

1 1 TOWNSHIP OF ROCHELLE PARK PLANNING BOARD THURSDAY, NOVEMBER 18, 2021 COMMENCING AT 7:00 P.M. 2 3 IN THE MATTER OF: : TRANSCRIPT 4 TFJ 120 Passaic Urban Renewal, LLC: OF 5 120 W. Passaic Street : PROCEEDINGS 6 Block 93.01 : 7 Lots 1.01, 1.02, 1.03 & 1.04 : 8 Building & Land Use Applications : 9 : 10 B E F O R E: 11 TOWNSHIP OF ROCHELLE PARK PLANNING BOARD 12 THERE BEING PRESENT: 13 ED KANIEWSKI, CHAIRMAN 14 GAIL ARTOLA, MAYOR 15 SUSAN IACOBUCCI, COMMITTEEWOMAN 16 CHARLES GRECO, MEMBER 17 JOHN MILLER, MEMBER 18 ALFONSO SANTIAGO, MEMBER 19 CHRISTINE MUELLER, MEMBER 20 SCOTT ZOTOLLO, MEMBER 21 WALTER HOUGHTON, MAYOR'S DESIGNEE (ABSENT) 22 JOHN SCHMUNK, ALTERNATE #1 MEMBER 23 MELLESSA ANGLIN, ALTERNATE #2 MEMBER 24 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. CERTIFIED COURT REPORTERS P.O. BOX 505 SADDLE BROOK, NEW JERSEY 07663 (201) 641-1812 201-487-0036 FAX Laccsr2@aol.com LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	3 1 I N D E X 2 3 W I T N E S S E S SWORN PAGE 4 JOHN CORAK, PE 8 5 Voir Dire Examination by Ms. Gonchar 9 6 Direct Examination by Ms. Gonchar 10 7 Board/Professional Questions 30 8 Councilwoman Iacobucci 30, 39 9 Mr. Santiago 32 10 Mr. Miller 34, 40 11 Mr. Zotollo 35 12 Mr. Greco 39, 48, 13 Chairman Kaniewski 54 14 Mr. Mayo 45 15 Mr. Barree 46 16 Public Questions 49, 53, 17 Chief Gene Pinto 56 18 Bob Verhasselt 50 19 40 Forest Place 20 ZACHARY CHAPLIN, PE 59 21 Voir Dire Examination by Ms. Gonchar 60 22 Direct Examination by Ms. Gonchar 61 23 Board/Professional Questions 70, 120 24 Chairman Kaniewski 89, 124 25 Mr. Mayo 89 Mr. Barree 91 Mr. Greco 91 Ms. Mianiecki 94, 129 Ms. Mueller 97, 118 Mr. Santiago 117 Mayor Artola 122 Public Questions 125 Bob Verhasselt 125 40 Forest Place LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
2 1 A P P E A R A N C E S: 2 3 LINA P. CORRISTON, ESQUIRE 4 HARWOOD LLOYD, LLC 5 130 Main Street 6 Hackensack, New Jersey 07601 7 Counsel to the Board 8 9 MERYL GONCHAR, ESQUIRE 10 COREY KLEIN, ESQUIRE 11 SILLS CUMMIS & GROSS, PC 12 One Riverfront Plaza 13 Newark, New Jersey 07102 14 Attorneys for the applicant 15 16 A L S O P R E S E N T: 17 ANNEMARIE WELLS, Board Secretary 18 MONICA MIANECKI, Board Floodplain Manager 19 JOHN MAYO, P.E., Board Engineer 20 JOHN BARREE, P.P., Board Planner 21 22 23 24 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	4 1 I N D E X (Continuing) 2 3 W I T N E S S E S SWORN PAGE 4 KATE KELLER, P.P. 133 5 Voir Dire Examination by Ms. Gonchar 133 6 Direct Examination by Ms. Gonchar 134 7 Board/Professional Questions 146 8 Mr. Barree 147 9 Ms. Mueller 152 10 Mr. Greco 152 11 Chairman Kaniewski 154 12 Public Questions 164 13 Bob Verhasselt 164 14 40 Forest Place 15 SUMMATION 171 16 BOARD DISCUSSION 179 17 18 19 20 21 22 23 24 25 EXHIBITS 16 NO. DESCRIPTION IDENT/EVID 17 A-11 Traffic Study 12 18 A-12 First Floor Architectural Plan 19 And Second Floor Architectural 20 Plan, prepared by MVMK, dated 23 21 10/12/2021 22 A-13 Roof Plan prepared by MVMK, 23 Sheet Z8, Last Revised 11/17/21 63 24 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

5 07:09PM 1 CHAIRMAN KANIEWSKI: I'd like to call 07:09PM 2 to order the meeting of the Rochelle Park Planning 07:09PM 3 Board for November 18th, 2021. 07:09PM 4 May I have the roll call, please? 07:10PM 5 MS. WELLS: Mayor Artola? 07:10PM 6 MAYOR ARTOLA: Here. 07:10PM 7 MS. WELLS: Committeewoman Iacobucci? 07:10PM 8 COMMITTEEWOMAN IACOBUCCI: Here. 07:10PM 9 MS. WELLS: Chairman Kaniewski? 07:10PM 10 CHAIRMAN KANIEWSKI: Here. 07:10PM 11 MS. WELLS: Mr. Greco? 07:10PM 12 MR. GRECO: Here. 07:10PM 13 MS. WELLS: Mr. Miller? 07:10PM 14 MR. MILLER: Here. 07:10PM 15 MS. WELLS: Mr. Santiago? 07:10PM 16 MR. SANTIAGO: Here. 07:10PM 17 MS. WELLS: Ms. Mueller? 07:10PM 18 MS. MUELLER: Here. 07:10PM 19 MS. WELLS: Mr. Zotollo? 07:10PM 20 MR. ZOTOLLO: Here. 07:10PM 21 MS. WELLS: Mr. Houghton? 07:10PM 22 (No response.) 07:10PM 23 MS. WELLS: Mr. Schmunk? 07:10PM 24 MR. SCHMUNK: Here. 07:10PM 25 MS. WELLS: Ms. Anglin? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	7 1 will be afforded an opportunity as a citizen to 2 question the witness. 3 In addition you will also be afforded 4 an opportunity to make a statement at the end at the 5 closing of the case. 6 (Board Agenda Items.) 07:10PM 7 CHAIRMAN KANIEWSKI: Before we go into 07:10PM 8 our building and land use applications, I would like 07:10PM 9 to make an announcement. 07:10PM 10 What we're doing tonight is a little 07:10PM 11 bit different for us. We're going to try to do a 07:10PM 12 split session. 07:10PM 13 So we're going to try to do two cases, 07:10PM 14 and the first case we're going to spend approximately 07:10PM 15 two hours doing until approximately 9:00 and the 07:10PM 16 second case, we'll pick up at that point. 07:10PM 17 So at this point I'd like to turn the 07:10PM 18 floor over to TFJ 120 Passaic Urban Renewal for the 07:10PM 19 continuation of their case. 07:10PM 20 MS. GONCHAR: Meryl Gonchar, Sills, 07:12PM 21 Cummis and Gross, representing the applicant before 07:10PM 22 you this evening, TFJ-120 Passaic Urban Renewal, LLC. 07:10PM 23 It's our intention this evening to 07:10PM 24 proceed first with our traffic consultant, in 07:11PM 25 deference to your police chief who was tortured and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
6 07:10PM 1 MS. ANGLIN: Here. 07:10PM 2 CHAIRMAN KANIEWSKI: I'd like to start 07:10PM 3 this evening with the Pledge of Allegiance. 07:10PM 4 (Whereupon, everyone stands for a 07:10PM 5 recitation of the Pledge of Allegiance.) 07:10PM 6 CHAIRMAN KANIEWSKI: Prior to beginning 07:10PM 7 the meeting, I just have a couple of announcements. 07:10PM 8 First the meeting has been posted and published in 07:10PM 9 accordance with applicable law. 07:10PM 10 Second, as you are speaking or 07:10PM 11 testifying please identify yourself for purposes of 07:10PM 12 the record and if you're a professional please 07:11PM 13 provide a business card to our attorney and our 07:11PM 14 secretary. 07:11PM 15 I'd like to introduce our personnel. 07:11PM 16 Annemarie Wells is our Board Secretary, she's an 07:11PM 17 administrative officer. Lina Corriston is our Board 07:12PM 18 Attorney. Monica Miannecki is our floodplain expert. 19 John Mayo is our Township Engineer. And John Barree 20 is our Township Planner. 21 Prior to beginning this evening, I 22 would just like to say, the application this evening 23 is similar to a court proceeding tonight you will see 24 cases presented and witnesses give testimony. 25 At the end of the witness testimony you LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	8 07:11PM 1 forced to sit through the entire hearing last time. 07:11PM 2 So we'd like to get through that first. 07:11PM 3 We do have our engineer with us again 07:11PM 4 who will address some of the open issues that we 07:11PM 5 represented we would come back and address this 07:11PM 6 evening. 07:11PM 7 And then our last witness this evening 07:11PM 8 we're hoping we will also get through our planner. 07:11PM 9 There are very few variances, so, you know, that 07:11PM 10 should not take a great deal of time. That's our 07:11PM 11 hope, that we'll be able to get through that. 07:11PM 12 So I would like to -- unless the Board 07:11PM 13 has anything that they need to deal with or any 07:11PM 14 questions before we start, I'd like to call my 07:11PM 15 traffic consultant. 07:11PM 16 He has not testified previously in 07:11PM 17 connection with this hearing, so we would ask that he 07:11PM 18 be sworn this evening and we'll qualify him. 07:11PM 19 MS. CORRISTON: Raise your right hand. 07:11PM 20 Do you swear or affirm that the testimony you're 07:11PM 21 about to give is the truth, the whole truth and 07:12PM 22 nothing but the truth, so help you God? 07:12PM 23 MR. CORAK: I do. 07:12PM 24 J O H N C O R A K, P.E., 07:12PM 25 92 Park Avenue in Rutherford, New Jersey, having LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

9 07:12PM 1 been duly sworn, testifies as follows: 07:12PM 2 MS. CORRISTON: Can you please state 07:12PM 3 your name for the record? 07:12PM 4 MR. CORAK: Sure. 07:12PM 5 It's John Corak. Last name is spelled 07:12PM 6 C-O-R-A-K. 07:12PM 7 VOIR DIRE EXAMINATION 07:12PM 8 BY MS. GONCHAR: 07:12PM 9 Q. Could you please advise the board with 07:12PM 10 whom you're associated? 07:12PM 11 MS. GONCHAR: I'm sorry, did you want 07:12PM 12 to do -- 07:12PM 13 MS. CORRISTON: No, that's okay. 07:12PM 14 BY MS. GONCHAR: 07:12PM 15 Q. -- tell us with whom you're associated, 07:12PM 16 your credentials in terms of your responsibilities, 07:12PM 17 your educational background and any licenses that you 07:12PM 18 hold. 07:12PM 19 A. Certainly. 07:12PM 20 I'm a project manager with Stonefield 07:12PM 21 Engineering and Design located at 92 Park Avenue in 07:12PM 22 Rutherford, New Jersey. 07:12PM 23 I am a licensed professional engineer 07:12PM 24 in the State of New Jersey. 07:12PM 25 I have a bachelor of science in civil LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	11 07:13PM 1 A. Certainly. 07:13PM 2 Our responsibility -- my responsibility 07:13PM 3 was to prepare a Traffic Impact Study, essentially an 07:13PM 4 analysis of the traffic additions, traffic generated 07:13PM 5 by the site and any impacts associated with the 07:13PM 6 development. 07:13PM 7 In order to do so, aside from a -- I'll 07:13PM 8 say a site review and a review of the roadway 07:13PM 9 network, we reviewed site plans, architectural plans, 07:13PM 10 the redevelopment plan, amongst other documents that 07:13PM 11 were prepared. 07:13PM 12 Q. Thanks. 07:13PM 13 And did you prepare a traffic study -- 07:13PM 14 A. I did. 07:13PM 15 Q. -- or report in connection with this? 07:13PM 16 And could you identify it by title and 07:14PM 17 date? 07:14PM 18 A. It is titled "Traffic Impact Study," 07:14PM 19 prepared by Stonefield Engineering and Design. 07:14PM 20 It's last revised June 28th, 2021. 07:14PM 21 MS. GONCHAR: Do we want to mark that, 07:14PM 22 just because I think we've been marking items even if 07:14PM 23 they were part of the submissions. 07:14PM 24 MS. CORRISTON: Yes. 07:14PM 25 MS. GONCHAR: Now I have to figure out LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
10 07:12PM 1 engineering from The College of New Jersey. 07:12PM 2 I'm an expert in the field of traffic 07:12PM 3 and transportation engineering. I've prepared over 07:12PM 4 100 traffic studies for land development 07:12PM 5 applications. 07:12PM 6 I've been accepted in front of over 50 07:12PM 7 boards in the State of New Jersey as a traffic 07:12PM 8 expert, including the Rochelle Park Zoning Board, but 07:13PM 9 not this one yet. 07:13PM 10 MS. GONCHAR: We would ask the board 07:13PM 11 accept Mr. Corak as an expert in the field of traffic 07:13PM 12 engineering. 07:13PM 13 CHAIRMAN KANIEWSKI: Anybody have any 07:13PM 14 questions? 07:13PM 15 (No Response.) 07:13PM 16 CHAIRMAN KANIEWSKI: If not, you can 07:13PM 17 proceed. 07:13PM 18 MS. GONCHAR: Thank you. 07:13PM 19 DIRECT EXAMINATION 07:13PM 20 BY MS. GONCHAR: 07:13PM 21 Q. John, can you tell us your 07:13PM 22 responsibilities -- what your responsibilities were 07:13PM 23 in connection with the application and some of the 07:13PM 24 materials you reviewed in preparing for your 07:13PM 25 testimony? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	12 07:14PM 1 what -- I'm going to do this really slowly so that my 07:14PM 2 colleague, Corey Klein, can find and come up with the 07:14PM 3 number. 07:14PM 4 MR. KLEIN: Thank you. 07:14PM 5 MS. GONCHAR: Just give us one minute. 07:14PM 6 MR. KLEIN: I'm sorry, I have A-10? 07:14PM 7 MS. CORRISTON: That's what I thought 07:14PM 8 we were up to. 07:14PM 9 MS. GONCHAR: Well, I'm looking at the 07:14PM 10 transcript. 07:14PM 11 Right, the last transcript was 07:14PM 12 October 21 and we stopped at -- 07:14PM 13 THE COURT REPORTER: October 28th. 07:14PM 14 MS. GONCHAR: Oh, October 28. And we 07:14PM 15 stopped at what, A-9. 07:14PM 16 MR. KLEIN: A-10. 07:14PM 17 MS. GONCHAR: A-10. 07:14PM 18 Right. So we're up to A-11, I guess. 07:14PM 19 I was looking at the first one. 07:15PM 20 So if we can mark that and enter all of 07:15PM 21 them at the end if you want so... 07:15PM 22 MS. CORRISTON: Yes. 07:15PM 23 (Whereupon, Traffic Study is received 07:15PM 24 and marked as Exhibit A-11 for 07:15PM 25 identification.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

13 07:15PM 1 MS. GONCHAR: Okay. 07:15PM 2 BY MS. GONCHAR: 07:15PM 3 Q. Can you -- rather than going through 07:15PM 4 with questions, can you just describe for us what 07:15PM 5 constituted the study, the undertaking to produce the 07:15PM 6 study, and what your conclusions were from that 07:15PM 7 study? 07:15PM 8 A. Certainly. 07:15PM 9 I'm happy to walk the board through our 07:15PM 10 traffic study. 07:15PM 11 The study begins, of course, with a 07:15PM 12 site visit, a review of the surrounding roadway 07:15PM 13 network. 07:15PM 14 Bringing up Exhibit A-1 again, which is 07:15PM 15 an aerial exhibit of the site. It's a little bit 07:15PM 16 older, given that the self-storage building is 07:15PM 17 currently open and operating on the site, itself. 07:15PM 18 But the important features that we're 07:15PM 19 looking at from the traffic study perspective are 07:15PM 20 that the site, itself, fronts on West Passaic Street, 07:15PM 21 Bergen County roadway. 07:15PM 22 It has the two lots which provide the 07:15PM 23 connection to Fairfield Drive. And the primary site 07:16PM 24 access to the site via traffic signal that is 07:16PM 25 currently existing at that intersection with Berdan LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	15 07:17PM 1 given their own exclusive left turn lane, and the 07:17PM 2 right turn into our site from West Passaic Street is 07:17PM 3 also given an exclusive right-turn lane. 07:17PM 4 This condition dates back, of course, 07:17PM 5 to the office building that was previously on the 07:17PM 6 site. 07:17PM 7 And so when we're looking at vehicular 07:17PM 8 movements at this signalized intersection, they're 07:17PM 9 actually able to work quite well and the signal and 07:17PM 10 the geometry is laid out effectively. 07:17PM 11 And we'll get into some of the capacity 07:17PM 12 analysis, the background as to, you know, the actual 07:17PM 13 data and how that all comes to as far as our capacity 07:17PM 14 analysis goes. 07:18PM 15 Moving into -- I'll flip here for the 07:18PM 16 -- showing Exhibit A-9 again with the -- with the 07:18PM 17 layout of the site itself. 07:18PM 18 But getting back into those turning 07:18PM 19 movement counts, we conducted counts at that 07:18PM 20 intersection of West Passaic Street, the site 07:18PM 21 driveway, and Berdan Avenue back in 2019. 07:18PM 22 We then grew those traffic volumes in 07:18PM 23 accordance with NJ DOT guidelines that they basically 07:18PM 24 stipulate a percentage that you would increase the 07:18PM 25 volumes biannually to come up with the 2021 traffic LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
14 07:16PM 1 Street just across the street from this building. 07:16PM 2 As part of this traffic study, we did 07:16PM 3 conduct turning movement counts out there at the -- 07:16PM 4 at the signalized intersection. 07:16PM 5 Given the time that we've been working 07:16PM 6 on this project through the early stages of Phase I, 07:16PM 7 now we're into Phase II, we have turning movement 07:16PM 8 count data that predates the impacts of the COVID-19 07:16PM 9 pandemic. 07:16PM 10 And so what we've been able to do is 07:16PM 11 with that data that we've previously collected, we 07:16PM 12 have been able to analyze the roadway network under 07:16PM 13 typical conditions, whereas throughout the pandemic 07:16PM 14 and even through today, some of the lingering effects 07:16PM 15 of traffic is that the volumes are lower than when 07:16PM 16 they were two years ago before the impacts of the 07:16PM 17 pandemic, whether that is because of, you know, just 07:17PM 18 general reduction in travel, more people working from 07:17PM 19 home. Regardless, we have been able to analyze or 07:17PM 20 use that base set of data back in 2019 for the 07:17PM 21 traffic study itself. 07:17PM 22 At the signalized intersection in front 07:17PM 23 of the site, we do have a pretty well-served 07:17PM 24 vehicular condition at that intersection. Both the 07:17PM 25 left turns into Berdan Street and into the site are LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	16 07:18PM 1 volume along the roadway network. 07:18PM 2 We then analyzed that intersection from 07:18PM 3 a Level of Service perspective. Level of Service is 07:18PM 4 a metric used to analyze the quality of, you know, of 07:18PM 5 the intersections and the delay of vehicles going 07:18PM 6 through the intersection. And at this intersection, 07:18PM 7 the overall Level of Service, all the movements 07:19PM 8 combined during that existing condition, again, 07:19PM 9 working very well at a Level of Service in the B to C 07:19PM 10 range on a scale from A to F. 07:19PM 11 Individual movements ranging anywhere 07:19PM 12 from A to D, which makes sense given that the -- 07:19PM 13 generally speaking, the West Passaic Street 07:19PM 14 approaches, the county roadway approaches are 07:19PM 15 prioritized and then the side street approaches, the 07:19PM 16 Berdan Avenue approaching site driveway approach get 07:19PM 17 a little bit less time, so you're -- over the course 07:19PM 18 of a cycle, you're going to wait there, on average, a 07:19PM 19 little bit longer than you would if you were on West 07:19PM 20 Passaic Street. 07:19PM 21 We then took those volumes and grew 07:19PM 22 them to a future build-out year when this development 07:19PM 23 could feasibly be constructed. We looked two years 07:19PM 24 into the future to 2023. We again grew the traffic 07:19PM 25 volumes in accordance with NJ DOT guidelines and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

17 07:19PM 1 requirements, and we also included background traffic 07:19PM 2 data associated with other developments in the nearby 07:19PM 3 area, because a simple percentage increase is 07:19PM 4 typically -- typically wouldn't represent a new 07:20PM 5 development that is in the vicinity of the site. 07:20PM 6 We included the Z3 Fitness development 07:20PM 7 that was recently approved, a nail salon development, 07:20PM 8 and we did include the Kinder Kastle site down the 07:20PM 9 road to the west of the site which was denied, but 07:20PM 10 given that development is still likely to occur at 07:20PM 11 that site, we have left that in the study. 07:20PM 12 There was a planning comment about 07:20PM 13 removing that and if we were to remove it from the 07:20PM 14 site it wouldn't have any significant impact or 07:20PM 15 change to the conclusions of the study. 07:20PM 16 We then analyzed that no-build 07:20PM 17 condition to understand again what the Level of 07:20PM 18 Service capacity looks like at the intersection, 07:20PM 19 comparing back to the existing condition, and there 07:20PM 20 is no substantial change in the Levels of Service, 07:20PM 21 tenths of a second increase associated with the 07:20PM 22 volume increases from the percentage growth and the 07:20PM 23 volume increases from some of the other developments 07:20PM 24 in the nearby area. 07:20PM 25 Next we're looking at actually adding LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	19 07:22PM 1 office or a 9-to-5 commercial retail building or 07:22PM 2 otherwise. 07:22PM 3 So looking at the ITE trip generation 07:22PM 4 numbers, we would forecast during the morning peak 07:22PM 5 hour, 58 total trips in and out combined. 07:22PM 6 During the evening peak hour, 70 total 07:22PM 7 trips in and out combined. 07:22PM 8 And then during the Saturday peak hour, 07:22PM 9 again, 70 trips in and out combined. 07:22PM 10 So during the morning it's mostly 07:22PM 11 egress traffic exiting the site. During the evening 07:22PM 12 it's mostly traffic re-entering the site. And then 07:22PM 13 on Saturday it's roughly a 50/50 split of vehicles 07:22PM 14 coming on the site and vehicles departing the site. 07:22PM 15 Distributing those volumes at that site 07:22PM 16 driveway out to the roadway network, and again, 07:22PM 17 conducting a Level of Service and capacity analysis, 07:23PM 18 there is, again, no substantial change to the Levels 07:23PM 19 of Service associated with this development with the 07:23PM 20 addition of the residential trips. 07:23PM 21 I think that speaks, one, to some of 07:23PM 22 the geometry that's at the intersection with those 07:23PM 23 left-turn lanes, the right-turn lane into the site, 07:23PM 24 and overall the capacity that's available. 07:23PM 25 Again, this signal and this LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
18 07:20PM 1 in the traffic volumes from the development, itself. 07:21PM 2 We forecasted out traffic volumes using the Trip 07:21PM 3 Generation Manual prepared by the Institute of 07:21PM 4 Transportation Engineers. 07:21PM 5 This is a manual that provides a wealth 07:21PM 6 of data for, you know, forecasting traffic volumes 07:21PM 7 with different types of developments. It's used by 07:21PM 8 the NJ DOT. It's used by virtually every traffic 07:21PM 9 engineer across the country. It's very much the 07:21PM 10 industry standard. 07:21PM 11 And for this type of development with 07:21PM 12 160 units, residential developments as a whole are, 07:21PM 13 generally speaking, low traffic generators. They -- 07:21PM 14 during those peak hours that we're really focused in 07:21PM 15 on as traffic engineers, the actual impact, the 07:21PM 16 actual volume increase with a residential development 07:21PM 17 is quite low compared to other types of uses, 07:21PM 18 commercial developments in particular. 07:21PM 19 And that's because, one, there's 07:21PM 20 usually a greater spread of traffic distribution, 07:21PM 21 it's usually spread across multiple hours, and, of 07:21PM 22 course, varying work schedules. Not everyone is 07:22PM 23 working a 9-to-5. People are coming and going from 07:22PM 24 these sites at different times of day. And it's a 07:22PM 25 little bit more level than, say, you know, a 9-to-5 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	20 07:23PM 1 intersection has been really designed to accommodate 07:23PM 2 vehicular traffic in particular. 07:23PM 3 So with that, we would conclude there 07:23PM 4 would be no substantial traffic impact associated 07:23PM 5 with this development based on that Level of Service 07:23PM 6 and capacity analysis. 07:23PM 7 Moving into some of the site 07:23PM 8 circulation components of the site, I would say 07:23PM 9 that's Step 2 of the traffic study review. Of 07:23PM 10 course, we have the access point, we have the primary 07:23PM 11 access point on West Passaic Street across from 07:23PM 12 Berdan Avenue. 07:23PM 13 There is the emergency access along 07:24PM 14 Fairfield which has not one but two separate gates 07:24PM 15 which vehicles must go through in the case of an 07:24PM 16 emergency situation. 07:24PM 17 And we talked about at length at the 07:24PM 18 last hearing about that emergency access drive, use 07:24PM 19 of grass pavers, and ultimately from a traffic 07:24PM 20 perspective, this -- for residential uses, this would 07:24PM 21 only be used in the case of emergency. 07:24PM 22 It is very much, far too inconvenient 07:24PM 23 to even consider, you know, residents using that way 07:24PM 24 out to the site. 07:24PM 25 The traffic signal works well to move LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

21 07:24PM 1 traffic on and off the site. And then to go out to 07:24PM 2 Fairfield, hit the stop signs, hit the different 07:24PM 3 streets in the vicinity, it's not nearly as effective 07:24PM 4 as it would be to just use that signalized 07:24PM 5 intersection. 07:24PM 6 On top of that, it would be least 07:24PM 7 restrictive that that would only be able to be used 07:24PM 8 during an emergency situation. The self-storage 07:24PM 9 building, the key pad associated with that is linked 07:24PM 10 to the self-storage building. They have an excellent 07:25PM 11 security system, cameras. They do not want traffic 07:25PM 12 going through the rear of their site unless it is an 07:25PM 13 emergency flood situation. 07:25PM 14 So, again, there are lots of different 07:25PM 15 factors at play that keep traffic out of that -- out 07:25PM 16 of that rear, call it emergency access area, in all 07:25PM 17 cases except an emergency flood situation, of course. 07:25PM 18 So with that, with that, from an access 07:25PM 19 site circulation perspective, the design -- if we're 07:25PM 20 using or continuing to utilize that signalized 07:25PM 21 intersection across from Berdan, it works very well 07:25PM 22 for the site layout, for the capacity and Level of 07:25PM 23 Service analysis, and it's the most efficient way on 07:25PM 24 and off the site from a traffic perspective. 07:25PM 25 The last component I'll get into is the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	23 07:26PM 1 (Whereupon, First Floor Architectural 07:26PM 2 Plan and Second Floor Architectural Plan, 07:26PM 3 prepared by MVMK, dated 10/12/2021 is received 07:26PM 4 and marked as Exhibit A-12 for 07:27PM 5 identification.) 07:27PM 6 THE WITNESS: So on the -- on the first 07:27PM 7 floor architectural plan, the sheet that is labeled 07:27PM 8 Z4 in the corner of your hand-out, there is a parking 07:27PM 9 breakdown table at the bottom of the page that 07:27PM 10 hopefully can simplify exactly what is going on on 07:27PM 11 each of the two levels of parking. 07:27PM 12 So on Level 1, providing six ADA 07:27PM 13 spaces, 86 standard 9-by-18 parking spaces, 21 07:28PM 14 compact spaces, and then 18 total tandem spaces. 07:28PM 15 So the 18 are the sets of two, so -- so 07:28PM 16 nine -- nine sets of tandem providing 18 parking 07:28PM 17 spaces. 07:28PM 18 On the second level there's 100 07:28PM 19 standard parking spaces, another 50 compact spaces, 07:28PM 20 and then 20 parking spaces that are tandem. So, 07:28PM 21 again, ten sets of two that are -- that are parked in 07:28PM 22 tandem for the site. 07:28PM 23 BY MS. GONCHAR: 07:28PM 24 Q. So that calculation means that in 07:28PM 25 coming up with the 160, you're only counting one for LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
22 07:25PM 1 parking component for the site. There was a comment 07:25PM 2 at the last hearing about the second level and its 07:25PM 3 ability to provide one space per unit in accordance 07:26PM 4 with those flood requirements and that with the 07:26PM 5 tandem spaces, it wouldn't exactly get you there 07:26PM 6 without blocking someone else in. 07:26PM 7 So what we've been able to do is we 07:26PM 8 have been able to work with our architect and rework 07:26PM 9 that second level and provide sufficient parking on 07:26PM 10 that second level, 160 spaces that are directly 07:26PM 11 accessible from that drive aisle in order to keep -- 07:26PM 12 in order to provide that one-to-one on the second 07:26PM 13 floor for the development. 07:26PM 14 I have basically handouts and exhibit 07:26PM 15 showing that. 07:26PM 16 MS. GONCHAR: If we can just ask them 07:26PM 17 to pass them down. 07:26PM 18 And do you have a name on that plan and 07:26PM 19 a date on it? 07:26PM 20 A-12? 07:26PM 21 MS. CORRISTON: Yes. 07:26PM 22 THE WITNESS: These are -- the sheet 07:26PM 23 title is First Floor Architectural Plan and Second 07:26PM 24 Floor Architectural Plan, prepared by MVMK. And it 07:26PM 25 is dated 10/12/2021. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	24 07:28PM 1 every two in the tandem? 07:28PM 2 A. Correct. 07:28PM 3 So we have 170 total spaces on the 07:28PM 4 second floor, but in counting only one of the two, 07:28PM 5 the parking space that is closest to the drive aisle, 07:28PM 6 essentially making sure that each unit can get a 07:28PM 7 space, we have 100 -- we have a space for all 160 07:28PM 8 units. 07:29PM 9 And then 10 units will be afforded the 07:29PM 10 space on the second level through the tandem 07:29PM 11 configuration. 07:29PM 12 Ultimately this parking supply that 07:29PM 13 we're providing, we're required 240 spaces and we're 07:29PM 14 providing 333 in total when you include the 32 07:29PM 15 surface parking spaces as well. 07:29PM 16 So, again, we are compliant with the 07:29PM 17 requirement for the site. 07:29PM 18 And when we look at that requirement of 07:29PM 19 240, we are providing 243 standard spaces that are 07:29PM 20 your standard 9-by-18 directly accessible to the 07:29PM 21 aisle, meaning that when you're looking at your 07:29PM 22 compliant 9-by-18 parking spaces we'd also meet the 07:29PM 23 requirement from that perspective. 07:29PM 24 That's your 186 standard spaces plus 07:29PM 25 the front 19 of your 38 tandem spaces. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

25 07:30PM 1 So that is able to -- in addition to 07:30PM 2 the six ADA and the 32 surface, that's able to 07:30PM 3 provide that full parking requirement with standard 07:30PM 4 9-by-18 parking spaces on the site. 07:30PM 5 To sort of wrap up the traffic 07:30PM 6 testimony or the direct for this, our traffic study 07:30PM 7 concludes, again, that there would be no significant 07:30PM 8 traffic impact associated with that traffic signal. 07:30PM 9 It does move vehicular traffic very well through the 07:30PM 10 signal. I think that we've all seen constraints on 07:30PM 11 West Passaic Street and those are more so related to, 07:30PM 12 you know, other intersections in the area, and the 07:30PM 13 ability of vehicles to get on and off the site and to 07:30PM 14 continue through that signalized intersection is not 07:30PM 15 going to be impacted by this development. 07:31PM 16 The site circulation works very well. 07:31PM 17 The access point along West Passaic Street, again, is 07:31PM 18 the most convenient access point for those residents. 07:31PM 19 And the parking, with the tweak design 07:31PM 20 for the second floor, we're able to provide that 07:31PM 21 one-to-one outside of the flood, and we still meet 07:31PM 22 all of the parking requirements in terms of number of 07:31PM 23 spaces and number of 9-by-18 spaces for the 07:31PM 24 development. 07:31PM 25 MS. GONCHAR: There are a number of LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	27 07:32PM 1 Q. So we have two letters, both dated 07:32PM 2 September 21. 07:32PM 3 Do you have copies of those? 07:32PM 4 Why don't we start with the comments 07:32PM 5 starting with addressing the traffic signal, with 07:32PM 6 regard to the existing traffic signal, which 07:32PM 7 recommends that the signal is inadequate to handle 07:32PM 8 the needs of the additional residential and future 07:32PM 9 commercial. 07:32PM 10 Have you reviewed the traffic signal as 07:33PM 11 it exists? 07:33PM 12 A. Yes. 07:33PM 13 And that's -- the main focus of that 07:33PM 14 traffic study is that -- is that signalized access 07:33PM 15 point, and the traffic study shows the ability of 07:33PM 16 vehicles to get on and off the site with relative 07:33PM 17 ease at that signal. 07:33PM 18 We're operating at acceptable Levels of 07:33PM 19 Service during all the peak hours. 07:33PM 20 What the signal maybe doesn't provide 07:33PM 21 very well is pedestrian infrastructure. Right? 07:33PM 22 It moves vehicles, it has the signal 07:33PM 23 heads and is able to accommodate the vehicles with 07:33PM 24 the left-turn lanes and the right-turn lane, but 07:33PM 25 pedestrian infrastructure at the signal is -- is LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
26 07:31PM 1 review letters that also dealt with traffic or 07:31PM 2 related issues, so I don't know how you want to 07:31PM 3 handle that. If you want to have questions from the 07:31PM 4 board or if you want us to go through the letters, I 07:31PM 5 defer -- 07:31PM 6 CHAIRMAN KANIEWSKI: Let's have some 07:31PM 7 questions and we'll go to the letters. 07:31PM 8 MS. GONCHAR: Right. 07:31PM 9 CHAIRMAN KANIEWSKI: Questions? 07:31PM 10 MS. GONCHAR: We do have the letters, 07:31PM 11 the comments from the police chief, so if you want to 07:31PM 12 -- however you want to do it, I defer. 07:31PM 13 CHAIRMAN KANIEWSKI: Well, the terminus 07:32PM 14 is we can do the police chief's letters and then do 07:32PM 15 the questions, whatever the board would like to do. 07:32PM 16 MR. GRECO: Police chief letters 07:32PM 17 first -- 07:32PM 18 CHAIRMAN KANIEWSKI: Okay. 07:32PM 19 MR. GRECO: -- might give us more 07:32PM 20 information to work on. 07:32PM 21 CHAIRMAN KANIEWSKI: Okay. We'll do 07:32PM 22 the police chief letters and then we'll do the 07:32PM 23 questioning. 07:32PM 24 MS. GONCHAR: Okay. 07:32PM 25 BY MS. GONCHAR: LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	28 07:33PM 1 lacking. 07:33PM 2 And so what we would propose to go with 07:33PM 3 this is improvements to the signal related to the 07:33PM 4 pedestrian infrastructure. Pedestrian signal heads 07:33PM 5 with the, you know, the flashing hand, the walk man, 07:33PM 6 the countdown timer, ramps, crosswalk striping, et 07:33PM 7 cetera, in order to provide those pedestrian 07:34PM 8 accommodations. 07:34PM 9 We do have bus service on West Passaic 07:34PM 10 Street on both sides of the street, depending on the 07:34PM 11 time of day that you're getting on the bus and which 07:34PM 12 direction you're heading, and so having that 07:34PM 13 pedestrian infrastructure there I think would be 07:34PM 14 important and I think would be a benefit not only for 07:34PM 15 this development but right outside -- outside this 07:34PM 16 building, having those connections across the street 07:34PM 17 as well I think is a benefit for the community as a 07:34PM 18 whole. 07:34PM 19 Q. I may have missed it when I was 07:34PM 20 reading, but did you mention anything with regard to 07:34PM 21 enhanced crosswalks in addition to -- 07:34PM 22 A. We would be happy to stripe, you know, 07:34PM 23 the ladder-style high visibility crosswalks as 07:34PM 24 opposed to just the two stripes. 07:34PM 25 We can work with the police department LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

29 07:34PM 1 on the striping of their choice, of course 07:34PM 2 understanding it's a Bergen County road, we'd have to 07:34PM 3 talk with them and listen to them as well. 07:34PM 4 Q. And then the -- so those are the items 07:34PM 5 that we have agreed to do. 07:35PM 6 Moving on, were there any other 07:35PM 7 comments... 07:35PM 8 The last item is in something called an 07:35PM 9 ALPR camera, license plate reader. Has there been 07:35PM 10 any discussion with regard to that item? 07:35PM 11 A. My understanding is we're agreeable to 07:35PM 12 provide those on the site. 07:35PM 13 Q. I think the others are -- some of the 07:35PM 14 other comments from the lieutenant I think are just 07:35PM 15 comments generally with no specific requests, an 07:35PM 16 analysis of the parking -- of the traffic report. 07:35PM 17 Unless there's any other items that you 07:35PM 18 wanted to comment on from any of those review? 07:35PM 19 A. No. 07:35PM 20 MS. GONCHAR: We leave it to the board 07:36PM 21 and the chief if there is anything else that they 07:36PM 22 want us to address. 07:36PM 23 That was basically -- the lieutenant 07:36PM 24 did a review of the traffic report, so unless there's 07:36PM 25 specific questions... LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	31 07:37PM 1 side. Would it be possible for us to make a 07:37PM 2 left-hand turn in the signal light up there? 07:37PM 3 THE WITNESS: There is -- there is a 07:37PM 4 dedicated lane for left turns currently into the 07:37PM 5 property. 07:37PM 6 MR. SANTIAGO: Onto Berdan. 07:37PM 7 THE WITNESS: Both onto Berdan and into 07:37PM 8 the site. 07:37PM 9 MR. SANTIAGO: There is one? 07:37PM 10 THE WITNESS: Yes. 07:37PM 11 CHIEF PINTO: It's not a signal. 07:37PM 12 THE WITNESS: There's no arrow, but 07:37PM 13 there is a lane. 07:37PM 14 MR. SANTIAGO: Exactly. That's what I 07:37PM 15 mean in reality. 07:37PM 16 THE WITNESS: We -- really the physical 07:37PM 17 geometry for the intersection, you know, that left 07:37PM 18 turn is able to work well from a capacity 07:37PM 19 perspective. 07:37PM 20 And, again, residential plus 07:37PM 21 self-storage uses are not high generators. That 07:37PM 22 storage bay is able to accommodate the traffic that 07:37PM 23 would stack there. 07:37PM 24 So at this point, you know, an arrow or 07:38PM 25 other signal head improvements aren't proposed. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
30 07:36PM 1 COUNCILWOMAN IACOBUCCI: I have a 07:36PM 2 question. 07:36PM 3 Is it possible to do a cutaway for the 07:36PM 4 bus services along West Passaic along that entrance 07:36PM 5 so it's not blocking traffic going east or west, so 07:36PM 6 the bus could, you know, sort of pull out, go off and 07:36PM 7 discharge their passengers. 07:36PM 8 THE WITNESS: Yes. 07:36PM 9 Along our frontage right now there is 07:36PM 10 actually a little bit of a shoulder area that the bus 07:36PM 11 utilizes for that -- for that cutaway -- I mean, for 07:36PM 12 that -- for that pull over and be able to allow 07:36PM 13 traffic to continue. 07:36PM 14 I don't think we'd be able to push it 07:36PM 15 any further into the site because of the pond and 07:36PM 16 just providing, you know, the proper distance from 07:36PM 17 the roadway to that pond and the impacts associated 07:36PM 18 with it, but there is a striped shoulder area that 07:36PM 19 the bus is able to use today. 07:36PM 20 COUNCILWOMAN IACOBUCCI: Okay. Thank 07:37PM 21 you. 07:37PM 22 MR. SANTIAGO: I got a question. If 07:37PM 23 you're heading towards Hackensack and somebody is 07:37PM 24 trying to make a left turn onto the property, right 07:37PM 25 now you don't have a left-hand-turn lane only on that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	32 07:38PM 1 MR. MILLER: I have a question. 07:38PM 2 Well, a couple of questions concerning, 07:38PM 3 this is something that has come up in other 07:38PM 4 proposals. 07:38PM 5 Have you considered -- and I think I 07:38PM 6 know the answer but I have to ask you. Have you 07:38PM 7 considered additional lanes, two lanes coming out of 07:38PM 8 the site to particularly, not so much now but in the 07:38PM 9 future for the restaurants that are going to be put 07:38PM 10 in that area? Do you -- will you need it? 07:38PM 11 I think, based on what you're saying 07:38PM 12 you don't, but I am just asking you to clarify that. 07:38PM 13 THE WITNESS: Right now an extra lane 07:38PM 14 at the exit driveway is not part of the proposal. 07:38PM 15 MR. MILLER: Okay. 07:38PM 16 And the other question or it was 07:38PM 17 brought up, I think with cameras, Berdan and West 07:38PM 18 Passaic is a fixed time unit right now. 07:39PM 19 Have you considered a semi-actuated 07:39PM 20 unit in that -- for that traffic signal. 07:39PM 21 THE WITNESS: No, I haven't yet 07:39PM 22 considered actuation devices. The fixed time, it 07:39PM 23 does provide enough time for each of the approaches. 07:39PM 24 I know we see more actuation at different signals 07:39PM 25 that need that specialization, but based on the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

33 07:39PM 1 traffic impacts, it's not necessary. 07:39PM 2 MR. MILLER: That's what I'm saying. 07:39PM 3 I'm wondering if, in the future, I know we have a 07:39PM 4 fixed -- a semi-actuated at the ShopRite right now 07:39PM 5 which works very well -- 07:39PM 6 THE WITNESS: Right. 07:39PM 7 MR. MILLER: -- and the green goes back 07:39PM 8 to West Passaic whenever there is no call on 07:39PM 9 ShopRite. That was my -- my question. 07:39PM 10 Basically a semi-actuated light would 07:39PM 11 make that system work with a green on Passaic unless 07:39PM 12 there's a call. 07:39PM 13 THE WITNESS: Yes, completely 07:39PM 14 understand. I think that the traffic volume 07:39PM 15 difference from a ShopRite versus the residential 07:39PM 16 development -- 07:39PM 17 MR. MILLER: Yes. 07:39PM 18 THE WITNESS: -- that's where -- that's 07:39PM 19 where the difference comes into play. 07:40PM 20 MR. MILLER: That's why I asked, 07:40PM 21 because your numbers do not show the number of -- the 07:40PM 22 volume of traffic you might have at a ShopRite, but I 07:40PM 23 just asked. 07:40PM 24 THE WITNESS: Right, we would never 07:40PM 25 anticipate nor have I ever seen a residential LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	35 07:41PM 1 there and the surrounding areas, trying to get to 07:41PM 2 Hackensack, 17, Parkway -- 07:41PM 3 MR. ZOTOLLO: Yes, there's a few 07:41PM 4 highways around there. 07:41PM 5 THE WITNESS: Yes. 07:41PM 6 MR. ZOTOLLO: Does the study take into 07:41PM 7 account the -- up the hill, the light at Passaic 07:41PM 8 Street and Rochelle Avenue, all the additional cars 07:41PM 9 in the town flowing that way; does that light throw 07:41PM 10 any additional cars down the road. Is that even a 07:41PM 11 consideration, the other lights that are adjacent to 07:41PM 12 this light. 07:41PM 13 THE WITNESS: Yes, it's a bit outside 07:41PM 14 of the study area. 07:41PM 15 And the volumes that are headed that 07:41PM 16 way ultimately are a fraction of the volumes that are 07:41PM 17 experienced at those intersections. 07:41PM 18 MR. ZOTOLLO: Because that gets backed 07:41PM 19 up over there a lot, so that is a concern if, you 07:41PM 20 know, Christmastime and everybody coming out at 5:00 07:41PM 21 or going in and just a lot more cars on the road, 07:41PM 22 so... pall right, thank you. 07:41PM 23 MR. GRECO: You said the ADA spaces 07:42PM 24 were all going to be on the first level. 07:42PM 25 All I -- second level is that it's out LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
34 07:40PM 1 development of this size generate anything close to a 07:40PM 2 ShopRite. 07:40PM 3 MR. MILLER: Okay, thank you. 07:40PM 4 THE WITNESS: Thank you. 07:40PM 5 MR. ZOTOLLO: I have a question. 07:40PM 6 The study, does it take into account an 07:40PM 7 estimation of which way the cars are going, towards 07:40PM 8 the Parkway or towards Hackensack. 07:40PM 9 How does that -- 07:40PM 10 THE WITNESS: It does. 07:40PM 11 This is a unique area where there is a 07:40PM 12 pretty -- pretty equal distribution when you look at 07:40PM 13 the roadway volumes. That's one of the ways that we 07:40PM 14 try to determine where the vehicles are going to go. 07:40PM 15 So we route vehicles in and out of the 07:40PM 16 site based on the expected ultimate destination, 07:40PM 17 whether it's toward the Parkway, toward Hackensack, 07:40PM 18 toward Route 4 and 208. 07:40PM 19 And so it comes out, based on the 07:40PM 20 roadway volumes, to roughly a 50/50 split, so that's 07:41PM 21 -- 07:41PM 22 MR. ZOTOLLO: That's the estimation for 07:41PM 23 it. 07:41PM 24 THE WITNESS: That's the estimation. 07:41PM 25 And that's based on the roadway volumes that are out LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	36 07:42PM 1 of flooding condition. What are the handicapped 07:42PM 2 people supposed to do when it floods. 07:42PM 3 THE WITNESS: I think that's a pretty 07:42PM 4 relevant point. I think that is something that 07:42PM 5 should be investigated and accommodated. I'll work 07:42PM 6 with the engineer and the architect on that. 07:42PM 7 MR. GRECO: Okay. 07:42PM 8 THE WITNESS: Yes, that's -- 07:42PM 9 MR. GRECO: To me, I think it's worse 07:42PM 10 -- it's harder for those people than it is for other 07:42PM 11 people if they had to walk a block or two or 07:42PM 12 something like that. 07:42PM 13 THE WITNESS: I agree. 07:42PM 14 MR. GRECO: And the other question, I 07:42PM 15 got back at -- I wasn't at the first two meetings, 07:42PM 16 but I was reading the transcripts, and it spoke about 07:42PM 17 the entrance, there was some talk about putting an 07:42PM 18 island in the middle. 07:42PM 19 Is that off -- that's off the charts 07:42PM 20 now, that's not going to happen or is that -- 07:42PM 21 THE WITNESS: That's not part of the 07:42PM 22 plan right now. We're not looking to widen that 07:42PM 23 driveway in any capacity at this point. 07:42PM 24 MR. GRECO: Because that would be an 07:42PM 25 obstruction to emergency vehicles trying to get in LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

37 07:42PM 1 and out while there's other cars in that path also. 07:42PM 2 THE WITNESS: Yes, I would agree. 07:43PM 3 MR. GRECO: Okay. 07:43PM 4 And just, the entrance from Fairfield, 07:43PM 5 when we had, a couple of months ago we talked about 07:43PM 6 it, it seems like now this is something -- at least I 07:43PM 7 didn't take from the previous meeting that the 07:43PM 8 residents would have their own access to that that 07:43PM 9 they could use with the opportunity whenever they 07:43PM 10 want to. 07:43PM 11 I thought that would be more controlled 07:43PM 12 by the management of the place. 07:43PM 13 Is that -- is that a great idea? 07:43PM 14 Because you're going to have somebody 07:43PM 15 2:00 in the morning who wants to eat something, get 07:43PM 16 around to this or... 07:43PM 17 THE WITNESS: Yes, the intention is for 07:43PM 18 the residents to have a code that they can use to get 07:43PM 19 through the gate and out in an emergency situation. 07:43PM 20 What we don't want to do is rely on the 07:43PM 21 self-storage building to allow the residents or not 07:43PM 22 allow the residents during an emergency situation if 07:43PM 23 there is a breakdown in communication, someone is not 07:43PM 24 there on the site. 07:43PM 25 There's a number of things that could LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	39 07:44PM 1 we have the lease stipulations. 07:44PM 2 CHAIRMAN KANIEWSKI: Does the gate have 07:44PM 3 electronic controls, electric? What's the power for 07:44PM 4 it? 07:44PM 5 THE WITNESS: I believe it would -- it 07:44PM 6 would be electric. 07:45PM 7 CHAIRMAN KANIEWSKI: What happens if 07:45PM 8 there is a power failure? Is there a backup system? 07:45PM 9 THE WITNESS: I would imagine so, but I 07:45PM 10 was not the designer of that gate design. 07:45PM 11 MS. GONCHAR: We'll put that with the 07:45PM 12 -- we'll check and see Zak again when he comes up to 07:45PM 13 do the responses on the engineering. 07:45PM 14 CHAIRMAN KANIEWSKI: Okay. 07:45PM 15 Additional questions from any of the 07:45PM 16 board members? 07:45PM 17 MR. SANTIAGO: I got another question. 07:45PM 18 Our emergency vehicles, the police and the fire 07:45PM 19 department, are they going to have badges installed 07:45PM 20 on their vehicles for entry into this. 07:45PM 21 THE WITNESS: It's going to be a part 07:45PM 22 of what they call a whoop system where, basically, 07:45PM 23 when the emergency vehicle pulls up, the gates 07:45PM 24 automatically open for them, you know, through the 07:45PM 25 use of the siren typically. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
38 07:43PM 1 happen that we want to make sure that the residents 07:43PM 2 are able to get out. 07:43PM 3 But again, those, you know -- the key 07:44PM 4 code that a resident would have, the self-storage 07:44PM 5 operator would understand or would know that that key 07:44PM 6 code is being entered, they have security cameras, 07:44PM 7 and, you know, if there is an offender they can bring 07:44PM 8 that to the resident, the residential building, and 07:44PM 9 reprimand in whichever way sees fit. 07:44PM 10 It's part of the lease agreement that 07:44PM 11 the residents cannot go through there except under an 07:44PM 12 emergency situation. 07:44PM 13 MR. GRECO: Because I just see people 07:44PM 14 -- Passaic Street becomes a parking lot on a regular 07:44PM 15 basis and people, they know they come down Plaza Way 07:44PM 16 cutting through Fairfield or out Fairfield, they're 07:44PM 17 still going to do that, you know. 07:44PM 18 THE WITNESS: And that's why we would 07:44PM 19 put in those lease stipulations to avoid that 07:44PM 20 condition. 07:44PM 21 MR. GRECO: Okay, thank you. 07:44PM 22 THE WITNESS: Yes. 07:44PM 23 It's two gates to go through as well. 07:44PM 24 It's not convenient. 07:44PM 25 But I understand your point, but again, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	40 07:45PM 1 It's an audible system that would open 07:45PM 2 up for those gates. It would open the gates up for 07:45PM 3 the police officer or for a fire truck. 07:45PM 4 MR. SANTIAGO: Okay. 07:45PM 5 This traffic study, is this considering 07:45PM 6 the third phase of it, too, or just for these two 07:46PM 7 phases? 07:46PM 8 THE WITNESS: At this time the traffic 07:46PM 9 study is just for the residential development, so 07:46PM 10 it's just the first two phases. 07:46PM 11 It includes the self-storage that's 07:46PM 12 already there and then the residential development. 07:46PM 13 We haven't -- haven't forecasted out the third phase 07:46PM 14 yet. 07:46PM 15 MR. SANTIAGO: Thank you. 07:46PM 16 MR. ZOTOLLO: I have a question on 07:46PM 17 that, though. 07:46PM 18 Shouldn't that be somehow taken into 07:46PM 19 account, because that's going to be the next phase 07:46PM 20 and it may change the whole dynamic of that, if the 07:46PM 21 study proves that it can't now be sufficient to have 07:46PM 22 enough space for commercial as we initially had 07:46PM 23 agreed upon. 07:46PM 24 Isn't that something that should be 07:46PM 25 thought of ahead of time? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

41 07:46PM 1 THE WITNESS: Well, that study would be 07:46PM 2 performed with the third phase as well. It's sort of 07:46PM 3 taking a shot in the dark as to what exactly that 07:46PM 4 looks like. 07:46PM 5 MR. ZOTOLLO: You have an idea, though, 07:46PM 6 don't you, a conceptual drawing, you kind of know 07:46PM 7 what's going to be there size wise typically. 07:46PM 8 Shouldn't that kind of be known -- will 07:46PM 9 there be any changes to that concept design based on 07:46PM 10 a different study. 07:46PM 11 THE WITNESS: At this point I don't 07:46PM 12 know if there would be changes. I have seen many 07:47PM 13 concepts come and go and developments look nothing 07:47PM 14 like the -- you know, the concept that was put 07:47PM 15 together two years ago, so... 07:47PM 16 MS. GONCHAR: We're going to have to 07:47PM 17 come before you and make the same proofs when we come 07:47PM 18 before you at that time. 07:47PM 19 MR. ZOTOLLO: I just get concerned that 07:47PM 20 that's the last phase and that's the last one that 07:47PM 21 will be, you know, given the most consideration, 07:47PM 22 which I personally think the commercial space makes 07:47PM 23 it more of a village town center as opposed to, you 07:47PM 24 know, storage and residential. 07:47PM 25 So I think there should be a little LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	43 07:48PM 1 our board professionals? 07:48PM 2 Mr. Mayo? 07:48PM 3 MR. MAYO: If I can add to that last 07:48PM 4 comment, with the traffic study now really only 07:48PM 5 including the two phases of the project, if you do 07:48PM 6 propose signal improvements and then the third phase 07:48PM 7 comes along, we could be interfering with all the new 07:48PM 8 improvements and going through a second improvement 07:48PM 9 phase along that intersection. 07:49PM 10 Wouldn't it be best maybe to try to 07:49PM 11 accommodate that all at once? And I think you did 07:49PM 12 agree to include the third phase in your traffic 07:49PM 13 study when you look at the signal improvements. 07:49PM 14 Is that true? 07:49PM 15 THE WITNESS: So with the -- with the 07:49PM 16 signal improvements what this intersection shows is 07:49PM 17 great vehicular capacity and what it lacks is that 07:49PM 18 pedestrian infrastructure. 07:49PM 19 MR. MAYO: All right. 07:49PM 20 THE WITNESS: So -- so our plan for the 07:49PM 21 traffic signal with this second phase and, of course, 07:49PM 22 the residential component to it is to improve that 07:49PM 23 pedestrian infrastructure. 07:49PM 24 I haven't reviewed that third phase and 07:49PM 25 part of that traffic study. I have, you know, my LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
42 07:47PM 1 more robust commercial there as opposed to just a 07:47PM 2 couple small stores because now we can't fit it 07:47PM 3 because the study -- you know, the commercial -- you 07:47PM 4 know, the traffic or just the impervious to pervious, 07:47PM 5 all that stuff just taking it to the next phase. 07:47PM 6 THE WITNESS: I think from a traffic 07:47PM 7 perspective, the results of the study indicating 07:47PM 8 adequate Levels of Service for this Phase II -- and 07:47PM 9 we're not really close to pushing forward those, you 07:47PM 10 know, those worst Levels of Service, Levels of 07:48PM 11 Service Es and Fs at the signal with this second 07:48PM 12 phase. 07:48PM 13 So sometimes there's developments where 07:48PM 14 we're just pushing up against the edge and trying to 07:48PM 15 make that justification that way and this isn't one 07:48PM 16 of those cases. 07:48PM 17 But, again, we'll perform that traffic 07:48PM 18 study for the third phase and if there need to be 07:48PM 19 improvements for that third phase that would be -- 07:48PM 20 that would be part of that study as well. 07:48PM 21 MR. ZOTOLLO: Okay, thank you. 07:48PM 22 CHAIRMAN KANIEWSKI: Any additional 07:48PM 23 questions from any of the board members? 07:48PM 24 (No Response.) 07:48PM 25 CHAIRMAN KANIEWSKI: Any questions from LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	44 07:49PM 1 years of experience as a traffic engineer and seeing 07:49PM 2 what developments do to speculate, but at this time I 07:49PM 3 don't know if the third phase is going to require 07:49PM 4 additional improvements at the intersection. 07:49PM 5 That's something that the future 07:49PM 6 traffic study would indicate. 07:49PM 7 MR. MAYO: All right. 07:49PM 8 Is the county reviewing the traffic 07:50PM 9 study and any improvements along the intersection. 07:50PM 10 THE WITNESS: I would imagine so. 07:50PM 11 We haven't submitted to the county, you 07:50PM 12 know, with that -- with that design yet, but they -- 07:50PM 13 being a county roadway, they would review it as well. 07:50PM 14 MS. GONCHAR: Just out of curiosity, 07:50PM 15 would you -- if we're going to put in, say, the 07:50PM 16 pedestrian improvements, is that something that would 07:50PM 17 go into the traffic study when it went to the county? 07:50PM 18 Would they have an interest in that 07:50PM 19 Level of Service? 07:50PM 20 THE WITNESS: It would be a marginal 07:50PM 21 impact at best. 07:50PM 22 It wouldn't change -- 07:50PM 23 MS. GONCHAR: In terms of the numbers. 07:50PM 24 THE WITNESS: Yeah, it wouldn't change 07:50PM 25 any of the conclusions in the study. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

45 07:50PM 1 CHAIRMAN KANIEWSKI: Additional 07:50PM 2 questions from our board professionals? 07:50PM 3 MR. MAYO: Okay. 07:50PM 4 So we're -- you agree to pedestrian 07:50PM 5 upgrades to the signal, but you're not going to be 07:50PM 6 changing the signal, itself, just adding pedestrian 07:50PM 7 safety devices. 07:50PM 8 THE WITNESS: Correct. 07:50PM 9 MR. MAYO: Do we currently have ADA 07:51PM 10 access ramps? 07:51PM 11 THE WITNESS: The plan would be to 07:51PM 12 provide ramps where -- where they're deficient, so to 07:51PM 13 speak. 07:51PM 14 MR. MAYO: Okay. 07:51PM 15 And did we take into account in your 07:51PM 16 traffic study the accident history at the 07:51PM 17 intersection in the area? 07:51PM 18 THE WITNESS: Yes, we've reviewed that 07:51PM 19 accident history I saw the information from Safety 07:51PM 20 Voyager, we have access to that as well and reviewed 07:51PM 21 it. 07:51PM 22 Looking at, you know, the crash rate of 07:51PM 23 this intersection compared to some of the other 07:51PM 24 intersections in the area is quite low. I don't see 07:51PM 25 this development and the traffic generated by it LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	47 07:53PM 1 people may be coming out and kind of heading up to 07:53PM 2 the mall and look at any of the -- for safety 07:53PM 3 purposes behind the site or further down the street? 07:53PM 4 THE WITNESS: The -- the pedestrian 07:53PM 5 improvements that I focused on are really at that 07:53PM 6 traffic signal. 07:53PM 7 MR. BARREE: Okay. 07:53PM 8 THE WITNESS: So other stuff on the -- 07:53PM 9 on the site, itself, I'd defer to the engineer, 07:53PM 10 but... 07:53PM 11 MR. BARREE: And I wasn't at the last 07:53PM 12 meeting so I don't know if Zak testified about the 07:53PM 13 sidewalk along the frontage, but did you review the 07:53PM 14 quality and the condition of the sidewalk along West 07:53PM 15 Passaic. 07:53PM 16 THE WITNESS: I specifically have not, 07:53PM 17 but Zak may have. 07:54PM 18 MR. BARREE: I can ask him. 07:54PM 19 THE WITNESS: Yeah, but any -- any 07:54PM 20 sidewalk in disrepair would -- would need to be 07:54PM 21 replaced. 07:54PM 22 MR. BARREE: Okay. 07:54PM 23 CHAIRMAN KANIEWSKI: Anything 07:54PM 24 additional? 07:54PM 25 (No Response.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
46 07:51PM 1 would result in any substantial or really noticeable 07:52PM 2 increase in crash rate at the intersection. 07:52PM 3 It's keeping a good geometric pattern 07:52PM 4 as a residential use where the residents are familiar 07:52PM 5 with -- with the intersection, the operations. 07:52PM 6 MR. MAYO: Okay. 07:52PM 7 And has the lease agreement been met 07:52PM 8 with the owner of the self-storage for the emergency 07:52PM 9 access? 07:52PM 10 THE WITNESS: I'm not sure. 07:52PM 11 MR. MAYO: And your study, you 07:52PM 12 definitely -- I think you did provide testimony, but 07:52PM 13 just confirm that when you looked at this, you did 07:52PM 14 look at this from all approaches into and out of the 07:52PM 15 site. 07:52PM 16 THE WITNESS: Yes. 07:53PM 17 MR. MAYO: That answers all of my 07:53PM 18 questions. 07:53PM 19 MR. BARREE: Just one quick question 07:53PM 20 from me. 07:53PM 21 So you mentioned the pedestrian 07:53PM 22 improvements with the signalization. Did you look at 07:53PM 23 any other pedestrian means of access to the site? 07:53PM 24 I know there's no formal connection to 07:53PM 25 Plaza Way, but, you know, did you consider where LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	48 07:54PM 1 CHAIRMAN KANIEWSKI: Okay. 07:54PM 2 When preparing your study did you look 07:54PM 3 at the Garden State Plaza, Westfield Garden State 07:54PM 4 Plaza at all? 07:54PM 5 THE WITNESS: In what respect, I 07:54PM 6 suppose? 07:54PM 7 CHAIRMAN KANIEWSKI: In respect to 07:54PM 8 potential redevelopment in the plaza. 07:54PM 9 THE WITNESS: At this point any traffic 07:54PM 10 volume increase associated with future Garden State 07:54PM 11 Plaza, you know, improvements at this point is not 07:54PM 12 really set in stone so it hasn't been included within 07:54PM 13 those counts or within that no-build analysis of the 07:54PM 14 intersection. 07:54PM 15 CHAIRMAN KANIEWSKI: Okay. I don't 07:54PM 16 have any additional questions. 07:54PM 17 Anything additional from the board? 07:54PM 18 (No Response.) 07:55PM 19 CHAIRMAN KANIEWSKI: If not, any 07:55PM 20 questions from any members of the public of this 07:55PM 21 witness? 07:55PM 22 MS. GONCHAR: We have the chief. 07:55PM 23 CHAIRMAN KANIEWSKI: Oh, sorry, Chief. 07:55PM 24 MR. VERHASSELT: I'll defer. 07:55PM 25 Chief is much more important than me. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

49 07:55PM 1 Let him go. 07:55PM 2 CHIEF PINTO: Chief Gene Pinto, 07:55PM 3 P-I-N-T-O. 07:55PM 4 Do you mind if I stand here? I have a 07:55PM 5 big mouth, so that's okay. 07:55PM 6 CHAIRMAN KANIEWSKI: Wherever you like. 07:55PM 7 CHIEF PINTO: Just a couple things. I 07:55PM 8 know you understand that the pedestrian crossing and 07:55PM 9 the signalization is inadequate, but you're aware 07:55PM 10 there is no pole on the northwest corner that -- 07:55PM 11 THE WITNESS: Right, that would be -- 07:55PM 12 CHIEF PINTO: -- right you're going to 07:55PM 13 install -- 07:55PM 14 THE WITNESS: Right. 07:55PM 15 CHIEF PINTO: I am thinking maybe two 07:55PM 16 along that sidewalk, maybe a little bit improved 07:55PM 17 lighting for pedestrians, understanding again that 07:55PM 18 area is deficient, something to consider. 07:55PM 19 If you were to find the control panel 07:55PM 20 is inadequate to handle the additional signalization 07:55PM 21 we're talking about, are you guys agreeable to 07:55PM 22 upgrading that? 07:55PM 23 THE WITNESS: Yes. 07:55PM 24 CHIEF PINTO: Okay. And as far as the 07:55PM 25 packet talk, I mean, I appreciate that. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	51 07:56PM 1 Is there still an east entrance into 07:56PM 2 the parking lot for the future commercial plans 07:56PM 3 included in your present plans. 07:56PM 4 THE WITNESS: No part of the future 07:56PM 5 commercial is included within the traffic study at 07:56PM 6 this time. 07:56PM 7 MR. VERHASSELT: Okay. 07:56PM 8 THE WITNESS: It would be part of the 07:56PM 9 Phase III application. 07:56PM 10 MR. VERHASSELT: Okay, thank you. 07:56PM 11 You mentioned your study about egress 07:57PM 12 in the morning considered trips, primarily egress 07:57PM 13 leaving the site. What about the parents that will 07:57PM 14 be bringing their children to and from school? 07:57PM 15 THE WITNESS: So that's -- 07:57PM 16 MR. VERHASSELT: Was that included in 07:57PM 17 your determinations of traffic counts. 07:57PM 18 THE WITNESS: It is. 07:57PM 19 And, generally speaking, a development 07:57PM 20 like this doesn't have a lot of school children. 07:57PM 21 MR. VERHASSELT: That's okay. You'll 07:57PM 22 have some, right. 07:57PM 23 THE WITNESS: Right, but it's -- I 07:57PM 24 can't necessarily speak to -- 07:57PM 25 MR. VERHASSELT: 'Cause you only -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
50 07:55PM 1 I do have information on that for every 07:56PM 2 board member as well if you'd like it, as well as for 07:56PM 3 counsel, so I will leave that with the secretary. 07:56PM 4 I think that's all I have. 07:56PM 5 CHAIRMAN KANIEWSKI: Thank you. 07:56PM 6 CHIEF PINTO: Thank you. 07:56PM 7 This is a copy of the letters as well, 07:56PM 8 thank you. 07:56PM 9 MR. VERHASSELT: My turn. 07:56PM 10 CHAIRMAN KANIEWSKI: Mr. Verhasselt. 07:56PM 11 MR. VERHASSELT: Rob Verhasselt, 40 07:56PM 12 Forest Place. 07:56PM 13 I, too, have a big mouth. 07:56PM 14 CHAIRMAN KANIEWSKI: Come on up, 15 Mr. Verhasselt. 16 CHIEF PINTO: Well, we're both from 17 Forest Place. 18 MR. VERHASSELT: I'd rather sit, if 19 possible. 20 CHAIRMAN KANIEWSKI: Whatever makes you 21 comfortable. 22 MR. VERHASSELT: You're all sitting, I 23 can sit, too. 07:56PM 24 You have testified that you were in 07:56PM 25 charge of all the traffic studies for the lot. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	52 07:57PM 1 'cause you only spoke to egress. 07:57PM 2 THE WITNESS: I can -- I can speak to 07:57PM 3 -- to the vehicles coming in and out of the site -- 07:57PM 4 MR. VERHASSELT: Okay. 07:57PM 5 THE WITNESS: -- I'd say predominantly 07:57PM 6 exiting traffic in the morning, but the study does 07:57PM 7 include some entering traffic potentially for -- it 07:57PM 8 would likely include some vehicles as being 07:57PM 9 suggested. 07:57PM 10 MR. VERHASSELT: Okay. 07:57PM 11 My third concern, you mentioned -- you 07:57PM 12 may have answered, there are going to be double gates 07:57PM 13 for egress onto Fairfield. 07:57PM 14 THE WITNESS: Um-hmm. 07:57PM 15 MR. VERHASSELT: What contact did you 07:57PM 16 have with the owners of Plaza Way regarding any use 07:58PM 17 of their roadway for any use whatsoever. 07:58PM 18 Did you have any contact with the 07:58PM 19 owners of Plaza Way? 07:58PM 20 THE WITNESS: Me specifically, no. 07:58PM 21 MR. VERHASSELT: Okay, thank you. 07:58PM 22 What is an ALPR camera? What is it? 07:58PM 23 And what exactly does it do? 07:58PM 24 THE WITNESS: I would -- I would defer 07:58PM 25 that to -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

53 07:58PM 1 CHIEF PINTO: Sure. 07:58PM 2 THE WITNESS: -- Mr. Pinto. 07:58PM 3 CHIEF PINTO: And I don't mind. 07:58PM 4 So, basically, it's an automated 07:58PM 5 license plate reader. They're used nationwide, the 07:58PM 6 Department of Homeland Security is huge on them, NYPD 07:58PM 7 has been using them since the terroristic bombings. 07:58PM 8 We've used them here in New Jersey, 07:58PM 9 they've been on our police cars, we actually have 07:58PM 10 them. 07:58PM 11 This system is a little bit different 07:58PM 12 in that it's basically video-based, and it's the 07:58PM 13 computerized system running behind the video. It 07:58PM 14 doesn't actually rely on the reflectivity of the 07:58PM 15 license plate as traditional ALPRs do. 07:58PM 16 Actually I'll be happy to give you the 07:58PM 17 literature on it as well. 07:58PM 18 Numerous bomber suspects, criminal 07:58PM 19 suspects are apprehended this way. It allows us to 07:58PM 20 better protect the residents. 07:58PM 21 If we should have burglaries, if we 07:59PM 22 should have robberies, we're able to just go into the 07:59PM 23 system and say hey, what vehicle, they say oh, it was 07:59PM 24 last going up, you know, West Passaic, or eastbound 07:59PM 25 on West Passaic Street, it was a red Cadillac and we LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	55 07:59PM 1 the Fairfield Avenue emergency egress -- is that the 07:59PM 2 right thing to call it? 08:00PM 3 THE WITNESS: Sure. 08:00PM 4 CHAIRMAN KANIEWSKI: What sort of 08:00PM 5 signage is there going to be on that? 08:00PM 6 What do you anticipate? 08:00PM 7 THE WITNESS: That's a good question. 08:00PM 8 I don't know that we have designed that particular 08:00PM 9 signage package. 08:00PM 10 I would work with the engineer on that 08:00PM 11 as far as what that should be. 08:00PM 12 CHAIRMAN KANIEWSKI: I'm concerned 08:00PM 13 about whether it will be left-turn only, right 08:00PM 14 turn -- 08:00PM 15 THE WITNESS: Oh, as far as the turning 08:00PM 16 restriction? 08:00PM 17 I would need to -- I think that it's a 08:00PM 18 good idea to put some thought into it with your 08:00PM 19 engineer. 08:00PM 20 But I am not sure it needs a 08:00PM 21 restriction for certain turning movements, but we 08:00PM 22 could work with -- 08:00PM 23 CHAIRMAN KANIEWSKI: The main -- 08:00PM 24 THE WITNESS: Yeah. 08:00PM 25 CHAIRMAN KANIEWSKI: -- the main issue LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
54 07:59PM 1 saw the letter Z. 07:59PM 2 We're able to enter red Cadillac with 07:59PM 3 the letter Z, and in the background within minutes 07:59PM 4 we'll get a picture of that vehicle and we can zoom 07:59PM 5 in at that point and the ALPR will kick in and give 07:59PM 6 us the license plate information. 07:59PM 7 So it's all about helping us fight 07:59PM 8 crime and keep the residents safe. 07:59PM 9 MR. VERHASSELT: Realtime. 07:59PM 10 CHIEF PINTO: It's -- it's in realtime. 07:59PM 11 MR. VERHASSELT: Thank you. 07:59PM 12 CHIEF PINTO: Okay. 07:59PM 13 MR. VERHASSELT: No, it's not okay, but 07:59PM 14 it is what it is. 07:59PM 15 CHIEF PINTO: It is what it is. 07:59PM 16 Does that answer -- anybody else have a 07:59PM 17 question on it? 07:59PM 18 MR. VERHASSELT: Thank you. 07:59PM 19 That answers all my questions, 07:59PM 20 Mr. Chairman. 07:59PM 21 CHAIRMAN KANIEWSKI: Any other 07:59PM 22 questions from any other residents. 07:59PM 23 (No Response.) 07:59PM 24 CHAIRMAN KANIEWSKI: Okay. 07:59PM 25 If not, I have one more question: On LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	56 08:00PM 1 being, as I'm sure anybody who lives in the area can 08:00PM 2 tell you, if you turn right onto Fairfield during a 08:00PM 3 flood you're not going to go very far. 08:00PM 4 THE WITNESS: Fair enough. 08:00PM 5 CHAIRMAN KANIEWSKI: You're going to be 08:00PM 6 under water. 08:00PM 7 In fact, you might ask your client 08:00PM 8 simply talking about water, where it's at, if you 08:00PM 9 turn left you'd be going to Plaza Way, that's a 08:01PM 10 direction to -- 08:01PM 11 MS. GONCHAR: To the high ground. 08:01PM 12 CHAIRMAN KANIEWSKI: What's that? 08:01PM 13 MS. GONCHAR: To the higher ground. 08:01PM 14 CHAIRMAN KANIEWSKI: Yes. 08:01PM 15 MS. GONCHAR: That's what you're 08:01PM 16 saying. 08:01PM 17 THE WITNESS: Yes, I think that 08:01PM 18 direction makes -- makes a lot of sense. 08:01PM 19 CHIEF PINTO: Mr. Chairman, may I just 08:01PM 20 address the board one more time as far as the ALPR. 08:01PM 21 CHAIRMAN KANIEWSKI: Yes. 08:01PM 22 CHIEF PINTO: I just want to make it 08:01PM 23 very clear because I understand your hesitancy. 08:01PM 24 I'm also an attorney and I hold -- the 08:01PM 25 criminal justice system holds our police to a very LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

57 08:01PM 1 high standard. Realtime doesn't mean they can just 08:01PM 2 access it. They have to have reasonable or 08:01PM 3 sufficient and/or probable cause to actually access 08:01PM 4 the system. They can also record -- I hold my team 08:01PM 5 to a very high standard and, you know, reasonable or 08:01PM 6 suspicion will have to be, you know, realized before 08:01PM 7 they access the system. 08:01PM 8 So I just want to put everybody at 08:01PM 9 ease, we're not just randomly running license plates. 08:01PM 10 That does not happen. 08:01PM 11 Okay. 08:01PM 12 CHAIRMAN KANIEWSKI: Okay, thank you. 08:01PM 13 CHIEF PINTO: Thank you. 08:01PM 14 CHAIRMAN KANIEWSKI: Any other 08:02PM 15 questions from any members in the public? 08:02PM 16 (No Response.) 08:02PM 17 CHAIRMAN KANIEWSKI: Any members of the 08:02PM 18 board? 08:02PM 19 (No Response.) 08:02PM 20 CHAIRMAN KANIEWSKI: Anything further 08:02PM 21 from Counsel? 08:02PM 22 MS. GONCHAR: That's all we have for 08:02PM 23 this witness. 08:02PM 24 MS. CORRISTON: I just wanted to 08:02PM 25 confirm as the chief established, if there is any LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	59 08:03PM 1 MS. GONCHAR: Thank you. 08:03PM 2 Zak, could you just give the board your 08:03PM 3 name again and then -- 08:03PM 4 MR. CHAPLIN: Sure. 08:03PM 5 Good evening. 08:03PM 6 MS. GONCHAR: Oh, he -- 08:03PM 7 Oh, you sat through the first one, but 08:03PM 8 you didn't actually testify. 08:03PM 9 MR. CHAPLIN: Right. 08:03PM 10 MS. GONCHAR: All right. 08:03PM 11 Then we have to qualify him, I'm sorry. 08:03PM 12 He sat here so I forgot we never got him up there, 08:03PM 13 sorry. 08:03PM 14 MS. CORRISTON: Could you raise your 08:03PM 15 right hand, please. 08:03PM 16 Do you swear or affirm the testimony 08:03PM 17 you're about to give is the truth, the whole truth 08:03PM 18 and nothing but the truth, so help you God? 08:03PM 19 MR. CHAPLIN: I do. 08:03PM 20 Z A C H A R Y C H A P L I N, PE 07:12PM 21 92 Park Avenue in Rutherford, New Jersey, having 08:03PM 22 been duly sworn, testifies as follows: 08:03PM 23 MS. CORRISTON: Can you state your name 08:03PM 24 for the record, please? 25 MR. CHAPLIN: Sure. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
58 08:02PM 1 sort of upgrade that's required after this is in and 08:02PM 2 functioning for a while, the applicant is willing to 08:02PM 3 consider changes. I think that's what the Chief had 08:02PM 4 said. 08:02PM 5 MS. GONCHAR: I think he was explicit. 08:02PM 6 What we agree to is if the control panel requires any 08:02PM 7 upgrade in order to accommodate -- 08:02PM 8 MS. CORRISTON: Right. 08:02PM 9 MS. GONCHAR: -- the other pedestrian 08:02PM 10 equipment that's going in, if I'm understanding it -- 08:02PM 11 CHIEF PINTO: Correct. 08:02PM 12 MS. GONCHAR: -- we agreed that we will 08:02PM 13 put in -- we will upgrade the control panel to 08:02PM 14 accommodate the other equipment we've agreed to put 08:02PM 15 in. 08:02PM 16 MS. CORRISTON: Okay, thank you. 08:02PM 17 CHIEF PINTO: You said it better than I 08:02PM 18 did. 08:02PM 19 CHAIRMAN KANIEWSKI: Anything 08:02PM 20 additional from anybody. 08:02PM 21 (No Response.) 08:02PM 22 CHAIRMAN KANIEWSKI: If not, I'd like 08:02PM 23 to reserve the right to ask additional questions on 08:02PM 24 behalf of the board, myself and the public. 08:03PM 25 You can proceed with your next witness. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	60 1 My name is Zachary Chaplin, last name 2 is C-H-A-P-L-I-N. 3 VOIR DIRE EXAMINATION 4 BY MS. GONCHAR: 08:03PM 5 Q. And can you please advise the board 08:03PM 6 with whom you're associated, your responsibilities 08:03PM 7 and your position with your company, and any licenses 08:03PM 8 that you hold and whether they're in good standing? 08:03PM 9 A. Sure. 08:03PM 10 So I'm with Stonefield Engineering and 08:03PM 11 Design. 08:04PM 12 I am a senior project manager, civil 08:04PM 13 engineer for this project. 08:04PM 14 Received my bachelor's degree from 08:04PM 15 University of Delaware in civil engineering. 08:04PM 16 I'm a licensed professional engineer in 08:04PM 17 New Jersey, New York and Connecticut. 08:04PM 18 I've been practicing for close to nine 08:04PM 19 -- just about nine years at this point. 08:04PM 20 And I have been accepted at this board 08:04PM 21 in the past as an expert witness. 08:04PM 22 Q. I think you testified with regard to 08:04PM 23 the original subdivision and for site plan? 08:04PM 24 A. Correct. 08:04PM 25 MS. GONCHAR: We would ask that he be LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

61 08:04PM 1 accepted as an expert in the field of civil 08:04PM 2 engineering. 08:04PM 3 CHAIRMAN KANIEWSKI: Anybody have any 08:04PM 4 questions regarding his expertise? 08:04PM 5 (No Response.) 08:04PM 6 CHAIRMAN KANIEWSKI: If not, you can 08:04PM 7 proceed. 08:04PM 8 MS. GONCHAR: Thank you. 08:04PM 9 DIRECT EXAMINATION 08:04PM 10 BY MS. GONCHAR: 08:04PM 11 Q. So we indicated that we were going to 08:04PM 12 use you to address some of the comments or questions 08:04PM 13 that were presented at the time of the last hearing 08:04PM 14 when one of your colleagues testified. 08:04PM 15 Can you go through -- I know we 08:05PM 16 presented the exhibit. Is there any additional 08:05PM 17 comments with regard to the traffic or are you 08:05PM 18 satisfied that the information that was put in 08:05PM 19 through traffic, in terms of the parking spaces, 08:05PM 20 anything further or -- 08:05PM 21 A. No. 08:05PM 22 I think there was a good point raised 08:05PM 23 about the ADA accessible spaces. And I will say that 08:05PM 24 because it is a parking garage, you know, the 08:05PM 25 entirety of the area is flat, everything will be ADA LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	63 08:06PM 1 gate, there is a yelp device which is actually 08:06PM 2 battery operated so actually emergency vehicles, when 08:06PM 3 they get close to the gate the battery actually 08:06PM 4 automatically opens it. So if the power went out, 08:06PM 5 it's battery operated. 08:06PM 6 Q. So in terms of the additional items, do 08:06PM 7 we -- we also had a question at the last meeting with 08:06PM 8 regard to the roof design. I think you're going to 08:06PM 9 sort of handle cleanup on that. 08:07PM 10 And some of the concerns that I believe 08:07PM 11 were raised had to do with the required setback of 08:07PM 12 improvements from the roof and also the fence or the 08:07PM 13 railing, I guess, was characterized that's required 08:07PM 14 around that. 08:07PM 15 Can you address that? 08:07PM 16 A. Yes. 08:07PM 17 I just handed out an exhibit -- 08:07PM 18 actually, if you don't mind, if I can grab one so I 08:07PM 19 can get it into the record. 08:07PM 20 So this is the roof plan prepared by 08:07PM 21 MVMK, Sheet Z8. It was last revised November 17th, 08:07PM 22 2021. 08:07PM 23 MS. CORRISTON: A-13. 08:07PM 24 (Whereupon, Roof Plan prepared by MVMK, 08:07PM 25 Sheet Z8, Last Revised November 17th, 2021 is LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
62 08:05PM 1 compliant from just a -- you know, a grade level 08:05PM 2 standpoint. 08:05PM 3 We would just be obviously providing 08:05PM 4 signage and a striped aisle, so we can work with the 08:05PM 5 architect and see what we can do for that. 08:05PM 6 In regard to the signage question, 08:05PM 7 really the evacuation, I just want to make it clear, 08:05PM 8 you know, we're calling it an evacuation plan, but 08:05PM 9 there is an access road that, obviously, is above the 08:05PM 10 flood so people -- people live here. 08:05PM 11 So the idea is that they're not 08:05PM 12 necessarily leaving, this is their home. So they 08:05PM 13 have the ability to come in and out with a dry access 08:06PM 14 route which is specifically required by DEP for 08:06PM 15 residential buildings such as this. 08:06PM 16 So I just, you know, I'm hearing a lot 08:06PM 17 of emergency access. The point of that is really for 08:06PM 18 emergency type vehicles. It's if someone needed to 08:06PM 19 go out and get groceries or medicine or what have 08:06PM 20 you, but this is also where people live, so the 08:06PM 21 intent is not for people to constantly be using this 08:06PM 22 when there is a large storm. 08:06PM 23 If anything, they'd probably stay at 08:06PM 24 home and not use it as often. 08:06PM 25 And then as far as the question on the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	64 08:07PM 1 received and marked as Exhibit A-13 for 08:07PM 2 identification.) 08:07PM 3 MS. GONCHAR: Okay. 08:07PM 4 THE WITNESS: And I know the question 08:07PM 5 came up, obviously there's rooftop amenity space. 08:07PM 6 You know, whether there's safety precautions. So 08:07PM 7 everything meets building code. 08:07PM 8 What you'll see in this plan is 08:07PM 9 essentially the area that's actually open to the 08:07PM 10 residents. 08:07PM 11 Some of the area is being used for 08:07PM 12 generators, HVAC purposes, we have the green roof 08:07PM 13 component that you heard about. 08:08PM 14 And then at the edge there is a setback 08:08PM 15 of 10 feet from the edge of the building, there is 08:08PM 16 that eagle railing detail, which is essentially like 08:08PM 17 a fence and it's 43-inches high. 08:08PM 18 So it's set back 10 feet as shown on 08:08PM 19 the plan, and we have a 42-inch, kind of, railing or 08:08PM 20 fence that, kind of, provides the protection from the 08:08PM 21 residents. 08:08PM 22 BY MS. GONCHAR: 08:08PM 23 Q. I guess you might as well deal with 08:08PM 24 this. John Barree had pointed out that the 08:08PM 25 redevelopment agreement required a different mix of LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

65 08:08PM 1 the affordable units. 08:08PM 2 Have we now addressed that in the 08:09PM 3 design of the project? 08:09PM 4 A. Yes. 08:09PM 5 Q. So we calculated everything based upon 08:09PM 6 that, and that is six one-bedroom units, 14 08:09PM 7 two-bedroom and six three-bedroom? Is that what you 08:09PM 8 were looking -- 08:09PM 9 MR. BARREE: Four one-bedroom, 14 two 08:09PM 10 and six three. 08:09PM 11 MS. GONCHAR: Four. Okay. 08:09PM 12 But it was the swap between the four 08:09PM 13 and the three-bedroom, I think was what the 08:09PM 14 difference was. 08:09PM 15 MR. BARREE: It was adding one of the 08:09PM 16 one-bedrooms to the three-bedroom column. 08:09PM 17 THE WITNESS: Yes, that's correct. 08:09PM 18 MS. GONCHAR: Okay. 08:09PM 19 BY MS. GONCHAR: 08:09PM 20 Q. We've shown the rooftop. 08:09PM 21 Then I think the last thing that we 08:09PM 22 were -- oh, well we did make -- we should, just for 08:09PM 23 the record, we did make a submission. 08:09PM 24 Could you advise the board what was 08:09PM 25 submitted ten days prior which should have been LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	67 08:10PM 1 But part of that was making some 08:10PM 2 assumptions on the architecture, which is why, when 08:10PM 3 those plans were approved and we moved forward with 08:10PM 4 these plans to the board, there are differences that 08:10PM 5 are noted. 08:10PM 6 So our plan at this point is, you know, 08:11PM 7 pending approval from this board, we would go back to 08:11PM 8 DEP with a revised plan and basically receive what's 08:11PM 9 called a technical modification so that they have the 08:11PM 10 most latest set of plans and they would restamp and 08:11PM 11 reapprove the plan so that they match what the board 08:11PM 12 has. 08:11PM 13 MS. GONCHAR: So what we submitted, 08:11PM 14 just to make it clear -- and, again, I don't think we 08:11PM 15 were going to address it here unless you think it's 08:11PM 16 necessary, we could make that Exhibit A-14 since 08:11PM 17 we're not going through it. 08:11PM 18 But the submission was a letter that 08:11PM 19 was responsive to the comment letters with regard to 08:11PM 20 stormwater. One of the things we were specifically 08:11PM 21 asked for was a point-by-point analysis of the 08:11PM 22 changes between the plan that was submitted and the 08:11PM 23 one that was approved. So a separate letter was 08:11PM 24 submitted that identified those changes. 08:11PM 25 So the package -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
66 08:09PM 1 distributed that we did make a submission to the 08:09PM 2 board? 08:09PM 3 A. Yes, sure. 08:09PM 4 So I think a lot of questions obviously 08:09PM 5 came up about the flood access. Ms. Mianeki has 08:10PM 6 prepared multiple memorandums to this point. 08:10PM 7 So I felt it was important to address 08:10PM 8 some of those comments with a formal response letter. 08:10PM 9 There was a formal response letter that 08:10PM 10 was submitted which you should have, as well as a 08:10PM 11 detailed list of differences between the originally 08:10PM 12 approved plans by DEP and the plans that were 08:10PM 13 submitted to this board. 08:10PM 14 So a couple things just to keep in mind 08:10PM 15 about the process of a project like this. One of the 08:10PM 16 first things that we did is we actually went to DEP. 08:10PM 17 Because before coming to this board, before working 08:10PM 18 very extensively with an architect, we want to make 08:10PM 19 sure that we understand the core requirements for a 08:10PM 20 project like this. 08:10PM 21 We had a pre-application with the DEP. 08:10PM 22 We then submitted a very comprehensive package 08:10PM 23 inclusive of engineering reports, plans, et cetera, 08:10PM 24 cross-section profiles, flood storage. That went 08:10PM 25 through a lengthy review process. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	68 08:11PM 1 BY MS. GONCHAR: 08:11PM 2 Q. And then I think the -- there was also 08:12PM 3 a request for a copy of what had been -- the plan 08:12PM 4 that had been submitted and approved by DEP, correct? 08:12PM 5 A. Yes. 08:12PM 6 Not only that, we formally submitted 08:12PM 7 that and we also submitted the engineering report 08:12PM 8 that Ms. Mianeki requested as well. 08:12PM 9 MS. GONCHAR: Right. 08:12PM 10 So that is -- the plan and the two 08:12PM 11 letters are really what was submitted, so if that's 08:12PM 12 necessary, that would be A-14 if you want to mark 08:12PM 13 that separately. 08:12PM 14 But that was submitted to the board 08:12PM 15 more than ten days in advance and would be -- should 08:12PM 16 be part of the record. 08:12PM 17 MS. CORRISTON: Is that DEP-1? 08:12PM 18 THE WITNESS: I'm sorry. 08:12PM 19 MS. GONCHAR: What's it called? 08:12PM 20 MS. CORRISTON: DEP-1? 08:12PM 21 THE WITNESS: Yeah, that's part of it, 08:12PM 22 yes. 08:12PM 23 MS. GONCHAR: And there should be two 08:12PM 24 letters from Stonefield. 08:12PM 25 MS. CORRISTON: November 5th. Right. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

69 08:12PM 1 MS. GONCHAR: Okay. 08:12PM 2 THE WITNESS: And I do want to add, you 08:12PM 3 know, I've had a lot of conversations with 08:12PM 4 Ms. Miannecki and I'm happy to say that all 08:12PM 5 outstanding comments or issues we will address, you 08:12PM 6 know, as part of resolution compliance. 08:12PM 7 MS. GONCHAR: Yes. Well, there is 08:12PM 8 another letter so -- and that letter, I think, just 08:12PM 9 confirmed that we had addressed the previous ones. 08:13PM 10 But the last thing I want to mention 08:13PM 11 that would be part of that A-14 if we're going to 08:13PM 12 mark that -- 08:13PM 13 MS. CORRISTON: Yes. 08:13PM 14 MS. GONCHAR: -- there was also a -- a 08:13PM 15 colored sheet which provided some detail on the -- 08:13PM 16 what the -- the perforated panel that was referred 08:13PM 17 to. Because I think in the original plan that had 08:13PM 18 been introduced it was rather small and it was kind 08:13PM 19 of dark and difficult to see what that was. 08:13PM 20 So our purpose in submitting that was 08:13PM 21 for -- simply to give you some clarity on what it was 08:13PM 22 we were talking about on a plan where you could 08:13PM 23 actually see it and give you some examples of how it 08:13PM 24 had been incorporated into buildings. 08:13PM 25 So that was why that was included, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	71 08:15PM 1 So from a quantity standpoint we're 08:15PM 2 naturally reducing peak flow rates. We're naturally 08:15PM 3 increasing the water quality. We're naturally 08:15PM 4 increasing groundwater recharge. It doesn't really 08:15PM 5 matter what the geotech would find because we're not 08:15PM 6 implementing any sort of DEP-type BMPs where that 08:15PM 7 would come into play. 08:15PM 8 What I would say is typically the 08:15PM 9 geotech reports, even, you know, a couple years, they 08:15PM 10 relatively stay the same. They fluctuate, obviously, 08:15PM 11 with, you know, groundwater, I would say. 08:15PM 12 But there's nothing we're proposing 08:15PM 13 from a stormwater standpoint where that would come 08:15PM 14 into play. 08:15PM 15 MS. GONCHAR: And I thought you had 08:15PM 16 said that -- my understanding was that he said that a 08:15PM 17 different type of -- when they go to do construction 08:15PM 18 there would be additional geotech, but that would be 08:15PM 19 later in the process. 08:15PM 20 CHAIRMAN KANIEWSKI: Okay. 08:15PM 21 MS. GONCHAR: Not that they were 08:15PM 22 amending the old plan, that they would do whatever 08:15PM 23 further examination was required as part of 08:16PM 24 construction. 08:16PM 25 CHAIRMAN KANIEWSKI: Okay. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
70 08:13PM 1 again, all part of that same single submission from 08:13PM 2 November 5. 08:14PM 3 THE WITNESS: That's all I have for 08:14PM 4 direct. 08:14PM 5 Any questions, I'd be happy to answer. 08:14PM 6 CHAIRMAN KANIEWSKI: I have a couple of 08:14PM 7 cleanup questions. 08:14PM 8 The stormwater management report, I 08:14PM 9 asked questions about the SESSI (phonetic) report. 08:14PM 10 It appears it was out of date. And I understood it 08:14PM 11 was going to be updated or -- it sounded like there 08:14PM 12 was sort of a commitment to update it. 08:14PM 13 THE WITNESS: Well, the truth is from a 08:14PM 14 stormwater standpoint, the geotech report isn't going 08:14PM 15 to have really any -- create any changes to what 08:14PM 16 we're proposing. 08:14PM 17 So the project in itself, there is a 08:14PM 18 natural reduction of impervious surfaces. If you 08:14PM 19 recall, my colleague testified to the fact that we're 08:14PM 20 restoring the riparian buffer of Sprout Brook, 08:14PM 21 because that area currently is parking today. We're 08:15PM 22 actually restoring that with native vegetation. 08:15PM 23 And not only that, we're removing a lot 08:15PM 24 of the existing parking area and putting in obviously 08:15PM 25 the building, which the DEP considers clean runoff. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	72 08:16PM 1 So, Mr. Chaplin, you prepared a report 08:16PM 2 for all the Stonefield stormwater management report. 08:16PM 3 Okay. 08:16PM 4 In that report I find the letter from 08:16PM 5 SESSI dated November 30, 2018. 08:16PM 6 I would like to call your attention to 08:16PM 7 the first page of that letter, first letter page. 08:16PM 8 "At the time of this writing we've not 08:16PM 9 been provided loading for the proposed 08:16PM 10 four-story residential building as well as 08:16PM 11 with one-story retail development where we 08:16PM 12 assume relatively light column wall and floor 08:16PM 13 loads for recommendations." 08:16PM 14 Isn't it a fact that the nature of the 08:16PM 15 building changed and that we have a second story of 08:16PM 16 parking, is that not a heavier load? 08:16PM 17 THE WITNESS: Correct, but that -- the 08:16PM 18 building, itself, there is a building code 08:16PM 19 requirement for geotech borings that need to be done 08:16PM 20 in order to design and construct the building. That 08:16PM 21 doesn't have to do with the stormwater management 08:17PM 22 report, they just happened to also include that in 08:17PM 23 their investigation. 08:17PM 24 But it has no relation to what we're 08:17PM 25 doing from a stormwater standpoint. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

73 08:17PM 1 We will meet all building code 08:17PM 2 requirements and do the required geotech testing in 08:17PM 3 order to support the building design. 08:17PM 4 CHAIRMAN KANIEWSKI: So you're saying 08:17PM 5 that it's of no concern to you what's in their 08:17PM 6 letter. 08:17PM 7 THE WITNESS: Not from a stormwater 08:17PM 8 standpoint because we're not proposing -- 08:17PM 9 CHAIRMAN KANIEWSKI: The letter says: 08:17PM 10 "This report" shall not be -- "should 08:17PM 11 not be used when the nature of the proposed 08:17PM 12 building is changed or the size or 08:17PM 13 configuration of the proposed building is 08:17PM 14 altered and the location or orientation of the 08:17PM 15 proposed building is modified when there's a 08:17PM 16 change in the ownership or for application to 08:17PM 17 any adjacent of other sites." 08:17PM 18 So that's not a concern to you? 08:17PM 19 THE WITNESS: No, nor do I think that 08:17PM 20 report would be used for the building. 08:17PM 21 CHAIRMAN KANIEWSKI: Could you tell us 08:17PM 22 what the point was in submitting that letter if it 08:17PM 23 didn't make any difference if it was changed? 08:17PM 24 THE WITNESS: We had -- we had the 08:17PM 25 geotech report. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	75 08:18PM 1 CHAIRMAN KANIEWSKI: It is? Okay. 08:18PM 2 THE WITNESS: I mean, you're not -- 08:18PM 3 within a floodway you're not allowed to put in 08:18PM 4 asphalt where it doesn't exist. So you can keep, you 08:18PM 5 know, parking areas that are already in the floodway, 08:18PM 6 just not change them. 08:19PM 7 But what we're doing actually is we're 08:19PM 8 removing asphalt and restoring the natural buffer. 08:19PM 9 The whole point of a floodway is you 08:19PM 10 want to keep that -- you don't want to make any 08:19PM 11 changes -- if you were to change it from grass to 08:19PM 12 pavement the velocity would increase and you could 08:19PM 13 have some issues, so that's what you don't want to 08:19PM 14 do. 08:19PM 15 But the pavement already exists. 08:19PM 16 CHAIRMAN KANIEWSKI: Do you have any 08:19PM 17 concern seeing that there's evidence of wood and 08:19PM 18 asphalt in that soil with the -- with any hazardous 08:19PM 19 waste issues. 08:19PM 20 THE WITNESS: That's not really a 08:19PM 21 question for me that I would answer. It's more of an 08:19PM 22 environmental question, I would say. We would just 08:19PM 23 recommend that, you know, from an environmental 08:19PM 24 standpoint during construction that the contractor, 08:19PM 25 you know, follows all state requirements. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
74 08:17PM 1 Again, we use it sometimes just to 08:17PM 2 classify soil types when we're doing our stormwater 08:17PM 3 analysis, to kind of confirm the soils that are 08:17PM 4 there. 08:17PM 5 But, again, it has no bearing because 08:18PM 6 we're not putting in a better management practice 08:18PM 7 where we need to see where groundwater is. That's 08:18PM 8 typically where it comes into play. Or if we're 08:18PM 9 proposing some sort of infiltration basin where we 08:18PM 10 want to know the percolation rates. 08:18PM 11 It's just something that we did or we 08:18PM 12 included in the report, pretty standard procedure, 08:18PM 13 but it doesn't impact anything we're doing from a 08:18PM 14 stormwater standpoint. 08:18PM 15 CHAIRMAN KANIEWSKI: Okay. Is it a 08:18PM 16 fact or not a fact that some of the testing disclosed 08:18PM 17 wood and asphalt on the site. 08:18PM 18 THE WITNESS: I'm sorry. 08:18PM 19 CHAIRMAN KANIEWSKI: Wood and asphalt 08:18PM 20 was disclosed by the drillings on that site; is that 08:18PM 21 correct or not correct? 08:18PM 22 THE WITNESS: I don't recall offhand. 08:18PM 23 CHAIRMAN KANIEWSKI: Okay. Is asphalt 08:18PM 24 permitted in floodways? 08:18PM 25 THE WITNESS: Yes. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	76 08:19PM 1 CHAIRMAN KANIEWSKI: So that's an 08:19PM 2 environmental issue. 08:19PM 3 MS. GONCHAR: No, I think he said 08:19PM 4 environmental during construction that it would be 08:19PM 5 dealt with. 08:19PM 6 And just for the record, these are 08:19PM 7 questions that I believe you asked previously and I'd 08:19PM 8 be happy to read the answer into the record. You 08:19PM 9 referenced the same report at that time. 08:19PM 10 CHAIRMAN KANIEWSKI: Okay. 08:19PM 11 MS. GONCHAR: And the answer is, as 08:19PM 12 they indicated, that is was only for soil to -- as a 08:20PM 13 preliminary matter, that the geotech report gives 08:20PM 14 them an idea about the suitability of the soils and 08:20PM 15 what kind of soils were there. 08:20PM 16 And he specifically indicated that when 08:20PM 17 the -- so the first initial subsurface investigation 08:20PM 18 -- I'm reading from page 159 of the transcript from 08:20PM 19 the last hearing. 08:20PM 20 "So the first initial subsurface 08:20PM 21 investigation provides a lot of information 08:20PM 22 that's going to lead to the final design, both 08:20PM 23 architecturally, structurally and in the 08:20PM 24 stormwater management as a whole." 08:20PM 25 Then he goes on to talk about what LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

77 08:20PM 1 further testing investigation. He did not indicate 08:20PM 2 they would be updating that report. 08:20PM 3 CHAIRMAN KANIEWSKI: Okay. 08:20PM 4 Did you also -- did we discuss the 08:20PM 5 Environmental Impact Statement last time? 08:20PM 6 MS. GONCHAR: I don't recall. 08:20PM 7 CHAIRMAN KANIEWSKI: Okay. So -- 08:20PM 8 MS. GONCHAR: I didn't recall that 08:20PM 9 either, I had to go back and read it. I am not 08:20PM 10 telling you I memorized it. 08:20PM 11 CHAIRMAN KANIEWSKI: I have a question 08:20PM 12 about that. 08:20PM 13 Mr. Chaplin, did you prepare an 08:20PM 14 Environmental Impact Statement -- 08:20PM 15 THE WITNESS: Yes. 08:20PM 16 CHAIRMAN KANIEWSKI: -- in connection 08:21PM 17 with this project. 08:21PM 18 THE WITNESS: Yes, we did. 08:21PM 19 CHAIRMAN KANIEWSKI: Could you tell us 08:21PM 20 what sort of work you did to prepare that? 08:21PM 21 THE WITNESS: Sure. 08:21PM 22 So as part of the Environmental Impact 08:21PM 23 Statement we look, firstly, with the code at hand, 08:21PM 24 the local code in terms of what it is you're looking 08:21PM 25 for, as well as just what the state will require. So LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	79 08:22PM 1 redevelopment plan, I feel -- I think that's already 08:22PM 2 done by the planners when they create that 08:22PM 3 redevelopment plan. 08:22PM 4 CHAIRMAN KANIEWSKI: Okay. If I said 08:22PM 5 to you your report contains Section 5.0 on -- 5.0 08:22PM 6 alternatives on page 6, would that be accurate, to 08:22PM 7 the best of your recollection. 08:22PM 8 THE WITNESS: Yes. 08:22PM 9 CHAIRMAN KANIEWSKI: Okay. 08:22PM 10 If I turn -- if I told you that on 08:22PM 11 page 6 I could not find the alternatives, what would 08:22PM 12 your response be? 08:22PM 13 THE WITNESS: Again, I would say, you 08:22PM 14 know, we typically do provide alternatives in an EIS, 08:22PM 15 that's very standard. 08:22PM 16 But in this specific case, because it's 08:22PM 17 a redevelopment plan, that analysis actually already 08:23PM 18 occurs when they draft the redevelopment plan. 08:23PM 19 CHAIRMAN KANIEWSKI: Okay. So you have 08:23PM 20 -- you have in your report contents that show 08:23PM 21 alternatives, but you don't show alternatives. 08:23PM 22 There's -- there's nothing there. 08:23PM 23 THE WITNESS: I'm happy to -- I'm happy 08:23PM 24 to revise it and add a section about, you know, the 08:23PM 25 reasons why we didn't put alternatives because it is LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
78 08:21PM 1 we actually prepared something similar as part of our 08:21PM 2 application to the DEP as well. 08:21PM 3 And really we're just kind of looking 08:21PM 4 at, again, a wide variety of what you may consider 08:21PM 5 environmental; wetlands, soil conditions, topography, 08:21PM 6 wildlife, drainage, et cetera, and just basically 08:21PM 7 coming up with a summary of how the project falls 08:21PM 8 into -- how it comes into play from that kind of 08:21PM 9 standpoint. 08:21PM 10 I think what's important to note about 08:21PM 11 a project like this, this is a redevelopment project. 08:21PM 12 A redevelopment plan was specifically created for the 08:21PM 13 uses that we're proposing. 08:21PM 14 And then not only that, a big component 08:21PM 15 of this project from an environmental standpoint is 08:21PM 16 the restoration of the riparian buffer of Sprout 08:21PM 17 Brook. Today the parking goes very, very close to 08:22PM 18 the top of the bank. We're restoring that with 08:22PM 19 natural vegetation and it's quite an improvement upon 08:22PM 20 the existing condition. 08:22PM 21 CHAIRMAN KANIEWSKI: Okay. So in 08:22PM 22 putting that report together, did you consider 08:22PM 23 alternatives? 08:22PM 24 THE WITNESS: We do, but at the same 08:22PM 25 time I think in a case like this where you have a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	80 08:23PM 1 a redevelopment plan. 08:23PM 2 MS. GONCHAR: What kind of alternatives 08:23PM 3 would that be? Would they be talking about? 08:23PM 4 THE WITNESS: I mean, theoretically, 08:23PM 5 you know, you could have different uses on the 08:23PM 6 property. 08:23PM 7 But this was specifically decided upon 08:23PM 8 for a number of reasons that, you know, were with 08:23PM 9 counsel. 08:23PM 10 So I don't know how much of a benefit, 08:23PM 11 you know, us determining alternatives would do for 08:23PM 12 the board, considering the circumstance. 08:23PM 13 CHAIRMAN KANIEWSKI: It looks like it's 08:23PM 14 a poorly prepared report, to me. 08:23PM 15 I mean, you say something in the 08:23PM 16 contents and you go to the page and it's not there, 08:24PM 17 whereas the other things are there. It looks like 08:24PM 18 something was omitted. 08:24PM 19 So you did prepare this. Did you go 08:24PM 20 through it? How much work did you put into this? 08:24PM 21 THE WITNESS: Well, this was -- 08:24PM 22 CHAIRMAN KANIEWSKI: Did you actually 08:24PM 23 review this or was this delegated to someone else? 08:24PM 24 THE WITNESS: Well, this was prepared a 08:24PM 25 number of years ago specifically for the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

81 08:24PM 1 redevelopment plan. 08:24PM 2 I did prepare that a number of years 08:24PM 3 ago and then we updated it as part of this 08:24PM 4 submission. I did go through it, I did review it. 08:24PM 5 And, again, if there's something 08:24PM 6 specific you're looking for that is not in the 08:24PM 7 report, I'm happy to talk to it or even to revise the 08:24PM 8 report. 08:24PM 9 CHAIRMAN KANIEWSKI: Well, in other 08:24PM 10 reports that your company has prepared I find things 08:24PM 11 under alternative analysis such as no-build and 08:24PM 12 redevelopment as a permitted use. 08:24PM 13 MS. GONCHAR: Well, let me just address 08:24PM 14 that. I am not sure how we could do a no-build at 08:24PM 15 the site when this comprises a substantial portion of 08:24PM 16 the town's redevelopment -- affordable housing 08:24PM 17 obligation. 08:24PM 18 So no-build wouldn't seem to be an 08:24PM 19 appropriate alternative. 08:24PM 20 And since this is a redevelopment, then 08:24PM 21 a redevelopment probably wouldn't be an appropriate 08:25PM 22 -- I think the difference is this is a redevelopment 08:25PM 23 plan that spells out particular components of an 08:25PM 24 overall plan. 08:25PM 25 But it does not have multiple -- a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	83 08:26PM 1 Is that your statement as a witness, 08:26PM 2 that it was a clerical error? 08:26PM 3 THE WITNESS: What I would say is that 08:26PM 4 we could either go back and explain what we just 08:26PM 5 explained, the reasons why we didn't put it, or we 08:26PM 6 would take it out completely. We just wanted to make 08:26PM 7 sure, because it's typically a requirement in an EIS 08:26PM 8 to have that in the section, that we didn't omit it 08:26PM 9 for no reason. 08:26PM 10 So we would be happy to go back and 08:26PM 11 explain that in the section or omit it, whatever the 08:26PM 12 board would prefer. 08:26PM 13 CHAIRMAN KANIEWSKI: Again, I have to 08:26PM 14 question, you know, the quality of your analysis. 08:26PM 15 You're coming as an expert, correct? 08:26PM 16 An expert is to assist the trier of 08:26PM 17 fact. And I look at some of the documents, this 08:26PM 18 document. I've got questions when I look. You know 08:26PM 19 -- 08:26PM 20 THE WITNESS: And I take that -- 08:26PM 21 personally, I take that seriously. I think we spent 08:26PM 22 a lot of time and worked really, really hard on this 08:26PM 23 application. Like I said, this is a very complex 08:26PM 24 project that a lot went into it. I think when you're 08:26PM 25 looking at the EIS for a project like this, you know, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
82 08:25PM 1 typical commercial zone might have 10 different 08:25PM 2 possible commercial uses, all of which are permitted. 08:25PM 3 So I think the testimony is clear. If 08:25PM 4 you view that as a deficiency you're certainly 08:25PM 5 welcome to your opinion, but as a practical matter 08:25PM 6 the question is was there something that actually 08:25PM 7 could have been filled in that would have satisfied 08:25PM 8 the requirement of the redevelopment plan. 08:25PM 9 CHAIRMAN KANIEWSKI: I am sure there is 08:25PM 10 something -- I guess my point is you're showing 08:25PM 11 something in your contents, and then when I go to 08:25PM 12 read them in the actual document it's not -- there's 08:25PM 13 nothing there. 08:25PM 14 It's not that there's alternatives, 08:25PM 15 there are none. There's nothing there. To me it 08:25PM 16 looks like there's an omission in the report. 08:25PM 17 MS. GONCHAR: And I think what the 08:25PM 18 testimony was is that in this instance, there was 08:25PM 19 nothing appropriate to fill in there -- 08:25PM 20 CHAIRMAN KANIEWSKI: Okay. And -- 08:26PM 21 MS. GONCHAR: -- and maybe it should 08:26PM 22 have just been eliminated. It was a clerical error 08:26PM 23 that it wasn't out -- taken out of the table of 08:26PM 24 contents. 08:26PM 25 CHAIRMAN KANIEWSKI: Okay. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	84 08:26PM 1 you can ask me specific questions, you know, in the 08:27PM 2 sections about it. 08:27PM 3 I think, from an environmental 08:27PM 4 standpoint, this project is a benefit in many ways, 08:27PM 5 like I said before, with the flood, with, you know, 08:27PM 6 flood storage compensation that we did, with the 08:27PM 7 improvements to the riparian buffer. 08:27PM 8 And I think that, you know, if the EIS, 08:27PM 9 if you're saying just the fact that we didn't put in 08:27PM 10 alternatives, that is something that, from a 08:27PM 11 practical standpoint, doesn't really apply to the 08:27PM 12 project as a whole in terms of what we produced here. 08:27PM 13 CHAIRMAN KANIEWSKI: Okay. Just 08:27PM 14 exploring that, you said this project is going to be 08:27PM 15 an improvement. 08:27PM 16 Will there be more or less water 08:27PM 17 running off this property in a flood situation? I 08:27PM 18 think the neighbors will be concerned with that. 08:27PM 19 Could you address that issue? 08:27PM 20 THE WITNESS: So what I meant to say is 08:27PM 21 from an environmental standpoint, from a civil 08:27PM 22 environmental standpoint there is an improvement. We 08:27PM 23 are improving the flooding conditions by restoring 08:27PM 24 the riparian buffer. 08:27PM 25 Getting into water and sewer demand, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

85 08:27PM 1 that's something that we need to work with the town 08:27PM 2 on. That's something that's ongoing that we're 08:27PM 3 doing. 08:27PM 4 The town actually hasn't -- 08:27PM 5 MS. GONCHAR: That wasn't the question. 08:28PM 6 I think the question was are we meeting 08:28PM 7 -- if I can rephrase it -- are we meeting the DEP 08:28PM 8 stormwater requirements. 08:28PM 9 You asked about water going off the 08:28PM 10 site? 08:28PM 11 CHAIRMAN KANIEWSKI: Yes, basically the 08:28PM 12 question that the neighbors would have. Is this 08:28PM 13 going to cause a problem for my property. 08:28PM 14 MS. GONCHAR: That's not the question 08:28PM 15 that we're asking. We only go by whether we meet the 08:28PM 16 DEP -- the standards that we're required to meet by 08:28PM 17 law is what I would ask my -- you can ask what you 08:28PM 18 want, but my -- our obligation is to meet the DEP 08:28PM 19 standards. 08:28PM 20 They determine that we have. 08:28PM 21 CHAIRMAN KANIEWSKI: What's your answer 08:28PM 22 to that? 08:28PM 23 THE WITNESS: We do meet it. And, you 08:28PM 24 know, additionally, you know, the board consultants 08:28PM 25 have reviewed it and we've agreed to comply with LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	87 08:29PM 1 A lot of applications that come in 08:29PM 2 front of this board, they may be a reduction of peak 08:29PM 3 flow rates for the 2-, 10- and 100-year, and just 08:29PM 4 meet that reduction. We're actually not even doing 08:29PM 5 reductions. Those normally cause an increase in 08:29PM 6 volume of stormwater. 08:29PM 7 This project results in a decrease of 08:29PM 8 volume and a decrease in peak flow rates. Projects 08:29PM 9 per the state requirements don't necessarily require 08:29PM 10 a reduction in stormwater volume. 08:29PM 11 And then from a water quality 08:29PM 12 standpoint, it's very similar. We're enhancing the 08:29PM 13 water quality by restoring a large area that's 08:29PM 14 currently disturbed and naturally restoring it with 08:29PM 15 appropriate needed vegetation. 08:29PM 16 CHAIRMAN KANIEWSKI: I understood you 08:29PM 17 to say you would be reducing stormwater volumes. Is 08:29PM 18 that correct? 08:29PM 19 THE WITNESS: Correct. 08:29PM 20 CHAIRMAN KANIEWSKI: Could you, in 08:29PM 21 layman's terms, explain how that will work in terms 08:29PM 22 that -- 08:29PM 23 THE WITNESS: Sure. 08:29PM 24 CHAIRMAN KANIEWSKI: -- I could 08:29PM 25 understand or... LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
86 08:28PM 1 every request that they have. And there's been no 08:28PM 2 reason to think why we wouldn't meet the 08:28PM 3 requirements. 08:28PM 4 CHAIRMAN KANIEWSKI: So you meet 08:28PM 5 requirements. 08:28PM 6 Is that correct? 08:28PM 7 THE WITNESS: Yes. 08:28PM 8 CHAIRMAN KANIEWSKI: Are there ways to 08:28PM 9 exceed the requirements or are there alternatives -- 08:28PM 10 THE WITNESS: Sure. 08:28PM 11 CHAIRMAN KANIEWSKI: -- and have you 08:28PM 12 looked at those. 08:28PM 13 THE WITNESS: I think we are -- we are 08:28PM 14 exceeding requirements. 08:28PM 15 CHAIRMAN KANIEWSKI: Pardon. 08:29PM 16 THE WITNESS: We are exceeding 08:29PM 17 requirements -- 08:29PM 18 CHAIRMAN KANIEWSKI: Okay. 08:29PM 19 THE WITNESS: -- from a stormwater 08:29PM 20 standpoint. 08:29PM 21 CHAIRMAN KANIEWSKI: In what respect? 08:29PM 22 THE WITNESS: So we just need to -- 08:29PM 23 from a stormwater standpoint, there's generally three 08:29PM 24 components; there's the quantity, quality and 08:29PM 25 groundwater recharge. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	88 08:30PM 1 THE WITNESS: Sure. 08:30PM 2 So stormwater, there's really two 08:30PM 3 components. It's how fast the water is conveyed and 08:30PM 4 how much water there is. 08:30PM 5 So if you're looking at a virgin site, 08:30PM 6 a wooded lot, and a developer come in, they wanted to 08:30PM 7 build a development, what they would have to do, per 08:30PM 8 state requirements, is meet reductions, 08:30PM 9 peak-flow-rate reductions. 08:30PM 10 And what that means is they put in some 08:30PM 11 sort of basin with an outlet control and that would 08:30PM 12 control the water so it would basically go out 08:30PM 13 slower. 08:30PM 14 So that the rates, the peak flow rates 08:30PM 15 for the 2-, 10- and 100-year would essentially be 08:30PM 16 slower than the existing condition. 08:30PM 17 But over time, because you have more 08:30PM 18 impervious surface on the lot, there is more 08:30PM 19 stormwater volume that leaves the site because it's 08:30PM 20 not going into the ground because you have a 08:30PM 21 development. 08:30PM 22 In our case, because we are eliminating 08:30PM 23 a lot of existing pavement, more water can actually 08:30PM 24 go into the ground so there's less volume that 08:30PM 25 actually leaves the site. That's the difference. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

89 08:30PM 1 CHAIRMAN KANIEWSKI: Okay, thank you. 08:30PM 2 I don't have any additional questions. 08:31PM 3 I would like to ask our engineer if he 08:31PM 4 has any comments on that. 08:31PM 5 MR. MAYO: I agree with Mr. Chaplin's 08:31PM 6 statement on stormwater, on meeting the requirement. 08:31PM 7 I would also like to state for the 08:31PM 8 board that we are not -- you know, the board and 08:31PM 9 Township of Rochelle Park does not accept DEP's 08:31PM 10 approval of stormwater, you have your own ordinance 08:31PM 11 that mimics the DEP ordinance. 08:31PM 12 And the applicant has to meet that as 08:31PM 13 well and we have ensured that he has met that. And 08:31PM 14 we have had conversations that they agree to meet the 08:31PM 15 comments within our stormwater report. 08:31PM 16 CHAIRMAN KANIEWSKI: Okay. Very good. 08:31PM 17 I don't have any additional questions. 08:31PM 18 Do you have some, John? 08:31PM 19 MR. BARREE: I do. 08:31PM 20 Back to my question about the sidewalk 08:31PM 21 that I had asked before. Do you have any information 08:32PM 22 about the condition of the sidewalk and any areas 08:32PM 23 that may need to be upgraded? 08:32PM 24 THE WITNESS: Yes. 08:32PM 25 So as part of the Phase I development LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	91 08:33PM 1 north, so -- 08:33PM 2 MS. GONCHAR: Zak, can I ask you, can 08:33PM 3 you go around perhaps -- you blocked it, I think, to 08:33PM 4 this side of the room. 08:33PM 5 THE WITNESS: I apologize. 08:33PM 6 MR. GRECO: The brook's to the west. 08:33PM 7 THE WITNESS: What did I say to the 08:33PM 8 north? 08:33PM 9 MR. GRECO: Yes. 08:33PM 10 THE WITNESS: Sorry, the brook is to 08:33PM 11 the -- to the west. 08:33PM 12 MR. GRECO: Right. 08:33PM 13 THE WITNESS: And when the brook -- 08:33PM 14 when there is a flooding event, the waters are 08:33PM 15 basically going to go to the east. 08:33PM 16 So the waters can actually enter in 08:33PM 17 into the first floor area and then they're able to 08:33PM 18 recede back because there's nothing blocking it. 08:33PM 19 There is a wall along the eastern side 08:33PM 20 of the proposed building because this area is higher. 08:33PM 21 And we do that on purpose for our dry-flood access 08:33PM 22 that you've heard about. 08:33PM 23 So even that wall, by the way, would 08:33PM 24 have flood vents, wet-flood proof flood vents, so the 08:33PM 25 whole area can get inundated by floodwaters. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
90 08:32PM 1 we were working with the county, and they actually 08:32PM 2 said this phase, we will need to replace the 08:32PM 3 sidewalks. We are agreeing to replace all the 08:32PM 4 sidewalk along the frontage. 08:32PM 5 MR. BARREE: Okay. So that's the whole 08:32PM 6 stretch of the property frontage. 08:32PM 7 THE WITNESS: Yes. 08:32PM 8 MR. BARREE: Great. Thank you. 08:32PM 9 MR. MAYO: I did have a couple other 08:32PM 10 questions. 08:32PM 11 The architectural plans don't 08:32PM 12 necessarily show how that first floor is draining 08:32PM 13 potential floodwaters. 08:32PM 14 THE WITNESS: So to answer that 08:32PM 15 question I think it's important to understand what is 08:32PM 16 open and what is a wall. 08:32PM 17 So if you look at the plan, I am 08:32PM 18 referring to -- this is Exhibit A-9, the site plan 08:32PM 19 rendering. 08:32PM 20 So the northern façade, eastern façade 08:32PM 21 up until you hit the parking garage ramp, and most of 08:32PM 22 the western façade is open. Obviously, we have the 08:33PM 23 -- the grates that we just passed out that everybody 08:33PM 24 has, but this whole area is open. 08:33PM 25 The brook is located all the way to the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	92 08:33PM 1 But when the floodwaters ultimately 08:33PM 2 recede back, they can recede naturally to the brook 08:34PM 3 to the west because there's nothing permanent that 08:34PM 4 would prevent that from happening. 08:34PM 5 MR. MAYO: My point is that the plans 08:34PM 6 don't indicate how that water will recede out of that 08:34PM 7 first floor part, and I don't think we have enough 08:34PM 8 grades and elevations to demonstrate that. 08:34PM 9 THE WITNESS: Yeah, and I think that 08:34PM 10 was a comment in Ms. Mianeck's letter, so we're 08:34PM 11 happy to provide more details for that. 08:34PM 12 MS. GONCHAR: That was agreed to. 08:34PM 13 MR. MAYO: With regards to the grate, 08:34PM 14 when we were discussing this last week I don't know 08:34PM 15 where the board was, but I was under the impression 08:34PM 16 this would be more of, like, a louvered system that 08:34PM 17 would actually provide protection from lights, the 08:34PM 18 headlights coming in and out of the building. 08:34PM 19 I don't really see this -- this 08:34PM 20 honeycomb pattern providing -- shielding lights going 08:34PM 21 out onto Plaza Way and to the front of the building. 08:34PM 22 MS. GONCHAR: You're talking about the 08:34PM 23 perforated panels? 08:35PM 24 MR. MAYO: Yes. 08:35PM 25 THE WITNESS: Yes, I think the one LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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08:35PM **1** thing to note is that, you know, to the west there's

08:35PM **2** really nothing there.

08:35PM **3** You know, to the south, you know, we do

08:35PM **4** have the landscaping by the pond. Obviously there

08:35PM **5** will be some potential impact internally to the site.

08:35PM **6** Then everything else is kind of internal.

08:35PM **7** Plaza Way, I know there are, you know,

08:35PM **8** some trees on the other side. We really just have

08:35PM **9** the mall there. So I'm not really sure what impacts

08:35PM **10** the headlights will really have at the end of the

08:35PM **11** day.

08:35PM **12** MR. MAYO: Even on the second floor

08:35PM **13** coming out into Plaza Way and out onto West Passaic.

08:35PM **14** THE WITNESS: Yes, we can consult with

08:35PM **15** the architect to see if there's anything else we can

08:35PM **16** do, but I don't think so.

08:35PM **17** MR. MAYO: Okay, all right.

08:35PM **18** THE WITNESS: I think the second floor,

08:35PM **19** by the way, wouldn't have those grates at that point,

08:35PM **20** you would have a wall.

08:35PM **21** MR. MAYO: I think you're --

08:35PM **22** THE WITNESS: I have to check.

08:35PM **23** MS. GONCHAR: I'm not sure.

08:35PM **24** THE WITNESS: Yeah, I'm not -- we can

08:35PM **25** -- again, we can talk to the architect.

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08:35PM **1** MS. GONCHAR: Part of the reason that

08:35PM **2** --

08:35PM **3** MR. MAYO: Yeah.

08:35PM **4** MS. GONCHAR: My understanding, is it

08:35PM **5** correct, that the reason we have the large

08:35PM **6** perforations on the first level is because they allow

08:35PM **7** the water to flow?

08:35PM **8** THE WITNESS: Right.

08:35PM **9** So I'm saying the second level, we

08:35PM **10** might --

08:36PM **11** MR. MAYO: So I would think the louver

08:36PM **12** system would do the same, too.

08:36PM **13** MS. GONCHAR: That's not what was

08:36PM **14** designed, but -- but I don't know -- I don't know

08:36PM **15** that the second floor and the first floor have the

08:36PM **16** same -- the reason they have the perforation with

08:36PM **17** that size on the first is for the water.

08:36PM **18** MR. MAYO: Understood, the first floor

08:36PM **19** needs special attention. Yes.

08:36PM **20** All right, that's all my questions.

08:36PM **21** Thank you.

08:36PM **22** MS. MIANECKI: I have two questions.

08:36PM **23** With the louvers -- I'm sorry, not the

08:36PM **24** louvers, the grate system that you -- and the MVMK

08:36PM **25** detail that you had sent us, just a question.

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08:36PM **1** On the ground floor -- and again, my

08:36PM **2** concern has to do with the floodwaters being able to

08:36PM **3** exit the underneath of the building, go in and come

08:36PM **4** out, right?

08:36PM **5** There is -- the first section shows one

08:36PM **6** foot, and it looks to me like it's a solid band. Is

08:36PM **7** that -- do you -- are you aware -- can you explain

08:36PM **8** what that is?

08:36PM **9** THE WITNESS: Do you have --

08:36PM **10** MS. MIANECKI: I have it here, I could

08:36PM **11** show you.

08:36PM **12** THE WITNESS: Yeah.

08:36PM **13** MS. MIANECKI: The first part here.

08:37PM **14** THE WITNESS: I think that's open.

08:37PM **15** MS. MIANECKI: You think that's open.

08:37PM **16** All right.

08:37PM **17** THE WITNESS: There's nothing there.

08:37PM **18** MS. MIANECKI: Okay. All right.

08:37PM **19** Because my comment was if you could

08:37PM **20** just leave it open, you have a -- a bit larger area

08:37PM **21** that's open for the floodwaters.

08:37PM **22** THE WITNESS: I think that's the exact

08:37PM **23** intention that's open.

08:37PM **24** MS. MIANECKI: Okay.

08:37PM **25** So that was my question with that.

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08:37PM **1** And the second question I have is you

08:37PM **2** just passed out the first floor revised plan for the

08:37PM **3** -- for the ground level parking, and I noticed that

08:37PM **4** where we had the mailroom before now you're showing a

08:37PM **5** leasing office.

08:37PM **6** A leasing office was not permitted

08:37PM **7** beneath the -- on the -- beneath the flood elevation.

08:37PM **8** THE WITNESS: We can --

08:37PM **9** MS. MIANECKI: That area can only be

08:37PM **10** for storage or access. That's why we had -- we asked

08:37PM **11** you to move the mailroom to the second floor, so a

08:37PM **12** leasing office could not go in that same location.

08:37PM **13** THE WITNESS: Yeah, I mean, I'm happy

08:37PM **14** to -- I trust your opinion on it. Happy to talk to

08:37PM **15** the architect about it. We'll figure something out.

08:37PM **16** I wasn't aware of that, but we're happy to look into

08:37PM **17** it.

08:37PM **18** MS. MIANECKI: I think it was on the

08:37PM **19** second floor before, and maybe I don't know --

08:37PM **20** THE WITNESS: Yeah.

08:37PM **21** MS. MIANECKI: -- if it was redesigned

08:37PM **22** to accommodate more spaces on the second floor.

08:37PM **23** MS. GONCHAR: Parking.

08:37PM **24** THE WITNESS: Right.

08:38PM **25** MS. MIANECKI: But you can't -- it

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97 08:38PM 1 cannot go on the ground floor. 08:38PM 2 THE WITNESS: Okay. 08:38PM 3 MS. MIANECKI: Okay. 08:38PM 4 That's it. 08:38PM 5 MS. GONCHAR: Relocate leasing office. 08:38PM 6 (Brief pause.) 08:38PM 7 MS. GONCHAR: I'm sorry, are you done. 08:38PM 8 MS. MIANECKI: I am done. 08:38PM 9 MS. GONCHAR: Oh, okay. Thank you. 08:38PM 10 CHAIRMAN KANIEWSKI: Counsel, have we 08:38PM 11 concluded this phase of this witness's testimony so 08:38PM 12 we can open it to the board? 08:38PM 13 MS. GONCHAR: Absolutely. 08:38PM 14 CHAIRMAN KANIEWSKI: Okay. Board 08:38PM 15 Members for questioning this witness regarding his 08:38PM 16 testimony? 08:38PM 17 MS. MUELLER: I had some questions. 08:38PM 18 CHAIRMAN KANIEWSKI: Go ahead. 08:38PM 19 MS. MUELLER: First I just -- as 08:38PM 20 Ms. Mianecky here, I don't -- you know, the newest -- 08:39PM 21 the newest letter we got from November 12th, I think 08:39PM 22 that was thrown into the mix right now or did you 08:39PM 23 answer any of -- did you refer to that yet, the 08:39PM 24 November 12th letter, was that from your -- 08:39PM 25 MS. MIANECKI: I did not -- I did not LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	99 08:40PM 1 parking garage to show how it's going to drain after 08:40PM 2 a flood. 08:40PM 3 MS. MUELLER: Okay. 08:40PM 4 MS. MIANECKI: So I believe -- and I 08:40PM 5 believe you indicated that we would be getting that 08:40PM 6 with revised drawings. 08:40PM 7 THE WITNESS: Yes. 08:40PM 8 MS. MIANECKI: A grading plan, right. 08:40PM 9 THE WITNESS: Sorry. Yes. 08:40PM 10 MS. MUELLER: Because I was just -- you 08:40PM 11 know, it does say that below grade parking garages 08:40PM 12 located in a flood hazard are prohibited, so I am 08:40PM 13 just... 08:40PM 14 MS. MIANECKI: So that's -- you have -- 08:40PM 15 maybe you can address that on the record, how that -- 08:40PM 16 the ground level of the parking garage works. 08:40PM 17 THE WITNESS: Sure. 08:40PM 18 So if this were just a regular typical 08:40PM 19 underground parking garage, that would be prohibited. 08:40PM 20 But the idea here is this really isn't 08:41PM 21 in, like, a below level parking garage, and it's kind 08:41PM 22 of what I was going through before. The areas to the 08:41PM 23 west, to the south and to the north are all wide 08:41PM 24 open. They're all at grade. The only retaining wall 08:41PM 25 that we have is on the east side and it's very, very LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
98 08:39PM 1 refer to that. 08:39PM 2 My letter basically addressed the -- 08:39PM 3 the submittals with respect to the DEP permit and the 08:39PM 4 letter that listed all the differences between the 08:39PM 5 two of them. 08:39PM 6 And then I just added onto that all the 08:39PM 7 items from the previous two letters that I had 08:39PM 8 written. 08:39PM 9 And I believe that they had, by 08:39PM 10 testimony, agreed to comply with most of them, so I 08:39PM 11 just wanted to reiterate what my items were from the 08:39PM 12 previous memos and what I thought the testimony 08:39PM 13 presented -- provided was addressing each of them. 08:39PM 14 MS. MUELLER: Well, I'm just curious 08:39PM 15 about No. 9. 08:39PM 16 Are you satisfied with that, the below 08:39PM 17 grade parking? Has that been answered? 08:40PM 18 MS. GONCHAR: Are you on page 4 of 7? 08:40PM 19 MS. MUELLER: Yes, 4 of 7. 08:40PM 20 MS. MIANECKI: So that's one of the 08:40PM 21 items, and I discussed it with Mr. Chaplin, is that 08:40PM 22 we're going to need a grading plan to show additional 08:40PM 23 grades. 08:40PM 24 I think Mr. Mayo also touched upon it. 08:40PM 25 We need to see more grades on the ground level of the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	100 08:41PM 1 specific so that we could raise the drive aisle to 08:41PM 2 provide us with that dry access. 08:41PM 3 This is something that was specifically 08:41PM 4 worked on with DEP. They did not consider this a 08:41PM 5 lower level garage. This whole area to the west is 08:41PM 6 at grade. There's only one retaining wall on the 08:41PM 7 east side. 08:41PM 8 MS. MUELLER: So this is not prohibited 08:41PM 9 by the DEP. 08:41PM 10 THE WITNESS: No. 08:41PM 11 MS. MUELLER: Okay. 08:41PM 12 I had a couple other questions. 08:41PM 13 Getting back to the riparian section over there or 08:41PM 14 the open space area, did you need a stream 08:41PM 15 encroachment for that to do any work over there? 08:41PM 16 THE WITNESS: It's called a flood 08:41PM 17 hazard area individual permit. That's what we 08:41PM 18 received to do that work. 08:41PM 19 MS. MUELLER: Okay. 08:41PM 20 Do you know approximately how many 08:42PM 21 plants you're going to have over there? I lost 08:42PM 22 count. 08:42PM 23 THE WITNESS: Sure. 08:42PM 24 MS. MUELLER: Like 200 or something. 08:42PM 25 THE WITNESS: Bear with me for a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

101 08:42PM 1 second. 08:42PM 2 MS. MUELLER: Just in -- just in 08:42PM 3 general. 08:42PM 4 THE WITNESS: I mean, there's at least 08:42PM 5 over 50. 08:42PM 6 MS. MUELLER: At least over 50. 08:42PM 7 THE WITNESS: Yeah. Consisting of 08:42PM 8 shrubs, trees -- 08:42PM 9 MS. MUELLER: Right, right. 08:42PM 10 THE WITNESS: -- different types of 08:42PM 11 plantings. 08:42PM 12 MS. MUELLER: There's, like, 200 of 08:42PM 13 them or something, a lot more. 08:42PM 14 THE WITNESS: Yeah. 08:42PM 15 MS. MUELLER: So I was just wondering, 08:42PM 16 who's going to maintain that area of bushes and how 08:42PM 17 are you going to maintain it? 08:42PM 18 THE WITNESS: I believe it would be the 08:42PM 19 property owner. 08:42PM 20 MS. MUELLER: Okay. 08:42PM 21 I -- I belong to a master gardener 08:42PM 22 program and, you know, in the spring we go to 08:42PM 23 different sites and we plant bushes, gardens, 08:42PM 24 flowers, and -- and that's in the spring. 08:42PM 25 From June till now we're weeding. We LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	103 08:44PM 1 THE WITNESS: So, a couple things I can 08:44PM 2 say to potentially address that. Specifically, all 08:44PM 3 the way to the west by the brook, those are specific 08:44PM 4 plantings that are prone to flooding which don't 08:44PM 5 require as much maintenance because the floodwaters 08:44PM 6 are going to go up and down and they're very specific 08:44PM 7 type of planting that just doesn't require as much 08:44PM 8 maintenance. 08:44PM 9 Obviously, you know, the pond area that 08:44PM 10 is part of the separate application with the Township 08:44PM 11 Board and from my understanding, I would imagine the 08:44PM 12 Township would maintain that. I could be wrong. And 08:44PM 13 then regardless, the internal landscaping that we're 08:44PM 14 proposing, you know, we could make it a condition of 08:44PM 15 this approval that the owner has to maintain it and, 08:44PM 16 you know, document it in such a way -- we've done 08:44PM 17 that on other types of applications, you know, and 08:44PM 18 it's on them to -- to maintain it and this board can, 08:45PM 19 you know, take the appropriate action if it's not 08:45PM 20 maintained. 08:45PM 21 And I -- and I think the most important 08:45PM 22 thing to say is, look, this is a residential 08:45PM 23 development. It's not a commercial development where 08:45PM 24 people don't live there. I think the residents there 08:45PM 25 are going to want to see that maintained. I think LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
102 08:42PM 1 weed and we weed and we weed. And that's -- you 08:42PM 2 know, that's just going to turn into one gigantic 08:42PM 3 weed. 08:42PM 4 So I'm just curious of what's going to 08:42PM 5 happen. 08:43PM 6 I walked on your other side by 08:43PM 7 Fairfield in that buffer area and there's -- it's 08:43PM 8 maintained near Passaic Street sort of, but as you 08:43PM 9 work further back there is, you know, branches are 08:43PM 10 down, brush, weeds. There's 5 feet pokeweeds, which 08:43PM 11 is a plant -- a weed that takes the entire summer to 08:43PM 12 grow, so no one's been back there. And there is some 08:43PM 13 dead evergreens that need to be replaced and things. 08:43PM 14 So I'm just wondering, you know, is 08:43PM 15 this little -- this little, you know, open space 08:43PM 16 actually going to be maintained in some way, because 08:43PM 17 it is supposed to be open to the public. You know, 08:43PM 18 it's not very big, it is sort of funny, you know, 08:43PM 19 you're talking about trails. I don't know what you 08:43PM 20 could possibly do with that or -- and even the lawn 08:44PM 21 space shouldn't even be there because the DEP says it 08:44PM 22 shouldn't be there. All you'd have would be a bunch 08:44PM 23 of bushes over there if you didn't have any lawn. 08:44PM 24 And I'm just curious of what actually 08:44PM 25 are you going to do over there. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	104 08:45PM 1 they're going to want to live in an area where there 08:45PM 2 is nice landscaping, so I think that's motivation 08:45PM 3 enough for the, you know, landscaping to be 08:45PM 4 maintained. 08:45PM 5 MS. MUELLER: And what are you actually 08:45PM 6 going to do with the trails over there? Is that some 08:45PM 7 theoretical -- 08:45PM 8 THE WITNESS: I am not familiar with 08:45PM 9 trails specifically. Are you talking about the area 08:45PM 10 near the pond? 08:45PM 11 MS. MUELLER: No, there's a left by the 08:45PM 12 riparian section that's grass. They were talking 08:45PM 13 about, you know, that's open to the public. That is 08:45PM 14 supposed to be public, you know. 08:45PM 15 THE WITNESS: So working with the DEP 08:45PM 16 was very specific to vegetation, not -- not a trail. 08:45PM 17 MS. MUELLER: Okay. 08:45PM 18 MS. GONCHAR: And I thought the comment 08:45PM 19 that they made about the lawn area was simply that so 08:45PM 20 there would be some open area for someone to be able 08:45PM 21 to sit. That's why there was grass maintained over 08:45PM 22 there. Sort of passive open area that wasn't 08:46PM 23 landscaped up to the building. 08:46PM 24 THE WITNESS: Yes, actually the comment 08:46PM 25 from actually the borough engineer was to actually LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

105 08:46PM 1 put more plantings in. 08:46PM 2 We said just, you know, understanding 08:46PM 3 the use, we prefer to keep some lawn area. So 08:46PM 4 actually, you know, we're working on revising the 08:46PM 5 plan as we speak, so we've increased some of the 08:46PM 6 landscaping in this area, but we definitely wanted to 08:46PM 7 keep some lawn for the residents and public to be 08:46PM 8 able to utilize in that area. 08:46PM 9 MS. MUELLER: No, I know that's what 08:46PM 10 the engineer said. I am just curious. 08:46PM 11 You just threw out there that saying 08:46PM 12 that you think the town is going to maintain the 08:46PM 13 pond? Did you just say that? 08:46PM 14 THE WITNESS: Not -- not this area. I 08:46PM 15 don't know who is going to maintain this, just 08:46PM 16 because we're dedicating this to the town, so I don't 08:46PM 17 -- I don't know if there's -- 08:46PM 18 MS. MUELLER: Does the town know you're 08:46PM 19 dedicating it to them. 08:46PM 20 COUNCILWOMAN IACOBUCCI: I think that's 08:46PM 21 not correct. 08:46PM 22 THE WITNESS: Okay. 08:46PM 23 MS. GONCHAR: It's not part of this 08:46PM 24 application. 08:46PM 25 COUNCILWOMAN IACOBUCCI: Right. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	107 08:47PM 1 I'm just curious. I'm sure a lot of 08:47PM 2 town people are curious about the pond. 08:47PM 3 MS. GONCHAR: The application has been 08:47PM 4 filed and it's available -- it's on file with the 08:47PM 5 town. 08:47PM 6 That's been pending for a number of 08:47PM 7 months we've been working with them. 08:47PM 8 MS. MUELLER: Oh. 08:47PM 9 MS. GONCHAR: So it has been on file. 08:47PM 10 It is -- I mean, whatever access you folks have, it 08:48PM 11 is available to the public. 08:48PM 12 MS. MUELLER: Okay. 08:48PM 13 MS. GONCHAR: It's been filed. 08:48PM 14 MS. MUELLER: Okay. 08:48PM 15 MS. GONCHAR: It's not through the 08:48PM 16 board, it's through the building department. 08:48PM 17 MS. WELLS: It's with the engineer. 08:48PM 18 MS. GONCHAR: The engineer. 08:48PM 19 COUNCILWOMAN IACOBUCCI: And that's for 08:48PM 20 the pond. 08:48PM 21 MS. MUELLER: Yes. 08:48PM 22 But since it is part of the whole 08:48PM 23 concept plan, you know, it would have been nice to 08:48PM 24 just get a little picture of it. I mean, yeah, I'm 08:48PM 25 not -- I'm just saying, there's four components and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
106 08:46PM 1 MS. GONCHAR: He wouldn't be aware of 08:46PM 2 what's going on with the town. That's governed by 08:46PM 3 other documents between the -- 08:46PM 4 COUNCILWOMAN IACOBUCCI: Right, the 08:46PM 5 developer owns everything. The town is not 08:46PM 6 responsible for it. 08:47PM 7 THE WITNESS: Okay. 08:47PM 8 MS. MUELLER: And -- and do they need 08:47PM 9 some sort of permit for the pond? 08:47PM 10 I know you're not talking about it, but 08:47PM 11 it is included in the whole -- do you need a DEP 08:47PM 12 permit -- have you been to the DEP for a pond -- 08:47PM 13 THE WITNESS: We went to the DEP for 08:47PM 14 the entire property and we're going to be going back 08:47PM 15 for the entire property. 08:47PM 16 MS. MUELLER: Right. Okay. 08:47PM 17 Because, I -- I mean, I know one of 08:47PM 18 your recent flyers said you're putting \$500,000.00 08:47PM 19 into that pond. I was just curious what you were 08:47PM 20 going to do. It would be nice if we actually had -- 08:47PM 21 even if we had no say over it, just what you were 08:47PM 22 going to do, if there's some, you know, layout or 08:47PM 23 something about -- I mean, you came here in July and 08:47PM 24 said you were putting a pond up, like, the next week 08:47PM 25 and then, you know, we haven't heard anything. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	108 08:48PM 1 -- so, you know, we haven't heard anything -- we 08:48PM 2 haven't heard anything about it. 08:48PM 3 I don't know if you would know about 08:48PM 4 this, but -- oh, well, let me get back before that. 08:48PM 5 Pavers; why don't you have more permeable pavers 08:48PM 6 here? It's part of the redevelopment plan and, you 08:48PM 7 know, the redevelopment plan recommends permeable 08:48PM 8 pavers, and Mr. Mayo last time said that this plan 08:48PM 9 doesn't seem to comply. And I am just wondering why 08:49PM 10 there weren't, you know, aren't any more -- 08:49PM 11 THE WITNESS: Sure so -- 08:49PM 12 MS. MUELLER: -- permeable pavers that 08:49PM 13 are there. 08:49PM 14 THE WITNESS: Sure. 08:49PM 15 So this goes back to the geotech report 08:49PM 16 that we prepared in 2018. You know, there are high 08:49PM 17 groundwater conditions and soils really aren't very 08:49PM 18 conducive to permeable pavers. 08:49PM 19 We prefer to do them in an area where 08:49PM 20 the water can infiltrate through. Otherwise, doing 08:49PM 21 them, you'd have to put an under drain in, collect 08:49PM 22 the runoff, and really then there is no beneficial -- 08:49PM 23 there's no benefit to it from that standpoint. 08:49PM 24 We are going to be doing -- I think my 08:49PM 25 colleague testified to this, or we're going to try to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

109 08:49PM 1 do, work with the DEP, grass pavers for the emergency 08:49PM 2 access road. As long as DEP is acceptable to that, 08:49PM 3 we did agree to do the grass pavers, you know, where 08:49PM 4 you're higher up because this road is going to be 08:49PM 5 built up, so it's a little bit more suitable. 08:49PM 6 But for the area closer to the -- to 08:49PM 7 the brook, it's just not, you know, a typical 08:49PM 8 recommended practice, you know, where you have these 08:49PM 9 type of conditions near a brook flooding and high 08:49PM 10 ground water. 08:50PM 11 MS. MUELLER: So over there by the 08:50PM 12 emergency exit you've got about 1200 square feet of 08:50PM 13 pavers. 08:50PM 14 It's about 50-by-24. 08:50PM 15 THE WITNESS: It's a little bit more 08:50PM 16 than that. 08:50PM 17 MS. MUELLER: I'm not including the 08:50PM 18 house, the homes. I was just including the on-site. 08:50PM 19 THE WITNESS: It's 24-feet wide, and if 08:50PM 20 I had to guesstimate it's 160-feet long. 08:50PM 21 MS. MUELLER: Well, that's going out to 08:50PM 22 the street. I was just doing on the -- on the site. 08:50PM 23 THE WITNESS: Well, the site does 08:50PM 24 include this lot, so -- 08:50PM 25 MS. MUELLER: Yes, I know, but -- yeah, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	111 08:51PM 1 THE WITNESS: It could be. That's 08:51PM 2 possible that it is in the redevelopment plan. I'm 08:51PM 3 talking -- 08:51PM 4 MS. GONCHAR: Excuse me. Could we just 08:51PM 5 distinguish also, there are requirements and there 08:51PM 6 are recommendations. 08:51PM 7 MS. MUELLER: Right. 08:51PM 8 MS. GONCHAR: So not every 08:51PM 9 recommendation is a requirement. 08:51PM 10 MS. MUELLER: No, I understand, but 08:51PM 11 again, like I said, you know, that is a major flood 08:51PM 12 area and the town is flooded and it would have been 08:51PM 13 nice if you could have done something -- 08:51PM 14 MS. GONCHAR: Well, he's testifying. I 08:51PM 15 didn't mean to -- I just wanted to make it clear that 08:51PM 16 we're not in violation of the redevelopment plan. 08:51PM 17 MS. MUELLER: No, you're not in 08:52PM 18 violation. That I know. 08:52PM 19 MS. GONCHAR: Go ahead, Zak. I'm 08:52PM 20 sorry, I didn't mean to interrupt you. 08:52PM 21 MS. MUELLER: No, that I understand. 08:52PM 22 THE WITNESS: Yes. Again, what I'm 08:52PM 23 testifying to is we are reducing the amount of 08:52PM 24 stormwater volume on-site which is not a requirement 08:52PM 25 in -- per the state, per local requirements or in the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
110 08:50PM 1 okay. 08:50PM 2 I think when Ed was talking about the 08:50PM 3 -- the floodwaters or the conveyance or -- like I 08:50PM 4 said last time, you're -- you're doing exactly -- 08:50PM 5 you're doing just what you have to do, you know, what 08:50PM 6 requires for the DEP, you know. There is no -- you 08:50PM 7 know, there's no different conveyance patterns or 08:50PM 8 anything. It's pretty much, you know, it's in your 08:51PM 9 reports that, you know, there is no -- there is no 08:51PM 10 difference between beforehand or after. 08:51PM 11 THE WITNESS: No, I disagree with you 08:51PM 12 with that. 08:51PM 13 MS. MUELLER: That was written in one 08:51PM 14 of your things here. 08:51PM 15 THE WITNESS: Well, the statement is 08:51PM 16 probably more so the technical standpoints of peak 08:51PM 17 flows or what have you, but from what I said before, 08:51PM 18 and I'll just kind of walk you through it, there's a 08:51PM 19 number of things that we're doing that are above and 08:51PM 20 beyond what's required. 08:51PM 21 One, which I didn't mention before, 08:51PM 22 we're doing green roofs on the building. That's not 08:51PM 23 a requirement that we have to do. 08:51PM 24 MS. MUELLER: I think it's in the 08:51PM 25 redevelopment plan. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	112 08:52PM 1 redevelopment plan. 08:52PM 2 We could have just met reductions, peak 08:52PM 3 flow rates, reduced, you know, the flow rates, but 08:52PM 4 we're actually reducing the volume as well. That's 08:52PM 5 above and beyond what's required. 08:52PM 6 MS. MUELLER: By how much, do you know. 08:52PM 7 THE WITNESS: I don't know offhand. 08:52PM 8 I'd have to get back to you with that exact number. 08:52PM 9 MS. MUELLER: Okay. And I do have one 08:52PM 10 other question that's been bothering me. 08:52PM 11 Do you -- when you went for your -- the 08:52PM 12 storage facility permits, did you get -- you got a -- 08:52PM 13 or you must have, I don't think you had it when you 08:52PM 14 came to us, was the DEP flood hazard permit? 08:52PM 15 THE WITNESS: We had a separate permit 08:52PM 16 specifically for the storage building. 08:52PM 17 MS. MUELLER: Right. 08:53PM 18 So at that time there were many, many 08:53PM 19 questions about the zero net fill compensation area. 08:53PM 20 THE WITNESS: Correct. 08:53PM 21 MS. MUELLER: That was supposed to be 08:53PM 22 on Lot 101. That was written all about in the, you 08:53PM 23 know, Planning Board resolution, the developer's 08:53PM 24 agreement. Our previous engineer was very upset, you 08:53PM 25 know, was very concerned about it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

113 08:53PM 1 Where is the zero net compensation 08:53PM 2 area? 08:53PM 3 THE WITNESS: So it's a really good 08:53PM 4 question, and it's part of the -- 08:53PM 5 MS. MUELLER: It wasn't on any 08:53PM 6 subdivision plats or surveys or site plans, it was 08:53PM 7 supposed to be marked on these things. 08:53PM 8 THE WITNESS: Okay. 08:53PM 9 So let me try and explain it a little 08:53PM 10 bit more, because it is a good question. It's a very 08:53PM 11 important part of the project. 08:53PM 12 And it, again, just goes into the 08:53PM 13 complexity of this. 08:53PM 14 So when we designed the self-storage 08:53PM 15 building, we obviously raised the self-storage 08:53PM 16 building out of the flood. A lot of the compensation 08:53PM 17 for the building was the existing building itself. A 08:53PM 18 building displaces floodwaters. The water can't go 08:53PM 19 in. So that old existing building was almost enough 08:54PM 20 for us to be able to build the self-storage. 08:54PM 21 We did lower a lot of the area to the 08:54PM 22 south and to the east to kind of compensate for just 08:54PM 23 the parking areas and kind of raising around the 08:54PM 24 building. 08:54PM 25 For the residential development, the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	115 08:55PM 1 or how much fill is actually there? And it's -- and 08:55PM 2 it's being compensated by you just leaving the other 08:55PM 3 thing for the water to flow under there? Is that 08:55PM 4 your -- 08:55PM 5 THE WITNESS: So as part -- as part of 08:55PM 6 the DEP application we actually have to do an 08:55PM 7 analysis where we actually provide cross-sections and 08:55PM 8 we literally show you, like, how much cut and how 08:55PM 9 much fill within each section to be able to show, 08:55PM 10 based on the grading, that we meet the requirement. 08:55PM 11 So, again, it's a combination of 08:55PM 12 lowering the western area, the southern area, the 08:56PM 13 eastern area, and taking credit for the existing 08:56PM 14 building that is there. That's how we met the flood 08:56PM 15 storage for Phase I development, that's how DEP 08:56PM 16 reviewed it, the engineer at the time. That was met 08:56PM 17 by, essentially, cutting those areas for the 08:56PM 18 floodwaters to go and taking credit for the existing 08:56PM 19 building. 08:56PM 20 MS. MUELLER: Now, you said you cut the 08:56PM 21 area to the south? 08:56PM 22 THE WITNESS: Correct. 08:56PM 23 MS. MUELLER: Where is that. 08:56PM 24 THE WITNESS: The area here. 08:56PM 25 MS. MUELLER: Okay. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
114 08:54PM 1 way we're complying with the net fill requirement 08:54PM 2 rules that was ultimately reviewed and approved by 08:54PM 3 the DEP is we are allowing the floodwaters to go 08:54PM 4 underneath it. So we are basically wet-flood 08:54PM 5 proofing or allowing the floodwaters to go on that 08:54PM 6 first floor parking level. 08:54PM 7 So we meet the net fill requirement. 08:54PM 8 There is no area because there -- we -- everything is 08:54PM 9 low. The waters are able to go back and forth within 08:54PM 10 that area with the building being built above it. 08:54PM 11 MS. MUELLER: But, yeah, I sort of 08:54PM 12 don't agree with you with the other building there. 08:54PM 13 I mean, that building could hold water in the 08:54PM 14 basement, right? The AT&T building, right. 08:54PM 15 THE WITNESS: I don't think that's a 08:55PM 16 acceptable -- 08:55PM 17 MS. MUELLER: Well, you know, it was 08:55PM 18 flowing in -- underneath it, under it, and it -- 08:55PM 19 well, my point is if you look at that, the storage 08:55PM 20 facility now, that thing is at least, at least 5 feet 08:55PM 21 higher than what it was. 08:55PM 22 THE WITNESS: Uh-huh. 08:55PM 23 MS. MUELLER: So, I mean, the building 08:55PM 24 was, what, 210-by-135. It's got a roadway around it. 08:55PM 25 How many cubic yards or yards of fill LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	116 08:56PM 1 So what's going to happen when you 08:56PM 2 build your little commercial place there? 08:56PM 3 THE WITNESS: So there's ways to build 08:56PM 4 commercial developments in the flood that are a lot 08:56PM 5 easier than residential developments. You know, you 08:56PM 6 could basically wet-flood -- you could flood proof 08:56PM 7 it, you could build ramps. There's -- there's ways 08:56PM 8 around it, you know, to build in a flood for 08:56PM 9 commercial developments. 08:56PM 10 MS. MUELLER: So just getting back to 08:56PM 11 one thing, on your other -- on your -- the DEP permit 08:56PM 12 for the storage facility, was there ever, on any plat 08:56PM 13 or any -- some designated zero net fill compensation 08:57PM 14 area? They just let you, like, say -- 'cause you 08:57PM 15 were only doing that at the time, so -- 08:57PM 16 THE WITNESS: Both applications, the 08:57PM 17 self-storage and the residential, required us to show 08:57PM 18 the detailed calculations and cross-sections on how 08:57PM 19 we meet the net fill requirement. 08:57PM 20 MS. MUELLER: But it didn't show, you 08:57PM 21 know, you had cross-sections, but it did not 08:57PM 22 designate one specific area. 08:57PM 23 THE WITNESS: Well, the whole site. 08:57PM 24 It's the whole property. 08:57PM 25 MS. MUELLER: The whole site. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

117 08:57PM 1 THE WITNESS: Yes. 08:57PM 2 It's 25 -- I think it's 20 -- every 25 08:57PM 3 feet we do a section. We also do it in, you know, 08:57PM 4 software as well where it basically takes up the 08:57PM 5 entire surface, so we do it both ways. 08:57PM 6 MS. MUELLER: Okay, thanks. 08:57PM 7 CHAIRMAN KANIEWSKI: Any additional 08:57PM 8 questions from the board? 08:57PM 9 MR. SANTIAGO: I got a question. 08:57PM 10 CHAIRMAN KANIEWSKI: Go ahead. 08:57PM 11 MR. SANTIAGO: Did you just say that 08:57PM 12 DEP has to approve the pavers where the emergency 08:57PM 13 exit is? 08:57PM 14 THE WITNESS: They're going to -- 08:57PM 15 they're going to look at it. There's nothing 08:57PM 16 specific in the code that would say they -- we're not 08:57PM 17 allowed to do it. 08:58PM 18 But, again, I just don't want to say 08:58PM 19 100 percent that we're going do it without them also 08:58PM 20 okaying it. I don't know how they're going to, you 08:58PM 21 know, look at it. 08:58PM 22 MR. SANTIAGO: We were told that they 08:58PM 23 were doing to do that, they were going to put the 08:58PM 24 pavers down. 08:58PM 25 THE WITNESS: Yeah, and we're LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	119 08:58PM 1 THE WITNESS: Well -- 08:58PM 2 MS. MUELLER: -- is that misleading? 08:58PM 3 THE WITNESS: Well, again, it's -- it's 08:59PM 4 not misleading because we'd have to go back to DEP 08:59PM 5 for whatever we decide to do in that area 'cause it's 08:59PM 6 in the flood. 08:59PM 7 MS. MUELLER: Well, like -- well, when 08:59PM 8 Mr. Barree said there's only 3,000 square feet, and 08:59PM 9 -- and he said, oh, are you going to be able to do 08:59PM 10 that and somebody said, yeah, and that was the end of 08:59PM 11 it. 08:59PM 12 Now, as I brought up last time, are you 08:59PM 13 going to be able to do that there? 08:59PM 14 THE WITNESS: Yes. 08:59PM 15 There is -- again, unlike the 08:59PM 16 residential development where you have to think about 08:59PM 17 dry access, you know, setting the building, there is 08:59PM 18 ways to flood -- you know, flood proof a commercial 08:59PM 19 building. Parking doesn't need to be above the 08:59PM 20 flood. Commercial development in the flood has 08:59PM 21 different requirements from DEP than a residential 08:59PM 22 building. 08:59PM 23 MS. MUELLER: But like I said last 08:59PM 24 time, too, that you couldn't find any space on that 08:59PM 25 project there to put your emergency access, you know, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
118 08:58PM 1 acceptable to that. 08:58PM 2 Just, again, assuming the DEP has no 08:58PM 3 objection to it. 08:58PM 4 MR. SANTIAGO: And I got -- I got 08:58PM 5 another question. When you guys applied for that DEP 08:58PM 6 permit and they said that you needed the access, did 08:58PM 7 they know that there's another -- there's a Phase III 08:58PM 8 coming? Would that change the dynamics of that 08:58PM 9 permit. 08:58PM 10 THE WITNESS: No. I mean, it's -- 08:58PM 11 they're looking at the application that's in front of 08:58PM 12 them. They're not -- you know, when we first met 08:58PM 13 with them from a pre-application standpoint I think 08:58PM 14 that's something that we brought up to them, but it 08:58PM 15 doesn't change what they're reviewing and what they 08:58PM 16 have to do per their requirements. 08:58PM 17 They're looking at what's submitted for 08:58PM 18 the application. 08:58PM 19 MR. SANTIAGO: Okay. Thank you. 08:58PM 20 MS. MUELLER: But when you submitted 08:58PM 21 it, it said that area will remain open space. 08:58PM 22 MR. SANTIAGO: Correct. 08:58PM 23 THE WITNESS: Correct. 08:58PM 24 MS. MUELLER: So they are assuming that 08:58PM 25 you're going to leave that open, or is that -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	120 08:59PM 1 because of flood storage. You had to buy another 08:59PM 2 piece of property, you know. 08:59PM 3 THE WITNESS: Correct. 08:59PM 4 Well, yes, it's also -- it's -- this is 09:00PM 5 closer to the point that gets out of the flood. 09:00PM 6 MS. MUELLER: Exactly, yeah. 09:00PM 7 THE WITNESS: That's the main reason 09:00PM 8 for that. 09:00PM 9 MS. MUELLER: Okay. 09:00PM 10 CHAIRMAN KANIEWSKI: Additional 09:00PM 11 questions from the board. 09:00PM 12 (No Response.) 09:00PM 13 CHAIRMAN KANIEWSKI: I have one 09:00PM 14 follow-up question. 09:00PM 15 At the last meeting, Christine reminded 09:00PM 16 me of it, we discussed the DEP permit. The -- the 09:00PM 17 raise on the entrance, you used one of those foreign 09:00PM 18 phrases, where your Fairfield access was required by 09:00PM 19 the DEP and was supposedly quoted the DEP permit, at 09:00PM 20 least that's what I understood as a layman listening 09:00PM 21 to the various testimony and statements, at the last 09:00PM 22 meeting I indicated I couldn't find it and asked for 09:00PM 23 -- to find out where it was, and I believe the 09:00PM 24 individual who was here said he would get that. 09:00PM 25 Can you find out exactly where it's LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

121 09:00PM 1 required? 09:00PM 2 THE WITNESS: Where what's required? 3 CHAIRMAN KANIEWSKI: The egress, the 4 dry easement egress that you keep talking about. 5 THE WITNESS: Yeah, it's -- 6 CHAIRMAN KANIEWSKI: If you cab point 7 to a specific section. 09:01PM 8 THE WITNESS: The Administrative Code 09:01PM 9 N.J.A.C. 713-12.5(O). 09:01PM 10 CHAIRMAN KANIEWSKI: Is that a specific 09:01PM 11 section? 09:01PM 12 THE WITNESS: Yes. 09:01PM 13 CHAIRMAN KANIEWSKI: Okay. Could I get 09:01PM 14 a copy of that and could you read that to me if 09:01PM 15 that's not long? 09:01PM 16 THE WITNESS: N.J.A.C. 713-12.5(O). 09:01PM 17 CHAIRMAN KANIEWSKI: What does it say? 09:01PM 18 Is this like, is it, like, is it pages or is it -- 09:01PM 19 THE WITNESS: I don't have the specific 09:01PM 20 code written out, but I could give you a summary. 09:01PM 21 CHAIRMAN KANIEWSKI: But you have the 09:01PM 22 number. 09:01PM 23 Can you get that to the secretary? 09:01PM 24 THE WITNESS: Yes. 09:01PM 25 CHAIRMAN KANIEWSKI: Or to the board so <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812	123 09:02PM 1 CHAIRMAN KANIEWSKI: Go ahead. 09:02PM 2 MAYOR ARTOLA: The writing is kind of 09:02PM 3 small so maybe I'm missing it, but on map, DEP-3, on 09:02PM 4 the left there's a line and there's a plus sign 09:02PM 5 there. I don't see it on the -- can you just tell me 09:02PM 6 what this is, if you want to look at this. 09:02PM 7 THE WITNESS: Sure. 09:02PM 8 MAYOR ARTOLA: Like I said, maybe I'm I 09:02PM 9 missing it, the writing it small. 09:02PM 10 But on DEP-3, right here, what is that, 09:02PM 11 I don't see that -- 09:02PM 12 THE WITNESS: That's a 50-foot riparian 09:02PM 13 buffer. 09:02PM 14 MAYOR ARTOLA: Okay. 09:02PM 15 THE WITNESS: So that just happens to 09:02PM 16 be hatched out on that plan because the DEP wanted to 09:02PM 17 specifically see the 50 feet -- or the 50-foot 09:02PM 18 riparian buffer. 09:03PM 19 MAYOR ARTOLA: Okay. 09:03PM 20 And that's -- the trees are planted in 09:03PM 21 there? 09:03PM 22 THE WITNESS: Correct. 09:03PM 23 MAYOR ARTOLA: Okay. 09:03PM 24 Thank you. 09:03PM 25 CHAIRMAN KANIEWSKI: If there's nothing <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812
122 09:01PM 1 -- because I'd like to see where it's required 09:01PM 2 because everybody's been saying you need to -- you 09:01PM 3 need to access Fairfield because the DEP requires it, 09:01PM 4 but nobody's yet shown me where it is in writing. 09:01PM 5 THE WITNESS: If you'd like, I actually 09:01PM 6 had a conversation with Ms. Mianeki, I submitted our 09:01PM 7 engineering report. 09:01PM 8 I don't know if she had a chance to 09:01PM 9 review it, it was more of a courtesy copy via e-mail, 09:02PM 10 but this was the exact topic we spoke about, so she 09:02PM 11 may have had a chance -- I don't want to put her on 09:02PM 12 the spot, but... 09:02PM 13 CHAIRMAN KANIEWSKI: I would like to 09:02PM 14 get a copy from the applicant. 09:02PM 15 THE WITNESS: Yes, of course. 09:02PM 16 CHAIRMAN KANIEWSKI: And I'm glad that 09:02PM 17 you spoke to -- 09:02PM 18 THE WITNESS: Sure. 09:02PM 19 CHAIRMAN KANIEWSKI: -- Ms. Mianeki 09:02PM 20 about that. 09:02PM 21 If you can get that to the secretary. 09:02PM 22 THE WITNESS: Okay. 09:02PM 23 CHAIRMAN KANIEWSKI: Okay. There's no 09:02PM 24 further questions from the board? 09:02PM 25 MAYOR ARTOLA: I just have a question. <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812	124 09:03PM 1 further from the board, we're running somewhat tight 09:03PM 2 on time, but I'd like to allow a couple questions 09:03PM 3 from the members of the public. 09:03PM 4 MR. MAYO: I have a follow-up question. 09:03PM 5 CHAIRMAN KANIEWSKI: All right. 09:03PM 6 Mr. Mayo, go ahead. 09:03PM 7 MR. MAYO: Zak, just to confirm, I 09:03PM 8 think you indicated maybe that the stormwater report 09:03PM 9 wasn't being re-reviewed, but I do believe that the 09:03PM 10 stormwater report is being reviewed and being revised 09:03PM 11 based on our comments. 09:03PM 12 THE WITNESS: Correct. 09:03PM 13 MR. MAYO: And just to confirm to the 09:03PM 14 board that you will be addressing all of the comments 09:03PM 15 in our stormwater report. 09:03PM 16 THE WITNESS: Yes. 09:03PM 17 MR. MAYO: Okay. 09:03PM 18 CHAIRMAN KANIEWSKI: All right. 09:03PM 19 MS. GONCHAR: Also, our last witness, 09:03PM 20 our planner, is probably 10 minutes of direct. 09:03PM 21 If we could possibly get through that, 09:03PM 22 we could finish the entire hearing. 09:03PM 23 MR. VERHASSELT: Not after -- I would 09:04PM 24 like to hear from the public, ma'am. 09:04PM 25 CHAIRMAN KANIEWSKI: We have scheduled <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812

125 09:04PM 1 somebody else and I'd like to get the members of the 09:04PM 2 public in with questions. So I'd have to -- if 09:04PM 3 counsel wants to yield 10 minutes, that's fine. 09:04PM 4 MR. CHEWCASKIE: Let's see where we 09:04PM 5 are, Mr. Chairman, with the public questions. 09:04PM 6 CHAIRMAN KANIEWSKI: Okay. 09:04PM 7 Members of the public? 09:04PM 8 Mr. Verhasselt? 09:04PM 9 MR. VERHASSELT: Rob Verhasselt, 40 10 Forest Place. 11 Mr. Chaplin, or Zak -- 12 THE WITNESS: Zak. 13 MR. VERHASSELT: -- I don't know, they 09:04PM 14 keep calling you Zak, have you -- are you aware of 09:04PM 15 the runoff from the existing elevated driveway onto 09:04PM 16 Passaic Street in every rain event not flooding 09:04PM 17 that's occurring now. 09:04PM 18 THE WITNESS: Yes. I mean -- 09:04PM 19 MR. VERHASSELT: You consider that 09:04PM 20 acceptable. 09:04PM 21 THE WITNESS: Well, you have to -- 09:04PM 22 MR. VERHASSELT: It floods the 09:04PM 23 intersection every time it rains. 09:04PM 24 THE WITNESS: Well, that's -- that's 09:04PM 25 another reason why this was a very, you know, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	127 09:05PM 1 raining. 09:05PM 2 THE WITNESS: What I'm saying is in the 09:05PM 3 proposed condition with this development we are 09:05PM 4 collecting the runoff and it's going to be conveyed 09:05PM 5 to the brook directly. 09:05PM 6 MR. VERHASSELT: Okay. I'm glad you 09:05PM 7 said that. 09:05PM 8 Show me on that map where your runoff 09:05PM 9 collection tank or storage area is. 09:05PM 10 MS. GONCHAR: When you find the plan 09:06PM 11 just tell us which exhibit you're looking at, which I 09:06PM 12 think is on the cover perhaps, and which sheet within 09:06PM 13 it. 09:06PM 14 THE WITNESS: It's Sheet C4. I think 09:06PM 15 it was previously marked. 09:06PM 16 It's in the submitted plan set. 09:06PM 17 MS. GONCHAR: We'll find it. We'll 09:06PM 18 pull it up so we can put it in the record. That's 09:06PM 19 fine, go ahead. 09:06PM 20 THE WITNESS: So with the self-storage 09:06PM 21 development there is a series of pipes and everything 09:06PM 22 gets conveyed to the west into the brook. There is a 09:06PM 23 trench drain in the driveway and a catch basin that 09:06PM 24 was put in for the self-storage development that's 09:06PM 25 all getting conveyed to the brook. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
126 09:04PM 1 difficult process to DEP because it's not like this 09:04PM 2 area is 4 feet in flood, you know, by the 09:04PM 3 intersection. 09:04PM 4 So it not only floods in the 100-year, 09:04PM 5 it floods in the 10-year. So we have to look at -- 09:04PM 6 we have to -- we understand, and that's just based on 09:05PM 7 the data, that it floods more often than just the 09:05PM 8 100-year-storm event. 09:05PM 9 MR. VERHASSELT: Zak, you're 09:05PM 10 misunderstanding me. 09:05PM 11 It's not a flood event. I'm talking 09:05PM 12 about an everyday rain event, water runs down the now 09:05PM 13 elevated driveway onto Passaic Street causing a giant 09:05PM 14 puddle in the middle of the intersection. And that's 09:05PM 15 every time it rains, not a flood event. 09:05PM 16 THE WITNESS: Then that would be more 09:05PM 17 towards a municipal infrastructure more so than -- 09:05PM 18 MR. VERHASSELT: This is coming off of 09:05PM 19 your property that you raised the driveway. 09:05PM 20 THE WITNESS: Well, all -- all of our 09:05PM 21 runoff now is being collected and -- 09:05PM 22 MR. VERHASSELT: Well, I suggest you 09:05PM 23 come to view that because that is not the case. 09:05PM 24 THE WITNESS: Well -- 09:05PM 25 MR. VERHASSELT: Come when it's LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	128 09:06PM 1 So that was actually already put in for 2 the self-storage development. 3 MR. VERHASSELT: You are aware that all 4 those open catch basins were filled in with gravel 5 just prior to your August picnic event. 6 THE WITNESS: I'm not aware of that. 7 MR. VERHASSELT: Okay. Well, they are. 8 And they have. And we have photographic evidence of 9 that so you're going to need to get in there with a 10 shovel when you start digging out. 11 THE WITNESS: I will relay that to our 12 applicant. 13 MR. VERHASSELT: Okay. 09:07PM 14 Were you aware of the role that the 09:07PM 15 sump pumps and the lead vac pump (phonetic) system in 09:07PM 16 the basement of the preexisting AT&T long line 09:07PM 17 building had with the maintenance of the pond level, 09:07PM 18 or did you just blow that building up and didn't even 09:07PM 19 consider that. 09:07PM 20 THE WITNESS: I was not aware of that. 09:07PM 21 MR. VERHASSELT: Okay. 09:07PM 22 I want to remind the board that at that 09:07PM 23 August picnic, the developer promised that the pond 09:07PM 24 would be finished and usable by August -- by October. 09:07PM 25 It's not the case. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

129 09:07PM 1 And the last thing was my first thing, 09:07PM 2 I wanted to talk to you about the runoff directly 09:07PM 3 onto Passaic Street, and it's got nothing to do with 09:07PM 4 the town. You're dumping your water on the town -- 09:07PM 5 on the county road and it's an unsafe situation. In 09:07PM 6 the wintertime it's going to get worse. 09:08PM 7 Thank you all for your time. 09:08PM 8 MS. MIANECKI: I just have -- I have a 09:08PM 9 comment. 09:08PM 10 Zak, I don't know if you want to 09:08PM 11 address this. If you want the regulation that you 09:08PM 12 were just mentioning that Mr. Kaniewski asked for, if 09:08PM 13 you want to read it, I have it here. 14 CHAIRMAN KANIEWSKI: I don't have time 15 to do the reading. 16 MS. MIANECKI: Okay. 17 CHAIRMAN KANIEWSKI: You can just send 18 me a copy and I'll be happy to read it. 09:08PM 19 MS. MIANECKI: Okay. It's brief. 09:08PM 20 CHAIRMAN KANIEWSKI: That's all right. 09:08PM 21 Okay. At this point, Mr. Chewcaskie, 09:08PM 22 what's your thinking -- 09:08PM 23 MR. CHEWCASKIE: I'm thinking if we're 09:08PM 24 only going to 10:00, Mr. Chairman, I do have one 09:08PM 25 witness that I think will take the remaining time. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	131 09:09PM 1 And, Mr. Chewcaskie has, you know, 09:09PM 2 accommodated for the 10 minutes, but he's only got 09:09PM 3 till 10:00. 09:09PM 4 And I do think we can't really 09:09PM 5 anticipate how long it's going to go with your 09:09PM 6 planner, so it might not even be 10 minutes, it might 09:09PM 7 be -- 09:09PM 8 MS. GONCHAR: May I ask a question 09:09PM 9 then? 09:09PM 10 MS. CORRISTON: Yes. 09:09PM 11 MS. GONCHAR: If we're willing to wait 09:09PM 12 and see till Mr. Chewcaskie is finished, is it 09:09PM 13 possible that, since you have gone previously to 09:09PM 14 10:30, if he does finish, if we can wrap it up after, 09:10PM 15 we'll be willing to wait. 09:10PM 16 And that way you can have whatever 09:10PM 17 questions -- 09:10PM 18 CHAIRMAN KANIEWSKI: I would ask the 09:10PM 19 board, but I'm -- on a personal level I'm willing to 09:10PM 20 stay and allow a little extra time. 09:10PM 21 Is the board okay with that? 09:10PM 22 MR. SANTIAGO: Can we get a recess in 09:10PM 23 between. 10:11PM 24 MS. GONCHAR: I vote yes if that was -- 10:11PM 25 CHAIRMAN KANIEWSKI: All right. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
130 09:08PM 1 CHAIRMAN KANIEWSKI: Do you want to do 09:08PM 2 your case now? 09:08PM 3 MR. CHEWCASKIE: Yes. 09:08PM 4 CHAIRMAN KANIEWSKI: Okay. 09:08PM 5 Counsel, where do we stand at this 09:08PM 6 point? 09:08PM 7 MS. GONCHAR: Well, if you're saying 09:08PM 8 that you're terminating our hearing -- 09:08PM 9 CHAIRMAN KANIEWSKI: Yes. 09:08PM 10 MS. GONCHAR: -- we still have one 09:08PM 11 witness which is probably 10 minutes of direct 09:08PM 12 testimony from our planner, 'cause we just have two 09:09PM 13 -- we just have minor variances and some waivers. 09:09PM 14 If we can get that in quickly. 09:09PM 15 CHAIRMAN KANIEWSKI: Are we going to be 09:09PM 16 able to get in board questioning and public 09:09PM 17 questioning as well? 09:09PM 18 MS. GONCHAR: I don't know how many 09:09PM 19 questions you have, but it's not complicated 09:09PM 20 testimony. 09:09PM 21 CHAIRMAN KANIEWSKI: Counsel, what do 09:09PM 22 you think? I mean -- 09:09PM 23 MS. CORRISTON: I think, unfortunately, 09:09PM 24 we made a decision to go from 7:00 to 9:00 and we're 09:09PM 25 already at 10 after 9:00. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	132 1 MS. GONCHAR: Thank you. 2 We'll clear the decks, Brian, take a 3 break. If you can just carry us to the end of the 4 meeting. 5 CHAIRMAN KANIEWSKI: And then we'll 6 take a 10-minute break while everybody switches. 7 (Whereupon, this case was recessed at 8 9:10 p.m. and resumed at 10:19 p.m.) 9 CHAIRMAN KANIEWSKI: I'd like to call 10 the meeting back to order and we'll resume our 11 session for 120 West Passaic Street. 12 We're running a little bit late. 10:19PM 13 Counsel assures me it's going to be a short amount of 10:19PM 14 testimony, and we'll take the testimony and we'll go 10:19PM 15 from there. 10:19PM 16 So I will turn the floor over to 10:19PM 17 counsel for the applicant. 10:19PM 18 MS. GONCHAR: Thank you. 10:19PM 19 Our last witness is Kate Keller, who is 10:19PM 20 our professional planner. She has not testified in 10:19PM 21 this hearing before, so we'll ask that she be sworn 10:19PM 22 and then we'll qualify her. 10:19PM 23 MS. CORRISTON: Can you raise your 10:19PM 24 right hand. 10:19PM 25 Do you swear or affirm that the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

133 10:19PM 1 testimony you're about to give is the truth, the 10:19PM 2 whole truth and nothing but the truth, so help you 10:19PM 3 God? 10:19PM 4 MS. KELLER: I do. 10:19PM 5 K A T E K E L L E R, P.P., 10:19PM 6 33-41 Newark Street, Third Floor, Suite D, 10:19PM 7 Hoboken, New Jersey, having been duly sworn, 10:19PM 8 testifies as follows: 10:19PM 9 MS. CORRISTON: Can you please state 10:19PM 10 your name for the record? 10:19PM 11 MS. KELLER: Sure. 10:19PM 12 My name is Kate Keller, last name is 10:20PM 13 K-E-L-L-E-R. 10:20PM 14 MS. CORRISTON: Thank you. 10:20PM 15 VOIR DIRE EXAMINATION 10:20PM 16 BY MS. GONCHAR: 10:20PM 17 Q. Kate, can you tell us with whom you're 10:20PM 18 associated, your position with the firm, your 10:20PM 19 educational background, any licenses you hold. 10:20PM 20 A. Sure. 10:20PM 21 I am an associate principal with the 10:20PM 22 firm of Phillips, Preiss, Grygiel, Leheny, Hughes, 10:20PM 23 LLC, based in Hoboken, New Jersey. 10:20PM 24 I am a licensed professional planner in 10:20PM 25 the State of New Jersey. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	135 10:21PM 1 of the evidence to support our entitlement to the 10:21PM 2 relief that we're asking for. 10:21PM 3 A. Sure, thank you. 10:21PM 4 So this board has heard a lot of 10:21PM 5 testimony over the last two months from our other 10:21PM 6 witnesses, many of whom have touched upon the waiver 10:21PM 7 and variance requests that we're looking for tonight. 10:21PM 8 I am going to further expound on those 10:21PM 9 and also address what's known as a planning variance, 10:21PM 10 which is from the MLUL, Section 35 and 36, regarding 10:21PM 11 access onto a public street, and I'll go through the 10:21PM 12 proofs for that as well. 10:21PM 13 So tonight we are looking for, we're 10:21PM 14 requesting two variances or deviations from the 10:21PM 15 standards of the redevelopment plan which are treated 10:21PM 16 similarly to bulk (c) variances. And those are to 10:21PM 17 permit a rear yard setback of 15 feet where 20 feet 10:21PM 18 is required for the principal building, and to permit 10:21PM 19 four stories of apartments over two levels of parking 10:21PM 20 for a total of six stories where the redevelopment 10:22PM 21 plan permits five stories. 10:22PM 22 And I would note that, you know, we'll 10:22PM 23 go through the proofs, but we are within the required 10:22PM 24 height maximum, so this is a (c) variance request for 10:22PM 25 the number of stories. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
134 10:20PM 1 And I am a member of the American 10:20PM 2 Institute of Certified Planners. 10:20PM 3 I hold undergraduate and master's 10:20PM 4 degrees in urban studies and city planning, 10:20PM 5 respectively, from the University of Pennsylvania. 10:20PM 6 And I've provided testimony before 10:20PM 7 approximately 50 or 60 boards around the state. 10:20PM 8 MS. GONCHAR: We'd ask that you accept 10:20PM 9 Ms. Keller as an expert in the field of planning. 10:20PM 10 CHAIRMAN KANIEWSKI: Anybody have any 10:20PM 11 questions regarding this person's expertise? 10:20PM 12 (No Response.) 10:20PM 13 CHAIRMAN KANIEWSKI: If not, you can 10:20PM 14 proceed. 10:20PM 15 MS. GONCHAR: Thank you. 10:20PM 16 THE WITNESS: Thank you, Chairman. 10:20PM 17 MS. GONCHAR: Thank you for accepting 10:20PM 18 her as an expert in the field. 10:20PM 19 DIRECT EXAMINATION 10:20PM 20 BY MS. GONCHAR: 10:20PM 21 Q. Since we are trying to move this 10:20PM 22 quickly -- 10:20PM 23 A. Yes. 10:20PM 24 Q. -- why don't you just identify the 10:21PM 25 relief that we are seeking and then advise the board LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	136 10:22PM 1 So as this board is aware, the -- you 10:22PM 2 have the power to grant variances as set forth at 10:22PM 3 40:55(d)70(c), and I believe that these variances can 10:22PM 4 be granted based on the (c)(2) criteria, which is 10:22PM 5 that the purposes of zoning are advanced and the 10:22PM 6 benefits of deviating from the ordinance requirements 10:22PM 7 outweigh any detriments. 10:22PM 8 And like any variance request, we'll 10:22PM 9 also be addressing the negative criteria. 10:22PM 10 So in terms of -- I'm going to go 10:22PM 11 through the two variances/deviations and then we'll 10:22PM 12 address the waivers and then finally, just briefly 10:22PM 13 sum up the planning variance. 10:22PM 14 So in terms of the rear yard setback, 10:22PM 15 this is in the rear of the building where it is 10:22PM 16 adjacent to Plaza Way. And there is 15 feet is 10:22PM 17 proposed where 20 feet is required. And this is 10:23PM 18 really a result of the fact that because of the flood 10:23PM 19 elevations on the site and where the building can be 10:23PM 20 constructed in a way that is, you know, really meant 10:23PM 21 to most meet the purposes of the redevelopment plan. 10:23PM 22 So in this case, the building is pushed 10:23PM 23 back, it's about 5 feet closer than what is set forth 10:23PM 24 in the redevelopment plan, but this is really -- the 10:23PM 25 justification for this is that it is -- it really LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

137 10:23PM 1 allows the site to be effectuated and developed in a 10:23PM 2 way that is overall seen by the redevelopment plan. 10:23PM 3 And, again, this is along Plaza Way and 10:23PM 4 this is abutting Garden State Plaza, so this isn't 10:23PM 5 going to have a visual impact on any neighboring 10:23PM 6 residential properties and it's -- you know, in that 10:23PM 7 sense it's minimal and it's outweighed by the 10:23PM 8 benefits which are really that the site can be 10:23PM 9 developed as proposed. 10:23PM 10 And then the second deviation is the 10:23PM 11 number of stories, which testimony has been provided, 10:23PM 12 four stories of apartments over two levels of 10:24PM 13 parking. 10:24PM 14 And I think that what's key here is 10:24PM 15 that the parking -- the second level of parking is 10:24PM 16 because -- it's been designed that way because it's 10:24PM 17 how it had to be raised to meet the flood elevation 10:24PM 18 and in this case, it allows us to have more parking, 10:24PM 19 to provide more parking instead of essentially wasted 10:24PM 20 space. 10:24PM 21 And I think in terms of impacts, it 10:24PM 22 complies with the permitted -- excuse me, with the 10:24PM 23 maximum height that's set forth in the redevelopment 10:24PM 24 plan so there's no visual impact over and above what 10:24PM 25 was previously determined for the plan, and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	139 10:25PM 1 affordable housing settlement. 10:25PM 2 And then also Purpose I, which is to 10:25PM 3 promote a desirable visual environment. This is an 10:25PM 4 attractive new building on a site that's been, you 10:25PM 5 know, generally underutilized and it -- the site 10:25PM 6 design is a result of these small variances that we 10:25PM 7 are requesting. 10:25PM 8 In terms of the negative criteria, this 10:25PM 9 is -- you know, I don't believe that these deviations 10:25PM 10 are substantial in this context. It's set back from 10:26PM 11 the -- the rear yard setback is set back from 10:26PM 12 neighboring residential uses. It's -- again, it's a 10:26PM 13 permitted use and a permitted height. 10:26PM 14 It's really the number of stories that 10:26PM 15 we're looking for here. 10:26PM 16 You know, no substantial detriments on 10:26PM 17 the redevelopment plan or the Master Plan because, 10:26PM 18 again, this is permitted and this would be 10:26PM 19 implementing those recommendations in terms of 10:26PM 20 providing affordable housing. 10:26PM 21 And we -- we do comply with every other 10:26PM 22 bulk regulation, in -- and that's both in the 10:26PM 23 ordinance and anything that may apply in the, excuse 10:26PM 24 me, the redevelopment plan. 10:26PM 25 So, you know, my thoughts are that this LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
138 10:24PM 1 additionally, you know, it doesn't exceed the number 10:24PM 2 of residential stories. 10:24PM 3 You know, there's no more apartments, 10:24PM 4 there's no more density. There's nothing of that 10:24PM 5 nature that is being proposed here. 10:24PM 6 So I think that it's really -- it's 10:24PM 7 really almost an added benefit that's just really 10:24PM 8 because of the again, the site design requirements 10:24PM 9 and the challenges associated with the flooding. And 10:24PM 10 I think that, you know, both these deviations do 10:24PM 11 relate in some ways to the unique conditions on the 10:25PM 12 property. 10:25PM 13 But overall, the -- I think the 10:25PM 14 benefits are that it would allow for the development 10:25PM 15 of this permitted use on a site that is anticipated 10:25PM 16 to address the township's affordable housing 10:25PM 17 obligation. 10:25PM 18 In that sense, I think that it would 10:25PM 19 advance certain purposes of zoning as listed in the 10:25PM 20 MLUL, which, Purpose A, which is to encourage 10:25PM 21 municipal action to guide the appropriate use of 10:25PM 22 development. And this is really a matter that will 10:25PM 23 promote public health, safety and general welfare. 10:25PM 24 And again, this is a permitted use, 10:25PM 25 it's consistent with your affordable housing plan and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	140 10:26PM 1 is, you know, it would not substantially impair the 10:26PM 2 overall planning and zoning efforts. So those are 10:26PM 3 the two variances. 10:26PM 4 We're going to briefly touch on the 10:26PM 5 design waivers. These are a -- it's a lower standard 10:26PM 6 of proof. It's a different standard of proof in that 10:26PM 7 these are generally considered to be technical in 10:26PM 8 nature more so than a variance request. And also, 10:26PM 9 many of these have been addressed by our engineer. 10:27PM 10 So I'll just go through this briefly is 10:27PM 11 that we are requesting waivers from both the 10:27PM 12 redevelopment plan and your -- the township's site 10:27PM 13 plan ordinance with regard to the fact that some 10:27PM 14 parking spaces measure 8-by-18 feet. 10:27PM 15 As our site engineers and -- have 10:27PM 16 testified to, we are providing -- we are providing -- 10:27PM 17 the required parking spaces are all at the mandated 10:27PM 18 size of 9-by-18 feet, so in that sense we do meet the 10:27PM 19 intention of the ordinance in my opinion. 10:27PM 20 This is also kind of a low turnover 10:27PM 21 type of use where most visitors to the lot will be 10:27PM 22 familiar with it, so the smaller spaces which are 10:27PM 23 less -- one foot less in width than what's permitted 10:27PM 24 are less impactful than as opposed to, like, a 10:27PM 25 grocery store or convenience store or a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

141 10:27PM 1 non-residential use where people are constantly 10:27PM 2 coming in and out of the lot. 10:27PM 3 The next requests are regarding the -- 10:27PM 4 the stacked parking stalls, the tandem spaces, which 10:28PM 5 testimony has again been provided on that. This is 10:28PM 6 two provisions of your ordinance -- of the -- your 10:28PM 7 site plan ordinance do prohibit those type of spaces. 10:28PM 8 And I think that the testimony that's been provided 10:28PM 9 which I would reiterate here is that because these 10:28PM 10 will be controlled by the property management company 10:28PM 11 and that they will be assigned to the same unit, that 10:28PM 12 that will mitigate any potential issues there. 10:28PM 13 And as testimony earlier tonight, these 10:28PM 14 have been arranged so that there will not be any 10:28PM 15 impact on -- on flood storage or evacuation. 10:28PM 16 Then the last, I believe, is that 10:28PM 17 exterior parking stalls are not screened from West 10:28PM 18 Passaic Street. And this has to do with just the one 10:28PM 19 row of parking stalls that are located between the 10:28PM 20 building and the pond. 10:28PM 21 So I think this is where the -- one of 10:28PM 22 -- the fact that this property does not have frontage 10:28PM 23 on a public street technically, the unique layout 10:29PM 24 also affects this because the ordinance requires, I 10:29PM 25 believe it's -- it's a 10-foot parking setback is LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	143 10:30PM 1 Q. Loading? 10:30PM 2 A. Loading, yes. Okay. 10:30PM 3 So, we -- testimony has also been 10:30PM 4 provided on this from our architect and our 10:30PM 5 engineers, but one loading area is proposed in the 10:30PM 6 portion of the -- of the parking area where I believe 10:30PM 7 two are required. 10:30PM 8 At this case, you know, for a 10:30PM 9 residential use like this, it's -- I think it's my 10:30PM 10 professional opinion and the opinion of our other 10:30PM 11 professionals is that one is going to really be 10:30PM 12 adequate here, especially because for things like 10:31PM 13 people moving in, moving out. Everything like that 10:31PM 14 will have to be coordinated with the building, and so 10:31PM 15 we don't anticipate any type of conflicts. 10:31PM 16 And this is also, I would note, a 10:31PM 17 rather large loading area where it does not 10:31PM 18 technically meet the qualifications for two spaces, 10:31PM 19 but it does allow for turnaround and it also allows 10:31PM 20 that, you know, no other movements in the parking 10:31PM 21 area will be impeded while a vehicle is loading 10:31PM 22 there. 10:31PM 23 So now just very briefly I will just 10:31PM 24 touch on the criteria for the planning variance. And 10:31PM 25 this is, again, from Section 35 and 36 of the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
142 10:29PM 1 generally all that's required, and because that is so 10:29PM 2 small then it makes sense in that case that you would 10:29PM 3 want some screening so a parking lot is not 10:29PM 4 immediately visible from the street. 10:29PM 5 But in this case it's set back about 10:29PM 6 140 feet because of the pond, and the -- just that 10:29PM 7 distance really mitigates the -- you know, anything 10:29PM 8 involving just the visual impact of the parking lot, 10:29PM 9 because it will not be your main point of focus when 10:29PM 10 you're walking down the street like it would be if it 10:29PM 11 was only 10 feet as the ordinance permits. 10:29PM 12 So those are the waivers. 10:29PM 13 Then -- do we have time? 10:29PM 14 Q. Yes, the parking area without interior 10:29PM 15 landscaping... 10:29PM 16 A. Oh, I'm sorry. Yes, yes. I meant to 10:29PM 17 address that with -- also within the similar -- I 10:29PM 18 think that applies -- the same similar proofs do 10:30PM 19 apply to that where this is not going to be a visible 10:30PM 20 parking area really from the public right-of-way. 10:30PM 21 So this is -- the screening and the 10:30PM 22 interior landscaping, they're just -- it will be less 10:30PM 23 impactful than if the design were to be changed and 10:30PM 24 we're losing spaces in this case, so we -- that's why 10:30PM 25 we're requesting that waiver. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	144 10:31PM 1 Municipal Land Use Law which requires a building lot 10:31PM 2 to abut a street that gives access to the lot. 10:31PM 3 So -- or, you know, when the 10:31PM 4 subdivision plans were -- excuse me -- the 10:31PM 5 subdivision was approved a couple of years ago, and 10:31PM 6 then when the -- also at that time when the -- the 10:31PM 7 self-storage building was approved, this variance was 10:31PM 8 required at that time. 10:31PM 9 So Section 36 specifically permits 10:32PM 10 relief, which is that either enforcement would entail 10:32PM 11 practical difficulty or where the circumstances of 10:32PM 12 the case do not work prior to the building or 10:32PM 13 structure to be related to the street. 10:32PM 14 So I -- in this case, this is a 10:32PM 15 previously approved internal subdivision plan. The 10:32PM 16 site has been designed to accommodate this. 10:32PM 17 So in this case, you know, there is -- 10:32PM 18 we provided emergency access, we provided easement 10:32PM 19 agreements, cross-access agreements, and because of 10:32PM 20 that, you know, I think that the -- the overall 10:32PM 21 appearance here is that it does not require this 10:32PM 22 access to a street because this is what was 10:32PM 23 envisioned as part of the redevelopment plan and the 10:32PM 24 prior approvals. 10:32PM 25 And then the final -- the final LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

145 10:32PM 1 requirement is that emergency access for firefighting 10:32PM 2 equipment, ambulances and other vehicles are provided 10:32PM 3 adequate access and that any future street layout 10:32PM 4 will not be -- will not be -- will be protected. And 10:33PM 5 I think we meet both of those conditions here. 10:33PM 6 There are recorded reciprocal 10:33PM 7 easements. You heard testimony about fire truck 10:33PM 8 access and how that will be obtained. And there is 10:33PM 9 no issue with future street layout because, again, 10:33PM 10 this is a cohesive redevelopment plan, a cohesive 10:33PM 11 subdivision that's been previously approved. 10:33PM 12 So that -- that is really -- that is 10:33PM 13 all I have for my direct testimony. I'm happy to 10:33PM 14 take any questions, but that covers the two 10:33PM 15 deviations, the several waivers and the planning 10:33PM 16 variance tonight. 10:33PM 17 MS. GONCHAR: If I can just indicate 10:33PM 18 that I believe, from Mr. Mayo's letter, we had 10:33PM 19 already discussed -- there had been a question raised 10:33PM 20 about whether a waiver was required with regard to 10:33PM 21 the grades within the parking facility, because it 10:33PM 22 wasn't clear whether they might exceed the permitted 10:33PM 23 slope, and the testimony already went in so I think 10:33PM 24 that addressed one potential waiver. We do not 10:34PM 25 exceed the permitted grade. <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812	147 10:35PM 1 testimony that's been provided and I think in 10:35PM 2 particular, you know, the board should be cognizant 10:35PM 3 of the fact that, as we've talked about many times, 10:35PM 4 this is part of our affordable housing plan for the 10:35PM 5 Township, part of settlement agreements that have 10:36PM 6 been entered into, and there is certainly some 10:36PM 7 justification for the relatively minor relief that's 10:36PM 8 being sought here. 10:36PM 9 CHAIRMAN KANIEWSKI: Okay. Any 10:36PM 10 questions from any of the board members? 10:36PM 11 MS. MUELLER: I do. 10:36PM 12 CHAIRMAN KANIEWSKI: Go ahead. 10:36PM 13 MS. MUELLER: You had said the rear 10:36PM 14 setback, you know, you wanted 15 rather than 20, and 10:36PM 15 you said, you know, what -- why, you know, why could 10:36PM 16 you do that, so it can be developed as proposed. Is 10:36PM 17 that the answer, you know, that -- is that your only 10:36PM 18 answer? What did you say besides that, you know, 10:36PM 19 it's 15 instead of 20 and you just said, well, so it 10:36PM 20 could be developed. Are there other answers? 10:36PM 21 THE WITNESS: I believe my testimony 10:36PM 22 was that the benefits of this minor deviation will 10:36PM 23 outweigh the detriments, in my opinion, because this 10:36PM 24 is not fact -- you know, the building is not going to 10:37PM 25 be in the view shed of a residential use. It backs <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812
146 10:34PM 1 And the other one had to do with a 10:34PM 2 question of whether the shade trees we had selected 10:34PM 3 complied with the DPW list of permitted shade trees. 10:34PM 4 Apparently we did attempt to get such a 10:34PM 5 list and I am not sure there was one to give us, but 10:34PM 6 we have represented that if what we have selected do 10:34PM 7 not make them happy, we will make sure that the shade 10:34PM 8 trees are what's required within whatever is the 10:34PM 9 permitted category of trees so that we would not seek 10:34PM 10 a variance but will comply with that. 10:34PM 11 So those, I think, were -- I don't 10:34PM 12 recall if there were any others. Those were the 10:34PM 13 other two that I thought Mr. Mayo had identified that 10:34PM 14 we don't believe that we require. 10:34PM 15 That is subject to further questions 10:34PM 16 after the board's comments or the public. 10:35PM 17 CHAIRMAN KANIEWSKI: Okay. 10:35PM 18 MS. GONCHAR: No, subject to our right 10:35PM 19 to redirect or to ask further questions, we -- 10:35PM 20 CHAIRMAN KANIEWSKI: Any questions from 10:35PM 21 our professionals? 10:35PM 22 MR. MAYO: I believe we got everything. 10:35PM 23 MR. BARREE: I don't have any 10:35PM 24 questions. 10:35PM 25 I would just say that I agree with <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812	148 10:37PM 1 up to a commercial property. So the impacts are 10:37PM 2 limited. 10:37PM 3 And the benefit that's been -- you 10:37PM 4 know, the resulting benefit of this shift is that, 10:37PM 5 you know, we are providing the building as proposed 10:37PM 6 in the redevelopment plan, we're providing parking, 10:37PM 7 we're providing all the components of this 10:37PM 8 application. And my -- in terms of the (c)(2) 10:37PM 9 variance criteria, I think that that outweighs the 10:37PM 10 minor detriments associated with the variance. 10:37PM 11 MS. MUELLER: And then you were talking 10:37PM 12 something about the loading area in the parking area. 10:37PM 13 Is that the one that's down. 10:37PM 14 MS. GONCHAR: There's a loading that is 10:37PM 15 sort of internal -- 10:37PM 16 THE WITNESS: Internal. 10:37PM 17 MS. MUELLER: Yeah, yeah, the one -- 10:37PM 18 yeah, okay. 10:37PM 19 Now, my one question is why -- when we 10:37PM 20 talk about waivers and variances, why was our 10:37PM 21 Ordinance 185-83(c) never considered or even 10:38PM 22 mentioned? 10:38PM 23 It says: 10:38PM 24 "For all residential structures 10:38PM 25 containing five or more dwelling units, public <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812

149 10:38PM 1 or private fire lanes for efficient and 10:38PM 2 effective operation of fire apparatus shall be 10:38PM 3 provided on all sides of every structure, and 10:38PM 4 these fire lanes shall have a minimum of 10:38PM 5 18" width [sic] 18 "feet." 10:38PM 6 Is there any reason why that was never 10:38PM 7 even mentioned or you didn't read about it or just, 10:38PM 8 you know, do you need a waiver for that? 10:38PM 9 THE WITNESS: My understanding is that 10:38PM 10 it -- I don't have either of the documents in front 10:38PM 11 of me right now, but certain aspects of the 10:38PM 12 redevelopment plan do supercede the site plan 10:38PM 13 standards. 10:38PM 14 So I -- I can't speak to whether that 10:38PM 15 was consulted, but it has not been brought up to my 10:38PM 16 knowledge by any of the professionals, so I -- I 10:38PM 17 personally have not reviewed that. 10:38PM 18 MS. MUELLER: Well, would that be a 10:38PM 19 detriment to the public good if -- if there were a 10:38PM 20 fire or -- or how would they fight the fire? Anybody 10:39PM 21 give any thought into that or -- 10:39PM 22 THE WITNESS: Yes, I mean, you have 10:39PM 23 heard testimony that this has been approved by the 10:39PM 24 fire marshal, there is sufficient emergency access. 10:39PM 25 MS. MUELLER: In the front of the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	151 10:40PM 1 something that's more than adequate, that meets fire 10:40PM 2 code, you know, to be -- you know, in the event if 10:40PM 3 anything were to happen. 10:40PM 4 MS. MUELLER: Yes. 10:40PM 5 How far away is Plaza Way from there? 10:40PM 6 MR. CHAPLIN: I believe the building 10:40PM 7 was set back 15 feet. 10:40PM 8 MS. MUELLER: And then Plaza Way -- 10:40PM 9 then there's a slope going up. 10:40PM 10 MR. CHAPLIN: Yes. 10:40PM 11 MS. MUELLER: Do you know what the 10:40PM 12 slope is? 10:40PM 13 MR. CHAPLIN: I mean, it's like a 10:40PM 14 3-foot grade change, I believe, something like that. 10:40PM 15 MS. MUELLER: Like 20 to 30 percent I 10:40PM 16 think you said in your -- in the Environmental Impact 10:40PM 17 Statement. 10:40PM 18 MR. CHAPLIN: Correct, three-to-one 10:40PM 19 slope, but it's only about, like, a 3-, maybe 4-foot 10:40PM 20 grade change. 10:40PM 21 MS. MUELLER: Okay. And are you going 10:40PM 22 to remove the fence back there? Or is there a fence 10:40PM 23 back there? 10:40PM 24 MS. GONCHAR: I think the testimony was 10:40PM 25 that the fence was going to match what's existing on LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
150 10:39PM 1 building there is. 10:39PM 2 THE WITNESS: Yes. 10:39PM 3 And I think our engineer is going to 10:39PM 4 speak on this because he's more qualified on this. 10:39PM 5 MS. MUELLER: Okay. Yeah, I didn't 10:39PM 6 know who to ask this. 10:39PM 7 MS. GONCHAR: But it also isn't just -- 10:39PM 8 there is access from more than just the front of the 10:39PM 9 building. 10:39PM 10 THE WITNESS: Yes, there is. 10:39PM 11 MS. MUELLER: Right, but I'm just 10:39PM 12 speaking on our ordinance, that's all. 10:39PM 13 I'm just wondering why it didn't even 10:39PM 14 pop up somewhere. 10:39PM 15 MR. CHAPLIN: Yes, I'm just going to 10:39PM 16 add that, you know, the Plaza Way, while it's a 10:39PM 17 private road, that would be utilized if needed in an 10:39PM 18 emergency from a fire standpoint. 10:39PM 19 So you do have the access along Plaza 10:39PM 20 Way. A fire truck can get into the site as well from 10:39PM 21 West Passaic Street. We don't have it on four sides, 10:39PM 22 but, you know, per fire code, that's -- I know it's a 10:39PM 23 local requirement, it's not a fire code requirement, 10:39PM 24 obviously we don't have that luxury considering just 10:40PM 25 our proximity to the brook, so we believe we have LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	152 10:40PM 1 the site -- what's existing through the rest of the 10:40PM 2 development. 10:40PM 3 MS. MUELLER: Are there fire hydrants 10:40PM 4 on Plaza Way? 10:40PM 5 MR. CHAPLIN: I don't know offhand. I 10:41PM 6 can double-check. 10:41PM 7 I don't remember offhand. 10:41PM 8 MS. MUELLER: Okay. Because I do know 10:41PM 9 that, you know, we required them, you know, on 10:41PM 10 another -- another development on Oak Street recently 10:41PM 11 and so, you know, I just was wondering why that was 10:41PM 12 never mentioned at all. 10:41PM 13 MR. GRECO: Just one question on the 10:41PM 14 Plaza Way end. I believe the power lines on Plaza 10:41PM 15 Way are on that side of the road, correct? 10:41PM 16 MR. CHAPLIN: Yes. 10:41PM 17 MR. GRECO: So that definitely impairs 10:41PM 18 the firemen from being able to use parts of their job 10:41PM 19 or how they want to work with part of that. 10:41PM 20 MR. CHAPLIN: It's not ideal, they've 10:41PM 21 got to work around that. 10:41PM 22 MR. GRECO: Plus your building, is it 10:41PM 23 going to be the same elevation as Plaza Way or right 10:41PM 24 now the parking lot -- the original parking lot used 10:41PM 25 to be lower. Is it going to be the same, you know. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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10:41PM	1	MR. CHAPLIN: Yes, it's -- you know,
10:41PM	2	the parking level is the --
10:41PM	3	MR. GRECO: It's nothing that they can
10:41PM	4	just pull up on Plaza Way and go to work.
10:41PM	5	MR. CHAPLIN: Well, it depends on what
10:41PM	6	they're doing. It's -- you know, ladder access might
10:41PM	7	be challenging.
10:41PM	8	MR. GRECO: There's nothing they can
10:41PM	9	do.
10:41PM	10	MR. CHAPLIN: What's that.
10:41PM	11	MR. GRECO: There's nothing they can do
10:41PM	12	just pulling up on Plaza Way and go to work. They'd
10:41PM	13	have to either cut a fence to get to the property --
10:41PM	14	MR. CHAPLIN: Yeah, right.
10:41PM	15	MR. GRECO: That's what I'm trying to
10:41PM	16	get at.
10:42PM	17	MR. CHAPLIN: Yes, agreed.
10:42PM	18	The building will be sprinklered as
10:42PM	19	well.
10:42PM	20	We obviously meet all the latest
10:42PM	21	building code requirements from a fire standpoint.
10:42PM	22	MS. GONCHAR: Well, and I guess if
10:42PM	23	their position is that it isn't superceded by the
10:42PM	24	plans because it wasn't called out, then we would
10:42PM	25	seek a waiver of that based upon the testimony that <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812

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10:42PM	1	there is -- Zak, adequate access from at least two
10:42PM	2	sides of the building?
10:42PM	3	MR. CHAPLIN: Yes.
10:42PM	4	MS. GONCHAR: Maneuverability and
10:42PM	5	possible some from Plaza Way as well.
10:42PM	6	CHAIRMAN KANIEWSKI: Isn't it a
10:42PM	7	U-shaped building.
10:42PM	8	Wasn't that the testimony?
10:42PM	9	MR. CHAPLIN: Well, it's a U-shape in
10:42PM	10	where the apartments are --
10:42PM	11	MS. GONCHAR: Right.
10:42PM	12	MR. CHAPLIN: -- with amenity space in
10:42PM	13	the middle.
10:42PM	14	MS. GONCHAR: It wraps around.
10:42PM	15	CHAIRMAN KANIEWSKI: So how would that
10:42PM	16	impact on the internal or I call it the interior
10:43PM	17	access of the U for fire equipment.
10:43PM	18	MR. CHAPLIN: You're saying, like,
10:43PM	19	where would they enter from.
10:43PM	20	CHAIRMAN KANIEWSKI: You're presuming
10:43PM	21	-- I thought your answer is assuming the building is
10:43PM	22	a rectangle?
10:43PM	23	MR. CHAPLIN: Well, it is a rectangle.
10:43PM	24	Just the apartment units are the U-shaped.
10:43PM	25	MS. GONCHAR: The apartments are <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812

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10:43PM	1	arranged in a U-shape around a central core, but
10:43PM	2	there's a front of the building also where you come
10:43PM	3	in through the main entrance. It's not open.
10:43PM	4	Do we have a -- we could put up a plan
10:43PM	5	if that --
10:43PM	6	CHAIRMAN KANIEWSKI: No, I understand
10:43PM	7	that.
10:43PM	8	MR. CHAPLIN: Okay.
10:43PM	9	CHAIRMAN KANIEWSKI: Any additional
10:43PM	10	questions from the board members?
10:43PM	11	(No Response.)
10:43PM	12	CHAIRMAN KANIEWSKI: I have a question.
10:43PM	13	Can you tell me again what the criteria
10:43PM	14	is for the, what is it, a design waiver? Is that
10:43PM	15	what it's called? And then I have a question
10:43PM	16	regarding, if you have it, Heyer & Gruel's memo on
10:43PM	17	site design:
10:43PM	18	"The application complies with maximum
10:43PM	19	building coverage and impervious coverage
10:44PM	20	requirements of the redevelopment plan.
10:44PM	21	However, less than 3,000 square feet of
10:44PM	22	additional building coverage will be permitted
10:44PM	23	upon completion of the proposed development.
10:44PM	24	"Applicant shall provide testimony
10:44PM	25	about how the future commercial phase of the <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812

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10:44PM	1	redemption plan can be developed within
10:44PM	2	these limitations."
10:44PM	3	Do you have that handy?
10:44PM	4	THE WITNESS: Yes.
10:44PM	5	So let me start with your first
10:44PM	6	question, the criteria --
10:44PM	7	CHAIRMAN KANIEWSKI: It's not quite a
10:44PM	8	question then, let me just pose the question.
10:44PM	9	You --
10:44PM	10	MS. GONCHAR: You asked about the --
10:44PM	11	you asked for the design waiver standard. That's
10:44PM	12	what we were looking at.
10:44PM	13	CHAIRMAN KANIEWSKI: I got ahead of
10:44PM	14	myself.
10:44PM	15	MS. GONCHAR: That's what we were
10:44PM	16	looking at.
10:44PM	17	THE WITNESS: Yes, I just wanted to get
10:44PM	18	that --
10:44PM	19	CHAIRMAN KANIEWSKI: Go ahead.
10:44PM	20	THE WITNESS: This is in the Municipal
10:44PM	21	Land Use Law at Section 51(b), and this is:
10:44PM	22	"Grants the planning board the power to
10:44PM	23	act, acting upon applications for preliminary
10:44PM	24	site plan approval shall have the power to
10:44PM	25	grant such exceptions from the requirements <i>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</i> 201-641-1812

157 10:44PM 1 for site plan approval as may be reasonable 10:44PM 2 and within the general purpose and intent of 10:44PM 3 the provisions for site plan review and 10:45PM 4 approval of an ordinance adopted pursuant to 10:45PM 5 this article." 10:45PM 6 And here's the criteria is that: 10:45PM 7 "If the literal enforcement of one or 10:45PM 8 more provisions of the Ordinance is 10:45PM 9 impracticable or will exact undue hardship 10:45PM 10 because of peculiar conditions pertaining to 10:45PM 11 the land in question." 10:45PM 12 So this is -- this is not the same 10:45PM 13 standards, this is a reduced standard of proof as 10:45PM 14 required to a (c) variance because these are items 10:45PM 15 that have been designated as part of the site plan 10:45PM 16 review requirements which is in your ordinance and 10:45PM 17 also does designate it separately within the 10:45PM 18 redevelopment plan. 10:45PM 19 CHAIRMAN KANIEWSKI: Okay. So that's 10:45PM 20 the criteria? 10:45PM 21 THE WITNESS: Yes. 10:45PM 22 CHAIRMAN KANIEWSKI: Okay. And then my 10:45PM 23 follow-up question is, in the course of preparing 10:45PM 24 this, did you review a number of the documents, 10:45PM 25 settlement agreement, various modification LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	159 10:46PM 1 agreement, redevelopment plan -- 10:46PM 2 THE WITNESS: No, I -- 10:46PM 3 CHAIRMAN KANIEWSKI: -- governed by the 10:46PM 4 redevelopment plan as part of the zoning -- so-called 10:46PM 5 zoning for the project that was 8,000 feet. 10:47PM 6 Aren't we changing it if we grant a 10:47PM 7 variance on that? 10:47PM 8 THE WITNESS: You're not granting a 10:47PM 9 variance on that. 10:47PM 10 MS. GONCHAR: There's no variance 10:47PM 11 before you. 10:47PM 12 CHAIRMAN KANIEWSKI: We're granting a 10:47PM 13 waiver, correct? 10:47PM 14 THE WITNESS: No, there's no -- no 10:47PM 15 waiver or variances being requested for the number -- 10:47PM 16 for anything related to square footage of any sites. 10:47PM 17 CHAIRMAN KANIEWSKI: Okay. So even 10:47PM 18 though it's effectively changing the redevelopment -- 10:47PM 19 commercial redevelopment parcel. 10:47PM 20 MS. GONCHAR: The application that's 10:47PM 21 before the board this evening is not changing 10:47PM 22 anything with regard to the commercial. 10:47PM 23 THE WITNESS: No. 10:47PM 24 MS. GONCHAR: That is not before the 10:47PM 25 board this evening. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
158 10:45PM 1 agreements, redevelopment plans? 10:45PM 2 THE WITNESS: I have -- yes, I've 10:45PM 3 looked at -- I can't say I've looked at everything, 10:45PM 4 but I have reviewed the settlement agreement, I 10:45PM 5 reviewed the redevelopment plan, I reviewed your 10:46PM 6 ordinance. 10:46PM 7 CHAIRMAN KANIEWSKI: Okay. 10:46PM 8 Generally speaking, is it not correct 10:46PM 9 that the various documents contemplated a commercial 10:46PM 10 area, and is it not correct that the area was 10:46PM 11 approximately 8,000 square feet. 10:46PM 12 THE WITNESS: I did not review that -- 10:46PM 13 these documents with that particular in mind. 10:46PM 14 However, I will say that the -- my 10:46PM 15 understanding, and this is not an application for the 10:46PM 16 commercial phase of this project, but the documents 10:46PM 17 do anticipate -- there is items in the settlement 10:46PM 18 agreement and developer's agreement, et cetera, that 10:46PM 19 anticipate up to 8,000 square feet of commercial use. 10:46PM 20 I can't speak to the exact language. 10:46PM 21 CHAIRMAN KANIEWSKI: Wouldn't granting 10:46PM 22 the variance be a pro tanto changing most of the 10:46PM 23 organic documents? 10:46PM 24 THE WITNESS: No. 10:46PM 25 CHAIRMAN KANIEWSKI: Settlement LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	160 10:47PM 1 The only thing that is before the board 10:47PM 2 is a 160-residential unit building with accessory 10:47PM 3 parking and other amenities. That's the only thing 10:47PM 4 that's before the board. 10:47PM 5 CHAIRMAN KANIEWSKI: I realize that. 10:47PM 6 However, it seems to me that you're pro tanto 10:47PM 7 amending some of the organic documents -- 10:47PM 8 MS. GONCHAR: I don't know what "pro 10:47PM 9 tanto" means. 10:47PM 10 CHAIRMAN KANIEWSKI: By your action. 10:47PM 11 I don't know either, I have to look it 10:47PM 12 up. It's Latin. 10:48PM 13 So I guess the concern I have and I'd 10:48PM 14 like the witness is that real -- is that by doing 10:48PM 15 this you're changing the underlying agreements in the 10:48PM 16 town and planning board will not get the benefit of 10:48PM 17 the bargain where we started, we would lose an 10:48PM 18 interesting and valuable amenity, which is the 10:48PM 19 potential to have some commercial restaurants in the 10:48PM 20 project? 10:48PM 21 MS. GONCHAR: I am going to object to 10:48PM 22 that because I don't believe that this witness is 10:48PM 23 involved. 10:48PM 24 She has not reviewed a commercial 10:48PM 25 project. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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10:48PM	1	CHAIRMAN KANIEWSKI: Okay.
10:48PM	2	MS. GONCHAR: And we have no idea -- as
10:48PM	3	I sit here I haven't seen the plan for the
10:48PM	4	commercial.
10:48PM	5	We have not abandoned the commercial,
10:48PM	6	we intend to pursue a commercial to the best of my
10:48PM	7	knowledge. And I don't know that any mix of uses has
10:48PM	8	been selected at this time. But that's not before
10:48PM	9	the board.
10:48PM	10	CHAIRMAN KANIEWSKI: I will withdraw
10:48PM	11	the question.
10:48PM	12	I have another question for the
10:48PM	13	witness.
10:49PM	14	In your opinion, should the project be
10:49PM	15	viewed as four separate parts to be looked at
10:49PM	16	individually or should it be reviewed as an
10:49PM	17	integrated whole.
10:49PM	18	THE WITNESS: The site plan application
10:49PM	19	is an individual project that is before the board
10:49PM	20	this evening.
10:49PM	21	CHAIRMAN KANIEWSKI: Okay. So you
10:49PM	22	don't think that the redevelopment project is an
10:49PM	23	integrated whole?
10:49PM	24	THE WITNESS: If they're related in the
10:49PM	25	sense that they're covered by the same redevelopment
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10:49PM	1	plan, but these are -- these are just -- this is an
10:49PM	2	individual site tonight that, you know, it's related
10:49PM	3	to the properties around it and we provided, you
10:49PM	4	know, cross-access agreements where possible, but
10:49PM	5	tonight -- this is a specific application tonight.
10:49PM	6	CHAIRMAN KANIEWSKI: Okay. I don't
10:49PM	7	have any additional questions.
10:49PM	8	MS. GONCHAR: And I do think we have
10:49PM	9	put in testimony, just as further, I think there was
10:49PM	10	testimony put in by the architect about the
10:49PM	11	coordination of the visual impact of the, you know,
10:49PM	12	at least the two existing, how they -- the colors and
10:49PM	13	the different materials that they used were intended
10:50PM	14	to coordinate those components of the overall
10:50PM	15	redevelopment.
10:50PM	16	CHAIRMAN KANIEWSKI: Okay. Since you
10:50PM	17	mentioned, the architect, just to be clear, I don't
10:50PM	18	know if anybody asked you, the purpose of this
10:50PM	19	project is to generate affordable housing.
10:50PM	20	Is that correct?
10:50PM	21	THE WITNESS: It's one purpose.
10:50PM	22	CHAIRMAN KANIEWSKI: Okay. The
10:50PM	23	architectural plans did not appear to agree with the
10:50PM	24	-- on the number of units, which was 24. They did
10:50PM	25	not agree on the bedroom distribution.
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10:50PM	1	Are you -- do you agree with the
10:50PM	2	previous statements that the bedroom distribution
10:50PM	3	will be corrected to reflect total requirements?
10:50PM	4	Specifically, there appears to be one more -- I
10:50PM	5	believe the architectural plans had one more
10:50PM	6	one-bedroom, one less five-bedroom. I believe it was
10:50PM	7	five, 14 and five on the architecturals and I believe
10:51PM	8	it should have been four, 14 and six.
10:51PM	9	MS. GONCHAR: And we clarified that
10:51PM	10	earlier today. We misspoke and then we corrected it
10:51PM	11	that the number that Mr. Barree pointed out was
10:51PM	12	required as the one that was represented by our
10:51PM	13	engineer would be provided.
10:51PM	14	CHAIRMAN KANIEWSKI: Okay. The planner
10:51PM	15	agrees that that's the number?
10:51PM	16	THE WITNESS: Yes, I agree with
10:51PM	17	Mr. Barree's assessment.
10:51PM	18	CHAIRMAN KANIEWSKI: Okay, all right.
10:51PM	19	I don't have any additional questions.
10:51PM	20	Anything else from the board?
10:51PM	21	(No Response.)
10:51PM	22	CHAIRMAN KANIEWSKI: If not, any
10:51PM	23	questions from any members of the public.
10:51PM	24	MR. VERHASSELT: Yes.
10:51PM	25	CHAIRMAN KANIEWSKI: Mr. Verhasselt?
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10:51PM	1	MR. VERHASSELT: I believe the lawyer
10:51PM	2	wants to speak.
10:51PM	3	MS. GONCHAR: I just want to make sure
	4	I'm looking at the right ordinance.
	5	(Brief pause.)
	6	MR. VERHASSELT: You done.
	7	MS. GONCHAR: I'm talking to myself.
	8	Be my guest.
	9	MR. VERHASSELT: Okay.
10:51PM	10	You're the planner for this whole
10:51PM	11	project, the residential portion, I would imagine
10:51PM	12	you're -- that's what you're --
10:51PM	13	THE WITNESS: That's my role here
10:51PM	14	tonight, yes.
10:51PM	15	MR. VERHASSELT: What's your plan for
10:52PM	16	the pond? Or is that a separate piece of property.
10:52PM	17	THE WITNESS: That pond is not before
10:52PM	18	this board tonight.
10:52PM	19	MR. VERHASSELT: Not a problem.
10:52PM	20	You did testify that people will be
10:52PM	21	moving in and moving out of this property.
10:52PM	22	Does that infer that there is going to
10:52PM	23	be transient population in here? Are these going to
10:52PM	24	be leased units or owned units.
10:52PM	25	THE WITNESS: My understanding, this is
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165 10:52PM 1 a rental property. 10:52PM 2 MR. VERHASSELT: Okay. 10:52PM 3 THE WITNESS: But that -- 10:52PM 4 MR. VERHASSELT: The previous testimony 10:52PM 5 was leased. 10:52PM 6 MS. GONCHAR: It is leased property. 10:52PM 7 It's leased property because that is one of the 10:52PM 8 requirements under the Town's affordable housing 10:52PM 9 because rental properties gain them additional 10:52PM 10 credits. 10:52PM 11 THE WITNESS: Yes. 10:52PM 12 MR. BARREE: That is correct. I can 10:52PM 13 vouch for that as well. Typically when you rent the 10:52PM 14 unit you have a lease. 10:52PM 15 THE WITNESS: Yes. 10:52PM 16 MR. VERHASSELT: Okay. 10:52PM 17 THE WITNESS: That is not the same as 10:52PM 18 transient in my opinion, though. 10:52PM 19 MR. VERHASSELT: That's your opinion. 10:52PM 20 That's why you're here. 10:52PM 21 Building construction costs are going 10:52PM 22 to go up due to the DEP changes required for your -- 10:52PM 23 THE WITNESS: I have no information on 10:53PM 24 that. 10:53PM 25 MR. VERHASSELT: So you're not involved LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	167 10:53PM 1 THE WITNESS: I can't speak directly to 10:53PM 2 that, but I would note that, you know, we talked 10:54PM 3 about the shape of the building. There are -- the 10:54PM 4 residential units are not generally located along 10:54PM 5 that back side of the building along Plaza Way. 10:54PM 6 MR. VERHASSELT: Generally. Except at 7 both ends. 8 THE WITNESS: Where there is access to 9 the site. 10 MR. VERHASSELT: Yeah, at both ends. 11 Far end, the north -- the western -- 10:54PM 12 THE WITNESS: Which is accessible from 10:54PM 13 this site, is my understanding. 10:54PM 14 MR. VERHASSELT: You just said it's 10:54PM 15 only 15 feet. That's what you're asking for a 10:54PM 16 variance for. You're changing it from 20 to 15 feet 10:54PM 17 along the entire back. 10:54PM 18 How is there access at the western end 10:54PM 19 of the building? 10:54PM 20 THE WITNESS: I would defer to our 10:54PM 21 engineer for fire access. 10:54PM 22 MR. VERHASSELT: All right. Well, you 10:54PM 23 asked for it so I figured I'd ask you. 10:54PM 24 There was some discussion about Plaza 10:54PM 25 Way again. You offered -- and your -- Zak offered LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
166 10:53PM 1 in the planning of that? 10:53PM 2 THE WITNESS: I'm not involved in the 10:53PM 3 financial side of this project. 10:53PM 4 MR. VERHASSELT: Okay. 10:53PM 5 When will we be able to talk to 10:53PM 6 financial people to answer questions about that? 10:53PM 7 Will you be presenting any witnesses regarding that 10:53PM 8 as far as the variances? 10:53PM 9 MS. GONCHAR: No. We -- you've heard 10:53PM 10 the testimony on the variances, and the financial 10:53PM 11 considerations are not something that would normally 10:53PM 12 be addressed -- 10:53PM 13 MR. VERHASSELT: Okay, thank you. 10:53PM 14 MS. GONCHAR: -- unless there was a use 10:53PM 15 variance from that. 10:53PM 16 MR. VERHASSELT: Thank you. 10:53PM 17 Mr. Greco's questions were very 10:53PM 18 pertinent as far as fighting a fire in this building. 10:53PM 19 Because of the elevations with the wires 30 feet off 10:53PM 20 the ground on Plaza Way, and that's 33 above grade 10:53PM 21 level, that's in the middle of your building. You're 10:53PM 22 going to give those people 18 feet -- you want to 10:53PM 23 give the firemen 18 feet to fight a fire with a 24KVW 10:53PM 24 wire in front of them? 10:53PM 25 Is that what you're asking? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	168 10:54PM 1 access to Plaza Way to fight fires. 10:54PM 2 During your testimony you called him 10:54PM 3 up. This attorney has told the Town Council that she 10:54PM 4 has attempted to have discussions with Plaza Way's 10:55PM 5 owners and has never been able to provide any 10:55PM 6 evidence of those discussions ever occurring. 10:55PM 7 Are you aware of any discussions that 10:55PM 8 would allow Plaza Way to be used to fight fires in 10:55PM 9 this building? 10:55PM 10 THE WITNESS: That's not -- that's not 10:55PM 11 my -- 10:55PM 12 MR. VERHASSELT: You don't know. 10:55PM 13 THE WITNESS: No. That's not my area 10:55PM 14 of expertise. 10:55PM 15 MR. VERHASSELT: Okay. Who would -- 10:55PM 16 whose expertise would that be besides the attorney? 10:55PM 17 Because she hasn't produced those documents. 10:55PM 18 Can't answer that one either. 10:55PM 19 MS. GONCHAR: Don't answer it. You 10:55PM 20 don't have to. 10:55PM 21 MR. VERHASSELT: You don't have to. 10:55PM 22 It's a question. Not a problem. 10:55PM 23 That's about it. Got no answers. 10:55PM 24 Batting a thousand. 10:55PM 25 Thank you. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

169 10:55PM 1 CHAIRMAN KANIEWSKI: Okay. Any other 10:55PM 2 questions from any members of the public? 10:55PM 3 (No Response.) 10:55PM 4 CHAIRMAN KANIEWSKI: Okay. If not, 10:55PM 5 anything additional from any members of the board or 10:55PM 6 the professionals? 10:55PM 7 (No Response.) 10:56PM 8 CHAIRMAN KANIEWSKI: Counsel? 10:56PM 9 MS. GONCHAR: Well, I am prepared to -- 10:56PM 10 we have completed our direct case. I am prepared to 10:56PM 11 summarize briefly or -- I leave it to the board. We 10:56PM 12 would very much like to complete this this evening if 10:56PM 13 possible. 10:56PM 14 CHAIRMAN KANIEWSKI: Counsel, what do 10:56PM 15 you think? 10:56PM 16 MS. CORRISTON: I mean, you're going to 10:56PM 17 just do your summation at this point, right? 10:56PM 18 MS. GONCHAR: We've completed direct. 10:56PM 19 Unless the board has questions, we have our witnesses 10:56PM 20 here, so certainly if anybody does have additional 10:56PM 21 questions -- it's not that we don't enjoy spending 10:56PM 22 the evening, but because people are busy and with the 10:56PM 23 holidays, so far we've been here three times and 10:56PM 24 we've brought two different engineers and we've 10:56PM 25 brought, you know, different representatives from -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	171 1 CHAIRMAN KANIEWSKI: Not hearing 10:58PM 2 anything, you want to do your summation. 10:58PM 3 MS. GONCHAR: Sure. 4 This is -- if the board is ready to 5 hear it. 6 MS. CORRISTON: Is the board ready. 7 MS. GONCHAR: For summation. 8 Thank you. 10:58PM 9 The board is aware of the history of 10:58PM 10 this matter, and the fact that this is the second of 10:58PM 11 three phases of a -- well, four if you count the pond 10:58PM 12 as a separate lot, but three phases to be developed 10:59PM 13 as part of a redevelopment plan. 10:59PM 14 And this is the -- as the residential, 10:59PM 15 the project does, in fact, comprise a substantial 10:59PM 16 portion of the town's affordable housing obligation. 10:59PM 17 The plan calls for 160 units with a set-aside of 10:59PM 18 24 units. We have adjusted the bedroom count to make 10:59PM 19 it consistent with agreements that have been signed, 10:59PM 20 and with the development of this section of the 10:59PM 21 overall redevelopment plan we do provide the number 10:59PM 22 of units that were anticipated that have been part of 10:59PM 23 this since the settlement both with the applicant as 10:59PM 24 well as what was anticipated with your settlement 10:59PM 25 agreement with Fair Share Housing. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
170 10:56PM 1 for traffic. I am not sure who's available at the 10:56PM 2 next one who we'd have to train to do the next -- or 10:56PM 3 have -- get them up to speed, so that's the reason 10:56PM 4 that we're just trying, if we can possibly complete 10:56PM 5 it. 10:56PM 6 MS. CORRISTON: So the question is 10:56PM 7 whether the board feels that they're prepared to 10:57PM 8 deliberate on this now or if there are additional 10:57PM 9 questions and they feel that they need to inquire of 10:57PM 10 the professionals that are here. 10:57PM 11 MR. GRECO: I would have to recuse 10:57PM 12 myself if we vote tonight because I missed the first 10:57PM 13 two meetings. I only read the transcripts complete 10:57PM 14 from the first meeting and I'm about page 70 of the 10:57PM 15 second meeting, so I would have to recuse myself from 10:57PM 16 voting. 10:57PM 17 MS. ANGLIN: Likewise, I'd have to 10:57PM 18 recuse myself. I missed the same. 10:57PM 19 (Brief pause.) 10:57PM 20 CHAIRMAN KANIEWSKI: What's the board 10:58PM 21 think? Everybody want to deliberate at this point or 22 -- 23 MS. GONCHAR: I think they're checking 24 who certified. I don't know if that's what they're 25 checking. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	172 10:59PM 1 The -- so it is a permitted use. We 10:59PM 2 have complied with the number of parking spaces. We 10:59PM 3 have met all of the technical requirements and as our 10:59PM 4 engineer has testified, exceeded the requirements of 11:00PM 5 the stormwater standards, and with whatever 11:00PM 6 revisions, which we would hope would be post approval 11:00PM 7 as part of compliance, whatever details have been 11:00PM 8 requested from your consultants will be submitted and 11:00PM 9 obviously subject to their review. 11:00PM 10 And if further requirements or 11:00PM 11 revisions to those compliance plans are required, 11:00PM 12 those will be complied with as well. 11:00PM 13 I know there's concern about the pond. 11:00PM 14 We have indicated, I believe we made our subdivision 11:00PM 15 initially to the planning department -- excuse me, to 11:00PM 16 the building department around August of this year, 11:00PM 17 so we are pursuing that. 11:00PM 18 A second submission was made, there was 11:00PM 19 review and comment, so those are available if the 11:00PM 20 board members want to review them, they're accessible 11:00PM 21 to you, and it's our intention to comply with our 11:00PM 22 undertaking with regard to that pond. 11:00PM 23 And as always, we are subject to the 11:00PM 24 review and comment of the township's engineer and 11:01PM 25 other consultants. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

173 11:01PM 1 We believe we provided a beautiful 11:01PM 2 project in terms of its components, the design of the 11:01PM 3 units' interior and the outside of the building, and 11:01PM 4 we hope and believe that it will be an enhancement to 11:01PM 5 your community and will allow you to satisfy your 11:01PM 6 obligation with something that you'll view as 11:01PM 7 positive. 11:01PM 8 It's a substantial investment and this 11:01PM 9 is being done as a beautiful, luxury building where 11:01PM 10 elements such as what's been described. We've 11:01PM 11 provided loading area, we've provided drop-off in the 11:01PM 12 beginning; the type of amenities and elements of a 11:01PM 13 top of the line project. 11:01PM 14 This will be managed so there will be 11:01PM 15 maintenance. This is not -- it is a rental. That is 11:01PM 16 part -- it's a rental in large part because that's 11:01PM 17 part of what was required by your affordable housing 11:02PM 18 settlement. 11:02PM 19 As a result, it means that there's one 11:02PM 20 entity that manages it, and that's an advantage in 11:02PM 21 terms of maintenance. These are not individual 11:02PM 22 owners who you have to be -- there's variation how 11:02PM 23 people take care of property. 11:02PM 24 So there will be a schedule -- and, of 11:02PM 25 course, the town has enforcement rights. Not this LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	175 11:03PM 1 in large part consistent with all of the requirements 11:03PM 2 of both your ordinance or your redevelopment plan. 11:03PM 3 And in a project of this size, we 11:03PM 4 believe that a deviation of 5 feet from a setback 11:03PM 5 where you're not moving the building closer to a 11:03PM 6 residential building but facing a commercial use, as 11:03PM 7 you've heard from our planner, meets the negative 11:04PM 8 criteria which is impact on the surrounding use 11:04PM 9 because it is a relatively small deviation in terms 11:04PM 10 of the setback. 11:04PM 11 With regard to the only other variance 11:04PM 12 that we were requesting which our planner testified 11:04PM 13 could meet the criteria for the (c)(2) variance which 11:04PM 14 is the benefit outweighs the detriment, I don't think 11:04PM 15 any detriment has been identified in the testimony. 11:04PM 16 The town was concerned with a height limitation. The 11:04PM 17 height limitation has been honored. 11:04PM 18 The fact that within that number of 11:04PM 19 feet set forth in the redevelopment plan we were able 11:04PM 20 to add additional parking, I agree certainly with the 11:04PM 21 planner that that could be viewed and should be 11:04PM 22 viewed as a benefit. 11:04PM 23 What we often hear, and I've done many, 11:04PM 24 many residential projects, people are most often 11:04PM 25 concerned with inadequate parking. People question LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
174 11:02PM 1 board, but you have a property maintenance ordinance. 11:02PM 2 But in order to maintain the building it will be -- 11:02PM 3 there will be scheduled maintenance and there will be 11:02PM 4 a management company that operates the building on 11:02PM 5 behalf of the owner. 11:02PM 6 As we've indicated, we've made a number 11:02PM 7 of adjustments. We're grateful for the comments we 11:02PM 8 received. Many of them were very helpful and focused 11:02PM 9 us on something that we may not have focused on, like 11:02PM 10 the tandem spaces on the second level and how we 11:02PM 11 counted them, so as you know, we've gone back and 11:02PM 12 we've done revisions when something has been pointed 11:02PM 13 out. We're hardly resistant to it. We've 11:02PM 14 incorporated those changes, they've made a better 11:02PM 15 project and we're grateful. 11:03PM 16 As far as the variances, this is not a 11:03PM 17 -- this was not a vacant parcel. This was a parcel 11:03PM 18 that already has a pond situated, it has another 11:03PM 19 building on it. 11:03PM 20 So the location of the building and in 11:03PM 21 part the need for the setback, as you have heard, are 11:03PM 22 dictated in part by elements that already exist on 11:03PM 23 the site. We can't move the pond. We can't move the 11:03PM 24 riparian area. There is other development. 11:03PM 25 The property was situated and developed LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	176 11:04PM 1 whether the RSIS standards or the redevelopment plan 11:04PM 2 standards or other standards are actually adequate. 11:04PM 3 Even when we meet them we are asked about them. 11:05PM 4 People don't want overflow parking in other 11:05PM 5 residential areas. 11:05PM 6 In this instance we were able to 11:05PM 7 provide substantial additional parking, and the only 11:05PM 8 variance or deviation from the plan that was required 11:05PM 9 to accomplish that was to add one more level of 11:05PM 10 parking within the height limitation. 11:05PM 11 So I think the kind of concern that one 11:05PM 12 might otherwise raise in the context of a multifamily 11:05PM 13 has been addressed. We're able to provide the 240 11:05PM 14 required parking spaces at the 9-by-18 required by 11:05PM 15 the plan, and the undersized parking for which we've 11:05PM 16 requested a waiver are beyond the requirement of the 11:05PM 17 plan. 11:05PM 18 So I think that the reduction in the 11:05PM 19 spaces to allow for the additional spaces and also 11:05PM 20 the additional level of parking, both of which 11:05PM 21 require us to ask you for relief, I think are 11:06PM 22 beneficial and will enhance the operation of the 11:06PM 23 project and minimize any concerns that people might 11:06PM 24 have had in terms of parking. 11:06PM 25 The other items have been addressed. I LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

177 11:06PM 1 won't reiterate them. And certainly the Section 35 11:06PM 2 and 36, what we call planning variances, which are 11:06PM 3 variance from the Municipal Land Use Law, these 11:06PM 4 issues have been addressed before, and it's simply 11:06PM 5 because we have internal subdivisions that the 11:06PM 6 property -- all of the lots do not front on a public 11:06PM 7 street. The board has granted relief from that in 11:06PM 8 the context of the subdivision. 11:06PM 9 We have identified the adequacy of 11:06PM 10 emergency access. We have had this reviewed by your 11:06PM 11 emergency services people and your police department 11:06PM 12 as evidenced by your chief being here. And no issues 11:06PM 13 were raised in this regard. 11:06PM 14 To the extent that the provision that 11:06PM 15 Ms. Mueller had raised does require a waiver, we are 11:06PM 16 asked for it now. We would indicate that 11:06PM 17 impracticability would be a standard for that grant, 11:07PM 18 given the configuration of the site, the location of 11:07PM 19 the riparian and the other constraints on the site. 11:07PM 20 Given all of that, we think that we 11:07PM 21 have designed a beautiful project. It is a permitted 11:07PM 22 use under your plan. And I will say that I did want 11:07PM 23 to check, and that's why I spoke to John. There is a 11:07PM 24 tremendous amount of concern that's been raised, and 11:07PM 25 hopefully will not prejudice the consideration of LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	179 11:08PM 1 them and variances or deviations. 11:08PM 2 And certainly we acknowledge there are 11:08PM 3 a number of outstanding technical items, we've agreed 11:08PM 4 to them. Your consultants will see them. We will do 11:08PM 5 post approval compliance drawings and we will 11:08PM 6 continue to refine those until your consultants are 11:08PM 7 satisfied with them. And we will also make the 11:09PM 8 application to DEP as we represented we would for a 11:09PM 9 technical amendment to the plans that have already 11:09PM 10 been approved by DEP. 11:09PM 11 It's a different site and I think -- I 11:09PM 12 don't agree with your Chairman in his criticism. I 11:09PM 13 think our consultants did an outstanding job and 11:09PM 14 addressed all of the issues they're required to, and 11:09PM 15 we would ask for your favorable action on the 11:09PM 16 application. 11:09PM 17 Thank you. 11:09PM 18 CHAIRMAN KANIEWSKI: Thank you. 11:09PM 19 Just put this to the board for 11:09PM 20 discussion. 11:09PM 21 The floor is open. 11:09PM 22 MS. MUELLER: I'd like to bring up 11:09PM 23 about the commercial component again. I know you're 11:09PM 24 here just for the residential, but according to the 11:09PM 25 settlement agreement and the redevelopment plan, this LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
178 11:07PM 1 this beautiful application, with regard to the 11:07PM 2 commercial. 11:07PM 3 The language of the ordinance speaks to 11:07PM 4 8,000 square feet as a maximum. It is not a minimum 11:07PM 5 requirement. And although, again, I repeat, I don't 11:07PM 6 know what the plan is for the commercial except that 11:07PM 7 there is a plan for commercial, there is an intention 11:07PM 8 to pursue that, I have no idea what the mix of uses 11:07PM 9 or who those uses might be, but I -- neither the pond 11:07PM 10 and the work being done there, which we are pursuing 11:08PM 11 through your building department, nor the potential 11:08PM 12 development of the commercial should influence this 11:08PM 13 application which is for the residential element, 11:08PM 14 which is a separate element and spelled out as such 11:08PM 15 in the redevelopment plan. 11:08PM 16 So we're not abandoning the other 11:08PM 17 component. We will pursue that when the time is 11:08PM 18 right. And we will make every effort to design it 11:08PM 19 consistent with the plan as we have done with this 11:08PM 20 one. 11:08PM 21 Given all of that, we think we've met 11:08PM 22 our statutory requirements and obligations, and we 11:08PM 23 would ask that the board grant the approval and the 11:08PM 24 relief that we're requesting in terms of the design 11:08PM 25 waivers or exceptions or whatever you want to call LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	180 11:09PM 1 is a whole package. There's four components and none 11:09PM 2 of them have more weight than the other. 11:10PM 3 I know you're doing 24 affordable 11:10PM 4 units, which we need, but they're all, you know, 11:10PM 5 they're all equally important. And I think that -- 11:10PM 6 well, if you -- again, if you read the settlement 11:10PM 7 agreement and the development plan, which I've read, 11:10PM 8 you find all kinds of little nuances and all kinds of 11:10PM 9 fun stuff in there. 11:10PM 10 And, you know, the settlement agreement 11:10PM 11 says on page 3 and 7 that the project substantially 11:10PM 12 is consistent with the general zoning, which Exhibit 11:10PM 13 A and B regulations, and would not result in 11:10PM 14 reduction of any non-residential footages. 11:10PM 15 And then on page 7 on the redevelopment 11:10PM 16 plan, it says: 11:10PM 17 "It shall permit commercial uses and 11:10PM 18 square footages specified in the concept 11:10PM 19 plan and general zoning plan." 11:10PM 20 So if you actually look at that, if the 11:10PM 21 attorney were to actually look at that, you would see 11:10PM 22 all these things that have to be done. And there is 11:11PM 23 also a nice drawing of what the commercial plan -- I 11:11PM 24 mean the commercial place may actually look like, in 11:11PM 25 case you don't, you know, you haven't seen anything. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

181 11:11PM 1 And, you know, it does call for 8,000 square feet 11:11PM 2 and, you know, a whole bunch of different things. 11:11PM 3 And my problem is, again, with 11:11PM 4 Mr. Barree saying there's only 3,000 square feet, you 11:11PM 5 know, hanging out there and -- and I do -- well, I 11:11PM 6 think your other -- your engineer from last week kind 11:11PM 7 of said that they used that land for the commercial 11:11PM 8 component to sort of balance out the DEP. You know, 11:11PM 9 and you handed them evidence saying this land is to 11:11PM 10 remain vacant for whatever it said, you know, open 11:11PM 11 space. This land will remain open space. 11:11PM 12 So I'm just concerned that this whole 11:11PM 13 thing is a, you know, four component project, 11:12PM 14 according to the, you know, what the suit, the 11:12PM 15 lawsuit and all that. 11:12PM 16 So I am just concerned about that -- 11:12PM 17 that component. As much as you say the commercial 11:12PM 18 component and, you know, will be built and it's not a 11:12PM 19 part of this, but it is a part of this. You know, 11:12PM 20 it's equal to the other three parts. 11:12PM 21 And that's where I, you know, that's 11:12PM 22 where I, you know, have a problem with. And I also 11:12PM 23 have a problem again with the -- with you're asking 11:12PM 24 for a waiver for the fire lanes and, you know, you 11:12PM 25 said the fire marshal, you know, gave you the okay or LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	183 11:13PM 1 substantial consistency with the concept plan that 11:13PM 2 was presented. Because of various factors and 11:13PM 3 iterations of design, to this point we are now -- we 11:13PM 4 have now moved away from that in some respects 11:13PM 5 because of the need to provide for the emergency 11:13PM 6 access, the change in the building design, the 11:13PM 7 parking layout. 11:13PM 8 So there has already been changes made. 11:13PM 9 And that's something that happens. 11:14PM 10 That's not uncommon. It's better to learn, grow, 11:14PM 11 advance as these designs get fleshed out rather than 11:14PM 12 slavishly stick to something that may or may not work 11:14PM 13 for different reasons. So they do tend to evolve as 11:14PM 14 they go from concept to final design, and that's part 11:14PM 15 of what's happened with the residential project so 11:14PM 16 far. 11:14PM 17 That being said, the standard that 11:14PM 18 ultimately governs is the redevelopment plan, it's 11:14PM 19 the zoning. And the standard for the commercial 11:14PM 20 space is a maximum of 8,000 square feet. 11:14PM 21 So there is no technical minimum, there 11:14PM 22 is a broad requirement that there be a commercial 11:14PM 23 component in terms of the redevelopment agreement and 11:14PM 24 so forth. 11:14PM 25 You've heard representations that there LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
182 11:12PM 1 whatever -- 11:12PM 2 MS. GONCHAR: We submitted to all of 11:12PM 3 those agencies. 11:12PM 4 MS. MUELLER: Right. 11:12PM 5 I don't even know if you read, you 11:12PM 6 know, read the ordinance. I don't know if anybody 11:12PM 7 else read this ordinance. So I don't know what his 11:12PM 8 opinion is on that. And we have a fireman here that 11:12PM 9 has a question about Plaza Way, and also the fact 11:12PM 10 that it's in a horseshoe, and if you're fighting it 11:12PM 11 from Plaza Way. 11:13PM 12 So I just have some concerns, and 11:13PM 13 that's my thoughts. 11:13PM 14 CHAIRMAN KANIEWSKI: Okay. 11:13PM 15 Anyone else? 11:13PM 16 MR. BARREE: May I address this 11:13PM 17 question since the root of it really is the comment 11:13PM 18 in my report about the commercial space. 11:13PM 19 As I say in the report, approximately 11:13PM 20 3,000, maybe a little under 3,000 square feet of 11:13PM 21 building coverage remains after we've looked at the 11:13PM 22 calculations. 11:13PM 23 Now, the redevelopment plan -- 11:13PM 24 correctly, as you state, Christine, the redevelopment 11:13PM 25 plan and various other documents talk about LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	184 11:14PM 1 will, at some point, be a commercial component. 11:14PM 2 We'll have to wait and see what that is. And the 11:14PM 3 reality may also be that there may be an applicant 11:14PM 4 back before this board seeking relief from the board 11:15PM 5 for having some additional square footage for the 11:15PM 6 commercial component that goes over that building 11:15PM 7 coverage requirement. 11:15PM 8 They may come back in before the board 11:15PM 9 with a 6,000-square-foot building and need a variance 11:15PM 10 for building coverage. And then at that point you 11:15PM 11 can weigh whether the additional square footage is a 11:15PM 12 benefit or a detriment. 11:15PM 13 So it's yet to come. They've backed 11:15PM 14 themselves into a corner to a point, but they haven't 11:15PM 15 precluded the ability to provide a commercial 11:15PM 16 component, and they haven't made it so that it's 11:15PM 17 impossible to comply with the plan. So that's just 11:15PM 18 my two cents on where we are. 11:15PM 19 MS. MUELLER: Well, like I said, when I 11:15PM 20 just read the, you know, the settlement agreement, 11:15PM 21 they said, you know, can't be zoned any reduction in 11:15PM 22 the non -- non-residential footages and, you know, 11:15PM 23 you know, the square footage specified in the concept 11:15PM 24 plan, you know, to the full build out. 11:15PM 25 So even in that, they're saying you LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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11:15PM **1** have to pretty much do the 8,000 square feet, the

11:15PM **2** 4500, da-da-da, blah-blah-blah, so...

11:16PM **3** MR. BARREE: Yes, 8,000 was never the

4 square footage in the concept plan, it was about

5 6800.

6 MS. MUELLER: No, that 68 just popped

7 up. If you read the --

8 MR. BARREE: If you look at the concept

9 plan the square footage is -- you can look at the

11:16PM **10** little square footage and that's up to 6800 square

11:16PM **11** feet.

11:16PM **12** But I --

11:16PM **13** MS. MUELLER: Is that just the

11:16PM **14** building.

11:16PM **15** MR. BARREE: Yes, the building, yes,

11:16PM **16** that's --

11:16PM **17** MS. MUELLER: But we're not including

11:16PM **18** the outdoor dining and all that mess, so --

11:16PM **19** MR. BARREE: That's specified as a

11:16PM **20** different square footage. That's not building

11:16PM **21** coverage.

11:16PM **22** MS. MUELLER: Yeah, that's 4500 square

11:16PM **23** feet.

11:16PM **24** But what I'm saying, that's the only

11:16PM **25** time it says 6800, everything else is 8,000, 8,000,

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11:16PM **1** 8,000.

11:16PM **2** Anyway, my point is -- I don't know

11:16PM **3** what my point is. My point -- I'm not sure -- I just

11:16PM **4** don't like it.

11:16PM **5** That's it.

11:16PM **6** That's my point.

11:16PM **7** CHAIRMAN KANIEWSKI: That's a concise

11:16PM **8** summary.

11:16PM **9** Any additional thoughts from any of the

11:16PM **10** board members?

11:17PM **11** There are obviously pros and cons to

11:17PM **12** this. Pluses are, I think, the affordable housing

11:17PM **13** element is key. We have already agreed to the

11:17PM **14** settlement agreement which sets the outside -- the

11:17PM **15** outer limits of what we're doing, so we've

11:17PM **16** essentially agreed or the town's essentially agreed

11:17PM **17** to the building.

11:17PM **18** The presentation of the experts in sum,

11:17PM **19** I disagree with counsel's characterization of my

11:17PM **20** characterization, if that's a fair characterization

11:17PM **21** of both our characterizations.

11:17PM **22** But I thought some of the witnesses

11:17PM **23** were better than others, and I'll leave it at that.

11:17PM **24** MS. GONCHAR: Can I interrupt? I

11:17PM **25** apologize, I -- my associate raised a question. We

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11:17PM **1** did have questions of our witness. Did you open it

11:17PM **2** to the public for comment?

11:17PM **3** MS. MUELLER: Yeah.

11:17PM **4** MS. GONCHAR: No, there were questions,

11:18PM **5** there were questions of Kate. I'm just asking if

11:18PM **6** there were comments. And I missed it. Thank Corey.

11:18PM **7** CHAIRMAN KANIEWSKI: Thank you, Corey.

11:18PM **8** Okay. At this point are there any

11:18PM **9** comments from any members of the public on this case?

11:18PM **10** (No Response.)

11:18PM **11** CHAIRMAN KANIEWSKI: Okay. Seeing no

11:18PM **12** members of the public at this point, it's back to our

11:18PM **13** discussion.

11:18PM **14** MS. GONCHAR: Thank you.

11:18PM **15** Sorry for the interruption.

11:18PM **16** CHAIRMAN KANIEWSKI: Thank you, that's

11:18PM **17** good. Thanks. The hour is late.

11:18PM **18** In any event, looking through this, I

11:18PM **19** thought the -- we satisfy our affordable housing or a

11:18PM **20** portion of our affordable housing obligation, which

11:18PM **21** is good. Part of this is like what some religions

11:18PM **22** would call predestination in terms of our fate being

11:18PM **23** fairly predestined by litigation and settlement

11:18PM **24** agreements and a variety of weighty and complex legal

11:19PM **25** papers, so a lot of this has been determined as to

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11:19PM **1** general outlines.

11:19PM **2** In terms of the presentation of the

11:19PM **3** various experts, I thought the architectural plans,

11:19PM **4** in my opinion, were good. It was actually better

11:19PM **5** than I expected. I thought they were relatively

11:19PM **6** creative with the building and they added some

11:19PM **7** amenities, which I think is a plus.

11:19PM **8** I think they had some weaknesses in

11:19PM **9** their case. I thought the -- as I said before, the

11:19PM **10** engineering testimony was a little bit slipshod.

11:19PM **11** Pages were missing, letters weren't updated, permits

11:19PM **12** weren't signed, and so on and so forth. I don't

11:19PM **13** think that -- we got through it. I don't think that

11:19PM **14** that's particularly fatal.

11:19PM **15** My main concern was that we got

11:19PM **16** shortchanged on the commercial, which is being -- can

11:20PM **17** I use another term? I can't use pro tanto. Can I

11:20PM **18** use fete accompli? Which would be a fete accompli if

11:20PM **19** we do this.

11:20PM **20** However, I think that probably that's

11:20PM **21** not a Planning Board issue at this point because

11:20PM **22** we're just dealing with a particular partial. I

11:20PM **23** think it goes back to the town to perhaps negotiate

11:20PM **24** and re-discuss with the developer whether they're

11:20PM **25** getting 8,000 feet or 3,000 feet or whether the jobs

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189 11:20PM 1 that were promised in the financial agreement are 11:20PM 2 going to be -- or the amenities that we thought were 11:20PM 3 going to be on the parcel are going to be there. 11:20PM 4 In terms of some of the testimony on 11:20PM 5 the flooding, I was favorably impressed by that. 11:20PM 6 They did take some actions to improve what we all 11:20PM 7 know is a bad situation. So that's, you know, 11:20PM 8 roughly where I am. 11:20PM 9 I think on balance I'm kind of in favor 11:20PM 10 of it. I think the weakest point is the commercial 11:20PM 11 that is a waiver and I don't think that's exactly 11:21PM 12 dispositive of the whole situation. 11:21PM 13 I thought the variances were probably 11:21PM 14 deserved; parking, more parking than setback, 11:21PM 15 particular parking so as -- short, and they did add 11:21PM 16 additional parking. We had concerns about where 11:21PM 17 people go during the floods and they added additional 11:21PM 18 floor for parking which I think is beneficial, so I 11:21PM 19 put that into the plus column for them. 11:21PM 20 So that's basically where I am. I have 11:21PM 21 mixed bag of pluses and minuses and I'm tending 11:21PM 22 towards the pluses outweighing the minuses, so that's 11:21PM 23 just my general feelings on the project. 11:21PM 24 MR. ZOTOLLO: So my thought was that 11:21PM 25 the Village Center aspect we're trying to present LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	191 11:22PM 1 could probably suffer that and have more space 11:22PM 2 available probably for the commercial building. I 11:22PM 3 didn't see the, really the need for a drive-up there 11:22PM 4 to add to the -- 11:23PM 5 MR. ZOTOLLO: I agree. 11:23PM 6 COUNCILWOMAN IACOBUCCI: -- to the 11:23PM 7 traffic. 11:23PM 8 So, I mean, you suffer one for the 11:23PM 9 other. I think you have to let it be. I think you 11:23PM 10 have to just concentrate on the housing requirements 11:23PM 11 that we need. 11:23PM 12 And if our engineers and our planners 11:23PM 13 and our flood people think that this is good, and I 11:23PM 14 think they've tested everything that they could item 11:23PM 15 by item, I think I have confidence in them that 11:23PM 16 they're confident in the quality of this building. 11:23PM 17 It's certainly an interesting building. 11:23PM 18 I think they've done a lot with it. I'm in favor of 11:23PM 19 it. 11:23PM 20 CHAIRMAN KANIEWSKI: Okay. 11:23PM 21 MR. ZOTOLLO: Yes, I would say 11:23PM 22 testimony, I think, was pretty good. 11:23PM 23 The architect was great as far as the 11:23PM 24 structure is really -- it's a great, great-looking 11:23PM 25 development complex. It really is, you know. I LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
190 11:21PM 1 there, there's not much commercial that we're talking 11:21PM 2 about the whole time, and that's the only thing I 11:21PM 3 find as being a little lackluster because I picture a 11:21PM 4 little different setup there as far as, you know, 11:21PM 5 it's a Village Center. We want to have, you know, 11:22PM 6 robust retail, a couple restaurants or something. 11:22PM 7 3,000 square feet is really very minimal, but if the 11:22PM 8 town can talk to the developer again and maybe 11:22PM 9 somehow workout something where they expand it and 11:22PM 10 get a variance and get a bigger space, I mean, that 11:22PM 11 would be a definite plus, you know, at least in my 11:22PM 12 eyes. 11:22PM 13 CHAIRMAN KANIEWSKI: Well, it's always 11:22PM 14 open to discussion because the documents recite that 11:22PM 15 if there's any modification or change made to any of 11:22PM 16 the agreements that there should be a discussion on 11:22PM 17 it. 11:22PM 18 And there's certainly things in there 11:22PM 19 and expectations to what you're getting out of the 11:22PM 20 pilot and financial agreement, expectations of jobs 11:22PM 21 and expectations of amenities that you were getting 11:22PM 22 that you could always request reopening discussions 11:22PM 23 on it. 11:22PM 24 COUNCILWOMAN IACOBUCCI: I think the 11:22PM 25 commercial aspect of it had a drive-up which you LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	192 11:23PM 1 mean, it's going to add a lot of stuff to the town, 11:23PM 2 bring some young blood here. It's a high-end home, 11:23PM 3 high-end residential rental place so, you know, nice 11:23PM 4 amenities, so I like it from that point of view. 11:24PM 5 COUNCILWOMAN IACOBUCCI: I like the 11:24PM 6 young aspect of it. 11:24PM 7 And I think the dining, you can do a 11:24PM 8 lot with that dining area for the commercial. You 11:24PM 9 could -- it doesn't have to be a Starbucks or, you 11:24PM 10 know, fast food or anything, it could be something a 11:24PM 11 little bit more elegant, enhance it even more. I 11:24PM 12 think the design concept is really pretty. It's a 11:24PM 13 go. 11:24PM 14 CHAIRMAN KANIEWSKI: Additional 11:24PM 15 discussion? 11:24PM 16 (No Response.) 11:24PM 17 CHAIRMAN KANIEWSKI: Anyone? 11:24PM 18 COUNCILWOMAN IACOBUCCI: Do we have a 11:24PM 19 motion? 11:24PM 20 CHAIRMAN KANIEWSKI: If there's no 11:24PM 21 further discussion, we're open to a motion. 11:24PM 22 MR. SANTIAGO: I'll make that motion, 11:24PM 23 Chair. 11:24PM 24 CHAIRMAN KANIEWSKI: Okay, a motion has 11:24PM 25 been made. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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11:24PM **1** Is there a second?

11:24PM **2** COUNCILWOMAN IACOBUCCI: I'll second

11:24PM **3** it.

11:24PM **4** CHAIRMAN KANIEWSKI: All right. A

11:24PM **5** motion has been made and seconded.

11:24PM **6** Any discussion on the motion?

11:24PM **7** MS. CORRISTON: What's the motion?

11:24PM **8** MS. GONCHAR: What's the motion?

11:25PM **9** MR. SANTIAGO: Details, details.

11:25PM **10** Motion to approve.

11:25PM **11** COUNCILWOMAN IACOBUCCI: To do it, yes.

11:25PM **12** Sorry.

11:25PM **13** MR. SANTIAGO: The motion was to vote.

11:25PM **14** COUNCILWOMAN IACOBUCCI: The motion was

11:25PM **15** to go home.

11:25PM **16** CHAIRMAN KANIEWSKI: Okay. Now I've

11:25PM **17** lost track. We've got a motion and we have a second.

11:25PM **18** MR. SANTIAGO: It's to vote.

11:25PM **19** CHAIRMAN KANIEWSKI: Motion to approve.

11:25PM **20** MAYOR ARTOLA: Motion to approve or

11:25PM **21** disapprove.

11:25PM **22** CHAIRMAN KANIEWSKI: Subject to the

11:25PM **23** discussions we've had, COAH requirements and all the

11:25PM **24** other good and wonderful things our attorney will put

11:25PM **25** in the standard drafts.

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11:25PM **1** COUNCILWOMAN IACOBUCCI: I think a lot

11:25PM **2** of things get done as you get closer to the finish

11:25PM **3** line.

11:25PM **4** CHAIRMAN KANIEWSKI: What's that?

11:25PM **5** COUNCILWOMAN IACOBUCCI: A lot of

11:25PM **6** things get done as you get closer to the finish line,

11:25PM **7** you know. We could argue little finite details here

11:25PM **8** and they're not going to be material until it's done.

11:26PM **9** CHAIRMAN KANIEWSKI: Motion was made

11:26PM **10** and seconded.

11:26PM **11** Any discussion on it?

11:26PM **12** (No Response.)

11:26PM **13** CHAIRMAN KANIEWSKI: If not, I'll call

11:26PM **14** for a vote.

11:26PM **15** MS. WELLS: Mayor Artola?

11:26PM **16** MAYOR ARTOLA: Yes.

11:26PM **17** MS. WELLS: Committeewoman Iacobucci?

11:26PM **18** COUNCILWOMAN IACOBUCCI: Yes.

11:26PM **19** MS. WELLS: Chairman Kaniewski?

11:26PM **20** CHAIRMAN KANIEWSKI: Yes.

11:26PM **21** MS. WELLS: Mr. Miller?

11:26PM **22** MR. MILLER: Yes.

11:26PM **23** MS. WELLS: Mr. Santiago?

11:26PM **24** MR. SANTIAGO: Yes.

11:26PM **25** MS. WELLS: Ms. Mueller?

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11:26PM **1** MS. MUELLER: No.

11:26PM **2** MS. WELLS: Mr. Zotollo?

11:26PM **3** MR. ZOTOLLO: Yes.

11:26PM **4** MS. GONCHAR: Thank you.

11:26PM **5** And thank you for your patience, we

11:26PM **6** appreciate it.

11:26PM **7** CHAIRMAN KANIEWSKI: Thank you,

11:26PM **8** counsel.

11:26PM **9** Thank you very much, everyone.

11:26PM **10** (Whereupon, this hearing is concluded.

11 Time noted: 11:26 p.m.)

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1 CERTIFICATE

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3

4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary

5 Public of the State of New Jersey, Notary ID.

6 #50094914, Certified Court Reporter of the State of

7 New Jersey, and a Registered Professional Reporter,

8 hereby certify that the foregoing is a verbatim

9 record of the testimony provided under oath before

10 any court, referee, board, commission or other body

11 created by statute of the State of New Jersey.

12 I am not related to the parties

13 involved in this action; I have no financial

14 interest, nor am I related to an agent of or employed

15 by anyone with a financial interest in the outcome of

16 this action.

17 This transcript complies with

18 regulation 13:43-5.9 of the New Jersey Administrative

19 Code.

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

17 Dated: 11/28/2021

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