

1 TOWNSHIP OF TEANECK
2 BOARD OF ADJUSTMENT
3 THURSDAY, OCTOBER 3, 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: ZE2016-08
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 DR. EDWARD MULLIGAN
15 DANIEL WEIRIN
16 ZEV GREEN
17 ATIF REHMAN
18 MARK MERMELSTEIN
19 DANIEL STEINHAGEN, ESQ.
20 INTERIM BOARD ATTORNEY
21 ROSILAND McLEAN
22 BOARD SECRETARY
23 DAN MELFI
24 ZONING OFFICER
25 JOSEPH VINCE
26 BOARD ENGINEER
27 ELIZABETH LEHENY
28 BOARD PLANNER
29 WENDY BERGER, ESQ.
30 Attorney for the Applicant
31 Reported by: Angela (Angie) M. Shaw-Crockett
32 Certified Court Reporter
33 Registered Merit Reporter
34 Certified Realtime Reporter

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1 CHAIRMAN MEYER: That said so far, let's
2 continue 100 State Street. I think,
3 Ms. Burger, it is your case. I know we were --
4 where were we last time?
5 MS. BERGER: So for the record, my name is
6 Wendy Berger. I'm from the law firm of Cole
7 Schotz. I'm here representing the applicant.
8 I see Mr. Barta skedaddling because he had
9 recused himself previously with regard to this
10 application.
11 At the last hearing, which was a
12 September 5th -- if I'm not mistaken -- hearing
13 on this matter?
14 CHAIRMAN MEYER: Yes, correct.
15 MS. BERGER: All direct testimony was
16 concluded, all cross-examination of all
17 witnesses was concluded, both by the board, the
18 board's experts, and the public.
19 We're at the point in the hearing where
20 you're opening it to the public for comment and
21 at the end of all the public, then I will do my
22 conclusion.
23 MR. STEINHAGEN: Just -- Ms. Berger, as a
24 housekeeping item, there was discussion
25 about -- just for the record, there was a

4

1 discussion at the September 5 meeting, a
2 cleanup item with respect to the deed -- I'm
3 sorry -- the order regarding the prior
4 restriction. And I think we wanted to mark
5 that?
6 MS. BERGER: Sure. I'm going to get out a
7 file. I know I sent it to you, so if you give
8 me a moment, I will pull it out of the file and
9 we can mark that. I'm sorry.
10 MR. STEINHAGEN: The last number I have is
11 A-21 or A-202A, the upper level parking plan.
12 So we marked that as A-22.
13 MS. BERGER: Sure. And I do have it.
14 Give me one second.
15 (Exhibit A-22 was received and marked for
16 identification, as of this date.)
17 MR. STEINHAGEN: Yes, so if you do, could
18 you identify it for the record, please.
19 MS. BERGER: Sure.
20 MR. STEINHAGEN: I don't know if we're
21 going to get there tonight, but we needed to
22 establish who is eligible to vote on this, if
23 we get there. We may want to deal with that
24 afterwards. But I think that was it.
25 There was an openquestion --

1 MS. BERGER: I've got it.
2 MR. STEINHAGEN: -- for the board planner
3 about the affordable housing set-aside.
4 CHAIRMAN MEYER: Right. We'll get to
5 that.
6 MS. BERGER: So at the last hearing, the
7 board planner brought up the fact that the
8 restriction was lifted with regard to deed
9 restriction regarding the property. And we
10 weren't sure of the exact document by which it
11 was lifted. And it was a consent order of
12 judgment dated October 13, 2015, entered by
13 Robert Contillo and it was a consent signed by
14 William Rupp on behalf of the municipality.
15 So if we can have that marked. So they
16 asked -- if you remember, the board planner
17 asked if we could provide that document.
18 CHAIRMAN MEYER: Yes. And that was the
19 deed restriction as to use.
20 MS. BERGER: Use of the property, which
21 permits multi-family housing on the property,
22 specifically in that consent order entered by
23 the Town.
24 MR. STEINHAGEN: The other housekeeping
25 issue, do you want to deal with that now or do

1 you want to discuss that before the public
2 goes?
3 CHAIRMAN MEYER: Sure. Let's discuss the
4 issue of affordable housing.
5 Anything else before that? Anything else,
6 Ms. Burger?
7 MS. BERGER: No. That was what I had to
8 supply the board and I did send it in over the
9 last few weeks.
10 MR. STEINHAGEN: So, Ms. Leheny, can you
11 come up to the mic, please.
12 MS. LEHENY: Hi. Should I be sworn in?
13 MR. STEINHAGEN: I swore you in at the
14 last meeting. So I'll remind you that you're
15 still under oath.
16 MS. LEHENY: So the question, as you may
17 recall, was that 15 percent of the units, the
18 initial units, came to a 10.2. And it was a
19 question about how do you handle the .2, do you
20 round up, do you round down.
21 And there was -- you know, I discussed it
22 with Richard Preiss and there was an agreement
23 that because it was less than, you know, .5,
24 that we could round down and do a payment in
25 lieu for that .2.

7

1 CHAIRMAN MEYER: See, I wasn't wrong.
2 Last time I said that.
3 MS. LEHENY: Yes.
4 CHAIRMAN MEYER: Good. And that is
5 acceptable to the applicant?
6 MS. BERGER: Yes. For the record, that is
7 acceptable to the applicant.
8 CHAIRMAN MEYER: Okay.
9 MR. STEINHAGEN: We're going to carry both
10 applications that are on for tonight until
11 7:40?
12 CHAIRMAN MEYER: 7:40, to be continued at
13 the library, which is right next door, the
14 multi-purpose room in the library.
15 MR. STEINHAGEN: Members of the public, if
16 you're here on the application 100 State
17 Street, which is ZB2016-08, this matter is
18 being carried until 7:40 tonight in the
19 library, which is -- I believe it's 840 Teaneck
20 Road; is that correct? Is that the address?
21 MR. MELFI: I believe so.
22 MR. STEINHAGEN: Same thing for
23 ZB-2019-31, AUCC Ray of Sunshine Foundation.
24 That's 50 Oakdene Avenue.
25 MR. ROSEN: We're going to ask the

8

1 public --there are about 100 people in the room
2 and others outside --
3 MR. STEINHAGEN: Hold on. So both matters
4 are being carried to 7:40, October 3rd, in the
5 library, 840 Teaneck Road.
6 MR. ROSEN: So I'll say, members of the
7 public, please find your way there quickly and
8 find your seat quickly and please avoid
9 conversation.
10 CHAIRMAN MEYER: Let's make a motion to
11 move?
12 THE BOARD SECRETARY: Hold on. One
13 second, please.
14 MR. STEINHAGEN: The board has not
15 adjourned yet, so we need to conduct some
16 business.
17 CHAIRMAN MEYER: We need to make a motion.
18 Oh, Gail Price. Good evening. You would
19 like to say something?
20 MS. PRICE: Briefly. I sent a letter
21 yesterday to Mr. Steinhagen and I copied
22 Mr. Ferraro.
23 I'm appearing on behalf of 30 of your
24 residents who live on Oakdene, Morningside, and
25 Hillside. Originally I was appearing on behalf

1 of four, and that number has grown to 30 before
2 this evening.

3 When I -- I was not hired at the time of
4 your first hearing on August 1. When that
5 hearing was adjourned, it was specifically
6 noted that the hearing would continue here.
7 The applicant did not provide new notice when
8 the hearing to accommodate 100 State was
9 changed to the library. So I went on record
10 yesterday noting my objection to any change
11 because I didn't want to find myself in a
12 position where there was a waiver of objection
13 on notice or any other possible claim on the
14 record.

15 CHAIRMAN MEYER: Ms. Price, you have no
16 objection that we're moving to the library at
17 this point.

18 Now that you are here representing all of
19 your clients, so you know that we're moving to
20 the other location so we can accommodate. I'm
21 sure your clients would like to hear what you
22 have to say, as well, if we reach your case
23 tonight.

24 MS. PRICE: That's why I'm noting it
25 specifically for the record, Mr. Chairman,

11

1 we're here.

2 MS. PRICE: Whatever it was, now it's
3 being moved to -- the two locations have
4 different addresses. I understand the
5 proximity. I've been involved over the course
6 of many years, probably in six or seven of
7 these specific-type litigations. And I don't
8 want to get involved in another one just over
9 this one issue. So --

10 CHAIRMAN MEYER: You're the objector to
11 this application.

12 MS. PRICE: 30 residents are concerned.

13 CHAIRMAN MEYER: I understand. If you're
14 trying to get involved or not get involved in
15 the specific issue with respect to litigation
16 of this particular issue, I don't know why that
17 would be a problem for you.

18 MS. PRICE: Because if you don't -- if I
19 don't raise it right now, if I sit on my hands
20 and let it go --

21 CHAIRMAN MEYER: You're not.

22 MR. STEINHAGEN: And, Ms. Price, you raise
23 the issue with respect to starting the meeting
24 in the library.

25 MS. PRICE: Correct.

1 because there's case law that says you must
2 note it and there's an issue with waiving it.
3 Even if I note it, it's not always considered
4 enough.

5 So I understand moving 100 State, but with
6 regard to the second application, the applicant
7 had due time to re-notice and I think it's a
8 different position and that the application
9 could have been carried to another night.

10 You have a lot of people who have a lot of
11 things to say and I certainly want to afford
12 everyone an opportunity to do that. And I want
13 you to get on with your business.

14 MR. STEINHAGEN: Is it your position that
15 we could have the meeting tonight in this
16 location and carry it to another night in this
17 location or anywhere else?

18 MS. PRICE: Yes.

19 MR. STEINHAGEN: So then is there a
20 problem with us carrying it tonight to another
21 location tonight?

22 MS. PRICE: That's what my concern is,
23 because it was not -- first of all, it was an
24 agenda issue that was posted --

25 MR. STEINHAGEN: That was an error and

12

1 MR. STEINHAGEN: Do you have an objection
2 to having the meeting in this room?

3 MS. PRICE: Tonight?

4 MR. STEINHAGEN: Yes.

5 MS. PRICE: I have a concern over moving
6 it on 100 State and then coming back.

7 MR. STEINHAGEN: That's not the question.
8 Could the board, in your opinion, hold the
9 meeting tonight for AUCC, 50 Oakdene, in this
10 room?

11 MS. PRICE: After -- yes. After you hear
12 my other objections, yes.

13 MR. STEINHAGEN: With regard to the letter
14 that you sent that we're going to mark once we
15 get to that particular letter --

16 MS. PRICE: Yes.

17 MR. STEINHAGEN: Once we get to that case.
18 If the board can hear the application, do you
19 believe that the board has the authority to
20 carry the applicant's notice to another date?

21 MS. PRICE: I have a problem with the
22 applicant's notice.

23 MR. STEINHAGEN: That's not the question.
24 If there's an jurisdictional objection to
25 the content --are you interested in the

1 content?
 2 MS. PRICE: Correct.
 3 MR. STEINHAGEN: That's not what we're
 4 talking about yet. That wasn't in your letter.
 5 MS. PRICE: No, because I was concerned
 6 about where this meeting was going to be
 7 tonight.
 8 MR. STEINHAGEN: The question is: Does
 9 the board have the right to carry the notice,
 10 in your opinion?
 11 MS. PRICE: I think that the applicant has
 12 the right to do a new notice.
 13 MR. STEINHAGEN: Sure. But if the board
 14 can carry the notice -- which it did
 15 August 1st, to tonight in this location, it
 16 would seem to me that the board could carry the
 17 notice tonight to another night. Isn't that a
 18 reasonable assumption?
 19 MS. PRICE: Yes, I agree with that.
 20 CHAIRMAN MEYER: I'm going cut to the
 21 chase. You have noted your objection, whether
 22 it's relevant or not relevant, whether it's
 23 valid or not valid. We can argue about that
 24 later.
 25 We're going to move this location for

1 date. That has, obviously, occurred. We're
 2 all here. I see no problem. I think it's
 3 within the board's authority and jurisdiction
 4 to then carry this meeting in an open forum to
 5 another location on public notice to everybody .
 6 You've given the location, which is right
 7 next door, you've given the address, you've
 8 given the time when that meeting is going to
 9 start. Everyone here in the public is advised
 10 of it and I do believe the board is within its
 11 power to do so.
 12 CHAIRMAN MEYER: Thank you.
 13 MR. ROSEN: And one of those changes, we
 14 have to amend the time to 7:50.
 15 MR. STEINHAGEN: 7:45.
 16 CHAIRMAN MEYER: Let's go. Thank you.
 17 MR. STEINHAGEN: The board needs to vote
 18 on that.
 19 CHAIRMAN MEYER: Motion.
 20 DR. MULLIGAN: Second.
 21 CHAIRMAN MEYER: Roll call.
 22 Yes.
 23 DR. MULLIGAN: Yes.
 24 MR. ROSEN: Yes.
 25 MR. GREEN: Yes.

1 tonight's evening. If somebody would like to
 2 say something before that, that's what we're
 3 going to do. And everybody can put their
 4 objections on the record or they can not put
 5 their objections on the record. I really don't
 6 care at this point because you're all here, you
 7 all hear the location is being moved to
 8 accommodate the public and that's why we are
 9 doing it.
 10 It's not to accommodate anything else.
 11 It's to accommodate the public so everybody can
 12 get a fair hearing on this issue.
 13 MR. STEINHAGEN: I think we can move.
 14 CHAIRMAN MEYER: Fine. I'll make a motion
 15 to move --
 16 DR. MULLIGAN: Second.
 17 CHAIRMAN MEYER: -- to move this matter.
 18 Before we do that, we're going just hear from
 19 counsel.
 20 MR. FERRARO: Yes. Mr. Chairman, Frank
 21 Ferraro, Ferraro & Stamos, here on behalf of
 22 the applicant AUCC.
 23 At the last meeting on August 1, it was
 24 announced that this matter was being carried to
 25 a hearing to be opened in this room on this

1 MR. REHMAN: Yes.
 2 MR. POWERS: Yes.
 3 MR. BROWN: Yes.
 4 MR. WETRIN: Yes.
 5 *(Meeting adjourned until 7:45 p.m.)*
 6 CHAIRMAN MEYER: We'll continue. The Vice
 7 Chair would like to make a statement.
 8 MR. ROSEN: Mr. Chairman, I move to hold
 9 the special meeting in the Teaneck library so
 10 the board can conduct its business, including
 11 hearing this application. The size of the
 12 crowd precludes the board from conducting the
 13 meeting in the council chambers.
 14 The notice that this meeting took place
 15 should be sent, as soon as possible, to the
 16 Township newspaper, which the board failed to
 17 do prior to the meeting, even though we could
 18 have done so prior to meeting.
 19 DR. MULLIGAN: Second.
 20 CHAIRMAN MEYER: All in favor, aye.
 21 MR. STEINHAGEN: Roz, tomorrow we need to
 22 send a notice that the board held a meeting in
 23 the library to the newspapers.
 24 THE BOARD SECRETARY: Okay. How about
 25 Monday? I'm not here tomorrow, unless you want

1 to do it?
 2 MR. STEINHAGEN: As soon as possible is
 3 what the statute says.
 4 We're back on the record on 100 State
 5 Street.
 6 THE BOARD SECRETARY: What is the starting
 7 time?
 8 MR. ROSEN: 7:45.
 9 MS. BERGER: So, Mr. Chairman, just to
 10 reiterate, at the last hearing, we concluded
 11 all the direct testimony. We concluded all of
 12 the testimony of the board's witnesses, we
 13 concluded all the cross-examination by the
 14 board members and the public of all the
 15 applicant's witnesses and the board's witnesses
 16 and we're up to the point where you opened
 17 it -- you closed the hearing to the testimony
 18 and you opened it to have comments. And then
 19 my conclusion will be at the end.
 20 CHAIRMAN MEYER: I don't know if our
 21 expert -- with respect to the affordable
 22 housing, did you conclude?
 23 MS. LEHENY: Yes.
 24 MS. BERGER: Yes.
 25 CHAIRMAN MEYER: The conclusion, just to

1 evidence box, so to speak, for purpose of
 2 testimony.
 3 So what I suggest we do --
 4 THE BOARD SECRETARY: Pull that mic to you
 5 closer, please. Thank you.
 6 CHAIRMAN MEYER: Of course the applicant
 7 or the board can ask questions to your comments
 8 or the your statements.
 9 So I think we should do that, that if you
 10 can, people would like to say something.
 11 Mr. Rose will lead us, because you've done
 12 it a few hundred times. And then please stand
 13 up in the line so we can more or less get
 14 things going after Mr. Rose has been testifying
 15 to this. And if somebody has said something,
 16 try not to repeat the same thing over and over
 17 again. We all understand what the point is.
 18 I guess when you have heard one point, if
 19 it's repeated the same point, there's no point
 20 in that.
 21 I know Mr. Wetrin had just an issue with
 22 some kind of egress he wanted to discuss.
 23 Maybe Ms. Berger can answer that.
 24 MR. WETRIN: I just recall in the first
 25 meeting, when your architect presented, there

1 summarize, since there was a .2 in the
 2 affordable housing, the calculations -- since
 3 it was under half, adequate payment to the
 4 housing fund would be made by the applicant in
 5 lieu of that .2 affordable housing apartment or
 6 units.
 7 MS. BERGER: Correct, should the
 8 application be approved, that would be part of
 9 the condition of the approval.
 10 THE BOARD SECRETARY: Before you start,
 11 you're really going to have to speak louder
 12 because of this (indicating). And people may
 13 not be able to hear you.
 14 MS. BERGER: Mr. Chairman, I will sit here
 15 and let the public have the podium.
 16 CHAIRMAN MEYER: Okay. Any other experts
 17 we need to hear from for the township or for
 18 the board, actually? Okay. We're good.
 19 Let me explain the procedure. The
 20 procedure now for this application is that the
 21 members of the public will have the opportunity
 22 to speak to this application and everyone will
 23 have to state their name and be sworn, so the
 24 sworn testimony -- so it can be possibly taken
 25 as evidence if it's within the -- in the

1 were -- I think it was 12 or 14 apartments,
 2 that were two-plus bedrooms and they were
 3 described as two-plus because one of the
 4 bedrooms had egress removed -- or not removed,
 5 one of the bedrooms didn't have egress. So
 6 they're called two bedrooms.
 7 But I just wanted to say that in deciding
 8 or if we get to it, I'd like to suggest maybe
 9 you make those rooms with egress.
 10 MS. BERGER: That is acceptable as if the
 11 board wants that. And clearly the question
 12 really went back to -- if you recall -- whether
 13 by having that extra room, it was counted as a
 14 bedroom for parking, and it was determined that
 15 even if it did, it didn't affect the parking
 16 requirement.
 17 So the building will be built in
 18 accordance with all building code.
 19 CHAIRMAN MEYER: Thank you.
 20 Mr. Rose, please go ahead. State your
 21 name for the record and the council.
 22 MR. ROSE: Thank you. Good evening. My
 23 name is Howard Rose. I'm not speaking as a
 24 member of the Board --
 25 CHAIRMAN MEYER: We understand that.

1 You're speaking for Mr. Rose.
 2 MR. ROSE: -- of Education, nor as
 3 planning board. I'm here as a resident, I'm
 4 right across Cedar lane, and as a concerned
 5 resident --
 6 MR. STEINHAGEN: Can I swear you in,
 7 please?
 8 MR. ROSE: Excuse me?
 9 MR. STEINHAGEN: Can I swear you in?
 10 MR. ROSE: Sure, you may.
 11 HOWARD ROSE,
 12 called as a witness, having first been
 13 duly sworn and/or affirmed, was examined and
 14 testified as follows:
 15 MR. ROSE: I'm here not as an advocate nor
 16 a detractor for the project. I'm here to
 17 remind the board, as well as my fellow
 18 community members, a little bit about why and
 19 what we're doing here.
 20 We have a document called the Master Plan.
 21 The last time I approached this board and
 22 questioned, How many of you have read it? Not
 23 everyone was able to say they did. I hope that
 24 changes because it's the second most -- it's
 25 actually the most important thing that's been

1 written about the town after you consider
 2 ordinances. It gives a feel and a flavor as
 3 what we'd like Teaneck to be as it develops.
 4 It's a changing situation. It will be revamped
 5 in the near future, I believe.
 6 Be that as it may, we have a current
 7 master plan. Whether we go to a new one sooner
 8 or later is irrelevant; we use what we have in
 9 hand.
 10 And with that master plan, you're here to
 11 determine -- an applicant has a request. Does
 12 it meet/not meet the Master Plan, does it
 13 meet/not meet ordinances? If not, variances
 14 are required. If those variances are granted,
 15 they give an access to do what they'd like to
 16 do. That's a reasonable good situation.
 17 What you're considering, though, in terms
 18 of a variance is, does it meet the needs of the
 19 community. Is it viable. Is it reasonable.
 20 What's the community's reaction regarding this.
 21 What's your reaction regarding this. What's
 22 the discussion that's going on about it. Does
 23 it enhance, detract. A lot of things to be
 24 considered.
 25 You're going to hear a lot this evening.

1 Some of it may, in fact, be repetitious, which
 2 you don't want. Nevertheless, the more
 3 repetition it is, the more ardent people are
 4 about it and the more similar their views are.
 5 And if you don't know that because they're not
 6 being repetitious, you're not getting the full
 7 flavor of what's going on. I believe they
 8 should be saying what they want to say
 9 regardless of who said what before they spoke.
 10 Thank you for your time.
 11 CHAIRMAN MEYER: Thank you very much.
 12 (Applause.)
 13 CHAIRMAN MEYER: I don't think the
 14 applause are necessary because it delays the
 15 process. Let's just get all the comments so we
 16 can hear what everybody has to say.
 17 MR. VEACH: James Veach, Teaneck.
 18 Should I be sworn?
 19 MR. STEINHAGEN: It would be preferable if
 20 you gave your address.
 21 MR. VEACH: With respect to the council
 22 meetings --
 23 MR. STEINHAGEN: Ms. Berger has the right
 24 to establish whether or not anybody who
 25 participants in this proceeding has a

1 standing -- if she has an objection. Because
 2 if someone doesn't live in close proximity, she
 3 should be entitled to make that objection. I'm
 4 not saying that the board would accept it, but
 5 she has to right to make it and she has a right
 6 to know if anybody -- and, look, I'm not saying
 7 anybody is here -- the board has a right to
 8 know, the applicant has a right to know, the
 9 public has a right to know that the
 10 participation is done by people who are what's
 11 called "interested parties," which is a defined
 12 term under the statute. And only interested
 13 parties have standing.
 14 Generally speaking, residents of Teaneck,
 15 residents of the municipality, taxpayers have
 16 standing. But it is the applicant's right to
 17 request it. I'm suggesting that you should
 18 give it. If you don't want to, that's fine.
 19 She has the right to object and the board can
 20 deal with that later.
 21 But generally speaking, persons who
 22 participate in land use proceedings which are
 23 quasi judicial, that are not legislative in
 24 nature, do give their address.
 25 MR. VEACH: I've been living in Teaneck

1 for 30 years and paying taxes here and I have a
2 ten-minute stroll from this building. I am a
3 Teaneck resident. James Veach, V-E-A-C-H.
4 MR. STEINHAGEN: Can I swear you in,
5 please.

6 JAMES VEACH,
7 called as a witness, having first been
8 duly sworn and/or affirmed, was examined and
9 testified as follows:

10 MR. VEACH: In this hearing, I have
11 introduced as exhibits the two resolutions
12 adopted by the council in connection with 100
13 State Street. Both resolutions refer to a 63-
14 or a 64-unit apartment building. Of course
15 under existing zoning laws, only a 9- or
16 12-unit building can be built on this property.

17 Teaneck has a professional planner. The
18 Preiss firm -- and Elizabeth Leheny is a member
19 of that firm. She's sitting right over here.
20 Teaneck taxpayers pay Preiss and Ms. Leheny to
21 speak for them and advise this board.

22 Ms. Leheny addressed you twice. On both
23 occasions she reminded you of your obligation
24 and duty under existing zoning laws. During
25 her June 20, 2019 testimony, Ms. Leheny

1 questioned the developer's professional
2 planner, Mr. Lydon, who is here today. And she
3 asked Lydon, and I quote, "How do you address
4 the negative criteria -- how do you reconcile
5 this height, this density, these variances or
6 setbacks with the fact that this is in a
7 residential zone that doesn't envision that
8 type of density, that type of height, and the
9 fact that building to that height and density
10 is not recommended in the most recent Teaneck
11 master plans?"

12 Page 54, lines 11 to 25. This is the
13 heart -- this is the essence of this hearing.

14 So what did Lydon say?

15 Well, first, he ignored Leheny's question
16 about existing zoning laws. Instead he
17 testified, quote: The mayor and council have
18 had an opportunity to zone the nearby
19 properties. And they have selected 70 feet as
20 an appropriate number, closed quote.

21 55, lines 2 to 7.

22 Lydon goes on, I quote: The council
23 looked at this property somewhat recently and
24 did make the determination by passing the
25 resolution, that a development in the mid 60s,

1 60 units, is appropriate for the site. So
2 since that was a finding by the mayor and the
3 council, the mayor and the council, I think
4 it's one this board could take judicial notice
5 of. Page 56, lines 1 to 7.

6 What? What?

7 The developer's professional planner says,
8 Hey, don't fight City Hall. Lydon doesn't
9 address the negative criteria or the impact of
10 these buildings. He gives us a sleazy
11 political answer to this question. I submit
12 that his entire testimony is useless and should
13 be disregarded.

14 I submit that if this board just lies down
15 and allows this council to ignore current
16 zoning laws, this board is guilty of a
17 dereliction of duty. And I further submit that
18 if you approve this laundry list of variances,
19 you're condoning political meddling in a zoning
20 process and turning our zoning laws into a
21 joke.

22 Listen to the people who will be most
23 affected by this no-setback car -- monstrosity
24 and vote this application down. Thank you.
25 (Applause.)

1 CHAIRMAN MEYER: Next person, please.
2 Good evening.

3 MS. BLUMBERG: Hello, my name is Barbara
4 Blumberg, B-L-U-M-B-E-R-G. I live right across
5 the street from 100 State Street, at 1474 West
6 Terrace Circle. I literally live right across
7 the street.

8 CHAIRMAN MEYER: The apartment building
9 across the street?

10 MS. BLUMBERG: Terrace Circle, but I can
11 see.

12 CHAIRMAN MEYER: All right. Proceed.

13 MS. BLUMBERG: Yes, ma'am -- sir,
14 whatever, sorry.

15 BARBARA BLUMBERG,
16 called as a witness, having first been
17 duly sworn and/or affirmed, was examined and
18 testified as follows:

19 MS. BLUMBERG: Anyway, so I'm totally
20 freaked out by what's happening in my
21 community. I've been there 30 years. I'm
22 getting older. I'm getting more concerned
23 about parking. There isn't adequate parking.
24 I'm concerned about the congestion. I'm
25 concerned about pedestrians.

1 I've actually been studying the reports
 2 that were prepared. I highlighted them and I
 3 wanted to discuss a couple of things:
 4 One is in the report, the State Street
 5 impact study prepared July 1, 2019, by Phillips
 6 Preiss Grygiel LLC. It says on page 28, a
 7 total of 132 parking spaces are required.
 8 CHAIRMAN MEYER: Slow down. The court
 9 reporter needs to take down every word you say.
 10 So don't go too fast. Even though we can hear
 11 it, she can't take it down.
 12 MS. BLUMBERG: All right.
 13 "A total of 132 parking spaces are
 14 required where 100 parking spaces are proposed
 15 to be provided as part of the development."
 16 I'm very confused by that.
 17 And then another question is:
 18 CHAIRMAN MEYER: Are they providing 125 at
 19 this point?
 20 MS. BLUMBERG: I don't know. I'm just
 21 reading from the report that I have.
 22 CHAIRMAN MEYER: Were you here at the last
 23 meeting?
 24 MS. BLUMBERG: No.
 25 CHAIRMAN MEYER: I think there's a revised

1 CHAIRMAN MEYER: If you want to walk,
 2 maybe.
 3 MS. BLUMBERG: Anyway, so I look forward
 4 to hearing what my neighbors have to say
 5 because it's sad. That's all.
 6 CHAIRMAN MEYER: Wait, Ms. Berger may have
 7 a question for you. You need the mic.
 8 MS. BERGER: My question is: Do you live
 9 in an apartment now?
 10 MS. BLUMBERG: I do.
 11 MS. BERGER: Is it a multi-story or
 12 multi-level apartment building?
 13 MS. BLUMBERG: Three stories.
 14 MS. BERGER: Three-story apartment.
 15 MS. BLUMBERG: That's it.
 16 MS. BERGER: And is there any parking
 17 provided on that site?
 18 MS. BLUMBERG: Only 100 spots for over
 19 200 -- for over 200 apartments.
 20 MS. BERGER: And you don't have a spot?
 21 MS. BLUMBERG: I do not.
 22 MS. BERGER: And if there was public
 23 parking now provided in a neighborhood, would
 24 that be a benefit for you?
 25 MS. BLUMBERG: I use the public parking.

1 plan to provide 125 parking spots at the
 2 applicant's property. And I believe it was
 3 40 -- 44 across the street, that the empty lot,
 4 that's going to be developed to have additional
 5 parking for anyone -- for the public.
 6 MS. BLUMBERG: It's not enough.
 7 When it snows, I cry, because it really is
 8 very little for me to place my car.
 9 So anyway, my point is, is that I don't
 10 believe that these kind of monstrosity
 11 buildings are appropriate for this particular
 12 area. We have the new building which is right
 13 across the street. What address is that? 1475
 14 Palisade Avenue. Obviously was surprised that
 15 was going up and now that's up, the one on
 16 Teaneck Road is going up.
 17 I'm not really sure why this is so
 18 necessary. And, again, I agree with the whole
 19 master plan concept. The whole point of having
 20 a master plan is to keep the character of the
 21 town and that's why I love it here. But if
 22 you're going to allow for all this excess
 23 people and buildings, it's just going to change
 24 everything. And can I park in your driveway by
 25 the way? Just asking...

1 I still -- a lot of times I don't have a spot.
 2 MS. BERGER: So if was there additional
 3 public parking --
 4 MS. BLUMBERG: There would have to be "a
 5 lot."
 6 MS. BERGER: And if a lot was going to be
 7 available within 200 feet of your property,
 8 would that help you out?
 9 MS. BLUMBERG: I said "a lot," not "a"
 10 lot.
 11 MS. BERGER: So 44 parking spots would not
 12 help you?
 13 MS. BLUMBERG: No.
 14 MS. BERGER: So how many would help you?
 15 More than 44 cars?
 16 MS. BLUMBERG: Think about it this way.
 17 My complex has over 200 units. Some of those
 18 apartments have two cars. We have 100 parking
 19 spots. The math.
 20 MS. BERGER: And you chose to live there,
 21 correct?
 22 MS. BLUMBERG: For the last 25 years.
 23 MS. BERGER: And you've --
 24 MS. BLUMBERG: Never had a problem before
 25 until the last number of years.

1 CHAIRMAN MEYER: Ms. Burger, we get the
2 point.
3 MS. BERGER: I'm asking the questions. My
4 question is to you.
5 MS. BLUMBERG: It's all right. Don't
6 worry.
7 MS. BERGER: You stated before that you
8 have difficulty finding parking. If additional
9 parking is provided in excess of what this
10 applicant needs to meet the code requirement,
11 would that help you?
12 MS. BLUMBERG: Yes, it would to a point.
13 The other point is that the building is
14 much bigger than the surrounding area of what
15 is needed and what the Master Plan calls for.
16 MS. BERGER: And what does the Master Plan
17 call for? It calls for an expansion of parking
18 to meet the needs of the community, an
19 expansion of apartments to meet the need of the
20 community.
21 MS. BLUMBERG: Okay. But the apartment
22 complex that was just built isn't full yet.
23 MS. BERGER: Were you here when the
24 testimony was given by Mr. Lydon that there's
25 about 1 percent or less vacancy of apartments

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1 of it permanently resemble Fort Lee, even
2 Manhattan, and putting other districts in
3 jeopardy, including my own.
4 For example, the existing zoning for 100
5 State Street is 35 feet. The request for an
6 87-foot height variance is 2.5 times the
7 existing zoning. That's drastic.
8 I often do business around State Street.
9 I agree with local residents who state that
10 because of the intensity of existing traffic,
11 forget about hundreds of additional cars, the
12 traffic study from the town states that
13 65 percent of commuters drive, it takes them
14 three to five minutes of waiting to merge onto
15 Teaneck Road at rush hour. That will get a lot
16 worse.
17 The building at 100 State Street and 189
18 The Plaza, et cetera, do not at all consider
19 the conclusions of the 2007 or '17 Master Plan,
20 which did not sanction such development. Why
21 not? Evidently, the primary consideration is
22 to cram as many units possible into the space
23 available, totally disregarding the existing
24 streetscape and aesthetics of surrounding
25 buildings, not to mention the quality of life

1 in Teaneck?
2 MS. BLUMBERG: I'm not sure what testimony
3 you're referring to, but I understand your
4 question.
5 CHAIRMAN MEYER: Okay.
6 MS. BERGER: Thank you.
7 MS. BLUMBERG: Are you done?
8 CHAIRMAN MEYER: Thank you very much.
9 MS. BLUMBERG: Okay.
10 CHAIRMAN MEYER: Next person, please.
11 MS. RESSLER: My name is Dena Ressler.
12 D-E-N-A, R-E-S-S-L-E-R. I live at 86 Van Buren
13 Avenue.
14 MR. STEINHAGEN: Can I swear you in?
15 MS. RESSLER: I can affirm; I can't swear.
16 D E N A R E S S L E R,
17 called as a witness, having first been
18 duly sworn and/or affirmed, was examined and
19 testified as follows:
20 MS. RESSLER: I live south of Cedar, but
21 the effects of 100 State Street and other
22 developments, if built as proposed, will
23 greatly affect my neighbors and myself setting
24 a significant precedent, sanctioning the
25 intense urbanization of our town, making parts

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1 of residents who live in the area.
2 189 The Plaza is especially egregious in
3 this respect. Perhaps in the large open space,
4 Votee Park comes to mind. With this
5 asymmetrical building looming over The Plaza is
6 okay, but it's not in the space where it's
7 supposed to be.
8 New Jersey Transit says it cannot increase
9 bus service. The 50 additional riders per hour
10 projected by the town commission traffic study
11 will mean that I will never, ever get a seat on
12 my daily 167 bus commute into the City. And
13 it's pretty challenging now.
14 The impact study stated that there would
15 be no -- quote, no adverse environmental
16 impacts, unquote. But what about the increased
17 air and noise pollution from cars, air
18 conditioners, generators, delivery trucks and
19 contractors, increased traffic accidents,
20 decreased pedestrian safety, cited by the
21 police department, wear and tear on our roads
22 cited by the Department of Public Works,
23 increased rents in existing apartment buildings
24 and decreased affordability of Teaneck,
25 insufficient staffing of police, and increased

1 emergency calls also cited by the police?
 2 Lastly, it seems to me that the biggest
 3 winners are the developers, who don't live
 4 here. Seems to me that many people of color,
 5 many live in the neighborhood surrounding these
 6 100 State Street and 189 The Plaza and other
 7 developments, are being shortchanged by the
 8 effects of these developments.
 9 The tax benefits to Teaneck are also
 10 unclear due to the costs of the supposed need
 11 on more road repairs and additional police.
 12 And it's questionable about the full occupancy
 13 rates. And it's -- to me, it's not worth it
 14 even though I'm about to retire and Teaneck
 15 taxes are very high.
 16 I strongly urge the board of adjustment to
 17 take a step back and listen to the citizens of
 18 Teaneck to not grant unreasonable variances in
 19 height, density, parking. Please figure out,
 20 in accordance with the Master Plan, ways to
 21 keep Teaneck suburban, and enhance, not
 22 degrade, the quality of life in our wonderfully
 23 diverse town. Consider our needs and the
 24 suburban character of Teaneck, not the
 25 pocketbooks of the developers.

1 And it's my town and I care about my town, but
 2 what's what I meant.
 3 MR. REHMAN: Do you think that what is --
 4 what is beneficial to a developer and to a town
 5 are necessarily mutually exclusive?
 6 What I mean is, is it possible that just
 7 because a project makes a developer money, that
 8 it could still be good for the town?
 9 MS. RESSLER: No, I don't object to
 10 development. What I'm objecting to is that
 11 there isn't a consistence in consulting the
 12 Master Plan. I also feel like, as I mentioned,
 13 the character of having such high density
 14 height-wise and setback-wise and footprint-wise
 15 and aesthetically, as well, is out of
 16 character. And it's permanently going to
 17 change the town and set a dangerous precedent
 18 for other areas, like Cedar Lane and like south
 19 of Cedar, kind of -- but I'm forgetting the
 20 name of the street on the border of Bogota.
 21 So no, you can still have apartments, but
 22 they can be like Terrace Circle, three stories
 23 high. I'm not against it.
 24 MR. REHMAN: One last question, because
 25 you mentioned the 167 bus and I know a few

1 CHAIRMAN MEYER: Thank you very much.
 2 (Applause.)
 3 MR. REHMAN: I have a request for her.
 4 MR. STEINHAGEN: Ma'am?
 5 MR. REHMAN: Thank you for that, ma'am.
 6 You mentioned that people of color are
 7 being shortchanged.
 8 Can you please elaborate on that?
 9 MS. RESSLER: Because the single-family
 10 housing that exists just outside, like on West
 11 Englewood Avenue, and I don't know the names of
 12 all of the streets, but to me -- and certainly
 13 the northwest section of Teaneck -- and in the
 14 meeting that was held on September 25, there
 15 were a lot of people who were residents of
 16 streets adjacent to Teaneck Road around The
 17 Plaza, and they were really, really frustrated
 18 about how long it took them to get onto Teaneck
 19 Road. I know that because my car mechanic
 20 anymore is on Teaneck Road, right at the end of
 21 The Plaza, and it takes me a lot of time. It
 22 doesn't even matter if it's rush hour or not.
 23 So a lot of people of color live there and
 24 they're going to have to observe all of the
 25 effects of that. I am too. I'm downstream.

1 people have mentioned that.
 2 And I happen to take that bus to Manhattan
 3 every day and I often can't find a seat. But I
 4 mean, just because New Jersey Transit right now
 5 is saying that they can't expand it, I mean, as
 6 a policy matter, do you think that a town
 7 should just stop letting people into a town if
 8 the existing bus structure system is not
 9 sufficient?
 10 MS. RESSLER: It's not the only
 11 consideration.
 12 MR. REHMAN: Okay. Thank you.
 13 CHAIRMAN MEYER: Next person, please.
 14 MS. DECARLO-BURNS: My name is Linda
 15 Decarlo-Burns. D-E-C-A-R-L-O-B-U-R-N-S.
 16 I live at Bogart Street in Teaneck. It's
 17 four blocks from State Street.
 18 L I N D A D E C A R L O - B U R N S,
 19 called as a witness, having first been
 20 duly sworn and/or affirmed, was examined and
 21 testified as follows:
 22 MS. DECARLO-BURNS: So we've been hearing
 23 a lot about the Master Plan, and the reason why
 24 we're so obsessed with it is because it's what
 25 we have. And that's the rule that we are all

1 the supposed to be adhering to right now.
 2 And as much as you may think that the
 3 Master Plan is due for modernization or
 4 revision, variances are not the way of the
 5 proper process to do that.
 6 And, in fact, I downloaded a flowchart
 7 from the New Jersey Planning Official Study
 8 Guide from 2017 and it's basically a decision
 9 tree that talks about when or not to exceed a
 10 density requirement. And at the very bottom,
 11 it says, Does granting of the variance
 12 substantially impair the zoning ordinance?
 13 If the answer is "yes," a variance cannot
 14 be approved.
 15 Does the granting of the variance
 16 substantially impair the zone plan or the
 17 Master Plan? If the answer is "yes," the
 18 variance cannot be approved.
 19 And it seems to me that with some of the
 20 other variances that have been granted for the
 21 other buildings, we haven't really been
 22 following the flowchart from the New Jersey
 23 Planning Official Study Guide. Thank you.
 24 CHAIRMAN MEYER: Thank you. Thank you
 25 very much.

1 And the variances that everyone is looking
 2 for, not just for 100 State Street. I've been
 3 here for another meeting, too, with a building
 4 they're talking about 15 stories or something.
 5 It's crazy. And the place on Palisade is kind
 6 of -- I think that's, like, seven or eight
 7 stories.
 8 So people are developing and they're
 9 citing other developments and saying, look, you
 10 did that, I want this. And it's just getting
 11 higher. It's getting more -- it's going to be
 12 crowded.
 13 Now, obviously, there's parking concerns,
 14 which I don't have that concern. I'm a
 15 homeowner, but I do walk my dog all over the
 16 neighborhood and I see just how things are
 17 going. I see that people do have a hard time
 18 parking.
 19 As a matter of fact, there are times when
 20 I would go to Chase Bank and I can't find a
 21 parking spot there now. The buildings, they
 22 all sound nice and, you know, it's beautiful,
 23 but I'm wondering why don't people build it
 24 just according to what the plan is? If it's
 25 four stories, why not four stories? If you're

1 (Applause.)
 2 MR. SIMPSON: Good evening. My name is
 3 Paul Simpson. I live on Gramercy Place in
 4 Teaneck, New Jersey, not too far from where all
 5 the development is going on.
 6 MR. STEINHAGEN: Affirm.
 7 PAUL SIMPSON,
 8 called as a witness, having first been
 9 duly sworn and/or affirmed, was examined and
 10 testified as follows:
 11 MR. SIMPSON: S-I-M-P-S-O-N.
 12 For one, this is kind of nerve-racking for
 13 me, so you have to excuse me. I usually don't
 14 come to meetings like this. Usually I'm busy.
 15 A lot of people in my neighborhood are busy,
 16 too. That's why they're not here, but I know a
 17 lot of people who are concerned. That's why
 18 I'm speaking.
 19 I've come to a few meetings about State
 20 Street and I've also been living in my
 21 neighborhood and seeing the development and
 22 it's been alarming to me. You know, I see that
 23 there's been talk about a Master Plan. I
 24 didn't even know about the Master Plan before
 25 this. And I'm learning a lot.

1 looking for a variance, how come nobody goes,
 2 like, maybe five stories? We go -- we're
 3 talking about two-thirds higher than what the
 4 plan was before? I'm not sure.
 5 Anyway, just to conclude, I'm feeling
 6 uncomfortable living in my own neighborhood now
 7 because it doesn't look like Teaneck to me
 8 anymore. It's looking like some other
 9 neighborhood that I don't want to live in
 10 anymore. I didn't move here for that. And
 11 there was a plan. It's a good plan. Why
 12 aren't we using it? That's all.
 13 CHAIRMAN MEYER: Thank you very much.
 14 (Applause.)
 15 MS. ELIYAHU: Debbie Eliyahu,
 16 E-L-I-Y-A-H-U.
 17 CHAIRMAN MEYER: How are you tonight?
 18 MS. ELIYAHU: I'm well, thank you.
 19 MR. STEINHAGEN: Address?
 20 MS. ELIYAHU: Between Cedar Lane and --
 21 MR. STEINHAGEN: Good evening.
 22 DEBBIE ELIYAHU,
 23 called as a witness, having first been
 24 duly sworn and/or affirmed, was examined and
 25 testified as follows:

1 MS. ELIYAHU: Good evening, Mr. Chairman
2 and members of the board.

3 This evening, I will put on the record my
4 correspondence with New Jersey Transit
5 officials, as I was not permitted to enter it
6 into evidence.

7 Regardless of my own personal feelings on
8 any particular proposed development, this
9 correspondence should shed light on the
10 contradictory transportation statements that I
11 had heard while attending the hearings of this
12 board.

13 I have taken an oath that all
14 correspondence that I quote is accurate, as
15 received.

16 CHAIRMAN MEYER: Can you slow down.

17 MS. ELIYAHU: I contacted Mr. Paul Wyckoff
18 at New Jersey Transit.

19 CHAIRMAN MEYER: We have a court reporter
20 and she has to take down everything that you
21 say.

22 MS. ELIYAHU: I contacted Mr. Paul Wyckoff
23 at New Jersey Transit and requested New Jersey
24 Transit's official position on this issue.

25 He replied, quote: "Ms. Eliyahu, first I

1 apologize for any delay. Thanks for reaching
2 out regarding bus service in and around your
3 community. As we stressed at our meeting in
4 Teaneck earlier this summer, NJ Transit is
5 highly constrained in our ability to provide
6 additional bus service not only in your area
7 but across our entire statewide service
8 territory.

9 "As NJ Transit's vice president of bus
10 pointed out, we already are operating as many
11 buses as our fleet and our staff of operators
12 allows. There simply are no more buses to put
13 on the road. In addition, the Port Authority
14 Bus Terminal in Manhattan is operating far
15 beyond capacity and there is no room to expand
16 there.

17 "I hope this provides the information you
18 needed.

19 "Best, Paul Wyckoff -- Paul Wyckoff, Chief
20 of Government and External Affairs, NJ Transit,
21 Office of the President and CEO," end quote.

22 MR. STEINHAGEN: Do you have a copy of
23 that letter for the board?

24 MS. ELIYAHU: No, but I'd be happy to send
25 one. I also have the letter that I wrote,

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1 which has page and --

2 MR. STEINHAGEN: The only reason I ask,
3 when there's documentary evidence discussed
4 with the board, we need to mark it. You
5 probably need to get a copy to Ms. Berger, as
6 well.

7 MS. ELIYAHU: I was told I couldn't enter
8 it into evidence.

9 MR. STEINHAGEN: My recollection from the
10 last meeting was that it wasn't appropriate to
11 question Mr. Lydon about a letter that he'd
12 never seen before. Now is the time. That's
13 also true.

14 MS. BERGER: Right. I will object to it
15 unless we see the letter and enter a letter
16 that we haven't seen.

17 MS. ELIYAHU: I can ask somebody, ask them
18 to print it and bring it.

19 CHAIRMAN MEYER: Another issue. The
20 burden as to -- a letter that you bring in
21 where the applicant has no opportunity to
22 cross-examine, you know, the statements, this
23 and that.

24 MS. ELIYAHU: Well, I've taken an oath
25 and --

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1 CHAIRMAN MEYER: Of course you have taken
2 an oath and we believe you. That's not the
3 point. But there's certain ground rules that,
4 you know, the evidence is played by. And
5 that's one of them. But, nevertheless, I think
6 you testified to what the letter said.

7 MS. ELIYAHU: This is from Paul Wyckoff
8 and I spoke in person with Mr. Mike Kilcoyne,
9 who is the vice president and manager of bus
10 services.

11 CHAIRMAN MEYER: I'm sure you did.

12 MS. ELIYAHU: I did. And he -- and the
13 email --

14 MS. BERGER: I'm going to object because
15 she's reiterating what someone said who's not
16 here for me to cross-examine them.

17 MR. STEINHAGEN: Can I? Generally, the
18 board is not bound by traditional hearsay
19 rules, so that means there's allowed to be
20 discussion of things outside the record.

21 The problem is that Ms. Berger has a right
22 to ask questions about it and to the extent
23 that you're offering this as a fact -- that
24 this is what New Jersey Transit's position is,
25 Ms. Berger would have the right to ask the

1 question of the person who's saying it to
 2 confirm the accuracy. Or if there's any other
 3 details that aren't included in the letter that
 4 might be favorable or unfavorable to her, she
 5 has the right to ask the question.
 6 MS. ELIYAHU: Fine. I am, however,
 7 submitting it as an email that I received. I
 8 received an email. I made a phone call. I was
 9 sent to somebody, I received an email. This is
 10 an email that I received.
 11 MR. STEINHAGEN: I understand.
 12 MS. BERGER: I'm going to object.
 13 MS. ELIYAHU: I will ask somebody at my
 14 house to print the entire correspondence and
 15 bring it down.
 16 MR. STEINHAGEN: The issue isn't -- there
 17 is the issue of the number of copies to give
 18 Ms. Berger at least an opportunity to look at
 19 it, but she has raised an objection.
 20 The objection -- I didn't want to say it,
 21 but if the --
 22 MS. BERGER: The objection is one that I
 23 don't -- can't look at it; but two, the person
 24 who supposedly wrote the letter isn't here for
 25 me to question that person who wrote it.

1 your help regarding two applications that are
 2 being made to build large multi-family
 3 buildings on State Street in Teaneck."
 4 And I go on to describe the buildings.
 5 "On Thursday, June 20, the Teaneck Board
 6 of Adjustment held a hearing in which the
 7 planner for the developer, Mr. Steven M. Lydon,
 8 testified and answered questions from the
 9 public. Two of his statements are particularly
 10 pertinent to NJ Transit.
 11 On page 27, Line 7 of the official
 12 transcript, Mr. Lydon stated, quote, "And I
 13 don't think -- I think it's wise not to
 14 overlook the introduction of new housing units
 15 close to businesses, which I can support those
 16 businesses, as I mentioned earlier, and also
 17 public transit. There are literally bus stops
 18 on State Street right in front of this
 19 development. There are additional bus stops on
 20 Teaneck Road, which do provide express Turnpike
 21 services to New York City during rush hour.
 22 "So as we try to move commuters out of
 23 cars and off the carbon cycle, we need to
 24 provide reasonable alternatives for them to
 25 commute to work. And having a bus right at the

1 MR. STEINHAGEN: So that's an *Exxon versus*
 2 *Bernardsville* objection.
 3 MS. BERGER: Correct.
 4 MR. REHMAN: Question. My question is:
 5 Did you ask Mr. Wyckoff whether those
 6 statements were specific to the 2019 budget for
 7 New Jersey Transit or did you ask him whether
 8 his limitations or the limitations of New
 9 Jersey Transit would continue in the future?
 10 MS. ELIYAHU: Well, as he said, the Port
 11 Authority Bus Terminal is operating --
 12 MR. STEINHAGEN: Ma'am, can we --
 13 MS. ELIYAHU: I can tell you what I asked.
 14 MR. STEINHAGEN: And maybe it would be
 15 better to say, "It's my understanding that" as
 16 opposed to saying "he told me."
 17 MS. ELIYAHU: Okay. I read -- what is my
 18 understanding that is in this email and I can
 19 tell you what I wrote, typed with my own little
 20 fingers, and sent out to Mr. Wyckoff. I have
 21 it right here on my phone.
 22 Since I was told I would be able to enter
 23 it in my statement, that's why I did it this
 24 way.
 25 "Dear Mr. Wyckoff: I'm writing to ask for

1 doorstep literately achieves that purpose."
 2 Later a Teaneck resident, Ms. Burns, asked
 3 a question on page 80, line 15, of the
 4 transcript.
 5 "Mr. Lydon, you mentioned the proximity of
 6 public transportation, and I was wondering if
 7 you were aware of the ability for the public
 8 transportation in the area to absorb any
 9 additional people, commuters to New York City?"
 10 The witness, Mr. Lydon: "It can. It can
 11 do that because New Jersey Transit has the
 12 ability to adjust routes or adjust locations of
 13 bus stations and that is part of their reason
 14 for existence and they do that on a regular
 15 basis. Mostly consultation with the New
 16 Jersey -- North Jersey Transportation Planning
 17 Association.
 18 "MS. BURNS: Were you aware that Senator
 19 Weinberg had a New Jersey Transit Bus Board
 20 here in Teaneck (indiscernible).
 21 "THE WITNESS: No, I missed that."
 22 MR. REHMAN: Sorry, I didn't mean for you
 23 to repeat all of that. All I wanted to know
 24 was whether you know whether the limitations
 25 are permanent in nature? And it's fine -- and

1 I'm assuming you don't know and I think that's
2 fine. I just wasn't sure if that was discussed
3 in your discussion with Mr. Wyckoff. But I
4 didn't mean for you to have to reread the
5 transcript.

6 MS. ELIYAHU: Well, I don't have it in
7 writing, but I did discuss it with
8 Mr. Kilcoyne. And what he told me -- told me
9 is that until there is a solution for the Port
10 Authority Bus Terminal. And as Mr. Wyckoff
11 said, the Port Authority Bus Terminal in
12 Manhattan is operating far beyond capacity.
13 I'm sorry. What is my understanding that it
14 says here is that the Port Authority Bus
15 Terminal in Manhattan is operating beyond
16 capacity.

17 MR. STEINHAGEN: Ma'am, do you have any
18 knowledge that it's at capacity?

19 MS. ELIYAHU: Yes.

20 MR. STEINHAGEN: I'm trying to help you
21 get the information that you want. I think the
22 board wants to hear it. We have to be able to
23 do it in a way that's fair to the applicant and
24 in a way that's fair to you.

25 Do you have any independent knowledge

55

1 necessity of a single variance does not imply
2 that it is acceptable to disregard all zoning
3 laws entirely.

4 "Third and most importantly, we should not
5 permit development without either existing
6 infrastructure to support it or the possibility
7 of creating that infrastructure in accordance
8 with the Master Plan as would be the case with
9 the proposed developments on State Street.
10 It's time to look for a different solution to
11 perceived housing needs.

12 "As we've established, since there can be
13 no additional buses for some quite some time,
14 new residents will have no choice but to drive,
15 burdening this area with hundreds, if not
16 thousands, between the various buildings, of
17 additional polluting vehicles in an already
18 crowded area. After all, Mr. Lydon himself
19 said that fewer than 1 percent of the cars on
20 the road are currently electric.

21 "The construction of the proposed
22 oversized building would place additional
23 stress on an already-overstressed transit
24 system. Until these concerns are fully
25 addressed, such a development would be both

1 about the expansion plans for the Port
2 Authority?

3 MS. ELIYAHU: Well, as many of us possibly
4 have heard on news reports, they're trying to
5 build a new one because it is far exceeding
6 capacity. As Mr. Kilcoyne said to me when I
7 told him my husband was commuting --

8 MR. STEINHAGEN: Can we leave it? I think
9 that's the point we needed.

10 MS. ELIYAHU: Can I move on to the rest of
11 my statement?

12 MR. STEINHAGEN: Yes.

13 MS. ELIYAHU: Okay. "We as a township
14 should be very judicious about where we decide
15 to permit further development. First and
16 foremost, it should adhere to the master plan
17 which set up the character that the authors of
18 the plan have envisioned for Teaneck. With
19 such massive exceptions that are made to the
20 plan time after time, especially in such a
21 small area, it changes the character of the
22 town, as planner Preiss noted in his recent
23 study.

24 "Second, if a variance is required, it
25 should be in moderation. And certainly, the

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1 misguided and unwise."

2 MR. ROSEN: A few questions: First of
3 all, thank you for your research -- thank you
4 for your research and the effort you put into
5 this.

6 Are you familiar with bus traffic on Route
7 4?

8 MS. ELIYAHU: Yes, I am.

9 MR. ROSEN: Are you aware there's not only
10 New Jersey Transit riders, but there's smaller
11 private -- small van services?

12 MS. ELIYAHU: Yes.

13 MR. ROSEN: Are you familiar with other
14 bus services that may be similar in some of the
15 other towns?

16 MS. ELIYAHU: Yes.

17 MR. ROSEN: It's likely, it's possible,
18 that if the market for extra mass transit was
19 such that New Jersey Transit couldn't fulfill
20 that market, that private entrepreneurs could
21 step up and provide extra private bus service.

22 Is that a possibility? Do you see that
23 happening?

24 MS. ELIYAHU: Yes, but there are certain
25 limitations to that, as well. Because when it

1 gets to the Port Authority, that is saturated.
 2 When I spoke with Mr. Kilcoyne, what he said to
 3 me, he was talking about The Port Authority and
 4 I said, Well, I know, because my husband is
 5 currently coming home through The Port
 6 Authority. He said he's having a miserable --
 7 he's having a very bad evening, a terrible
 8 evening. He said make him a very good dinner,
 9 and I said well, I can't cook anymore. He
 10 said, Well I'm really having a terrible
 11 evening.

12 MR. ROSEN: I guess my question is:
 13 American capitalism being what it is, there's
 14 always a market for supply and demand. And if
 15 Teaneck ever got to the point where mass
 16 transit was full at capacity, do you think it's
 17 possible that private entrepreneurs could come
 18 in and provide or supplement what New Jersey
 19 Transit couldn't provide, do you see that as a
 20 possibility?

21 MS. ELIYAHU: It is possible, however, I
 22 keep hearing how the buses go by and don't pick
 23 up people. And I, myself, have -- when I was
 24 still commuting to the City, and this is 20
 25 years ago, stood many times even when I was

1 Route 4 and not every bus goes to Route 4.

2 MR. ROSEN: I'm only using Route 4 as an
 3 example where private a bus company has stepped
 4 in for a number of years now to handle the
 5 demand for public transit that New Jersey
 6 Transit isn't supplying. That was my point.

7 CHAIRMAN MEYER: Ma'am, The Port
 8 Authority -- Ms. Eliyah -- I'm sorry.

9 MS. ELIYAHU: No, that's okay.

10 CHAIRMAN MEYER: I didn't remember your
 11 name.

12 The Port Authority that was referred in
 13 the letter, do you know whether that Port
 14 Authority terminal referred to the 42nd Street
 15 or 40th Street terminal or up in Washington
 16 Heights, 180th?

17 MS. ELIYAHU: They're talking about
 18 rebuilding the 42nd Street. I think they
 19 already did it, is my knowledge. My
 20 understanding is that they're talking about the
 21 40th to 42nd Street terminal.

22 CHAIRMAN MEYER: Okay. The other one,
 23 that's not what's referred in the letter?

24 MS. ELIYAHU: No.

25 CHAIRMAN MEYER: Thank you.

1 pregnant on the way to Manhattan and on the way
 2 home.

3 MR. ROSEN: It's not necessarily a problem
 4 on Route 4. On Route 4 is a competitive bus
 5 line.

6 MS. ELIYAHU: That was on Route 4.

7 MR. ROSEN: Providing competitive service
 8 and that seems to be doing the job.

9 So is it possible -- and I know that
 10 there's other lines on Teaneck in the past.
 11 So --

12 MS. ELIYAHU: But if you're not on Route 4
 13 as this development isn't --

14 CHAIRMAN MEYER: Excuse me. In the
 15 audience, people are talking. It's hard for us
 16 enough to hear what's going on at the podium.
 17 Please keep your conversations to -- please
 18 refrain from a conversation.

19 MR. ROSEN: The point I'm trying to drive
 20 at is because a condition is maxed out today
 21 doesn't mean that the problem couldn't be
 22 solved if the market demanded it tomorrow.

23 MS. ELIYAHU: I understand that and I can
 24 see that point. However, the problem with the
 25 overcrowded buses, not every bus goes along

1 MS. BERGER: For the proposed building at
 2 100 State Street, how many residents are going
 3 to be commuting daily to The Port Authority and
 4 42nd Street?

5 MS. ELIYAHU: I have no idea. However --

6 MS. BERGER: So if you have no idea, why
 7 do you say that it's going to affect the bus
 8 capacity?

9 MS. ELIYAHU: Well, one of the things that
 10 Mr. Lydon -- one of things that Mr. Lydon
 11 stressed was the fact that these buses would be
 12 taking people off the carbon cycle and onto
 13 commuter buses, and that there would not be an
 14 issue because additional buses and bus routes
 15 would be able to put into place. So this is
 16 showing that, first of all, that that's not
 17 exactly true.

18 And the second thing is that -- that it is
 19 from personal knowledge and from speaking with
 20 many other residents, that even the 125 spots
 21 for the one -- the 68 apartments may not cover
 22 all of them. Many families, many residents
 23 have more than one and two cars. My family
 24 itself had three cars and three motorcycles.
 25 So that wouldn't cut it and that just means

1 that more -- more end up being than there are
2 spots for. And some of those will be used for
3 commuting.

4 MS. BERGER: So my question is: You have
5 no idea how many people in this building will
6 commute to New York by bus?

7 MS. ELIYAHU: Do you? Does Mr. Lydon?

8 CHAIRMAN MEYER: Excuse me. One second.
9 One second. One at a time. The court reporter
10 sitting over there has -- one second -- has
11 only two hands. And she can only take down one
12 person at a time. Please wait. Hold it.

13 MS. ELIYAHU: Tell me when.

14 CHAIRMAN MEYER: Calm down two seconds and
15 the court reporter can take down every word you
16 say, and the same thing goes for Ms. Berger.
17 Ms. Berger is not going to interrupt you and
18 you're not going to interrupt her, so the
19 record will be very nice and neat, okay?

20 Ms. Eliyahu, it's fair at this point since
21 you gave your statement and Ms. Berger didn't
22 interrupt you, she's going to ask you
23 questions. Try to answer them so they're in a
24 response to the question.

25 MS. ELIYAHU: Ms. Berger asked me if I

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1 whatever you want.

2 Try to be specific to the question. The
3 question was: Do you know how many people from
4 the proposed building that are going to commute
5 to the City.

6 And you answer -- your answer was -- you
7 answered that you did not know. End of answer.
8 Next question.

9 MS. ELIYAHU: I'd like to rephrase my
10 answer.

11 CHAIRMAN MEYER: The answer stands. Next
12 question, Ms. Berger.

13 MS. BERGER: I have no further questions.

14 CHAIRMAN MEYER: Thank you very much.

15 MR. REHMAN: And honestly, the only reason
16 I'm asking these is -- the reason I'm asking
17 these is -- I actually really value your
18 statement and I want to make sure I get it all
19 right.

20 I think what you said that because more
21 people will be using -- sorry -- because the
22 buses are at capacity and people will have to
23 stand on the buses and whatnot, it means more
24 people will drive.

25 Is there an actual -- what's your basis

1 know how many people in the building would be
2 commuting to Manhattan, and I do not know. But
3 I am asking --

4 MS. BERGER: That's the question.

5 MS. ELIYAHU: Wait. Could you let me
6 finish my question?

7 CHAIRMAN MEYER: Hold it.

8 MS. ELIYAHU: I'm making a statement.

9 CHAIRMAN MEYER: Hold it, hold it. At the
10 moment, it's questions.

11 MS. BERGER: No, it's questions.

12 CHAIRMAN MEYER: Hello, I'm speaking.

13 MS. ELIYAHU: I didn't finish my answer.

14 CHAIRMAN MEYER: Here is the process where
15 it goes now. Otherwise, we're going to be all
16 night arguing at once. You make your
17 statement, which you did.

18 MS. ELIYAHU: I didn't finish my answer to
19 the question.

20 CHAIRMAN MEYER: That's a fair objection,
21 too. Once you finish your statement,
22 Ms. Berger, anyone else up here has a right and
23 opportunity to ask you questions. But if
24 Ms. Berger asks a question that maybe is not
25 specific enough, then you are open to answer

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1 for that? Because I, for instance, have to
2 stand on the 167. That doesn't mean I'm going
3 to get in a car and drive into Manhattan.

4 So I just want to make sure that -- I want
5 to understand what the basis for that
6 conclusion is?

7 MS. ELIYAHU: It was my personal opinion
8 that if people can't get on a bus and buses go
9 by and don't stop, which is what I've been
10 hearing happens on Teaneck Road, and buses
11 cannot be added, that eventually people are
12 going to have to find another solution to get
13 to work because they just can't keep coming
14 late to work. And so they're going to find
15 another way to get there.

16 MR. REHMAN: Okay. And you think that
17 they would probably get a car and drive through
18 the Lincoln Tunnel or the George Washington
19 Bridge?

20 MS. ELIYAHU: Given no choice.

21 MR. REHMAN: Thank you.

22 CHAIRMAN MEYER: Thank you very much.
23 Next person.

24 MR. BREVETTI: Vincent Brevetti,
25 B-R-E-V-E-T-T-I, 148 Church Street, about a

1 ten-minute walk from State Street.
2 VINCENT BREVETTI,
3 called as a witness, having first been
4 duly sworn and/or affirmed, was examined and
5 testified as follows:
6 MR. BREVETTI: I think one of the most
7 significant problems that would be caused by
8 voting in favor of the 100 State Street
9 proposal is that by adding 68 units, more than
10 seven times the nine units permitted by
11 Teaneck, a quite reasonable zoning ordinance,
12 you'd compound the increased density already
13 approved and being built by the combined 600
14 additional units at 1500 Teaneck Road, 1475
15 Palisade Avenue, and the Avalon Bay complex,
16 which is less than a half mile down Windsor
17 Road. And I know a lot of the reports don't
18 include the Windsor -- Avalon Bay, but that's
19 250 units or so, which add to the congestion in
20 the area and should be taken into account.
21 This means more traffic, more safety
22 issues, more pollution, overcrowded commuter
23 buses, a worsening of our quality of life.
24 This means asking the northeast, already the
25 most densely populated part of Teaneck, to

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1 the traffic study from Dynamic Traffic that was
2 submitted on June 13, 2007 and revised
3 February 5, 2019. Had I been able to attend
4 that meeting and asked questions of the expert,
5 I would have asked why they use the New Jersey
6 DOT annual background growth rate table for a
7 five-year projection when the advisory document
8 is clearly noted for use in short term, one to
9 three years, background growth only.
10 My second question would have been why the
11 initial afternoon traffic count, the one that
12 the expert -- I was able to view the video of
13 that. The one that the expert said was the one
14 that was being relied upon, was conducted on a
15 day when two of the three high schools
16 dismissed early, thereby providing an
17 undercounting of normal traffic conditions
18 during the evening?
19 I also would have asked when the updated
20 morning traffic study was actually conducted?
21 Because January 22nd, 2019 was a Tuesday, not
22 Thursday. As listed.
23 My next question would have been regarding
24 the use of the high-capacity manual, 2010 for
25 future capacity analysis and why the fifth

1 become even more densely populated.
2 If you vote in favor of this proposal, you
3 would be supplanting the Master Plan's call for
4 development that, quote, contributes to a
5 suburban feel, unquote, with urbanization.
6 You'd be violating the Master Plan's call for
7 the low -- quote, low-density residential
8 neighborhoods.
9 The Master Plan is the product of a
10 town-wide participatory process. I ask that
11 you act in a way that's not antidemocratic,
12 reject the proposal.
13 CHAIRMAN MEYER: Thank you very much.
14 Anyone have any questions of this? No.
15 Thank you, sir.
16 (Applause.)
17 MS. EDWARDS: Therise Edwards,
18 T-H-E-R-I-S-E, E-D-W-A-R-D-S. Voorhees Street,
19 Teaneck.
20 T H E R I S E E D W A R D S,
21 called as a witness, having first been
22 duly sworn and/or affirmed, was examined and
23 testified as follows:
24 MS. EDWARDS: I was not able to attend the
25 first hearing for this project, the one where

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1 edition was used instead of the more current
2 sixth edition that was available in July of
3 2016?
4 These are serious questions that I would
5 have liked to have been able to pose and have
6 addressed, but, unfortunately, there's no
7 mechanism for residents to recall a witness
8 once it's closed. So those are left hanging
9 out there.
10 Having the opportunity to attend the other
11 meetings and question other witnesses, it is
12 the testimony of the planner, Mr. Lydon, and
13 the impacts on the public school that I turn my
14 attention to now.
15 The numbers referenced by Mr. Lydon from
16 the New Jersey DO -- Department of Education
17 website, were valid at the time that he pulled
18 them. I'm not saying that he didn't make an
19 honest effort to obtain correct data. But
20 anyone who attended or watched last night's
21 Teaneck Board of Education meeting learned that
22 despite plans to bring the Eugene Field
23 building back on-line as a school, they will
24 still be short 20 seats for preschool students
25 for the upcoming year.

1 So there are still -- they have moved
 2 their district employees out of that building
 3 and they are putting that back in line. But
 4 because of increasing enrollment with the
 5 preschool because of the grant that was
 6 received from the state, they're still looking
 7 for space. And not to mention that with Avalon
 8 Bay being on-line and 1500 coming on soon, the
 9 district is absorbing those students.

10 But more to the point, there are two
 11 schools in town that have submitted plans, I
 12 believe to this board, for expansion, which
 13 raises the question because those are private
 14 schools, schools that all of the new students
 15 will not necessarily be coming from Teaneck.
 16 So that is going to be additional traffic that
 17 will have to be absorbed. And with all of
 18 these projects, particularly these that are so
 19 close to those schools, those two schools are
 20 on unsignalized intersections and there are no
 21 crossing guards there.

22 They are high schools, but still we know
 23 that teenagers are not the most careful,
 24 cautious, creatures on the planet. I would
 25 like to see the teenagers become adults. And

1 throughout the writing of the 2000 Master Plan
 2 was "low density." This project is the exact
 3 opposite of low density and would serve to
 4 further exacerbate the erosion of the suburban
 5 way of life that drew many of us to this town
 6 in the first place.

7 Tonight you have the opportunity, as well
 8 as the responsibility, to not only uphold your
 9 sworn duty to protect the integrity of the
 10 community and abide by the content and spirit
 11 of the Master Plan, but you also have -- you
 12 also have the chance to signal to the residents
 13 that our concerns are legitimate and have been
 14 heard and that they have been given full
 15 measure and consideration.

16 Please let Teaneck remain Teaneck. Thank
 17 you.

18 CHAIRMAN MEYER: Thank you very much.
 19 (Applause.)

20 MR. RYNEARSON: My name is Charles
 21 Rynearson. C-H-A-R-L-E-S, Charles Rynearson.
 22 C-H-A-R-L-E-S, R-Y-N-E-A-R-S-O-N.

23 CHARLES RYNEARSON,
 24 called as a witness, having first been
 25 duly sworn and/or affirmed, was examined and

1 with all of the building and expansion, it
 2 really does call that into question.

3 Although the plot of land that is
 4 presently sitting on the site of the old
 5 medical building is full, it is still some open
 6 space that we'd like -- that we would like to
 7 have, not to mention taking away the plot of
 8 land that's going to be paved over for parking
 9 spaces. So not only are we getting more
 10 residents, we're losing the little bit of green
 11 space that exists in that area.

12 Several of the testifiers throughout this
 13 project had referred to Teaneck as urban or
 14 more urban than suburban. That's not really
 15 what -- those of us who have been here for a
 16 long time were looking for.

17 At an earlier meeting, one of the members
 18 of the board asked about the changing face of
 19 the community. Any change in the community and
 20 the neighborhood has basically not been
 21 organic. It had been a direct result of this
 22 body, continually approving projects that are
 23 far outside the scope and intent of the Master
 24 Plan.

25 The key phrase that was repeated

1 testified as follows:

2 MR. RYNEARSON: I live in Teaneck, about a
 3 ten-minute stroll from the Teaneck High School.
 4 I've lived here since 1989. My wife grew up
 5 here.

6 First, I would like to thank my fellow
 7 citizens for their hard work in preparation of
 8 their statements. They are very fine
 9 statements.

10 To be brief and not repeat what I've heard
 11 already, I simply am against it. I would like
 12 to see a show of hands of those others against
 13 it.

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

15 MR. RYNEARSON: Tough noogies.

16 If there are no questions, I'm finished.

17 Thank you.

18 (Applause.)

19 CHAIRMAN MEYER: Go ahead.

20 MS. JARDINE: Hi, good evening. Can you
 21 hear me? Good evening. Terri Jardine,
 22 J-A-R-D-I-N-E, Teaneck resident, and I bring
 23 this with all due respect. Tryon Avenue,
 24 1500 --

25 TERRI JARDINE,

1 called as a witness, having first been
2 duly sworn and/or affirmed, was examined and
3 testified as follows:

4 MS. JARDINE: Tryon Avenue, 1500 Teaneck
5 Road, the proposed Teaneck senior citizen
6 building on Teaneck Road, the shopping mall
7 across from Popeye's on Teaneck Road, all of
8 this construction in the northeast,
9 overdevelopment.

10 A strain on our police department, our
11 fire department, our school systems, the
12 pollution, the roads. Has anyone driven around
13 Teaneck recently? The roads are disgusting.
14 Tryon Avenue needs repaving. The increase in
15 deer and wildlife. I'm sure everybody has seen
16 that.

17 Our town is becoming a suburban city,
18 instead of a -- it's become an urban town
19 instead of a suburban town that I grew up in.
20 You cut down the trees on Teaneck Road on the
21 northeast to put up these buildings.

22 To me this is bordering on environmental
23 racism. You are strangling the residents in
24 the northeast with this overdevelopment of the
25 northeast. Thank you.

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1 impact on school and infrastructure.

2 If you approve the long list of outrageous
3 variances for 100 State Street, we believe will
4 make a mockery of the Master Plan and the
5 current zoning laws in place in Teaneck.

6 These are important legal documents that
7 have been developed over the years for good
8 reasons, developed by people like you in
9 concert with the community. These have been
10 formed not randomly, not accidentally, but
11 after long discussion. And we think they're
12 important documents for you to think about when
13 you make your decision.

14 These documents are intended to guide the
15 development in the township for the future. So
16 far, so far in all the hearings, the major
17 variances, as far as I've been able to hear,
18 the major variances asked for by the developer
19 have not been carefully and critically
20 addressed by you, at least in public as far as
21 I can tell. Why aren't you as concerned as we
22 are with the massive gaps between what is in
23 the building code and what is in the Master
24 Plan and what you are being asked to approve
25 for 100 State Street?

1 (Applause.)

2 MR. SAVITZ: Steve Savitz, 1300 Alecia
3 Avenue, Teaneck. S-A-V-I-T-Z, as in zebra.
4 1300 Alecia Avenue.

5 S T E V E S A V I T Z,

6 called as a witness, having first been
7 duly sworn and/or affirmed, was examined and
8 testified as follows:

9 MR. SAVITZ: I would also like to preface
10 that I'm co-president of the East Votee
11 Neighborhood Association. We are about 50
12 houses strong. We're east of Votee Park and we
13 have primarily formed the past two years in
14 response to what we see, the type of
15 development that's going on. We are not
16 opposed to development. I want to be very
17 clear about that.

18 This is an extremely important meeting for
19 the residents of the northeast and all of
20 Teaneck. We are most concerned about our
21 quality of life. We will gain very little or
22 nothing from all from the development planned
23 in our community, in our community, luxury
24 rentals like 100 State Street that current
25 residents can't afford and added congestion and

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1 Your focus primarily on parking has been
2 very disappointing and most confusing and does
3 not give the residents the confidence of a fair
4 hearing. Why aren't you as concerned about
5 this zoning by variance approach?

6 Some of you may not like that wording.
7 Make no mistake, this is zoning by variance.
8 It's a classic case and it will be written up
9 that way regardless of what happens tonight.

10 Why aren't you guarding and following the
11 Master Plan and the zoning laws? That is your
12 job. It's your main job. It may not be your
13 only job. It is not -- it is not your job to
14 try and figure out solutions that developers
15 cause by their development. Your job is to
16 help avoid the problem -- or the problems from
17 happening in the first place.

18 And with all due respect, Mr. Rosen, your
19 discussion on the virtues of capitalism, to try
20 to solve a problem that you don't cause and we
21 don't cause, that's not our job and it's not
22 your job, as I understand it. And in response,
23 if you want to talk about capitalism and what
24 its impact has been on gentrification to the
25 African-American community, we can do that.

1 It begs the obvious question: Who do you
2 represent as a board? And I'm trying to do
3 this as respectful as I can because we are
4 concerned. There's laughter sometimes, but we
5 are not laughing. We're very concerned.

6 The residents -- are you representing the
7 residents or the council majority that seems
8 obsessed with filling our neighborhood with
9 high-rise architectural buildings that are out
10 of touch, out of character, that we in the
11 northeast do not want?

12 It's not that a few people don't want. I
13 don't know anyone in the northeast that we come
14 in contact with who will approve of this. And
15 I come in contact through the northeast Teaneck
16 Lot Presidents Association, which is a group of
17 20 block associations. And my association,
18 which is part of that, which is 50. So these
19 are hundreds of citizens. And there might be
20 one -- I'm sorry, there was one. But out of
21 all the other people, every meeting, there
22 hasn't been one person who thinks that this is
23 a good idea.

24 You are the last line of defense of the
25 offense for our community. It won't go any

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1 Are you speaking for yourself or are
2 you -- do you have a written authority to speak
3 for others? Could you please put that on the
4 record.

5 MR. SAVITZ: I'd be happy. I said it when
6 I had the opening statement. I said we are an
7 organization of 50 homeowners. We have met
8 dozens of times over the past two years. We
9 have discussed this. We have discussed what we
10 want to do and that we have asked people.

11 And the only thing I can say is we've
12 asked whether they support this or not. If you
13 want written statements by them, I don't have
14 it. If you want to call it hearsay, call it
15 hearsay. I don't care. It's what they said.
16 If you want to challenge my phrasing, that's
17 fine.

18 MS. BERGER: So who are the 50 people that
19 have signed a document giving you authority to
20 speak on their behalf?

21 MR. SAVITZ: I don't think -- I don't
22 think you listen very carefully. I said I
23 didn't have it. I don't have a signed
24 document. That's what I said.

25 MS. BERGER: So your statement was based

1 further. It can't go any, unless we take this
2 to court. And we're not going to do that.

3 If this is approved, we are certain that
4 this will open up the floodgates to changing
5 the quality of life in Teaneck with rapid
6 gentrification that profits only the
7 developers, their investors, and at least -- at
8 least one business and real estate owner
9 currently on the township council.

10 It does not -- it does not benefit the
11 current residents of the northeast. And I'm
12 sorry, Mr. Myer, if you find that amusing
13 because we've been dealing with this for years.
14 And this is not hearsay. This is fact. There
15 are -- that is a fact, what I said.

16 If you want me to tell you where I got it,
17 I'd be happy to. I just want to make the point
18 that there's a lot of reasons why we think this
19 should not be passed. And I'd be more than
20 happy to answer whatever questions you have.

21 CHAIRMAN MEYER: Ms. Berger?

22 (Applause.)

23 MS. BERGER: I don't know if you realize
24 when you were making your statement, you said
25 "we."

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1 then on your statement for yourself?

2 MR. SAVITZ: No.

3 CHAIRMAN MEYER: Ms. Berger, we get it.

4 MR. SAVITZ: The answer --

5 MS. BERGER: I'm objecting and ask that
6 his statement be stricken from the record
7 because he has not provided any authority to
8 speak on behalf of others. And that is what he
9 said he is doing. He's not an attorney.

10 UNIDENTIFIED AUDIENCE MEMBER: He's an
11 elected president.

12 CHAIRMAN MEYER: If you make noise in the
13 back and ruin the record, you're going to be
14 asked to leave.

15 MR. STEINHAGEN: I'm going to instruct the
16 board to consider Mr. Savitz's statement as
17 statements in his personal capacity.

18 I'm going to instruct the board to
19 consider Mr. Savitz's statements as statements
20 he's making on his own behalf.

21 I assume you're not an attorney?

22 MR. SAVITZ: I'm what?

23 MR. STEINHAGEN: You're not an attorney?

24 MR. SAVITZ: No.

25 MR. STEINHAGEN: So to represent another

1 person in front of a land use board --
 2 MR. SAVITZ: I understand.
 3 MR. STEINHAGEN: -- you have to be an
 4 attorney.
 5 MR. SAVITZ: I accept your opinion. I'm
 6 just giving you --
 7 THE BOARD SECRETARY: Hold it. Hold it.
 8 Let him talk, then you talk. One at a time.
 9 MR. STEINHAGEN: So you made your
 10 statement. The board heard what you have to
 11 say. It's your statement. Ms. Berger has
 12 objected to you saying that it's yours and 50
 13 other people's statement. It's your statement.
 14 MR. SAVITZ: Yeah, I have no way to phrase
 15 it any way -- any different than I did.
 16 MR. STEINHAGEN: I understand.
 17 MR. SAVITZ: It's hard to represent what I
 18 know.
 19 MR. STEINHAGEN: We understand.
 20 MR. ROSEN: I wanted to respond to a
 21 comment you made. I wanted to respond to a
 22 comment that you made. I personally take it as
 23 an objection.
 24 It's not our job as a zoning board. We're
 25 all volunteers. We are the community. We

1 our job is to represent the law, the zoning
 2 law, and to consider the evidence. That's what
 3 we do.
 4 So I hope you'll take that in the spirit
 5 it is given. We're the community, all
 6 volunteers. None of us get paid. We are
 7 trained, we are educated in the zoning law.
 8 That's all we can do. So thank you for your
 9 comments.
 10 MR. STEINHAGEN: Can I add to that?
 11 So the board has an obligation to consider
 12 the evidence, the statutory criteria. We heard
 13 a little bit about it, in particular cases for
 14 special reasons. And for the variances that
 15 the applicant needs, there's different stands
 16 for the specific D variance and different
 17 variance for the C variance. And then also
 18 they have to evaluate the negative criteria
 19 which we heard about substantial impairment to
 20 the zone plan and zoning ordinance.
 21 If the evidence presented demonstrates
 22 special reasons, the board -- and there's no
 23 impairment to the public good and no
 24 impairment -- no substantial impairment to the
 25 zone plan, zoning ordinance, and no substantial

1 don't represent the community. We don't
 2 represent developers. We don't represent
 3 anybody. But in our mind, we represent the law
 4 and a process. That's what we're here for.
 5 We're here to judge a process.
 6 The applicant presented evidence as
 7 objectors presented the evidence. The evidence
 8 is logical; the evidence is not logical.
 9 It's not our job. We are the community.
 10 It's not our job to represent the interest of
 11 anybody but the law. That's what we do.
 12 That's what our responsibility is. That's what
 13 our training is, to know the law, and that's
 14 what we do.
 15 So I would really -- and I've heard this
 16 comment, by the way, in previous meetings and I
 17 take objection to it.
 18 MR. SAVITZ: I didn't hear the last
 19 sentence.
 20 MR. ROSEN: I said I've heard this comment
 21 a number of times by other citizens. I
 22 understand where they're coming from, where
 23 people have been saying it's our job to
 24 represent the community. We don't represent
 25 the community. It's not our job. Like I said,

1 detriment to the public good, the board has to
 2 approve the variances.
 3 I'm not saying what the evidence is. But
 4 the fact that people don't want it, if the
 5 evidence is there, the board is legally
 6 obligated to take action. Otherwise, it's
 7 acting in an arbitrary, capricious, and
 8 unreasonable fashion. The board has to follow
 9 the evidence.
 10 The board understands the sentiment. I
 11 sit on a board in a nearby town and -- but the
 12 board has to follow the evidentiary rules based
 13 on the statute that the board has to follow.
 14 And I think that that follows up on the prior
 15 comment.
 16 MR. SAVITZ: May I ask one more question?
 17 So -- and I don't know whether I could do
 18 what you do given your time and effort, but
 19 having said that, you have volunteered for this
 20 and you've been appointed and you are who you
 21 are and you do what you're doing.
 22 I just -- given what you just said, when
 23 you talk about ordinance and laws to us, to the
 24 lay people, what we see is the law are the
 25 zoning laws. And when we see a developer come

1 in that's so far out of what looks like the law
2 was intended, we don't understand how you could
3 even think of giving approval for something
4 that's so far out.

5 I know people have come to get a dormer
6 put on their second floor bathroom and they're
7 not allowed to increase the height above their
8 roof.

9 (Applause.)

10 MR. SAVITZ: And so I just -- so that's
11 the basis of why we are confused. We're not
12 adamant, but we're confused how this is allowed
13 to get this far. Maybe that's another way to
14 say it.

15 MR. STEINHAGEN: To get this far. The
16 applicant has a right to put their case on to
17 be heard. Each case rises and falls on its own
18 merit based on the facts and evidence presented
19 at the hearing. And at the hearing is
20 important.

21 And that was Ms. Berger's objection to
22 your prior comment about the other 50 people.
23 So they're entitled to be heard just like
24 you're entitled to be heard and that's -- there
25 hasn't been a decision made.

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1 CHAIRMAN MEYER: One second. There's a
2 sign, for-sale sign?

3 MR. KHAN: Yes.

4 CHAIRMAN MEYER: You put the sign up?

5 MR. KHAN: Yes. Why I put up? I was
6 planning to retire to move there. And all of a
7 sudden, I find there is a building coming up.
8 And I don't know what should I do.

9 As Mr. Rosen says, you have to follow the
10 law, the law I've been discussing with my
11 attorney. My attorney say by law, there's --
12 if you follow the law, the 40-50-2D and it's
13 providing zoning protection for existing
14 multi-family housing in expensive only area
15 where it would not help determine effect on
16 single.

17 And this is a two- or four-unit building
18 and all of a sudden next to it is 68-unit
19 building. And I don't know what to do. I've
20 been coming to the meeting all the time. I
21 find more -- the board is more leaning toward
22 to the developer than resident. And this is
23 already no parking. In the morning time, they
24 park in front of the building and it's
25 difficult sometimes to get out of the building.

1 MR. SAVITZ: Yes. We've been waiting for
2 the decision. We hope you don't approve it,
3 because we think it's not good for the
4 northeast and we are -- we have a lot of
5 support. Yes, that's hearsay. I'll end with
6 that and thank you.

7 CHAIRMAN MEYER: Thank you very much.
8 (Applause.)

9 MR. KHAN: My name is Azam Khan. My name
10 is Azam, A-Z-A-M, last name Khan, K-H-A-N. The
11 address is 120 State Street. I own the unit
12 next door to 200 State Street.

13 A Z A M K H A N,

14 called as a witness, having first been
15 duly sworn and/or affirmed, was examined and
16 testified as follows:

17 MR. ROSEN: Sir, what do you own?

18 MR. KHAN: A unit on 120 State Street.

19 MR. ROSEN: A unit?

20 MR. KHAN: Condo unit.

21 CHAIRMAN MEYER: Is that the one for sale?

22 MR. KHAN: This is what I find out after a
23 few meeting. Because always I feel whenever I
24 come to the meeting, I have -- there is a lot
25 I've been discussing with you.

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1 We do have a four or five parking there.

2 CHAIRMAN MEYER: When people --

3 MR. KHAN: They park in front of my
4 driveway.

5 CHAIRMAN MEYER: In front of your
6 driveway?

7 MR. KHAN: Yes. We call the police, but
8 Saturday, there is -- Saturday is like a lot of
9 kids there, a lot of families crossing by, most
10 of the Jewish community, they don't drive on
11 Saturday. Saturday they are there and all of a
12 sudden, the 68 apartment is coming, 125 car is
13 coming, and it's not acceptable there. And the
14 most -- I'm affected with the next door to this
15 building. I don't know what to do. I've been
16 discussing with my attorney and I was
17 telling --

18 CHAIRMAN MEYER: So you're basically
19 objecting to the fact --

20 MR. KHAN: Yes.

21 CHAIRMAN MEYER: You're objecting -- you
22 are objecting to the fact and the testimony of
23 the applicant this is a good use for the space?

24 MR. KHAN: Yes, I do.

25 CHAIRMAN MEYER: Okay. Do you think that

1 there's enough -- if there's 125 parking spaces
 2 on the site next to you, that would be adequate
 3 for 68 units?
 4 MR. KHAN: There is already, if you see in
 5 the morning time or evening time.
 6 CHAIRMAN MEYER: I'm saying do you
 7 understand --
 8 MR. KHAN: Yes, I do. I do with 68, 125.
 9 If it's 150, it's not going to take what is
 10 already going on there.
 11 CHAIRMAN MEYER: You don't think -- it's
 12 not --
 13 MR. KHAN: No. Even 150 isn't enough.
 14 Already it's a congested building area.
 15 Another building is coming on Teaneck Road?
 16 CHAIRMAN MEYER: The building --
 17 MR. KHAN: Yes.
 18 CHAIRMAN MEYER: Do you know who approved
 19 that building?
 20 MR. KHAN: No, you guys.
 21 CHAIRMAN MEYER: It was approved by the
 22 township and I --
 23 MR. KHAN: I wasn't here. I think most of
 24 the time -- I do travel most of the time. I'm
 25 not here most of the time. Since I moved, this

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1 MR. KHAN: I bought the unit one year ago.
 2 MS. BERGER: And are you aware that a
 3 notice was sent to the condominium that their
 4 fence and their driveway --
 5 MR. KHAN: When I --
 6 CHAIRMAN MEYER: One second.
 7 MS. BERGER: -- and their driveway
 8 encroaches upon the property that is subject of
 9 the application?
 10 MR. KHAN: I know it. And there is no
 11 room already. There's no room already.
 12 MS. BERGER: The building's fence and
 13 driveway encroach on this property; is that
 14 correct?
 15 MR. KHAN: No. I don't notice.
 16 CHAIRMAN MEYER: Do you know what it
 17 means?
 18 MR. KHAN: I know the next building, there
 19 are people. They put the fence there. The
 20 fence is not -- to my understanding, the fence
 21 is not put by us.
 22 CHAIRMAN MEYER: Maybe the old building.
 23 MR. KHAN: Old building allow.
 24 MS. BERGER: Was a notice given by this
 25 property owner that the fence and the driveway

1 is a big building coming.
 2 CHAIRMAN MEYER: How is it going to affect
 3 you?
 4 MR. KHAN: Because if somebody put in the
 5 big building in front of your house. And you
 6 own the building on the side of your house.
 7 CHAIRMAN MEYER: So the side of your
 8 house --
 9 MR. KHAN: Yes. Two-story house and all
 10 of sudden nine- or ten-story coming to you.
 11 Okay.
 12 CHAIRMAN MEYER: Okay. I understand.
 13 MR. KHAN: This is my objection.
 14 CHAIRMAN MEYER: Fair statement.
 15 Anything else you'd like to say?
 16 Ms. Berger, I think, has a question for you.
 17 If you scoot over to the other microphone.
 18 MS. BERGER: So do you live in the
 19 building now?
 20 MR. KHAN: Yes, I moving to the building.
 21 MS. BERGER: Do you live in the building
 22 now?
 23 MR. KHAN: Not right now.
 24 MS. BERGER: How long have you owned the
 25 unit?

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1 can't be on the property?
 2 MR. KHAN: I never seen anything.
 3 MS. BERGER: You've never seen the notice?
 4 MR. KHAN: No.
 5 MS. BERGER: You're an owner of the unit?
 6 MR. KHAN: Yes, I'm the owner.
 7 CHAIRMAN MEYER: Maybe he's not there.
 8 MR. KHAN: I'm the owner of the unit.
 9 MS. BERGER: Do you have a tenant in the
 10 unit?
 11 MR. KHAN: I cannot rent it and I don't
 12 want to rent. This is for me. I want to move
 13 in.
 14 MS. BERGER: And I have no further
 15 questions.
 16 CHAIRMAN MEYER: Any other questions for
 17 members of the board?
 18 MR. REHMAN: Ms. Khan, is your concern
 19 that the value of your unit will go down or is
 20 it --
 21 MR. KHAN: Will go down.
 22 MR. REHMAN: It's not a quality-of-life
 23 concern. It's --
 24 MR. KHAN: The property will go down on
 25 top of this. I'm very concerned. And I was

1 very nervous. I had a discussion with my
2 attorney. I didn't get a chance to talk to
3 him. And when I was here -- he was here, but
4 I'm planning to discuss with him. And all of a
5 sudden, I have no choice to put it on the
6 market. I just put it on the market to sell
7 it. If the building come, I don't think I'm
8 going to be able to sell.

9 MR. REHMAN: To be clear, your concern is
10 the economic value of your own investment, not
11 necessarily the quality of your life.

12 MR. KHAN: Economic, quality of the life,
13 both of them.

14 MR. REHMAN: Okay.

15 CHAIRMAN MEYER: Thank you very much.
16 We're going to have little break.

17 (At 9:17 p.m. a recess was taken.)

18 (At 9:34 p.m. the hearing resumes.)

19 CHAIRMAN MEYER: Come to order, please.
20 Back on the record at 9:34 p.m.

21 This young lady in the front there. I
22 think it was your turn.

23 Please. Good evening.

24 MS. WILSON: Good evening, everyone.
25 Gloria Wilson. I live on Ardsley Court in

1 residents as well as they are here.

2 So basically I don't want to be redundant,
3 I don't want to speak and go back and forth,
4 because everybody got up and spoke. But I am
5 speaking for the northeast. And if you need
6 petitions and you need their signatures, they
7 will be given to you.

8 CHAIRMAN MEYER: Let's ask, what do you
9 have to say?

10 MS. WILSON: I am hoping, which your minds
11 have already been made up, I'm against the
12 development that's coming up now. I'm not
13 against any development, but I'm against it.
14 That's my statement.

15 CHAIRMAN MEYER: That's your statement?
16 You're objecting to the development?

17 MR. ROSEN: I just want to understand.
18 About your association, what are the streets
19 that border --

20 MS. WILSON: That are affected?

21 MR. ROSEN: -- that border --

22 MS. WILSON: The streets that are Ardsley
23 Court, Fairfield Street, Rensselaer Road,
24 everything going back towards Teaneck Road,
25 Shepard Avenue, Irvington, completely all the

1 Teaneck.

2 GLORIA WILSON,
3 called as a witness, having first been
4 duly sworn and/or affirmed, was examined and
5 testified as follows:

6 MS. WILSON: The reason I'm up here is two
7 things: At this time, I'm wearing three hats.
8 I'm wearing a hat as a resident. I'll take
9 yours. I'm wearing a hat as a resident and I'm
10 also wearing a hat as the president of the
11 Ardsley Court Block Association, Vice President
12 for the Northeast Teaneck Block Association.

13 And one of the questions that was given to
14 one of the neighbors as well, Mr. Savitz, is
15 he's speaking for everyone.

16 Well, I'm speaking for them as the vice
17 president for the residents of the Northeast
18 Teaneck Block Association, which several of
19 them are here. I'm also speaking because
20 several of the residents worked on the Master
21 Plan. And we did a good job on it. And I feel
22 very bad that you are not honoring the Master
23 Plan. And to be questioned on whether or not
24 we are speaking for the residents, it proves
25 and shows that we are here speaking for the

1 way across.

2 MR. ROSEN: Approximately how many
3 residents in this area would you guess?

4 MS. WILSON: I know it's more than 500 or
5 a thousand within that area. I can say that to
6 you.

7 MR. ROSEN: Okay, thanks.

8 MS. WILSON: I'm done speaking then. Do
9 you have any questions for me?

10 MS. BERGER: Yes. So could you tell me
11 how many of those residents are members of your
12 association?

13 MS. WILSON: About a good 5- to 600 that
14 actually pay their dues, come to the meetings,
15 and there's more than that. Because they're in
16 households and there are senior citizens that
17 are not able to come out. But we do make sure
18 they have all of their information.

19 So, yes, we do have it. If you want
20 signatures, I will give them to you.

21 MS. BERGER: When was the meeting where
22 you were authorized by the residents to come
23 and speak?

24 MS. WILSON: We meet the third and fourth
25 Wednesday of every month.

1 MS. BERGER: So could you answer my
 2 question?
 3 MS. WILSON: I don't think -- did you tell
 4 me when you take -- you meet with your meetings
 5 and how many times?
 6 CHAIRMAN MEYER: Whoa, whoa.
 7 MS. WILSON: All right. Come on.
 8 CHAIRMAN MEYER: Be kind.
 9 MS. WILSON: I'm being kind. Let her be
 10 kind.
 11 CHAIRMAN MEYER: She's an attorney who's
 12 trying to ask a question because she represents
 13 the client who is entitled to ask these
 14 questions.
 15 Let's not argue with her. Just -- like we
 16 give you the time, it's her time to ask you
 17 questions. So if there's a pointed question,
 18 you answer with a pointed answer.
 19 MS. BERGER: When was the meeting where
 20 you were authorized by the residents to speak
 21 on their behalf?
 22 MS. WILSON: Wednesday night that just
 23 passed.
 24 MS. BERGER: Okay. And was there a vote
 25 at that meeting?

1 MS. WILSON: All of the presidents and
 2 some of the members and the people that live on
 3 the block.
 4 MS. BERGER: So there's more than one
 5 president of the association?
 6 MS. WILSON: Yes. It's the Northeast
 7 Teaneck Block Presidents Association, which is
 8 the presidents of each block that I called off
 9 to you.
 10 MS. BERGER: I'm sorry. I'm trying to
 11 understand.
 12 MS. WILSON: Okay.
 13 MS. BERGER: I'm not -- you know, I didn't
 14 understand what you were saying.
 15 So all those block associations, their
 16 presidents were there, as well?
 17 MS. WILSON: Yes.
 18 MS. BERGER: And they were authorized by
 19 their associations, as well?
 20 MS. WILSON: Not by their associations.
 21 By each block or blocks. They're presidents
 22 for their blocks. And we have a presidents
 23 group with all the presidents that meet.
 24 I'll give you a little example, which is
 25 not part of the presidents group, but you have

1 MS. WILSON: Yes, it was. And in the last
 2 meeting that I came that I was unable to speak,
 3 I had a petition and a letter here. But since
 4 it didn't go on record, I did not give it to
 5 anyone.
 6 MS. BERGER: Okay. So I understand you
 7 had a meeting of the -- I want to say is it the
 8 Ardsley --
 9 MS. WILSON: It's the Northeast Teaneck
 10 Block Association.
 11 MS. BERGER: North --
 12 MS. WILSON: Northeast.
 13 MS. BERGER: Is she going to answer? Are
 14 you going to answer?
 15 MS. WILSON: It's the Northeast Teaneck
 16 Block Association and I am the vice president.
 17 MS. BERGER: Okay. And there was a
 18 meeting this past Wednesday?
 19 MS. WILSON: Yes.
 20 MS. BERGER: At that meeting, this
 21 application was discussed?
 22 MS. WILSON: This application is discussed
 23 at every meeting, but yes.
 24 MS. BERGER: Okay. And who attended that
 25 meeting?

1 the Board of Adjustment, they speak for the
 2 members here, and I guess whatever
 3 developers -- whatever they do. We have a
 4 presidents group. There are presidents within
 5 that group. We speak for each block. The
 6 president speaks for their block and the
 7 members come out.
 8 MS. BERGER: So you're speaking for all of
 9 the presidents?
 10 MS. WILSON: Yes, I am. I was authorized,
 11 yes.
 12 MS. BERGER: Could you please tell the
 13 board who those people are who authorized you
 14 and who you're speaking for?
 15 MS. WILSON: Okay.
 16 MS. BERGER: Because if you're speaking
 17 for them, they're not supposed to be speaking
 18 otherwise if you're speaking for them.
 19 MS. WILSON: Well, the only one --
 20 MR. STEINHAGEN: Hold on. Hold on. Are
 21 you an attorney, ma'am?
 22 MS. WILSON: I'm not an attorney.
 23 MR. STEINHAGEN: She can't represent the
 24 interest of others. And I understand what
 25 you're saying, but the way the Municipal Land

1 Use Law is set up is that individuals can speak
2 on their own behalf. If you want to speak on
3 someone else's behalf, you have to be an
4 attorney. You cannot represent the interest of
5 someone else. It's unauthorized practice of
6 the law.

7 MS. WILSON: Could I ask you a question?

8 MR. STEINHAGEN: Sure.

9 MS. WILSON: If I'm not an attorney, then
10 I can't speak on them.

11 The first time I came to a meeting, I had
12 a letter from our president and vice and I was
13 going to leave it. Because I couldn't speak,
14 you were going to take it then. But I
15 understand where you're coming from.

16 MR. STEINHAGEN: I don't know what day --

17 MS. WILSON: I don't think you were the
18 attorney.

19 MR. STEINHAGEN: I don't think I was here.
20 I'm substituting for the board's regular
21 attorney who's ill.

22 But I mentioned something -- a case
23 earlier and Ms. Berger objected, which is
24 called Exxon versus Bernardsville. Residents
25 tried to give a petition signed by other

1 residents. The board considered it. The board
2 relied on the application, and denied the
3 application. The developer sued the board and
4 said, The board improperly relied on out of --
5 statements outside the hearing by people who
6 were not properly represented, improperly, and
7 the Court in that case reversed the decision.

8 So what I think Ms. Berger is driving at,
9 she's asking you about who authorized you. But
10 are you allowed to speak on their own behalf?

11 MS. WILSON: Yes, I am.

12 MR. STEINHAGEN: The legal question I
13 think she's going to get to is as a matter of
14 law, you're not. So I think you should give
15 your statement on your own behalf, as we
16 understand who you are and what that entity is.
17 And I think you should give the statement, not
18 other people's statement.

19 MS. WILSON: I understand. And I think I
20 know where you're coming from. I think the
21 bottom line is we just should be honest and say
22 that you don't want to hear what we have to
23 say. That's one.

24 (Applause.)

25 MR. STEINHAGEN: That's not true. I want

1 to hear what you have to say.

2 CHAIRMAN MEYER: Excuse me.

3 MS. WILSON: Why do you only want to hear
4 what I have to say?

5 CHAIRMAN MEYER: That is not fair to our
6 attorney. He's trying to help you get a
7 statement on the record. If you say a
8 statement and bring a statement on behalf of
9 someone else, it has no value.

10 If you, on the other hand, make a
11 statement to this board, it has value. And
12 that -- I think that attacking the attorney
13 and, you know, to his credit, he was trying to
14 help you, doesn't further your interest either.

15 So, please, if you want to say something,
16 say it on behalf of yourself and then it
17 will -- if it's something that can go on the
18 record, it could be weighed in the deliberation
19 of this application. That's -- I think what
20 Mr. Steinhagen tried to do. He was trying to
21 help you. And let's appreciate at least that
22 he's doing that so you can get a fair chance to
23 say whatever you want.

24 MR. STEINHAGEN: The board wants to hear
25 your statement. We want to hear.

1 MS. WILSON: You heard my statement and I
2 also wanted to go on the record that I don't
3 feel that I am -- I'm not going to say "we" --
4 I am being treated fairly.

5 And for the attorney, who's an attorney, I
6 think she knows where I'm coming from. I don't
7 have anything else to say.

8 CHAIRMAN MEYER: Why do you feel you're
9 not being treated fairly? You have all the
10 opportunity to say whatever you want here
11 tonight.

12 MS. WILSON: Because it seems like every
13 time a question comes up, you're asking us to
14 give information or you state something, it's
15 being objected in different manners, like we
16 can't speak. That's how I feel. I'm telling
17 you how I feel.

18 CHAIRMAN MEYER: I would like you to feel
19 some different, I would like you to feel --

20 MS. WILSON: I don't think I can feel any
21 different. And I want to respect you,
22 Mr. Meyer. If there's no other questions, I'd
23 like to sit down.

24 CHAIRMAN MEYER: I want to help you. I
25 think you have the right and you should speak

1 about what you think about this application.
 2 That's why you're here. I don't care about
 3 what other people tell you to say.
 4 MS. WILSON: Nobody tells me, Ms. Wilson,
 5 what to say. Nobody.
 6 CHAIRMAN MEYER: But you say that you came
 7 and said other people, you know, want you to
 8 bring forward something.
 9 MS. WILSON: I am representing --
 10 CHAIRMAN MEYER: One person at a time.
 11 Otherwise our court reporter cannot --
 12 Ms. Wilson, it is super important that you
 13 tell us what you think about the application
 14 and why and how and, you know, tell us what you
 15 feel about this application. That's important.
 16 I'm not so -- it's not so important what
 17 some president of some other block who's not
 18 here today told you to tell us or whatever.
 19 Your voice is what counts.
 20 MS. WILSON: I basically said what I have
 21 to say. So I'm finished.
 22 CHAIRMAN MEYER: I don't want you to walk
 23 away from here feeling you didn't have the
 24 opportunity and the time to say whatever you
 25 want that comes from your heart and your

1 duly sworn and/or affirmed, was examined and
 2 testified as follows:
 3 MS. LEWIS: I've been out of town for six
 4 weeks. I thought I had missed this. I'm glad
 5 I'm back. I'm on the advisory board for human
 6 relations. We had our event tonight and quite
 7 a number of people. I came, took their name,
 8 and asked where they're from. Some were from
 9 Brooklyn, some were from the Bronx, and they
 10 asked them, oh, what made you come to Teaneck.
 11 Well, you know, the hobnob in Brooklyn, the
 12 Bronx is just too much traffic, too much
 13 congestion. I wanted more peace of mind. And
 14 I said hmm, anyhow.
 15 I want to start by -- so I didn't have
 16 time really to get all of my notes together, so
 17 I've been writing them as I'm sitting here. So
 18 just bear with me.
 19 My first is: Reject proposal for this
 20 development. It's for nine units and they're
 21 trying to put 68 units. So please reject this
 22 proposal.
 23 Number two, someone mentioned about the
 24 Master Plan. Again, I would say that the key
 25 phrase or the key thing to remember about the

1 feeling about this application.
 2 MS. WILSON: What I'm saying is coming
 3 from my heart and --
 4 CHAIRMAN MEYER: Good.
 5 MS. WILSON: Being that it cannot go on
 6 record what I'm saying is coming from my heart
 7 from the presidents, then put me down on record
 8 from what I have to say. But I'm coming from
 9 my heart. That's all I can say.
 10 CHAIRMAN MEYER: Thank you very much.
 11 MS. BERGER: Just for the record, I object
 12 to the inclusion of a statement coming from an
 13 association of which an attorney -- and I ask
 14 that that part of any statement be stricken
 15 from the record.
 16 MR. STEINHAGEN: The board heard
 17 Ms. Wilson's statement, what Ms. Wilson had to
 18 say.
 19 CHAIRMAN MEYER: Thank you, Ms. Wilson.
 20 Next person.
 21 (Applause.)
 22 MS. LEWIS: Lillian Lewis, L-E-W-I-S. I
 23 live in northeast section of Teaneck.
 24 L I L L I A N L E W I S,
 25 called as a witness, having first been

1 Master Plan, low density to maintain a
 2 suburban-like character of Teaneck.
 3 Number three, I said again, nine units.
 4 They want 68. One man came and asked, Well,
 5 why are they asking for a variance when it's
 6 supposed to be nine units and they want 68?
 7 I'll tell you the answer: Greed. That's the
 8 answer. Okay.
 9 Number four, you know if there will be use
 10 of buses to New York? Now, the person said
 11 that the Transit stated that there would be no
 12 new buses coming. I think that you, the board,
 13 should follow up on that to see whether that is
 14 true. And if it is true, then there will be a
 15 hardship on the township if there's no new
 16 buses to help out with this new crowd that's
 17 coming in.
 18 Someone asked, Do you know if the
 19 people -- I think the attorney asked:
 20 Do you know if the people moving in will
 21 be going to New York, commuting to New York?
 22 Of course she doesn't know. But are they all
 23 retirees moving in?
 24 The next one I have here is -- I think
 25 Mr. Rosen mentioned something about if the

1 buses in New Jersey cannot maintain the new
2 people, then there are the minibuses, also the
3 private buses, and this is what we're dealing
4 with, the capitalism and all of this. But
5 these new minibuses coming in to aid the New
6 Jersey buses, that's compounding the traffic,
7 compounding the traffic.

8 Okay. The next one I have, I'm sure she
9 must have -- she must have some questions for
10 me. What's my next one? All right.

11 Tryon Avenue, when our new manager came in
12 2008, I believe in 2008, I went in to talk
13 about Tryon Avenue. It was horrible, potholes
14 everywhere. And in 2008 or 2009, they repaired
15 the entire Tryon Avenue. We're now at 2019,
16 ten years later. We're back to the potholes
17 again. So I can imagine with more people
18 coming into the town, how quickly these streets
19 will be damaged.

20 Next one. Mr. Savitz said he was speaking
21 for a group of the residents. Well, he's
22 speaking for me. So Mr. Savitz and I becomes
23 "we." I had these numbered because I had to do
24 all of this here.

25 Yes, the -- Mr. Azam Kahn, who was here,

1 I'm questioning it myself. The majority of the
2 northeast section are people of color. I would
3 say 99 percent are people of color. So why are
4 they building all of these buildings where the
5 people of color live?

6 The next one. Let's see.

7 Number 11, someone mentioned that during
8 the time of snow, you're not allowed to park on
9 the streets, and if you do, you get these high
10 tickets, very costly tickets. Where would they
11 be able to park? And let's see, what else do I
12 have after that. Then I had -- okay.

13 I just wanted to mention that the
14 Northeast Teaneck Block Presidents Association,
15 that's the official name. Northeast Teaneck
16 Block Presidents Association, which is made up
17 of all of the presidents of all of the
18 associations. The presidents come together and
19 they discuss the discontentment of the
20 residents of those areas.

21 Now, that compasses the area of Palisade
22 Avenue, all the way over to the border of
23 Englewood, all the way up to Tryon Avenue. So
24 that's the entire area of the northeast
25 section.

1 who has the condominium and building this --
2 trying to build this new thing, which I reject,
3 which I ask you to reject. Well, he moved
4 there because it was nice and quiet over there
5 and he thought it would be a nice, peaceful
6 area. But now with this new proposal, it's
7 going to affect his quality of life, yes. And
8 he wants to sell it because he's losing value
9 on the property.

10 Now, if he's losing value on the property
11 and he gets less money than he's paid, that's
12 affecting his quality of life. He said if he's
13 not going build it, he wouldn't remain a
14 Teaneck resident. Well, this is not the only
15 one. 1500 Teaneck Road on the Amsterdam
16 Avenue, it was a resident there, went to the
17 meetings with me. When we were fighting with
18 the council on 1500, he actually moved because
19 he was forced out because he couldn't deal with
20 that poor quality of life or tall building on
21 1500. And 1500, you know, compounds traffic
22 for my area in the northeast. And if you build
23 a 68-unit, that's compounding more traffic for
24 the northeast.

25 And the question is, Why the northeast?

1 And they have the private meetings. They
2 discuss issues, things they're upset about, the
3 president brings it to the presidents
4 association, we discuss it, then we say, okay,
5 we're going to go and speak on it. That's how
6 it works. That's what Ms. Wilson was talking
7 about.

8 Finally, my final statement to read, it
9 was given to grant the requested variances
10 would be a detriment to the public good.

11 The increased traffic is not only a
12 nuisance to local residents, but it is a safety
13 hazard to the public, especially our most
14 vulnerable, the elderly, which I am, and
15 children. Thank you.

16 (Applause.)

17 MR. REHMAN: I have a question. And you
18 mentioned again how this is bad for people of
19 color. And I take that very seriously, so
20 that's why I want to get -- I mean, can you --
21 I mean, if there's an area that is a
22 dilapidated area and it's -- and you build a
23 building and it may be you get, you know,
24 shopping there or whatever. I get -- I get the
25 issue about additional traffic.

1 But could there be other benefits by
 2 building something that people can live in that
 3 takes the place of something that is currently
 4 an eyesore that could benefit people of color?
 5 MS. LEWIS: My first question is whether
 6 the people of color will be able to afford to
 7 live there. Whether it be within their price
 8 range to be able to afford to live there.
 9 Secondly, it's not a shopping area. If
 10 it's a shopping area, perhaps the people of
 11 color would be able to get jobs. This is not a
 12 shopping area. I was working with -- I was --
 13 1500 was working out. I was at the council
 14 meeting asking them -- this should be a
 15 shopping area, this would bring jobs to the
 16 neighborhood. Many people, young people would
 17 get jobs they gave us. Instead they put up a
 18 residential complex there. We don't need
 19 another one. That's enough. We don't need one
 20 on 100 State Street also. On 100 State Street,
 21 it should be the nine units that it was set
 22 forth.
 23 MR. REHMAN: Thank you. I appreciate
 24 that. One more.
 25 I know you mentioned that the developer

1 MR. MERMELSTEIN: You were asking about
 2 jobs being created if it was in a shopping
 3 area.
 4 MS. LEWIS: I said that the 1500, I
 5 propose that to be a shopping area. This is
 6 100 State Street. I didn't say anything.
 7 MR. BROWN: Shopping in the development.
 8 MR. MERMELSTEIN: Is that what you mean?
 9 MS. LEWIS: Which one are you talking
 10 about. You're talking about 1500?
 11 MR. STEINHAGEN: They are looking for
 12 clarification on what your statement was about.
 13 MS. LEWIS: I said when they were
 14 proposing the 1500, I was against the
 15 residential. I wanted that to be a shopping
 16 area. I called it a shopping promenade. I
 17 just came back from Alabama, beautiful shopping
 18 promenade with quaint stores, places to sit,
 19 trees, flowers. That could be done on 1500
 20 Teaneck Road. On State Street -- 100 State
 21 Street wants to do 68 units. We have over 200
 22 on Teaneck Road. This is compounding the
 23 traffic.
 24 MR. MERMELSTEIN: Do you think that these
 25 units and the additional people who would be

1 wants to build this because of greed.
 2 MS. LEWIS: That's my personal opinion.
 3 MR. REHMAN: Do you ever foresee a
 4 scenario -- let's say a developer does a cost
 5 benefit analysis and they figure, I need to
 6 have X number of units to break even. Anything
 7 above that will be profitable.
 8 Do you view that, you know, if a developer
 9 decides to build enough units to turn a profit,
 10 do you define that as greed?
 11 MS. LEWIS: I don't define profit as
 12 greed. But there's a percentage of greed. If
 13 you're talking, let's say, 500 percent profit,
 14 that's greed.
 15 MR. REHMAN: Do you know what the profit
 16 percentage here for this develop --
 17 MS. LEWIS: That's my own personal -- I'm
 18 saying greed in general. A large profit is
 19 greed.
 20 MR. REHMAN: Thank you.
 21 MR. MERMELSTEIN: I have a question
 22 about -- you mentioned that this is not an area
 23 near shopping. Is that what you said?
 24 MS. LEWIS: No, I didn't say that.
 25 CHAIRMAN MEYER: You just said --

1 living in these buildings would support the
 2 shopping areas very close by in The Plaza,
 3 Queen Anne Road, West Englewood Avenue?
 4 MS. LEWIS: I don't know what type of food
 5 they eat, I don't know. I can't say. Everyone
 6 eats certain types of foods.
 7 MR. MERMELSTEIN: There's other things
 8 besides restaurants over there. There's gift
 9 shops --
 10 MS. LEWIS: On Teaneck Road?
 11 MR. MERMELSTEIN: No, on Queen Anne Road.
 12 Dry cleaners, pharmacy.
 13 THE BOARD SECRETARY: Wait. Hold it. I
 14 know everybody is very passionate about this,
 15 but everybody can't talk at the same time.
 16 We have a stenographer who does a
 17 wonderful job, but she catches hell trying to
 18 transcribe. So please, one at a time.
 19 MS. LEWIS: I apologize. But the nine
 20 units would be enough to support the shopping
 21 areas.
 22 MR. MERMELSTEIN: Thank you.
 23 MS. BERGER: I have one question:
 24 Why did you make a statement that people
 25 of color would not live in this building?

1 MS. LEWIS: I said -- that was my
 2 question. Would people of color be able to
 3 live in this building?
 4 MS. BERGER: And my question to you is why
 5 are you questioning whether people of color can
 6 live in this building? Don't people of color
 7 live in this community, don't they live in
 8 Teaneck and buy houses and pay taxes just like
 9 everyone else?
 10 MS. LEWIS: Yes, they do. I don't know
 11 what the rents will be for this new building,
 12 but I know 1500, one bedroom is \$2,400. And I
 13 know I'm a person of color and a one-bedroom, I
 14 can't afford \$2,400 a month.
 15 MS. BERGER: Did you know there's ten
 16 affordable units in building?
 17 MS. LEWIS: Ten out of --
 18 MS. BERGER: Ten out of 68 units.
 19 MS. LEWIS: 1500 people of color trying to
 20 get into ten units that you have? You're
 21 saying ten units. That's like a drop in the
 22 bucket.
 23 MS. BERGER: I said the ten units are
 24 affordable units for anyone, any color, any
 25 race, any creed.

1 of the community, end quote.
 2 This objective has been carried forward
 3 word for word in the 2011, 2014, and 2017
 4 re-examination reports. The township zoning
 5 ordinance, Section 3324, Subsection B4D2 of the
 6 township code, specifies a height maximum of
 7 35 feet and a maximum density of 12 units per
 8 acre in the residential multi-family RM zone.
 9 After three re-examinations and hundreds
 10 of meetings in the planning board in the past
 11 dozen years, these reasonable limitations on
 12 height and density have never been changed.
 13 The developers of 100 State Street
 14 submitted an application that asked for roughly
 15 a dozen variances that make the project far
 16 taller and far denser than permitted by the
 17 township zoning ordinance. The height of
 18 86 feet or 86.02 is almost two and half times
 19 the permitted height. The 68 units requested
 20 are more than seven times the nine units
 21 permitted by our zoning ordinance.
 22 Among the dozen or so variances originally
 23 requested are the height and density requested
 24 reasonable. Listen to township planner,
 25 Richard Preiss, author of the three Master Plan

1 You're making it that no one can afford to
 2 live in the building when there's -- the
 3 developer is proposing to have ten affordable
 4 units set aside within the building.
 5 MS. LEWIS: That's like bringing a
 6 homeless person in your house and giving them
 7 crumbs. Thank you.
 8 CHAIRMAN MEYER: Mr. Sohn, good evening.
 9 MR. SOHN: Good evening, Mr. Myer. Alan
 10 Sohn, S-O-H-N, 752 Cottage Place here in
 11 Teaneck.
 12 ALAN SOHN,
 13 called as a witness, having first been
 14 duly sworn and/or affirmed, was examined and
 15 testified as follows:
 16 MR. SOHN: Our Master Plan is intended to
 17 guide development and establish appropriate
 18 zones and limitations to advance the plans,
 19 goals, and objectives as implemented in the
 20 township zoning ordinance.
 21 Objective 10 of the 2007 Master Plan is
 22 clear that the plan should, quote, Promote
 23 building and site improvements that have
 24 reasonable limitations on size, bulk, and site
 25 disturbance in relation to the existing fabric

1 re-examinations in 2011, 2014, and 2017 in his
 2 State Street impact study.
 3 Quote, Those projects which have been
 4 granted variances or are before the zoning
 5 board for use variance approval, are
 6 substantially larger and taller, reflecting a
 7 much more urban downtown character not seen
 8 anywhere in Teaneck and more characteristic of
 9 developments in such communities as Fort Lee
 10 and Hackensack.
 11 Later on that same Page 6 of his executive
 12 summary, he continues. Quote, At the same
 13 time, the scale and character of the State
 14 Street study area will be irreversibly
 15 transformed by the development of significantly
 16 more dense and taller multi-family residential
 17 development that was not contemplated by the
 18 Township's current Master Plan or
 19 re-examination reports which are meant to guide
 20 development in the township, end quote.
 21 The character of the northeast will indeed
 22 be irreversibly transformed from this
 23 development. The harm of the development on
 24 quality of life, cramming in an estimated 1,231
 25 new residents, will be largely focused and the

1 pain most acutely felt in the densely populated
2 northeast, while the overwhelming majority of
3 the benefits, in terms of possible new revenue,
4 will be largely spread outside the northeast in
5 possible lower taxes.

6 The impact of approval of 100 State
7 Street, planned at 85 units per acre, are in an
8 area zoned for 12 -- planned at 85 Interstate
9 in an area zoned for 12 units per acre is to
10 undermine the Master Plan. The purpose of the
11 Master Plan will have been utterly impaired.
12 State Street, the northeast, and all other
13 residential multi-family zones in the township
14 will be turned into a wild west with
15 unreasonable limits on height, density, and
16 setbacks, set by our zoning ordinance will be
17 impossible to enforce based on this and other
18 precedents.

19 While the issues of parking may, perhaps
20 may have been addressed by the applicant, the
21 negative criteria of the other requested
22 variances have never been addressed. This is
23 the worst possible example of zoning by
24 variance implementing changes that usher in the
25 irreversible transformation of this township.

1 lifestyle dictates that they don't need X
2 amount of bedrooms. They love Teaneck and want
3 to stay in Teaneck. Where do they go?

4 MR. SOHN: Mr. Rosen, I want to thank you
5 for only proving my point. Every single person
6 who moves out of a building, who moves out of
7 an existing home, will free up a home that will
8 be moved -- if they are looking to downsize,
9 they're looking to be empty-nesters. The odds
10 are that the folks who move in are not going to
11 be a couple. They'll be a family with
12 children.

13 MR. ROSEN: I'm not arguing that.

14 MR. SOHN: Every home that's freed up.

15 MR. ROSEN: I'm saying where do the people
16 who own the homes, the approximately 14,000
17 homes.

18 There are 14,000 homes, single-unit homes
19 in Teaneck, and about 3500 apartments in
20 Teaneck. You don't dispute those facts?

21 MR. SOHN: I don't dispute.

22 MR. ROSEN: So my question is: Right now,
23 if someone, late 60s, early 70s, their children
24 are grown, they love Teaneck and everything
25 Teaneck has to offer and they have nowhere to

1 So many residents, as you've heard from
2 other speakers, move to Teaneck from Queens,
3 from Brooklyn, from the Bronx, to escape
4 overdevelopment in search of a tree-lined
5 low-rise suburbia as mandated and specified by
6 our Master Plan and our zoning ordinance.

7 These changes are all part of an effort to
8 turn Teaneck into what so many of us have
9 sought to escape. Thank you very much.

10 (Applause.)

11 MR. ROSEN: I have a question, Mr. Sohn.
12 You stated there are 1200 new units.

13 MR. SOHN: Mr. Preiss's study, page 43,
14 estimates there will be 1,231 new residents in
15 the city.

16 MR. ROSEN: New residents.

17 MR. SOHN: Yes.

18 MR. ROSEN: How is it that you're assuming
19 that everyone moving into these buildings are
20 new residents? For example, if you have people
21 who are currently homeowners in any part of
22 Teaneck, northeast, southwest. They love
23 Teaneck and love everything that Teaneck has to
24 offer, but they want to downsize their home.
25 They can't afford to maintain it or their

1 go but Hackensack, Fort Lee, southern part of
2 New Jersey where they're retirement homes.

3 Why are you assuming these new apartments
4 will only serve as new residents and not people
5 who are currently living in Teaneck and want to
6 stay in Teaneck but have nowhere to go?

7 MR. SOHN: Mr. Rosen, I live in a
8 five-bedroom home. Just my wife and I. At one
9 point we had six people living there. If my
10 wife and I were to downsize and move into one
11 of these apartments, I would be willing to
12 gamble that the folks moving in are not going
13 to be a couple. They will probably have
14 children, two, three, four children.

15 MR. ROSEN: We're arguing different
16 things.

17 MR. SOHN: It's a shell game.

18 MR. ROSEN: I'm saying, yes, the house
19 that the couple that has downsized by a new
20 family, what about the older residents, again,
21 in their 60s and 70s or 80s and they love their
22 town and they can't afford to maintain their
23 home, but they want to stay in Teaneck.
24 There's nowhere for them to go. They must
25 leave Teaneck.

1 People who have lived there all of their
2 lives and have so much to contribute to our
3 town have nowhere to go, where do you want them
4 to go?

5 MR. SOHN: That's not my job. Your job is
6 to deal with the Master Plan. And, again,
7 perhaps, as been discussed, the Master Plan
8 needs to be revised. There are locations.
9 Again, there's been rezoning at Alfred Avenue,
10 other developments that are coming up. There
11 are opportunities.

12 The question I would ask you is, Why are
13 these particular 68 units necessary to address
14 that shortage?

15 MR. ROSEN: Well, I think we're going to
16 argue in circles forever. All I'm saying is
17 that I think it's -- I think it's mistaken
18 assumptions to say that the new apartments
19 being proposed are already built are
20 exclusively for new residents as opposed to
21 residents who already live in and want to
22 continue their quality of life. That's my
23 point.

24 MR. SOHN: Again, I think that if the
25 existing residents who are downsizing or

1 moving, the odds are that they're freeing up
2 much bigger houses that will be occupied and
3 purchased by families that are much bigger than
4 the one person 60, 70, 80 years old or a
5 couple, older couple, empty-nesters.

6 MR. ROSEN: I think we agree to disagree.
7 Thank you.

8 CHAIRMAN MEYER: Next person, please.

9 MR. WATTERS: David Watters. My address
10 is 5 Madison Avenue in Montvale, New Jersey.
11 I'm here as the rental agent for Ayers Court,
12 Ayers Manor and Raven Hill, that is located on
13 Walraven Drive.

14 MR. STEINHAGEN: Do you own those
15 properties?

16 MR. WATTERS: No. I know of few
17 experiences of people moving in and not having
18 a place to park their car.

19 MR. STEINHAGEN: If you're going to
20 testify.

21 D A V I D W A T T E R S,

22 called as a witness, having first been
23 duly sworn and/or affirmed, was examined and
24 testified as follows:

25 MR. STEINHAGEN: You're the property

1 manager for which --

2 MR. WATTERS: Director of leasing for
3 Raven Hill, which is 72 units; Ayers Court and
4 Ayers Manor, combined 73. Both located on
5 Ayers Court.

6 MR. STEINHAGEN: Who are the owners --
7 what are the entities that own those? What are
8 the legal entities that own --

9 MR. WATTERS: Ayers Court LLC, Ayers Manor
10 LLC, Raven Hill LLC.

11 MR. STEINHAGEN: So you are the property
12 manager for limited liability companies and you
13 do not live in Teaneck?

14 MR. WATTERS: Yeah, I represent -- I
15 manage the renting of the units, that's
16 correct.

17 MR. STEINHAGEN: I'm going to let
18 Ms. Berger go.

19 CHAIRMAN MEYER: Are you an attorney?

20 MR. WATTERS: No, I'm not an attorney.
21 I'm just dealing on my experience renting to
22 people who want to move into Teaneck. I think
23 that has relevant --

24 MR. STEINHAGEN: Hold on. So the question
25 is, can this gentleman who does not live in the

1 municipality represent the interest of, I
2 assume -- hold on -- hold, on -- his employer,
3 which is a limited liability company, he
4 obviously can't represent the limited liability
5 company. He's not an attorney. Corporate
6 entities must be represented by counsel under
7 all circumstances. It's a violation of the
8 law. It's in the statute.

9 MR. WATTERS: Thank you for your time.

10 MR. STEINHAGEN: So the question is: As
11 an employee in Teaneck, you work in Teaneck
12 every day?

13 MR. WATTERS: Every day.

14 MR. STEINHAGEN: Can he speak?

15 CHAIRMAN MEYER: I think he can speak, as
16 to what? I think counselor is right. He can't
17 speak on behalf of any LLC, can't speak on
18 behalf of an employer, but if he has some
19 personal knowledge that he wants to share, I
20 don't think we can prevent him from sharing
21 that regardless, as long as it's relevant to
22 this and it's to this application.

23 MR. STEINHAGEN: Limited to his personal
24 knowledge.

25 CHAIRMAN MEYER: Whatever I think,

1 everybody has a right to speak.
 2 MR. WATTERS: Thank you very much.
 3 W-A-T-T-E-R-S. I'm -- I can't speak as a
 4 resident, obviously, but I'm speaking as
 5 somebody who deals with people every day where
 6 their main complaint about living in these
 7 three complexes is the lack of parking. It's
 8 the number one reason why people move out.
 9 MR. STEINHAGEN: Can you speak to what you
 10 observed?
 11 MR. WATTERS: Yes. I observe -- I get
 12 complaints that the number one reason why
 13 people move out is because of lack of parking.
 14 MR. STEINHAGEN: Do you have personal
 15 knowledge of the parking?
 16 MR. WATTERS: Yes, I do.
 17 CHAIRMAN MEYER: What kind of parking is
 18 there?
 19 MR. WATTERS: So they're on Ayers Court.
 20 There is first-come-first-serve parking slotted
 21 that is always full whenever I go there to do
 22 showings, completely full. Then I take that
 23 right-hand turn on the Hill Street, which I do
 24 have --
 25 CHAIRMAN MEYER: We know Hill Street.

1 a spot. They rent one spot and they have two
 2 cars.
 3 CHAIRMAN MEYER: They're supposed to be
 4 included in the renter's --
 5 MR. WATTERS: How many spots will be
 6 included in each apartment with the rent?
 7 MR. STEINHAGEN: Ms. Berger is not
 8 testifying.
 9 CHAIRMAN MEYER: I think it was put on the
 10 record that they're included in the rentals.
 11 There will be assigned spots to the units.
 12 Is that correct, Ms. Berger?
 13 MS. BERGER: I can't -- I didn't testify,
 14 so I can't give you the answer. I would have
 15 to check the transcript. I don't want to give
 16 you the wrong information.
 17 MR. WATTERS: So the issue is --
 18 CHAIRMAN MEYER: One second. My
 19 recollection is incorrect, that that
 20 testimony --
 21 MS. BERGER: I'm not saying it's correct
 22 or incorrect. I don't recall the exact word of
 23 the testimony so --
 24 CHAIRMAN MEYER: Why don't you check with
 25 your client, and we're going to finish very

1 MR. WATTERS: I do have evidence of one
 2 night I went at 6:59 p.m., July 11, every
 3 single possible place was taken. And that's
 4 just a common occurrence.
 5 Now, I'm objecting to this application
 6 proposal because I don't -- I think that the
 7 parking proposed is not adequate.
 8 MR. ROSEN: How many spots should be
 9 adequate for 68 units, according to you, what
 10 you know?
 11 MR. WATTERS: There is an aspect to this
 12 that I think people are forgetting, that I
 13 think -- what is it, 100 parking spaces on site
 14 or --
 15 CHAIRMAN MEYER: 125?
 16 MR. WATTERS: Are they going to be
 17 included with the apartments? I know I'm not
 18 allowed to ask questions, but I think this is
 19 an important part of this because if they're
 20 not included, I think a lot of these people
 21 that are going to be renting these very
 22 expensive apartments are going to try and get
 23 around.
 24 They're going to move in and say maybe I
 25 can park somewhere else. I don't have to rent

1 shortly in the interim.
 2 MS. BERGER: I'm going to want to ask --
 3 CHAIRMAN MEYER: I understand. I'm going
 4 to ask you to check with your client to make
 5 sure that the apartments have assigned spots.
 6 MS. BERGER: Someone is going to go check.
 7 I don't want to give you the wrong answer.
 8 CHAIRMAN MEYER: I appreciate that,
 9 Ms. Berger.
 10 What else do you want to say?
 11 MR. WATTERS: So if they are included,
 12 that is a positive thing. If they're not
 13 included, that could be a real issue.
 14 CHAIRMAN MEYER: That's a good point. I
 15 appreciate your cooperation.
 16 MR. WATTERS: Okay. And the 44 additional
 17 spots that are not just allowed parking. That
 18 also will be filled up relatively quickly. And
 19 just because we're accounting for the units
 20 that are being built, we are not counting for
 21 when people come over. So what happens if one
 22 apartment has --
 23 MR. STEINHAGEN: Residential site
 24 improvement standards incorporate and encompass
 25 an intent for parking for residents and guests.

1 That's the number -- hold on -- the number
2 that's required, is the number that's required.
3 The State has said this is the maximum we
4 can say -- that any board in the State of New
5 Jersey for this number of units, this type of
6 development, that's the maximum that can be
7 required.
8 The applicant is providing a certain
9 number. There's also off-street parking on an
10 adjacent lot that's going to be open to the
11 public.
12 MR. WATTERS: That's well and good. But
13 44 is not an adequate number to fulfill what we
14 need. And you did mention that if there was
15 going -- if there were additional parking to
16 the 44, would that help. It may, but what
17 number is that?
18 CHAIRMAN MEYER: 44.
19 MR. WATTERS: Well, no.
20 CHAIRMAN MEYER: Listen, let me ask you
21 this question: Do you think the additional 44
22 spots will help in any way, form, to provide
23 additional parking for the residents who live
24 in your buildings that does not provide any
25 parking?

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1 MR. STEINHAGEN: Is there going to be a
2 leasing agreement for the spaces?
3 MS. BERGER: I don't know how --
4 CHAIRMAN MEYER: Ask your client. Go and
5 ask your client.
6 MR. STEINHAGEN: That's what the board
7 wants to know.
8 CHAIRMAN MEYER: Go and ask your client.
9 He's here. No leasing of the spots. Is there
10 going to be the operating word here if
11 everybody else wants to approve this.
12 MS. BERGER: I have to find out.
13 CHAIRMAN MEYER: Your associate is here.
14 Go and check. Your associate can go in the
15 meantime and check it out.
16 MS. BERGER: I'm not done with you.
17 MR. WATTERS: That's why I'm standing
18 here.
19 MS. BERGER: Let's go over each building.
20 So Ayers Court, how many units are in Ayers
21 Court?
22 CHAIRMAN MEYER: Why is this relevant?
23 MS. BERGER: In fairness, how many units
24 are in Ayers Court?
25 MR. WATTERS: Thirty-one.

1 MR. WATTERS: Of course it would help.
2 But "help" and "help enough" are two separate
3 things. Just because it -- yeah, of course,
4 each spot will help another car, but it also
5 doesn't leave for the fact that, okay, we're
6 talking about people commuting into the City
7 and --
8 MR. ROSEN: Where are we going with this?
9 CHAIRMAN MEYER: You were ahead of the
10 game. You were ahead of the game here. Some
11 very good points, pointers, and I'm going to
12 call Ms. Berger out on some of the points here
13 to understand what's going on.
14 So I think you're ahead of the game now.
15 Let's hear from Ms. Berger to make sure that we
16 understand all the 125 spots are going to be
17 divided somewhat within each unit having a
18 certain amount of spots and all the 125 are
19 then divided between all the units in the
20 building. And that's what I'm waiting to hear,
21 that they are assigned to a particular unit.
22 MS. BERGER: The spots are going to be
23 assigned and also there are spots that aren't
24 assigned because there's guests, there's
25 different --

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1 MS. BERGER: How many parking spaces does
2 Ayers Court provide for their residents?
3 MR. WATTERS: We have rented parking. We
4 do.
5 MS. BERGER: How many parking spaces --
6 you're the rental agent. How many parking
7 spaces do you provide for your residents?
8 MR. WATTERS: I actually have a list here.
9 A total of 36 for the 72 on Walraven Drive.
10 MS. BERGER: Could you answer my question?
11 MR. WATTERS: There are ten garages at
12 Ayers Court.
13 MS. BERGER: Ten garages at Ayers Court
14 for 31 units.
15 MR. WATTERS: No, actually, it is for --
16 it's for the 31, and then there's also 42 units
17 at Ayers Manor.
18 MS. BERGER: Forty-two units at Ayers
19 Manor. And how many parking spaces do you
20 provide for those 42 units?
21 MR. WATTERS: So I want to be clear
22 because I feel like you're trying to get
23 somewhere --
24 CHAIRMAN MEYER: Let her ask the question
25 and you answer. Very simple. Just answer.

1 Doesn't make a difference, I guess, because
2 we're talking about this application, being a
3 different property that you work in.
4 MR. WATTERS: Let me make this clear.
5 There's 31 on Ayers Court; 42 on Ayers Manor;
6 and 72 on Walraven Drive; there are ten garages
7 that could be rented.
8 MS. BERGER: Rented to whom?
9 MR. WATTERS: The residents.
10 MS. BERGER: So you don't give the
11 residents any parking?
12 MR. WATTERS: Yes.
13 MS. BERGER: So you have garages on your
14 site that you rent to nonresidents?
15 MR. WATTERS: Only to residents.
16 MS. BERGER: Ten garages are rented to the
17 31 units.
18 MR. WATTERS: No. I just -- I'm trying to
19 explain. You've got listen, please.
20 There's 31 at Ayers Court; 42 at Ayers
21 Manor; 72 at Walraven Drive; ten garages for
22 rent to any one of the people in any one of
23 those complexes; and then we have 18 parking
24 spots -- spaces on Walraven Drive; and 18 at
25 the bottom of Walraven Drive.

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1 MS. BERGER: Okay. There are
2 two-bedrooms.
3 So for those units, you don't have any
4 specific parking other than the ten garages; is
5 that correct?
6 MR. WATTERS: I don't think you're
7 following. It's -- there's the garages for
8 rent, there's the parking spots for rent, and
9 there are 12 that are first-come-first-serve.
10 CHAIRMAN MEYER: Let him answer,
11 Ms. Berger. One second. There's three
12 categories of parking the way I understand it
13 now.
14 There's some garages for rent, some spots
15 for rent, and the rest is for the utilization
16 of the tenants. Only tenants in one of these
17 three units can rent either the garages or the
18 parking spots.
19 MR. WATTERS: Thank you very much.
20 MS. BERGER: So the first building we're
21 talking about, Ayers Court, how many parking
22 spots are on-site?
23 CHAIRMAN MEYER: Aside from the ones that
24 can be rented, they're common used parking
25 spots.

1 MS. BERGER: Wait, wait. So on-site
2 parking --
3 CHAIRMAN MEYER: Let him finish,
4 Ms. Berger.
5 MS. BERGER: Okay.
6 MR. WATTERS: So there's 18 -- there's 18
7 in the middle lot on Walraven Drive; and then
8 those are all for rent. And then there are --
9 there are six on the bottom lot on Walraven
10 Drive, but 12 of them -- we have 12 guest
11 parking. First-come-first-serve, which they're
12 always occupied by a car.
13 MS. BERGER: Okay. So I have to go slower
14 because I can't follow you. So excuse me, but
15 I've got to go slower.
16 So the first building is 31 units.
17 How many are one-bedroom how many are
18 two-bedroom?
19 MR. WATTERS: I would say about -- I would
20 say a little over half are one-bedroom.
21 MS. BERGER: So 15 are one-bedroom or 16?
22 MR. WATTERS: Sixteen, that's good.
23 MS. BERGER: And the balance?
24 MR. WATTERS: The balance would be 15, is
25 two.

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1 MR. WATTERS: Well, there's the 12 in the
2 one lot that's for common use and there's the
3 entire Ayers Court.
4 Do you know the street, Ayers Court?
5 There are many first-come-first-serve parking.
6 They're not owned by us. They're owned by the
7 town.
8 MS. BERGER: So on-site parking, that's my
9 question. How many on-site parking are --
10 CHAIRMAN MEYER: Twelve on the first one,
11 right?
12 MS. BERGER: Ten garages you said.
13 CHAIRMAN MEYER: Twelve.
14 MR. WATTERS: It's 12 on a
15 first-come-first-serve non-rented, there are
16 ten garages that are rented, and there is an
17 additional 24 rented spots.
18 CHAIRMAN MEYER: Thank you.
19 MS. BERGER: So are these each separate
20 lots?
21 MR. WATTERS: No, there's ten garages and
22 then there's two separate lots.
23 MS. BERGER: Okay. So these are separate
24 buildings, correct, by separate ownership?
25 MR. WATTERS: Correct.

1 MS. BERGER: And you rent them under
2 separate names?
3 MR. WATTERS: Correct.
4 MS. BERGER: So what I'm asking you this
5 question, for each lot where there's a
6 building, how many parking spots do you provide
7 for each lot?
8 The ordinance requires you to provide
9 parking on-site for each lot. That's my
10 question, and that's the answer I'm looking
11 for.
12 MR. WATTERS: These buildings were built
13 in the 1950s.
14 MS. BERGER: I don't care when they're
15 built.
16 CHAIRMAN MEYER: Answer the question. Can
17 you answer the question? If you can.
18 MS. BERGER: Doesn't matter when they were
19 built. How many provided on each lot for each
20 building?
21 MR. WATTERS: There's 18 spots total on
22 one lot.
23 MS. BERGER: Okay. It's the lot where
24 there's 18 spots. What building is on that lot
25 and how many units? That's all.

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1 here.
2 (Applause.)
3 CHAIRMAN MEYER: Whoever claps, leave the
4 room.
5 MS. BERGER: Mr. Myer, I have to --
6 CHAIRMAN MEYER: I will give you the
7 opportunity. In the meantime, I asked you for
8 some information and you're being coy about the
9 information I'm asking for. I want the
10 information now. Please, please.
11 MS. BERGER: Then I would like a
12 five-minute break so I can speak to my client
13 directly.
14 CHAIRMAN MEYER: Okay. Fine. Don't make
15 your associate make a representation that he
16 has spoken to the guy and he knows what the
17 answers are.
18 MS. BERGER: That's why --
19 CHAIRMAN MEYER: Let's finish this
20 gentleman quickly. He's trying to tell you
21 there's not adequate parking. You know that.
22 I know that. Everybody knows that. In those
23 buildings, there's not adequate parking for
24 anybody. They're built a long time ago and
25 that's a problem.

1 MR. WATTERS: You want me to draw it for
2 you?
3 MS. BERGER: Just tell me the answer.
4 MR. WATTERS: Have I explained to you
5 where you understand it?
6 CHAIRMAN MEYER: Yes, I understand. Sit
7 down. Sit down. I think Ms. Berger can handle
8 herself. She's a very experienced attorney.
9 MR. WATTERS: I said it.
10 CHAIRMAN MEYER: You want to say
11 something, say it outside. Just calm down. Go
12 out and talk to your client.
13 MS. BERGER'S ASSOCIATE: I spoke with him.
14 CHAIRMAN MEYER: You can give us the
15 answer.
16 Are all parking assigned to the units?
17 MS. BERGER: I will ask him the question.
18 CHAIRMAN MEYER: He just said he knows the
19 answer. Come up. You want to say something,
20 come up to the podium.
21 Ms. Berger, let your associate come up and
22 put it on the record then.
23 MS. BERGER: Mr. Myer?
24 CHAIRMAN MEYER: No, I'm impatient now. I
25 really am. You're going after this gentleman

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1 Your application to us, it helps those
2 people here. You're providing 44 spots as
3 long -- and in conjunction with the fact that
4 the 125 spots are going to be assigned to
5 specific units. If all of them are going to be
6 assigned to the units in that building, then it
7 makes sense. Otherwise it does not. Okay.
8 Do you have any more questions of this
9 gentleman? Do it fast and pointed.
10 MS. BERGER: I'm going to ask you simple
11 questions. Just give me numbers.
12 The first building, what lot is it on?
13 Ayers Court, what's the address?
14 MR. WATTERS: Ayers Court is between 114
15 Ayers Court and 126 Ayers Court; there's 114
16 Ayers Court and 118 Ayers Court.
17 MS. BERGER: That's one complex?
18 MR. WATTERS: Yes.
19 MS. BERGER: Thirty-one units at that
20 complex?
21 MR. WATTERS: Correct.
22 MS. BERGER: Just so I have my numbers
23 correct. On that property, on that property,
24 you have how many garages and how many surface
25 parking spots?

1 MR. WATTERS: So like I said, they're used
 2 by all three complexes and anybody who lives in
 3 any of those complexes -- you're talking about
 4 as a --
 5 CHAIRMAN MEYER: Just answer the question.
 6 MR. WATTERS: I'm trying to. Okay.
 7 MS. BERGER: On the 114 to 136 where you
 8 have 31 units, on that property, how many
 9 parking spots are there, whether in garages or
 10 surface?
 11 MR. WATTERS: There's none for that, on
 12 that particular -- they're owned by that LLC.
 13 There's none.
 14 MS. BERGER: Okay. Next one. It's Ayers
 15 Manor?
 16 MR. WATTERS: Ayers Manor.
 17 MS. BERGER: Where is that address? What
 18 is that address?
 19 MR. WATTERS: 86 Ayers Manor to 110 --
 20 it's Ayers Court, but the LLC is Ayers Manor,
 21 86 to 110.
 22 MS. BERGER: There are 42 units?
 23 MR. WATTERS: That's right.
 24 MS. BERGER: And the mix there is
 25 one-bedroom and two-bedroom?

1 MS. BERGER: And the 18 spots, the six and
 2 the 12 all are on the Raven Hill property?
 3 MR. WATTERS: Correct.
 4 MS. BERGER: So that was my first question
 5 I'm just trying to understand.
 6 So based upon that, you say there's not
 7 enough parking for your tenants. Is that what
 8 you're saying?
 9 MR. WATTERS: That's correct.
 10 MS. BERGER: And you have not taken any
 11 steps to provide any additional parking on
 12 site?
 13 MR. WATTERS: No, not to my knowledge, but
 14 I'm not the one --
 15 CHAIRMAN MEYER: That's the answer.
 16 MS. BERGER: And with regard to the site,
 17 many of your tenants you say basically park
 18 off-site?
 19 MR. WATTERS: Street parking wherever they
 20 can, yes.
 21 MS. BERGER: Okay. What is the percentage
 22 of your building rented?
 23 MR. WATTERS: We're at 100 percent. One
 24 or two vacancies that we're currently renting
 25 or waiting for tenants to move in.

1 MR. WATTERS: There's more one-bedrooms
 2 than twos.
 3 MS. BERGER: So 30 one-bedrooms, 12
 4 two-bedrooms?
 5 MR. WATTERS: Sure, I would say yeah.
 6 MS. BERGER: Approximately. And on that
 7 particular property, how many parking spots or
 8 garages are there?
 9 MR. WATTERS: That LLC has ten garages.
 10 MS. BERGER: Ten garages on that site.
 11 Next property is Raven --
 12 MR. WATTERS: -- Hill. So there are 18
 13 spots for rent in one lot; and then there are
 14 six spots at a lower lot for rent; and then
 15 there are 12 additional first-come-first-serve
 16 lots. Please also take into consideration that
 17 Ayers Court and Ayers Manor are on Ayers Court
 18 and there are several first-come-first-serve
 19 parking spots not owned by the owner but owned
 20 by the municipality and that gets utilized by
 21 our clientele.
 22 CHAIRMAN MEYER: Just answer the question.
 23 MS. BERGER: So the question is: There's
 24 72. How many units are there on Raven Hill?
 25 MR. WATTERS: Seventy-two.

1 MS. BERGER: So even with not enough
 2 parking, you're able to rent your apartments
 3 100 percent vacancy basically?
 4 CHAIRMAN MEYER: Yes or no?
 5 MR. WATTERS: We do a good job renting our
 6 apartments, yes.
 7 CHAIRMAN MEYER: Yes or no?
 8 MR. WATTERS: Yes.
 9 CHAIRMAN MEYER: Next question.
 10 MS. BERGER: And so if additional 44
 11 parking spaces that are not needed for the
 12 proposed building to meet its parking demand as
 13 required by ordinance are provided in a public
 14 lot, do you believe that will be a benefit to
 15 your tenants?
 16 MR. WATTERS: Well --
 17 CHAIRMAN MEYER: Yes or no?
 18 MR. WATTERS: It will benefit our tenants.
 19 CHAIRMAN MEYER: Thank you. Thank you
 20 very much. That's it.
 21 MS. BERGER: May I have the five minutes?
 22 CHAIRMAN MEYER: You have the five
 23 minutes.
 24 MS. BERGER: Thank you.
 25 (At 10:33 p.m. a recess was taken.)

1 (At 10:34 p.m. the meeting resumes.)
 2 CHAIRMAN MEYER: On the record.
 3 DR. RAGGIO-ASHLEY: Please give us a
 4 chance. You just asked me to come to the mic
 5 and speak.
 6 MR. STEINHAGEN: He's not saying the
 7 hearing is done. We're taking a break.
 8 DR. RAGGIO-ASHLEY: With all due respect,
 9 Attorney Steinhagen, Mr. Myer said that the
 10 rest of us could not speak. I was outside.
 11 CHAIRMAN MEYER: I didn't say that,
 12 please.
 13 DR. RAGGIO-ASHLEY: Then I misunderstood
 14 you. I apologize. Thank you for allowing us
 15 to speak.
 16 CHAIRMAN MEYER: What I'm saying to you is
 17 we may not reach you here tonight.
 18 DR. RAGGIO-ASHLEY: Oh, no, no, no. I
 19 need to talk. I drove up here four hours to
 20 speak tonight. I was at a meeting and I was
 21 outside and I could prove that I called. The
 22 police couldn't get in.
 23 MR. STEINHAGEN: Let's get your name.
 24 DR. RAGGIO-ASHLEY: My name is Dr. Tanya
 25 Pagan Raggio-Ashley and I'll wait my turn.

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1 MS. BERGER: In the report from your
 2 expert, it does say that. 5 percent.
 3 CHAIRMAN MEYER: 5 percent will be
 4 unassigned.
 5 MS. BERGER: Remember if I could also
 6 refresh your recollection. There were certain
 7 spots we had to have for motorcycles and
 8 bicycles. Those will be depending on who the
 9 tenant is and what their need is for those.
 10 MR. STEINHAGEN: The residents will not
 11 have to pay for those spaces.
 12 MR. VINCE: That seems correct. It's half
 13 a space per unit. It has to be in a
 14 centralized location.
 15 CHAIRMAN MEYER: Half a space?
 16 MR. VINCE: Half a space per unit. 63
 17 divided by two --
 18 MS. BERGER: 68.
 19 MR. VINCE: 68 divided by two.
 20 Thirty-four have to be visitors spaces in a --
 21 MS. BERGER: I don't know if that's what
 22 the number says.
 23 CHAIRMAN MEYER: Mr. Lydon says 5 percent.
 24 MS. BERGER: Could I make a suggestion?
 25 We check with your traffic expert. I don't

1 DR TANYA PAGAN RAGGIO ASHLEY,
 2 called as a witness, having first been
 3 duly sworn and/or affirmed, was examined and
 4 testified as follows:
 5 DR. RAGGIO-ASHLEY: I was outside. I
 6 could not get in. All the doors were locked.
 7 I walked around the building. I stayed
 8 outside. I called the police and I could prove
 9 it. I have the phone calls.
 10 MR. STEINHAGEN: But you're here now.
 11 DR. RAGGIO-ASHLEY: I'm here and I just
 12 want to speak and I'll wait my turn.
 13 (Another application heard at 10:36 p.m.)
 14 (100 State Street resumed at 11:06 p.m.)
 15 MS. BERGER: I consulted with my clients.
 16 The apartments will be assigned parking and
 17 there's also unassigned parking that's the
 18 visitor parking.
 19 CHAIRMAN MEYER: How many? Get a number.
 20 Ten unassigned parking to guests and visitors.
 21 That's fine. I want a number.
 22 MS. BERGER: I'll put out the RSIS
 23 standard. What's required to set aside for the
 24 visitors, that would be the unassigned that --
 25 MR. STEINHAGEN: It doesn't.

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1 want to give you the wrong information.
 2 CHAIRMAN MEYER: The traffic expert just
 3 left.
 4 MR. VINCE: I'm 100 percent certain that
 5 it's a half space per unit.
 6 The way the chart reads, it says you have
 7 to have so many spaces per unit to provide, and
 8 then in the bottom, in the footnote, it says
 9 that the number that's provided in the chart,
 10 it accounts for a half space per unit. And
 11 then it goes on to say that a minimum of half a
 12 space per unit has to be provided in a
 13 centralized location.
 14 CHAIRMAN MEYER: That's way too many.
 15 MS. BERGER: I have to say you are correct
 16 because I'm looking at the report from
 17 February 18 done by your traffic expert and it
 18 did say that exact -- you are correct.
 19 MR. VINCE: Right.
 20 MS. BERGER: I wasn't saying 34.
 21 MR. STEINHAGEN: Just so we're clear, it's
 22 Table 4.4 of NJAC5:21 4.14, Table 4.4, footnote
 23 B.
 24 CHAIRMAN MEYER: That's what I was going
 25 to say.

1 MR. STEINHAGEN: It is .5 spaces.
 2 MS. BERGER: Since it doesn't appear that
 3 everything will be finished tonight, wouldn't
 4 it make sense if I consult with your traffic
 5 expert and determine what is the correct number
 6 to set aside as visitor and not all be
 7 guessing?
 8 CHAIRMAN MEYER: Yeah, but maybe we should
 9 agree on a number instead so we have -- like,
 10 tonight, so we know what we are finishing off
 11 with the people who are here, who maybe have a
 12 comment, a question only to that issue --
 13 because it is a change a little bit.
 14 MS. BERGER: It's not changing. It's what
 15 the RSIS says, but you asked assigning it.
 16 So I was going to suggest I speak to your
 17 consultant and I don't -- it's not really a
 18 change. You just asked. Because we have to
 19 have some that are visitors because of the RSIS
 20 requirement.
 21 CHAIRMAN MEYER: There was testimony
 22 earlier that there's going to be a controlled
 23 entrance and all of that stuff. So if you have
 24 visitors, they're not really able to go through
 25 the controlled gate. So that's also contrary

1 to the testimony.
 2 MS. BERGER: So that's why I suggest we
 3 speak to him and I could give you the right
 4 answer. That's why --
 5 CHAIRMAN MEYER: Here's my point. I don't
 6 think you can provide any visitor spaces that
 7 are unassigned if you have a gate that can only
 8 be operated by the tenants. That's
 9 contradictory to having visitor spaces inside
 10 that nobody can get to.
 11 Do you know what I'm saying?
 12 MS. BERGER: So, but the problem is we
 13 also have tandem spots where we have one unit
 14 and if you have one parking spot and you have a
 15 guest.
 16 CHAIRMAN MEYER: Maybe come down and open.
 17 MS. BERGER: That's what I'm trying to say
 18 to you. So that's why I wanted to give the
 19 right answer.
 20 CHAIRMAN MEYER: I don't think there is a
 21 right answer in this case because I think the
 22 testimony is contrary to what would normally be
 23 if it was an open access.
 24 MS. BERGER: That's why --
 25 MR. STEINHAGEN: So --

1 CHAIRMAN MEYER: Pick a number if you want
 2 to comply with that and --
 3 MS. BERGER: I don't -- I certainly don't
 4 want to be the one who makes a guess.
 5 CHAIRMAN MEYER: We're not making a guess
 6 with an arbitrary number and we'll live with
 7 that.
 8 MR. VINCE: It would be a de minimus
 9 exception from the RSIS.
 10 MS. BERGER: Right. I'm just saying I
 11 have to consult with my experts to say, and
 12 your expert had that number. I don't feel I'm
 13 a traffic expert that I could --
 14 CHAIRMAN MEYER: Me neither.
 15 MR. STEINHAGEN: Why don't we use
 16 something different than an arbitrary number?
 17 CHAIRMAN MEYER: Fixed number. Live with
 18 that. It goes in the resolution and as part of
 19 the applications. Twelve, 15 -- I don't want
 20 to take away 125 spots. If you have two spots
 21 and one car, you could use it for your visitor.
 22 I think the necessity for having visitor spots
 23 are very, very low.
 24 MR. VINCE: How many tandem spots do you
 25 have?

1 MS. BERGER: It's a lot. Because with the
 2 two levels, that's why 5 percent --
 3 CHAIRMAN MEYER: Like 30 or something like
 4 that.
 5 MS. BERGER: Five per percent was nine.
 6 So that seemed like a good percentage.
 7 CHAIRMAN MEYER: I like nine. Nine it is.
 8 Maybe.
 9 MS. BERGER: That's why that's --
 10 CHAIRMAN MEYER: Nine is good. Mr. Lydon
 11 says nine is good.
 12 MS. BERGER: That was his suggestion.
 13 CHAIRMAN MEYER: So nine unassigned
 14 visitor spots out of 125.
 15 How do they get access? That's their
 16 problem.
 17 MS. BERGER: So I think your expert is
 18 suggesting that all of the parking on site be
 19 for the units and that the visitor is the 44 or
 20 off site.
 21 MR. CORAK: John Corak, C-O-R-A-K.
 22 MR. STEINHAGEN: You were sworn in
 23 previously by this board.
 24 MR. CORAK: Yes.
 25 CHAIRMAN MEYER: 44 could technically be

1 used for visitor parking.
 2 MR. CORAK: That's correct.
 3 MR. STEINHAGEN: The requirements for
 4 attached units, apartments, condos, townhouses
 5 includes provisions for guest parking, .5
 6 spaces for the guest parking. Guest parking
 7 must either be provided for on street or in
 8 common parking areas.
 9 CHAIRMAN MEYER: But if you have a problem
 10 getting parking and you have the spaces, you
 11 know, if you have two spaces and it's empty,
 12 I'm sure you let your guests use?
 13 MS. BERGER: Exactly.
 14 MR. CORAK: From a functional standpoint.
 15 CHAIRMAN MEYER: Let's say zero. All has
 16 to be assigned to individual units.
 17 MS. BERGER: Yes. Well, there might be a
 18 spot that is open for, like, the super or
 19 whatever else, but you know what I'm saying.
 20 It has to be assigned to the function of the
 21 building.
 22 CHAIRMAN MEYER: Function of the building
 23 and each unit will have assigned parking.
 24 MS. BERGER: Definitely each unit. ADA or
 25 we don't know who's going to want that.

1 new experience for me to see so much traffic.
 2 I also saw almost two accidents and a
 3 child being hit. This is opposite from where
 4 you're proposing to build your building. That
 5 worried me and troubled me because of all of
 6 the new development that is being proposed here
 7 in Teaneck.
 8 Now let me move over to Walraven.
 9 CHAIRMAN MEYER: Let me ask you a
 10 question. When you drove and you saw the
 11 traffic, was that on Teaneck Road?
 12 MS. HENDERSON: No, it was not. This is
 13 opposite -- this is going Queen Anne Road,
 14 which it took me almost five minutes just to
 15 get onto Queen Anne Road because you have a lot
 16 of traffic coming from --
 17 CHAIRMAN MEYER: From where?
 18 MS. HENDERSON: Salvage. Thank you.
 19 Salvage, yes. So Forest has the traffic light.
 20 Salvage doesn't have the traffic light and it
 21 took me almost five minutes to make the left
 22 turn onto Queen Anne Road.
 23 You have a lot of traffic coming in from
 24 the other neighboring towns -- Bergenfield,
 25 Dumont, New Milford -- because of Route 4, if

1 CHAIRMAN MEYER: Okay, fine. Good. So we
 2 got that on the record.
 3 MS. BERGER: Let me sit down.
 4 CHAIRMAN MEYER: A few more -- let's see
 5 if we can finish more questions for public
 6 comments.
 7 MS. HENDERSON: Hi, my name is -- good
 8 evening. My name is Rhonda Henderson. And I
 9 live at 48 South Prospect Terrace, here in
 10 Teaneck.
 11 RHONDA HENDERSON,
 12 called as a witness, having first been
 13 duly sworn and/or affirmed, was examined and
 14 testified as follows:
 15 MS. HENDERSON: I have been a resident
 16 here in Teaneck for 50 years. This is my first
 17 attendance at your meeting. And I was prompted
 18 to attend this meeting due to my experience
 19 yesterday trying to get my grandchild from my
 20 residence to the Teaneck Charter School.
 21 It took me 20 minutes to get him from my
 22 residence to the charter school, which is on
 23 Chestnut Street. I usually leave Teaneck
 24 between 7:00 and 7:30 in the morning. So I
 25 miss a lot of the traffic. So yesterday was a

1 they don't go the back way to get over by
 2 Hackensack. So there has been an increase of
 3 traffic here in our town.
 4 Talking about Raven Hill. I lived there
 5 for 15 years. I did not want to leave Teaneck.
 6 I wanted to give my children the same
 7 opportunities I had with the educational system
 8 here. So I left my family home and moved onto
 9 Raven Hill.
 10 Nightmare with parking. Okay. I received
 11 a lot of parking tickets because this was
 12 before the on-site additional lot was built.
 13 Much traffic. Then you have to also take into
 14 consideration the people that live in that
 15 area. Because of their religious observances,
 16 they do not move their cars over the weekend.
 17 So there's no open space for people to come
 18 visit. A lot of times, I used to have to have
 19 my visitors come to my parents' home because
 20 there was no parking.
 21 The increase of activity in that Queen
 22 Anne Road area has definitely grown, and I have
 23 seen the change in the traffic. When I used to
 24 leave my home by 7:30, it would take me almost,
 25 once again, five minutes to turn off of

1 Walraven onto Queen Anne Road. There has been
2 an increase of traffic throughout our town.

3 We love our suburban town here. We do not
4 want to see it turn into a Hoboken, Fort Lee,
5 or any of the other neighboring towns that are
6 proposing development. We do want to see a
7 growth in Teaneck, but not to the extent that
8 we may be putting ourselves in jeopardy,
9 because yesterday made me think that with all
10 of the traffic, God forbid if there was a child
11 at Bryant School who would have had a medical
12 emergency and our EMT is over by Cedar Lane .
13 How long would it have taken for them to
14 respond to that child?

15 CHAIRMAN MEYER: I do TVAC every Friday
16 morning. It doesn't take that long. People --
17 TVAC, I'm a volunteer. I drive the ambulance
18 every Friday morning. If there's an emergency,
19 people are very good about moving aside. So it
20 doesn't take that long, thank God. So that
21 works.

22 MS. HENDERSON: I'm glad to hear that.
23 When we have the influx of people coming in, we
24 are still going to have that people are rude.
25 You have people who have that mentality --

1 CHAIRMAN MEYER: When the ambulance --
2 people respect the ambulance and fire trucks
3 and gives in deference for these emergency
4 vehicles. Everyone is well trained that I
5 don't think -- you need to be worried about a
6 lot of other things.

7 MS. HENDERSON: I'm very concerned about
8 the increase of traffic as I witnessed
9 firsthand yesterday. That has me here speaking
10 to you this evening.

11 I'm also concerned about the environmental
12 impact that it will have to the community, as
13 we have children, we have seniors, we have a
14 very diverse community here. And I would like
15 to protect it as much as possible, but do not
16 limit the possibility of growth, but not to the
17 rate that we are seeing it happen here now.

18 As I said, I've lived here 50 years. I've
19 lived in a home and I've lived in an apartment,
20 so I have both sides.

21 So thank you for allowing me to have the
22 time this evening.

23 MS. STREAN: Marcia Strean, M-A-R-C-I-A,
24 Strean, S-T-R-E-A-N. I'm a 55-year residence.
25 I'm 90 now. My address is 1011 Sheffield.

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1 MARCIA STREAN,

2 called as a witness, having first been
3 duly sworn and/or affirmed, was examined and
4 testified as follows:

5 MS. STREAN: I want to say that tonight
6 has been a revelation to me how hard you guys
7 work who are volunteers, that we are not
8 enemies. You're doing a job and we need to
9 understand each other. And you did a great job
10 tonight.

11 I want to say that I cannot vote for you,
12 none of us can. And I think we need to realize
13 that you've been appointed by our council and
14 if we don't like what's happening in this town,
15 which I join -- looks like 100 percent of the
16 community is against this development -- I
17 stand with them. But what I need to do and you
18 all need to do is vote. Because 10 percent of
19 us voted in the last council election. And if
20 we don't like who's on the council, we just
21 better speak up. That's what I wanted to say.
22 It's time to go home. Thank you.

23 CHAIRMAN MEYER: Thank you very much.

24 MS. STREAN: I wanted to say to Harvey
25 that the reason that people like me are still

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1 living in our house, alone in a big house, is
2 because it costs about a thousand dollars a
3 month or so whereas if you went to the Bristol
4 for assisted living, it would cost \$8,400 for
5 two little bedrooms, and so I'm just hanging
6 out in Teaneck that way.

7 CHAIRMAN MEYER: That's a good place to
8 hang out.

9 MR. PERSUAD: My name is Vinod Persuad,
10 V-I-N-O-D, P-E-R-S-A-U-D. I live at 1245
11 Beaumont Avenue, Teaneck, New Jersey.

12 VINOD PERSAUD,

13 called as a witness, having first been
14 duly sworn and/or affirmed, was examined and
15 testified as follows:

16 MR. PERSUAD: I do want to pay -- maybe I
17 wasn't listening or didn't hear it correctly.
18 But is the rental parking, is it going to be
19 rented or additional money to that rent? Do
20 you understand where I'm going about it?

21 CHAIRMAN MEYER: The rental is going to be
22 including the spaces that you rent.

23 MR. STEINHAGEN: They're not renting
24 separately.

25 MR. PERSUAD: When I went to see it in

1 Teaneck Square, we're talking about the one on
2 Teaneck Road?

3 MR. STEINHAGEN: This is a building that
4 is proposed to be constructed at 100 State
5 Street if the board approves it.

6 We're hearing the testimony and the
7 evidence to decide whether or not it should
8 approve. This building doesn't exist.

9 MR. PERSUAD: How many more buildings are
10 we going to get in Teaneck for the population
11 growing here? It's already crowded enough.

12 CHAIRMAN MEYER: You're asking us or
13 making a statement?

14 MR. PERSUAD: Making a statement. When
15 are you going to say it's enough. There's
16 traffic, rush-hour traffic. If a child got hit
17 during the rush-hour traffic, the medical team
18 getting through that traffic, all lives matter,
19 right?

20 CHAIRMAN MEYER: All lives matter.

21 MR. PERSUAD: I just wanted to know, like,
22 I've been living here for 26 years. I would
23 like to stay here. But --

24 CHAIRMAN MEYER: I hope you do.

25 MR. PERSUAD: These complexes, is it

1 benefiting the resident in any way besides
2 giving us an opportunity to live? I don't make
3 enough money to live in these complexes. Maybe
4 the older generation is probably going down to
5 Florida. No disrespect or anything. But the
6 housing units are going to be -- are going to
7 be empty.

8 MR. ROSEN: When a building is proposed,
9 we can't control what's submitted to the town
10 for approval. A developer that buys a plot can
11 submit an application to build a project and we
12 consider it. So the building department, we
13 can't control how many are proposed. It's not
14 up to us. All we can do is judge the project
15 prepared for what we have.

16 But your question is legitimate, one
17 rhetorical we can't answer.

18 CHAIRMAN MEYER: Thank you.

19 DR. RAGGIO-ASHLEY: Good evening. My name
20 is Dr. Tanya Pagan Raggio-Ashley.

21 MR. STEINHAGEN: You were sworn in earlier
22 today.

23 DR. RAGGIO-ASHLEY: So my experience here
24 tonight has been -- I'm trying to read this at
25 the same time.

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1 My experience here tonight has been very
2 similar to my experience since I first came
3 here several months ago. I first went to the
4 chambers, to the council chambers where we were
5 supposed to meet. I had gotten an email that
6 said if there was an overflow, that we would
7 come here. All the doors were locked.

8 I walked around outside, around the
9 building. This is a problem. I felt locked
10 out, the way I have been feeling about these
11 meetings. If there's another agenda, there's
12 something else going on, I'm missing, I'm
13 looking from the outside.

14 When I first came to these meetings, all I
15 wanted to know was what was going on in my
16 neighborhood. I live at 33 West Tryon Avenue.
17 My mother and my family came here in 1968. We
18 came here from the Bronx, like a lot of other
19 people. And things were happening in my
20 neighborhood and I didn't know what was going
21 on, so I just wanted to know.

22 And then when I came here, I listened to
23 experts describe our neighborhood. My
24 neighborhood. But it wasn't my neighborhood.
25 It wasn't my neighborhood that I walked on

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1 every day, that I walked on every day with my
2 husband, my dog, my mother. I heard experts
3 come in here and say there are no single-family
4 homes. We have single-family homes. We all
5 know that within blocks -- within a block of
6 100 State Street. We have many apartment
7 buildings. They're about five or six stories
8 high some, okay. But they're not as high as
9 nine stories.

10 So when I kept hearing this, and then as I
11 watched as people got interrogated and had to
12 wait long periods of time, sometimes not even
13 getting a chance to speak, I decided to do my
14 homework and I would come prepared almost every
15 time, and almost every time could not really
16 have a chance to speak, except during the time
17 when we spoke, it didn't count.

18 So here is some of the issues that I've
19 brought up before that many times the experts
20 were told not to answer.

21 The first one is, I am a physician. I'm a
22 preventative medicine specialist. I'm a
23 pediatrician and an epidemiologist. When we do
24 assessments and planning for healthy
25 communities, we look at the cumulative effects.

1 And every time I asked that question, what is
 2 the cumulative effect of having a 244-unit
 3 building built on Teaneck Road, a 145 -- a
 4 145-unit building built right down the street
 5 on Palisade Avenue, a 68-unit building built in
 6 between the two, and not even considering
 7 Avalon, no one would answer.

8 People described the traffic flow as if
 9 there was no issue. All the people who live in
 10 the northeast corridor know that we can barely
 11 cross the street. My mom is 87 years old.
 12 When we go to vote at Bryant School, we have to
 13 drive. That's how bad the traffic is. We've
 14 had many, many accidents and I've expressed
 15 concern to city council and the police that
 16 something really horrible is going to happen to
 17 our children, our children who go to Bryant
 18 School, our children who are down the street at
 19 the Yeshivas, because the traffic is horrible.
 20 But yet we're told that there will be no
 21 increase in risk of accidents. I'm worried
 22 about the pregnant mommies that I see with
 23 their carriages, infants, children, and elderly
 24 you spoke about earlier.

25 There's a very small -- I'm almost done.

1 So in closing, I'm not blind. Other
 2 people are not blind. We need more
 3 affordable-type housing for moving into our
 4 community. There are many young people in
 5 New York who want to live in our beautiful
 6 diverse community. There must be a better way
 7 than this. There must be a better way than
 8 putting between 1200 to 1400 people, however
 9 you want to call them, all in the northeast
 10 corridor.

11 I'm not going insult you by asking any of
 12 you where do you live. But it has to be done
 13 in a fairer way, where the buildings that are
 14 being built are spread out a little bit more.
 15 The height doesn't have to be so tall. We're
 16 talking about possibly having a 15-story
 17 building down the street. We need to do this
 18 so we can have healthy communities and healthy
 19 people. Because we know that when we overcrowd
 20 our communities, we have poor health outcomes .

21 And I believe that none of you want that
 22 for anybody in our community. I want to thank
 23 you for allowing me to speak and just hope and
 24 pray you make the right decision.

25 (Applause.)

1 I know it's late. There's a very small area
 2 for the children to play. When the experts
 3 came and spoke, they described the number of
 4 children they expected to be in this building.
 5 It doesn't go along with all of the pregnant
 6 mommies coming in and out.

7 I believe there will be a lot of people
 8 coming in to move into our buildings. There
 9 are going to be different children. If you
 10 choose to approve this, please look at the play
 11 area for the children. Make sure there's
 12 enough area for them to play in. Make sure
 13 it's a safe area.

14 I'm not going to comment on the parking
 15 because there seems to be -- it's not quite
 16 clear to me. My main concern is we're using
 17 public land for their parking, but it's very
 18 confusing even about how many spaces there will
 19 actually be.

20 There's an extraordinary number of
 21 vacancies being allocated, not only for State
 22 Street, but some of the other developments.
 23 When many people in my community, many people
 24 near the end of their life and just want to
 25 build a fence, can't get a variance for that.

1 CHAIRMAN MEYER: Mr. Powers?

2 MR. POWERS: I was sitting down.

3 CHUCK POWERS,
 4 called as a witness, having first been
 5 duly sworn and/or affirmed, was examined and
 6 testified as follows:

7 MR. POWERS: I'm also a resident of the
 8 Township of Teaneck and live at 1374 Academy
 9 Lane.

10 I want to talk to you about several
 11 issues, procedural issues, before I get into
 12 the heart of what I want to suggest to you,
 13 which will turn out to be that I really don't
 14 think that you have a choice as a board of
 15 adjustment following the rules and
 16 responsibilities of the board of adjustment, to
 17 approve this application, but it will take me a
 18 little while to get to that.

19 I want to start with the disclarity about
 20 the amendments you folks allowed Mr. Lydon,
 21 Mr. Lydon, an amendment about the architecture
 22 of the new building.

23 I don't know how much you folks have
 24 examined that amendment. I'm not truly an
 25 expert, although I've been an expert in civil

1 and environmental engineering. But the
2 amendment that you folks approved was on the
3 basis of an application that gave you three
4 options. And then behind it, two pages of the
5 option that you finally persuaded Ms. Berger to
6 get permission from her, for the person for
7 whom she's working, to give you as the final
8 one.

9 It is almost impossible to tell from those
10 two pages how that new structure will actually
11 function. How we know that it's absolutely up
12 against the property line. And will stick up,
13 so far as we can hear. I'm actually now
14 quoting something earlier that Ms. Berger said
15 is the reason why not to add the permissible 25
16 units to that building.

17 But how is that actual structure going to
18 work? You can't possibly tell about the actual
19 mechanical characteristics of those additional
20 25 -- 25 spaces by looking at the two pages of
21 material that you were given. I guess
22 indirectly, by the architect, who never spoke
23 in any way to tell you how that would function,
24 that he told you the last time you asked him
25 that he had not prepared anything about that.

1 MR. POWERS: I will tie it to the
2 application directly. As you have been told by
3 Debbie Eliyahu, she has decisive proof,
4 although you have not accepted as proof, that
5 the New Jersey Transit folks have told you they
6 have no additional capacity, either in terms
7 of -- best as they have, routes they can use or
8 places to put those buses once they get to
9 Manhattan. There's no place for them.

10 What she did not talk to you about, was
11 brilliantly covered in the New Jersey District
12 37 Bus Corp. that occurred here in Teaneck on
13 June 12, is the fact there was the most senior
14 person in The Port Authority structure, an
15 extraordinary engineer, who said, "I can't
16 figure it out. I've worked it. I can't figure
17 out how to get any more buses, during commuter
18 time, either through the Lincoln Tunnel or back
19 out during the commuter time."

20 That means it's not only a problem with
21 available transit stuff, but also the way in
22 which Teaneck Road functions. But also the
23 fact that the only way to get to Manhattan is
24 through the Lincoln Tunnel; that the person
25 from the -- let me suggest to you that I'm not

1 I think that that amendment fails the test of
2 adequacy. You deserve to hear from an
3 architect and an engineer and not from a
4 planner how that -- how the mechanics of that
5 new structure with those additional 25 spaces
6 will actually work.

7 I want to talk next about the issues
8 associated with the major problems that this
9 town faces in relation to its transit system.

10 CHAIRMAN MEYER: Let's talk about this
11 application. I think you're digressing outside
12 talking to this application. Try to focus on
13 this application.

14 MR. POWERS: Is the amendment not part of
15 the application?

16 CHAIRMAN MEYER: Just try to focus on the
17 application. Where are you going?

18 MR. POWERS: I'm saying that when you have
19 an amendment, it's an absolutely --

20 CHAIRMAN MEYER: That topic has nothing do
21 with this application.

22 MR. STEINHAGEN: I think what the Chairman
23 was saying, you moved on to the major problems
24 that the township was having about its transit
25 system.

1 just sort of talking from the top of my head.
2 I know exactly where you can go find out
3 precisely what that person said if you go to a
4 YouTube site and Riverbank -- and look for New
5 Jersey Transit 37 Bus 4612.

6 You will be able to hear precisely what
7 I'm telling you that that very senior official
8 from The Port Authority said. What that means
9 is we have to link that to what the Stonefield
10 folks found out about how to predict what the
11 demand on transit will be if the additional
12 1200, 3100 additional people that will be in
13 that region.

14 And what we know is that Mr. Stonefield
15 predicted it was going to be a 49 percent
16 increase on the demand for precisely what
17 commuter lines that both New Jersey Transit and
18 The Port Authority has said will not be
19 available.

20 I'm going to tell you something out of
21 hearsay. I had a substantial conversation with
22 someone who was here earlier, who actually is a
23 substantial owner of property on Ayers Court.
24 He said the thing that terrified, that drove
25 him interested in this project, is the fact

1 that he knows that he can't provide additional
2 ways for people can get on those buses to go --
3 he knows that there's very strong commuter
4 traffic if, in fact, this project is approved.

5 You are, I believe, putting Teaneck in the
6 position of not being able -- either not being
7 able to attract people who want that commuting ,
8 or the situation in which once here, they're
9 not going to be able to secure a living. It is
10 a fundamental problem. That's the one I've
11 talked about with the Freeholders of the County
12 of Bergen. It's a fundamental issue and it
13 sits right there in an available document that
14 when you tie up to what the impact studies that
15 the Stonefield folks have done in conjunction
16 with what Mr. Preiss has done, tells you, that
17 what this application is asking you to do is
18 not just for the people who live right there,
19 but people for the whole rest of Teaneck.

20 There's no way in which we can add that
21 kind of burden probably in the next ten years
22 because the prediction is when it possibly can
23 be done is at least ten years, which is when it
24 can be developed. And we certainly know we're
25 not going to get a rail line to the commuter

1 really rethinking all of these issues to the
2 six projects that are now thought about to go
3 onto State Street, which you have to think
4 about what you're adding up on 1775.

5 MR. GREEN: If we were to play that out,
6 logical exercise, wouldn't that solve your
7 problem then?

8 If it was, in fact, so horrible that
9 people wouldn't want to move in from the
10 beginning, would it be your issue?

11 MR. POWERS: Let's think about what it is
12 that's being thought about when the impact
13 study done by Mr. Preiss tries to figure out
14 what this is. Let's take a look about how
15 things are going in the State Street area right
16 now.

17 Here's the thing. In order to get the
18 kind of benefit in terms of ratables, that I
19 know is not at the center of what you folks are
20 responsible for, it's certainly something that
21 would actually relate to whether or not you
22 have malls on the street and all the rest of
23 those things that Mr. Lydon was so eloquent
24 about, he talked a lot about. Then all of
25 those ratables, benefits that he's talking

1 line anytime in the next decade.

2 You are being asked to approve an increase
3 in people looking for commutation that they're
4 not going to be able to find. They're not
5 going to come here. There's some people going
6 toward what you're talking about because it is
7 an easier access for them, not easy, but going
8 up Route 4 during the times of commutation
9 period. It's not something that when you get
10 to the variance, inadequate bus terminals on
11 the other side of the bridge, and then try to
12 figure out how you're going to get someplace in
13 Manhattan. You're talking about a
14 two-and-a-half-hour commute. It's not
15 something that people are going to buy into.
16 And I'm not coming up with this.

17 I'm telling you before you vote. I hope
18 you don't do it tonight. Go look at that
19 entire presentation by The Port Authority and
20 by the New Jersey Transit and connect that to
21 what the people have said and what that demand
22 is going to be if, in fact, you continue to do
23 precisely what it is that Mr. Preiss is very
24 much telling you you should not be doing, which
25 is adding to the -- adding to the -- without

1 about, depend upon a 3 percent -- a 3 percent
2 vacancy rate for those six big projects plus
3 1775.

4 Let's talk about what we know about how
5 things are going for the only project in that
6 area which you folks have already approved,
7 which is 1475.

8 And here I suggest you look at the
9 minutes. And if you want to also on
10 Riverbank -- Riverbank (phonetic), the video of
11 the time that the representative of 1475 owners
12 came to the planning board on the 27th of June
13 and was asking for a huge new banner to go
14 across the entire 1475 structure, he was turned
15 down by the planning board and asked to come
16 back and never did.

17 But the only day that we have at this
18 point on 1475 grounds, is that he was coming
19 there, precisely that project is going -- I
20 will use the term -- becoming a white elephant.
21 It has only at that point 18 percent, only
22 18 percent of the available 128 units sold.
23 Twenty had been sold. That was seven months
24 into the process. And as you probably know,
25 the builder of that project has just gone

1 bankrupt, Chapter 11. I don't know if they're
 2 going to be able to complete that. But that's
 3 something you approved way back in November of
 4 2013. That the developer's agreement from the
 5 council on the 20th of June 2014, and that
 6 developer promised the town, absent coming back
 7 and getting approval from the council, promised
 8 the town that he would be done in 24 months.
 9 Twenty-four months from the 20th of June 2014
 10 is 20th of June 2016. The town hasn't
 11 completed the building yet. It's issued a few
 12 temporary occupancies, but that actually is in
 13 direct violation of the development agreement.

14 What we're seeing is this process of
 15 people working with their wallets and deciding
 16 not to go where it is you folks said they ought
 17 to be going, and there's only 18 percent youth
 18 is there. And the builder who's building it,
 19 he was a large builder and he went under. But
 20 certainly that builder's inability is now part
 21 of the bankruptcy proceedings to be able to pay
 22 the subcontractors and finish the work.

23 If you think about it, you're being asked
 24 to take on a project in a situation where your
 25 only sort of piece of evidence as to how it's

1 provisions of what it was within the original
 2 2007 one, this one I want to draw your
 3 attention before I read what he had to say.

4 Goal No. 3 of the Master Plan, is you
 5 haven't heard this before because the way in
 6 which Mr. Lydon put it -- because I tried to
 7 point out -- someone tried to point out last
 8 time is not exactly what it says. Because it
 9 says, "Provide zoning protection for existing
 10 multi-family housing. Encourage its expansion
 11 only in areas where it would not have a
 12 detrimental effect on single-family
 13 residential." The first part of that is,
 14 "Provide protection for existing multi-family
 15 housing."

16 When I pointed out that, took notice of
 17 that overrun on Ayers Court this evening, he
 18 was fascinated by that. I'll also read you the
 19 Goal No. 10, that you heard about earlier from
 20 Mr. Sohn. Because it directly relates to what
 21 it is that Mr. Preiss is thinking about as he
 22 tries to estimate and figure out what it is
 23 that he thinks you ought to be doing with the
 24 proposals that you're currently receiving.

25 "Promote the building and site

1 going to work is a complete and utter failure.

2 MR. GREEN: I don't think that's the
 3 board's responsibility to determine a
 4 builder's --

5 THE BOARD SECRETARY: Whoa -- whoa. One
 6 at a time, please.

7 MR. GREEN: I understand what you're
 8 saying. Again, this is not directed
 9 necessarily to you, but generally, we kind of
 10 hear it's our project. It's not this board's
 11 project. We're evaluating on the merits of the
 12 application.

13 MR. POWERS: Fine. I'm simply pointing
 14 out the last time you took on a project that
 15 had a stronger analysis in terms of amenities
 16 being offered at 1475, what was being heard, in
 17 terms of anything else, it looks as if that
 18 project, you're not the ones to blame.

19 MR. GREEN: It could be bathroom colors.

20 MR. POWERS: My point is we're looking at
 21 a situation where now we have -- I want to draw
 22 your attention to what it is.

23 Mr. Preiss, the author of the 2011, 2014,
 24 and 2017 Master Plan Re-examinations, was
 25 replicated in every respect. The two major

1 improvements that have reasonable limitations
 2 on size" --

3 CHAIRMAN MEYER: I'm listening to you,
 4 Mr. Powers.

5 MR. POWERS: That's impossible. You are a
 6 much better man than I. I'm not putting any
 7 wage on it.

8 "Promote building and site improvements
 9 that have reasonable limitations on size, bulk,
 10 and site disturbance in relation to the
 11 existing fabric of the community."

12 That's -- it is from the Master Plan and
 13 that's what -- that's the plan that operates
 14 across 2007, '11, '14, '17. That's what it is
 15 that they said they want.

16 And guess what Mr. Preiss found when he
 17 looked at the impacts, what this would actually
 18 involve? We've seen some of that stuff before.
 19 The proposed redevelopment of the study area,
 20 one on State Street, the proposed development
 21 on the site area, only one is already
 22 complete -- I've been telling you about that
 23 failure -- is both substantially taller and
 24 more dense than the existing development within
 25 the State Street area, which is comprised

1 predominantly of low-rise residential
2 properties and one- and two-story retail
3 mixed-use development.

4 That's supposed to relate to bulk, site
5 improvements that have reasonable limitations
6 on size, bulk, and size distributors in
7 relationship to the existing fabric of the
8 community as promised in pricing.

9 Then he goes on and starts talking about
10 there are advantages and disadvantages. But at
11 the same time is the scale and character of the
12 State Street site area will be irreversibly
13 transformed by the significantly more dense and
14 taller multi-family residential development
15 that was not contemplated by the township's
16 current Master Plan. It was not contemplated
17 for the Township's current Master Plan or
18 re-examination reports which are meant to guide
19 the redevelopment of the Township. What he's
20 saying, what's being proposed in that area is
21 not consistent. Neither was the 2007 or what
22 he has written in 2011, '17, '14.

23 He then goes on to say the cumulative, it
24 goes directly to his advice to you. "The
25 cumulative impact of the proposed development

1 anybody is saying.

2 So with all due respect, sir, and to the
3 board, I think it would be a good idea to
4 adjourn and continue this another date. It's
5 not fair to us or Dr. Powers to understand or
6 focus. And we've been here five hours. You
7 have a lot to add, but I would respectfully ask
8 the Board the consider adjourning the meeting
9 at this point. I am ready to leave.

10 MR. GREEN: With the stipulation
11 Mr. Powers can --

12 MR. POWERS: I will plan to say a few
13 things more.

14 MR. ROSEN: I'm sorry. I can't focus on
15 this. I'm not faulting you. I think what you
16 have to say is very important, but I'm sorry.

17 MR. POWERS: I'm happy to step down.
18 Thank you.

19 MR. ROSEN: I want you to continue, but
20 not now.

21 CHAIRMAN MEYER: How much more do you
22 have?

23 MR. POWERS: Talk about the fact that, in
24 fact, this applicant has absolutely failed to
25 meet the negative criteria for the variances

1 in the study area must be considered going
2 forward." That means as of today. If such --
3 as such, if the development of this type is
4 going to be permitted in the future, which
5 means tomorrow and possibly the next time you
6 vote, it merits a re-examination of the Master
7 Plan policies and the zoning of the State
8 Street area to determine -- to determine
9 whether such development is appropriate.

10 He's already told you it's different. Its
11 development is designed to ensure that it is
12 exactly what Goal No. 10 just told you about.
13 Sensitive to and compatible with the existing
14 development to which it is adjacent. Protect
15 the existing zoning. You're being asked,
16 ladies and gentlemen, in my judgment, to take a
17 look at what it is you're being asked to
18 approve.

19 THE BOARD SECRETARY: Before you go
20 further, Mr. Powers, can our professionals
21 leave?

22 CHAIRMAN MEYER: I think so. I don't
23 think we have more for professionals.

24 MR. ROSEN: Let the record show it's
25 almost midnight and I can't focus on anything

1 for which --

2 CHAIRMAN MEYER: Do you think you can
3 limit yourself to four, five minutes?

4 MR. ROSEN: Let's be fair.

5 MR. REHMAN: Mr. Myer, I will make a
6 motion to adjourn, please. I'd like to be able
7 to process.

8 CHAIRMAN MEYER: This is the end of the
9 line.

10 MR. ROSEN: I think we want to discuss
11 Dr. Powers, his testimony. He said a lot.

12 MR. MELFI: I wanted to see how many more
13 people.

14 MR. ROSEN: I'm taking notes and I want to
15 engage that conversation about what he's
16 saying. But in all fairness to the members of
17 the board, let's not put yourselves in a
18 position --

19 MR. POWERS: Also in fairness to a 78-year
20 old man who shouldn't be up here this late at
21 night.

22 CHAIRMAN MEYER: We're losing members
23 here.

24 MR. STEINHAGEN: For the record,
25 Dr. Mulligan is leaving, stepping off the dais.

1 CHAIRMAN MEYER: We have no choice. I
2 want to leave. I said people can talk in the
3 line here. Tonight this lady in the purple in
4 the front there. Maybe she can -- give us your
5 name for the record.

6 MS. McFARLAND: Diahann McFarland,
7 D-I-A-H-A-N-N, M-C-F-A-R-L-A-N-D.

8 MR. POWERS: Am I released?

9 CHAIRMAN MEYER: Continue speaking next
10 time. Try to be focused.

11 MR. STEINHAGEN: Are we going to say only
12 those two be allowed to talk?

13 CHAIRMAN MEYER: I think hearing from --
14 the public next date is going to be November 7.

15 MR. STEINHAGEN: I think the board was not
16 going to vote on this tonight.

17 Ms. McFarland wants to talk. The idea was
18 the board determined the board was going to
19 close and be able to deliberate. This is one
20 of the things that was likely to be on.

21 MR. ROSEN: I can't attend on November 7.
22 I won't be here. I can make myself available
23 by phone to the attorney and the board.

24 MR. STEINHAGEN: I'm not going to be here.
25 If Mark is not back, I have someone lined up

1 to extend the time for the board to --

2 MS. BERGER: Just one recordkeeping item.
3 Could the board work with the board secretary
4 to sign affidavits as to who's read and
5 listened to the transcript?

6 Also on the record, I'm ordering the
7 transcript from today, as well.

8 CHAIRMAN MEYER: There was one transcript
9 missing.

10 MS. BERGER: Yes, and we're just waiting
11 for that transcript.

12 MR. ROSEN: Please determine if it's
13 acceptable and legal for me to vote.

14 CHAIRMAN MEYER: We'll talk about it. We
15 need to go into closed session for one meeting.

16 MS. BERGER: That you very much.

17
18 (Time noted: 12:05 a.m.)
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1 from my office, someone who's more than
2 competent to handle.

3 CHAIRMAN MEYER: That was number one.
4 With that, you're going on November 7?

5 MS. BERGER: I still have to make a
6 closing statement November 7. We will be at
7 the municipal building without further notice,
8 7:00 p.m.

9 MR. STEINHAGEN: Correct. If it turns
10 out -- do we have any reason to think this is
11 not going to be for November 7, council
12 chambers? Are we going to have a situation
13 like tonight? We're expecting 20 and --

14 THE BOARD SECRETARY: We have other
15 applications on.

16 MR. STEINHAGEN: In the event we figure
17 out we need to, we'll let you know and send out
18 a new notice. We can carry the notice for the
19 purposes of announcing the new time.

20 CHAIRMAN MEYER: Carried to November 7,
21 council chambers, or soon thereafter. No
22 further notice to the public, for the purposes
23 of concluding the two public comments and
24 testimony and summations by Ms. Berger.

25 MR. STEINHAGEN: Ms. Berger, do you agree

1

2

3 C E R T I F I C A T E

4

5

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

10

11

12

13

14 _____
15 Angela (Angie) M. Shaw-Crockett
16 Certified Court Reporter
17 Registered Merit Reporter
18 Certified Realtime Reporter
19 License No. XI102184
20
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25

(Time noted: [1]
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CHAIRMAN

MEYER: [223]

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DR.

RAGGIO-ASHLEY:
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MERMELSTEIN:
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RYNEARSON:...**

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MS. EDWARDS:

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MS. ELIYAHU:

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MS. JARDINE:

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MS. LEHENY:

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MS. LEWIS: [18]

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