

1 TOWNSHIP OF TEANECK  
2 BOARD OF ADJUSTMENT  
3 THURSDAY, FEBRUARY 6, 2020  
4 IN THE MATTER OF : TRANSCRIPT OF  
5 APPLICATION AND PUBLIC HEARING : PROCEEDING  
6 on Investigation and Adoption of :  
7 AUCC (RAY OF SUNSHINE FOUNDATION) : ZB2019-31  
8 B E F O R E : :  
9 TOWNSHIP OF TEANECK BOARD OF ADJUSTMENT  
THERE BEING PRESENT:  
10 JERRY BARTA  
11 EDWARD MULLIGAN  
12 DANIEL WEIRIN  
13 JAMES BROWN  
14 MONICA RONIS  
15 HARVEY ROSEN, Vice Chairman  
16 MARK MERMELSTEIN  
17 DANIEL STEINHAGEN, ESQ.  
18 BOARD SPECIAL COUNSEL  
19 ROSTLAND McLEAN  
20 BOARD SECRETARY  
21 DAN MELFT  
22 ZONING OFFICER  
23 FRANK FERRARO, ESQ.  
24 Attorney for the Applicant  
25 GREGORY ASADURIAN, ESQ.  
Price, Meese, Shillman & D'Azimio  
Attorney for the Objectors (40 Interested Residents)  
Reported by: Angela (Angie) M. Shaw-Crockett  
Certified Court Reporter  
Registered Merit Reporter  
Certified Realtime Reporter

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3

1 VICE CHAIR ROSEN: Let the record show  
2 that Mr. Madaio, our attorney, has stepped down  
3 from the dais and Mr. Steinhagen has replaced  
4 him for this case, for the balance of the  
5 evening.  
6 I will now recognize the applicants for  
7 AUCC Ray of Sunshine, Mr. Ferraro?  
8 The attorney for the objectors are  
9 present?  
10 MR. ASADURIAN: Yes, I'm present.  
11 VICE CHAIR ROSEN: I seem to remember at  
12 that last meeting, there was an issue as to the  
13 qualifications. You felt at the time as we  
14 proceed on the case, you feel that you can  
15 adequately now represent your clients?  
16 MR. ASADURIAN: Well --  
17 MR. STEINHAGEN: So, Mr. Rosen, if I may,  
18 I've spoken several times -- just for the  
19 record, Daniel Steinhagen from Beattie  
20 Padovano, board special counsel.  
21 I've spoken several times to Mr. Ferraro,  
22 Mr. Asadurian, Chairman Meyer about how we were  
23 going to be proceeding tonight. And at the  
24 last meeting, we indicated that the applicant  
25 put its witnesses on and the interested parties

4

1 would be entitled -- would be given the  
2 opportunity to question the witnesses at a  
3 subsequent meeting. They were not going to be  
4 cross-examining tonight. That was the  
5 understanding of all the parties coming into  
6 tonight. And I think that's what we had -- I  
7 think that's what we were intending to do.  
8 Mr. Ferraro was going to be putting on direct  
9 testimony of Mr. Bertin and I believe the  
10 architect?  
11 MR. FERRARO: Correct.  
12 VICE CHAIR ROSEN: So those witnesses will  
13 not be subject to --  
14 MR. STEINHAGEN: Cross-examination by the  
15 objectors' counsel.  
16 VICE CHAIR ROSEN: But, however, members  
17 of the board?  
18 MR. STEINHAGEN: Members of the board. If  
19 we want to do members of the public, we can.  
20 It may make things more expeditious to have  
21 Ms. Price, when she's available, to ask  
22 questions first. But if you want to have the  
23 public do it, that's also okay.  
24 THE BOARD SECRETARY: Is the applicant  
25 going to furnish the transcript?

1 MR. FERRARO: Yes. Frank Ferraro,  
2 attorney on behalf of the applicant, AUCC. The  
3 applicant agrees to provide the transcript.  
4 We've been doing that throughout, so that's not  
5 an issue.

6 MR. ASADURIAN: Gregory Asadurian, from  
7 the Law Firm of Price, Meese, Shulman &  
8 D'Arminio on behalf of the applicant -- I'm  
9 sorry -- the objectors.

10 VICE CHAIR ROSEN: So, again, just so the  
11 public understands what's just happened.

12 Mr. Asadurian, representing Ms. Preiss'  
13 firm. Ms. Price has represented a group of you  
14 homeowners. If you have enlisted the services  
15 of Ms. Price's firm and Mr. Asadurian is  
16 present tonight, you are precluded. You are  
17 not allowed to ask questions because you're  
18 represented by counsel.

19 If you are not represented by Ms. Price's  
20 firm and you're here as a matter of your  
21 interest in the case, you will be allowed to  
22 ask questions. But please, if you -- that's  
23 the case, you can -- when it's appropriate, you  
24 come up to the microphone and just state for  
25 the record that you are or are not being

1 represented by Ms. Price's firm. Okay.

2 MR. FERRARO: Thank you. So good evening,  
3 everybody. This is a continuation from the  
4 last time we were substantively heard on this  
5 application back in December. At that time,  
6 you heard from Mr. Bertin, who testified as to  
7 the site plan. So we'd like to continue that  
8 testimony.

9 We've submitted revised plans to the  
10 board. Hopefully everybody has that in their  
11 packet. And unless there's any additional  
12 questions, we call Mr. Bertin.

13 MR. STEINHAGEN: Well, before we do that,  
14 I think we should mark the updated review  
15 letters that we received from Schwanewede Hals,  
16 Phillips Preiss and Stonefield Engineering.

17 Mr. Ferraro, my notes reflect that the  
18 last board exhibit that we marked on December 5  
19 was B-11, Stonefield December 1 review letter.

20 Is that consistent with what you have?

21 MR. FERRARO: Yes.

22 MR. STEINHAGEN: I'm going to mark first  
23 the Phillips Preiss letter of February 3rd as  
24 B-12; the Schwanewede Hals review letter  
25 February 3rd, as B-13; and the Stonefield

7

1 review letter of February 3rd also as B-14.

2 (Exhibits B-12, B-13 and B-14 were  
3 received and marked for identification, as of  
4 this date.)

5 MR. STEINHAGEN: Mr. Asadurian, did you  
6 get copies of those review letters?

7 MR. ASADURIAN: Yes.

8 MR. STEINHAGEN: Thank you.

9 MR. FERRARO: Do we have the review letter  
10 from the fire department, as well?

11 MR. STEINHAGEN: Yes. Entitled "Referral  
12 Form," prepared by Lieutenant Roloff. The date  
13 is January 23rd, 2020.

14 That will be B-15. Thank you,  
15 Mr. Ferraro.

16 MR. FERRARO: Sure.

17 (Exhibit B-15 was received and marked for  
18 identification, as of this date.)

19 MR. FERRARO: And there was one subsequent  
20 one dated 1/29/2020, as well.

21 MR. STEINHAGEN: I didn't get a copy of  
22 that.

23 Roz, do you have an extra copy of that?

24 THE BOARD SECRETARY: Yes.

25 MR. STEINHAGEN: That will be B-16.

8

C. Bertin

1 (Exhibit B-16 was received and marked for  
2 identification, as of this date.)

3 MR. ASADURIAN: That one I'm not sure I  
4 received.

5 THE BOARD SECRETARY: I think everybody  
6 was emailed that one, but I'll make copies.

7 MR. STEINHAGEN: I assume that the  
8 applicant will address them in connection with  
9 the testimony.

10 VICE CHAIR ROSEN: For the interest of the  
11 public knowledge, there are five letters --  
12 documents provided by the Town's experts: Fire  
13 department, et cetera, regarding the revised  
14 set of plans and the applicant will address,  
15 hopefully, some of these issues as we proceed.

16 MR. FERRARO: Yes. So, once again, I'd  
17 like to recall Mr. Bertin to testify as to the  
18 revised site plan.

19 MR. STEINHAGEN: Mr. Bertin, I'm going to  
20 remind you that you remain under oath.

21 THE WITNESS: Yes.

22 VICE CHAIR ROSEN: First and last name  
23 again?

24 THE WITNESS: Calisto, C-A-L-I-S-T-O,  
25 Bertin, B-E-R-T-I-N.

1 EXAMINATION  
 2 BY MR. FERRARO:  
 3 Q. And, Mr. Bertin, obviously, you were  
 4 qualified last time. You're still a licensed  
 5 engineer in the state of New Jersey; is that  
 6 correct?  
 7 A. Yes.  
 8 Q. And the plans that were submitted to the  
 9 board, revised plans, are last revised January 24,  
 10 2020; is that correct?  
 11 A. Yes.  
 12 MR. FERRARO: Do you want me to mark those  
 13 collectively as A-5?  
 14 MR. STEINHAGEN: Yeah, we probably should.  
 15 We marked at the last meeting the revision date  
 16 November 18th. So I think that would make  
 17 sense to be consistent.  
 18 MR. FERRARO: Okay. So marking as A-5,  
 19 the revised site plan. And once again, this is  
 20 the revision date of 1/24/2020, Revision 4,  
 21 consisting of Sheets C1.1 through C4.1.  
 22 (Exhibit A-5 was received and marked for  
 23 identification, as of this date.)  
 24 BY MR. FERRARO:  
 25 Q. Mr. Bertin, these plans were either

1 prepared by you or under your supervision; is that  
 2 correct?  
 3 A. Yes.  
 4 Q. You have another exhibit that you're going  
 5 to rely on tonight; is that correct?  
 6 A. That's the same exhibit we marked before.  
 7 It's A-3.  
 8 Q. Okay. So that's A-3.  
 9 To start, could you please just review A-5  
 10 and what changes have been made to the application?  
 11 A. Yes. We were here last time and the board  
 12 had concerns about the proposed driveway and access  
 13 and fire protection, that sort thing. So we heard  
 14 you and we tried to figure out how to make it work.  
 15 And I'm going to point to A-3. And the  
 16 driveway I'm talking about is on the westerly side  
 17 of the building and it connects the site to Oakdene  
 18 Avenue.  
 19 What we did we is widened the driveway.  
 20 The driveway was 20 feet for two-way traffic and we  
 21 widened it to 24 feet. To do that, we reduced the  
 22 length of the two ball courts, the tennis court and  
 23 basketball court, reduced it to get to 24 feet.  
 24 We also show on the plans we removed the  
 25 landscaping that was along the side of the

1 handicapped parking spaces. And those handicapped  
 2 parking spaces are just west of the building. So  
 3 now there is a loading zone that's alongside the  
 4 building.  
 5 VICE CHAIR ROSEN: Is the island still  
 6 there?  
 7 THE WITNESS: No, that's been removed and  
 8 it's shown on the plan. There's a striping.  
 9 There's a 5-foot stripe.  
 10 VICE CHAIR ROSEN: Do that make it  
 11 compliant with the requirements?  
 12 THE WITNESS: Yes. Oh, yes.  
 13 A. So now the driveway, not only is the  
 14 driveway 24 feet wide, but we have an extra 5 feet  
 15 of landscaping, so bringing it to -- I mean where we  
 16 remove the landscaping. So in that area, the  
 17 driveway is 29 feet wide.  
 18 We also have the loading zone right there.  
 19 So should there be a need, that loading zone is  
 20 under 8 feet wide, so it becomes 37 feet wide. So  
 21 right at that location, we have 37 feet to maneuver  
 22 an ambulance by a fire truck should there be any.  
 23 The next thing we did is because we  
 24 shortened the courts by 4 feet, we shifted all the  
 25 parking along Hillside Avenue 4 feet to the west.

1 And that allowed us to change the island on the west  
 2 side of the Hillsdale [sic] driveway, made it a  
 3 little bit wider by 4 feet and got a bigger radius.  
 4 So when you look at Drawing 2.6, that  
 5 shows the path of the fire truck going through the  
 6 site. And although the truck could make it last  
 7 time, we just did not properly position it on the  
 8 drawing. It shows that there's plenty of room for a  
 9 fire truck to traverse the site either from Oakdene  
 10 to Hillsdale or Hillsdale to Oakdene.  
 11 VICE CHAIR ROSEN: So let's look at the  
 12 entrance to the parking lot to the north of  
 13 you, just pointed. Are those viable entries --  
 14 entryways for fire trucks?  
 15 MR. STEINHAGEN: That plan that he's  
 16 showing is the old landscaping plan. It  
 17 doesn't show the new changes.  
 18 THE WITNESS: Right. But still, those  
 19 driveways didn't change. The answer is yes.  
 20 They're viable for any truck to come in.  
 21 VICE CHAIR ROSEN: Okay.  
 22 THE WITNESS: And the same with the  
 23 driveway on Hillsdale Avenue.  
 24 BY MR. FERRARO:  
 25 Q. The issue last time was more on the

1 Hillside Avenue exit, correct?  
 2 A. Well, the truck path shifted and we made  
 3 it so it looked like the fire trucks had it and a  
 4 couple of cars to get out.  
 5 VICE CHAIR ROSEN: I think it would be a  
 6 little confusing for you to show us the old one  
 7 and how you revised it.  
 8 If you show us the new one, it would be a  
 9 lot more relevant to the case. I appreciate  
 10 how you've been doing it, but putting it up on  
 11 the board for members of the public to see and  
 12 the board would be helpful.  
 13 I take it you don't have a colorized  
 14 version?  
 15 MR. STEINHAGEN: Mr. Bertin, you're  
 16 putting up just the site plan?  
 17 THE WITNESS: Correct.  
 18 MR. STEINHAGEN: Does it make sense to put  
 19 up the truck turning template and 2.6 just so  
 20 that everybody can see that fire truck can  
 21 maneuver the site?  
 22 MR. FERRARO: This is part of A-5.  
 23 VICE CHAIR ROSEN: Right.  
 24 A. Drawing 2.6 is on the easel now. And the  
 25 drawing -- so there's two truck paths. The one on

1 the left shows the truck entering Oakdene Avenue,  
 2 traveling through the driveway on Oakdene Avenue and  
 3 through the parking lot and coming out on Hillsdale  
 4 Avenue. Remember the roads are one way. Oakdene is  
 5 one way to the east or to the right. And Hillsdale  
 6 Avenue is one way to the west. That's why the  
 7 trucks turn the way they are.  
 8 So the other one on the drawing on the  
 9 right shows a truck coming in from Hillsdale Avenue,  
 10 entering the site on Hillsdale Avenue, traveling  
 11 onto Oakdene Avenue, making a right.  
 12 MR. FERRARO: This revised plan was sent  
 13 directly to the fire department for their  
 14 comment, Mr. Chairman. So that was the subject  
 15 of the memo that was marked in as B-16 dated  
 16 January 29, 2020 from Lieutenant Roloff.  
 17 He indicates that the updated plans show  
 18 the drive-aisle width along the tennis and  
 19 basketball court have been increased by 4 feet,  
 20 from 20 feet to 24 feet.  
 21 He indicates that additionally, the  
 22 vehicle's circulation plan shows improved  
 23 access into the parking lot from Hillside  
 24 Avenue, and then finally he concludes this is  
 25 satisfactory to the fire department.

1 So this revised plan has met the fire  
 2 department's concerns in accordance with  
 3 Mr. Roloff's letter.  
 4 DR. MULLIGAN: I actually spoke to this  
 5 the last time. That works. We have a revised  
 6 plan. But if it snows and they leave snow on  
 7 that lot or they pile snow on that lot, this  
 8 plan is gone.  
 9 I'm saying in a perfect situation, you've  
 10 been able to correct it. But if we can't get  
 11 assurance that the snow will be removed,  
 12 they're going to mound snow up and we're going  
 13 to have the same situation.  
 14 MR. FERRARO: To your point, Dr. Mulligan,  
 15 we would agree to either have it removed or, if  
 16 we can utilize the sports courts in the  
 17 wintertime, to push it so there's no  
 18 restriction at all for going around the  
 19 property to make sure these aisles stay open to  
 20 meet your concerns.  
 21 DR. MULLIGAN: I'm more comfortable with  
 22 it being removed because if you're relocating  
 23 it, there's going to be, well, we were going to  
 24 do it later. If the snow is removed so you can  
 25 guarantee to keep this pathway that you've been

1 able to create open the whole time, that's  
 2 fine.  
 3 MR. FERRARO: I'll make that note,  
 4 Mr. Mulligan, and then maybe at the end, we can  
 5 stipulate to that. But let me discuss that  
 6 with my client.  
 7 DR. MULLIGAN: I brought this up the last  
 8 time too. I think putting snow on a -- on a  
 9 field there is a potential other issue.  
 10 MR. FERRARO: We couldn't find another  
 11 issue with it, to be honest, because it's going  
 12 to be impervious, it's going to be a sports  
 13 court. But I'm not dismissing your concern.  
 14 My point is, we're going to be back here  
 15 on the 20th is my understanding. So if you  
 16 don't mind, I'll give you an answer at that  
 17 time.  
 18 DR. MULLIGAN: Sure. Thank you.  
 19 VICE CHAIR ROSEN: Could you now go back  
 20 to the revised site plan again.  
 21 Just quickly, if you'd use your laser  
 22 pointer to point out the -- could you use your  
 23 pointer to show the landscaped island that's  
 24 been removed?  
 25 MR. STEINHAGEN: Mr. Bertin, for the

1 record, would you mind, while you're pointing,  
2 just saying where you're pointing at. We  
3 appreciate the visual we do have. I want to  
4 make sure the record is clear.

5 THE WITNESS: So the driveway is on the  
6 west side of the building, running from Oakdene  
7 into the parking lot. That driveway has been  
8 widened to 24 feet. You can see near the  
9 Oakdene Avenue driveways are -- is a parking  
10 lot with four handicapped parking spaces  
11 immediately adjacent to the drive aisle. There  
12 was an island on the east side of those parking  
13 spaces. That island has been removed. Now we  
14 we're given an extra 5 feet. It's a striped  
15 5-foot area so that there's more than 24 feet.  
16 There's 29 feet right in that area.

17 VICE CHAIR ROSEN: And similarly, can you  
18 tell us or just point to the ball courts being  
19 reduced to the 4 feet?

20 THE WITNESS: Okay. The ball courts  
21 remain in the southwest corner of the property  
22 and they have been shortened by 4 feet in  
23 length.

24 VICE CHAIR ROSEN: Okay. And, again, the  
25 23 parking spaces on Hillside Avenue have

1 shifted 4 feet westerly?

2 THE WITNESS: Correct. Right here. So  
3 the parking space on Hillside Avenue, because  
4 we moved the tennis court and the basketball  
5 court, we were able to shift the parking  
6 spaces. And you could see there's a landscaped  
7 island on the west side of the Hillside  
8 driveway. And that got increased by 4 feet in  
9 size. And so we were able to put a 10-foot  
10 radius, make it easier for a truck to make that  
11 turn.

12 VICE CHAIR ROSEN: And you already  
13 discussed the -- the number five and six then  
14 changing the access by a fire truck.

15 Any other changes you wish to highlight?

16 THE WITNESS: Well, we didn't calculate it  
17 when we submitted it. But actually this  
18 increases the amount of landscaped area by  
19 12-square feet. So there's really no change to  
20 drainage.

21 VICE CHAIR ROSEN: Okay. Okay.

22 THE WITNESS: And as far as -- we also  
23 have lawn area along the Hillside Avenue  
24 parking lot, you know, for snow storage should  
25 there be, and in case for snow stockpiling, as

1 well.

2 VICE CHAIR ROSEN: Okay.

3 BY MR. FERRARO:

4 Q. So, Mr. Bertin, that's basically the  
5 changes that have been made, correct?

6 A. Correct.

7 Q. With respect to the dropoff, we have a  
8 wider drive aisle now. Have there been other  
9 operational considerations made?

10 A. Yes. There were questions about the three  
11 parking spaces that were proposed. And I had  
12 designated for dropoff. That doesn't mean it's the  
13 only parking spaces for dropoff. And we talked  
14 about it.

15 And really, the way -- we talked about it  
16 with our clients. The way this operates is that  
17 parents pull up and the school staff takes the  
18 children. So the parents don't have to walk inside  
19 the building. So because you were concerned about  
20 those three parking spaces and congestion, the three  
21 parking spaces next to the Oakdene Avenue driveway.

22 We actually came up with a plan for school  
23 arrival. So what we thought of doing was having  
24 that driveway on the west side of the building as  
25 for school arrival to be one way. That we would

1 have it go one way heading in a southerly direction.  
2 That means all the parents or guardians would enter  
3 from Oakdene Avenue and pull along that -- in that  
4 driveway, stop and let the children out. Very  
5 similar to how public schools work, elementary  
6 schools anyway.

7 And then the staff would then take the  
8 children to the sidewalk and bring them in. So we  
9 can have seven to eight cars lined up in that  
10 driveway. We carved off one way so that that  
11 stacking could occur in the driveway. The children  
12 would be picked up by the staff and then the cars  
13 could proceed out.

14 VICE CHAIR ROSEN: I'm wondering,  
15 Mr. Steinhagen, I was wondering whether it's  
16 feasible for the applicant in this venue to  
17 state what administration is going to do in  
18 terms of dropoffs and the --

19 MR. STEINHAGEN: Are you asking what kind  
20 of enforcement mechanism the Township would  
21 have?

22 VICE CHAIR ROSEN: Exactly.

23 MR. STEINHAGEN: I don't know how easily  
24 you could enforce a directional restriction  
25 during certain hours of the day. I would think

1 that it's in the operator's best interest to do  
 2 this. You don't necessarily want to have kids  
 3 getting out of a car with vehicles potentially  
 4 coming at them. It would seem to me and --  
 5 VICE CHAIR ROSEN: Is it feasible, for  
 6 example, for Mr. Bertin to state this is the  
 7 plan and day one, administration says, That's a  
 8 ridiculous plan, we're going to do this  
 9 instead?  
 10 MR. STEINHAGEN: What you could do is  
 11 require signage to be posted on the site saying  
 12 "one way" during specified times. But -- and  
 13 theoretically, the applicant could give the  
 14 Township Title 39 authority and the police  
 15 could enforce it.  
 16 VICE CHAIR ROSEN: Are you willing to  
 17 stipulate to those kinds of restrictions?  
 18 MR. FERRARO: Yes.  
 19 BY MR. FERRARO:  
 20 Q. I mean, the purpose of this, Mr. Bertin,  
 21 is to make sure that the cue for dropoff is on site,  
 22 correct?  
 23 A. Correct.  
 24 Q. And not on Oakdene where it might  
 25 interfere --

1 A. And we looked at going the other way. And  
 2 the reason why we had come in Oakdene Avenue, is  
 3 because if someone's coming from Teaneck Road, they  
 4 can come up Hillside Avenue and go around the  
 5 property and come in.  
 6 If we had everyone come in from Hillside  
 7 Avenue, well, then we can't get -- because Hillside  
 8 Avenue is one way, we can't get people from the west  
 9 to come in. They'd have to go to Teaneck Road and  
 10 come in.  
 11 So we figured that having them come in  
 12 that way made the best sense from the traffic  
 13 distribution, so people could get in from any  
 14 direction without having to go through unnecessary  
 15 traffic. Otherwise it makes sense to go out on  
 16 Oakdene. But because the roads are one way, it  
 17 makes sense to have them come in from Oakdene.  
 18 MR. STEINHAGEN: Mr. Ferraro, just to be  
 19 clear for the record, your client will be  
 20 willing to post signage and also give the  
 21 Teaneck Police Department the authority to  
 22 enforce the traffic laws in the parking lot?  
 23 MR. FERRARO: Yes.  
 24 MR. BARTA: There would be dropoff  
 25 activity coming off of Hillside Avenue. Is

1 that --  
 2 MR. FERRARO: There still could be for  
 3 parents who want to drop off the children --  
 4 MR. BARTA: But how would those parents  
 5 leave if the entrance off of Oakdene is one  
 6 way?  
 7 THE WITNESS: You go out Hillside. For  
 8 example, if parents wanted to come in and talk  
 9 for whatever reason and go inside the school,  
 10 they have the parking lot by -- in the  
 11 northwest corner by Oakdene driveway and then  
 12 the old parking lot off of Hillside. So they  
 13 can come in, park and they leave. And if  
 14 you're in, no matter what, they will leave on  
 15 Hillside Avenue.  
 16 MR. BARTA: So they would have to pull in  
 17 off of Hillside --  
 18 THE WITNESS: And they wouldn't go any  
 19 further. They'd have to park in that lot  
 20 behind that doorway.  
 21 MR. BARTA: And make a U-turn  
 22 essentially --  
 23 THE WITNESS: No, no. They'd park and  
 24 then they back out just like a regular parking  
 25 space.

1 MR. BARTA: If they are dropping off the  
 2 child, they would be making the U-turn.  
 3 THE WITNESS: Well, if they're just  
 4 dropping off their children, they wouldn't come  
 5 in that way. If they want to drop them off and  
 6 leave, they have to come in from Oakdene.  
 7 I mean, this is a school. They set up  
 8 rules just like most schools, how parents are  
 9 coming in. This is not something you and I  
 10 would just show up one day and not know. This  
 11 is a routine that they will be instructed on  
 12 how to use the facility.  
 13 BY MR. FERRARO:  
 14 Q. So if you wanted to merely drop off your  
 15 child and have the teacher walk them in, they'd be  
 16 instructed to come through the Oakdene entrance,  
 17 correct?  
 18 A. Correct.  
 19 Q. Or if they wanted to come into the school  
 20 and talk to a teacher, at that point they would have  
 21 the option of either coming in Oakdene and parking  
 22 in that lot on the north or coming in Hillside and  
 23 parking in the rear of the building and walking in,  
 24 correct?  
 25 A. Correct.

1 Q. So what we're trying to do is create  
2 designated areas so, you know, obviously, people  
3 figure this out maybe on day one, two, three. It  
4 might take a little figuring out, but create a flow  
5 so people know where to go, correct?  
6 A. Correct.  
7 Q. This also applies to anyone who wanted to  
8 use the community center; is that correct?  
9 A. Correct. Anybody who used the community  
10 center could come in from either driveway, but they  
11 have to park in that parking lot. And then when  
12 they leave during those hours -- the dropoff hours,  
13 I believe, it was 7:00 or 9:00 or something like  
14 that -- they'd have to go out Hillside -- Hillside  
15 Avenue.  
16 Q. It's the applicant's intention to  
17 instruct -- although we don't expect a lot of people  
18 in the morning hours -- but community center members  
19 who want to use the building would be instructed to  
20 use the parking in the rear; is that correct?  
21 A. Yes.  
22 Q. Stay out of the way of the dropoff.  
23 MR. STEINHAGEN: When you say "rear," you  
24 mean Hillside Avenue entrance?  
25 MR. FERRARO: Correct.

1 MR. STEINHAGEN: Has the applicant given  
2 any thought to traffic control for people who  
3 are coming in on -- off of Oakdene, to make  
4 sure that there's no driving past the line of  
5 cars waiting to drop off the children, just in  
6 terms of the safety issue?  
7 THE WITNESS: Yeah. I think that's the  
8 best thing, is that we have a line of cars.  
9 Nobody passes each other because people are  
10 coming in. So the cars come in, they take the  
11 first one, the second one, the third one.  
12 BY MR. STEINHAGEN:  
13 Q. Just you have now --  
14 A. A 24-foot to 35-foot.  
15 Q. What are we going to do about it?  
16 A. Well, I think if we have cones, cones in  
17 the northbound side, it's just -- so we'd just cone  
18 off that and people would come in. We want to  
19 minimize cross traffic, which was the concern of the  
20 board.  
21 Q. So now you have a nice safe walkway for  
22 the kids to be picked up or anyone who is walking in  
23 across from the parking lot?  
24 A. Right. And it's mostly the dropoff,  
25 because that usually is concentrated. And they'll

1 get into it more later on with traffic, but for the  
2 pickup, they're going in to get the children.  
3 MR. STEINHAGEN: What are the dropoff  
4 hours that we're talking about so we can put it  
5 on the signage?  
6 THE WITNESS: Dropoff is probably --  
7 MR. FERRARO: You mean the peak dropoff?  
8 MR. STEINHAGEN: I mean when --  
9 THE WITNESS: 6:00 to 9:00.  
10 MR. STEINHAGEN: You're going to have  
11 people standing outside for three hours? Or  
12 what's the contemplation for having parents  
13 drop their children at the curb?  
14 It would seem like there's a window that  
15 you're going to use or something. But you're  
16 not going to have someone standing outside 6:00  
17 in the morning in December.  
18 MR. FERRARO: No. I mean, the busiest  
19 times will be from 6:00 to 9:00 in the morning  
20 for the dropoff.  
21 THE WITNESS: I just conferred. We'll do  
22 it from 8:00 to 9:30.  
23 MR. STEINHAGEN: Makes sense.  
24 THE WITNESS: Because they're picking up  
25 the children, go out with the cones, block it

1 off and then...  
2 MR. WETRIN: I have a question:  
3 Do you have an expectation of how many  
4 vehicles, cars will be coming in? What's  
5 the -- how many cars are we talking about?  
6 THE WITNESS: The traffic engineer will  
7 talk about that.  
8 MR. STEINHAGEN: There's going to be a  
9 witness whose specific testimony is that topic.  
10 MR. WETRIN: Okay.  
11 MR. FERRARO: The day-care -- this isn't  
12 directly to your question -- but the day-care  
13 is licensed for up to 105 children. So you can  
14 extrapolate how many cars that will be, but our  
15 traffic engineer will have a better knowledge.  
16 MR. WETRIN: The day-care is permitted  
17 currently, right?  
18 MR. FERRARO: Correct.  
19 MR. WETRIN: Is there any stipulation to  
20 the permit of dropoffs?  
21 MR. FERRARO: No. The site is operating  
22 the way it's probably has been operating since  
23 that school opened one hundred years ago. It's  
24 just utilizing the existing parking lot,  
25 correct?

1 THE WITNESS: Correct.  
 2 BY MR. FERRARO:  
 3 Q. These site improvements are meant to,  
 4 obviously, make things better around the site,  
 5 correct?  
 6 A. Right. There's no access through the site  
 7 now, not that you necessarily need it. We thought  
 8 it was a good idea to have the driveway so that  
 9 people don't have to come in and turn around and go  
 10 back out. Or, for example, I guess when buses came  
 11 in. They came in, they parked in the middle of the  
 12 parking lot, and then went out. This way we have a  
 13 flow through the site. To me, it made better sense.  
 14 And that's why we did it.  
 15 MR. STEINHAGEN: Is there a similar plan  
 16 with for p.m. pickup?  
 17 THE WITNESS: That's what I'm getting to  
 18 talking about that more.  
 19 The p.m., the parents are going inside to  
 20 get their children. So they park and go in.  
 21 We don't have that issue. And that's  
 22 scattered.  
 23 MR. STEINHAGEN: I just wanted know if  
 24 there's going to be delivery service to the  
 25 car. If it's no, it's easy. Bringing the

1 children to the car is going to take longer.  
 2 MR. FERRARO: Absolutely.  
 3 MR. STEINHAGEN: So that makes sense.  
 4 BY MR. FERRARO:  
 5 Q. But, obviously the purpose of all of this  
 6 is to keep most of the activity contained on the  
 7 site, correct, on the premises?  
 8 A. Yes.  
 9 MR. FERRARO: Any additional questions  
 10 from the board, Mr. Chairman? We have a couple  
 11 of items that we didn't reach the last time.  
 12 VICE CHAIR ROSEN: Any members, based upon  
 13 what Mr. Bertin has said so far, any questions?  
 14 MR. STEINHAGEN: I have one. You  
 15 mentioned towards the beginning of your  
 16 testimony in, I guess, December, that there was  
 17 10 parking spaces. There's approximately 11?  
 18 THE WITNESS: Reduced to 11.  
 19 MR. STEINHAGEN: Okay. How -- I don't  
 20 recall you giving any testimony on how those  
 21 would function.  
 22 THE WITNESS: Well, we did talk about it  
 23 and they would be restricted to the teachers  
 24 during school time.  
 25 MR. STEINHAGEN: My notes didn't have it

1 and I wanted to make sure we had the testimony.  
 2 What about when it's not school time on a  
 3 weekend?  
 4 MR. FERRARO: There will be employees at  
 5 the site. There will be employee parking.  
 6 MR. STEINHAGEN: That's fine.  
 7 MR. FERRARO: We can have the necessary  
 8 signage.  
 9 VICE CHAIR ROSEN: The signage will say  
 10 "employees only"?  
 11 mr. madaio: Would it make sense --  
 12 THE WITNESS: As a matter of fact, it says  
 13 it on the plan. I just can't see it from here,  
 14 but it says "employee parking."  
 15 VICE CHAIR ROSEN: Okay. Good.  
 16 MR. STEINHAGEN: Would it make sense to  
 17 have both the front and the back be employee  
 18 parking, just so that they know whose spaces  
 19 they are? Because if you have an employee in  
 20 the back space and then a member in the front  
 21 space, there's -- somebody is going to have to  
 22 go find them when it's time for the teachers to  
 23 leave.  
 24 MR. FERRARO: Oh, absolutely. Yes. There  
 25 are front and back spaces. Both tandem spaces

1 are employee only. We don't want anybody else  
 2 parking in those spots.  
 3 VICE CHAIR ROSEN: Any more questions?  
 4 MR. FERRARO: Yes. Just a couple of  
 5 things that we didn't touch on last time.  
 6 BY MR. FERRARO:  
 7 Q. Mr. Bertin, could you just review the  
 8 lighting and also the landscaping? I don't think we  
 9 got to that last time. Very briefly.  
 10 A. I'll go back to the rendering because that  
 11 really didn't change. I think we talked a little  
 12 bit about the draining system. And when you look at  
 13 the plans, there's a pretty extensive underground  
 14 drainage system. And we reduced the runoff from all  
 15 of the storm events.  
 16 So with the landscaping, there is existing  
 17 landscaping around the property. We're going to  
 18 keep the arborvitaes along Oakdene Avenue. That's  
 19 where the children's play area will be. And then  
 20 pretty much remove most of the other landscaping.  
 21 There's a big 30 inch tree in the  
 22 playground that will remain. And there's a couple  
 23 of other trees. By that front entrance walkway that  
 24 goes out to Oakdene, there's trees there that will  
 25 remain. But the rest of the trees are pretty tired



1 and we're going to remove them. I said 30 inches.  
2 It's a 60 inch. It's very big and it's right in  
3 front of the school.

4 So we're proposing to put street trees  
5 along Hillside and Morningside Avenues. Linden  
6 trees, typical. And then foundation plantings  
7 around the building. And then there's a row of  
8 junipers and you can see there's a whole row of  
9 evergreen trees. I know the drawings say 5- or  
10 6 feet. They have to be 6 feet or greater to comply  
11 with the buffer requirements.

12 I missed not changing that, but they will  
13 be 6 to 7 feet when planted. That would be a row on  
14 the east side of the property. And then we got some  
15 shade trees in the parking lot. There's also a row  
16 of shrubs along the Hillside Avenue parking so that,  
17 you know, in the evening, you know, when lights turn  
18 on, the shrubs actually block the lights from going  
19 into the neighbor's property. That's the intent of  
20 the shrubs along Hillside Avenue. Now, that  
21 situation exists and we have some shrubs on Oakdene,  
22 as well.

23 Right now, the plan is proposing 20  
24 deciduous trees and 175 shrubs. And I think there's  
25 one other thing. A gazebo was added as a hardscape

1 feature on the front lawn.

2 Q. And that could also be used by some of the  
3 teachers and aides when they wait for the children  
4 to be dropped off and it's raining or something like  
5 that?

6 A. Yes. Now, we've produced a lighting plan  
7 that hasn't changed since revision.

8 VICE CHAIR ROSEN: I'm sorry. What plan?

9 THE WITNESS: Lighting. Lighting  
10 landscaping plan.

11 VICE CHAIR ROSEN: Go ahead.

12 A. I don't recall we got into it. But we  
13 have two sets of lights. We have lights around the  
14 ball courts. There's four poles around the ball  
15 courts. Those lights are 20 feet high. They're  
16 there to provide lighting for the sports events. So  
17 they have to be brighter than a parking lot light.

18 Those lights will only go on if they're  
19 needed in the evening when there's events scheduled.  
20 They're not going to go on automatically. And we  
21 all agreed that all lights should be off at 9:00.

22 So but even though these poles are 20 feet tall --

23 Q. The lights for the sports courts are off  
24 by 9:00, correct?

25 A. Yes, for the sports court.

1 Q. You still need the parking lot lights.

2 A. There's, for example, the light that's on  
3 Hillside Avenue, it's 20 feet high. But the wall in  
4 that area is 10 feet high. So at that point, the  
5 light pole -- the light fixture is only 9 feet above  
6 the street. The other light along Morningside, that  
7 light happens to be 7 feet above the street. So  
8 they're not -- even though I say they're 20 feet  
9 tall, they're not 20 feet tall shining into the  
10 neighbor's bedrooms. They're 20 feet tall. They're  
11 recessed deep in the ground.

12 Now, they're also -- and the plan  
13 specifies will have back shields. So in addition,  
14 these LED lights are all directional now, but will  
15 actually have shield to help hide the light source  
16 from looking at.

17 Now, what we thought about afterwards is  
18 that in those locations, those two locations that  
19 I'm mentioning on Hillside and Morningside, that we  
20 could actually plant some shrubs that will grow to  
21 that height and you won't see the light fixture at  
22 all. We alleviate the green -- like a --

23 VICE CHAIR ROSEN: Fast growing.

24 THE WITNESS: Laurels are quick and they  
25 grow and stay up 8 or 10-feet high. That's it.

1 That's a nice plant and we can put in at least  
2 two locations.

3 A. The rest are lights for the parking lot  
4 are 13 feet high. They're regular parking lot  
5 lights.

6 There's one light -- parking lot light in  
7 the corner, I guess, of the parking lot that's in  
8 the northwest corner. It's in the southwest corner  
9 of that lot. They're the ball courts. There's a  
10 14-foot pole there. And I just want to give you  
11 that.

12 That fixture happens to be only 5 feet  
13 above the road at that point. And we'll do the same  
14 thing. We'll plant shrubs. So those lights you'll  
15 not able to see because they're 5 feet to 9.

16 VICE CHAIR ROSEN: And they go off at one  
17 time?

18 THE WITNESS: The ball court lights?

19 VICE CHAIR ROSEN: No, no. The parking  
20 lot lights.

21 MR. FERRARO: 10:00 is when the facility  
22 shuts down.

23 VICE CHAIR ROSEN: So you're stipulating  
24 that all lights in the parking lot would shut  
25 off no later than 10:00?

1 THE WITNESS: Correct.  
 2 MR. FERRARO: There'd be a few minutes  
 3 after, 10 or 15 minutes to let people out.  
 4 VICE CHAIR ROSEN: I understand.  
 5 A. And we're proposing to have a night-light.  
 6 And that would be right at the corner of where the  
 7 parking lot from Hillside Avenue makes the turn,  
 8 driveway to Oakdene. And just have a night-light  
 9 there, that's one of the 14-foot poles, for security  
 10 just to have that.  
 11 VICE CHAIR ROSEN: And that's on all  
 12 night?  
 13 THE WITNESS: Yeah, but we would reduce  
 14 it. Because the LED lights, you can reduce to  
 15 50 percent just to have a security light there.  
 16 VICE CHAIR ROSEN: Okay.  
 17 BY MR. FERRARO:  
 18 Q. So, Mr. Bertin, the only thing left to  
 19 talk about, which we didn't do the last time, we had  
 20 some debate about variances versus deviations, Gail  
 21 and I, but I'm going to call them "deviations" that  
 22 are noted in Mr. Melfi's letter.  
 23 There was an indication that 60 percent is  
 24 the maximum impervious coverage for certain uses.  
 25 Of course, it's our position that these provisions

1 do not apply in the P-public zone. But for the  
 2 purposes of discussion and for your opinion,  
 3 obviously, 60 percent is a maximum impervious  
 4 coverage as a conditional use requirement.  
 5 What are we proposing here?  
 6 A. It exists at 57 percent and we're  
 7 proposing 82.3 percent.  
 8 Q. Okay.  
 9 A. And 60 percent is more like a residential  
 10 standard than a commercial standard.  
 11 Q. And based upon the plan, do you believe  
 12 that the site can accommodate any kind of drainage  
 13 or storm water runoff as a result?  
 14 A. Yes. The drainage calculations we  
 15 produced show that we are managing runoff and  
 16 reducing the rate at which runoff leaves the  
 17 property.  
 18 Q. Also, there was a noted deviation in  
 19 Mr. Melfi's letter with respect to the minimum side  
 20 yard setback distance of 15 feet being required or  
 21 half the height of the building. In this particular  
 22 instance, we have the pool addition, correct?  
 23 A. Correct.  
 24 Q. And that is --  
 25 A. 12.88, I recall.

1 Q. Correct. It required a 12.88-foot side  
 2 yard setback?  
 3 A. Yes, sitting on the east side of the  
 4 property.  
 5 Q. And we are proposing -- we cannot,  
 6 obviously, meet that requirement, so we are  
 7 proposing landscaping in that area; is that correct?  
 8 A. Correct. That's why we put the 6-foot or  
 9 higher evergreen buffer on that side of the  
 10 property.  
 11 Q. And will that help buffer that pool  
 12 addition from the neighboring property owner?  
 13 A. Right. And just in case you don't recall,  
 14 there's a low retaining wall along most of the  
 15 side -- along most of the east side of the property,  
 16 or really the whole thing. The wall is, like, 2 to  
 17 3 feet tall from the south, like 80 percent across  
 18 the building. It's only when you get to Oakdene  
 19 it's a little bit higher. So even if we're planting  
 20 6 feet, it'll be a couple of feet higher than the  
 21 neighboring property owner.  
 22 Q. Also, we had a -- there was a deviation  
 23 noted for the buffer width of 25 feet, which is  
 24 required between nonresidential property and a  
 25 residential property line. Here, once again, we're

1 at 12.88 feet?  
 2 A. Correct.  
 3 Q. But the ordinance in this case allows you  
 4 to provide a fence or a landscape in lieu of  
 5 providing the setback; is that correct?  
 6 A. That's correct. And that's why we  
 7 provided a landscaped buffer. We have a fence, a  
 8 6-foot-high fence around the playground. So there's  
 9 a 6-foot-high fence, but we didn't see a need to  
 10 take that fence down alongside the building. We  
 11 felt landscaping would be a better alternative.  
 12 Q. Once again, there was a deviation noted  
 13 for maximum retaining wall height. It's 4 feet max  
 14 within 12 feet of the front property line; is that  
 15 correct?  
 16 A. That's correct.  
 17 Q. So if you can discuss the existing  
 18 retaining walls and what's being proposed.  
 19 A. Okay. There are existing retaining walls  
 20 along Morningside and Hillside Avenues. We're  
 21 moving the walls closer to the property line to put  
 22 the courts in. So the walls -- those walls are  
 23 10 feet tall at the intersection. By moving the  
 24 walls closer to the intersection, the wall would be  
 25 13 feet tall.

1 The wall in the corner at Hillside and  
2 Morningside is 13-foot tall. And then there's a --  
3 a 3-foot fence on top of that, making the  
4 combination 17 feet, which is something else we'll  
5 discuss. Now, that's on the southwest corner.

6 On the northeast corner, there is an  
7 existing wall. That was, I think, 6 feet. And  
8 during the course of the renovations that went on  
9 the last couple of months are -- the applicants  
10 actually raised the wall by a couple of feet by  
11 putting -- just raised up with a block. That wall I  
12 was talking about is on the east property line  
13 closest to Oakdene Avenue and then it returns a  
14 little bit on Oakdene Avenue. So that wall is now  
15 7-1/2-feet thereabouts, 7-foot 10. So that one wall  
16 was increased in height.

17 Q. Okay.

18 A. And then there's a 6-foot fence on top of  
19 that.

20 Q. As a result, is there anything we could do  
21 about these heights of the retaining wall and fence  
22 or are they driven by the topography of the site?

23 A. Well, they're driven by the topography of  
24 the site. The taller wall is on the inside of the  
25 property. It's one thing if you're outside the

1 property and you have to look at a very tall wall.

2 This is inside the property.

3 So the neighbors don't really see it. I  
4 mean, of course the neighbor from across the street  
5 from Oakdene can look across the parking lot and see  
6 the wall. But when you're walking down the street,  
7 there's a 13-foot wall with a 4-foot fence on top of  
8 it that becomes overbearing. It's a hole. And you  
9 know, the impact of the wall is much less because  
10 you don't see it.

11 Q. And if you could just explain the grade  
12 change that goes on at this site from one side to  
13 the other?

14 A. Well, there's a 10-foot grade change  
15 across the site. So we had to work with the grades,  
16 the buildings there, and that's why we put the walls  
17 in along -- at Hillside and Morningside.

18 And also, unfortunately, the fields have  
19 to be pretty level. You can't play tennis uphill.  
20 They've got to be level to play tennis. So that's  
21 why the walls became what they were.

22 DR. MULLIGAN: I have a question: You  
23 mentioned -- you mentioned that a wall -- they  
24 put a couple more blocks on it and they put a  
25 fence on top of it at the upper -- yeah.

1 Was there any structural reason why we had  
2 to put a couple more blocks on that wall and  
3 then we had to put a 6-foot fence on top of it  
4 other than that's what they wanted?

5 THE WITNESS: Well, the 6-foot fence, we  
6 wanted for the children because it's the  
7 playground.

8 MR. FERRARO: It's the playground area.

9 DR. MULLIGAN: But you've got a wall  
10 that's reasonably high now. Why didn't you put  
11 the fence on top of it?

12 MR. FERRARO: But the grade meets that  
13 wall.

14 THE WITNESS: Right.

15 MR. MELFI: The wall is on the outside of  
16 the property. The grading of the school is  
17 level with the top of the wall. That's why  
18 they needed the fence on top of the wall.

19 MR. FERRARO: So that's basically a cliff  
20 right now without a fence on it.

21 THE WITNESS: Yeah, so to level off the  
22 playground, they had to raise the grade a  
23 little bit along the wall. And so they put two  
24 courses of block -- three courses of block to  
25 help level off the grade. And the wall extends

1 above the grade.

2 BY MR. FERRARO:

3 Q. So now the playground area is level?

4 A. Yes.

5 Q. And we could put the required fence around  
6 it for the safety of the children?

7 A. Yes.

8 Q. Assuming we get the approval.

9 MR. WETRIN: What's the height of that  
10 wall, the highest point?

11 THE WITNESS: 7-foot 9 right at the  
12 corner. That would be by the street.

13 BY MR. FERRARO:

14 Q. And the existing was somewhere around  
15 6 feet at the time, correct?

16 A. Yeah, at that corner it was just over  
17 6 feet. So it was raised 1.8 feet.

18 MR. WETRIN: What is the height of the  
19 wall at the entrance where -- the walkway to  
20 the entrance of the building? That wall  
21 gets shorter as you go in the street.

22 BY MR. FERRARO:

23 Q. So like right --

24 A. Near the walkway to the property. It's  
25 about 3 feet tall. And it gets -- it grows.

1 Q. As the slope in the road goes down?  
 2 A. Yes, because Oakdene slopes down.  
 3 Q. So in your professional opinion,  
 4 Mr. Bertin, do you feel that the site can  
 5 accommodate these deviations?  
 6 A. Yes.  
 7 Q. And in your professional opinion, do you  
 8 believe that the site can accommodate the use that's  
 9 being proposed for the site from an engineering  
 10 standpoint?  
 11 A. Yes.  
 12 VICE CHAIR ROSEN: Any questions from  
 13 members of the board?  
 14 Again, as to any members of the public,  
 15 Mr. Asadurian has agreed to hold off his  
 16 cross-examination for two weeks for the special  
 17 meeting. So if you have any questions that  
 18 you'd like him to ask, connect with him and  
 19 he'll ask those questions during the meeting in  
 20 two weeks.  
 21 Other members of the public that have  
 22 questions not being represented by Ms. Price's  
 23 firm, please -- I don't understand what you're  
 24 motioning. Oh, please come.  
 25 MS. EDWARDS: Therise Edwards,

1 E-D-W-A-R-D-S.  
 2 VICE CHAIR ROSEN: For the record, you're  
 3 not represented by --  
 4 MS. EDWARDS: No, that was the available  
 5 seat. I'm just sitting --  
 6 VICE CHAIR ROSEN: No, no. You just need  
 7 to state for the record.  
 8 MS. EDWARDS: No.  
 9 VICE CHAIR ROSEN: Okay. Thank you.  
 10 MS. EDWARDS: I'm just trying to  
 11 understand on the plans where you widened the  
 12 lanes. You said you shortened the courts, the  
 13 basketball and the tennis courts?  
 14 THE WITNESS: Correct.  
 15 MS. EDWARDS: So those are being used for  
 16 tournament events or are those sanctioned  
 17 events are they still regulation size, I guess  
 18 is my -- will they still meet the --  
 19 THE WITNESS: Well, the basketball court  
 20 is -- the tennis court is little bit short and  
 21 I talked to my clients, I said, How many  
 22 professionals need it? Because I play at the  
 23 baseline. A professional is 5 feet behind the  
 24 baseline. So that's it.  
 25 So that's not a tournament court and I

1 don't think they ever intended to have tennis  
 2 tournaments there.  
 3 MS. EDWARDS: Okay. I just wanted to  
 4 clarify that. The parking -- the dropoff and  
 5 pickup, the pickup hours you said are between  
 6 8:00 and 9:30?  
 7 THE WITNESS: Dropoff.  
 8 MS. EDWARDS: Okay. Yes, the dropoff is  
 9 between 8:00 and 9:30. That's the peak time,  
 10 correct?  
 11 THE WITNESS: Correct.  
 12 MS. EDWARDS: So can you explain again how  
 13 this is going to work?  
 14 You said the administration -- the  
 15 teachers will come out and get the students and  
 16 then take them in. I think I heard something  
 17 about you're going to have seven or eight cars  
 18 lined up.  
 19 I'm trying to picture this. I'm trying to  
 20 picture what the teacher-to-student ratio is  
 21 with teachers bringing students in and who's in  
 22 the classroom while this is all going on.  
 23 So can you explain how that's going to  
 24 work?  
 25 MR. FERRARO: It's a handoff system,

1 right, Mr. Bertin?  
 2 THE WITNESS: Yes. I don't know the exact  
 3 numbers. I just -- and they'll adjust it as  
 4 they need it, but there's one or two teachers  
 5 who are going -- or staff who will take the  
 6 children to the sidewalk, just bring them  
 7 across the sidewalk and hand them off to  
 8 someone else who will bring them inside the  
 9 school.  
 10 So the entrance to the day-care center or  
 11 preschool is up by the corner of the building.  
 12 Actually, it's the front door of the building  
 13 and there's a proposed handicapped ramp on the  
 14 northwest corner of the building. So they  
 15 would go in that way.  
 16 So, again, we just have to have someone  
 17 bring them across the driveway and watch them.  
 18 That's what you have to do. So one or two  
 19 people will be doing that, bringing them across  
 20 the sidewalk and making sure they're in the  
 21 right place. Someone else would come and then  
 22 take them into the building.  
 23 MS. EDWARDS: So you said staff, not  
 24 necessarily a teacher?  
 25 THE WITNESS: That's correct.

1 MS. EDWARDS: I just want to clarify.  
 2 These are for the students who are a part of  
 3 the center. This does not take into account  
 4 the students from the Teaneck public schools  
 5 for the space they've leased out, correct?  
 6 THE WITNESS: No, no. Anybody who comes  
 7 from the preschool, it doesn't matter whether  
 8 they come from Teaneck or from --  
 9 MS. EDWARDS: No, no. But the facility is  
 10 leasing out space to the Teaneck public schools  
 11 for their preschool. So there are additional  
 12 students that aren't a part of that.  
 13 THE WITNESS: No, but they're all mixed  
 14 together. It's all one school. Some of them  
 15 are coming from Teaneck.  
 16 MS. EDWARDS: Okay. So this does take --  
 17 that's what I was trying to ask. It takes in  
 18 that population from the Teaneck -- that are  
 19 part of the Teaneck public schools as well as  
 20 part of those that are of the day-care center  
 21 who are the members?  
 22 THE WITNESS: Yes. One school, right.  
 23 MS. EDWARDS: So now the accommodation for  
 24 the bus from the Teaneck public schools, is  
 25 that the Oakdene or --

1 THE WITNESS: Well, that would do the same  
 2 thing. There's a dropoff here. Well, we don't  
 3 really -- that's a loading zone that's on the  
 4 side of the building. But the bus would come  
 5 in and we would most likely direct him to the  
 6 loading zone because there would be four kids,  
 7 seven kids, ten kids coming off there. So that  
 8 way we can get the bus out of the traffic so  
 9 that the cars can come through. But we made a  
 10 provision there for that.  
 11 MR. FERRARO: There's a specified area on  
 12 the plan for the bus, which is supposed to be a  
 13 small bus, correct?  
 14 MS. EDWARDS: Yes. It's not one of the  
 15 larger ones. I think that's clear. Okay.  
 16 MR. BARTA: Can you show the dropoff area?  
 17 MR. FERRARO: Well, that's the loading  
 18 zone area.  
 19 THE WITNESS: Well, it's a loading zone,  
 20 but it's also -- because it's not their bus.  
 21 We need a loading zone and so we have this area  
 22 here.  
 23 Now, the bus could easily pull on -- when  
 24 we have the 5-foot landscaped area -- I mean,  
 25 striped area next to the handicapped parking

1 spaces, the bus could also pull over there.  
 2 The point is, that section of the driveway  
 3 is wide enough to have the bus pull, and then  
 4 the parents can continue to come through.  
 5 Because it's a 24-foot-wide driveway. We have  
 6 one-way traffic. It's not two-way traffic.  
 7 There's plenty of room. And we'll decide  
 8 whether to pull the bus off in the loading zone  
 9 or leave it over by the handicapped parking  
 10 spaces.  
 11 VICE CHAIR ROSEN: Any other members of  
 12 the public not represented by counsel?  
 13 How many other people wish to speak?  
 14 Can you come up?  
 15 MR. RUBINSTEIN: Allan Rubinstein,  
 16 R-U-B-I-N-S-T-E-I-N. I'm not represented by  
 17 counsel.  
 18 Most people are talking about the width of  
 19 the driveway being expanded from 20 feet to  
 20 24 feet. Why was that done?  
 21 THE WITNESS: Because we were asked to  
 22 make it wider.  
 23 MR. RUBINSTEIN: By who?  
 24 THE WITNESS: The board. No, no. I  
 25 shouldn't say that.

1 The board had a concern that the driveway  
 2 was not wide enough for emergency vehicles and  
 3 so forth. So I felt the 20-foot driveway for  
 4 two-way traffic was wide enough. But we're  
 5 here. We've listened. And we want to respond.  
 6 So we made it 24-foot wide.  
 7 MR. RUBINSTEIN: Is there parking on that  
 8 drive?  
 9 THE WITNESS: No.  
 10 MR. RUBINSTEIN: Are you able to park on  
 11 that drive?  
 12 THE WITNESS: No.  
 13 MR. RUBINSTEIN: Is it designated as any  
 14 type of fire zone or fire lane?  
 15 THE WITNESS: No.  
 16 MR. RUBINSTEIN: Thank you.  
 17 VICE CHAIR ROSEN: State your name, sir.  
 18 MR. MOSCOW: Jon Moscow and I am not  
 19 represented by counsel.  
 20 VICE CHAIR ROSEN: Now, there will be an  
 21 appropriate time for comments. That could be  
 22 reserved for the end of the application.  
 23 The public will be asked to make comments  
 24 at the end of the public -- at the end of the  
 25 application. You can ask questions, you can

1 make comment in the form of a question, but  
 2 this is only questions.  
 3 MS. STREAN: When you say "at the end of  
 4 the application," is that this evening?  
 5 VICE CHAIR ROSEN: Not tonight. The  
 6 earliest would be next two weeks, February 20.  
 7 MR. MOSCOW: I just wanted to make a  
 8 comment.  
 9 VICE CHAIR ROSEN: The spelling again of  
 10 your name?  
 11 MR. MOSCOW: Jon Moscow, M-O-S-C-O-W,  
 12 J-O-N.  
 13 MS. ELIYAHU: ^Deborah Eliyahu.  
 14 VICE CHAIR ROSEN: And you're not  
 15 represented by counsel?  
 16 MS. ELIYAHU: Absolutely not.  
 17 VICE CHAIR ROSEN: Thank you.  
 18 MS. ELIYAHU: My question actually relates  
 19 to what Therise Edwards asked.  
 20 So I understand what happens when it's  
 21 rush hour going in. What happens when it's  
 22 rush hour going out, when there's no provision  
 23 for the cones and the teachers?  
 24 What happens then? I mean, suddenly all  
 25 of these parents have to park and do it all,

1 but there is no provision for this smooth flow  
 2 of traffic.  
 3 THE WITNESS: It's common. They'll park,  
 4 go in and get their child.  
 5 MS. ELIYAHU: Is there enough parking for  
 6 all of these?  
 7 THE WITNESS: Yes. And that will be  
 8 discussed further later on. They come --  
 9 there's -- actually, some -- there's half-day  
 10 and full-day classes. So, you know, some will  
 11 come for the first half or some for the second  
 12 half. And, you know, everybody comes home at a  
 13 different time.  
 14 MS. ELIYAHU: Okay.  
 15 VICE CHAIR ROSEN: Again, Mr. Bertin is  
 16 not speaking for the owners. He could tell you  
 17 what the plan is. He could tell you what the  
 18 traffic design is, but he really can't testify  
 19 or guarantee that administration will do one  
 20 thing or another.  
 21 I would imagine the administration will do  
 22 everything in their best interest to protect  
 23 the safety of all involved.  
 24 MS. ELIYAHU: I just wanted to know what  
 25 the general idea was, the plan, having lived

1 through this with my kids in the public school.  
 2 MS. JOHNSON: Melissa Johnson. I'm not  
 3 represented by counsel.  
 4 You were mentioning that -- you mentioned  
 5 a lot of shrubbery in the area, trees. And I  
 6 was sitting in the back. Forgive me for not  
 7 seeing the new plans.  
 8 I'm concerned about -- I think I heard  
 9 from what he had mentioned, shrubbery that's  
 10 going to be put for the purposes of maybe  
 11 privacy or to block lighting. There was  
 12 already trees planted that blocked the  
 13 triangular sight distance for cars traveling.  
 14 They were removed by the previous owners and  
 15 they've been removed so far by this current  
 16 owner.  
 17 So I want to make a comment on this  
 18 shrubbery to make sure that we don't make the  
 19 same mistake again.  
 20 VICE CHAIR ROSEN: Again, not to play  
 21 games --  
 22 MR. STEINHAGEN: Can you explain to her  
 23 how the shrubs are going to block the lights  
 24 from the vehicles?  
 25 MS. JOHNSON: Sight triangle.

1 MR. STEINHAGEN: That's probably going to  
 2 come from the traffic engineer.  
 3 THE WITNESS: Also, I can tell you. Sight  
 4 triangle. There are no shrubs proposed at the  
 5 intersection of either street. So you can see  
 6 through the street. And we can add sight  
 7 triangle that's on there and indicate that.  
 8 Again, there's no shrubs at the street  
 9 intersections for that purpose.  
 10 MS. McFARLAND: We'll just put some --  
 11 only where the lights are, but not to interfere  
 12 with sight lines across the intersection.  
 13 MS. JOHNSON: Okay. Because it was done  
 14 already and they were removed.  
 15 MR. FERRARO: We could add sight triangle?  
 16 THE WITNESS: Yes.  
 17 MR. FERRARO: We'll plan to make sure  
 18 that's done.  
 19 MS. JOHNSON: And not just the traffic,  
 20 but kids on the bicycles. You cannot see.  
 21 There's only stop signs on one street, and the  
 22 other street you run right straight through and  
 23 you can't see what's coming. So that was an  
 24 issue and hoping that it doesn't happen again.  
 25 What are the age of the children? I don't

1 know that.  
 2 THE WITNESS: It's preschool. I think  
 3 they testified about that before and they're  
 4 preschool.  
 5 MS. JOHNSON: And this may have been  
 6 answered while I was waiting.  
 7 With regard to the classroom, are we sure  
 8 that we're going to have adequate staffing?  
 9 At one of the earlier meetings, it was a  
 10 discussion on the on-site parking and the staff  
 11 parking. The number was kind of low.  
 12 Will there be adequate staff for the  
 13 children and parking on-site and has the  
 14 parking -- on-site parking increased any?  
 15 MR. FERRARO: There will be adequate  
 16 staff. We'll stipulate to the board.  
 17 THE WITNESS: It's a licensing  
 18 requirement. They have no choice.  
 19 MR. FERRARO: They've been doing that for  
 20 25 years, the owners. This is not the first  
 21 time they've operated a day-care center like  
 22 this.  
 23 VICE CHAIR ROSEN: Day-care centers are  
 24 administered by the county or the state?  
 25 THE WITNESS: The state.

1 And also between the first set of plans  
 2 and this set of plans, we did increase the  
 3 number of parking spaces. There will be --  
 4 actually, there's a parking count that went on  
 5 right now about -- for the facility. So  
 6 there's more parking information to come.  
 7 MR. FERRARO: So there's 100 spaces now?  
 8 THE WITNESS: There's 100 spaces.  
 9 MR. FERRARO: Before, there was  
 10 approximately 63?  
 11 THE WITNESS: Yes. What happened was in  
 12 the original application, we had four courts  
 13 along Morningside. We took two courts out to  
 14 add that parking lot, which is somewhat in the  
 15 location where it exists today.  
 16 MS. JOHNSON: My last question: Sitting  
 17 through some of the meetings, there's always a  
 18 conversation about lot coverage. And the last  
 19 meeting I came to, there was a -- one  
 20 discussion of the homeowners lot coverage with  
 21 pavers.  
 22 It appears from what I've seen on the  
 23 previous plans -- and forgive me if they've  
 24 changed, but I haven't seen them -- the pavers  
 25 are in the front yard and wider than 6 feet.

1 Does that account for what has changed on  
 2 site and what they're looking at?  
 3 And is that calculation included in  
 4 increased lot coverage that they need variances  
 5 for, as well as the construction of the walls?  
 6 Were there permits for that? Because there's a  
 7 lot of construction going on.  
 8 THE WITNESS: I can just answer the lot  
 9 coverage is all calculated. As for the rest,  
 10 there's nothing for me to answer.  
 11 MS. JOHNSON: All right. Thank you.  
 12 MR. POWERS: Chuck Powers, not represented  
 13 by any attorneys.  
 14 In the original plan, I thought there was  
 15 a running track.  
 16 MR. FERRARO: That's correct.  
 17 MR. POWERS: When I looked at the plans  
 18 this afternoon, I didn't see that running  
 19 track.  
 20 Has that been removed?  
 21 THE WITNESS: Yes, yes. Actually, what we  
 22 had was the four ball courts and a track in the  
 23 grade around it.  
 24 MR. POWERS: I know.  
 25 THE WITNESS: So to get more parking, we

1 removed two courts and we made it a track.  
 2 MR. FERRARO: There were comments that  
 3 there was a lot going on at the site, so we  
 4 tried to scale it down.  
 5 MR. POWERS: I'm not sure this is the  
 6 right question. But one of the things I'm  
 7 trying to understand is whether or not what the  
 8 engineer is designing a site plan for is a  
 9 community center or is a house of worship, on  
 10 the document that I saw that you both  
 11 submitted, I believe with the revised version.  
 12 You still specify as a house of worship with a  
 13 day-care center and a community center.  
 14 I'm trying to understand. As this group  
 15 tries to figure out what it is that you're  
 16 asking for in terms of variances, it'd be  
 17 useful to know -- and I don't know whether or  
 18 not Mr. Bertin has actually been designing that  
 19 in light of that definition or another  
 20 definition.  
 21 MR. FERRARO: I'm not sure that's a  
 22 question for Mr. Bertin. Just to answer the  
 23 gentleman's question because it has been  
 24 testified to.  
 25 So with respect to the house of worship,

1 what's being proposed at the site, there's two  
2 primary uses. There's basically the day-care  
3 center, which has been permitted and which has  
4 the Certificate of Occupancy because they're  
5 permitted in all nonresidential alone by its  
6 statute.

7 MR. POWERS: It's actually temporary at  
8 the moment, right?

9 MR. FERRARO: Correct. That's operating  
10 at the site. The other use is a community  
11 center use. Within the community center, there  
12 are certain amenities. For instance, the pool  
13 addition is an amenity to the community center.  
14 There's a sanctuary or a house-of-worship room  
15 that is an amenity to the community center,  
16 meaning that it's only available to community  
17 center members. It doesn't have its own  
18 congregation or separate traffic generator.

19 So those are primarily the uses. In some  
20 of the correspondence from the town, what they  
21 try to do is try to carve out all of the  
22 potential uses that could be defined as what's  
23 going on at the site. But the way we see it  
24 is, it's essentially a private community center  
25 and a day-care facility.

1 And within the community center, there are  
2 certain amenities. One is a pool, one is the  
3 house of worship/sanctuary room. And those  
4 amenities are only available to the members of  
5 the community center.

6 MR. POWERS: That definition that he just  
7 gave --

8 VICE CHAIR ROSEN: We're not going to  
9 debate his answer at this point. It's time to  
10 do that.

11 You asked your question about engineering  
12 about this witness, and if you have follow-up  
13 questions --

14 MR. POWERS: So the site plan that you  
15 developed was within that definition of what it  
16 was that you were running the site plan for; I  
17 assume that's right?

18 THE WITNESS: Correct.

19 VICE CHAIR ROSEN: We're going to take a  
20 ten-minute break.

21 Any further questions from the public?  
22 Seeing none. We're going to take no longer  
23 than a ten-minute break, hopefully less than  
24 that. We are going to reconvene at a quarter  
25 after, 9:15. It's customary for us to have

1 good and welfare at 9:00. We're going to defer  
2 that to the end of the evening. Folks who have  
3 any comments to make about anything other than  
4 this application will be appropriate.

5 Please, please. Members of the public,  
6 please. It will be customary for you to do  
7 that at the end of the meeting, but, again, not  
8 addressed to this application.

9 So we're going to take a break and come  
10 back at 9:15. Thank you.

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

12 (At 9:17 p.m. the meeting resumes.)

13 MR. HALS: David Hals, Schwanewede Hals  
14 Engineering.

15 I have questions about the children  
16 dropoffs, the zone, specifically the accesses  
17 proposed from Oakdene Avenue. I was a little  
18 confused on the operation of the dropoff.

19 Are the cars going to be -- for the  
20 dropoff, you're expecting the dropoff on the  
21 left-hand side and a bypass on the right? I  
22 was a little unclear on that.

23 And second, when you're entering from  
24 Oakdene, the right-hand side of the exit to the  
25 children should be on the right-hand side of

1 the car and now you're not exiting on the  
2 sidewalk.

3 VICE CHAIR ROSEN: Mr. Hals, could I  
4 direct you to the diagram to show exactly what  
5 you're asking?

6 MR. HALS: From Oakdene Avenue, if you're  
7 entering into the site, it's a 24-foot-wide  
8 drive aisle. You had talked about cones down  
9 the middle so you have a 12-foot lane and a  
10 12-foot lane. The cars are pointed in a  
11 southerly direction. That would mean that the  
12 passenger side is where children should exit a  
13 vehicle from. That will not be alongside the  
14 sidewalk along the school building itself.

15 How is that operation going to work?

16 THE WITNESS: The cones will not be in the  
17 center. The cones will really be more in the  
18 center of the northbound lane. So it will be  
19 wider.

20 We don't want anyone passing. Yes, the  
21 children will get out on the passenger side,  
22 which would be up against the courts, but  
23 there's staff, and I was correct there's more  
24 than two. It will be three or four staff  
25 collecting the children and walking across.



1 But there's only going to be one lane of  
2 traffic heading southbound, so cars won't pass  
3 each other. I know they're getting off on the  
4 wrong side. There's no sidewalk there, but  
5 they're going to be getting off in the middle  
6 of the driveway.

7 MR. HALS: That's my point. You're asking  
8 the children to get out on the side there's no  
9 sidewalk and asking them to then cross a lane  
10 of traffic to get to the building.

11 THE WITNESS: Well, there's a guardian.  
12 There's a staff doing that.

13 MR. HALS: I understand.

14 THE WITNESS: You're right.

15 MR. HALS: On the second is the school bus  
16 you talked about was in the dropoff lane. The  
17 exit door for a school bus is also on the wrong  
18 side of the vehicle.

19 You're then asking them, that one, you  
20 would -- from what you just described -- the  
21 traffic lane is along the school. Now you've  
22 got the school bus in the loading area. Now  
23 you're asking the school children to exit into  
24 the traffic lane.

25 THE WITNESS: The traffic lane it's coming

1 in is closer to the courts.

2 So yes, when the school bus comes in --  
3 and this hadn't been worked out. I thought  
4 that would be a good place for the bus to come.  
5 Actually, anywhere where those three parking  
6 spaces and loading zone are, that the bus could  
7 pull off so cars could pass. That's why we  
8 made that so wide, so that cars could come  
9 around.

10 But there would be attendants there all  
11 the time as the kids come out. There will be  
12 an adult there shepherding the kids around from  
13 the bus. I know, yes.

14 But the thing is, the streets are one way.  
15 I'd like to come in off of Hillside Avenue, but  
16 then everyone that comes to the site has to  
17 come from Teaneck Road and that's just not  
18 practical. I think this is a better  
19 alternative proposal.

20 MR. HALS: I'm just making an observation  
21 at this point about the operations. It doesn't  
22 seem to be a safe operation for the children.

23 VICE CHAIR ROSEN: Mr. Ferraro, call your  
24 next witness, please.

25 MR. FERRARO: That brings us to our

1 architect.

2 VICE CHAIR ROSEN: Just to reiterate, we  
3 are going to end testimony for your architect  
4 at 10:00 p.m. sharp. If he's finished that's  
5 great. If not, we'll continue on.

6 MR. STEINHAGEN: Mr. Zampoli,  
7 Z-A-M-P-O-L-I. Your client has filed several  
8 appeals.

9 MR. ASADURIAN: Right.

10 MR. STEINHAGEN: The timing for one of  
11 them is getting close. We're going to deal  
12 with those in the course of your client's  
13 presentation of its experts.

14 Is that your understanding?

15 MR. ASADURIAN: Well, when we were here  
16 last month, I believe the chairman said he's  
17 going to let us know when they're going to be  
18 scheduled for.

19 MR. STEINHAGEN: They're not scheduled  
20 yet, but we'll need an extension of time  
21 because we don't want to discuss this without  
22 prejudice.

23 We want to hear the issues, but I think  
24 the optimal way to handle this is address the  
25 issues related to your client's contentions on

1 the application that Mr. Ferraro's client is  
2 presenting this evening in connection with your  
3 contentions on your appeal.

4 Because they're really part and parcel of  
5 the same issue, what are the uses that are  
6 permitted, what is allowed to happen on the  
7 site. Those are the things that your client is  
8 going to be presenting in direct opposition, I  
9 would assume, to this application. I think it  
10 makes sense to do it as a single proceeding  
11 where we make decisions on all of the issues,  
12 but not have the variance application,  
13 Mr. Ferraro's client's appeal, your client's  
14 appeal as separate things and have staggered  
15 decisions.

16 MR. ASADURIAN: Well, I think our  
17 anticipation was that if the appeals got  
18 decided, they may or may not narrow down some  
19 of the issues. Because if they narrowed down  
20 the issues, there will be limited testimony as  
21 to what was and was not permitted and what was  
22 and was not a variance. But we're at the  
23 board's discretion, I guess, to some extent,  
24 with how that proceeds.

25 MR. STEINHAGEN: So I understand that, but

1 we're not going to get to that tonight.  
 2 MR. ASADURIAN: I understand.  
 3 MR. STEINHAGEN: So is your client going  
 4 to extend the time for the board to act until  
 5 at least the February 20th meeting, just so  
 6 we're not running up against 120-day clock?  
 7 MR. ASADURIAN: Absolutely.  
 8 MR. STEINHAGEN: Thank you.  
 9 VICE CHAIR ROSEN: Okay. Good evening.  
 10 THE WITNESS: Good evening.  
 11 VICE CHAIR ROSEN: State your name.  
 12 THE WITNESS: Nassir Almukhtar,  
 13 N-A-S-S-I-R, A-L-M-U-K-H-T-A-R.  
 14 VICE CHAIR ROSEN: You've testified on  
 15 this application?  
 16 MR. FERRARO: No. He needs to be sworn.  
 17 N A S S I R A L M U K H T A R,  
 18 called as a witness, having first been  
 19 duly sworn, was examined and testified as  
 20 follows:  
 21 VICE CHAIR ROSEN: Background and  
 22 qualifications, sir?  
 23 THE WITNESS: Sure. I'm a licensed  
 24 architect. I hold a current license in good  
 25 standing in New Jersey. I've been licensed

1 since 2004. I've testified in front of  
 2 numerous boards and been accepted on all of  
 3 them. I'm an expert witness in the field of  
 4 architecture.  
 5 VICE CHAIR ROSEN: Thank you. I recommend  
 6 that we accept this witness's qualifications.  
 7 THE WITNESS: Thank you.  
 8 EXAMINATION  
 9 BY MR. FERRARO:  
 10 Q. The plans that were submitted to the board  
 11 were either prepared by you or under your  
 12 supervision; is that correct?  
 13 A. Yes, that's correct.  
 14 Q. And the latest revision date on these  
 15 plans is 11/22/19; is that correct?  
 16 A. Yes.  
 17 Q. Referring to the plans, could you please  
 18 just explain to the board and the public what's  
 19 going on inside the building?  
 20 A. Sure. I just have to go closer to the  
 21 easel. I'll try to speak up.  
 22 MR. STEINHAGEN: Mr. Ferraro, just because  
 23 we marked the civil engineering plan, I think  
 24 it makes sense to mark the architectural plans.  
 25 So these are going to be A-6.

1 (Exhibit A-6 was received and marked for  
 2 identification, as of this date.)  
 3 MR. STEINHAGEN: What was the last  
 4 revision date? I'm sorry.  
 5 MR. FERRARO: 11/22/2019. Is that what  
 6 you have?  
 7 MR. BARTA: I have September 20, '19. I  
 8 have September 20, '19.  
 9 MR. STEINHAGEN: That's what I have also.  
 10 MR. FERRARO: Marking A-6 is consistent  
 11 with three sheets, correct?  
 12 THE WITNESS: Yes.  
 13 MR. FERRARO: I'll wait to see if  
 14 everybody has them.  
 15 MR. BARTA: We can probably get started.  
 16 I can see well enough. I don't know about  
 17 anybody else.  
 18 MR. FERRARO: Counsel, do you want to wait  
 19 to see?  
 20 MR. STEINHAGEN: I don't have it. I know  
 21 that. I have the September plan also.  
 22 We might as well hear the testimony. He  
 23 can explain --  
 24 MR. MELFI: He could explain the  
 25 difference between the two. It's not that much

1 of a difference.  
 2 MR. FERRARO: Okay.  
 3 BY MR. FERRARO:  
 4 Q. So let's start with the plan marked A-6,  
 5 sheet 1. If you can explain -- try room by room --  
 6 what's being proposed at the site?  
 7 A. Sure. So there's an existing structure.  
 8 We're proposing to add the swimming pool component  
 9 to that.  
 10 The existing structure is a two-story  
 11 building with a basement. And then the pool would  
 12 be a one-story building.  
 13 The first sheet, which is A-101, which is  
 14 part of the exhibit, this depicts the first floor  
 15 layout. The one -- the portion to the right is the  
 16 existing structure and then the swimming pool is to  
 17 the left, the proposed swimming pool.  
 18 There's a main entrance along Oakdene.  
 19 This would be used for the child care center. I  
 20 should say that there are two main components to the  
 21 structure, proposed components; the child care  
 22 center and the community center.  
 23 So the front portion, which is facing  
 24 Oakdene, would be dedicated for the child care  
 25 center. There would be an entrance there and some

1 child care rooms. We're also proposing to add  
2 another handicapped ramp. There is a handicapped  
3 ramp existing, but we're proposing to add another  
4 one. This will be dedicated for the child care  
5 entrance besides the main entrance.

6 There's an existing kitchen that is going  
7 to be renovated and brought to current standards.  
8 Below that kitchen would be the pool mechanical with  
9 equipment.

10 On the first floor, there are three child  
11 care rooms. The first one, which is labeled as E,  
12 as 102, that's 695-square feet. And then there's  
13 707-square feet. And then there's 635-square feet.  
14 Each room will have its own toilet facility for the  
15 children.

16 The second portion of the first floor  
17 structure would contain, you know, the main  
18 component, the sanctuary area. And as mentioned  
19 before, this is a nondenominational. Anybody can go  
20 there for meditation purposes or, you know, prayer.  
21 Any religion, open to all members basically.

22 Q. When you say "anyone," any members of the  
23 community center?

24 A. Yes, any members definitely. And then to  
25 the right of that, there would be a waiting area and

1 an office space. This would be dedicated to the  
2 community center rather than the child care center.  
3 And then there's a reception area, a reception desk.

4 So the main entrance would be to the side  
5 office admin, then the sanctuary. And then there  
6 will be two sets of bathrooms. Those bathrooms will  
7 be for men and women. They contain locker rooms,  
8 showers, toilet facilities that's all handicapped  
9 accessible, obviously. There will be three showers.  
10 There will be a steam room and sauna room for the  
11 women's side and for the men's side.

12 As for the swimming pool addition, the  
13 proposed addition, which will be approximately  
14 7,650-square feet, the width would be 66-1/2 feet  
15 and the length would be 116 feet and a half. The  
16 pool would contain a kiddy pool, a regular pool, and  
17 a little spa.

18 We are proposing to provide accessibility  
19 for the handicapped. The level of the pool floor  
20 would be lower than the level of the existing first  
21 floor. If you notice as you enter, you go down half  
22 a level. There's an elevation mark and that will be  
23 the level of the swimming pool. So we're proposing  
24 to provide an elevator that will open on both sides.  
25 So if there's a handicapped person, they would go

1 this way, they would go down half a level to get to  
2 the swimming pool without having to use the  
3 staircase. So this would provide for handicapped  
4 accessibility. Also, we're providing two emergency  
5 exits from the pool area separate from the existing  
6 structure.

7 The existing exits, emergency exits for  
8 the existing structure are sufficient in terms of  
9 code compliance. We don't have a problem with that.

10 Q. Before you go to the next sheet, with  
11 respect to the pool, this is a six-lane pool; is  
12 that correct?

13 A. Yes.

14 Q. And is this the minimum, according to the  
15 Teaneck swimming coach, in order to have meets here?

16 A. Yes. There has been a swimming pool  
17 designer and they were meeting with the Teaneck  
18 swimming team and they agreed on those sizes and  
19 those laps and all of these things.

20 Q. And as Mr. Green testified to before, this  
21 is not their dream pool, but this is the minimum  
22 requirement in order to have meets here and for the  
23 Teaneck swim team to utilize it?

24 A. Yes, that's correct.

25 Q. So we've attempted to make this pool

1 addition as small as possible?

2 A. Yes.

3 Q. In your opinion, is there any way to even  
4 make it smaller and still meet the minimum  
5 requirements to have a swim team use it?

6 A. Yes, according to the swim team coach,  
7 this is the smallest pool that they can use.

8 VICE CHAIR ROSEN: You show bleacher  
9 seats, permanent seating or seating that  
10 collapses or folds in or how?

11 THE WITNESS: I believe they would be  
12 collapsing, but we haven't really discussed.  
13 But we can check that with the applicant.

14 MR. FERRARO: It is showing seating for  
15 spectators.

16 THE WITNESS: Some bleachers here.

17 VICE CHAIR ROSEN: Seats about how many?

18 THE WITNESS: About 70 to 80.

19 MR. STEINHAGEN: So did it change between  
20 the November 22nd -- I'm sorry -- the  
21 September 20 and the 11/22 revision? I'm  
22 talking about the sizing.

23 THE WITNESS: No.

24 MR. FERRARO: I think the number of seats  
25 was decreased from the initial.

1 MR. STEINHAGEN: Because you show on the  
 2 original plan 165.  
 3 THE WITNESS: Right. The number of  
 4 bleachers you mean, the seats?  
 5 MR. STEINHAGEN: If the size hasn't  
 6 changed, what's the difference in terms of the  
 7 number?  
 8 How do we get there?  
 9 THE WITNESS: Just to provide better  
 10 circulation around the bleachers.  
 11 MR. BARTA: Changed a little bit. I don't  
 12 know if it changed by half.  
 13 MR. STEINHAGEN: It is small, maybe a  
 14 quarter smaller.  
 15 MR. BARTA: But it's not half.  
 16 BY MR. FERRARO:  
 17 Q. So estimating on the new plan number of  
 18 seats to be around --  
 19 A. I would say 70 to 80.  
 20 Q. That would be half of what was on the  
 21 original plan, from what I understand?  
 22 MR. BARTA: Right. But the size of the  
 23 bleachers didn't decrease by nearly half.  
 24 MR. FERRARO: More elbow room.  
 25 MR. STEINHAGEN: How did we calculate the

1 seating?  
 2 THE WITNESS: The bleachers, I'm assuming  
 3 they are 2 feet, each person. So we have  
 4 about -- each row would take about 18 -- five  
 5 rows at 18. That's about 70 -- I'm sorry --  
 6 90.  
 7 MR. STEINHAGEN: What's the dimension on  
 8 that row?  
 9 THE WITNESS: It's 36. 36 feet.  
 10 VICE CHAIR ROSEN: So 80 to 100. Eighty  
 11 to a hundred people would be maximum capacity?  
 12 THE WITNESS: Maximum capacity.  
 13 MR. FERRARO: 2 feet is a tight squeeze.  
 14 THE WITNESS: That's maxed out definitely.  
 15 VICE CHAIR ROSEN: Continue.  
 16 THE WITNESS: Should we go to the second  
 17 floor?  
 18 MR. FERRARO: Yes.  
 19 MR. WETRIN: Sorry. Along that whole wall  
 20 on the exterior, you got -- there's two houses  
 21 on the other side of that wall, right?  
 22 And the whole wall is windows?  
 23 THE WITNESS: Yes. We're trying to  
 24 provide daylight, but if there's any concern  
 25 about that, because I understand, as Mr. Bertin

1 has explained, there's buffer with a  
 2 landscaping buffer.  
 3 MR. WETRIN: If you have, say, 90 kids  
 4 today with a seat, any more on the site  
 5 shouting support, that would be pretty loud,  
 6 right?  
 7 THE WITNESS: We discussed that, actually,  
 8 and we said we're open to blocking this site,  
 9 the windows on this site.  
 10 MR. FERRARO: We can make those windows  
 11 much smaller, put them higher just to provide  
 12 some light.  
 13 THE WITNESS: Or completely block them.  
 14 MR. WETRIN: Relative to the houses next  
 15 door, those windows, how do those windows  
 16 height up to the house next door? I know the  
 17 houses next door are lower down to the  
 18 facility, but are those windows above the house  
 19 level?  
 20 If you're looking out of the house and  
 21 you're looking at the facility, are the windows  
 22 level with the house?  
 23 THE WITNESS: In terms of sound  
 24 transmission, we could provide double-glazed  
 25 windows and vacuum so as to provide that. And

1 then in terms of visual, we can make them  
 2 tinted so that there's no view.  
 3 However, again, it's the board's  
 4 preference. We're fine with blocking that  
 5 entire site.  
 6 MR. WETRIN: What are the heights of the  
 7 windows currently on that site?  
 8 THE WITNESS: It's on the third sheet.  
 9 The height of the window is 10 feet.  
 10 MR. WETRIN: Because a lot of sun will  
 11 come through those windows.  
 12 THE WITNESS: We can block them.  
 13 MR. FERRARO: We'll revisit that.  
 14 MR. WETRIN: Okay.  
 15 A. Second sheet, A-102, depicts on the right  
 16 side of the sheet is the second floor plan.  
 17 Again, the front portion, which is facing  
 18 Oakdene, is the child care center and it contains  
 19 four classrooms, each classroom having its own  
 20 toilet facility.  
 21 The square footages are 200-square feet,  
 22 204, 206 -- I'm sorry. 670, 689, 755 and 644. This  
 23 portion is dedicated to the child care center. To  
 24 the rear of that, the elevator, which I talked about  
 25 that would take the members to the swimming pool

1 level, the first floor level and then go up also to  
2 the second floor level with a little lobby there.  
3 And then we're proposing four different classrooms.  
4 Those would be used for maybe lectures or little  
5 meetings for the community center. Sometimes maybe  
6 some exercise classes and things like that. Yoga,  
7 things like that. So it will be basically  
8 multipurpose as needed by the community center.

9 And then at a smaller scale to the left,  
10 there's the basement floor plan. Those are also  
11 some exercise rooms, some small exercise rooms and  
12 multipurpose rooms, multipurpose. And Room 15 and  
13 16 will be mostly used by the administration of the  
14 community center. And then there's the mechanical  
15 rooms there, which will remain there as is.

16 We have the facade. There's the Oakdene  
17 Avenue elevation, there's the left side elevation.  
18 We depict the proposed swimming pool. Those are  
19 partial elevations and were showing part of the  
20 existing structure.

21 VICE CHAIR ROSEN: Can you talk directions  
22 to the left and right? It's hard to --

23 THE WITNESS: Sure. There's the Oakdene  
24 Avenue elevation and I believe this is the  
25 one -- not the Morningside, the other side.

1 VICE CHAIR ROSEN: So that should be  
2 eastern elevation?

3 THE WITNESS: This one is eastern.

4 VICE CHAIR ROSEN: That's what your  
5 neighbors will see to the east, right?

6 THE WITNESS: Yes.

7 MR. FERRARO: Windows.

8 VICE CHAIR ROSEN: To the pool. And  
9 that's the eastern elevation.

10 THE WITNESS: Right. And Oakdene is the  
11 southern and Hillside is the northern  
12 elevation.

13 VICE CHAIR ROSEN: So you're showing the  
14 top right drawing?

15 THE WITNESS: The top right is the  
16 southern and --

17 VICE CHAIR ROSEN: Is that part of the  
18 facility? That's the school. For a second I  
19 thought it was the homeowner. Now I'm okay.

20 THE WITNESS: And the swimming pool was  
21 attached to this school.

22 VICE CHAIR ROSEN: I get it.

23 THE WITNESS: As far as finishes are  
24 concerned, we're proposing stone and brick  
25 facades.

1 BY MR. FERRARO:

2 Q. To match the existing building?

3 A. To match close to the existing building,  
4 yes.

5 Q. What's the approximate height of the  
6 addition for the pool?

7 A. From the average grade to the top, it  
8 would be about 30 feet 9 inches. That's about with  
9 the top of the second floor, not the roof. Lower  
10 than the existing roof, the existing structure.

11 VICE CHAIR ROSEN: Where on the building  
12 is approximately the level of the pool? Could  
13 you just -- bottom of the windows or lower than  
14 the windows?

15 THE WITNESS: This would be -- there's a  
16 line here (indicating). That's the level of  
17 the pool.

18 VICE CHAIR ROSEN: Which one?

19 THE WITNESS: This line here. Says "pool  
20 floor" on the drawing. So it's the second  
21 elevation.

22 VICE CHAIR ROSEN: Got it.

23 MR. STEINHAGEN: You said second floor?

24 THE WITNESS: The top of the parapet would  
25 be with the second floor, yes.

1 MR. STEINHAGEN: There's no second floor  
2 on the pool.

3 THE WITNESS: Second floor of the existing  
4 structure.

5 MR. STEINHAGEN: It aligns with the top?

6 THE WITNESS: Just a bit little bit lower.

7 BY MR. FERRARO:

8 Q. And as you indicated, we'll revisit the  
9 windows that are currently showing to the east.

10 A. Correct.

11 MR. WETRIN: In that corner, you said  
12 there was a retaining wall, did you say 8 feet?

13 MR. FERRARO: 7 feet 10 inches.

14 MR. WETRIN: And the swimming pool is  
15 30 feet, the roofline there?

16 MR. FERRARO: Approximately 30 feet,  
17 correct, is the height of that?

18 THE WITNESS: Yes.

19 MR. WETRIN: It's 12 feet from the  
20 property line?

21 MR. FERRARO: 12.88 feet, a little less  
22 than 13. And there will be a row of  
23 landscaping put between the building and the  
24 addition.

25 THE WITNESS: We provided a parapet that's

1 4 feet high. This way it curves -- we intend  
 2 to put the HVAC equipment up on top of the  
 3 roof. So it will not be visible from any  
 4 point.  
 5 VICE CHAIR ROSEN: The HVAC would not  
 6 be -- it will be hidden from the public?  
 7 THE WITNESS: Yes.  
 8 VICE CHAIR ROSEN: So the same parapet's  
 9 now higher than the actual roof itself?  
 10 THE WITNESS: 4 feet.  
 11 VICE CHAIR ROSEN: That would be  
 12 sufficient to hide any HVAC equipment?  
 13 THE WITNESS: Yes. I actually have 4 feet  
 14 also to the structure. I anticipate the  
 15 structure would probably be 3 feet and that was  
 16 if we need another foot to the roof.  
 17 VICE CHAIR ROSEN: The public won't have  
 18 any access to the roof for any kind of  
 19 activities, correct?  
 20 THE WITNESS: Correct.  
 21 VICE CHAIR ROSEN: This community center,  
 22 no picnicking, no assembling. Just a matter of  
 23 mechanical susceptibility?  
 24 THE WITNESS: Mechanical equipment,  
 25 correct.

1 BY MR. FERRARO:  
 2 Q. And that area where the addition is going  
 3 for the pool, that was the previous playground  
 4 area --  
 5 A. Yes.  
 6 Q. -- for the church day-care; is that  
 7 correct?  
 8 A. Yes.  
 9 Q. Anything else with respect to the plans?  
 10 A. That's basically it, subject to any  
 11 questions from the public.  
 12 VICE CHAIR ROSEN: Any questions from  
 13 members of the board, plans being presented?  
 14 Any questions from the public other than  
 15 the members of the public -- other than those  
 16 being represented by counsel, have questions  
 17 about plans being presented?  
 18 Yes. Ms. Johnson.  
 19 MS. JOHNSON: Quick question. Melissa  
 20 Johnson again. The height of the building in  
 21 comparison to the two homes that are next door  
 22 to it, is it higher than the height of the  
 23 homes, is it lower?  
 24 Where is that building going to stop with  
 25 the roofline of the houses?

1 THE WITNESS: Usually adjoining a  
 2 half-story structure or home, it's close to  
 3 this height, the 30-foot height.  
 4 MS. JOHNSON: With the 4 feet on top of  
 5 the --  
 6 THE WITNESS: Yes.  
 7 MS. JOHNSON: Do we know what the decibel  
 8 is off of the equipment? because it's only less  
 9 than 12 feet from the house.  
 10 MR. FERRARO: Is there any equipment --  
 11 MS. JOHNSON: You're talking interior  
 12 noise, but also exterior noise for the  
 13 buildings. Lighting is an issue, even decibel.  
 14 MR. FERRARO: We can take the first part  
 15 of your question.  
 16 Are there any mechanicals in the side yard  
 17 setback area?  
 18 THE WITNESS: No.  
 19 (Reporter interruption.)  
 20 VICE CHAIR ROSEN: Clarify the question:  
 21 What is the noise level of the anticipated  
 22 mechanicals on the roof, the air-conditioning,  
 23 the heating, what is that?  
 24 THE WITNESS: Well, I cannot say what the  
 25 decibels are going to be because, obviously, we

1 haven't engaged the mechanical engineer to do  
 2 the design for it. But I can assure you that  
 3 we will work on that to curb any unacceptable  
 4 noise levels.  
 5 MR. STEINHAGEN: They have to comply --  
 6 THE WITNESS: Yes.  
 7 MR. STEINHAGEN: -- which regulates the  
 8 levels of noise during daytime hours and a  
 9 lower level of noise. They must. And if they  
 10 don't, the county will shut them down.  
 11 MS. JOHNSON: Okay. Noise, light, same  
 12 thing. They mentioned earlier 50 percent of  
 13 some -- no one ever said what it was.  
 14 What are the lumens and the candle foot?  
 15 I'm sure they have to be to code. But what is  
 16 the code for counts that are here? I know what  
 17 they are for inside, but I don't know what they  
 18 are for outside. I know he probably can't  
 19 answer this. That's the last question I wanted  
 20 to ask before we went to break. It's just that  
 21 stipulation of 50 percent of what?  
 22 VICE CHAIR ROSEN: You're talking about  
 23 the --  
 24 MR. STEINHAGEN: That was the security  
 25 light.

1 MS. JOHNSON: And the court lights and the  
 2 parking.  
 3 MR. STEINHAGEN: What the representation  
 4 was, was they intend to have one light at  
 5 approximately the southwest corner of the  
 6 building that's going to be on at night. I  
 7 believe it was a 14-foot pole, in that range?  
 8 MR. FERRARO: Yes.  
 9 MR. STEINHAGEN: 14-foot pole,  
 10 down-shielded light, they're going reduce the  
 11 intensity of the light from whatever it is,  
 12 it's on the plan, and they'll reduce it by  
 13 half.  
 14 MS. JOHNSON: Would the building lights  
 15 also be on overnight?  
 16 MR. STEINHAGEN: That's what the testimony  
 17 was.  
 18 MR. FERRARO: No.  
 19 MS. JOHNSON: Just cumulatively.  
 20 MR. STEINHAGEN: The representation was  
 21 that the site -- the building will be shut  
 22 down. The site lighting, with the exception of  
 23 that one emergency light on the southwest  
 24 corner of the building, will be off. That was  
 25 the representation.

1 Is that okay?  
 2 MR. FERRARO: That's fine.  
 3 MR. STEINHAGEN: You're agreeing to extend  
 4 the time?  
 5 MR. FERRARO: Agreeing to extend the time  
 6 to act until February 20, 2020.  
 7 VICE CHAIR ROSEN: Members of the public,  
 8 if you didn't get that, the next meeting will  
 9 be two weeks from now, tentatively planned for  
 10 this chambers. If for some reason it needs to  
 11 be moved to some other facility, here or the  
 12 library, there will be adequate notice either  
 13 on the door or some other way.  
 14 MR. FERRARO: And just procedurally at  
 15 that meeting, the applicant will be able to  
 16 proceed initially with its traffic engineer?  
 17 MR. STEINHAGEN: I guess the question is,  
 18 what does Mr. Asadurian want to do?  
 19 Do we know if Ms. Price is going to be  
 20 back?  
 21 MR. ASADURIAN: I cannot say for certain,  
 22 but I would anticipate.  
 23 MR. STEINHAGEN: I guess, knowing the  
 24 difficulties of the practice, I can't imagine  
 25 trying to come back in -- she's obviously not

1 MS. JOHNSON: Okay.  
 2 VICE CHAIR ROSEN: Any other questions for  
 3 this witness about this testimony from members  
 4 of the public?  
 5 Seeing none, you're finished with this  
 6 witness?  
 7 MR. FERRARO: Yes.  
 8 VICE CHAIR ROSEN: And we are going to  
 9 carry this application to -- for two weeks.  
 10 The special meeting in February 20.  
 11 MR. STEINHAGEN: Where is that meeting?  
 12 THE BOARD SECRETARY: Council hasn't  
 13 thrown us out. If it's not here, we'll have to  
 14 make arrangements for either the library or the  
 15 Rodda Center. So far the dates they gave me,  
 16 they don't include this.  
 17 But we have 2/20 --  
 18 MR. STEINHAGEN: They're going to have the  
 19 special meeting that day. Where are they going  
 20 to have it?  
 21 THE BOARD SECRETARY: It's going to be  
 22 here.  
 23 MR. STEINHAGEN: All right. Why don't we  
 24 do this: We'll carry the notice to here and  
 25 the alternative, we'll carry it to the library.

1 in today. She wasn't in the office.  
 2 THE WITNESS: No.  
 3 MR. STEINHAGEN: She's going to be coming  
 4 back and going to be having a fair amount to  
 5 do. It might make sense for Mr. Ferraro to put  
 6 his engineer and planner up. Obviously, he  
 7 needs to bring back his other witnesses when  
 8 Ms. Price is back. I don't want to --  
 9 VICE CHAIR ROSEN: I think that a means  
 10 for keeping the testimony fresh.  
 11 MR. STEINHAGEN: It's up to them.  
 12 THE BOARD SECRETARY: Rodda Center,  
 13 classroom 1, downstairs.  
 14 MR. STEINHAGEN: We need to re-notice.  
 15 Can you tell us what you want to do? We've  
 16 been going in a way that Ms. Price  
 17 questioned -- I don't think she questioned  
 18 Mr. Bertin at all.  
 19 MR. FERRARO: No. We agreed to provide  
 20 transcripts.  
 21 MR. STEINHAGEN: Right. She hasn't  
 22 cross-examined anybody yet.  
 23 MR. FERRARO: Mr. Chairman, we would ask  
 24 to continue with the direct on the 20th,  
 25 because I think the public and everybody has

1 been waiting to hear from the traffic engineer  
2 and many members of the board. Obviously,  
3 Ms. Price is going to have her chance to  
4 cross-examine whoever we present.

5 VICE CHAIR ROSEN: Any other witness  
6 besides traffic?

7 MR. FERRARO: I have traffic and a  
8 planner.

9 VICE CHAIR ROSEN: Is it feasible that you  
10 put the traffic and planner and then come back  
11 to redirect for these four witnesses?

12 MR. FERRARO: Or we can put the traffic on  
13 and then start the cross-examination.

14 MR. STEINHAGEN: One thing that doesn't  
15 make sense, I guess if we want to have  
16 Ms. Price ask questions of the engineer and the  
17 architect, that would happen, I suspect --  
18 haven't seen Ms. Price in action before --  
19 there might be a fair amount of questions.

20 VICE CHAIR ROSEN: If she's going to be  
21 here in two weeks, I would expect her to  
22 proceed with her cross. If she can't make it,  
23 we will continue along in the way you're  
24 presenting your witnesses.

25 THE BOARD SECRETARY: We will definitely

1 we don't present you in attendance and you  
2 don't say no, my client doesn't want to --

3 MR. FERRARO: My understanding is there's  
4 a good chance we might not finish at that  
5 meeting, or reasonable chance. My  
6 understanding is that the March 5 date may be  
7 available after that.

8 MR. STEINHAGEN: I think the board is  
9 going to need to talk about that off-line with  
10 the board's secretary and have an answer for  
11 you on the 20th, but --

12 MR. FERRARO: We put in that request  
13 respectfully.

14 MR. STEINHAGEN: The board's agenda, as  
15 you know, is quite extensive. There's a number  
16 of matters that also wanted a special meeting.  
17 189 The Plaza canceled. We need to give those  
18 matters a hearing. There's an application that  
19 Mr. Capizzi had on tonight that I believe was  
20 deemed complete in June and today was the first  
21 hearing on it. They've been waiting seven  
22 months for a hearing. And they're coming back.

23 So we'll defer that issue, but we are  
24 going to ask you again on the 20th if we don't  
25 finish, which seems likely due to the

1 have the transcript?

2 MR. FERRARO: It will have to be  
3 expedited.

4 To be honest, Mr. Chairman, I would like  
5 the board to allow us to go forward with our  
6 direct and traffic. So there's a good chance  
7 with that special meeting, if my client, quite  
8 honestly, they're a nonprofit, would have to  
9 pay \$10,000 for, they might not have a chance  
10 to present any of their testimony if that  
11 entire four-hour meeting is taken up by  
12 cross-examination by the objectors.

13 We have our traffic engineer ready to go.  
14 We'd like to present it. I don't think it  
15 prejudices anybody if we continue with the  
16 direct in the same manner we did tonight.

17 VICE CHAIR ROSEN: Again, as long as  
18 there's an understanding that if you can't  
19 complete by the 20th, we will continue to not  
20 be able to -- I don't want to be in a position  
21 to do what we did the last time where there's a  
22 question as to whether your client would want  
23 to extend. Understanding that this is the way  
24 we're proceeding, it's fine with me to present  
25 your witnesses at the next meeting, as long as

1 circumstances that we're not going to finish.  
2 Then we have to open up to the public for  
3 comment.

4 MR. FERRARO: Sure.

5 VICE CHAIR ROSEN: So we'll carry this  
6 application to Thursday night, February 20, at  
7 the Rodda Center. That's been provided.  
8 Classroom 1.

9 THE BOARD SECRETARY: 250 Colonial Court.

10 MR. FERRARO: First floor, I assume?

11 THE WITNESS: First floor classrooms, past  
12 the offices to the left.

13 MR. STEINHAGEN: We'll send out special  
14 meeting notices to that?

15 THE BOARD SECRETARY: Yes, sir. We are.

16 MR. ASADURIAN: And the transcript will be  
17 ordered on an expedited basis?

18 VICE CHAIR ROSEN: We will make it  
19 available, yes.

20 MR. ASADURIAN: Just so I'm clear,  
21 Mr. Ferraro is going to proceed with his direct  
22 with the traffic and planner?

23 VICE CHAIR ROSEN: Correct. You come  
24 back. You'll be able to cross.

25 MR. BARTA: Both February 20 and March 5.



1 MR. STEINHAGEN: Not deciding that yet.  
 2 THE BOARD SECRETARY: Here's what  
 3 happened. The council has budget hearings and  
 4 they said it is a chance if they cancel, we may  
 5 be able to come back in here, but we don't  
 6 know. So we've already booked the 2/20 and 3/5  
 7 for the Rodda Center just in case.  
 8 MR. STEINHAGEN: If we know we have the  
 9 Rodda Center, we should announce it at the  
 10 Rodda Center and not deviate from that.  
 11 MR. FERRARO: February 20, same time, 7:00  
 12 at the Rodda Center, first floor.  
 13 No further notice required?  
 14 VICE CHAIR ROSEN: No.  
 15 MR. FERRARO: Thank you for your  
 16 cooperation.  
 17 MR. STEINHAGEN: You're extending the time  
 18 as you indicated. We haven't decided about  
 19 this application for March 5.  
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C E R T I F I C A T E

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

---

Angela (Angie) M. Shaw-Crockett  
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**BY MR.  
FERRARO: [19]**  
9/1 9/23 12/23 19/2  
21/18 24/12 29/1  
30/3 32/5 37/16  
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