MR. VEACH: The transcript of his
 17 testimony.
 18 CHAIRMAN MEYER: So we're talking about
 19 the transcript that was May 16?
 20 MR. VEACH: Correct.
 21 CHAIRMAN MEYER: Okay. Go ahead.
 22 MR. VEACH: Page 108, you testified that
 23 this property --
 24 CHAIRMAN MEYER: What line?
 25 MR. VEACH: I don't have a line. You

S. Lydon 133

1 testified that this property has 300 feet
 2 frontage and goes back 115 feet, correct?
 3 CHAIRMAN MEYER: One second. I'm looking
 4 at page 108.
 5 THE WITNESS: I don't think so.
 6 MR. VEACH: Sir, did you testify -- I
 7 think at the very beginning of your testimony
 8 in May, didn't you talk about this building,
 9 this area was deed restricted?
 10 THE WITNESS: I couldn't hear your
 11 question.
 12 MR. VEACH: Don't you recall your
 13 testimony on May 16, when you talked about the
 14 medical deed restriction on this property?
 15 THE WITNESS: I did talk about the deed
 16 restriction on the property.
 17 MR. VEACH: All right. If that deed
 18 restriction had not been lifted, we would not
 19 be here tonight, would we?
 20 THE WITNESS: I have no idea.
 21 MR. VEACH: We would be talking about --
 22 MS. BERGER: Objection. Because he's
 23 arguing with the witness as to the --
 24 CHAIRMAN MEYER: Sustained.
 25 MR. EYERMAN: You can ask him questions

S. Lydon 134

1 about his testimony, sir.
 2 MR. VEACH: You testified that there was a
 3 deed restriction for medical uses only on these
 4 three lots, correct?
 5 THE WITNESS: I think the deed restriction
 6 is only on the one lot.
 7 MR. VEACH: Only on one lot. And that
 8 meant that it could be -- you use that lot only
 9 to construct buildings for medical uses,
 10 correct?
 11 MS. BERGER: I'm going to object with
 12 regard to the question. He's giving his
 13 interpretation.
 14 CHAIRMAN MEYER: I understand, and I'm
 15 looking at the transcript and it's also
 16 incorrect. There was a deed restriction,
 17 according to the testimony. So it says it was
 18 a deed restriction at the time. I believe it
 19 was for office -- for medical and medical
 20 office space. I'm sorry. Office or medical
 21 office space, and that was at page 108 of the
 22 transcript.
 23 Mr. Veach, move on.
 24 MR. VEACH: Medical office space. That
 25 deed restriction --

S. Lydon 135

1 CHAIRMAN MEYER: No, that's not what I
 2 said. I read it. I said office or medical
 3 office space.
 4 MR. VEACH: That was his testimony.
 5 MS. BERGER: Correct.
 6 MR. VEACH: Are you aware that an
 7 application -- someone made an application to
 8 the township council to lift that deed
 9 restriction?
 10 THE WITNESS: Yes, I'm aware of that.
 11 MR. VEACH: Who asked the council to lift
 12 the restriction?
 13 MR. EYERMAN: If I may, the problem I have
 14 for the Chair is that a deed restriction is not
 15 within the purview of this body.
 16 A deed restriction falls within the
 17 applicant to deal with on his own. If he has
 18 issues with his deed, he can deal with it.
 19 That has nothing do with this body, deed
 20 restrictions or applicant issue, something this
 21 body to decide. It has no purpose to be
 22 discussed or purpose to be in front of this
 23 body to be discussed.
 24 MR. VEACH: Mr. Chairman, I'm simply
 25 trying to support something that this witness

S. Lydon 136

1 raised.
 2 CHAIRMAN MEYER: What is the proffer of
 3 those questions? Where are you going with
 4 these questions? I wasn't around in the '60s.
 5 There were a deed restriction imposed on this
 6 property, they built something, and then
 7 sometime between that time and today, the deed
 8 restriction was removed.
 9 MR. VEACH: Do you have my exhibits from
 10 the previous testimony?
 11 CHAIRMAN MEYER: They're all here.
 12 MR. VEACH: Could I see Veach-1 and 2?
 13 MS. BERGER: Your own exhibits?
 14 MR. VEACH: Yes, if they're here, may I
 15 see them?
 16 THE BOARD SECRETARY: Your --they would
 17 probably be in -- this is going to take a while
 18 to find them, but I can tell you with the deed
 19 restrictions, deed restrictions have to go
 20 through the County. The Township of Teaneck
 21 cannot lift the deed restriction. That's
 22 simply through the County.
 23 So if you want information on that, you
 24 need to contact the County, register of deeds.
 25 CHAIRMAN MEYER: Let's move on. Next

1 question.
 2 MR. VEACH: I offered. Here's my problem.
 3 We have a resolution in the council
 4 meeting, township council lifting the deed
 5 restriction. I introduced into evidence a
 6 resolution to the township council and here's
 7 my problem. I want to know who went to the
 8 council to get that done?
 9 MR. EYERMAN: That is an issue for the
 10 council. That is a deed restriction of lifting
 11 deed restrictions, property rights of the
 12 applicant. This issue is for either the
 13 council or the applicant. That has nothing to
 14 do with the application here. Move on.
 15 MR. VEACH: You're aware that there are
 16 medical offices, a couple of them, near 100
 17 State Street, are you not?
 18 THE WITNESS: As I sit here now, I'm not
 19 aware of that.
 20 MR. VEACH: You're not aware there's one
 21 on Queen Anne and also one on Ayers Court?
 22 MS. BERGER: I'm going to object.
 23 CHAIRMAN MEYER: Sustained.
 24 MR. VEACH: Do you know if the Township of
 25 Teaneck was paid anything for lifting the deed

1 restriction?
 2 MS. BERGER: I'm going to object again.
 3 CHAIRMAN MEYER: Sustained.
 4 THE BOARD SECRETARY: His exhibits are not
 5 in this file, so they would be in the file in
 6 the office.
 7 MR. VEACH: On page 115, your prior
 8 testimony, you referred to the 2007 Master Plan
 9 and you referred to a provision in the plan
 10 that talks about the revitalizing old office
 11 buildings or using abandoned office buildings
 12 Do you recall that?
 13 THE WITNESS: Generally. I'm not sure of
 14 specifics.
 15 MR. VEACH: Now, that was --
 16 CHAIRMAN MEYER: Do you have a quote?
 17 MR. VEACH: I do not have a quote, but I
 18 have one coming up. And here's my proffer --
 19 CHAIRMAN MEYER: On page?
 20 MR. VEACH: I don't have a line. It's
 21 page 115. I'll make a proffer. I'm not trying
 22 to get down to the weeds here. What I'm trying
 23 to do is explore whether this expert is
 24 cherry-picking the master plan and the
 25 re-examination of the master plan.

1 In other words --
 2 MR. EYERMAN: Sir, if you have a question?
 3 MR. VEACH: -- whether he was only
 4 citing --
 5 MR. EYERMAN: Sir, you'll have a chance to
 6 make a statement at the end. This is the
 7 chance for you to ask questions. Ask a
 8 question.
 9 MR. VEACH: I'm trying to do that.
 10 CHAIRMAN MEYER: Go ahead.
 11 MS. BERGER: Could you ask the question
 12 again? Because we don't know what it is.
 13 CHAIRMAN MEYER: There is no question
 14 pending.
 15 MR. EYERMAN: There is no question.
 16 MS. BERGER: Okay. I got confused.
 17 MR. VEACH: Do you recall testifying
 18 generally last time and this time about how the
 19 master plan encourages the revitalization or
 20 abandonment of old office buildings?
 21 THE WITNESS: Could you please specify
 22 which master plan?
 23 MR. VEACH: Well, let's start with 2007.
 24 THE WITNESS: Yes, it talks about that.
 25 MR. VEACH: Okay. All right. That's

1 fine.
 2 Now, let's stay with the master plan. I
 3 want you to focus on page 2 of the -- 2007,
 4 page 2 of the 2007 master plan issued on
 5 April 12, 2007.
 6 I want you to look at Goal No. 3 on page
 7 No. 2. Do you see that?
 8 THE WITNESS: Yes, I do.
 9 MR. VEACH: Does it not say, "Provide
 10 zoning protection for existing multi-family
 11 housing and encourages expansion only in areas
 12 where they would not have detrimental effects
 13 on single-family residential neighbors"?
 14 Do you see that -- closed quote?
 15 THE WITNESS: Yes, I do.
 16 MR. VEACH: Those are two independent
 17 clauses, are they not?
 18 THE WITNESS: It's one for all. I don't
 19 necessarily read it as two clauses.
 20 MR. VEACH: This long sentence contains
 21 two independent clauses, does it not?
 22 MS. BERGER: I'm going to object. He
 23 already answered.
 24 CHAIRMAN MEYER: He answered. Asked and
 25 answered. He said no. Next question.

S. Lydon 141

1 MR. VEACH: Here's the first independent
 2 clause.
 3 MS. BERGER: I'm going to object. He
 4 already answered the question.
 5 CHAIRMAN MEYER: Let me handle this. I
 6 think you're arguing with the witness. He
 7 said -- you asked him a question and he
 8 answered "no." So you can't ask him again. It
 9 doesn't -- he's not going to change his mind.
 10 MR. VEACH: I don't think he understood my
 11 question.
 12 CHAIRMAN MEYER: Well, I think I
 13 understood it. I understood his answer. And
 14 you know what, the record will reflect your
 15 question and his answer.
 16 MR. VEACH: No, it won't. Because he's
 17 not answering my question.
 18 MR. EYERMAN: His not answering the
 19 question and not answering the question the way
 20 you like it is two different things, sir.
 21 MR. VEACH: The first part of that
 22 sentence, "provide zoning protection for
 23 existing multi-family housing."
 24 Do you see that?
 25 THE WITNESS: Yes.

S. Lydon 142

1 MR. VEACH: What does that mean?
 2 THE WITNESS: It wants to ensure that
 3 there are zoning protections for existing
 4 multi-family houses.
 5 MR. VEACH: Exactly. In other words,
 6 doesn't that mean that the existing
 7 multi-family apartment buildings surrounding
 8 100 State Street should have zoning protection?
 9 In other words, they shouldn't have
 10 five-story buildings hanging over them when
 11 there are three-story buildings?
 12 MS. BERGER: I'm going to object to the
 13 question. First of all, it was a statement.
 14 It wasn't a question. He did not -- this is
 15 not regarding all the buildings in the area.
 16 It's a master plan for the Township of Teaneck.
 17 And it's four words that you picked out of
 18 a master plan.
 19 CHAIRMAN MEYER: Sustained.
 20 MR. VEACH: All right. Let's look at
 21 2017. That's the re-examination report and I
 22 want to direct your attention to Goal No. 3.
 23 MS. BERGER: Do you have a copy?
 24 MR. VEACH: I think I do. I'm going to
 25 show you page 4 --

S. Lydon 143

1 MS. BERGER: May I see the document?
 2 MR. VEACH: -- of the 2017 Master Plan
 3 Re-examination report, direct your attention
 4 to -- under Goals, No. 3.
 5 Could you read that?
 6 CHAIRMAN MEYER: I'm sorry?
 7 MS. BERGER: I'm going to object
 8 because --
 9 CHAIRMAN MEYER: I didn't hear the
 10 question. We were having a discussion about
 11 some management --
 12 MS. BERGER: Let's have the question read
 13 back.
 14 (The last question was read back by the
 15 Reporter.)
 16 MS. BERGER: I'm going to object. This is
 17 not the document purported to be given to me.
 18 He stated that was the Master Plan from 2017.
 19 The document given to me is the proposed master
 20 plan.
 21 MR. VEACH: It is not the proposed master
 22 plan. It is the proposed 2017 Master Plan
 23 Re-examination.
 24 CHAIRMAN MEYER: Well, I think --
 25 Mr. Veach, do you know that particular proposed

S. Lydon 144

1 master plan examination was adopted by the
 2 governing body?
 3 MR. VEACH: I hope so. It's on the
 4 website for the Township of Teaneck.
 5 CHAIRMAN MEYER: Do you know if it was
 6 adopted?
 7 MR. VEACH: I have no idea. This comes
 8 from the Township website.
 9 MR. EYERMAN: This is the proposed plan,
 10 sir. It hasn't been adopted. Next question.
 11 MR. VEACH: With your permission, I would
 12 like to read under Objective Goals on page 4,
 13 No. 3.
 14 MS. BERGER: I'm going to object.
 15 CHAIRMAN MEYER: Sustained. You can
 16 submit that in your brief, as well.
 17 MR. VEACH: We're trying to ask questions
 18 here. There will be time for a brief, I
 19 understand. I don't know if anybody is going
 20 to submit one. This is the time for questions,
 21 not briefing.
 22 CHAIRMAN MEYER: Well, the issues that you
 23 say in this matter, in this proposed plan, has
 24 been adopted by the Township. The way you say
 25 it is -- maybe I'll have Mr. Lydon come back

S. Lydon 145

1 and answer the questions. That's the beauty of
 2 this part. If you brief it right and you brief
 3 a nice brief that is coherent and have the
 4 supporting law behind it, I may ask Ms. Berger
 5 to recall Mr. Lydon to -- just to answer your
 6 questions so we're not, you know, missing
 7 anything that you're entitled to. And that's
 8 the beauty of this proceeding. We don't want
 9 to get you -- give you something more than
 10 you're entitled, but not less.

11 MR. VEACH: You testified, sir --
 12 CHAIRMAN MEYER: You think that's fair?
 13 MR. VEACH: No.
 14 CHAIRMAN MEYER: Why not?
 15 MR. VEACH: I think that we should
 16 explore --
 17 CHAIRMAN MEYER: Don't you say that I give
 18 you all the opportunities to cross-examine this
 19 witness --
 20 MR. VEACH: I think --
 21 CHAIRMAN MEYER: I am speaking. One at a
 22 time, please. And not because I don't care,
 23 but mostly for the court reporter.
 24 I'm trying to be fair and I can make
 25 mistakes too. If I'm mistaken about this issue

S. Lydon 146

1 about the proposed master plan, who I don't
 2 believe is the law or were adopted by the
 3 governing body, if I'm wrong, I will give you
 4 the opportunity to come back and cross-examine
 5 Mr. Lydon on that particular issue.
 6 MR. VEACH: That's fair. Thank you.
 7 CHAIRMAN MEYER: That's fair. I'm trying
 8 to help you, so don't fight me. I'm helping
 9 you.
 10 MR. VEACH: That's fair.
 11 Mr. Lydon, were you involved with the
 12 writing of the 2007 Master Plan in Teaneck?
 13 THE WITNESS: No.
 14 MR. VEACH: Do you know how much resident
 15 input went into the 2000 Master Plan?
 16 MS. BERGER: I'm going to object to this
 17 question.
 18 CHAIRMAN MEYER: Sustained.
 19 MR. VEACH: Mr. Lydon, you're an expert in
 20 this area. You know what the Re-examination of
 21 the Master Plan is, don't you?
 22 THE WITNESS: Yes.
 23 MR. VEACH: The Re-examination of
 24 Teaneck's 2000 [sic] Master Plan, who did it?
 25 MS. BERGER: I'm going to object. It has

S. Lydon 147

1 no relevancy with regard to his direct
 2 testimony.
 3 CHAIRMAN MEYER: Sustained.
 4 MR. VEACH: Was there any resident input
 5 into the 2017 Re-examination of 2007?
 6 MR. EYERMAN: Sir, you have to ask him
 7 questions about the application to which he
 8 testified. Asking him about a master plan that
 9 he -- that is not in front of this board.
 10 MR. VEACH: He testified about the master
 11 plan.
 12 MR. EYERMAN: He testified about the
 13 master plan as it applies to the application.
 14 That doesn't give you a right the ask him
 15 everything about that master plan. It has to
 16 be relevant to his testimony. This is the
 17 second time now I've said this to you.
 18 MR. VEACH: Mr. Chairman, here's my
 19 proffer. I'm trying to establish -- maybe you
 20 can see this -- that the 2007 master plan
 21 involved a lot of resident input.
 22 MR. EYERMAN: And you can make
 23 statements --
 24 MR. VEACH: And the 2017 Re-examination
 25 and the 2014 Re-examination did not.

S. Lydon 148

1 MR. EYERMAN: You can make statements
 2 about that. You can make statements about that
 3 in your chance to make a statement.
 4 You're here to cross-examine him, Counsel,
 5 about his testimony.
 6 MS. BERGER: I would ask that that be
 7 stricken from the record because it has no
 8 relevancy to this.
 9 CHAIRMAN MEYER: At this point, I'm not
 10 going to strike anything from the record. I
 11 don't think it's relevant, so what the public
 12 said at one point in time is to be this
 13 witness's testimony today. I don't see the
 14 connection.
 15 MR. VEACH: May I read a section from the
 16 2007 Master Plan --
 17 MR. EYERMAN: No, sir.
 18 MR. VEACH: -- that relates to this
 19 particular property?
 20 MR. EYERMAN: Counsel, you'll have a
 21 chance to make these statements at the end.
 22 Do you have a question for this witness?
 23 MR. VEACH: I think you may be right. I
 24 may be wasting my time asking this witness many
 25 more questions.

S. Lydon 149

1 MR. EYERMAN: Ask an appropriate question.

2 MR. VEACH: Sir, you testified today and

3 in the middle of May, you testified about

4 whether the parking spaces allotted to this

5 unit, this building are sufficient.

6 Do you recall that?

7 THE WITNESS: Yes, I do.

8 MR. VEACH: And I think you said here

9 tonight that 100 spaces were enough for this

10 building, 100 State Street.

11 THE WITNESS: Based on the engineer's

12 review memo.

13 MR. VEACH: And I believe you testified

14 that the lot across the street, on the other

15 side of State Street, would be surface, not

16 necessary, but nice to have.

17 CHAIRMAN MEYER: That was a question?

18 MS. BERGER: I'm sorry?

19 CHAIRMAN MEYER: The question was

20 something to the effect that -- Mr. Veach,

21 maybe I can help.

22 Isn't it true, sir, you testified tonight

23 that the site would generate 100 spaces and

24 would be nice to have another 44 spaces across

25 the street on the site that the developer --

S. Lydon 150

1 something to that effect; is that fair?

2 MR. VEACH: Something like that.

3 THE WITNESS: I think my testimony was

4 that the traffic report prepared by the

5 township engineer was that the 100 stalls that

6 were proposed on this particular site are more

7 than sufficient for the parking demand

8 generated by this proposed development and that

9 the stalls across the street can function for

10 public parking. I believe that's what my

11 testimony was.

12 MR. VEACH: And I believe you testified at

13 pages 135 and '36 -- I don't have a line -- you

14 testified about the Hoboken study on parking.

15 And you said that one parking space per unit

16 would be sufficient. Do you recall that?

17 THE WITNESS: Yes. I was talking about

18 how different portions of the state, the

19 parking demand is different, yes.

20 MR. VEACH: Now, I'll swear --

21 THE WITNESS: Excuse me?

22 MR. VEACH: I think I was sworn before.

23 MR. EYERMAN: Counsel, this is the third

24 time I've told you. You can't make a

25 statement. Ask a question.

S. Lydon 151

1 MR. VEACH: Let me ask him this way.

2 Avalon properties, Avalon property, you

3 testified about here tonight in Teaneck on

4 Windsor Road. Do you recall that, you talked

5 about that?

6 THE WITNESS: Yes.

7 MR. VEACH: Do you know how many

8 apartments there are in that apartment

9 building?

10 THE WITNESS: There's over 200.

11 MR. VEACH: There are 248.

12 Do you know how many parking spaces Avalon

13 got permission to build from Teaneck, how many

14 parking spaces they're providing for those 248

15 units?

16 THE WITNESS: No, I don't and I don't

17 think it's relevant to this application.

18 MR. VEACH: It's 498.

19 MS. BERGER: Again, I'm going --

20 CHAIRMAN MEYER: It doesn't matter.

21 Mr. Veach would like to make statements on

22 the record; doesn't make it testimony. He's

23 supposed to ask questions.

24 Mr. Veach, I'm going to -- how should I

25 say -- give you advice. Ask the question.

S. Lydon 152

1 Nothing else.

2 MR. VEACH: Do you think that the people

3 who run Avalon properties know what they're

4 doing?

5 MS. BERGER: I'm going to object.

6 CHAIRMAN MEYER: Sustained.

7 MR. GOODELMAN: Oh, my God.

8 CHAIRMAN MEYER: Let's not put God into

9 this, Counselor. There's one person making

10 objections. That should be enough.

11 MR. VEACH: I believe when you testified

12 before, that the Chairman said that you started

13 talking about turning the tax base around, page

14 140. Do you recall that?

15 MS. BERGER: Page what?

16 MR. VEACH: 140.

17 MS. BERGER: Thank you.

18 CHAIRMAN MEYER: Next time, Mr. Veach, if

19 you want to quote from a transcript, as an

20 attorney, bring the transcript with you, page

21 and line, so it's very coherent. This is,

22 like, all over the place. What page?

23 MR. VEACH: Page 140.

24 CHAIRMAN MEYER: I now have to go and look

25 it up.

S. Lydon 153

1 MR. VEACH: This won't be that hard.
 2 CHAIRMAN MEYER: Go ahead.
 3 MR. VEACH: Do you recall Mr. Myer saying,
 4 "That's not relevant. That's for the planning
 5 board." Do you recall that?
 6 THE WITNESS: I'm looking at page 140.
 7 No, I don't.
 8 MR. VEACH: You don't recall the Chairman
 9 saying, Turning the tax base around is not an
 10 appropriate topic for the Board of Adjustment?
 11 THE WITNESS: You directed me to page 140
 12 of the transcript.
 13 MR. EYERMAN: 141, 2 through 6.
 14 MS. BERGER: Not that question.
 15 THE WITNESS: No, I don't see it.
 16 MR. EYERMAN: What's your question?
 17 MR. VEACH: You just have no recollection
 18 that Mr. Myer said -- talking about turning the
 19 tax base around is not appropriate for the
 20 Board of Adjustment. You don't remember that?
 21 THE WITNESS: To the tell you the truth,
 22 no, I don't.
 23 CHAIRMAN MEYER: Show him in the
 24 transcript. That's how cross-examination
 25 works.

S. Lydon 154

1 MR. VEACH: Fine. Fine. We'll look at
 2 the transcript. He doesn't remember. That's
 3 fine.
 4 CHAIRMAN MEYER: He can only remember if
 5 you refresh his recollection. That's how it's
 6 done. Take the transcript.
 7 Say, Mr. Lydon, were you here on May 16,
 8 2019?
 9 Yes, I was.
 10 Do you recall I asked this question and
 11 you said this or somebody else said that?
 12 Yes, I recall that.
 13 Okay. Isn't it true that you said that?
 14 Well, he has to say yes. That's the way it's
 15 done.
 16 MR. VEACH: Mr. Lydon, you testified about
 17 vacancy rates, apartment vacancy rates,
 18 correct?
 19 THE WITNESS: I did.
 20 MR. VEACH: All right. Now, is it your
 21 testimony that as vacancy rates go down, the
 22 zoning laws should be adjusted more liberally
 23 to accommodate that?
 24 THE WITNESS: I didn't testify to that.
 25 What I testified to was that it's a very -- a

S. Lydon 155

1 vacancy rate of .6 percent is a reflection of a
 2 very tight housing market and there is, then,
 3 as a result, a housing shortage.
 4 So if apartments get tight, we should
 5 loosen up our zoning laws; is that correct?
 6 MS. BERGER: There's no question here.
 7 MR. VEACH: There's a question. If
 8 vacancy rates go down to .6, then we should
 9 loosen up our zones laws and allow more
 10 variances.
 11 THE WITNESS: I didn't say that. What I
 12 offered was that this board is empowered to
 13 grant variances to advance the public welfare,
 14 to advance the public good. The planning board
 15 adopts a master plan to advance the public
 16 welfare and the public good. And the mayor and
 17 council adopt zoning ordinances for the same
 18 reasons.
 19 If in a particular municipality, the
 20 vacancy rate in the rental market is less than
 21 1 percent, almost half of that, .6, the AUA to
 22 advance the public welfare is to provide
 23 additional rental development in appropriate
 24 locations under appropriate standards. That
 25 was the gist of my testimony.

S. Lydon 156

1 MR. VEACH: Does it work the other way
 2 around? Let's say we have a market collapse
 3 and now the vacancy rate is 40 percent. Should
 4 we say to this developer, you're entitled to
 5 12, but you know what, we've got a lot of
 6 apartments in town. We're only going to give
 7 you six.
 8 MS. BERGER: I'm objecting.
 9 CHAIRMAN MEYER: Sustained.
 10 MR. VEACH: Do you recall on page 148 --
 11 this is just a question.
 12 Do you recall Mr. Rehman asking on the
 13 board, he asked the question, Why not just
 14 change the zoning requirements rather than go
 15 through 12 variances? Do you recall that?
 16 CHAIRMAN MEYER: What page is that?
 17 MR. VEACH: 148.
 18 MR. REHMAN: I don't think I made
 19 references to 12 variances.
 20 MR. VEACH: Do you recall the question?
 21 MR. REHMAN: Yes.
 22 MR. VEACH: This question is simply:
 23 "Why are we killing ourselves in these
 24 hearings before the Board of Adjustments? Why
 25 don't we just change the zoning law?"

S. Lydon 157

1 MS. BERGER: I'm going to object to the
 2 question because he's characterizing what the
 3 transcript says, and I object to that.
 4 CHAIRMAN MEYER: Well, I'm going to
 5 refer -- Mr. Lydon can read his answer back on
 6 page 148. Mr. Veach can read it too. He
 7 answered that question.
 8 THE WITNESS: The Board of Adjustment
 9 process is an honorable one. There's nothing
 10 wrong with the Board of Adjustment hearing the
 11 testimony and deciding to grant or not to grant
 12 an application. You do a job and if the
 13 testimony is compelling, I assume you'll
 14 approve the application. It's not the only way
 15 to amend the land use in a community. There
 16 are other ways, as well.
 17 And the boards of adjustment, generally
 18 speaking, are fairly busy because there's
 19 nothing wrong with taking an application to a
 20 Board of Adjustment. In fact, that's why a
 21 Board of Adjustment was created, was to hear
 22 applications presented by developers.
 23 So to suggest there's something wrong or
 24 bizarre about an applicant seeking a variance,
 25 I think is a fallacy.

S. Lydon 158

1 MR. VEACH: I'd like to get back to my
 2 question. And Mr. Rehman's question was: Why
 3 doesn't Teaneck just change its zoning laws?
 4 And you answered:
 5 Quote -- you said, I've got two
 6 explanations.
 7 Quote, "One, to build a consensus; and
 8 two, to go through the process."
 9 MS. BERGER: It's not what he said. You
 10 can't quote something inaccurately and put it
 11 on the record and say that's a quote. I object
 12 to this.
 13 CHAIRMAN MEYER: Sustained. Mr. Veach,
 14 you're an attorney. I can't tell you how to do
 15 this, but -- other than saying that it doesn't
 16 work. You make quotes that are not exact --
 17 you've got to take the transcript. Read the
 18 transcript out loud.
 19 MR. VEACH: May I use Ms. Burgis'
 20 transcript?
 21 CHAIRMAN MEYER: Bring your own.
 22 MR. VEACH: I can't have her transcript?
 23 CHAIRMAN MEYER: How is she going to look
 24 at it? I mean, you have two transcripts.
 25 MR. VEACH: Let me see if I can

S. Lydon 159

1 rephrase -- I'll rephrase this question. It's
 2 not a hard question.
 3 CHAIRMAN MEYER: It's very simple. If you
 4 want to quote someone, bring the transcripts.
 5 That's how it works. If you have two
 6 transcripts, maybe you can share.
 7 MS. BERGER: I'm sorry. I'm sharing with
 8 my witness.
 9 MR. VEACH: You'll get a response,
 10 Mr. Lydon, to Mr. Rehman's question.
 11 MS. BERGER: No, no. I'm going to object
 12 again because he's paraphrasing. He's not
 13 quoting. We have a transcript that has a
 14 question from one of the board members and an
 15 answer. It stands by itself.
 16 CHAIRMAN MEYER: Sustained.
 17 The question was asked by Mr. Rehman and
 18 answered by Mr. Lydon.
 19 MR. VEACH: Sir, did you use the term
 20 "consensus"?
 21 THE WITNESS: I see a word "consensus" on
 22 page 149, but I don't see it on 148.
 23 So I want to answer the question that
 24 you're asking, but I'm not sure what your
 25 question is.

S. Lydon 160

1 MR. VEACH: Mr. Rehman was asking why
 2 doesn't Teaneck just change its zoning laws.
 3 MS. BERGER: Again, I'm going to object
 4 because he's interpreting what Mr. Rehman
 5 wanted -- was asking. We have a transcript
 6 that has the exact question and we have the
 7 exact answer.
 8 CHAIRMAN MEYER: Let Mr. Lydon read his
 9 answer.
 10 THE BOARD SECRETARY: Can't hear you.
 11 CHAIRMAN MEYER: Let Mr. Lydon read his
 12 answer.
 13 Read Mr. Rehman's question and Mr. Lydon's
 14 answer. That would be appropriate.
 15 MS. BERGER: That's what this does.
 16 CHAIRMAN MEYER: I know. I'll give you
 17 the charge, Mr. Lydon, to read the question and
 18 the answer so Mr. Veach can, you know...
 19 THE WITNESS: Reading from the Thursday,
 20 May 16, 2019 transcript on page 148, line 4.
 21 Mr. Rehman asks:
 22 "Mr. Lydon, I just have one question
 23 related to -- it sounds like the master plan
 24 makes this compelling argument for a
 25 development of this type.

S. Lydon 161

1 "I'm just wondering, based on your
 2 experience, do you know why, when there is such
 3 a compelling argument for this type of
 4 development, why towns don't change the
 5 ordinances so that it can be used as opposed to
 6 having dead areas?
 7 "Just based on your general experience,
 8 why don't towns just follow through and make
 9 them relevant?"
 10 And then the witness on page 148 --
 11 CHAIRMAN MEYER: That's you, Mr. Lydon,
 12 right?
 13 THE WITNESS: Correct.
 14 -- line 16 responds.
 15 "That's a very good question and I think
 16 part of it is that the planning board is partly
 17 responsible for doing the master plan. And
 18 they have certain things they would like to say
 19 typically to the plan use policy."
 20 I think with all due respect, that should
 21 say "land use policy." I'll continue.
 22 "There are a host of things where mayor
 23 and council need to review. First and foremost
 24 is the budget, personnel, as well as attorneys
 25 will tell you, it takes some time for two

S. Lydon 162

1 things to happen: One, to build a consensus;
 2 and two, to go through the process. And on
 3 that point, the affordable-housing buildings in
 4 New Jersey is 75. In 2015, the Court gave
 5 towns six months of rent housing plans to get
 6 them approved by the courts. They're still
 7 doing it. Not a fast process.
 8 "And because two different boards are
 9 involved, it takes longer and that's why.
 10 That's part of the reason why there's a
 11 variance procedure available to developers."
 12 CHAIRMAN MEYER: Thank you, Mr. Lydon.
 13 MR. VEACH: So you are saying that one of
 14 two explanations is the township council needs
 15 time to build a consensus and, therefore, can't
 16 we conclude that there is no consensus in
 17 Teaneck on these zoning changes?
 18 MS. BERGER: I'm going to object.
 19 CHAIRMAN MEYER: Sustained. Next
 20 question, Mr. Veach.
 21 MR. VEACH: Mr. Lydon, did you work on the
 22 Chestnut Street development project for the
 23 Ridgewood board?
 24 MS. BERGER: I'm going to object. It's
 25 not related.

S. Lydon 163

1 MR. EYERMAN: Counselor, I can't believe I
 2 have to say this a fourth time. Ask about his
 3 testimony to this board about this project.
 4 Fourth time.
 5 MR. VEACH: This witness has testified
 6 about building 68 units on .798 of an acre.
 7 MR. EYERMAN: Is there a question, sir?
 8 MR. VEACH: I would like to ask about a
 9 development that he testified in favor of in
 10 Ridgewood where there were 40 --
 11 MR. EYERMAN: Every application is
 12 independent. The top of that is from a
 13 different town. Move on.
 14 MR. VEACH: What are your fee
 15 arrangements, Mr. Lydon?
 16 MS. BERGER: Objection.
 17 CHAIRMAN MEYER: Sustained.
 18 MR. VEACH: Is it a contingency
 19 arrangement?
 20 MS. BERGER: I object.
 21 MR. EYERMAN: This is highly
 22 inappropriate, Counsel.
 23 MR. VEACH: I don't think it's highly
 24 inappropriate. As well, I think we should know
 25 what the fee arrangement is.

S. Lydon 164

1 MR. EYERMAN: Next question. Highly
 2 inappropriate, Counsel.
 3 MR. VEACH: Not highly appropriate. No
 4 further questions.
 5 MR. EYERMAN: Go sit down. Highly
 6 inappropriate, sir.
 7 MR. VEACH: Not inappropriate.
 8 MR. EYERMAN: You should know better.
 9 CHAIRMAN MEYER: State your name for the
 10 record.
 11 MR. SAVITZ: Steven Savitz, S-A-V-I-T-Z,
 12 1300 Alicia Avenue, Teaneck. I'm the
 13 co-president of the East Votee Neighborhood
 14 Association. We have 65 members and I'm still
 15 trying to figure out what just happened.
 16 I have a question, Mr. Lydon, that's
 17 really focused on the concept of limits and
 18 intent.
 19 I have a question that's based on the
 20 concept of limits and the intent. And I'll
 21 explain. L-I-M-I-T-S, I-N-T-E-N-T. I'll try to
 22 ask it as clearly and full as I can.
 23 MR. ROSEN: Your microphone is --
 24 MR. SAVITZ: Should I get closer?
 25 THE BOARD SECRETARY: Closer.

S. Lydon 165

1 MR. SAVITZ: So the question is, given the
 2 extent of the variance asked for, how do you
 3 justify deviating so significantly from
 4 existing zoning laws without destroying the
 5 intent of the law as has been given?
 6 CHAIRMAN MEYER: One question at a time.
 7 Otherwise, if he answers yes or no -- so
 8 objection as to form; is that correct,
 9 Ms. Berger?
 10 MS. BERGER: Yes.
 11 CHAIRMAN MEYER: What was the first
 12 question?
 13 THE WITNESS: Would you ask it again?
 14 CHAIRMAN MEYER: First question.
 15 MR. SAVITZ: Given the extent of the
 16 variance asked for for 100 State Street, how do
 17 you justify deviating so significantly from the
 18 existing zoning laws without destroying the
 19 intent of the law as written?
 20 THE WITNESS: Well, first of all, I can
 21 answer that question. We are compatible with
 22 the use. The zone plan calls for multi-family
 23 housing. That's what we're proposing, so it
 24 becomes a question of degree.
 25 Degree in my mind has to be based on

S. Lydon 166

1 impacts. If you look at what we're proposing,
 2 I think the -- it also has to be in context.
 3 And I think in context, there are other
 4 five-story buildings in the neighborhood. Some
 5 of them are very old, some of them are still in
 6 construction, some buildings are taller and
 7 some buildings are yet to be built and haven't
 8 been approved. So if you look at the context,
 9 if this five-story building gets approved, it
 10 will not be out of context with its neighbors.
 11 As far as the impacts of the development,
 12 the Census data shows that there are 2.38
 13 people in a rental unit in Teaneck on average.
 14 So if we round that to 2 1/2, we have less than
 15 70 apartments. If this application is approved
 16 as proposed and is occupied by average
 17 households, the number of new residents in
 18 Teaneck would go up by a very small percentage.
 19 I testified the other day in May, there's
 20 about 40,000 residents in Teaneck. Many people
 21 who moved into this building may be Teaneck
 22 residents. So they would be changing
 23 addresses.
 24 So I think the relatively small number of
 25 people who are going to live in this building

S. Lydon 167

1 are not going to have an overwhelming impact.
 2 If you look at the traffic report, there are
 3 the traffic engineers. But multiple service
 4 stays pretty much the same.
 5 So what this means, not the level of
 6 service parameters, but if you stayed there on
 7 the street before the building developed gets
 8 approved -- if it does get approved and then
 9 constructed -- and afterwards, you wouldn't
 10 notice the difference on the street. Because
 11 the level of service, the way it's incorporated
 12 with the traffic circulation pattern are
 13 basically the same. So traffic is not a big
 14 issue.
 15 We spent a lot of time talking about
 16 school-aged children. One of the concerns in
 17 some municipalities in the past has been if we
 18 approve this application, we're not going to
 19 have the capacity education system to educate
 20 them. That's a problem.
 21 Well, one can dispute maybe the exact
 22 numbers, but the numbers that I reviewed from
 23 the Department of Education indicate, that this
 24 is backdating, Teaneck school board has seen
 25 its population decrease by 541 students. I

S. Lydon 168

1 believe that's a significant number.
 2 If you look at the Who Lives in New Jersey
 3 multipliers and assume that something close to
 4 that is going to happen in this development, if
 5 it's approved and constructed, then it would
 6 only be about six or seven school -- public
 7 school-aged children residing in the building.
 8 So when you ask about the extent of the
 9 variances, I think you have to talk about what
 10 the impact of those variances are. The impact
 11 is to take down a very ugly building that's
 12 been dead and obsolete and replace it with what
 13 I think is a very attractive, very
 14 well-articulated building.
 15 And it does something else. It provides a
 16 style or type, a contemporary housing option
 17 that generally is not found in Teaneck. The
 18 Verizon Building is going up. We know that.
 19 The Palisade Avenue building is now up and is
 20 getting CO'd. The Avalon Bay building is
 21 getting CO'd. But except for those three
 22 buildings, if you look at the apartment
 23 buildings in Teaneck, by and large, they're
 24 older and they don't have contemporary
 25 offerings that the market is looking for today.

S. Lydon 169

1 And I think if you look at the lack of
 2 available rental housing in Teaneck and the
 3 type of housing that's there, I think this
 4 housing development, if it's approved, will
 5 provide a new and different type of housing for
 6 rental people in Teaneck that actually, instead
 7 of creating a detriment, advances the public
 8 good and public welfare.
 9 So I think these variances are very much
 10 approvable by this board.
 11 MR. SAVITZ: Are you aware that there has
 12 not been as of yet an impact study that
 13 integrates your building in with the current
 14 buildings which are being built and are being
 15 built right now and that -- and that the answer
 16 we've gotten at several other meetings is that
 17 we really don't know what the impact is going
 18 to be on traffic, education?
 19 So your building is one building, and I
 20 realize it's independent --
 21 MS. BERGER: I'm going to object because
 22 he's testifying now.
 23 CHAIRMAN MEYER: Let's get a question.
 24 MR. SAVITZ: The question is: Are you
 25 aware there has never been an impact study that

S. Lydon 170

1 integrates your building into the impact it's
 2 going to have on the door face of Teaneck?
 3 THE WITNESS: Let me say this. There have
 4 been impact studies prepared and presented on
 5 every project. They may not have looked at the
 6 other ones, but they weren't done in isolation,
 7 and the Teaneck Township council has authorized
 8 a cumulative study of the projects that -- the
 9 developments that you and I are discussing,
 10 which I understand is in the works right now.
 11 But there really has been a study. What
 12 really is, is not in one location. It's not in
 13 one document. But there have been studies and
 14 I think you can cumulatively look at those.
 15 MR. SAVITZ: I think I've looked at all
 16 the ones -- you started with the exhibits
 17 combined with standing here today. They've all
 18 been done in isolation, but that's not a
 19 question.
 20 So a part of this question, which gets at
 21 limits, Mr. Lydon, targeted limits in terms of
 22 how far you think you can deviate from the
 23 existing zoning laws in any construction?
 24 THE WITNESS: Yes, there are, and I
 25 think -- to take it back to this property that

S. Lydon 171

1 we're talking about tonight, I think you have
 2 to start with the fact that there is a
 3 non-permitted, obsolete office building on the
 4 property that's a blight. I'll say it's a
 5 blight on the neighborhood.
 6 What we are looking -- the second thing we
 7 have to take into consideration at the very
 8 outset of building an analysis is, well, the
 9 application you're proposing, is it a
 10 conforming use or not. And that answer is
 11 "yes," affirmative. This is a conforming use
 12 to the zone.
 13 So in one hand, you're getting rid of a
 14 nonconforming use; and the other hand, you're
 15 proposing a conforming use. And that modifies
 16 or adjusts or plays a large role, in my mind,
 17 in analyzing the impacts of the proposed
 18 development. And I think this is a very
 19 livable application.
 20 It's also going to provide affordable
 21 housing for Teaneck. That's an important
 22 consideration which, again, furthers the public
 23 interest.
 24 MR. SAVITZ: So were you aware that the 16
 25 members of friends of the East Votee Neighbors

S. Lydon 172

1 Association totally disagree with that
 2 assessment?
 3 MS. BERGER: I'm going to object.
 4 CHAIRMAN MEYER: Sustained.
 5 AUDIENCE MEMBER: Why?
 6 THE BOARD SECRETARY: If you want to ask
 7 "why?" When your turn comes up to the mic,
 8 then you can ask. But don't interrupt. It's
 9 late. Please.
 10 MR. SAVITZ: Given the extent of the
 11 variances, would you want to open up and try to
 12 explain why do you think this is not zoning by
 13 variance. It's a similar question.
 14 Why do you have -- why do we have to go
 15 through this kind of a hearing when those of us
 16 who come into the Board of Adjustment asking
 17 for an extension on a roof or a driveway,
 18 they're talking to us about feet and inches and
 19 we're talking about a building --
 20 THE WITNESS: I'm sorry. I lost the
 21 question. I lost your question, I'm sorry.
 22 MR. SAVITZ: Why is this not zoning by
 23 variance, given what I understand what zoning
 24 by variance is -- because what it is in my
 25 mind -- why isn't it going around the zoning

S. Lydon 173

1 laws that exist by asking for variances far and
 2 above what the intent of the zoning law is?
 3 That's how --
 4 CHAIRMAN MEYER: That's your question?
 5 MR. SAVITZ: That's it.
 6 THE WITNESS: This is not zoning by
 7 variance. This is -- one of the goals is to
 8 eliminate nonconforming uses. That is a
 9 bedrock, longstanding zoning law. This
 10 application achieves that. So that is
 11 certainly a good thing.
 12 Another thing is boards and applicants are
 13 generally encouraged to come in with conforming
 14 uses. We are coming in with a conforming use.
 15 That, I think, is very relevant and very
 16 important and has to be factored into the
 17 application.
 18 MR. SAVITZ: This is my last question.
 19 Are you aware that according to the
 20 testimony at a New Jersey Transit Hearing that
 21 we had with Senator Weinberg that relates to
 22 the --
 23 CHAIRMAN MEYER: One second. Ms. Berger,
 24 let this gentleman put his question on. Just
 25 try to keep it short and concise.

S. Lydon 174

1 If you think it's objectionable, object
 2 and I'll rule.
 3 MR. SAVITZ: I'm referring to the
 4 statement by the New Jersey Transit Authority,
 5 where they are at an absolute capacity with no
 6 room for expansion of service to the 167 and
 7 one -- 167T, 167Q and 167X. They have no
 8 buses. They have no --
 9 CHAIRMAN MEYER: Here's the question.
 10 Are you aware, Mr. Lydon, New Jersey
 11 Transit, according to this questioner, are you
 12 aware that they're saying that they have no
 13 additional ability to provide additional
 14 service on 167, 168, and et cetera, are you
 15 aware of that?
 16 THE WITNESS: No, I am not.
 17 MR. SAVITZ: Thank you.
 18 MS. LIGHTBURN: Laverne Lightburn,
 19 Teaneck, L-I-G-H-T-B-U-R-N. Originally I was
 20 getting up here to talk about that, so I'll
 21 just piggyback on that in a question form.
 22 CHAIRMAN MEYER: Thank you.
 23 MS. LIGHTBURN: The additional buses,
 24 you've mentioned that you are not aware and
 25 also about the additional buses that will not

S. Lydon 175

1 be put in this district.
 2 With that being the case, you mentioned
 3 earlier because of your impact analysis, and
 4 you weren't aware of the streets and the impact
 5 that the traffic is causing as of now without
 6 your building.
 7 Now that you know, what will you do? Do
 8 you plan on changing it now that you know that
 9 they're not going to be putting these buses in?
 10 And a lot of people, it's going to affect their
 11 livelihoods financially, because there's no way
 12 for them to get to work. They're going to get
 13 to work late.
 14 MS. BERGER: Objection.
 15 MS. LIGHTBURN: Why is there an objection?
 16 In terms of a question, now that you know that
 17 these are going to impact the community, are
 18 you planning to change your design? That's the
 19 question.
 20 CHAIRMAN MEYER: So there's a few problems
 21 with your question. I'm going to sustain the
 22 objection.
 23 MS. LIGHTBURN: Why?
 24 CHAIRMAN MEYER: I'll tell you. The first
 25 question was not like the second question you

S. Lydon 176

1 tried to rephrase. That's the second part.
 2 I don't think Mr. Lydon testified in the
 3 beginning about what the premise that you set
 4 out for your question for.
 5 MS. LIGHTBURN: When someone spoke
 6 earlier, he did mention he did not know when he
 7 found out there's over 700 units, he said he
 8 didn't know.
 9 CHAIRMAN MEYER: He didn't know what?
 10 MS. LIGHTBURN: That he didn't know there
 11 was no impact study done --
 12 CHAIRMAN MEYER: No, I think the
 13 testimony -- and I will help you.
 14 MS. LIGHTBURN: Don't confuse me because
 15 my mind is messed up anyway.
 16 CHAIRMAN MEYER: I'm trying to help you
 17 formulate --
 18 MS. LIGHTBURN: All I want to know is --
 19 THE BOARD SECRETARY: Wait, wait, wait,
 20 wait. Hold it, Laverne. One at a time,
 21 please. I know you're excited and I know
 22 you're tired, because I am too. Let the person
 23 ask and then answer.
 24 CHAIRMAN MEYER: I'm trying to help you.
 25 I think the question is: Do you know about the

S. Lydon 177

1 cumulative effect of all of these buildings,
 2 how that's going to impact the transportation?
 3 Is that the question?
 4 MS. LIGHTBURN: Transportation and --
 5 CHAIRMAN MEYER: One question.
 6 Do you know that the cumulative effect --
 7 do you know -- sir, do you know if the
 8 cumulative effect of these buildings in town
 9 are going to impact the transportation into the
 10 City?
 11 THE WITNESS: No.
 12 MS. LIGHTBURN: Earlier you said that
 13 question was answered, and they told him that
 14 it was going to affect it.
 15 CHAIRMAN MEYER: Who told Mr. Lydon?
 16 MS. LIGHTBURN: Earlier to one of the
 17 people that spoke.
 18 CHAIRMAN MEYER: That's not testimony.
 19 MS. LIGHTBURN: Let's just switch.
 20 Did you or anyone in your firm make an
 21 observation of stores where Walgreens is
 22 located, State Street and Teaneck Road?
 23 Because I have.
 24 CHAIRMAN MEYER: What's the question --
 25 for what purpose?

S. Lydon 179

1 testifies as to what zoning is allowed in this
 2 area.
 3 MS. LIGHTBURN: So my question is: If
 4 this is his job, then I think I'm asking you
 5 what impacts have -- I'm looking for what
 6 impacts that other people see. I'm looking for
 7 a major -- because a lot of things I heard you
 8 say, "No, I don't know, I don't know, I don't
 9 know."
 10 And I'm trying to understand why don't you
 11 know that there's an impact in that Walgreens
 12 area? Why don't you know that there's an
 13 impact on the school district? I hear what
 14 your answer is.
 15 But do you know that Teaneck has a lot of
 16 special-needs children in this community? And
 17 that is why you don't see -- you think you're
 18 seeing those numbers going down, but they are
 19 not going down. The money is coming out of the
 20 school district. And I'm worried about who is
 21 paying for these kids.
 22 THE BOARD SECRETARY: The State is.
 23 MS. LIGHTBURN: Beside my taxes, yeah.
 24 It's falling on us.
 25 CHAIRMAN MEYER: So let me help you.

S. Lydon 178

1 MS. LIGHTBURN: For what purpose?
 2 CHAIRMAN MEYER: What kind of observations
 3 are you talking about?
 4 MS. LIGHTBURN: For traffic, for
 5 accidents?
 6 CHAIRMAN MEYER: One thing at a time.
 7 MS. LIGHTBURN: Many accidents for police
 8 services? That's really where I'm coming from.
 9 You did an impact -- you're the person in
 10 charge of impact analysis.
 11 MS. BERGER: He did not do the traffic.
 12 MS. LIGHTBURN: I know he didn't do.
 13 Okay. Let's start this.
 14 CHAIRMAN MEYER: Slow down.
 15 MS. LIGHTBURN: What is his job?
 16 CHAIRMAN MEYER: His job is the planning
 17 issue in this, okay?
 18 MS. LIGHTBURN: Right.
 19 CHAIRMAN MEYER: So he's an expert or
 20 they're proffering him as an expert on planning
 21 within the zoning, zoning laws.
 22 MS. LIGHTBURN: Right.
 23 CHAIRMAN MEYER: Means how the impact of
 24 the zoning, according to the zone laws,
 25 positive and negative criteria, and technically

S. Lydon 180

1 MS. LIGHTBURN: That's what I'm saying.
 2 This study that you did, someone needs to tell
 3 us the real figures, because we as tenants
 4 living there, we know. As property owners
 5 here, we know that this is not fact.
 6 CHAIRMAN MEYER: Now you're arguing --
 7 MS. LIGHTBURN: I'm not arguing. I don't
 8 feel like arguing tonight.
 9 CHAIRMAN MEYER: Well, you're testifying
 10 as to certain things that you believe are
 11 facts.
 12 MS. LIGHTBURN: No, I've been to other
 13 forums and observation on the volume in the
 14 stores and the traffic. Where are the numbers?
 15 MS. BERGER: I'd like to help answer this
 16 lady, but the traffic report was presented and
 17 there was testimony with regard to that.
 18 The board's traffic expert is going to
 19 testify later on, and you can ask him further,
 20 and I think that's what you're getting into.
 21 So if we --
 22 MS. LIGHTBURN: We've had the traffic
 23 people.
 24 MS. BERGER: That's what I have.
 25 MS. LIGHTBURN: For traffic, that's what

S. Lydon 181

1 we're talking about. I need to clarify that --
2 I'm sorry -- foot traffic. Because remember,
3 you mentioned earlier about foot traffic, and
4 I'm saying we don't need no more foot traffic
5 though.

6 THE WITNESS: What I was testifying to,
7 Mr. Chairman, is economic development
8 strategies that municipalities throughout the
9 area are developing. And when you come right
10 down to it, the role is to create more foot
11 traffic on streets like Teaneck Road or Cedar
12 Lane or Washington Avenue in Bergenfield.

13 The idea is that people like to shop
14 locally and they -- because traffic in New
15 Jersey is what it is, they oftentimes like to
16 walk.

17 So the goal -- the idea is, well, if we
18 introduce housing into commercial areas, maybe
19 the merchants who are struggling in this
20 post-Amazon world will struggle a little bit
21 less. So when you look at this development,
22 and I don't know if it's 2 feet closer to The
23 Plaza or 2 feet closer to Teaneck Road, but
24 this development is built on a site between
25 those two commercial areas and it would not be

S. Lydon 183

1 to get it out.

2 MR. ROSEN: They're different kinds of
3 studies.

4 MS. LIGHTBURN: He says he's an impact
5 analysis. How could he have an impact analysis
6 when you don't --

7 MR. ROSEN: There's also all different
8 kinds of studies; environmental studies,
9 traffic studies.

10 MS. LIGHTBURN: Traffic, traffic.

11 MR. ROSEN: Not traffic. Are you
12 interested in --

13 MS. LIGHTBURN: I'm interested in --

14 MR. ROSEN: Let me talk, please, please.
15 If I'm wrong, you can tell me where I'm
16 wrong.

17 I believe you are interested in finding if
18 there is an impact study, particularly related
19 to foot traffic?

20 MS. LIGHTBURN: No. I'm interested in a
21 study for impacting on the schools in my
22 pocketbook and other people's pockets.

23 I'm interested in the foot traffic and the
24 driving traffic because I've seen what it does
25 at 7:00.

S. Lydon 182

1 unexpected to have residents of this building
2 shop locally.

3 And why not go to Walgreens if you need
4 diapers? You can walk out the door and push
5 your child in the stroller and you're there in
6 a few minutes as opposed to getting in the car.

7 MR. ROSEN: Just to be clear. Just to be
8 clear. Mr. Lydon talked about a particular
9 strategy. He has not described a study that he
10 has done. He has not described a study that
11 anybody has done other than the traffic
12 engineer. So there is no study that exists.

13 MS. LIGHTBURN: See, that's my problem.

14 MR. ROSEN: Well, then.

15 THE BOARD SECRETARY: Wait, wait, again.
16 Hold on, Laverne. Let him do and then you can
17 ask.

18 MR. ROSEN: Your point is well taken. We
19 hear it. You can't ask about something that
20 doesn't exist.

21 MS. LIGHTBURN: Can you do or will you be
22 doing a study that will include State Street
23 where --

24 MR. ROSEN: What specifically kinds of --

25 MS. LIGHTBURN: At this time, I'm trying

S. Lydon 184

1 I want to know, have you looked at it?
2 Hello? Has he looked at it at 7:00 in the
3 morning through the 9:00 hour? Did you do a
4 study from 5:00 to 8:00? Those are the studies
5 that I'm interested. Are those people going to
6 be able to support --

7 MR. ROSEN: Let's find out.

8 MS. LIGHTBURN: I want to know what the
9 studies are.

10 MR. ROSEN: I think you've heard --

11 MS. LIGHTBURN: He's not listening.
12 I want to know about are you going to do
13 that study followed up --

14 THE BOARD SECRETARY: Wait, wait. I'm
15 tired and I know you are.

16 MS. LIGHTBURN: I'm tired too.

17 THE BOARD SECRETARY: But let's -- we
18 won't get it on the record if two people are
19 talking at the same time.

20 MS. LIGHTBURN: I get where he's coming
21 from.

22 THE BOARD SECRETARY: No, but you've got
23 to let him talk so the stenographer can pick up
24 what you said, which is important, and him.

25 MR. ROSEN: You're trying to -- you can't

S. Lydon 185

1 ask a question that's got five or ten different
 2 things in it. Please, please, ma'am. Please.
 3 I think you've heard this lady's question
 4 about the particular impact studies. Is your
 5 intent to provide that kind of impact study to
 6 this board?
 7 THE WITNESS: Well, I believe there has
 8 been a traffic impact study presented to the
 9 board.
 10 MR. ROSEN: Is it your intention to
 11 provide to this board an impact study regarding
 12 the school overload or non-overload?
 13 THE WITNESS: No. And the reason for it,
 14 Mr. Rosen, I don't want to be rude, is that --
 15 two things: According to the Department of
 16 Education numbers that I looked at, Teaneck
 17 schools have a lot fewer students now than they
 18 did ten years ago.
 19 And number two, we did look at the typical
 20 multipliers for this type of housing in a
 21 50-or-more-unit building, and the number of
 22 school children we could expect is about six or
 23 seven less than one per grade.
 24 MR. ROSEN: So specifically --
 25 MS. LIGHTBURN: Where do you get that?

S. Lydon 186

1 MR. ROSEN: Are you going to do an impact
 2 study of this project particularly related to
 3 the education issue; yes or no?
 4 THE WITNESS: I think we've done it, but I
 5 don't think we're going to do anything more
 6 than we've done.
 7 MS. LIGHTBURN: Can you do?
 8 MR. ROSEN: Is it your intention to
 9 provide an impact study regarding foot traffic,
 10 other than the statement about the foot
 11 traffic?
 12 THE WITNESS: I think I'm going to be
 13 back, Mr. Rosen. I have a feeling I'll be
 14 back.
 15 MR. ROSEN: You will be.
 16 THE WITNESS: Let me see if he will look
 17 at anticipated foot traffic.
 18 MR. ROSEN: Thank you.
 19 MS. LIGHTBURN: Can he look at --
 20 CHAIRMAN MEYER: Let me --
 21 MS. LIGHTBURN: Y'all really don't care,
 22 do y'all?
 23 CHAIRMAN MEYER: No, we do care.
 24 MS. LIGHTBURN: Y'all really don't. I've
 25 been to too many of these things here.

S. Lydon 187

1 CHAIRMAN MEYER: Excuse me. I'm trying to
 2 help you, ma'am.
 3 MS. LIGHTBURN: Yes, your Honor.
 4 CHAIRMAN MEYER: That's okay. You can
 5 call me "your Honor."
 6 Here is the question that I think most of
 7 you are interested in that really doesn't come
 8 to the purview of this board, and that's the
 9 financials.
 10 I can tell you one thing. If you're
 11 looking at the financial, we at the board are
 12 not supposed to look at the money involved, but
 13 a building like this, as opposed to the
 14 building that is there now, that generates very
 15 little taxes, this is going to generate
 16 multiple of taxes to the town and support the
 17 school system. And regardless of how many kids
 18 there is --
 19 MS. LIGHTBURN: How?
 20 CHAIRMAN MEYER: Because the taxes that
 21 will come in from when they build the building
 22 and it's ready to be occupied, the taxes will
 23 be multiplied by many, many times than as it is
 24 now. But we don't take that into
 25 consideration. I'm just telling you that.

S. Lydon 188

1 So if you're worried that because of this
 2 building and because of all the other buildings
 3 that are going up now will be a burden on the
 4 taxation and the income -- money income coming
 5 to Teaneck, that will only have a positive --
 6 MS. LIGHTBURN: Quality of life, sir.
 7 CHAIRMAN MEYER: You're asking about the
 8 money because you said "my pocket" when I pay
 9 property taxes. Some of us are property owners
 10 in town and we all pay taxes and we all know
 11 it's very expensive and so forth. I understand
 12 that.
 13 But if you're worried about that,
 14 certainly in this kind of development will
 15 generate much more. You can ask Dr. Pruitt. I
 16 believe Dr. Pruitt was helping improve the
 17 Teaneck Road so the Teaneck Road improvements,
 18 by funding that, comes from the building that
 19 was the Verizon Building. I think that
 20 generated money so they could make a nice, new
 21 pavement and sidewalks on Teaneck Road. That's
 22 my understanding, but it doesn't matter because
 23 we don't take that into consideration. I just
 24 want to let you understand that, as well.
 25 THE BOARD SECRETARY: Please be quiet in

S. Lydon 189

1 the audience.

2 MS. LIGHTBURN: Could you please take it

3 into consideration again? When I go back to

4 the school system, you cannot look at the

5 numbers of what the actual kids that you see in

6 the town -- I mean in that school. You have to

7 include the numbers that are being out.

8 MS. BERGER: That was his testimony. As

9 opposed to -- I'm sorry, I didn't remember the

10 other lady's name who came up here, the numbers

11 he had also has children sent, that go out of

12 district, as well.

13 MS. LIGHTBURN: One more question. You

14 gave up the 248 apartments and 498 parking.

15 Did you realize that most people in Teaneck

16 think they're rich? Most people in Teaneck

17 have more than two cars. It's already tight in

18 that area where you can't find parking, but

19 it's more than two cars.

20 What I don't understand is how do you

21 build things without having an idea of where

22 you're going with it?

23 THE WITNESS: Mr. Chairman, I happen to

24 have an idea where these numbers are coming

25 from.

S. Lydon 190

1 MS. LIGHTBURN: I do want to hear your

2 answer.

3 THE WITNESS: You're leaving. I've been

4 sitting here all night and now you're leaving.

5 I testified that the last time, Mr.

6 Chairman, and I can probably not find my notes

7 as quickly as I would like to, but I believe my

8 testimony was that all housing units in

9 Teaneck, the number of cars, according to the

10 2017 census data, was exceptionally low. I

11 believe it was on the magnitude of 1.04. And

12 I'm looking for the census data I had earlier

13 because --

14 MR. ROSEN: 1.04 cars per person?

15 MS. LIGHTBURN: Can you get data for

16 Teaneck alone? For Teaneck, definitely you

17 don't want on the street four cars per person,

18 per house.

19 Where are y'all getting these numbers?

20 THE WITNESS: My numbers are coming from

21 the United States Census Bureau.

22 MS. LIGHTBURN: You can't go by that.

23 THE WITNESS: Well, I guess I shouldn't do

24 a study. I'll just make them up.

25 MR. EYERMAN: Answer the question. Don't

S. Lydon 191

1 argue.

2 MS. BERGER: He did. He said 1.04.

3 MS. LIGHTBURN: I thank you.

4 MR. ROSEN: Mr. Lydon, we'll take your

5 word, 1.04. Are you talking cars per

6 household?

7 THE WITNESS: Yes.

8 MR. ROSEN: You don't need to get exact

9 numbers. 1.04.

10 MS. LIGHTBURN: So, again, before I leave,

11 I'm going --

12 THE WITNESS: That's fine.

13 MS. LIGHTBURN: But before I leave, one

14 question: Did you -- I didn't hear you say

15 that if you find that each of the impact

16 studies impact this community, you're going to

17 change your design? I'm asking.

18 THE WITNESS: Excuse me. I want to answer

19 your previous question.

20 MS. LIGHTBURN: So you're doing parking

21 first.

22 THE WITNESS: I'm looking at the selected

23 housing characteristics 2017 American Community

24 Survey published by the US Census. My number

25 was occupied housing units, they have no

S. Lydon 192

1 vehicle available, one vehicle available, two

2 vehicles available, three or more.

3 43.4 occupied housing units have one or

4 less vehicles available in Teaneck. And the

5 number is 5,784 housing units out of the

6 13,957 -- 13,316 occupied housing units.

7 5700, almost 5600 have one vehicle or

8 less.

9 MS. LIGHTBURN: If we can prove that

10 parking, can you pay me?

11 MS. BERGER: I'm going to object to the

12 question.

13 MS. LIGHTBURN: I'm just saying I can

14 prove that wrong on that street. I'm serious.

15 Where are these figures coming from?

16 CHAIRMAN MEYER: Is there a --

17 MS. LIGHTBURN: They're wrong.

18 THE WITNESS: They're coming from the 2017

19 Census.

20 CHAIRMAN MEYER: How do you know? Did you

21 write a study?

22 THE WITNESS: I'm out on the streets.

23 CHAIRMAN MEYER: All over Teaneck?

24 MS. LIGHTBURN: Oh, yes, I am. Everybody

25 in this room can tell you I'm out. But if we

S. Lydon 193

1 can prove that wrong --

2 CHAIRMAN MEYER: You have all the right to

3 do that. The next time you come to the next

4 meeting, you bring an expert that says it's

5 wrong.

6 MS. LIGHTBURN: And then you would change

7 your design?

8 CHAIRMAN MEYER: Listen to me. Instead of

9 walking away --

10 MS. LIGHTBURN: No.

11 CHAIRMAN MEYER: Instead of walking away.

12 Here's the point. If you can prove reasonable

13 certainty by an expert in the field, a real

14 expert, that these numbers are wrong, then you

15 make points as opposed to some people make more

16 points and some people make less points about

17 this man's testimony. And that's the way you

18 can beat his testimony.

19 But just to say, Hey, this man is wrong

20 because I know that it is not right, that is

21 not credible to a --

22 MS. LIGHTBURN: It would be credible if I

23 went door to door and get the information from

24 them.

25 CHAIRMAN MEYER: You have to do for the

S. Lydon 194

1 entire Teaneck.

2 MS. LIGHTBURN: Entire Teaneck or

3 northeast Teaneck?

4 CHAIRMAN MEYER: Entire. You have to make

5 sure it's right.

6 MS. LIGHTBURN: Hey, I tried.

7 CHAIRMAN MEYER: You did well.

8 MS. LIGHTBURN: Okay. Thank you.

9 CHAIRMAN MEYER: Thank you very much.

10 MS. LEWIS: Lilian Lewis, L-E-W-I-S. I

11 will apologize ahead of time if I slur my

12 words. I'm a bit tired.

13 CHAIRMAN MEYER: Questions of Mr. Lydon.

14 MS. LEWIS: Mr. Lydon, you stated that it

15 says mayor and council changed the zoning code

16 for a certain area. What were you defining

17 when you said that?

18 THE WITNESS: I was talking about 1500

19 Teaneck Road, also known as the Verizon

20 Building. I was also talking about the World

21 of Wings, also known as the Avalon Bay

22 property.

23 MS. LEWIS: You weren't defining spot

24 zoning?

25 THE WITNESS: Oh, no. Not at all.

S. Lydon 195

1 MS. LEWIS: Question regarding higher

2 education. Did you ever take a course in

3 probability?

4 THE WITNESS: Statistics probability?

5 MS. LEWIS: It's usually required, right?

6 Okay. Now, this commercial property in The

7 Plaza area, would you say more probability,

8 those 28 units of residents, maybe not

9 consensus residents, it would be quite

10 profitable for the other businesses?

11 MS. BERGER: I'm going object to the

12 question.

13 CHAIRMAN MEYER: Sustained. Next

14 question. Good try.

15 MS. LEWIS: Regarding your testimony on

16 May 16, one of the reasons counsel to make

17 consensus regarding the zoning -- you said --

18 go back to what Attorney Veach was asking

19 about. There were two reasons: One was for

20 counsel to get a consensus --

21 THE WITNESS: The planning board and mayor

22 and council, they're two different bodies, two

23 different jobs. Sometimes it takes a while to

24 get a consensus on those different bodies as to

25 the issue reported.

S. Lydon 196

1 MS. LEWIS: The consensus concerning the

2 residents of the area or consensus of the

3 council --

4 MS. BERGER: He answered that already.

5 MS. LEWIS: The consensus of the residents

6 of the area regarding redevelopment.

7 THE WITNESS: It was the consensus by the

8 two bodies making policy decisions.

9 MS. LEWIS: It is my first question.

10 CHAIRMAN MEYER: What? First question?

11 MS. LEWIS: I asked this question last

12 time and I was told this is a planner question.

13 CHAIRMAN MEYER: Oh, that question. Go

14 ahead.

15 MS. LEWIS: Since your development is

16 asking for a 9.9-foot setback in the front when

17 you're required to have a 30-foot setback from

18 the front, is that -- is that possibly why

19 there's no front area for children?

20 THE WITNESS: No. Whether the setback was

21 9.9 or 15 or 25, I would recommend that my

22 client not put a play area in the front yard

23 next to traffic. And also the front yard is

24 the most closest to the street, and I hate to

25 say it, but it's also one that has to --

S. Lydon 197

1 (indiscernible) -- as opposed to someplace
 2 else. So that has nothing to do with
 3 playgrounds in the front yard.
 4 MR. BROWN: Going back to the testimony by
 5 Mr. Juzmeski.
 6 MS. BERGER: The town expert.
 7 MS. LEWIS: Page 17, starting at line, I
 8 believe, 13, he stated, "There's also a flex
 9 space on the lower level that is open and can
 10 be utilized as a children's play area as well
 11 as internal to the building."
 12 And the question is: "Is it your opinion
 13 that in this specific site, it's best that the
 14 children's play area was in the building rather
 15 than exterior"?"
 16 His answer was, "Yes, I agree. I think
 17 the internal area where you have grass for the
 18 children is a better alternative."
 19 MR. EYERMAN: Is there a question?
 20 MS. LEWIS: Yes, there's a question. Just
 21 hold on a second.
 22 This is my question: According to Jerry
 23 Newberry, N-E-W-B-E-R-R-Y, of the United States
 24 National Education Association Health
 25 Information Network.

S. Lydon 198

1 It states "poor indoor environmental
 2 quality contributes to serious health problems
 3 for students, including asthma, initial rashes,
 4 respiratory tract infections."
 5 My question is: Explain how the
 6 ventilation of the indoor play area will allow
 7 fresh outdoor air to seep in so that pollutants
 8 swirling indoors won't contribute to the
 9 serious health issues that I just mentioned.
 10 MS. BERGER: I'm going to object. It has
 11 no relation to his direct testimony.
 12 MR. EYERMAN: The architect has testified
 13 and also the engineer. That question would be
 14 appropriate for them. It's not a planner's
 15 question.
 16 MS. LEWIS: You said the engineer already
 17 testified?
 18 MR. EYERMAN: The engineer and architect.
 19 MS. LEWIS: They didn't mention anything
 20 about the health of the children breathing.
 21 My next question -- all right.
 22 You cited to the town and stated about
 23 multi-family and size, the designs as long as
 24 it doesn't impinge on the neighborhood,
 25 something to that effect.

S. Lydon 199

1 CHAIRMAN MEYER: I'm not sure.
 2 MS. LEWIS: Wouldn't impinge on the
 3 neighborhood. You used that term.
 4 So explain how the 68 units you plan to
 5 construct when you're only allowed nine units,
 6 how it will not impinge on increased traffic
 7 and congestion.
 8 MR. EYERMAN: That's also a question that
 9 would have been appropriate for the traffic
 10 study expert.
 11 MS. LEWIS: He did mention that -- well,
 12 they won't use any cars because they're going
 13 to use the bus and things like that. Now we
 14 found out from Senator Weinberg that it won't
 15 be extra buses available, so it will be a
 16 congestion on the public transportation.
 17 So my question now is, well, do you think
 18 perhaps, they will now use their cars because
 19 they won't be able to use public
 20 transportation?
 21 MS. BERGER: I'm going to object to the
 22 question because he's not a transportation
 23 expert. There was testimony and the town
 24 expert will be given up at some point.
 25 CHAIRMAN MEYER: Sustained.

S. Lydon 200

1 MS. LEWIS: Let's go to the "feet on the
 2 street."
 3 CHAIRMAN MEYER: Foot traffic.
 4 MS. LEWIS: He called it "feet on the
 5 street." I'm using his term.
 6 MS. BERGER: I couldn't hear you.
 7 MS. LEWIS: I'm repeating his term, "feet
 8 on the street." My question is: With the 68
 9 units, probably 106 or more people, with feet
 10 on the street, how would that impinge upon the
 11 denser population?
 12 THE WITNESS: I think you misunderstood
 13 the intent of my testimony there. Maybe I can
 14 do a little bit better this time.
 15 I was talking about planning theory and
 16 some economic downtown revitalization theory
 17 that recognizes that in the post-Amazon world,
 18 retailers and, in fact, business districts are
 19 suffering mightily. And the planning field and
 20 a lot of other fields are trying to come up
 21 with relevant strategies to make sure that
 22 resources and assets such as Cedar Lane in
 23 Teaneck can survive and thrive for the next 20
 24 years.
 25 And one of the ways we're trying to

S. Lydon 201

1 formulate a response is to get more feet in
 2 those downtown areas. And the way -- one of
 3 the ways we're trying to do that is by
 4 introducing housing into downtown areas where
 5 zoning, planning and zoning ordinances through
 6 a great many towns have prohibited residential
 7 development in the downtown environments.
 8 People used to live above the shops back in the
 9 '20s and '10s. The zoning came along in the
 10 '50s and '60s and basically said, We don't want
 11 people living on top of shops anymore.
 12 What we're now doing is attempting to
 13 reverse that and say maybe they were right.
 14 Maybe we made a mistake in the post-Amazon
 15 world, and the goal is to provide a local
 16 customer base so that hopefully people will
 17 shop downtown and people will dine downtown.
 18 How does that relate to this property?
 19 This property is very close to two distinct
 20 shopper areas, retail areas. And your master
 21 plan has talked about trying to revitalize your
 22 downtown areas. It's one of the goals of the
 23 master plan.
 24 And so what I'm suggesting is that one of
 25 the ways this application gets approved, if

S. Lydon 202

1 constructed, and further the public interest,
 2 is by providing new households in close
 3 location, close proximity to where they can
 4 just walk out the front door and shop locally.
 5 So that is the purpose of my talking about
 6 feet on the street. It's not to impinge on
 7 somebody. It's, in fact, just the opposite.
 8 It's hoping to help revitalize -- one part of
 9 the strategy, to help revitalize some of the
 10 personal areas, especially the ones that are
 11 walkable to this site. We all know State
 12 Street's walkway is flat. It's got sidewalks.
 13 It'd be very easy to go out of your front door
 14 and turn right and go to the Walgreens center
 15 and those other shops and restaurants or go
 16 left, Queen Anne Plaza and those other shops,
 17 banks and stores. That's what that comment was
 18 about.
 19 MS. LEWIS: So this is my next question on
 20 the follow-up.
 21 First you stated the land use law --
 22 (indiscernible) -- may be granted under the
 23 terms of the section, including a variance
 24 involving inherently beneficial use without a
 25 showing of such variance, can be granted

S. Lydon 203

1 without substantial detriment to the public
 2 good and will not substantially impair the
 3 intent and zoning ordinance.
 4 My question is: With the feet on the
 5 street, would you say there's a greater
 6 population in the shopping area with the feet
 7 on the street?
 8 THE WITNESS: Yes. And I would say that's
 9 a good thing.
 10 Excuse me. I thought I was answering your
 11 question.
 12 MS. LEWIS: You said yes.
 13 THE WITNESS: I wasn't done. I wasn't
 14 done.
 15 MR. EYERMAN: Sir, are you done with your
 16 answer?
 17 THE WITNESS: Yes, I am, sir.
 18 MR. EYERMAN: Next question.
 19 MS. LEWIS: Again, question. Now in 2001,
 20 there was a traffic study that was done. The
 21 Chief Tiernan was the chief at the time of the
 22 police department. He was writing to
 23 Lieutenant Carney. And it states here, I have
 24 attached a copy of the traffic volume survey
 25 which was conducted by the County of Bergen in

S. Lydon 204

1 2001. He didn't say that it won't impact
 2 traffic. He didn't say that tonight.
 3 The survey was conducted at Teaneck Road
 4 and State Street and the property is to be on
 5 State Street. It is a feeder street to Teaneck
 6 Road. It was an eight-hour survey that yielded
 7 14,624 vehicles on an eight-hour service study.
 8 My question is: With the 68 units, with
 9 probably 136-plus people with two cars, making
 10 it 82 vehicles additionally to the 14,624, is
 11 that a possibility?
 12 MS. BERGER: I'm going to object to the
 13 question because I don't even --
 14 CHAIRMAN MEYER: Sustained. Traffic study
 15 in 2001. How do we know that didn't exist
 16 today?
 17 MS. LEWIS: My question is that --
 18 CHAIRMAN MEYER: Sustained.
 19 MS. LEWIS: 2019. Would there have been
 20 an increase, do you think, as a probability?
 21 CHAIRMAN MEYER: Next question.
 22 MS. LEWIS: I'll deal with that again at
 23 the end. All right. Let's see what else I
 24 have here.
 25 He refers to an article in the New York

S. Lydon 205

1 Times discussing fertility rate. My question
 2 here is: What areas were mentioned in this
 3 particular article?
 4 THE WITNESS: The nation.
 5 MS. LEWIS: So statistics, when you talk
 6 about "nation," you might have one area high,
 7 another low. So he's taking the median; is
 8 that correct?
 9 MS. BERGER: Objection.
 10 CHAIRMAN MEYER: Sustained. Next
 11 question.
 12 MS. LEWIS: Let's see what else I have.
 13 One of your variances where the height
 14 permitted is 35 feet, proposed building height
 15 86.02 feet. Then it says here, Need height to
 16 roofline, need height to parapet, need height
 17 to the top of macadam shaft. Is that in
 18 addition to the 86.02 feet?
 19 MS. BERGER: I don't know what you're
 20 reading from.
 21 MS. LEWIS: This is from zoning officer,
 22 one of your variances. I'm sure you have it.
 23 Document produced by you. You have 12
 24 variances and I'm trying to --
 25 CHAIRMAN MEYER: Wait a minute. Don't be

S. Lydon 206

1 so combative.
 2 MS. LEWIS: I'm not.
 3 CHAIRMAN MEYER: Ms. Berger is asking to
 4 see what document you're referring to.
 5 MS. LEWIS: Sure.
 6 MS. BERGER: So this is a report dated
 7 12 -- a document issued by someone dated
 8 12/5/2018 saying the application is incomplete.
 9 MS. LEWIS: I'll withdraw the question for
 10 now and ask him, will you please read to me
 11 from the zoning officer the variance required,
 12 the height of the building.
 13 CHAIRMAN MEYER: Are you asking how high
 14 the building is going to be?
 15 MS. LEWIS: Can he read to me what the
 16 zoning officer gave him regarding the height of
 17 the building?
 18 CHAIRMAN MEYER: I don't feel that this
 19 witness got anything from the zoning officer.
 20 Maybe you can ask him what is the height of the
 21 building?
 22 MS. LEWIS: The question is: You first
 23 put in an application to the zoning officer?
 24 CHAIRMAN MEYER: I'm sure he didn't do
 25 that.

S. Lydon 207

1 MS. LEWIS: Is that the process?
 2 CHAIRMAN MEYER: No. The process is the
 3 attorney goes and gets a client or an applicant
 4 prepares an application with their attorneys.
 5 They're submitted, they get a denial letter,
 6 they say okay, now we're going to file an
 7 appeal before this board to appeal some of the
 8 denials in connection with zoning.
 9 They have an expert engineer who
 10 testifies, their planner, they have all of
 11 these things.
 12 MS. LEWIS: I understand. So my question
 13 now is, What caused the application to be
 14 denied? Could you tell me what caused the
 15 application to be denied?
 16 CHAIRMAN MEYER: What caused this
 17 application to be denied?
 18 MS. LEWIS: Yes.
 19 CHAIRMAN MEYER: All the variances that
 20 you're here for tonight.
 21 MS. LEWIS: Can you name the one dealing
 22 with height?
 23 MS. BERGER: You're asking him what the
 24 requirement is for the height variance?
 25 MS. LEWIS: What's the requirement and

S. Lydon 208

1 what's the deviation he wants for that
 2 particular -- yes.
 3 MR. EYERMAN: Just on height we're
 4 talking?
 5 MS. LEWIS: Just height.
 6 MR. EYERMAN: I guess the question to you,
 7 sir, is what's the height of the building?
 8 THE WITNESS: 73.25 feet.
 9 MR. EYERMAN: What's the height of the
 10 zone?
 11 THE WITNESS: 35 feet.
 12 MS. BERGER: The difference between that.
 13 73.25.
 14 MS. LEWIS: Does that height include the
 15 height of the roofline?
 16 MS. BERGER: It's to the top of the roof.
 17 MS. LEWIS: The top of the parapet?
 18 MS. BERGER: The top of the parapet has a
 19 different height.
 20 CHAIRMAN MEYER: There are certain
 21 variances that don't apply to the height and
 22 mechanical may not. The zoning officer was
 23 here earlier. He knows all of the details.
 24 He's the one who mentioned it out according to
 25 the plans.

S. Lydon 209

1 MS. LEWIS: So what you're saying, then,
 2 is the 73.2, you have not included the height
 3 on the parapet or macadam shaft or the other
 4 part?
 5 MS. BERGER: That is not included in that
 6 number, correct.
 7 MS. LEWIS: So when the building is
 8 complete, it will be above the 73-point; is
 9 that correct?
 10 MS. BERGER: That's not the way you
 11 measure the height of the building.
 12 CHAIRMAN MEYER: But it may go above the
 13 mechanical equipment, above that. Verizon is
 14 approximately 66 feet and the Avalon is
 15 70 feet.
 16 MS. LEWIS: So this is the building here
 17 and then you have your parapets, whatever else,
 18 one of those on the building, it would be above
 19 the height. Is that what you're saying? If
 20 this is 73 --
 21 MS. BERGER: It would be above the top of
 22 the roofline.
 23 CHAIRMAN MEYER: And the roofline there's
 24 also a calculation, a slanted roof, it is very
 25 complicated.

S. Lydon 210

1 MS. LEWIS: But all I'm trying to
 2 visualize --
 3 CHAIRMAN MEYER: I think this is not the
 4 question for this planner. It's really the
 5 architect who designed the parapets and the
 6 roofline and all of that stuff.
 7 THE BOARD SECRETARY: If Ms. Lewis comes
 8 to the office Monday, we will be able to show
 9 you, and the zoning officer will be able to
 10 explain how he came to that conclusion.
 11 MS. BERGER: And if I could help you for a
 12 second, if you go to the definition of height
 13 in your ordinance, and I'm going to help you
 14 for one second. The definition section in
 15 Ordinance No. 33-22, 23. If you go down to the
 16 definition section of height, it has a specific
 17 section on what is not included in height And
 18 that includes: Silos, church spires, belfries,
 19 cupolas, mechanical penthouses, domes,
 20 chimneys, ventilators, skylights, water tanks,
 21 bulkheads, television antennas, and then it
 22 goes on and on and on and on.
 23 MS. LEWIS: So that's what I was trying to
 24 understand. So now I understand now that the
 25 building is 73. You're building much more

S. Lydon 211

1 height.
 2 THE WITNESS: And just like the other
 3 building when Mr. Rosen asked me the height of
 4 the building, he gave me all of that other
 5 material as well.
 6 MS. BERGER: So all of other buildings
 7 have the same thing above or similar?
 8 MS. LEWIS: You mentioned also, you seemed
 9 very pleased that you're going above the
 10 10 percent of the affordable housing. You're
 11 going to 15 percent.
 12 THE WITNESS: I would -- I wouldn't say
 13 pleased. I would say there was some formal
 14 litigation of how this application furthers the
 15 public good and furthers the general welfare,
 16 yes.
 17 MS. LEWIS: So are you aware of the
 18 township -- why mandatory set-aside states a
 19 multi-family development, it requires and
 20 includes an affordable housing set-aside of
 21 15 percent of the affordable housing will be
 22 for rent. Are you aware of that?
 23 THE WITNESS: Yes. And I'm also aware it
 24 doesn't apply to this particular application.
 25 MS. LEWIS: Why not?

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1 THE WITNESS: Because there is no
 2 ordinance in town that requires it. And New
 3 Jersey, we've moved to a kind of application.
 4 So once the application is filed, the
 5 ordinances that are placed when the application
 6 is filed are what counts. At this stage,
 7 Teaneck does not have low-income housing
 8 units --
 9 MS. BERGER: But we've included it.
 10 THE WITNESS: But we have done it because
 11 we know that's where the township is going.
 12 MS. LEWIS: So what does it mean to the
 13 town for the set-aside?
 14 THE WITNESS: It means when they adopt the
 15 ordinance, if they adopt the ordinance, if they
 16 enter into a settlement agreement with the Fair
 17 Share Housing Center, new developments would be
 18 required to provide that. Rather than ignore,
 19 we're willing to provide that 15 percent when,
 20 in the past, the township has required -- when
 21 they required any and all a 10 percent
 22 set-aside.
 23 MR. EYERMAN: Even though we don't have
 24 the ordinance enactment from the town, you're
 25 doing it?

S. Lydon 213

1 THE WITNESS: Correct. In advance of the
 2 public good and welfare.
 3 MS. LEWIS: This is my final question.
 4 CHAIRMAN MEYER: Final question.
 5 MS. LEWIS: You mentioned that we're
 6 building 68 units that you want even though
 7 zoning, therefore nine units. So you pointed
 8 to 1500, you pointed to Avalon Bay, you pointed
 9 to 140 State Street that's not here yet and
 10 that line of reasoning because you feel your
 11 building should be there. I'm not finished
 12 with the question.
 13 CHAIRMAN MEYER: Question.
 14 MS. LEWIS: Okay. Would you say your line
 15 of reasoning is similar to Donald Trump's
 16 reasoning when he stated he didn't allow blacks
 17 into the building because the other
 18 developments didn't allow blacks in the
 19 building?
 20 So my question is: Are y'all on the same
 21 line of reasoning?
 22 MS. BERGER: I object.
 23 CHAIRMAN MEYER: Sustained, sustained.
 24 MS. BERGER: I find it an inappropriate
 25 question.

Good and Welfare 214

1 CHAIRMAN MEYER: Thank you very much. So
 2 we're going to -- it is now about 20 minutes to
 3 12:00 in the morning. It is now 11:40, I
 4 think. We're going to be done. I know you're
 5 waving to me.
 6 AUDIENCE MEMBER: Smiling.
 7 CHAIRMAN MEYER: Come back for a hearing.
 8 We'll continue. The next meeting of this
 9 matter will be heard August 1, 2019 at the
 10 regular chambers, or somewhere else will be
 11 announced if it's changed, 7:00 or soon
 12 thereafter, without further notice to the
 13 public.
 14 Being that it's now 11:41 and a very late
 15 evening, if somebody wants to speak to good and
 16 welfare, I'm going to give you 60 seconds each
 17 and --
 18 MR. EYERMAN: Applications that are not
 19 for this portion. Speak about whatever you'd
 20 like. However, if you want to speak about this
 21 particular application, this board will not
 22 consider it.
 23 Comments about this application shall be
 24 reserved at a certain point and time for this
 25 application. If you're going to speak about

Good and Welfare 215

1 this application, wait until the end of the
 2 application.
 3 THE COURT REPORTER: Wendy, do you want
 4 good and welfare?
 5 MS. BERGER: (Nodding in the affirmative)
 6 CHAIRMAN MEYER: One minute.
 7 GOOD AND WELFARE
 8 AUDIENCE MEMBER: There's a statement I'd
 9 like to make.
 10 MR. ROSEN: We can't consider it in
 11 evidence.
 12 MR. EYERMAN: We will take statements. We
 13 must take statements.
 14 CHAIRMAN MEYER: Anyone else?
 15 MS. SHILAN: I would like to make one
 16 statement.
 17 MR. ROSEN: Those who we gave
 18 consideration, we expect you to do the same.
 19 THE BOARD SECRETARY: Micki, take the mic
 20 out.
 21 MS. SHILAN: This is the Township of
 22 Teaneck, not the city of Teaneck. They are
 23 trying to make us a city. We are a town.
 24 Number 2, one of the main reason that
 25 there's no business going on Cedar Lane is

Good and Welfare 216

1 because the stores -- the rent is very high and
 2 a lot of people can't pay it.
 3 The other thing is years ago, when you had
 4 a store in Teaneck, the mayor came out, they
 5 had a ribbon-cutting and people knew that we
 6 had a store. There have been many stores now
 7 that have come into Teaneck and nobody knows
 8 they're there.
 9 CHAIRMAN MEYER: I suggest that you go
 10 before the council and say -- and speak to this
 11 issue and say the same comments, tell them
 12 about it. I think it's a great idea. Very
 13 good points.
 14 MS. ELIYAHU: Debbie Eliyahu,
 15 E-L-I-Y-A-H-U. I actually have a question.
 16 It's about the buses, whether or not they can
 17 handle more.
 18 CHAIRMAN MEYER: What's your question?
 19 MS. ELIYAHU: The question is this.
 20 Because Mr. Lydon originally said that you
 21 could add more with New Jersey Transit. And
 22 afterwards, we heard that Senator Weinberg at
 23 the forum said they couldn't. And you said we
 24 could hire experts, et cetera.
 25 Would it be possible that this be

1 considered expert enough if I could get, let's
 2 say, a statement from Senator Weinberg?
 3 CHAIRMAN MEYER: You have to bring a live
 4 witness who is qualified to testify to that
 5 area. I think you should speak to the attorney
 6 about it who understands how to prove things.
 7 MS. ELIYAHU: I don't have an attorney,
 8 but we have a state senator.
 9 CHAIRMAN MEYER: Thank you very much.
 10 MS. ELIYAHU: Thank you.
 11 CHAIRMAN MEYER: Motion to adjourn. Thank
 12 you very much.
 13 MS. LIGHTBURN: I have a question. I
 14 don't understand why y'all don't use that live
 15 witness from Transit that they had the forum.
 16 Now y'all know it was a forum. All of ya'll
 17 know it was a forum. And it was a live person
 18 from Transit that knew what he was talking
 19 about. You-all up on the planning board know
 20 for a fact --
 21 CHAIRMAN MEYER: We're zoning board.
 22 MS. LIGHTBURN: Y'all are accepting this
 23 man's inaccuracies.
 24 (Time noted: 11:45 p.m.)
 25

1
 2
 3
 4 C E R T I F I C A T E
 5
 6
 7 I hereby certify that the proceedings herein are
 8 from the notes taken by me in this matter of the
 9 aforementioned case; and that this is a correct
 10 transcription of the same.
 11
 12
 13
 14
 15 _____
 16 Angela (Angie) M. Shaw-Crockett
 17 Certified Court Reporter
 18 Registered Merit Reporter
 19 Certified Realtime Reporter
 20 License No. XI102184
 21
 22
 23
 24
 25

(Time noted: [1]
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BY MS.
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<p>MR. SELOVE: [15] 59/4 59/20 59/22 60/1 60/12 60/23 62/2 62/19 63/16 63/19 64/16 64/20 64/24 65/2 65/25</p>	<p>101/11 101/14 107/9 107/12 107/16 109/2 112/15 112/18 113/2 116/23 117/6 117/12 117/17 118/2 118/19 119/17 119/25 120/7 120/13 120/20 122/11 123/14 123/21 123/25 124/3 126/20 129/18 133/21 134/10 135/4 136/12 137/21 138/1</p>	<p>152/4 152/14 152/16 153/13 155/5 156/7 156/25 158/8 159/6 159/10 160/2 160/14 162/17 162/23 163/15 163/19 165/9 169/20 172/2 175/13 178/10 180/14 180/23 189/7 191/1 192/10 195/10 196/3 197/5 198/9 199/20 200/5 204/11 205/8 205/18 206/5 207/22 208/11 208/15 208/17 209/4 209/9 209/20 210/10 211/5 212/8 213/21 213/23 215/4</p>
<p>MR. VATSKY: [19] 97/19 98/1 98/5 98/10 98/16 98/21 99/2 99/9 99/17 99/24 100/6 100/10 100/16 100/19 100/23 100/25 101/6 101/17 101/22</p>	<p>101/11 101/14 107/9 107/12 107/16 109/2 112/15 112/18 113/2 116/23 117/6 117/12 117/17 118/2 118/19 119/17 119/25 120/7 120/13 120/20 122/11 123/14 123/21 123/25 124/3 126/20 129/18 133/21 134/10 135/4 136/12 137/21 138/1</p>	<p>152/4 152/14 152/16 153/13 155/5 156/7 156/25 158/8 159/6 159/10 160/2 160/14 162/17 162/23 163/15 163/19 165/9 169/20 172/2 175/13 178/10 180/14 180/23 189/7 191/1 192/10 195/10 196/3 197/5 198/9 199/20 200/5 204/11 205/8 205/18 206/5 207/22 208/11 208/15 208/17 209/4 209/9 209/20 210/10 211/5 212/8 213/21 213/23 215/4</p>
<p>MR. VEACH: [221] MR. VINCE: [1] 58/19</p>	<p>101/11 101/14 107/9 107/12 107/16 109/2 112/15 112/18 113/2 116/23 117/6 117/12 117/17 118/2 118/19 119/17 119/25 120/7 120/13 120/20 122/11 123/14 123/21 123/25 124/3 126/20 129/18 133/21 134/10 135/4 136/12 137/21 138/1</p>	<p>152/4 152/14 152/16 153/13 155/5 156/7 156/25 158/8 159/6 159/10 160/2 160/14 162/17 162/23 163/15 163/19 165/9 169/20 172/2 175/13 178/10 180/14 180/23 189/7 191/1 192/10 195/10 196/3 197/5 198/9 199/20 200/5 204/11 205/8 205/18 206/5 207/22 208/11 208/15 208/17 209/4 209/9 209/20 210/10 211/5 212/8 213/21 213/23 215/4</p>
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'	.798 [1] 163/6	149/23 150/5
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