

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
March 12, 2015

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:50 PM.

Present at Roll Call:

Mr. Fehre
Ms. Rosenberg
Mr. Chinman
Mr. Kilmartin
Mr. Kiky Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. Sean Kim, 4th Alternate
Councilwoman Oh

Absent:

Mr. Dooly
Mr. Trovato
Mr. Nikow
Mr. Duffy, 2nd Alternate
Mayor Parisi

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Oath of Office for Mr. J. Chinman was performed by Mr. Michael Kates.

Flag Salute led by: Mr. Sean Kim

The minutes of February 12, 2015, motioned by Ms. Rosenberg seconded by Mr. Surace were approved by voice vote.

Old Business:

Application #246K - Sign Variance
530 Sylvan Ave., LLC - 530 Sylvan Avenue - Block 617 - Lot 15
Approved – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, J. Rosenberg, V. Surace, they each voted to adopt this Resolution; it was unanimous.

New Business:

Application #248K - Impervious/Front Yard Coverage & Driveway Variance
Gregory Eaton – 14 Jean Drive – Block 1103 Lot 19

Chairman Fehre announced that this application was requested to be carried to the April 9, 2015 and will not re-advertised.

Application #247K - Sign Variance
NBC Universal Media, LLC
904 Sylvan Ave. – Block 1201 Lot 8 & 9.01

See attached transcripts.

Application #249K - Minor Amendment to Approved Site Plan with Parking Variance
INV Management, LLC
455 Sylvan Avenue – Block 512 Lot 10

See attached transcripts.

Application #249K - Major Subdivision
Estate of Josephine Mauro
361, 365 & 369 Mauro Rd. – Block 406 Lot 1,2,&3

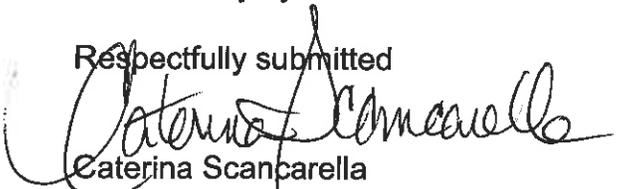
See attached transcripts.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Kilmartin, seconded by Mr. Chinman and carried unanimously by voice vote.

There were no comments.

Chairman Fehre asked for a motion to close the public portion and adjourn the meeting at 9:50 pm. Motion was made by Mr. Chinman, seconded by Councilwoman Oh and carried unanimously by voice vote.

Respectfully submitted


Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – March 12, 2015 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

"OPEN PUBLIC MEETINGS ACT" STATEMENT

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

OATH OF OFFICE FOR NEWLY APPOINTED MEMBERS

Jeffery Chinman - Member

Stephen Duffy - 2nd Alternate

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: February 12, 2015

OLD BUSINESS:

Application #246K - Sign Variance
530 Sylvan Ave., LLC – 530 Sylvan Ave. – Block 617 Lot 15
Approved - Resolution

NEW BUSINESS:

Application #238K - Major Subdivision
Estate of Josephine Mauro – 361, 365 & 369 Mauro Rd.
Block 406 Lots 1,2,&3

Application #247K - Sign Variance
NBC Universal Media, LLC – 904 Sylvan Ave. – Block 1201 Lot 8 & 9.01

Application # 248K - Impervious/Front Yard Coverage & Driveway Variance
Gregory Eaton – 14 Jean Drive – Block 1103 Lot 19

Application # 249K - Minor Amendment to Approved Site Plan with Parking Variance
INV Management, LLC – 455 Sylvan Ave. – Block 512 Lot 10

COMMITTEE REPORTS

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF :
530 SYLVAN REALTY, LLC FOR VARIANCES RELATING: MEMORIALIZATION RESOLUTION
TO A BUSINESS SIGN, ON LOT 15 IN BLOCK 617, : APPLICATION NO. 246K
530 SYLVAN AVENUE :

WHEREAS, 530 SYLVAN REALTY, LLC applied on or about December 31, 2014 to the Planning Board of the Borough of Englewood Cliffs for variances relating to the size and illumination of a business sign, in the "B-2 Limited Business" district; and

WHEREAS, a public hearing was conducted on February 12, 2015, upon proper notice certified by applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

WHEREAS, applicant was represented by its principal, Nicholas G. Sekas, Esq., of The Sekas Law Group, LLC, 530 Sylvan Avenue, Englewood Cliffs, NJ 07024; and

WHEREAS, the only interdepartmental communication and advisory report of municipal departments and agencies was the review letter of the Board's consulting engineer, Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606, dated February 6, 2015; and

WHEREAS, admitted into evidence as Exhibit A-1 was an architectural plan entitled "Sign Details", prepared by Steven V. Lazarus, R.A., of Axis Architectural Studio, 16 Highwood Avenue, Englewood, NJ 07631, dated November 24, 2014; and

LAW OFFICES
NASHEL, KATES,
NUSSMAN, RAPONE,
& ELLIS, LLP
190 MOORE STREET
SUITE 308
ACKENSACK, N.J. 07601

WHEREAS, admitted into evidence without exhibit reference was a prior resolution of the Zoning Board in the matter of Lawrence Perolie and American Business Products, Inc., dated September 12, 1983; and

WHEREAS, testimony in support of the application was given by Steven B. Lazarus, RA; and Mary O' Shea, 12 Irving Avenue questioned the witness; and

WHEREAS, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

1. The subject property is 0.7163 acres in area and is located at the westerly side of Sylvan Avenue, approximately 260 ft. south of Demarest Avenue. The Site contains an existing office building.

2. Applicant is proposing to remove the existing sign at the southerly end of the front building elevation and install a two (2) sided building mounted sign perpendicular to the building face. The proposed sign is illuminated with white LED lights. The sign dimensions are 5 feet by 6 feet 8 inches.

3. As per Code Section 30-5.5.a.1, "Business offices, professional offices, governmental and corporate offices" are listed as permitted uses in the B-2 Zone District. Further, as per Code Section 30-7.5, "Signs" are "permitted" but pursuant to criteria set forth in Code Section 19-16.b. By this insertion in the zoning code, any variation of the signage criteria in Code Section 19 would require proofs pursuant to N.J.S.A 40:55D-70c, rather than the lesser standards associated with a design waiver.

4. Pursuant to the criteria of Code Section 19-13.e, illumination of a business sign is prohibited. Applicant is proposing an illuminated sign.

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5. Further, pursuant to Code Section 19-17, entitled "VERTICAL PROJECTING SIGNS":

Signs may project from the walls of buildings provided they shall be so fastened so as to be at right angles to the building line of same. No such sign shall be more than one foot in thickness and may not project more than one foot from the building line. Total area of advertisement shall not exceed 16 square feet on each face.

The proposed sign projects 5 feet from the building, whereas one foot is allowed. The proposed sign area is 33.33 square feet on each face, whereas 16 square feet is allowed. Variances are required for both criteria.

6. On the issue of illumination, the key to such regulation is zone district itself. The B-2 Limited Business Zone is the Borough's equivalent of a commercial zone, both office and retail. Illuminated signs are the "rule", not the "exception". The Board majority concluded that illumination should be permitted, but the inquiry should be focused on whether the illumination is excessive, based upon an objective standard. Applicant's architect Steven V. Lazarus offered such a standard, recommending a limit of 20 foot candles. The Board majority accepts that standard, and it is imposed as a condition of approval.

7. A remaining concern of the Board majority will be addressed by an added condition of approval – that there will be no illumination between 11:00 p.m. and sundown the next day, and there will be no illumination on Saturdays and Sundays.

8. With respect to the excessive size of the face of the sign (both sides), the following is noted:

- It replaces a larger sign, having a vertical dimension of 8 feet instead of the proposed 6 feet, 8 inches.
- The curvature of the fronting arterial at this location, together with the speed of traffic, compels a larger sign to identify the principal tenant, Sekas Law Group.¹
- There is no room for a monument sign at the front of the site, as it contains parking and landscaping.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood

Cliffs that the development application be approved, subject to the following conditions:

¹ There are three other tenants, but they are served by a directory within the building.

CONDITIONS SPECIFIC TO THE APPLICATION

A. The illumination level shall not exceed a measurement of 20 foot candles.

B. There shall be no illumination of the sign between 11:00 p.m. and sundown the next day, and there will be no illumination on Saturdays and Sundays.

GENERAL CONDITIONS

C. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

D. The action of the Planning Board in approving this application shall not relieve the applicant of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

MOTION BY: MR. FEHRE

SECONDED BY: MS. ROSENBERG

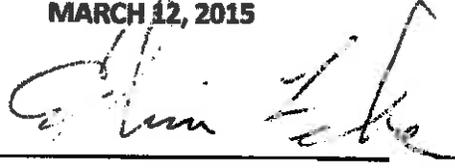
IN FAVOR: MR. FEHRE, MS. ROSENBERG, MS. OH and MR. SURACE

OPPOSED: MR. KILMARTIN, MR. S. KIM and MR. K. KIM

LAW OFFICES
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190 MOORE STREET
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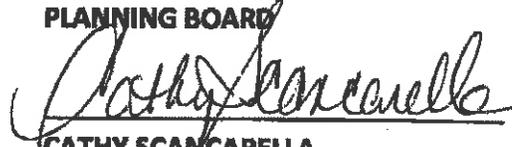
DATE APPLICATION APPROVED: FEBRUARY 12, 2015

DATE RESOLUTION APPROVED: MARCH 12, 2015



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

Attest:



**CATHY SCANCARELLA
PLANNING BOARD SECRETARY**

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& ELLIS, LLP
190 MOORE STREET
SUITE 306
ACKENSACK, N.J. 07801

1 REGULAR PUBLIC MEETING OF THE
2 ENGLEWOOD CLIFFS PLANNING BOARD

3 Thursday, March 12, 2015
4 Commencing at 7:51 p.m.

STENOGRAPHIC
TRANSCRIPT
OF
PROCEEDINGS

5 Municipal Building
6 10 Kahn Terrace
7 Englewood Cliffs, New Jersey 07632
8 -----XX

9 IN RE:

10 Application No.:
11 247K, Sign Variance, NBC Universal Media, LLC,
12 904 Sylvan Ave., Block 1201, Lots 8 & 9.01

13 Application No.:
14 249K, Minor Amendment to Approved Site Plan with
15 Parking Variance, INV Management, LLC, 455 Sylvan
16 Ave., Block 512, Lot 10

17 Application No.:
18 238K, Major Subdivision, Estate of Josephine Mauro,
19 361, 365 & 369 Mauro Road, Block 406, Lots 1, 2, & 3

20 BOARD MEMBERS PRESENT:

21 Chairman Edwin Fehre
22 Ronald Kilmartin
23 Kiky Kim, 1st Alternate
24 Vincent Surace, 3rd Alternate
25 Sean Sueng Kim, 2nd Alternate
Chairwoman Jill Rosenberg
Jefferson Chinman
Caterina Scancarella, Recording Secretary

ALSO PRESENT:

Micahel Kates, Board Attorney
Bernard Mirandi, Borough Engineer
Councilwoman Gloria Oh
Mayor Parisi

Job No. NJ2029660

Page 2

1 APPEARANCES:
 2 SCHEPISI & MCLAUGHLIN, P.A.
 473 Sylvan Ave.
 3 BY: JOHN A. SCHEPISI, ESQ.
 Englewood Cliffs, NJ 07632-2900
 4 jschepisi@schepisi.com
 (201) 569-9898
 5
 MARK J. SOKOLICH, ESQ.
 6 1223 Anderson Avenue
 Fort Lee, New Jersey
 7 (201) 224-4000
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Page 4

1 CHAIRMAN FEHRE: We now have five members
 2 present so we can have our meeting.
 3 The meeting of the Englewood Cliffs
 4 Planning Board will now come to order this March 12,
 5 2015, and the time is 10 minutes to 8:00.
 6 Madam Secretary, has this meeting been
 7 properly advertised?
 8 MADAM SECRETARY: Yes. Public notice of
 9 is this meeting has been given in compliance with
 10 the Open Public Meeting Law by advertisement in The
 11 Record, Star Ledger, and posting of the notice on
 12 the multiple building board at 42 Hudson Terrace in
 13 Englewood Cliffs.
 14 CHAIRMAN FEHRE: First item on the agenda,
 15 before we can vote here, we have to swear in a new
 16 member, Mr. Jeffery Chinman. Mr. Kates will swear
 17 him in as a newly appointed member.
 18 (WHEREUPON, Mr. Chinman was sworn in
 19 by Mr. Kates as a newly appointed board member
 20 of Englewood Cliffs.)
 21 CHAIRMAN FEHRE: Okay. Congratulations.
 22 (Roll call.)
 23 CHAIRMAN FEHRE: Here.
 24 VICE CHAIRWOMAN ROSENBERG: Here.
 25 MR. CHINMAN: Here.

Page 3

1 WITNESSES:	EXAMINATION
2 ANTHONY KURUS	
BY: MR. SCHEPISI	8
3 BY: THE BOARD	Throughout
4 HUI TRAN	
BY: MR. SCHEPISI	20
5 BY: THE BOARD	Throughout
6 STEVEN J. COLLAZUOL	
BY: MR. SCHEPISI	28
7 BY: THE BOARD	Throughout
8 MICHAEL YOUNG	
BY: MR. SCHEPISI	43
9 BY: THE BOARD	Throughout
10 GEORGE ANDERSON	
BY: MR. SOKOLICH	53
11 BY: THE BOARD	Throughout
12 PUBLIC SESSION:	
Dr. Bernadette Cracchiolo	83
13 Isabel Cracchiolo	83
Fred Han	89
14 Steve Han	89
Suzanne O'Brien	91
15 Ilona Fishkan	93
16	
17 EXHIBITS	
18 NUMBER DESCRIPTION	
19 A-1 Plans for Application No. 249K	
A-2 Photograph of generator	
20	
21 -----	
22 A-1 Staff to Subdivision Section In Re: Mauro	
A-2 Minor Subdivision, Lots 6, 7, and 8	
23	
24 (Exhibits retained by counsel.)	
25	

Page 5

1 MR. KILMARTIN: Here.
 2 MR. KIKY KIM: Here.
 3 MR. SURACE: Here.
 4 MR. SEAN KIM: Here.
 5 MADAM SECRETARY: We have a quorum.
 6 CHAIRMAN FEHRE: The flag solute this
 7 evening will be led by Mr. Sean Kim.
 8 (Pledge of Allegiance.)
 9 CHAIRMAN FEHRE: I want to repeat the
 10 announcement I made before we started the meeting
 11 that is that the application of 14 Jean Drive will
 12 not be heard this evening. It's being moved over
 13 until April 9th. If anybody is here for that
 14 application, it's going to be postponed. They will
 15 not have to readvertise. They do not have to
 16 readvertise.
 17 Approval of minutes of the February 12
 18 meeting which have been distributed, can I have a
 19 motion to approve those minutes?
 20 VICE CHAIRWOMAN ROSENBERG: So be it.
 21 CHAIRMAN FEHRE: Second?
 22 MR. SURACE: Second that.
 23 CHAIRMAN FEHRE: All in favor?
 24 THE BOARD: Aye.
 25 CHAIRMAN FEHRE: Any opposed? The minutes

Page 6

1 are approved.

2 One item of old business is the sign

3 variance. We need to adopt the resolution for the

4 application that was approved at the last meeting.

5 Mr. Kates, do you want to briefly go over

6 that?

7 MR. KATES: Mr. Fehre, Ms. Rosenberg, and

8 Mr. Surace will be voting on this resolution. It

9 was distributed prior to the meeting. I want to

10 just alert you to the two conditions attached to the

11 approval. They are that the illumination level

12 shall not exceed a measurement of 20-foot candles,

13 and there should be no illumination of the sign

14 between 11:00 p.m. and sundown the next day. And

15 there will be no illumination on Saturdays and

16 Sundays.

17 CHAIRMAN FEHRE: Could I have a motion to

18 adopt this resolution?

19 MADAM SECRETARY: Chairman Fehre?

20 CHAIRMAN FEHRE: Yes.

21 MADAM SECRETARY: Vice Chairwoman

22 Rosenberg?

23 VICE CHAIRWOMAN ROSENBERG: Yes.

24 MADAM SECRETARY: Mr. Surace?

25 MR. SOKOLICH: Yes.

Page 7

1 CHAIRMAN FEHRE: New business this

2 evening, we have Application No. 247K, sign variance

3 for NBC Universal Media, LLC, 904 Sylvan Avenue.

4 MR. SCHEPISI: Good evening, ladies and

5 gentleman. I hope you don't mind if I sit but I had

6 minor knee surgery and it's tough standing for a

7 long period of time.

8 My name is John Schepisi. The firm is

9 Schepisi and McLaughlin. We're here on behalf of

10 the CNBC Universal Media, LLC.

11 The purpose of this application this

12 evening -- and on behalf of the client I want to

13 apologize to the Board -- the client was not aware

14 of the fact that the sign that they were putting up

15 need approval until the building department alerted

16 them to it after the signs were up. So after the

17 signs were up and lit we were advised to shut them

18 down. They were shut down immediately and we're

19 here making the application to get approval for the

20 signs.

21 The application requires two variances.

22 One variance is because of the fact that it's an

23 illuminated sign and the ordinance does not permit

24 illuminated signs. And the second variance is that

25 only one sign can be faced on the street frontage

Page 8

1 for each lot. Notwithstanding the fact that this

2 lot is 1200 feet long, you're only allowed to have

3 one sign. We're seeking a variance for the signs on

4 the front of the building -- the sign on the front

5 of the building, the sign on the back of the

6 building. The sign on the front is illuminated at

7 the request of the Borough. We have had it lit

8 since Sunday so everyone can see it. You will hear

9 testimony that the illumination from above the sign

10 is great or not greater than the illumination coming

11 from the sign. It's a very, very innocuous sign

12 that shows people how to come into the entrance to

13 the 904 building.

14 The other party application is for the

15 monument sign in the front. We contend that we

16 don't need any variance or approval because it's

17 just a refacing of an existing sign. Mr. Mirandi

18 believes that we do, so we're here seeking approval.

19 That's the entire application.

20 I have two witnesses. The first one we'll

21 be putting up as a professional engineer,

22 professional planner from Neglia Engineering,

23 Anthony Curtis. Anthony, come forward, please.

24 ANTHONY KURUS, d/b/a Neglia Engineering

25 Associates, 34 Park Avenue, Lyndhurst, New Jersey,

Page 9

1 having been duly sworn, testified as follows:

2 EXAMINATION BY MR. SCHEPISI:

3 MR. SCHEPISI: Anthony, if you feel more

4 comfortable moving the mic to the end of the table

5 so you can go to your drawing, please do that. My

6 voice usually projects over the mic.

7 Q Mr. Kurus, you are a licensed professional

8 engineer in the state of New Jersey?

9 A Yes, I am.

10 Q You're a licensed professional planner in

11 the state of New Jersey?

12 A Yes.

13 Q Are you the engineer and planner that's

14 responsible for the plan that's up before the Board?

15 A Yes, I am.

16 MR. SCHEPISI: I move that he be accepted

17 as a professional --

18 CHAIRMAN FEHRE: We accept him.

19 You've been here before?

20 THE WITNESS: Yes, I have.

21 By Mr. Schepisi:

22 Q Now, in relation to this application,

23 could you please describe very briefly to the Board

24 what the purpose for this application is?

25 A We're proposing three signs. The first is

Page 10

1 the refacing of the existing monument sign at the
2 northerly entrance driveway to the property. The
3 size of that sign is going to remain the same. It's
4 just going to be exchanged to have the different
5 logo with the CNBC on top and NBC Universal on the
6 bottom. The size of that sign is 60 inches high
7 existing by 96 inches wide. We're not changing the
8 size of it. It's two-sided. You can see it from
9 both sides. That's basically it for the monument
10 sign.
11 Q I'm going to stop you right there. The
12 total frontages on 9W is approximately 1200 feet.
13 Is that correct, sir?
14 A Yes.
15 Q And the ordinance provides that you are
16 permitted to have only one sign facing 9W or facing
17 the street for each building lot. Is that correct?
18 A That's correct.
19 Q And in this zone you can have building
20 lots of 100 by 100. Is that correct, sir?
21 A Yes.
22 Q And you have 1200 feet of frontage you
23 could theoretically have 12 signs if you have 12
24 different lots. Isn't that correct, sir?
25 A That's correct.

Page 11

1 Q So we are not violating the -- I'm sorry,
2 the applicant is not violating the intent and
3 purpose or the intent and scheme of the zone plan
4 and zoning ordinance of this municipality by putting
5 in a second sign?
6 A No. No.
7 Q Please continue. I didn't mean to
8 interrupt you. Go on to the next sign, sir.
9 A The next sign we call the Proposed Wall ID
10 Sign 1. That's the one that's facing Sylvan Avenue.
11 It's approximately 165 feet from the building
12 corner. It's 167 feet from the right-of-way line at
13 Sylvan Ave. That sign is 70 inches wide by
14 24-and-a-half inches high. That's the sign that is
15 illuminated. There's downward lights from the
16 building shining onto it, and the sign itself is
17 also illuminated.
18 The third sign is in the back of the
19 building on the west side. It's 164-and-a-half feet
20 from the building corner. That one is approximately
21 240 feet from the street right-of-way line. We call
22 that one Wall Sign 2. It's 112 inches wide by 38
23 inches high. Again, it shows -- it's got the NBC
24 Universal Technology Center logo. The one in the
25 front identifies that entry point. The one in the

Page 12

1 rear identifies the rear entry point.
2 Q Now, all of the signs that you are putting
3 up are, for all intents and purposes, in conformity
4 with the intent and scheme of the zone ordinance of
5 Borough of Englewood Cliffs. Is that correct, sir?
6 A Yes.
7 Q These are identification signs in order so
8 that someone coming to this campus can locate their
9 entrance to the specific building. Is that correct,
10 sir?
11 A That's correct.
12 Q And these signs, if the Board were to
13 grant the approval that we're seeking this evening,
14 will not impair the intent and scheme of the zone
15 plan or the zoning ordinance of this municipality?
16 A No.
17 Q And the application if granted will
18 enhance and not take away from the public well-being
19 of this municipality. Is that correct?
20 A Yes.
21 MR. SCHEPISI: I have no further questions
22 of this witness.
23 CHAIRMAN FEHRE: Does anybody have any
24 questions?
25 MR. KILMARTIN: Show me where the two

Page 13

1 signs are.
2 THE WITNESS: The wall mount?
3 MR. KILMARTIN: Yes.
4 THE WITNESS: Right here.
5 MR. KILMARTIN: Both of them are there?
6 THE WITNESS: One is on the east side of
7 the building and then there's another one at the
8 back of the building. So Wall Sign 1 is here at
9 this entry point. Wall Sign 2 is at the rear of the
10 building.
11 MR. KILMARTIN: So how does the one at the
12 rear of the building help people decide where the
13 building is and to turn into that place?
14 THE WITNESS: It doesn't help for cars
15 entering the site from Sylvan Avenue, but it helps
16 for cars entering the interior of the site. You can
17 either get into the parking lot from the east side
18 driveway or the west side driveway. Most traffic
19 comes behind the building. So if you're coming from
20 behind the building, you park in the rear parking
21 field, if you're in any of these parking spaces
22 you're coming towards this entry to the building, it
23 identifies that entry points for the cars parking on
24 the west side.
25 MR. SCHEPISI: If I may ask one question,

Page 14

1 Mr. Kilmartin.
2 By Mr. Schepisi:
3 Q In relation to pedestrian traffic, a
4 person parks his or her car, these signs will help
5 find which entrance to go into out of the multiple
6 entrances on the building?
7 A Absolutely. If you're on the east side,
8 Wall Sign 1 is going to show you where to go. If
9 you're on the west side, Wall Sign 2 is going to
10 show you where to go.
11 MR. KILMARTIN: Is the one in the rear
12 illuminated also?
13 THE WITNESS: No, it's not.
14 MR. SEAN KIM: Can you repeat the front
15 wall sign one more time?
16 THE WITNESS: The size of it?
17 MR. SEAN KIM: Yes.
18 THE WITNESS: It's 24-and-a-half inches by
19 70 inches.
20 MR. SEAN KIM: Thank you.
21 MR. SCHEPISI: And so that everyone on the
22 Board knows, at the request of the borough
23 engineer -- the planning board engineer, we've
24 turned all the lights on on the front signs.
25 They've been on since the weekend so everyone could

Page 15

1 see that -- you can't even really see the signs.
2 CHAIRMAN FEHRE: Okay. Any other
3 questions?
4 MR. KIKY KIM: Yes. I have a question.
5 The one in the front, the signage it is 10 feet
6 above grade and the other one is 16 feet above
7 grade. Could you tell me why it's two different
8 amounts?
9 THE WITNESS: It's based on the elevation
10 of the building. The most practical place for
11 putting the lost ID Sign 1 was in that location
12 because you have the overhang there. By putting it
13 there it was able to be set back further from Sylvan
14 Avenue. So it's not actually up on the building
15 facade. It's actually in the recessed portion of
16 that entry stair. And on the backside of the
17 building, the placement was above the door just for
18 better visibility on the left side of the building.
19 MR. KIKY KIM: In other words, the front
20 entrance there's a canopy there?
21 THE WITNESS: Yes.
22 MR. KIKY KIM: So you're putting the
23 signage above --
24 THE WITNESS: On the front we're putting
25 it under the canopy.

Page 16

1 MR. SCHEPISI: It's in the recess. The
2 canopy is set back onto the building.
3 MR. SURACE: What color is the sign, the
4 numerals -- in letters.
5 THE WITNESS: The letters. The Technology
6 is in blue, the Center is in white. NBC Universal
7 is like a charcoal, grayish.
8 By Mr. Schepisi:
9 Q Each individual letter is illuminated,
10 it's not the entire sign. Is that correct, sir?
11 A Yes.
12 MR. KATES: The monument sign is presently
13 illuminated?
14 MR. SCHEPISI: Presently illuminated -- it
15 was illuminated and proposed to change the facade.
16 Just a new face.
17 MR. KATES: And you said the rear sign
18 wall mounted two signs is not illuminated?
19 MR. SCHEPISI: Is not illuminated.
20 MR. KATES: Only the Wall Sign 1 is new?
21 MR. SCHEPISI: That is correct.
22 MR. KILMARTIN: And why do you feel you
23 need the monument sign and the wall sign in the
24 front?
25 THE WITNESS: The monument sign in the

Page 17

1 front is -- the existing location is placed at the
2 main northerly access driveway on 9W. The other
3 monument sign is approximately 1,000 feet to the
4 south. It basically tells people that this driveway
5 is for the CNBC property. The wall sign is about
6 170 feet from the curb line. You can't see the wall
7 sign when you're traveling up 9W. So it's
8 basically -- you have to be looking for it. If
9 you're traveling on 9W, you only really see it when
10 you get in front of it if you're trying to see it,
11 whereas, the monument sign is out at the curb return
12 and it helps whoever is entering the site identify
13 it.
14 MR. KILMARTIN: Then what's the utility of
15 the wall sign?
16 THE WITNESS: It's for people when they
17 get into the site and they utilize say the easterly
18 parking area, they know the entry point of the
19 technology zone.
20 MR. KILMARTIN: As opposed to what other
21 entry?
22 MR. SCHEPISI: The main building and the
23 south.
24 THE WITNESS: There's two buildings.
25 You've got the northerly building and the southerly

Page 18

1 building. So in order to prevent an error driving
2 past or walking to the wrong building, it's more of
3 a building ID sign.
4 MR. KILMARTIN: So it identifies the
5 Technology building versus the --
6 THE WITNESS: Main CNBC facility.
7 MR. KIKY KIM: Is there any reason that
8 you have two different colors of the signage on the
9 wall?
10 THE WITNESS: I think that was just --
11 MR. SCHEPISI: Are they different colors?
12 Bear with us a second. We're going to check whether
13 they are in fact different colors.
14 MR. MIRANDI: While they're checking that,
15 just to follow up on Mr. Kim's question, let me ask
16 Mr. Kurus the question too:
17 When you said the colors of the letters,
18 the center is white and you could see the white
19 letters through the C-E-N-T-E-R. The NBC Universal,
20 there's a back glow to those lights as well as
21 technology so it's not a lit color that way, it's
22 the glow. So when you gave your testimony as to the
23 color of those letters, that's the letter of those
24 letters, but there's the light glow behind that. Is
25 that correct?

Page 19

1 THE WITNESS: Yes.
2 MR. KIKY KIM: So that yellow color is
3 some kind back light behind it?
4 THE WITNESS: This yellowish, that's --
5 it's more of like an off-white. This Wall Sign 2
6 isn't lit.
7 MR. SCHEPISI: I don't believe it's a
8 yellow sign.
9 THE WITNESS: It's off-white.
10 MR. SCHEPISI: It's just off-white and
11 that's the way it came up on the --
12 MR. KIKY KIM: We consider it the -- both
13 signs are the same color?
14 THE WITNESS: Generally, yes.
15 MR. MIRANDI: But the testimony was that
16 the back sign is not going to be lit?
17 MR. SCHEPISI: That is correct.
18 CHAIRMAN FEHRE: How bright are these
19 signs?
20 MR. SCHEPISI: I have another witness that
21 will testify that went out there with the little
22 device to determine the illumination in the foot
23 candles has been waiting with baited breath.
24 THE WITNESS: But based on the location of
25 the front sign being 170 feet from the road, I

Page 20

1 didn't see any impact of light from the sign, any
2 impact at the property line.
3 CHAIRMAN FEHRE: Okay. Any other
4 questions for this witness? Next witness.
5 MR. SCHEPISI: Thank you. Mr. Tran, Hui
6 Tran.
7 HUI TRAN, d/b/a 994 Sylvan Avenue, Englewood
8 Cliffs, New Jersey, being duly sworn, testified as
9 follows:
10 EXAMINATION BY MR. SCHEPISI:
11 Q Mr. Tran, what is your position at the
12 CNBC Universal facility at 994 Sylvan Avenue?
13 A Director of facilities.
14 Q And you're in charge of the entire
15 property. Is that correct?
16 A Correct.
17 Q You graduated from Stevens Institute of
18 Technology but you're not a PE. Is that correct?
19 A Correct.
20 Q So there's three of us in the room that
21 are Stevens graduates but only one is a professional
22 engineer. Is that correct?
23 A Correct.
24 Q Now, in relation to the building, you're
25 familiar with the property, you're familiar with the

Page 21

1 building, and at the request of my office after
2 receiving the letter from Mr. Mirandi, did you go
3 out and get a device in order to determine the
4 brightness of the sign?
5 A I did.
6 Q And did you perform a test as the
7 facility's manager as to the brightness of the sign?
8 And can you describe the lighting above and the
9 brightness of the sign based upon the lighting above
10 of what's proposed?
11 A Yes. In that canopy there's eight,
12 13-watt florescent recessed lights that shoot down,
13 and then there's the illuminating sign. Taking the
14 readings of just the incandescent lights came up
15 with 26 foot candles. With the lights and the
16 illuminated sign on, came to 30 foot candles. So
17 one would deduct that 4-foot candle of light output
18 from this sign.
19 CHAIRMAN FEHRE: How far away were you
20 measuring this?
21 THE WITNESS: 6 feet away from the sign
22 and 4 feet above the ground.
23 By Mr. Schepisi:
24 Q And the nearest visibility from the street
25 is approximately 100 and how many feet, sir?

Page 22

1 A One hundred seventy, I believe it was.
2 CHAIRMAN FEHRE: Is there a standard that
3 you know of like how to take these measurements, at
4 what distance? You said you were 6 feet away. Do
5 you know in the sign industry is there such a thing
6 as a standard for determining sign illumination?
7 THE WITNESS: That I'm not sure, but I
8 made sure I was consistent and took the same from
9 the same distant.
10 CHAIRMAN FEHRE: So you basically had the
11 sign off and you checked the foot candles of the
12 fluorescent lights?
13 THE WITNESS: Correct.
14 CHAIRMAN FEHRE: And then you put the sign
15 on, and it went from 26 to 30-foot candles?
16 THE WITNESS: Correct.
17 MR. SCHEPISI: Then he took -- he did the
18 delta from that.
19 THE WITNESS: I also took one with just
20 the sign.
21 CHAIRMAN FEHRE: That's 6 feet away. How
22 far away is it off the street?
23 THE WITNESS: Over 170 feet.
24 CHAIRMAN FEHRE: One hundred seventy feet.
25 So you didn't check it all the way out there on the

Page 23

1 street?
2 THE WITNESS: No.
3 CHAIRMAN FEHRE: I don't imagine it would
4 make a big difference on your light meter.
5 THE WITNESS: Yes. It's not that
6 sensitive.
7 CHAIRMAN FEHRE: We get these illuminated
8 signs all the time. If I drive down through the
9 town and I see certain signs, some of them are too
10 bright and they're very offensive to me and to other
11 people and some are just done in really good taste.
12 I don't know how to come up with some number saying,
13 that's a good sign and that's not a good sign.
14 MR. SCHEPISI: I think what we should do
15 is we take one sign in town that we all know nobody
16 likes and I'm going to ask the witness:
17 By Mr. Schepisi:
18 Q Did you go at my request and look at 400
19 Sylvan Avenue and look at the sign that's located
20 there?
21 A I did.
22 Q Is this sign anything like that sign?
23 A Not even close.
24 CHAIRMAN FEHRE: 400 Sylvan. What sign
25 building is this?

Page 24

1 MADAM SECRETARY: AdAsia.
2 CHAIRMAN FEHRE: Oh. The AdAsia sign.
3 MR. SCHEPISI: That was not the most
4 favorite sign --
5 CHAIRMAN FEHRE: Actually, it's the Toyota
6 that's the most offensive.
7 By Mr. Schepisi:
8 Q Now, in relation to the sign from Sylvan
9 Avenue --
10 CHAIRMAN FEHRE: You said you did the
11 AdAsia sign?
12 MR. SCHEPISI: No. No. No. He just went
13 and took -- he looked at it just so he was familiar
14 with the two.
15 CHAIRMAN FEHRE: Just to look at it?
16 MR. SCHEPISI: Just to look.
17 CHAIRMAN FEHRE: You didn't measure it?
18 MR. SCHEPISI: No.
19 By My Schepisi:
20 Q So from Sylvan Avenue the AdAsia sign is
21 much brighter than your sign. Isn't that correct,
22 sir?
23 A Correct.
24 MR. SCHEPISI: No further questions of
25 this witness.

Page 25

1 CHAIRMAN FEHRE: Okay. Does anybody have
2 any questions? No questions.
3 MR. SCHEPISI: We rest.
4 CHAIRMAN FEHRE: Can I have a motion to
5 open the meeting to the public for comments?
6 VICE CHAIRWOMAN ROSENBERG: So be it.
7 CHAIRMAN FEHRE: Second?
8 BOARD MEMBER: Second.
9 CHAIRMAN FEHRE: All in favor.
10 THE BOARD: Aye.
11 CHAIRMAN FEHRE: Opposed? Is there
12 anybody that would like to be heard on this
13 application? Okay. Seems like there is nobody.
14 Can I have a motion to close the public portion?
15 VICE CHAIRWOMAN ROSENBERG: So be it.
16 CHAIRMAN FEHRE: Second?
17 BOARD MEMBER: Second.
18 CHAIRMAN FEHRE: All in favor.
19 THE BOARD: Aye.
20 CHAIRMAN FEHRE: Any opposed? Would
21 anybody like to make a motion on this application?
22 VICE CHAIRWOMAN ROSENBERG: You don't have
23 any more witnesses. Right?
24 MR. SCHEPISI: No witnesses.
25 VICE CHAIRWOMAN ROSENBERG: I make a

Page 26

1 motion to approve this application.
 2 CHAIRMAN FEHRE: Second?
 3 BOARD MEMBER: Second.
 4 CHAIRMAN FEHRE: Roll call.
 5 (Roll call.)
 6 CHAIRMAN FEHRE: Yes.
 7 VICE CHAIRWOMAN ROSENBERG: Yes.
 8 MR. CHINMAN: Yes.
 9 MR. KILMARTIN: Yes.
 10 MR. KIKY KIM: Yes.
 11 MR. SURACE: Yes.
 12 MR. SEAN KIM: Yes.
 13 COUNCILWOMAN OH: Yes.
 14 MADAM SECRETARY: Motion passes.
 15 (Application No. 247K, approved.)
 16 MR. SCHEPISI: Thank you, everyone. I'll
 17 put on my next hat.
 18 So that the record is complete, my name is
 19 John Schepisi, Schepisi and McLaughlin on behalf of
 20 the applicant, and we have one witness this evening.
 21 Before I give you that, just bear with me one
 22 second. The property is the INV Management Group,
 23 LLC property. It's 455 Sylvan Avenue, also known as
 24 452 Hudson Terrace, Block 512, Lot 10. And just a
 25 little war story: 452 Hudson Terrace, the previous

Page 27

1 building, when I first set up my law firm I was in
 2 that building, in case anyone's interested from a
 3 historic standpoint.
 4 The application this evening is to put a
 5 generator in the building. The problem that you
 6 have on this site, the only place to locate the
 7 generator is in a parking space because the parking
 8 lot is fully built out.
 9 You will hear testimony this evening that
 10 the standby generator is needed in order to when we
 11 have a power failure that the company stays in
 12 business. What we're trying to do is take the one
 13 parking space that's in the southwest corner of the
 14 parking lot, it's pressed in the parking lot,
 15 abandon that space, put the standby generator there
 16 and have approval for that. That will take the
 17 total number of parking spaces at the building from
 18 102 spaces down to 101. It should also be noted
 19 this is a single-use building and owner occupied.
 20 If anybody's ever driven past the property, there's
 21 never more than 40 spaces occupied at any time at
 22 the busiest time, so we're sitting there with over
 23 60 spaces never being used. That being said, we're
 24 going to be requesting a variance to an amended site
 25 plan approval to permit us to reduce the number of

Page 28

1 parking spaces from 102 to 101, and to grant us the
 2 amendment to put the standby generator in that
 3 southeast parking space.
 4 If I may now call our first and only
 5 witness, he'll answer the question as to the
 6 operation of the building, and that will be
 7 Mr. Steven Collazuol, professional engineer and
 8 professional planner. Steve.
 9 MR. COLLAZUOL: Good evening.
 10 STEVEN J. COLLAZUOL, d/b/a 1610
 11 Center Avenue, Fort Lee, New Jersey, having been
 12 duly sworn, testified as follows:
 13 EXAMINATION BY MR. SCHEPISI:
 14 Q Mr. Collazuol, do you hold any licenses in
 15 the state of New Jersey?
 16 A I do, yes.
 17 Q What licenses do you hold?
 18 A I'm a land surveyor, a professional
 19 engineer, and a planner in the state of New Jersey.
 20 Q And you hold licenses in all three
 21 disciplines. Is that correct?
 22 A Yes.
 23 Q And have you testified and qualified as an
 24 expert witness before this Board in all three
 25 disciplines?

Page 29

1 A I believe I have except for planning.
 2 Q I can say I had you qualified as a planner
 3 once also.
 4 A Thank you.
 5 MR. SCHEPISI: I offer Mr. Collazuol as a
 6 professional planner, professional engineer, and a
 7 licensed land surveyor.
 8 CHAIRMAN FEHRE: We'll accept him on all
 9 three.
 10 By Mr. Schepisi:
 11 Q Mr. Collazuol, you were the original
 12 engineer on this project. Is that correct?
 13 A Yes.
 14 Q That's when we took down the old
 15 delapidated building where my office was and came in
 16 for approval to have the present building
 17 constructed. Is that correct?
 18 A Yes.
 19 Q Now, with that application we obtained
 20 variances to permit the total number of parking
 21 spaces at the building to be reduced from what the
 22 ordinance required down to 102 parking spaces. Is
 23 that correct?
 24 A Yes, that's correct.
 25 Q And the Board sought fit to grant that

Page 30

1 variance. Is that correct?
2 A Yes.
3 Q Now, in relation to the application that's
4 here this evening, the applicant is seeking to take
5 one of those spaces and convert that into an area
6 whereby the standby generator will be placed. Is
7 that correct?
8 A Yes, that's correct.
9 Q And the standby generator is a
10 self-contained standby generator. Is that correct?
11 A Yes.
12 Q And that generator will supply power to
13 the entire building in the event of another storm
14 like Sandy or in the event we have snowstorms where
15 the ice takes down the power lines in Englewood
16 Cliffs, which we all know happens quite frequently.
17 Is that correct?
18 A Yes, that's my understanding.
19 Q Now, in relation to the parking spaces
20 that are at the building, there are presently 102.
21 Approximately, how many of those spaces are ever
22 used?
23 A I very rarely see more than about 30
24 percent used, 30, 40 at best.
25 Q And if the applicant were to take away one

Page 31

1 of those spaces and put the generator, show us where
2 the generator would be going, sir.
3 A Yes. This is the original site plan that
4 we had. This is Sheet 2. The drawing is at a scale
5 of 20, and it shows the south property line left and
6 right, and the most westerly parking space is that
7 space to be used. It is not a handicapped space.
8 It's a regular space.
9 Q And that space now would be taken away as
10 a regular parking space and will be turned into the
11 area, if the Board sees fit to grant the approval,
12 whereby the standby generator will be located. Is
13 that correct?
14 A Yes.
15 Q And the standby generator will be
16 connected to the main building with lines that would
17 go into parking lot -- under the parking lot?
18 A Yes. It would be underground service.
19 Q Now, in relation to the -- explain to the
20 Board what exists to the south of that space. Is
21 that a retaining wall?
22 A Yes. This small interlocking block
23 retaining wall and two board-on-board fences, one on
24 the property and one on the adjacent site. Beyond
25 that to the west is a small landscaped area, some

Page 32

1 stones for landscaping as well as one tree.
2 Q Now, in relation to any vehicle or anyone
3 proceeding on 9W, will this generator be visible,
4 sir?
5 A Practically, not so, especially northbound
6 because the fence is actually -- the top of the
7 fence is actually higher than the bottom of the
8 building, so you wouldn't see anything traveling
9 north. You'd really have to practically stop on 9W
10 to see it going south.
11 Q And the generator that's proposed, sir, do
12 you have a photo of that generator, sir?
13 A I have a cut of it, yes.
14 MR. SCHEPISI: I'd like to have this
15 marked Applicant's Exhibit A-2. A-1 will be the
16 plans that have been submitted so that the record's
17 complete.
18 Q And if you can take A-2 and just pass it
19 to the Board in case they have any questions. And
20 I'm going to keep talking to you while they're
21 looking.
22 This is your standard, self-contained
23 generator. It would be beige in color and will be
24 behind landscaping on the west side and the
25 retaining wall and fence on the south side. Is that

Page 33

1 correct, sir?
2 A That's correct. In addition, we are
3 proposing additional landscaping.
4 Q Can you tell the Board what additional
5 landscaping you propose, sir?
6 A Yes. We have on the landscape plan, which
7 is Sheet No. 4, we've bubbled, it's JC-4. And then
8 if you go to the plan schedule you'll see that JC-4
9 are old gold junipers and they're 4 to 5 feet in
10 height. That area there is about 2 to 3 feet higher
11 than the parking area so that they will be just
12 about as high as the top of the generator itself.
13 Q So for all intents and purposes, the
14 generator will be shielded from view from 9W,
15 pedestrians, and vehicular traffic?
16 A Yes. It will be screened very well.
17 Q And from the property to the south, is not
18 going to be visible to the property to the south?
19 A It will not be visible to the south,
20 that's correct, due to the fence.
21 Q Now, if the Board saw fit to grant the
22 variance and the amendment to the site plan
23 approval and with the understanding that the
24 property will now be only 101 spaces and not 102
25 spaces, is it your expert testimony, sir, that such

Page 34

1 a variance can be granted without having substantial
2 detriment to the public good or any impairment of
3 the intent and scheme of the zone plan or zoning
4 ordinance of the Borough of Englewood Cliffs?
5 A I do. I agree. And it's also the fact
6 that it's a de minimis number of spaces that is
7 being decreased here.
8 Q In relation to the benefit that will
9 bestow not just to this building but to the
10 community in general by permitting standby
11 generator, a standby generator and permitting this
12 business and all of the employees to work during
13 snowstorms like Sandy, this will be a benefit to the
14 community. Is that correct, sir?
15 A Yes, it would.
16 Q And that the benefit, is it your testimony
17 under N.J.S.A. 4065(D)-70(C)1&2 that the benefit
18 greatly exceeds the burden that is placed upon this
19 municipality if the variance is granted?
20 A Yes.
21 MR. SCHEPISI: No further testimony of
22 this witness.
23 MR. KILMARTIN: How many kilowatts is the
24 generator?
25 THE WITNESS: Between 230 and 500

Page 35

1 kilowatts.
2 MR. CHINMAN: What's the size and its
3 dimensions?
4 THE WITNESS: The dimensions of the
5 generator itself?
6 MR. CHINMAN: The generator itself.
7 THE WITNESS: Well, they gave them to us
8 in inches and we broke them into feet, that's why
9 it's the way it is on the plan. It's 7.17 which is
10 about 7 foot 2 inches in width, and about 18.5 feet
11 in length.
12 MR. CHINMAN: And the height?
13 THE WITNESS: The height is about 10 feet.
14 MR. MIRANDI: And it's a diesel-powered
15 generator.
16 THE WITNESS: Yes. It's a Cummins diesel.
17 CHAIRMAN FEHRE: You said 7 feet, 2
18 inches?
19 THE WITNESS: Yes. 7 feet, 2 inches is
20 7.17 feet.
21 MR. SEAN KIM: So how the fence to cover
22 the generator?
23 THE WITNESS: The top of the fence is just
24 about 10 feet. So it will be even with the top of
25 the generator.

Page 36

1 MR. KILMARTIN: Is the only variance
2 you're requesting the reduction in parking from 102
3 to 101?
4 THE WITNESS: That is my understanding,
5 yes.
6 MR. KIKY KIM: Mr. Collazuol, the location
7 of the generator, that is the best location for the
8 generator here? Is there any reason you put it
9 facing Sylvan Avenue? It would be doing all the
10 screening. You think that's the best location for
11 to put the generator?
12 THE WITNESS: Well, first this is where
13 the client so desired it as well as the electrical
14 contractor is going to install suggesting it.
15 Number two, it is permitted in the front yard
16 according to the borough's code. And there is a
17 residence that is further to the east, and of
18 course, most people use the rear yard to studio, if
19 I remember. So it's most distant from that. The
20 generator will be used only during emergencies and
21 is also only tested and maintained in that way 8 to
22 10 times a year. So maybe every two months it will
23 turn on for about 10 or 15 minutes.
24 By Mr. Schepisi:
25 Q Mr. Collazuol, with the change in the

Page 37

1 topography between this lot and the lot to the
2 south, that is the place that has greatest depth so
3 that there's a natural burn that will act as a sound
4 attenuator for this. Is that correct, sir?
5 A That's correct. Because the block wall
6 supports the grade adjoining the site so it will be
7 below that grade. That's right.
8 MR. CHINMAN: You said it's diesel?
9 THE WITNESS: Yes.
10 MR. CHINMAN: How big a tank is it?
11 THE WITNESS: It's about 700-gallon tank.
12 MR. KATES: Is that on the ground?
13 THE WITNESS: No. It's double wall and
14 that's also a tray below.
15 MR. CHINMAN: Part of the same complex?
16 THE WITNESS: Yes. It's all one unit that
17 gets manufactured as one unit and gets set on
18 concrete.
19 CHAIRMAN FEHRE: That seems quite big.
20 Why do you need one that large? Any particular
21 reason?
22 THE WITNESS: I think for the nature of
23 the facility.
24 MR. SCHEPISI: It's all computer gen --
25 it's all computers being run in the building.

Page 38

1 CHAIRMAN FEHRE: What goes on in the
2 building?
3 MR. SCHEPISI: You really want to know?
4 I'll put Mr. Young on because Steve doesn't know.
5 CHAIRMAN FEHRE: It's tested once every
6 month roughly. Is that what you're saying?
7 THE WITNESS: Something like eight or so
8 times a year it's tested.
9 CHAIRMAN FEHRE: Eight times a year. What
10 time of day? Do you have some plan to do it during
11 the day? You don't want to do it at night?
12 THE WITNESS: Certainly. It will be done
13 during business hours would be the most practical.
14 CHAIRMAN FEHRE: Any other questions of
15 this witness?
16 MR. CHINMAN: One last one. Maybe Bernie
17 can help. Is it possible to put something around
18 that fence to keep the noise down?
19 MR. SCHEPISI: The unit itself has sound
20 deadening within the unit so they say that it's
21 almost silent. If it's determined once it's up and
22 running if it's causing any problem, we have no
23 problem putting, which we've done at other
24 locations, another sound fence that will absorb it.
25 That's no problem. That will defer to Mr. Mirandi

Page 39

1 after it's up and running if the Board grants the
2 approval.
3 MR. MIRANDI: So to that point Mr. Chipman
4 is raising here, you just heard the applicant's
5 attorney indicate they'll make a conditional
6 approval if the noise levels exceed that of the
7 Borough's health ordinance that additional sound
8 attenuation could be added.
9 I'd like to just add a couple of other
10 items too. Typically, the Board will remember,
11 Mr. Collazuol did indicate some of the junipers that
12 he's proposing. This is close to the right of way
13 in the property borders, so as we noted in our
14 letter though that we typically ask the
15 Environmental Commission and the Shade Tree
16 Commission to review the landscaping for their input
17 and comments. So I would like to make that as a
18 condition of approval.
19 I have another couple of questions of
20 Mr. Collazuol as well:
21 On one of the plans I saw, I believe,
22 seven ADA handicap parking spaces, and I believe
23 there's four existing there. You're not proposing
24 to add any additional handicap spaces, are you?
25 THE WITNESS: We are not. I went back to

Page 40

1 the original site plan shown before as proposed.
2 The asphalt is where the additional ones were shown.
3 I don't know how --
4 MR. MIRANDI: All right. You answered the
5 question. Thank you. And another comment that I
6 wanted the fire department or police department to
7 take a look, currently the rear exit drive to Hudson
8 Terrace is chained off, and I understand that may be
9 to keep out people who just park in that area who
10 don't belong there, but that's something that I'd
11 like to have the fire department look at that. If
12 that's an issue then maybe that should be opened up
13 for emergency access areas.
14 And the other comment I had, the county --
15 Hudson Terrace is a county road. They're going to
16 be installing an ADA curb ramp at the area of
17 Sherwood Avenue and Hudson Terrace. I couldn't see
18 at the time I inspected, it was snow covered. At
19 that same entrance and exit drive that's chained off
20 right now, I don't think those two ADA curb ramps
21 are up to the current standards. Driving by tonight
22 before the meeting with the snow somewhat receding,
23 I believe that's still the case. So I'd like to ask
24 the applicant to bring those two sidewalk areas up
25 to compliance if this is approved.

Page 41

1 MR. SCHEPISI: I just have one question.
2 And I should have called you. I'm sorry.
3 MR. MIRANDI: Sure. That's okay.
4 MR. SCHEPISI: If the county is doing it,
5 what is it that the applicant has to do because the
6 county --
7 MR. MIRANDI: The county is doing one on
8 the corner. They're not doing the one that the --
9 their drive. But I'll verify that though.
10 MR. SCHEPISI: Usually they do --
11 MR. MIRANDI: I will verify that.
12 MR. SCHEPISI: We will work with them.
13 MR. MIRANDI: Okay.
14 MR. SCHEPISI: That's no problem. I just
15 wanted to point out one of the things Mr. Collazuol
16 pointed out to me when Mr. Mirandi started
17 questioning.
18 By Mr. Schepisi:
19 Q The spec for the generator says that it
20 generates 72 db's?
21 A Seventy-one.
22 Q Seventy-one decibels of sound outside of
23 the unit, and the Borough's code is 85. So we're
24 well below the Borough's code on noise.
25 CHAIRMAN FEHRE: Seventy-one measure from

Page 42

1 what distance?
2 MR. SCHEPISI: Immediately adjacent to it,
3 I believe.
4 CHAIRMAN FEHRE: Five feet?
5 MR. SCHEPISI: It's almost 5. Steve?
6 THE WITNESS: It's 7 meters. About 21
7 feet.
8 CHAIRMAN FEHRE: There's no residential
9 properties near --
10 MR. SCHEPISI: The nearest is to the south
11 on Hudson Terrace where the studio is. It's a
12 residence and a studio. It's been there for 100
13 years. We don't know what they do there, but we're
14 going to tell you what we do at ours.
15 MR. MIRANDI: So that is Lot 9?
16 THE WITNESS: Yes.
17 MR. MIRANDI: Thank you.
18 MR. SCHEPISI: That's been the same
19 building that's been there for 40 years.
20 If there are no more questions of
21 Mr. Collazuol, I'd like to bring up Michael Young,
22 one of the principals at INV. Thanks, Steve. Stick
23 around for a couple of minutes. Michael.
24 MICHAEL YOUNG, d/b/a 455 Sylvan Avenue,
25 Englewood Cliffs, New Jersey, having been duly

Page 43

1 sworn, testified as follows:
2 EXAMINATION BY MR. SCHEPISI:
3 Q Mr. Young, are you one of principals in
4 INV?
5 A Yes, I am.
6 Q And could you tell the Board what the
7 business -- who else owns INV?
8 A My mother and my brother.
9 Q It's a family-owned business. Is that
10 correct?
11 A Yes.
12 Q What type of business is it?
13 A Marketing and computer services.
14 Q And your building is computer sensitive.
15 Is that correct?
16 A Yes. We have a computer -- we have tons
17 of computers on one of the floors.
18 Q And they're not just PC's that you would
19 have on the desk? These are --
20 A No.
21 Q -- mainly computers --
22 A Computers for service.
23 Q What happens when the power goes down in
24 your building?
25 A We have backups, battery powered backups,

Page 44

1 but because of what's been taking place we have to
2 do something where we've lost already clients
3 because they need to have their specific computer
4 because we house data for a company.
5 Q What type of business is INV in? You
6 mentioned the computers are computer sensitive.
7 It's a marketing company?
8 A Yes. It's a marketing company. We work
9 with a lot of companies supplying data and
10 information so companies house data with us.
11 Q And without the computers up and running,
12 you're out of business. Is that --
13 A Well, as I said, we lost a few clients
14 last time over Sandy because we were out for seven
15 days.
16 Q And the reason you're putting this in is
17 so that doesn't happen and so that your people can
18 work and your business can continue?
19 A Yes. And we have two pretty big clients
20 now who have requested us to have backups per say
21 for this operation because I think we only have
22 right now 10 hours with the battery powers that we
23 have in-house.
24 MR. SCHEPISI: No further questions of
25 this witness.

Page 45

1 MR. KATES: It was mentioned by your
2 attorney that the parking is under-utilized?
3 THE WITNESS: Yes. We have 30 people.
4 MR. KATES: Thirty employees, and no
5 consumers, no retail operation?
6 THE WITNESS: No. Not at all. We have a
7 few clients that come.
8 By Mr. Schepisi:
9 Q Maximum, you've been in the building since
10 its been built?
11 A Yes, that's correct.
12 Q What's the maximum number of parking
13 spaces you've ever seen occupied?
14 A Forty-five maybe, forty.
15 MR. SCHEPISI: Thank you.
16 THE WITNESS: Just about the gate too
17 because I heard that. We never had that there, but
18 people came from Hudson Terrace to park, have lunch,
19 bicycle people came and everyone else there, so we
20 decided to close it just because too often we had
21 people using the rest stops and everything else like
22 that, and throwing garbage. People left garbage out
23 there.
24 MR. MIRANDI: I heard that as well from
25 Anthony, is that your brother?

Page 46

1 THE WITNESS: My brother.
2 MR. MIRANDI: Okay. And I just had a
3 question, just for my own curiosity: You have
4 raised computer floors in your building?
5 THE WITNESS: Yes, we do.
6 MR. MIRANDI: And CRAC units and the like?
7 THE WITNESS: I'm sorry.
8 MR. MIRANDI: Refrigeration? Cooling for
9 the --
10 THE WITNESS: Yes. We had initially but
11 we removed that and now we can use all the sensors.
12 MR. MIRANDI: And you have heavy-duty air
13 conditioning for --
14 THE WITNESS: Yes. We have a backup and
15 then a rooftop also.
16 MR. MIRANDI: Okay. Thank you.
17 MR. KATES: You said the battery life was
18 eight hours?
19 MR. SCHEPISI: Eight hours.
20 THE WITNESS: Yes. I think it's 8 to 10
21 hours at times. But we get a lot of surges and
22 we're on a new grid, I guess, as opposed to the old
23 one. This one happens to be --
24 MR. KATES: Thank you.
25 MR. SCHEPISI: Horrible. We run an

Page 47

1 extension cord from one building to the generator.
2 The applicant rests. No further witnesses.
3 CHAIRMAN FEHRE: Can I have a motion to
4 open this to the public?
5 VICE CHAIRWOMAN ROSENBERG: So be it.
6 CHAIRMAN FEHRE: Second?
7 MR. SURACE: Second.
8 CHAIRMAN FEHRE: All in favor?
9 THE BOARD: Aye.
10 CHAIRMAN FEHRE: Any opposed. None
11 opposed. Is there anybody that would like to be
12 heard on this application? There being nobody, then
13 can I have a motion to close the meeting to the
14 public?
15 MR. KILMARTIN: Yes.
16 CHAIRMAN FEHRE: Second?
17 VICE CHAIRWOMAN ROSENBERG: Second.
18 CHAIRMAN FEHRE: All in favor?
19 THE BOARD: Aye.
20 CHAIRMAN FEHRE: Would anybody like to
21 make a motion on this application?
22 MR. SEAN KIM: I move a motion to approve.
23 CHAIRMAN FEHRE: Second?
24 MR. KIKY KIM: I approve.
25 MR. MIRANDI: Mr. Chairman, is that

Page 48

1 with those conditions that were mentioned?
2 CHAIRMAN FEHRE: With the conditions.
3 MR. SCHEPISI: We consent with the
4 conditions, as long as Bernie is reasonable.
5 CHAIRMAN FEHRE: Roll call.
6 (Roll call.)
7 CHAIRMAN FEHRE: Yes.
8 VICE CHAIRWOMAN ROSENBERG: Yes.
9 MR. CHINMAN: Yes.
10 MR. KILMARTIN: Yes.
11 MR. KIKY KIM: Yes.
12 MR. SURACE: Yes.
13 MR. SEAN KIM: Yes.
14 COUNCILWOMAN OH: Yes.
15 (Application No. 249K, approved.)
16 MR. SCHEPISI: Thank you, everyone.
17 CHAIRMAN FEHRE: Thank you.(8:40p.m.)
18 Okay. Next item on the agenda: Estate of
19 the Josephine Mauro, 361, 365, and 369 Mauro Road.
20 MR. MIRANDI: Mr. Chairman, maybe we
21 should take a two-minute recess.
22 (A short recess is taken.)
23 CHAIRMAN FEHRE: Okay. Is everybody back?
24 Okay. Let's resume the meeting.
25 This is here, again, the Estate of

Page 49

1 Josephine Mauro, 361, 365, and 369 Mauro Road.
2 MR. SOKOLICH: Thank you, Mr. Chairman.
3 Mark Sokolich on behalf of the next applicant before
4 you which is the Estate of Josephine Mauro. As the
5 Chair points out, this application relates to what's
6 been classified as a major subdivision relating to
7 premises known as 361, 65, and 69 Mauro Road,
8 designated likewise as Lots 1, 2, and 3, and Block
9 406.
10 Just by way of housekeeping, in
11 anticipation of this hearing, we had dropped off
12 what I believe to be the appropriate proof of
13 service with the publication and certified mailing,
14 and I believe all the escrows have likewise been
15 paid in full. Also in anticipation of the meeting,
16 we've provided an updated certification that the
17 taxes are current and otherwise paid if full through
18 the first quarter of 2015 as to all lots.
19 This application is focused and relatively
20 simple, we have one witness to present to you this
21 evening. A representative of the estate is likewise
22 present. If I could just request your indulgences
23 for a minute to give you a little bit of a
24 background.
25 In 1979 an application was made to what

Page 50

1 was then known as the Englewood Cliffs Planning and
2 Zoning Commission. The application was to subdivide
3 the property that are the subject matter of this
4 application. The application was unanimously
5 granted. Immediately after the granting of that
6 application by what was then known as the Englewood
7 Cliffs Commission, Englewood Cliffs adjusted its
8 records to reflect the approved and new lots. In
9 fact, people then relied upon that approval. Houses
10 were sold. Houses were built. Transactions were
11 made. People continued with their lives. Right now
12 as we stand before you as early as this afternoon, I
13 confirmed with your own tax office that the
14 dimensions of that approval from 1979 are what's
15 reflected in your tax records for tax purposes, so
16 the lots have been taxed this way. Unfortunately,
17 in 1979, the then attorney -- I don't know who that
18 was. I was sitting the bench for Rutgers basketball
19 at the time -- did not proceed to file either a
20 subdivision plat or alternatively a subdivision deed
21 which perfected that subdivision. So as a
22 consequence many years later when a search is done
23 of the property, the public record maintained with
24 the County of Bergen does not reflect that approval
25 and does not reflect those lines which are what we

Page 51

1 call the staff to subdivision section of what we're
2 about to mark as A-1. However, the approval was
3 acted upon by the town, was relied upon by the
4 property owners. Mrs. Mauro passed away several
5 years ago and as a consequence, two of those lots
6 were now marketed to be sold but they were unable to
7 be sold as a result of this glitch, as a result of
8 this administrative act that someone was supposed to
9 have taken after that approval in 1989.

10 Jumping way ahead, if this Board were to
11 act favorably on our request this evening, there
12 will be absolutely no difference. The tax records
13 in Englewood Cliffs will not have to be adjusted.
14 The people that own houses and live there will not
15 have to make any adjustments. There will not be any
16 physical adjustments or amendments to the way the
17 houses look or where the fences are or where the
18 improvements are. Nothing happens. Nothing
19 changes. This is simply a request to ratify
20 something that happened over 30 years.

21 So it's the intentions of the applicant to
22 produce the testimony of Mr. Anderson who's a
23 licensed surveyor in the State of New Jersey who was
24 actually engaged by a perspective purchaser of two
25 of these lots. Once we realized along the way that

Page 52

1 title was, for lack of a better term, screwed up and
2 the lines were not perfected with the clerk's
3 office, the estate of Mrs. Mauro continued to engage
4 the services of Mr. Anderson because he had
5 completed a lot of the field work, and Mr. Anderson
6 will, about to testify to A-1 on what was requested,
7 and in fact, what was then approved. During the
8 course of his testimony we'll also be marking a plan
9 that was signed off by Englewood Cliffs approving
10 it. I don't know what the protocol, counsel, was in
11 1979. I don't know if they were supposed to file
12 that map or file a deed. I don't know. I do know
13 though that all we're merely asking for is to ratify
14 what was done, what was acted upon, and what has
15 been relied upon for the last 35 or so years.

16 And just one other point that I need to
17 make sure that I am very clear with with the Board:
18 My client owns the Estate of Josephine Mauro, owns,
19 continues to own Lots 2 and 3, which is known as 365
20 and 369 Mauro. 361 which is Lot 1 is owned by a
21 company called Sherili, LLC, which is owned by a
22 husband and wife. We found and I located those
23 folks, in fact, met with them. In fact, they have
24 signed an unconditional consent authorizing us to
25 proceed this evening. Because from a jurisdictional

Page 53

1 standpoint it would be required that all property
2 owners that comprise these lots participate in this
3 application. So as a consequence, we had submitted
4 after our initial filing a notarized original
5 consent authorizing us to proceed and also
6 authorized receiving a copy of this plan and
7 agreeing that this is in fact what they believe they
8 have, and this is in fact the way they've been
9 proceeding for the last 30 or so years. They've
10 owned the house and that lot configuration since
11 approximately 1980.

12 Before I call Mr. Anderson, this is not an
13 application for a new subdivision. This is not an
14 application to change things. After this Board, if
15 this Board were to approve it, things will start to
16 look different, and fences will be moved, and houses
17 will come down. It has nothing to do with that.
18 This is simply a request to maintain the status quo
19 that has existed for the last 30 or so years. So
20 unless the Board had any procedural questions of us,
21 we would ask Mr. Anderson to be sworn in if that's
22 okay.

23 CHAIRMAN FEHRE: Okay.
24 GEORGE ANDERSON, d/b/a 11 Sanderson
25 Avenue, West Caldwell, New Jersey, having been duly

Page 54

1 sworn, testified as follows:
2 EXAMINATION BY MR. SOKOLICH:
3 MR. SOKOLICH: Council, may I pre-mark
4 this as A-1?
5 BOARD MEMBER: Yes.
6 MR. KATES: Your witness.
7 MR. SOKOLICH: Thank you.
8 By Mr. Sokolich:
9 Q Mr. Anderson, if I could indicate to the
10 Board your chosen profession.
11 A Licensed land surveyor, State of New
12 Jersey.
13 Q And for how long?
14 A Over 20 years.
15 Q And you had an opportunity in the past to
16 conduct and perform surveys on behalf of clients for
17 residential properties?
18 A Yes.
19 Q Have you also had the opportunity to do
20 the field work and prepare and provide surveying
21 services for subdivisions?
22 A Yes.
23 Q Both minor subdivisions and major
24 subdivisions?
25 A Yes.

Page 55

1 Q If you would just take a minute and
2 describe to the board some of the background work
3 that you go through to properly prepare a survey.
4 A In this particular instance, what occurred
5 was a title transfer was supposed to take place --
6 Q No. No. What due diligence did you do?
7 A We would get the deeds for the properties,
8 any file maps that might be of record. In this
9 particular case, we were fortunate enough that the
10 estate had the map that was approved in 1979 that
11 helped us find that there was a problem with
12 everything, because once the initial survey was done
13 we're finding that, as you can see, there's a
14 building over the property line by 15 to 20 feet and
15 it brought it right to our attention that we need to
16 do more research to see what went on here.
17 Q So you conduct field work. You go to the
18 site. Correct?
19 A Yes.
20 Q You also take a look at the public records
21 to see what deeds have been recorded and to, I think
22 what we would refer to as chain of title? Correct?
23 A Yes.
24 Q In fact, you were the surveyor that was
25 engaged by a perspective purchaser of Lots 2 and 3?

Page 56

1 A Correct.
2 Q The estate did not initially engage you.
3 It was the purchaser of that engaged you?
4 A Correct. Yes.
5 Q And then during the course of that
6 transaction it was revealed there were problems with
7 title and that lot lines weren't where they belonged
8 pursuant to the approval that was obtained in 1979,
9 I believe it was you that uncovered that. Correct?
10 A Right. They didn't agree -- the lot lines
11 didn't agree with the tax maps which immediately
12 threw up a red flag because why would the tax maps
13 be one way and the title be another way. So we knew
14 there was going to be some sort of an issue with it.
15 Q And you had an opportunity to meet with
16 representatives of the estate and you asked to
17 review their records. Correct?
18 A That's correct.
19 Q And one of those documents that was
20 provided to you is what I'm marking as A-2 which is
21 entitled Minor Subdivision, Lots 6, 7, and 8, Block
22 9W, Sheet 8, which is dated April 5, 1970.
23 (Exhibit A-2, marked for
24 Identification.)
25 I'm going to show you what I've marked as

Page 57

1 A-2. Is that the document that was provided?
2 A Correct. Yes.
3 Q Based on your understanding and expertise
4 as a surveyor, what does this document, what does
5 A-2 represent to you?
6 A That a minor subdivision was submitted and
7 approved.
8 Q By whom?
9 A By the Borough of Englewood.
10 Q Cliffs.
11 A Englewood Cliffs. I'm sorry.
12 Q You're not an East Bergen guy, are you?
13 A Nope. Essex all the way.
14 MR. KATES: Could you hold that up?
15 MR. SOKOLICH: I'm going to pass it around
16 for you.
17 By Mr. Sokolich:
18 Q Mr. Anderson, would it be a fair statement
19 to say that this is the -- so there was a step after
20 in 1979, and I believe we've attached it to the
21 application, an application was made to the then
22 zoning and planning commission here in Englewood
23 Cliffs. Correct?
24 A Correct.
25 Q And we have documents that establish and

Page 58

1 confirm that?
2 A Correct.
3 Q And also that application was unanimously
4 approved. Correct?
5 A Correct.
6 Q After that approval it's then apparent
7 that a surveyor then prepared a survey or a plat
8 which was consistent with that approval. Is that
9 correct?
10 A Yes.
11 Q And that's what A-2 is?
12 A Yes.
13 Q And in the lower left-hand portion of A-2
14 there's a section that says, "Approved by Planning
15 Board of the Borough of Englewood Cliffs, New
16 Jersey," dated April 5, 1978, executed by the then
17 Chairman Joseph Gratiano and the secretary Roberta
18 Stern. Is that correct?
19 A Correct.
20 Q Now, what's on A-2 is what was in theory
21 or actually approved by the board again some 30
22 some-odd years ago?
23 A Correct.
24 Q I'm going to bring you to A-1. A-1 is
25 your survey. Correct?

Page 59

1 A Yes.
2 Q Would you please in your own words
3 indicate to the attending members and to the public
4 and to the Board what A-1 is. And if you could
5 explain what the before subdivision represents and
6 the section entitled after subdivision represents?
7 A The before subdivision is what the lots
8 had looked like in accordance with the original file
9 of that area.
10 Q Before the 1974 --
11 A Right. Before the 1974 subdivision, it
12 was a map that was filed with the County of Bergen
13 perfecting those particular lots.
14 Q And it was those lots that the application
15 in 1979 sought to change?
16 A Correct.
17 Q Or to realign?
18 A To realign.
19 Q Just to be clear, there weren't more lots
20 that were requested? It was always three lots.
21 They were just seeking to realign the lot line.
22 A Right. We had three -- we started with
23 three lots. They ended with three lots. They just
24 made a lot line adjustment for each of those lots.
25 Q So on the before subdivision, this is what

Page 60

1 the original plat laid out the lots to be?
2 A Correct.
3 Q And if these lines were to exist today,
4 the house that exists to the right, in fact, the lot
5 line would cut that house virtually in half. Would
6 it not?
7 A Yes.
8 Q You then go down to an area of A-1 which
9 you call "after subdivision." What does after
10 subdivision represent?
11 A All this represent is what was approved
12 back in 1979. We're just trying to get what was
13 then done corrected so that we can get the proper
14 documents filed and make it correct.
15 Q And what we've marked at A-2 which is that
16 approval, not only by way of resolution but then
17 subsequently by way of executed subdivision plat,
18 A-2, is A-2 consistent with what you depict as after
19 subdivision?
20 A Yes.
21 MR. SOKOLICH: If I may pass this around.
22 Thank you.
23 By Mr. Sokolich:
24 Q Going back to the after subdivision part.
25 To the best of your knowledge, Mr. Anderson, if the

Page 61

1 Board were to act favorably on this application, are
2 there any buildings that would have to be relocated?
3 Are there any fences that would have -- is there
4 anything that you're aware of that would have to be
5 relocated or would any status quo have to change at
6 all?
7 A No. Everything is fine where it is.
8 We're just trying to make sure that it's correct
9 moving forward.
10 Q Correct. And in fact, if it's not
11 corrected there's an impediment to the resale of
12 these lots, both 1, 2, and 3. Correct?
13 A Correct.
14 Q We are in, correct me if I'm wrong, the RB
15 Residential Single Family Zone. Correct?
16 A Correct.
17 Q And the minimum lot size in that zone is?
18 A Seven thousand square feet.
19 Q The lots that are depicted in the section
20 of A-1 as after subdivision, the lots that were
21 approved by the commission in '79, do they all
22 exceed the 7,000 square foot minimum lot size?
23 A Yes, they do.
24 Q And did your field work, your due
25 diligence, if you will, did it likewise confirm

Page 62

1 that, for example, the tax records and the records
2 maintained here in Englewood Cliffs all reflect the
3 lots as you show them to exist by way of after
4 subdivision?
5 A Yes.
6 Q If the Board weren't to approve the
7 application then in fact these lot lines would exist
8 and would actually straddle that house. Correct?
9 A Correct. Yes.
10 Q I don't know how familiar you are with the
11 chain of title with respect to Lot 1, but originally
12 when Lot 1 was sold after the 1979 approval it was
13 sold to a developer by the name of Bertenado
14 (phonetic). And immediately Mr. Bertenado and his
15 company constructed a single-family residence. I
16 don't want to testify, but assume that to be fact
17 for the moment if you would. In 1980 it was then
18 subsequently sold to the Lee family. The Lee family
19 has owned it since 1980 and that is Lot 1. Those
20 are the folks that executed the consent that I
21 referred to during our opening statement. And this
22 is the house that in fact they own on Lot 1.
23 Correct?
24 A Correct.
25 Q Is there anything else that you would like

Page 63

1 to add for the Board to consider while they consider
2 whether or not to ratify what was already approved
3 back in 1979?
4 A Only that as can be seen by all the
5 charting. There are no variances if you approve
6 this subdivision as it was approved in '79. There
7 were no variances needed then, there are none needed
8 now. We're just trying to correct what was not done
9 back then.
10 Q I believe there was reference to a minor
11 front yard matter as a result of the corner lot
12 configuration. But the lot sizes meet the minimum
13 requirements. Correct?
14 A Yes.
15 Q And I believe for the most part the line's
16 share of the setbacks are also conforming?
17 A Yes.
18 Q Is there anything else that you would like
19 to add and present to the Board in consideration?
20 A We're just looking to correct something
21 that was lost in translation back in '79.
22 Q And George, just to conclude with you,
23 were the Board to act favorably on this application,
24 what would we then do to perfect the subdivision?
25 Since it's been classified major, I believe a major

Page 64

1 subdivision plat would have to be filed. Correct?
2 A Yes.
3 Q And that major subdivision plat would
4 depict exactly what you depict in the after
5 subdivision?
6 A Correct.
7 Q And were the Board to act favorably on the
8 application, does anything change?
9 A No.
10 Q Does any fence get moved? Does any house
11 get relocated? Does any line of trees that are on
12 one person's property or another have to be
13 relocated or moved or is it all status quo?
14 A It's all status quo.
15 MR. SOKOLICH: Thank you.
16 Mr. Chairman, I offer Mr. Anderson.
17 CHAIRMAN FEHRE: Do we have any questions
18 for Mr. Anderson?
19 MR. KATES: If I could pursue this. I
20 think I spoke too soon, Mr. Sokolich. Let me hand
21 down to you the two plats done and ask the witness
22 to compare the two. I don't think they're
23 identical. And I don't know what that interim
24 subdivision is all about. It looks like it's
25 earlier. Dates are different and the line is

Page 65

1 different I think in the way it subdivides the
2 property. That's something that was submitted in
3 your package.
4 MR. MIRANDI: Unfortunately, the year is
5 cut off of the smaller, reduced copy.
6 MR. SOKOLICH: In 1978, counsel, an
7 application was filed for the subdivision. I
8 believe in 1979 a subsequent application was made
9 that related to the, I believe, the type of house to
10 be constructed on Lot 1. The subdivision, though,
11 wasn't impacted by that. At least that's our
12 understanding of it.
13 MR. KATES: I think the smaller map is the
14 '79 subdivision.
15 MR. SOKOLICH: '79, correct. And this is
16 the '78, that's correct. '82 is the '78, and what
17 we submitted with our pile is the '79, for the most
18 part are all identical or very close to being
19 identical.
20 MR. KATES: And the distinction is that
21 the '78.
22 MR. SOKOLICH: Was the initial approval by
23 this time by the Englewood Cliffs Planning
24 Commission and the '79 was I believe relating to the
25 house that was ultimately constructed by Bertenado

Page 66

1 Construction on Lot 1. But is didn't impact the
2 subdivision or the lot sizes or the dimensions.
3 MR. KATES: But neither were recorded?
4 MR. SOKOLICH: Neither unfortunately were
5 recorded.
6 THE WITNESS: Neither a map nor a deed.
7 MR. SOKOLICH: Right. And if either were
8 recorded, we wouldn't be here.
9 MR. KATES: So you've marked as Exhibit
10 A-2 the '79 --
11 MR. SOKOLICH: '78. And the smaller one
12 is part of our package which I can mark as A-3 if
13 that makes is simpler for you.
14 MR. KATES: Let's get a clean copy.
15 CHAIRMAN FEHRE: So the lot lines of '79
16 and '78 are identical?
17 THE WITNESS: Difficult to see because of
18 the reduction in size on it. This reflects the '79.
19 MR. SOKOLICH: I have a cleaner copy,
20 counsel, of the later one, which is identical to
21 what is on the board as the after subdivision.
22 MR. KATES: Okay. I think we're good now.
23 MR. SOKOLICH: Thank you for the
24 clarification.
25 CHAIRMAN FEHRE: Was there a (inaudible)

Page 67

1 associated with that?
2 MR. SOKOLICH: There was. It's attached
3 to my application.
4 MR. KATES: Can we hand back A-2 for our
5 record.
6 MR. SOKOLICH: Sure.
7 MR. KATES: Basically -- they both show a
8 house.
9 CHAIRMAN FEHRE: What does the tax map
10 show again.
11 MR. SOKOLICH: Your tax maps per my
12 confirmation today are precisely what we depict on
13 the after subdivision.
14 CHAIRMAN FEHRE: The top one?
15 MR. SOKOLICH: The bottom one.
16 CHAIRMAN FEHRE: Oh, the bottom one.
17 MR. SOKOLICH: Yes. Sorry.
18 CHAIRMAN FEHRE: That's on the back?
19 MR. SOKOLICH: That's correct. And I'm
20 told that your records were amended promptly after
21 this approval in '79, and they've been taxed as such
22 for the last 25 or 30 years. In fact, I reviewed
23 today with Mr. Duffy from the tax board the record
24 card and the dimensions that are reflected on that
25 card which are consistent with the after subdivision

Page 68

1 approval.
2 MR. KATES: Do you have a witness that
3 will talk to the issue of how Lot 7 has been used
4 over the years? Has it be integrated on the home
5 side? Is it be gardening, landscaping? Woods,
6 wooded?
7 MR. SOKOLICH: I can confer with the --
8 MR. MIRANDI: Yes. Just so that you could
9 see that they reflect what was done.
10 MR. SOKOLICH: Mike, if you need somebody,
11 we can provide you with some background on that.
12 MR. KATES: Is it the plan of the estate
13 to build a home on the lot?
14 MR. SOKOLICH: No. The plan with the
15 estate was to sell the lots.
16 MR. KATES: To sell the lots.
17 MR. SOKOLICH: Yes, sir.
18 MR. KATES: And it's two separate lots?
19 MR. SOKOLICH: Correct.
20 MR. KATES: With the potential for the
21 middle lot or Lot 7 to be supporting the home?
22 MR. SOKOLICH: Correct.
23 MR. KILMARTIN: So Mr. Sokolich, when
24 you're testifying that nothing is going to change,
25 no fences, no this, no that, isn't that slightly

Page 69

1 disingenuous. Isn't what's going to happen, isn't
2 the idea that we can now build a house in the middle
3 without having to take down the house on the front
4 lot?
5 MR. SOKOLICH: Mr. Kilmartin, I'm not --
6 as far as disingenuous, I am not trying to deceive
7 anyone. What I mean by that is, were the Board to
8 act favorably on the application, nothing changes as
9 far as these lot lines. As far as what Englewood
10 Cliffs now considers these lot lines and these lot
11 sizes to be. If one day one were to construct the
12 house where one doesn't exist on the middle lot, if
13 they would need any type of relief, they would have
14 to appear back on this Board. However, this house
15 can be constructed without the necessity of any
16 approval. This is, can be a subdivision as of
17 right. There's no variances that we would request,
18 any meaningful variances that we would request. We
19 just want it restored to the way it always was which
20 is the house, the house in a vacant lot in the
21 middle. I'm not suggesting that it's going to stay
22 vacant for eternity. I don't mean that. I
23 apologize. I don't want to create that impression.
24 What I mean that nothing is going to change is we're
25 simply trying to just restore that approval

Page 70

1 consistent with the records now in Englewood Cliffs.
2 MR. KILMARTIN: So that those two lots can
3 be zoned.
4 MR. SOKOLICH: Correct.
5 MR. KILMARTIN: With the idea that they're
6 more marketable if the house can be built on the
7 middle lot without having to take down the house on
8 the front.
9 MR. SOKOLICH: I couldn't tell you the
10 marketability of the lots as to whether or not it
11 will be more or less marketable. I know that this
12 house was constructed with this line at least
13 thought to be the correct line and that's why it was
14 constructed that way. I can also represent through
15 Mr. Anderson that all of the lots are at least the
16 7,000 square foot minimum lot size. There's no lot
17 size request that's being made. Again, we were just
18 simply trying to undo, I guess, administrative error
19 back 30 years ago. One that apparently the only
20 people that didn't act on it were the lawyer for the
21 Mauro family back when they made the application
22 back 35 years ago because everybody else proceeded
23 pursuant to the approval, meaning the construction
24 of the house within these lot lines here, the
25 construction of this house within these lot lines,

Page 71

1 so forth and so on. But yes, you are absolutely
2 correct. A house could be built on the middle lot.
3 I didn't mean to suggest one wouldn't.
4 VICE CHAIRWOMAN ROSENBERG: What is the
5 square feet of all of them together?
6 MR. SOKOLICH: All of them together.
7 George?
8 THE WITNESS: Almost 40,000 square feet.
9 Almost an acre.
10 MR. KATES: Of the two lots?
11 THE WITNESS: She did say all three.
12 MR. KATES: The third lot isn't owned by
13 the estate.
14 MR. SOKOLICH: To be more specific, I
15 could give you a better answer. Lot 1 is 11,300
16 square feet and I'm rounding. Lot 2 is 8,400 square
17 feet, Lot 3 is 18,900 square feet.
18 VICE CHAIRWOMAN ROSENBERG: The first lot
19 is the letter that you said is the neighbor --
20 MR. SOKOLICH: Correct.
21 VICE CHAIRWOMAN ROSENBERG: Do they have
22 any intentions on selling their property at this
23 time. Do you know?
24 MR. SOKOLICH: I do not know. I do not
25 know. You're talking about the existing house?

Page 72

1 VICE CHAIRWOMAN ROSENBERG: Yes.
2 MR. SOKOLICH: I do not know. And
3 interestingly to that point, the title report on
4 that lot confirms that their initial acquisition of
5 this property in 1979 utilized this description:
6 In '79 it was sold to a builder. It
7 utilized this description. In 1980 the builder sold
8 to the current owners. It used this description.
9 In 1992 -- I don't know if it was done for estate
10 planning or it was done amongst husband and wife,
11 but there was a transfer between the owners. It
12 used this description. And then as recent as in
13 2012, the husband and wife owners transferred to a
14 limited liability company, all utilizing this
15 description, the description that was approved in
16 1979.
17 CHAIRMAN FEHRE: Any further questions of
18 this witness?
19 MR. KIKY KIM: I have a question. The lot
20 in between the two building right there. You
21 showing that this zoning computation is showing the
22 minimum width of 70 feet. You think this is
23 complying?
24 THE WITNESS: Well, we've got an arc of
25 73, it's almost 80 feet.

Page 73

1 MR. KIKY KIM: But the average -- you're
2 going out to the rear property, the average -- I
3 don't think it's going to be 70 feet for the
4 required width. Mr. Mirandi, are you finding that
5 it is proper width of his property?
6 MR. MIRANDI: We have it listed as 75 feet
7 for the way they take the average for the minimum
8 depth of it, so yes.
9 MR. KATES: And the width is measured at
10 the building set-back line for width purposes?
11 MR. MIRANDI: I have the code. I could
12 double check that. It is an average depth that it
13 comes up with. I'll get the specific definition for
14 you.
15 MR. KATES: "Measured at right angles to
16 its mean depth."
17 MR. MIRANDI: Okay.
18 MR. KATES: And that's the width. You're
19 saying that it's 70 or more.
20 MR. MIRANDI: Right.
21 MR. KATES: Which is the requirement for
22 the --
23 MR. MIRANDI: Right.
24 CHAIRMAN FEHRE: Any further questions?
25 MR. KILMARTIN: I don't know. I just

Page 74

1 don't see why you want to do that. To me, the
2 before is a much better configuration than the
3 after.

4 MR. SOKOLICH: I got it. Respectfully, I
5 mean, I guess it's applicant's prerogative. They
6 always had intended to have the lines this way
7 that's why they had it approved this way. That's
8 why they built this house this way, and they built
9 this house this way. I guess it's a matter of
10 preference, Mr. Kilmartin. And I don't know. I
11 don't know. I mean, to me it would be absolutely
12 wonderful to have a house and then that lot
13 landscape be part of the yard. I agree.

14 COUNCILWOMAN OH: I have a question,
15 Mr. Sokolich. You mentioned that the house all the
16 way on the left.

17 MR. SOKOLICH: Yes.

18 COUNCILWOMAN OH: When the title was
19 convey to the builder when he built the house, you
20 said they used the description lot that's in the
21 second drawing.

22 MR. SOKOLICH: That's correct.

23 COUNCILWOMAN OH: So how did they know to
24 use that description when you say your client when
25 they were trying to sell it they couldn't get it

Page 75

1 from the record?

2 MR. MIRANDI: That's probably one of the
3 mysteries of life. It really is.

4 MR. SOKOLICH: It's a mystery,
5 councilwoman. This description was utilized three,
6 four, five times in five different transactions when
7 the builder built it, when the builder obtained a
8 building permit from Englewood Cliffs to build it he
9 had to submit this description. It was approved
10 then. When he got a final as-built survey and got a
11 final approval I trust from Englewood Cliffs it
12 depicted that. Don't know how they did it. Don't
13 know why they did it. Wasn't us that did it. It
14 was someone else, a third party that did it that we
15 sold to. I think probably what happened, and I'm
16 only speculating that promptly after the approval,
17 these transactions occurred because people were
18 waiting for the subdivision to get done and they
19 probably transacted quickly, presuming that the
20 lawyer who was then on the job would do what it is
21 he or she was supposed to do. Apparently that
22 wasn't done. Frankly, I don't even know know if
23 back in 1979 an affirmative sup was supposed to be
24 taken by the zoning commission. I'm just presuming
25 that it was the attorney that should have done

Page 76

1 something.

2 MR. KATES: Also, the tax map carried as
3 you see the bottom lot.

4 THE WITNESS: Right. That's why the town
5 when the building went on in the approval, the town
6 would never say, what's wrong. There's something
7 wrong with this. Your survey doesn't match our map.

8 MR. KATES: The map was configured that
9 way. I guess a potential purchaser would make that
10 assumption.

11 THE WITNESS: Back then it's possible that
12 the surveyor who performed the subdivision may have
13 been the surveyor that did their survey and he had
14 the knowledge of that map and just carried it
15 forward.

16 MR. SOKOLICH: And you know, Mr.
17 Kilmartin, if I may back to your point because I
18 want to be clear because I don't want to be
19 disingenuous. That's one thing I'm not.

20 I don't know if a subsequent purchaser
21 would buy it and do nothing with that lot. I don't
22 know. As a matter of fact, George, correct me if
23 I'm wrong, your client was buying both lots.
24 Correct?

25 THE WITNESS: Yes.

Page 77

1 MR. SOKOLICH: So I think there's the
2 prospect that it might very well remain that way,
3 but I don't want to represent that to you because I
4 don't want something different to map out in the
5 future --

6 MR. KILMARTIN: So your client just wants
7 it cleared up.

8 MR. SOKOLICH: They just want it cleared
9 up. And I don't want to represent that nothing is
10 going to happen, then I would be disingenuous. I
11 apologize for that.

12 MR. KATES: So your point is that that
13 acreage can support three building lots as of late?

14 MR. SOKOLICH: Correct.

15 MR. KATES: And if they build a home that
16 encroaches upon the defined side yards and setbacks,
17 they have to come back for approval?

18 MR. SOKOLICH: That's correct.

19 MR. KATES: That presumes that a
20 conforming house would be built?

21 MR. SOKOLICH: In this envelope, that's
22 correct.

23 By Mr. Sokolich:

24 Q That's correct, George?

25 A Yes.

Page 78

1 Q In that envelope?
 2 A Yes. Absolutely.
 3 MR. CHINMAN: So is the perspective buyer
 4 still in the picture?
 5 MR. SOKOLICH: No. We lost him.
 6 MR. CHINMAN: And was that perspective
 7 buyer a homeowner or was it a town developer?
 8 THE WITNESS: No.
 9 MR. SOKOLICH: I don't know.
 10 By Mr. Sokolich:
 11 Q Do you know George?
 12 A No.
 13 MR. SOKOLICH: I don't know. I know that
 14 there were no plans there were being filed. There
 15 were no intentions. I believe that it was strictly
 16 a homeowner. I don't know that it was a contractor.
 17 I didn't represent either party on the transaction.
 18 We just inherited George because he was engaged by
 19 that first party.
 20 MR. CHINMAN: Is the house occupied now?
 21 THE WITNESS: No.
 22 MR. SOKOLICH: This house is vacant. This
 23 house is occupied. This is the one where they live
 24 now.
 25 MR. KILMARTIN: Wouldn't this issue be

Page 79

1 resolved better by the new owner when we know what
 2 they're intentions are?
 3 MR. SOKOLICH: I don't, Mr. Kilmartin,
 4 know why in fairness to the property owner that's
 5 before you now why they would have to wait that long
 6 to make that determination. I mean, they're
 7 entitled to lot sizes as of right this size. We're
 8 just trying to cure administrative act. I don't know
 9 if that makes it more marketable to a prospective
 10 purchaser. I would presume that it would. Not
 11 because it's two lots but it's difficult to sell
 12 when there's this confusion in title as to whether
 13 or not a lot line exists or doesn't or it exists
 14 here or doesn't exist there. And that brings a good
 15 point: If we don't cure this, we won't be able to
 16 sell it because this lot line cuts this house in
 17 half, if you understand what I'm saying. This is
 18 what we'd be selling the lot line that cuts the
 19 house in half. I don't know if they'd want to buy
 20 it that way.
 21 MR. KILMARTIN: But you're selling both
 22 lots?
 23 MR. SOKOLICH: We're selling both lots.
 24 And the idea is to sell --
 25 MR. KILMARTIN: So the issue is you don't

Page 80

1 know whether you're selling the before or the after
 2 at this moment in time?
 3 MR. KATES: No, they're selling the after.
 4 They're marketing the after.
 5 MR. SOKOLICH: We're selling the after.
 6 I'm not doing my job if I'm not making that clear.
 7 We're trying to sell the after consistent with the
 8 approval, and the after are three lawfully existing
 9 conforming lots in your ordinance.
 10 MR. KATES: Forgetting about the history
 11 of the --
 12 MR. SOKOLICH: Make believe I'm here for a
 13 minor subdivision to put a line there.
 14 MR. KATES: -- if you're coming in and you
 15 wanted to put the line as we see it, you could do
 16 that as of right subject to whatever subdivision
 17 criteria might apply, and we'll wait on Bernie to
 18 see whether there's anything there. The roads are
 19 in. The utilities are in.
 20 MR. SOKOLICH: But I thought, counsel, it
 21 would be more forthcoming of the applicant to
 22 disclose what the history was so that if the Board
 23 knew and they could make a more intelligent decision
 24 as opposed to disregarding the prior official act of
 25 Englewood Cliffs and simply going to a subdivision

Page 81

1 because in that event then because we'd be appearing
 2 here with this, with a lot line that goes through
 3 the house and we want to move it here. We'd rather
 4 present this which is consistent with the prior
 5 approval.
 6 MR. KILMARTIN: The only other issue is
 7 the property line has changed between the middle lot
 8 and the lot, that south --
 9 MR. SOKOLICH: Correct.
 10 THE WITNESS: They're title effectively
 11 right now reflects this. So now there's even a
 12 title issue with this one.
 13 MR. SOKOLICH: They absolutely have a
 14 title issue --
 15 CHAIRMAN FEHRE: In other words, if we
 16 deny he gets a bigger piece of property. Right?
 17 MR. SOKOLICH: If he denies, there's a
 18 chance he buys -- if he denies, it gets resolved by
 19 litigation probably, chairman. And that's, please,
 20 that's a final action. It's just unnecessary
 21 expense upon all of these parties especially if
 22 they're all conforming lots.
 23 MR. KILMARTIN: Well, wasn't that title,
 24 that strip conveyed?
 25 THE WITNESS: This one here.

Page 82

1 MR. SOKOLICH: Yes.
 2 MR. KILMARTIN: It was. So really there
 3 is no title issue there?
 4 THE WITNESS: There is because our title
 5 says this, their title says this. That creates a
 6 problem in there.
 7 MR. SOKOLICH: What happened,
 8 Mr. Kilmartin, is because they initially bought it
 9 immediately after the approval. So they probably
 10 just presume that the approval would catch up with
 11 the boundary line. Since nobody took an affirmative
 12 act, this line was never moved to here. Since these
 13 folks never transferred it out of their family.
 14 They transferred it amongst themselves. They
 15 transferred it into an LLC. The same two folks that
 16 bought it still own it just in the name of the
 17 limited liability company now. So they never went
 18 out conventionally to sell to another third party
 19 who would have gotten a full title report to unravel
 20 that issue.
 21 I just don't want the Board to be of the
 22 impression I'm trying to pull the wool over
 23 anybody's eyes. We're just looking to, again,
 24 restore it to the consistency of what's on the
 25 record now in Englewood Cliffs.

Page 83

1 CHAIRMAN FEHRE: Do you have any further
 2 witnesses?
 3 MR. SOKOLICH: I do not.
 4 CHAIRMAN FEHRE: Can I have a motion to
 5 open this to the public?
 6 MR. CHINMAN: So moved.
 7 CHAIRMAN FEHRE: Second?
 8 MR. KILMARTIN: Second.
 9 CHAIRMAN FEHRE: All in favor?
 10 THE BOARD: Aye.
 11 CHAIRMAN FEHRE: The meeting is now open
 12 to the public.
 13 SPEAKER: I'd like to have my statement
 14 entered into the testimony, please.
 15 CHAIRMAN FEHRE: Step forward, please.
 16 SPEAKER: This is a copy for everybody.
 17 MADAM SECRETARY: You can come forward.
 18 MS. CRACCHIOLO: Dr. Bernadette
 19 Cracchiolo. I've lived there for 11 years. My
 20 daughter has lived there her entire life.
 21 There's a couple other issues that we'd
 22 like you to consider. One is that there's a
 23 significant water problem in Englewood Cliffs,
 24 there's a significant water problem that has not
 25 been corrected on Mauro Road. The second is that

Page 84

1 this strip of land right here that's in question has
 2 a grove of mature trees. My daughter has a
 3 statement that she would like to read about this
 4 grove of mature trees that the children and the
 5 adults in the neighborhood spend time in this area
 6 and enjoy these trees and it adds a lot to the
 7 quality of life in the neighborhood. I'd like to
 8 just read parts of this quickly, and with your kind
 9 permission. "Application --
 10 MR. KATES: I think I have to put you
 11 under oath.
 12 BERNADETTE CRACCHIOLO, MD,
 13 residing at 368 Mauro Road, Englewood Cliffs, New
 14 Jersey, and her daughter,
 15 ISABEL CRACCHIOLO, having been duly
 16 sworn, testified as follows:
 17 CHAIRMAN FEHRE: Just identify yourself as
 18 well.
 19 MR. KATES: You may proceed.
 20 (Dr. Cracchiolo reads statement to
 21 the Board.)
 22 THE WITNESS: "We note that the map
 23 submitted shows an additional building with standard
 24 setbacks within the redrawn subdivisions. However,
 25 the applicant announced to the residents of Mauro

Page 85

1 Road that the variances on said standard setbacks
 2 will be sought for the purpose of enlarging the size
 3 of that building. The applicant has not in any
 4 pertinent and accessible documents specified the
 5 actual dimensions of the variance announced as being
 6 requested though neither specified or shown on the
 7 map.
 8 We respectfully petition the Planning
 9 Board, not even to take up the redrawing for the
 10 correction of the subdivision limits for the
 11 declared purpose of constructing at least one
 12 additional building on that property until the most
 13 basic precondition has been specified," which is we
 14 have to solve the water problem.
 15 The rest of this goes into the history of
 16 the water problem which has caused considerable
 17 damage to all the properties on the road. And then
 18 we held several meetings with Mayor Parisi who then
 19 went onto help get the problem somewhat corrected,
 20 however, not a big enough pipe was placed. And we
 21 calculated the amount of water that was coming down
 22 and we brought it to the mayor's attention that the
 23 pipe is not big enough. But at that time the
 24 building project was already underway and a smaller
 25 pipe was used. So what we have now is that several

Page 86

1 times a year the manhole covers get blown up and
2 pushed aside. If you would look at the photo at the
3 back. And most recently that happened, a bus came
4 by, the bus ran into the sewer hole, 20 children had
5 to be evacuated off of the bus, and this was in
6 front of my neighbor's property here who also wants
7 to speak to this. And this is also photo-documented
8 and we have a disc for your review.
9 This area here that has the trees on it is
10 a sponge.
11 MR. KATES: Could you point to that?
12 THE WITNESS: I believe it's right here.
13 I have not studied these maps. I believe it's right
14 here where this building is going to be. And we
15 don't think this is a good idea. And I'd like your
16 consideration to think about it a little bit more.
17 My daughter has a statement she'd like to
18 make about the trees. It's short. Thank you for
19 your attention.
20 (Isabel Cracchiolo reads statement to
21 Board.)
22 THE WITNESS: "Dear Members of the Board
23 Please allow me to read the following into the
24 record:
25 My name a Isabel Cracchiolo. I'm 11 years

Page 87

1 old. Since I am an American citizen, I have the
2 right to petition the government. I've lived all my
3 life at 368 Mauro Road in Englewood Cliffs. Across
4 my street is a small stand of forest. This forest
5 was one of Ms. Mauro's favorite places and she
6 created it over many decades. It contained three
7 flowering bushes, seven adult fir trees, and 11
8 full-grown oaks. About 2 feet off the ground,
9 several of these oaks have circumferences larger
10 than 8 feet, and one of them has a circumference of
11 11.5 feet. Using a laser, I measured the height of
12 this particular tree to be close to 100 feet. I
13 calculated its age to be at least 256 years old
14 using a standard formula developed by arborists.
15 When this oak tree was a 5-inch sapling, Thomas
16 Jefferson was writing the Declaration of
17 Independence in early 1776, and then later that
18 year, George Washington was fighting the British
19 here on the Palisades and then had to retreat to
20 save the Continental Army from defeat. Just
21 imagine, this tree is a living witness to the birth
22 of our nation.
23 Every day in summer the children of Mauro
24 Road including me go to the forest and play. The
25 forest has luscious beds of moss that will not find

Page 88

1 anywhere else. It holds many memories for the
2 children of Mauro Road too. The forest is home for
3 many animals. Squirrels rely on the acorns to live
4 through winter, birds build their nests in the
5 trees, and rabbits tunnel underneath the roots. As
6 night falls, nocturnal animals like deer and skunk
7 come to the forest. In the summer hundreds of
8 fireflies light up the night, and the forest cools
9 the air during the day. I notice that many adults
10 take their walk through Mauro Road and stop by the
11 forest. So the forest is not just a joy for
12 children, it's also a joy for adults, except for
13 they don't play in the forest. The forest's
14 existence greatly improves the quality of life in
15 this entire neighborhood, not just on Mauro Road.
16 When I heard a new house was to be built,
17 I studied the Application No. 238K. I noticed that
18 the new building this is planned on the site of the
19 forest will sit right in the middle and use up all
20 of its space.
21 I petition you to consider that our town
22 prides itself to be Tree City, U.S.A., and to keep
23 that forest as a space that everyone in the
24 neighborhood can enjoy and visit to take a deep
25 breath. Thank you for allowing me to address you."

Page 89

1 CHAIRMAN FEHRE: Thank you.
2 MR. KILMARTIN: Thank you.
3 THE WITNESS: Thank you for your time.
4 MR. KILMARTIN: Thank you both.
5 CHAIRMAN FEHRE: Would anybody else like
6 to be heard? Please come forward.
7 F R E D H A N, residing at 366 Mauro Road,
8 Englewood Cliffs, New Jersey; and,
9 S T E V E H A N, residing at 366 Mauro Road,
10 Englewood Cliffs, New Jersey, both having been duly
11 sworn, testified as follows:
12 MR. KATES: However you want to proceed.
13 THE WITNESS: You have the paper,
14 Exhibit 3, and I'm explain a little bit more because
15 I watch the time on June 25, 2012. Around 3:00 p.m.
16 we got a sudden rainstorm and less than 30 minutes,
17 and we have the picture, that when it happen, all
18 the rain shower come down the Toni Drive and the
19 Mauro Road and the problem that model home, 369
20 Mauro Road, the driveway water come down and all
21 water fall down to the project 368 Mauro Road
22 driveway. And Mauro Road, 366 Mauro Road. And that
23 time it almost 1 feet high. Only 30 minutes of
24 rainfall. So you see all the manhole cover is lift
25 up. And all the garbage can from the Mauro home is

Page 90

1 flush down to there, and that happen just 30 minutes
2 rainfall, but if you build a home here, this one
3 here, that one is make it worse because make
4 driveway of the home, pour the water down to
5 the -- this is downhill there. So that kind of a
6 problem is existing. I want to explain a little bit
7 further and my son is homeowner.

8 THE WITNESS: I am actually the owner of
9 the property, 366 Mauro Road which is directly
10 across the property to this application. Our main
11 concern highlighted by our neighbor is the flooding,
12 and our concern is that any construction that
13 happens within the wooded area will basically cause
14 damage and prevent the water flow from soaking up
15 and cause more damage. And we've over the last
16 several years we've had preventative measures in our
17 house where we put up dams, and thankfully, we
18 haven't sustained any property damage. However, we
19 do feel if there is construction on the property, it
20 does exasperate the risk of natural flooding. And
21 the overcapacity of the storm drain system is
22 something that we're very concerned with. And not
23 only are we concerned with the flooding of our
24 neighborhood, I'm personally concerned with the
25 safety of my family, because I actually bought the

Page 91

1 property so that it would give my family a little
2 more flexibility in taking care of my 90-year-old
3 grandmother who is currently undergoing chemotherapy
4 and my older sister who is disabled, handicapped and
5 requires 24-hour care. So if there is, god forbid,
6 damage flooding to our house, there are designated
7 areas where my sister and grandmother are taken care
8 of, if it's anything catastrophic and did cause
9 health concerns given the spread of mold and
10 bacteria, so I would petition to the Planning Board
11 that we not accept the application. Not only for
12 the safety of our family for the safety of the
13 neighborhood.

14 THE WITNESS: Thank you.

15 CHAIRMAN FEHRE: Anybody else like to be
16 heard on this application?

17 SUZANNE O'BRIEN, residing at 377 Castle
18 Drive, Englewood Cliffs, New Jersey, having been
19 duly sworn, testified as follows:

20 THE WITNESS: My house is the one with the
21 pictures of the house with the wall that's falling
22 down, and when the water flows it ends up on Castle.
23 It goes along the side of (inaudible) house, and
24 twice knocked down our wall. It misses our house.
25 But it goes down on the side of my house. It's so

Page 92

1 strong that one time when the wall fell it's huge
2 blocks and they were actually carried all the way to
3 the front of my house. If anyone had been there,
4 they'd be dead because it was an entire wall of huge
5 cinder blocks -- Belgium blocks. Sorry. That's how
6 strong the water is. I really think you guys should
7 visit the site, look at the CD of the water, speak
8 to I think Mayor Parisi has seen it during the
9 storms.

10 Side note: As a little girl I was in
11 Ms. Mauro's house. I lived with my mother, she's
12 diseased, Ms. Mauro's cousin, Julie. I really would
13 like to see some sort of proof of the subdivision.
14 I think other people would know, Ms. Mauro always
15 would tell people that "my house is on a double
16 lot." So I'm finding it disingenuous that it was
17 A-2, I guess you're calling it, and not A-1, and I
18 just would like to see, just to see the mystery of
19 why -- this plan was made and found but it really --
20 do we know. I just don't see where it was really
21 approved, where that step was that's missing, and if
22 there's proof of that of why it's not actually on
23 the tax record. Thank you.

24 CHAIRMAN FEHRE: Thank you. Anybody else?
25 I L O N A F I S H K A N, 364 Mauro Road, Englewood

Page 93

1 Cliffs, New Jersey, having been duly sworn,
2 testified as follows:

3 THE WITNESS: I am also very concerned
4 about the safety of my family and my family is as
5 well. With the flooding and especially with our
6 neighbors as well. With the potential flooding, if
7 you take down small forest without even thinking
8 about potential -- I really wasn't prepared for
9 this, but I have read and have heard from what my
10 neighbors have said, and I agree with them
11 completely that a subdivision in this property and
12 the motion of the applicants for that subdivision is
13 probably maybe to put a new construction up and to
14 put a construction up in a zone where there is that
15 little forest that could potentially be helping
16 prevent this flooding situation or alleviate some of
17 that flooding. You have to question why they're
18 doing this.

19 CHAIRMAN FEHRE: Thank you. Anybody else
20 that would like to be heard?

21 SPEAKER: Hyunsoo Lee, 58 Roth Road. I
22 have a question about the letter that was sent to
23 the neighbors and just to review the document, my
24 question is according to Mr. Mauro estate attorney,
25 we're concerned about the subdivision where this

Page 94

1 property line is and that everything is under
2 according to zoning regulations, meets the zoning
3 requirement. But if you look at Mrs. Mauro house, I
4 always thought one corner of the building was too
5 close to the property and that picture actually
6 shows that it is not according to code, and one
7 corner is 25 feet set back and it's now 18 feet. My
8 question is why was that allowed to be built
9 initially? And was that have anything to do with
10 the lot that was placed adjacent to the estate
11 there?
12 MR. KATES: I don't know if counsel can
13 answer the question.
14 MR. SOKOLICH: I can't.
15 MR. KATES: Nobody knows why it was built
16 so close. We don't know what the zoning was in
17 place of '79 that would have permitted it, I don't
18 think that we can answer your question.
19 SPEAKER: Karlene Williams. I just want
20 to say when Ms. Mauro built her house she was a very
21 powerful woman in this town and this is probably the
22 way she wanted it because she always got what she
23 wanted. So she wanted to put it on one-and-a-half
24 lots, that's what she did. And she owned the rest
25 of the property and she was very proud of her trees,

Page 95

1 and it's kind of a shame to destroy everything. If
2 it could be done with two houses, it would be much
3 more acceptable. Thank you.
4 CHAIRMAN FEHRE: Anybody else? I think
5 we'll have a motion then to close the meeting to the
6 public.
7 MR. KILMARTIN: Close.
8 CHAIRMAN FEHRE: Second?
9 BOARD MEMBER: Second.
10 MR. SOKOLICH: Chairman, may I be heard?
11 CHAIRMAN FEHRE: Sure.
12 MR. SOKOLICH: Thank you, sir.
13 I don't think I've done my job properly
14 this evening. We're not here for permission to
15 construct a house. I'm not representing one will be
16 built. We're not here to request permission to
17 build a house. And I also recognize that there are
18 storm water problems there. I don't live there and
19 obviously we believe what the neighborhood is
20 saying. I don't know though respectfully that that
21 has to do with a subdivision application. Having
22 said that, we've heard a lot of things this evening
23 and we were hopeful that perhaps we can go back and
24 discuss this with the estate representative to see
25 if there was some other way or some other option

Page 96

1 that they would like to consider.
2 I only would just indicate to the Board
3 that if the Board doesn't act on this which is the
4 way it's always been used then the Board has this,
5 which then leaves the estate with the option without
6 having to return for any approval to construct a
7 house here and here on these two lots, which has the
8 same impact as constructing a house here and here.
9 And I'm not suggesting that that's what's going to
10 happen. But we're not here to get approval to build
11 a house. We're not here to ask approval to remove
12 trees. We're not here to restructure the
13 engineering in that neighborhood. We're here to
14 correct a subdivision mistake and to create three
15 conforming lots. However, having heard these
16 concerns, would the Board indulge us and give us an
17 opportunity to carry this for a cycle so that we
18 could perhaps go back, take a look at these
19 concerns, superimpose them onto these plans and see
20 if there's another direction they may want to go in?
21 But again, I only leave here representing to the
22 Board, we're here for a subdivision, not to build a
23 new house, not to restructure restructure the
24 utilities, nor do we have to. Three conforming
25 lots.

Page 97

1 VICE CHAIRWOMAN ROSENBERG: It's a grand
2 idea.
3 MR. CHINMAN: Can we get a motion for
4 that?
5 COUNCILWOMAN OH: I make that motion to
6 carry.
7 CHAIRMAN FEHRE: I just want to ask
8 Mr. Mirandi, are you aware of the drainage
9 situation?
10 MR. MIRANDI: Mr. Chairman, I had the
11 opportunity to give a statement that was prepared by
12 the doctor. And there had been significant drainage
13 problems throughout that area back in the time.
14 There had been significant improvements to drainage
15 in the area of Mauro, Toni, Castle Drive over the
16 years. I've -- during the comments I've tried to
17 reach out to DPW to get a little bit more
18 information on any frequency and the most recent of
19 these storm events. We've had significant, a number
20 of significant hundred-year storms over the past few
21 years. I haven't heard back from the DPW
22 superintendent. But I would like to advise, this
23 Board has heard me indicate in the past to the
24 members of the public, if the members of the public
25 do have any issues with any specific building

Page 98

1 construction, they should direct their calls to the
2 Building Department. If there's any issues specific
3 to problems with flooding streets, potholes, and the
4 like, they should direct their calls to the DPW, and
5 then the Borough would do what they have to do to
6 get whoever involved in addressing the residents'
7 concerns.
8 CHAIRMAN FEHRE: Is this water coming down
9 this property or is this property higher isn't it.
10 THE WITNESS: Yes.
11 CHAIRMAN FEHRE: So the water is running
12 down.
13 MR. KATES: Are there any council
14 initiatives to do stown water management?
15 MR. MIRANDI: There have been significant
16 expenditures in Castle Drive, Mauro Drive, and roads
17 have been improved. And I do recall, as one of the
18 residents had indicated that prior to those
19 improvements there was floods. We met with some of
20 the residents who spoke today, there have been
21 improvements. Water -- it would be a river of --
22 MR. KATES: How did the road improvements
23 channel the flood?
24 MR. MIRANDI: They're significant drainage
25 piping under there which outfalls into plot rock

Page 99

1 brook. So a significant amount of damage
2 improvements have occurred. I don't know if the
3 specific event, if the June 2012 event that's
4 indicated in here was the last event that it heard.
5 I don't know if the DPW had discovered any
6 particular blockages that were into those systems
7 that could have created some of these surcharges or
8 the like. Again, I've tried to reach out to the DPW
9 this evening during the course of this meeting here,
10 and I haven't heard back at this time.
11 MR. KATES: Have there been specific road
12 improvements since June 2012?
13 MR. MIRANDI: Yes. There have been
14 improvements since that point as well.
15 CHAIRMAN FEHRE: Well, the offer has been
16 made, you're going to go back and do some
17 rethinking.
18 MR. SOKOLICH: I don't know if I'd
19 characterize it as that, but just maybe go back and
20 heal.
21 Mr. Chairman, the problem is this has a
22 bit of a domino effect. There are property rights
23 of Lot 1 that now I need to get involved with and I
24 need to make sure that what we do here can allow
25 this to go to a vote that isn't favorable just runs

Page 100

1 the risk of a litigious setting because I think they
2 need they need to be here, quite frankly, if this is
3 going in the direction I think it's going.
4 CHAIRMAN FEHRE: So you propose then to
5 come back April 9?
6 MR. SOKOLICH: April 9th, without the
7 necessity of --
8 CHAIRMAN FEHRE: Without the necessity of
9 readvertising.
10 MR. SOKOLICH: Thank you so much.
11 Everybody get home safe.
12 CHAIRMAN FEHRE: Could I have a motion to
13 open to the public?
14 MR. KILMARTIN: Yes.
15 CHAIRMAN FEHRE: Second?
16 MR. CHINMAN: Second.
17 CHAIRMAN FEHRE: Is there anybody that
18 would like to be heard on anything other than the
19 applications this evening?
20 SPEAKER: The street is named after her.
21 She got what she wanted.
22 CHAIRMAN FEHRE: Can I have a motion to
23 close the public meeting? I have to adjourn the
24 meeting.
25 MR. KILMARTIN: So moved.

Page 101

1 COUNCILWOMAN OH: Second.
2 CHAIRMAN FEHRE: All in favor.
3 THE BOARD: Aye.
4 (The meeting was adjourned at
5 9:52 p.m.)
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CERTIFICATE

I, JOANNE CIASULLI, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify the truth, the whole truth, and nothing but the truth.

I FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth, to the best of my ability.

I FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.



Certified Court Reporter, License No. 30X100161300
Notary Public of the State of New Jersey
My Notary Commission expires September 25, 2018

&	16 15:6	224-4000 2:7	40 27:21 30:24
& 1:9,13,13 2:2	1610 28:10	230 34:25	42:19
0	164 11:19	238k 1:13 88:17	40,000 71:8
07632 1:5	165 11:11	24 11:14 14:18 91:5	400 23:18,24
07632-2900 2:3	167 11:12	240 11:21	406 1:13 49:9
1	170 17:6 19:25	247k 1:8 7:2 26:15	4065 34:17
1 1:13 3:19,22 11:10	22:23	249k 1:10 3:19	42 4:12
13:8 14:8 15:11	1776 87:17	48:15	43 3:8
16:20 32:15 49:8	18 94:7	25 67:22 89:15 94:7	452 26:24,25
51:2 52:6,20 54:4	18,900 71:17	102:22	455 1:11 26:23
58:24,24 59:4 60:8	18.5 35:10	256 87:13	42:24
61:12,20 62:11,12	1970 56:22	26 21:15 22:15	473 2:2
62:19,22 65:10 66:1	1974 59:10,11	28 3:6	5
71:15 89:23 92:17	1978 58:16 65:6	2nd 1:18	5 33:9 42:5 56:22
99:23	1979 49:25 50:14,17	3	58:16 87:15
1&2 34:17	52:11 55:10 56:8	3 1:13 33:10 49:8	500 34:25
1,000 17:3	57:20 59:15 60:12	52:19 55:25 61:12	512 1:11 26:24
10 1:4,11 4:5 15:5	62:12 63:3 65:8	66:12 71:17 89:14	53 3:10
26:24 35:13,24	72:5,16 75:23	30 21:16 22:15	569-9898 2:4
36:22,23 44:22	1980 53:11 62:17,19	30:23,24 45:3 51:20	58 93:21
46:20	72:7	53:9,19 58:21 67:22	6
100 10:20,20 21:25	1989 51:9	70:19 89:16,23 90:1	6 3:22 21:21 22:4,21
42:12 87:12	1992 72:9	30x100161300	56:21
101 27:18 28:1	1st 1:17	102:21	60 10:6 27:23
33:24 36:3	2	34 8:25	65 49:7
102 27:18 28:1	2 1:13 3:19,22 11:22	35 52:15 70:22	69 49:7
29:22 30:20 33:24	13:9 14:9 19:5 31:4	361 1:13 48:19 49:1	7
36:2	32:15,18 33:10	49:7 52:20	7 3:22 35:10,17,19
11 53:24 83:19	35:10,17,19 49:8	364 92:25	42:6 56:21 68:3,21
86:25 87:7	52:19 55:25 56:20	365 1:13 48:19 49:1	7,000 61:22 70:16
11,300 71:15	56:23 57:1,5 58:11	52:19	7.17 35:9,20
11.5 87:11	58:13,20 60:15,18	366 89:7,9,22 90:9	70 11:13 14:19
112 11:22	60:18 61:12 66:10	368 84:13 87:3	34:17 72:22 73:3,19
11:00 6:14	67:4 71:16 87:8	89:21	700 37:11
12 1:2 4:4 5:17	92:17	369 1:13 48:19 49:1	72 41:20
10:23,23	20 3:4 6:12 31:5	52:20 89:19	73 72:25
1200 8:2 10:12,22	54:14 55:14 86:4	377 91:17	75 73:6
1201 1:9	201 2:4,7	38 11:22	78 65:16,16,21
1223 2:6	2012 72:13 89:15	3:00 89:15	66:11,16
13 21:12	99:3,12	3rd 1:17	79 61:21 63:6,21
14 5:11	2015 1:2 4:5 49:18	4	65:14,15,17,24
15 36:23 55:14	2018 102:22	4 21:17,22 33:7,7,8	66:10,15,18 67:21
	21 42:6	33:9	72:6 94:17

7:51 1:3	acorns 88:3	afternoon 50:12	anybody 5:13 12:23
8	acquisition 72:4	age 87:13	25:1,12,21 47:11,20
8 1:9 3:2,22 36:21	acre 71:9	agenda 4:14 48:18	89:5 91:15 92:24
46:20 56:21,22	acreage 77:13	ago 51:5 58:22	93:19 95:4 100:17
87:10	act 37:3 51:8,11	70:19,22	anybody's 27:20
8,400 71:16	61:1 63:23 64:7	agree 34:5 56:10,11	82:23
80 72:25	69:8 70:20 79:8	74:13 93:10	anyone's 27:2
82 65:16	80:24 82:12 96:3	agreeing 53:7	apologize 7:13
83 3:12,13	acted 51:3 52:14	ahead 51:10	69:23 77:11
85 41:23	action 81:20 102:16	air 46:12 88:9	apparent 58:6
89 3:13,14	102:19	alert 6:10	apparently 70:19
8:00 4:5	actual 85:5	alerted 7:15	75:21
8:40p.m. 48:17	ada 39:22 40:16,20	allegiance 5:8	appear 69:14
9	adasia 24:1,2,11,20	alleviate 93:16	appearances 2:1
9 42:15 100:5	add 39:9,24 63:1,19	allow 86:23 99:24	appearing 81:1
9.01 1:9	added 39:8	allowed 8:2 94:8	applicant 11:2
90 91:2	addition 33:2	allowing 88:25	26:20 30:4,25 40:24
904 1:9 7:3 8:13	additional 33:3,4	alternate 1:17,17,18	41:5 47:2 49:3
91 3:14	39:7,24 40:2 84:23	alternatively 50:20	51:21 80:21 84:25
93 3:15	85:12	amended 27:24	85:3
96 10:7	address 88:25	67:20	applicant's 32:15
994 20:7,12	addressing 98:6	amendment 1:10	39:4 74:5
9:52 101:5	adds 84:6	28:2 33:22	applicants 93:12
9th 5:13 100:6	adjacent 31:24 42:2	amendments 51:16	application 1:8,10
9w 10:12,16 17:2,7	94:10	american 87:1	1:12 3:19 5:11,14
17:9 32:3,9 33:14	adjoining 37:6	amount 85:21 99:1	6:4 7:2,11,19,21
56:22	adjourn 100:23	amounts 15:8	8:14,19 9:22,24
a	adjourned 101:4	anderson 2:6 3:10	12:17 25:13,21 26:1
abandon 27:15	adjusted 50:7 51:13	51:22 52:4,5 53:12	26:15 27:4 29:19
ability 102:13	adjustment 59:24	53:21 54:9 57:18	30:3 47:12,21 48:15
able 15:13 79:15	adjustments 51:15	60:25 64:16,18	49:5,19,25 50:2,4,4
absolutely 14:7	51:16	70:15	50:6 53:3,13,14
51:12 71:1 74:11	administerial 70:18	angles 73:15	57:21,21 58:3 59:14
78:2 81:13	79:8	animals 88:3,6	61:1 62:7 63:23
absorb 38:24	administrative 51:8	announced 84:25	64:8 65:7,8 67:3
accept 9:18 29:8	adopt 6:3,18	85:5	69:8 70:21 84:9
91:11	adult 87:7	announcement 5:10	88:17 90:10 91:11
acceptable 95:3	adults 84:5 88:9,12	answer 28:5 71:15	91:16 95:21
accepted 9:16	advertised 4:7	94:13,18	applications 100:19
access 17:2 40:13	advertisement 4:10	answered 40:4	apply 80:17
accessible 85:4	advise 97:22	anthony 3:2 8:23,23	appointed 4:17,19
accurate 102:10	advised 7:17	9:3 45:25	appropriate 49:12
	affirmative 75:23	anticipation 49:11	approval 5:17 6:11
	82:11	49:15	7:15,19 8:16,18
			12:13 27:16,25

<p>29:16 31:11 33:23 39:2,6,18 50:9,14 50:24 51:2,9 56:8 58:6,8 60:16 62:12 65:22 67:21 68:1 69:16,25 70:23 75:11,16 76:5 77:17 80:8 81:5 82:9,10 96:6,10,11</p> <p>approve 5:19 26:1 47:22,24 53:15 62:6 63:5</p> <p>approved 1:10 6:1,4 26:15 40:25 48:15 50:8 52:7 55:10 57:7 58:4,14,21 60:11 61:21 63:2,6 72:15 74:7 75:9 92:21</p> <p>approving 52:9</p> <p>approximately 10:12 11:11,20 17:3 21:25 30:21 53:11</p> <p>april 5:13 56:22 58:16 100:5,6</p> <p>arborists 87:14</p> <p>arc 72:24</p> <p>area 17:18 30:5 31:11,25 33:10,11 40:9,16 59:9 60:8 84:5 86:9 90:13 97:13,15</p> <p>areas 40:13,24 91:7</p> <p>army 87:20</p> <p>aside 86:2</p> <p>asked 56:16</p> <p>asking 52:13</p> <p>asphalt 40:2</p> <p>associated 67:1</p> <p>associates 8:25</p> <p>assume 62:16</p> <p>assumption 76:10</p> <p>attached 6:10 57:20 67:2</p>	<p>attending 59:3</p> <p>attention 55:15 85:22 86:19</p> <p>attenuation 39:8</p> <p>attenuator 37:4</p> <p>attorney 1:22 39:5 45:2 50:17 75:25 93:24 102:15,17</p> <p>authorized 53:6</p> <p>authorizing 52:24 53:5</p> <p>ave 1:9,11 2:2 11:13</p> <p>avenue 2:6 7:3 8:25 11:10 13:15 15:14 20:7,12 23:19 24:9 24:20 26:23 28:11 36:9 40:17 42:24 53:25</p> <p>average 73:1,2,7,12</p> <p>aware 7:13 61:4 97:8</p> <p>aye 5:24 25:10,19 47:9,19 83:10 101:3</p> <p style="text-align: center;">b</p> <p>b 8:24 20:7 28:10 42:24 53:24 84:12 84:15 91:17</p> <p>back 8:5 11:18 13:8 15:13 16:2 18:20 19:3,16 39:25 48:23 60:12,24 63:3,9,21 67:4,18 69:14 70:19 70:21,22 73:10 75:23 76:11,17 77:17 86:3 94:7 95:23 96:18 97:13 97:21 99:10,16,19 100:5</p> <p>background 49:24 55:2 68:11</p> <p>backside 15:16</p> <p>backup 46:14</p> <p>backups 43:25,25 44:20</p>	<p>bacteria 91:10</p> <p>baited 19:23</p> <p>based 15:9 19:24 21:9 57:3</p> <p>basic 85:13</p> <p>basically 10:9 17:4 17:8 22:10 67:7 90:13</p> <p>basketball 50:18</p> <p>battery 43:25 44:22 46:17</p> <p>bear 18:12 26:21</p> <p>beds 87:25</p> <p>behalf 7:9,12 26:19 49:3 54:16</p> <p>beige 32:23</p> <p>belgium 92:5</p> <p>believe 19:7 22:1 29:1 39:21,22 40:23 42:3 49:12,14 53:7 56:9 57:20 63:10,15 63:25 65:8,9,24 78:15 80:12 86:12 86:13 95:19</p> <p>believes 8:18</p> <p>belong 40:10</p> <p>belonged 56:7</p> <p>bench 50:18</p> <p>benefit 34:8,13,16 34:17</p> <p>bergen 50:24 57:12 59:12</p> <p>bernadette 3:12 83:18</p> <p>bernard 1:22</p> <p>bernie 38:16 48:4 80:17</p> <p>bertenado 62:13,14 65:25</p> <p>best 30:24 36:7,10 60:25 102:13</p> <p>bestow 34:9</p> <p>better 15:18 52:1 71:15 74:2 79:1</p>	<p>beyond 31:24</p> <p>bicycle 45:19</p> <p>big 23:4 37:10,19 44:19 85:20,23</p> <p>bigger 81:16</p> <p>birds 88:4</p> <p>birth 87:21</p> <p>bit 49:23 86:16 89:14 90:6 97:17 99:22</p> <p>block 1:9,11,13 26:24 31:22 37:5 49:8 56:21</p> <p>blockages 99:6</p> <p>blocks 92:2,5,5</p> <p>blown 86:1</p> <p>blue 16:6</p> <p>board 1:1,15,22 3:3 3:5,7,9,11 4:4,12,19 5:24 7:13 9:14,23 12:12 14:22,23 25:8 25:10,17,19 26:3 28:24 29:25 31:11 31:20,23,23 32:19 33:4,21 39:1,10 43:6 47:9,19 51:10 52:17 53:14,15,20 54:5,10 55:2 58:15 58:21 59:4 61:1 62:6 63:1,19,23 64:7 66:21 67:23 69:7,14 80:22 82:21 83:10 84:21 85:9 86:21,22 91:10 95:9 96:2,3,4,16,22 97:23 101:3</p> <p>borders 39:13</p> <p>borough 1:22 8:7 12:5 14:22 34:4 57:9 58:15 98:5</p> <p>borough's 36:16 39:7 41:23,24</p> <p>bottom 10:6 32:7 67:15,16 76:3</p>
--	---	---	---

<p>bought 82:8,16 90:25 boundary 82:11 breath 19:23 88:25 briefly 6:5 9:23 bright 19:18 23:10 brighter 24:21 brightness 21:4,7,9 bring 40:24 42:21 58:24 brings 79:14 british 87:18 broke 35:8 brook 99:1 brother 43:8 45:25 46:1 brought 55:15 85:22 bubbled 33:7 build 68:13 69:2 75:8 77:15 88:4 90:2 95:17 96:10,22 builder 72:6,7 74:19 75:7,7 building 1:4 4:12 7:15 8:4,5,6,13 10:17,19 11:11,16 11:19,20 12:9 13:7 13:8,10,12,13,19,20 13:22 14:6 15:10,14 15:17,18 16:2 17:22 17:25 18:1,2,3,5 20:24 21:1 23:25 27:1,2,5,17,19 28:6 29:15,16,21 30:13 30:20 31:16 32:8 34:9 37:25 38:2 42:19 43:14,24 45:9 46:4 47:1 55:14 72:20 73:10 75:8 76:5 77:13 84:23 85:3,12,24 86:14 88:18 94:4 97:25 98:2 buildings 17:24 61:2</p>	<p>built 27:8 45:10 50:10 70:6 71:2 74:8,8,19 75:7,10 77:20 88:16 94:8,15 94:20 95:16 burden 34:18 burn 37:3 bus 86:3,4,5 bushes 87:7 busiest 27:22 business 6:2 7:1 27:12 34:12 38:13 43:7,9,12 44:5,12 44:18 buy 76:21 79:19 buyer 78:3,7 buying 76:23 buys 81:18</p>	<p>case 27:2 32:19 40:23 55:9 castle 91:17,22 97:15 98:16 catastrophic 91:8 catch 82:10 caterina 1:19 cause 90:13,15 91:8 caused 85:16 causing 38:22 cd 92:7 center 11:24 16:6 18:18 28:11 certain 23:9 certainly 38:12 certification 49:16 certified 49:13 102:3,21 certify 102:5,9,14 chain 55:22 62:11 chained 40:8,19 chair 49:5 chairman 1:16 4:1 4:14,21,23 5:6,9,21 5:23,25 6:17,19,20 7:1 9:18 12:23 15:2 19:18 20:3 21:19 22:2,10,14,21,24 23:3,7,24 24:2,5,10 24:15,17 25:1,4,7,9 25:11,16,18,20 26:2 26:4,6 29:8 35:17 37:19 38:1,5,9,14 41:25 42:4,8 47:3,6 47:8,10,16,18,20,23 47:25 48:2,5,7,17 48:20,23 49:2 53:23 58:17 64:16,17 66:15,25 67:9,14,16 67:18 72:17 73:24 81:15,19 83:1,4,7,9 83:11,15 84:17 89:1 89:5 91:15 92:24 93:19 95:4,8,10,11 97:7,10 98:8,11</p>	<p>99:15,21 100:4,8,12 100:15,17,22 101:2 chairwoman 1:18 4:24 5:20 6:21,23 25:6,15,22,25 26:7 47:5,17 48:8 71:4 71:18,21 72:1 97:1 chance 81:18 change 16:15 36:25 53:14 59:15 61:5 64:8 68:24 69:24 changed 81:7 changes 51:19 69:8 changing 10:7 channel 98:23 characterize 99:19 charcoal 16:7 charge 20:14 charting 63:5 check 18:12 22:25 73:12 checked 22:11 checking 18:14 chemotherapy 91:3 children 84:4 86:4 87:23 88:2,12 chinman 1:19 4:16 4:18,25 26:8 35:2,6 35:12 37:8,10,15 38:16 48:9 78:3,6 78:20 83:6 97:3 100:16 chipman 39:3 chosen 54:10 ciasulli 102:3 cinder 92:5 circumference 87:10 circumferences 87:9 citizen 87:1 city 88:22 clarification 66:24 classified 49:6 63:25 clean 66:14</p>
c			
	<p>c 18:19 28:10 34:17 42:24 84:12,12,12 84:15,15,15 102:2,2 calculated 85:21 87:13 caldwell 53:25 call 4:22 11:9,21 26:4,5 28:4 48:5,6 51:1 53:12 60:9 called 41:2 52:21 calling 92:17 calls 98:1,4 campus 12:8 candle 21:17 candles 6:12 19:23 21:15,16 22:11,15 canopy 15:20,25 16:2 21:11 car 14:4 card 67:24,25 care 91:2,5,7 carried 76:2,14 92:2 carry 96:17 97:6 cars 13:14,16,23</p>		

<p>cleaner 66:19 clear 52:17 59:19 76:18 80:6 cleared 77:7,8 clerk's 52:2 client 7:12,13 36:13 52:18 74:24 76:23 77:6 clients 44:2,13,19 45:7 54:16 cliffs 1:1,5 2:3 4:3 4:13,20 12:5 20:8 30:16 34:4 42:25 50:1,7,7 51:13 52:9 57:10,11,23 58:15 62:2 65:23 69:10 70:1 75:8,11 80:25 82:25 83:23 84:13 87:3 89:8,10 91:18 93:1 close 23:23 25:14 39:12 45:20 47:13 65:18 87:12 94:5,16 95:5,7 100:23 cnbc 7:10 10:5 17:5 18:6 20:12 code 36:16 41:23,24 73:11 94:6 collazuol 3:6 28:7,9 28:14 29:5,11 36:6 36:25 39:11,20 41:15 42:21 color 16:3 18:21,23 19:2,13 32:23 colors 18:8,11,13,17 come 4:4 8:12,23 23:12 45:7 53:17 77:17 83:17 88:7 89:6,18,20 100:5 comes 13:19 73:13 comfortable 9:4 coming 8:10 12:8 13:19,22 80:14 85:21 98:8</p>	<p>commencement 102:6 commencing 1:3 comment 40:5,14 comments 25:5 39:17 97:16 commission 39:15 39:16 50:2,7 57:22 61:21 65:24 75:24 102:22 community 34:10 34:14 companies 44:9,10 company 27:11 44:4 44:7,8 52:21 62:15 72:14 82:17 compare 64:22 complete 26:18 32:17 completed 52:5 completely 93:11 complex 37:15 compliance 4:9 40:25 complying 72:23 comprise 53:2 computation 72:21 computer 37:24 43:13,14,16 44:3,6 46:4 computers 37:25 43:17,21,22 44:6,11 concern 90:11,12 concerned 90:22,23 90:24 93:3,25 concerns 91:9 96:16 96:19 98:7 conclude 63:22 concrete 37:18 condition 39:18 conditional 39:5 conditioning 46:13 conditions 6:10 48:1 48:2,4</p>	<p>conduct 54:16 55:17 confer 68:7 configuration 53:10 63:12 74:2 configured 76:8 confirm 58:1 61:25 confirmation 67:12 confirmed 50:13 confirms 72:4 conforming 63:16 77:20 80:9 81:22 96:15,24 conformity 12:3 confusion 79:12 congratulations 4:21 connected 31:16 consent 48:3 52:24 53:5 62:20 consequence 50:22 51:5 53:3 consider 19:12 63:1 63:1 83:22 88:21 96:1 considerable 85:16 consideration 63:19 86:16 considers 69:10 consistency 82:24 consistent 22:8 58:8 60:18 67:25 70:1 80:7 81:4 construct 69:11 95:15 96:6 constructed 29:17 62:15 65:10,25 69:15 70:12,14 constructing 85:11 96:8 construction 66:1 70:23,25 90:12,19 93:13,14 98:1 consumers 45:5 contained 30:10 32:22 87:6</p>	<p>contend 8:15 continental 87:20 continue 11:7 44:18 continued 50:11 52:3 continues 52:19 contractor 36:14 78:16 conventionally 82:18 convert 30:5 convey 74:19 conveyed 81:24 cooling 46:8 cools 88:8 copy 53:6 65:5 66:14,19 83:16 cord 47:1 corner 11:12,20 27:13 41:8 63:11 94:4,7 correct 10:13,17,18 10:20,24,25 12:5,9 12:11,19 16:10,21 18:25 19:17 20:15 20:16,18,19,22,23 22:13,16 24:21,23 28:21 29:12,17,23 29:24 30:1,7,8,10 30:17 31:13 33:1,2 33:20 34:14 37:4,5 43:10,15 45:11 55:18,22 56:1,4,9 56:17,18 57:2,23,24 58:2,4,5,9,18,19,23 58:25 59:16 60:2,14 61:8,10,12,13,14,15 61:16 62:8,9,23,24 63:8,13,20 64:1,6 65:15,16 67:19 68:19,22 70:4,13 71:2,20 74:22 76:22 76:24 77:14,18,22 77:24 81:9 96:14</p>
--	--	--	--

<p>corrected 60:13 61:11 83:25 85:19 correction 85:10 council 54:3 98:13 councilwoman 1:23 26:13 48:14 74:14 74:18,23 75:5 97:5 101:1 counsel 3:24 52:10 65:6 66:20 80:20 94:12 102:15,18 county 40:14,15 41:4,6,7 50:24 59:12 couple 39:9,19 42:23 83:21 course 36:18 52:8 56:5 99:9 court 102:3,21 cousin 92:12 cover 35:21 89:24 covered 40:18 covers 86:1 crac 46:6 cracchiolo 3:12,13 83:18,19 84:20 86:20,25 create 69:23 96:14 created 87:6 99:7 creates 82:5 criteria 80:17 cummins 35:16 curb 17:6,11 40:16 40:20 cure 79:8,15 curiosity 46:3 current 40:21 49:17 72:8 currently 40:7 91:3 curtis 8:23 cut 32:13 60:5 65:5 cuts 79:16,18 cycle 96:17</p>	<p>d d 8:24 20:7 28:10 34:17 42:24 53:24 53:24 84:12 89:7 damage 85:17 90:14 90:15,18 91:6 99:1 dams 90:17 data 44:4,9,10 date 102:12 dated 56:22 58:16 dates 64:25 daughter 83:20 84:2 84:14 86:17 day 6:14 38:10,11 69:11 87:23 88:9 days 44:15 db's 41:20 de 34:6 dead 92:4 deadening 38:20 dear 86:22 decades 87:6 deceive 69:6 decibels 41:22 decide 13:12 decided 45:20 decision 80:23 declaration 87:16 declared 85:11 decreased 34:7 deduct 21:17 deed 50:20 52:12 66:6 deeds 55:7,21 deep 88:24 deer 88:6 defeat 87:20 defer 38:25 defined 77:16 definition 73:13 delapidated 29:15 delta 22:18 denies 81:17,18</p>	<p>deny 81:16 department 7:15 40:6,6,11 98:2 depict 60:18 64:4,4 67:12 depicted 61:19 75:12 depth 37:2 73:8,12 73:16 describe 9:23 21:8 55:2 description 3:18 72:5,7,8,12,15,15 74:20,24 75:5,9 designated 49:8 91:6 desired 36:13 desk 43:19 destroy 95:1 determination 79:6 determine 19:22 21:3 determined 38:21 determining 22:6 detriment 34:2 developed 87:14 developer 62:13 78:7 device 19:22 21:3 diesel 35:14,16 37:8 difference 23:4 51:12 different 10:4,24 15:7 18:8,11,13 53:16 64:25 65:1 75:6 77:4 difficult 66:17 79:11 diligence 55:6 61:25 dimensions 35:3,4 50:14 66:2 67:24 85:5 direct 98:1,4 direction 96:20 100:3</p>	<p>directly 90:9 director 20:13 disabled 91:4 disc 86:8 disciplines 28:21,25 disclose 80:22 discovered 99:5 discuss 95:24 diseased 92:12 disingenuous 69:1,6 76:19 77:10 92:16 disregarding 80:24 distance 22:4 42:1 distant 22:9 36:19 distinction 65:20 distributed 5:18 6:9 doctor 97:12 document 57:1,4 93:23 documented 86:7 documents 56:19 57:25 60:14 85:4 doing 36:9 41:4,7,8 80:6 93:18 domino 99:22 door 15:17 double 37:13 73:12 92:15 downhill 90:5 downward 11:15 dpw 97:17,21 98:4 99:5,8 dr 3:12 83:18 84:20 drain 90:21 drainage 97:8,12,14 98:24 drawing 9:5 31:4 74:21 drive 5:11 23:8 40:7 40:19 41:9 89:18 91:18 97:15 98:16 98:16 driven 27:20 driveway 10:2 13:18 13:18 17:2,4 89:20</p>
--	---	--	--

89:22 90:4 driving 18:1 40:21 dropped 49:11 due 33:20 55:6 61:24 duffy 67:23 duly 9:1 20:8 28:12 42:25 53:25 84:15 89:10 91:19 93:1 102:7 duty 46:12	20:22 28:7,19 29:6 29:12 engineering 8:22,24 96:13 englewood 1:1,5 2:3 4:3,13,20 12:5 20:7 30:15 34:4 42:25 50:1,6,7 51:13 52:9 57:9,11,22 58:15 62:2 65:23 69:9 70:1 75:8,11 80:25 82:25 83:23 84:13 87:3 89:8,10 91:18 92:25 enhance 12:18 enjoy 84:6 88:24 enlarging 85:2 entered 83:14 entering 13:15,16 17:12 entire 8:19 16:10 20:14 30:13 83:20 88:15 92:4 entitled 56:21 59:6 79:7 entrance 8:12 10:2 12:9 14:5 15:20 40:19 entrances 14:6 entry 11:25 12:1 13:9,22,23 15:16 17:18,21 envelope 77:21 78:1 environmental 39:15 error 18:1 70:18 escrows 49:14 especially 32:5 81:21 93:5 esq 2:3,5 essex 57:13 establish 57:25 estate 1:13 48:18,25 49:4,21 52:3,18 55:10 56:2,16 68:12	68:15 71:13 72:9 93:24 94:10 95:24 96:5 eternity 69:22 evacuated 86:5 evening 5:7,12 7:2,4 7:12 12:13 26:20 27:4,9 28:9 30:4 49:21 51:11 52:25 95:14,22 99:9 100:19 event 30:13,14 81:1 99:3,3,4 events 97:19 everybody 48:23 70:22 83:16 100:11 exactly 64:4 examination 3:1 9:2 20:10 28:13 43:2 54:2 102:6 example 62:1 exasperate 90:20 exceed 6:12 39:6 61:22 exceeds 34:18 exchanged 10:4 executed 58:16 60:17 62:20 exhibit 32:15 56:23 66:9 89:14 exhibits 3:17,24 exist 60:3 62:3,7 69:12 79:14 existed 53:19 existence 88:14 existing 8:17 10:1,7 17:1 39:23 71:25 80:8 90:6 exists 31:20 60:4 79:13,13 exit 40:7,19 expenditures 98:16 expense 81:21 expert 28:24 33:25	expertise 57:3 expires 102:22 explain 31:19 59:5 89:14 90:6 extension 47:1 eyes 82:23
e			f
e 18:19,19 28:10,10 42:24 53:24,24,24 84:12,12,12,15 89:7 89:9,9 91:17,17 102:2,2 earlier 64:25 early 50:12 87:17 east 13:6,17 14:7 36:17 57:12 easterly 17:17 edwin 1:16 effect 99:22 effectively 81:10 eight 21:11 38:7,9 46:18,19 either 13:17 50:19 66:7 78:17 electrical 36:13 elevation 15:9 emergencies 36:20 emergency 40:13 employee 102:15,17 employees 34:12 45:4 encroaches 77:16 ended 59:23 ends 91:22 engage 52:3 56:2 engaged 51:24 55:25 56:3 78:18 engineer 1:22 8:21 9:8,13 14:23,23			f 89:7 92:25 102:2 facade 15:15 16:15 face 16:16 faced 7:25 facilities 20:13 facility 18:6 20:12 37:23 facility's 21:7 facing 10:16,16 11:10 36:9 fact 7:14,22 8:1 18:13 34:5 50:9 52:7,23,23 53:7,8 55:24 60:4 61:10 62:7,16,22 67:22 76:22 failure 27:11 fair 57:18 fairness 79:4 fall 89:21 falling 91:21 falls 88:6 familiar 20:25,25 24:13 62:10 family 43:9 61:15 62:15,18,18 70:21 82:13 90:25 91:1,12 93:4,4 far 21:19 22:22 69:6 69:9,9 favor 5:23 25:9,18 47:8,18 83:9 101:2 favorable 99:25 favorably 51:11 61:1 63:23 64:7 69:8

<p>favorite 24:4 87:5 february 5:17 feel 9:3 16:22 90:19 feet 8:2 10:12,22 11:11,12,19,21 15:5 15:6 17:3,6 19:25 21:21,22,25 22:4,21 22:23,24 33:9,10 35:8,10,13,17,19,20 35:24 42:4,7 55:14 61:18 71:5,8,16,17 71:17 72:22,25 73:3 73:6 87:8,10,11,12 89:23 94:7,7 fehre 1:16 4:1,14,21 4:23 5:6,9,21,23,25 6:7,17,19,20 7:1 9:18 12:23 15:2 19:18 20:3 21:19 22:2,10,14,21,24 23:3,7,24 24:2,5,10 24:15,17 25:1,4,7,9 25:11,16,18,20 26:2 26:4,6 29:8 35:17 37:19 38:1,5,9,14 41:25 42:4,8 47:3,6 47:8,10,16,18,20,23 48:2,5,7,17,23 53:23 64:17 66:15 66:25 67:9,14,16,18 72:17 73:24 81:15 83:1,4,7,9,11,15 84:17 89:1,5 91:15 92:24 93:19 95:4,8 95:11 97:7 98:8,11 99:15 100:4,8,12,15 100:17,22 101:2 fell 92:1 fence 32:6,7,25 33:20 35:21,23 38:18,24 64:10 fences 31:23 51:17 53:16 61:3 68:25 field 13:21 52:5 54:20 55:17 61:24</p>	<p>fighting 87:18 file 50:19 52:11,12 55:8 59:8 filed 59:12 60:14 64:1 65:7 78:14 filing 53:4 final 75:10,11 81:20 financially 102:18 find 14:5 55:11 87:25 finding 55:13 73:4 92:16 fine 61:7 fir 87:7 fire 40:6,11 fireflies 88:8 firm 7:8 27:1 first 4:14 8:20 9:25 27:1 28:4 36:12 49:18 71:18 78:19 fishkan 3:15 fit 29:25 31:11 33:21 five 4:1 42:4 45:14 75:6,6 flag 5:6 56:12 flexibility 91:2 flood 98:23 flooding 90:11,20 90:23 91:6 93:5,6 93:16,17 98:3 floods 98:19 floors 43:17 46:4 fluorescent 21:12 flow 90:14 flowering 87:7 flows 91:22 fluorescent 22:12 flush 90:1 focused 49:19 folks 52:23 62:20 82:13,15 follow 18:15 following 86:23</p>	<p>follows 9:1 20:9 28:12 43:1 54:1 84:16 89:11 91:19 93:2 foot 6:12 19:22 21:15,16,17 22:11 22:15 35:10 61:22 70:16 forbid 91:5 foregoing 102:9 forest 87:4,4,24,25 88:2,7,8,11,11,13,19 88:23 93:7,15 forest's 88:13 forgetting 80:10 formula 87:14 fort 2:6 28:11 forth 71:1 102:12 forthcoming 80:21 fortunate 55:9 forty 45:14,14 forward 8:23 61:9 76:15 83:15,17 found 52:22 92:19 four 39:23 75:6 foward 89:6 frankly 75:22 100:2 fred 3:13 frequency 97:18 frequently 30:16 front 8:4,4,6,15 11:25 14:14,24 15:5 15:19,24 16:24 17:1 17:10 19:25 36:15 63:11 69:3 70:8 86:6 92:3 frontage 7:25 10:22 frontages 10:12 full 49:15,17 82:19 87:8 fully 27:8 further 12:21 15:13 24:24 34:21 36:17 44:24 47:2 72:17 73:24 83:1 90:7</p>	<p>102:9,14 future 77:5 g g 42:24 53:24,24 gallon 37:11 garbage 45:22,22 89:25 gardening 68:5 gate 45:16 gen 37:24 general 34:10 generally 19:14 generates 41:20 generator 3:19 27:5 27:7,10,15 28:2 30:6,9,10,12 31:1,2 31:12,15 32:3,11,12 32:23 33:12,14 34:11,11,24 35:5,6 35:15,22,25 36:7,8 36:11,20 41:19 47:1 gentleman 7:5 george 3:10 63:22 71:7 76:22 77:24 78:11,18 87:18 girl 92:10 give 26:21 49:23 71:15 91:1 96:16 97:11 given 4:9 91:9 glitch 51:7 gloria 1:23 glow 18:20,22,24 go 6:5 9:5 11:8 14:5 14:8,10 21:2 23:18 31:17 33:8 55:3,17 60:8 87:24 95:23 96:18,20 99:16,19 99:25 god 91:5 goes 38:1 43:23 81:2 85:15 91:23,25 going 5:14 10:3,4,11 14:8,9 18:12 19:16</p>
--	--	---	--

<p>23:16 27:24 31:2 32:10,20 33:18 36:14 40:15 42:14 56:14,25 57:15 58:24 60:24 68:24 69:1,21,24 73:2,3 77:10 80:25 86:14 96:9 99:16 100:3,3 gold 33:9 good 7:4 23:11,13 23:13 28:9 34:2 66:22 79:14 86:15 gotten 82:19 government 87:2 grade 15:6,7 37:6,7 graduated 20:17 graduates 20:21 grand 97:1 grandmother 91:3,7 grant 12:13 28:1 29:25 31:11 33:21 granted 12:17 34:1 34:19 50:5 granting 50:5 grants 39:1 gratiano 58:17 grayish 16:7 great 8:10 greater 8:10 greatest 37:2 greatly 34:18 88:14 grid 46:22 ground 21:22 37:12 87:8 group 26:22 grove 84:2,4 grown 87:8 guess 46:22 70:18 74:5,9 76:9 92:17 guy 57:12 guys 92:6</p>	<p>92:25 half 11:14,19 14:18 60:5 79:17,19 94:23 han 3:13,14 hand 58:13 64:20 67:4 handicap 39:22,24 handicapped 31:7 91:4 happen 44:17 69:1 77:10 89:17 90:1 96:10 happened 51:20 75:15 82:7 86:3 happens 30:16 43:23 46:23 51:18 90:13 hat 26:17 he'll 28:5 heal 99:20 health 39:7 91:9 hear 8:8 27:9 heard 5:12 25:12 39:4 45:17,24 47:12 88:16 89:6 91:16 93:9,20 95:10,22 96:15 97:21,23 99:4 99:10 100:18 hearing 49:11 heavy 46:12 height 33:10 35:12 35:13 87:11 held 85:18 help 13:12,14 14:4 38:17 85:19 helped 55:11 helping 93:15 helps 13:15 17:12 hereinbefore 102:12 high 10:6 11:14,23 33:12 89:23 higher 32:7 33:10 98:9 highlighted 90:11</p>	<p>historic 27:3 history 80:10,22 85:15 hold 28:14,17,20 57:14 holds 88:1 hole 86:4 home 68:4,13,21 77:15 88:2 89:19,25 90:2,4 100:11 homeowner 78:7,16 90:7 hope 7:5 hopeful 95:23 horrible 46:25 hour 91:5 hours 38:13 44:22 46:18,19,21 house 44:4,10,23 53:10 60:4,5 62:8 62:22 64:10 65:9,25 67:8 69:2,3,12,14 69:20,20 70:6,7,12 70:24,25 71:2,25 74:8,9,12,15,19 77:20 78:20,22,23 79:16,19 81:3 88:16 90:17 91:6,20,21,23 91:24,25 92:3,11,15 94:3,20 95:15,17 96:7,8,11,23 housekeeping 49:10 houses 50:9,10 51:14,17 53:16 95:2 26:25 40:7,15,17 42:11 45:18 huge 92:1,4 hui 3:4 20:5 hundred 22:1,24 97:20 hundreds 88:7 husband 52:22 72:10,13</p>	<p>hyunsoo 93:21</p> <p>i</p> <p>ice 30:15 idea 69:2 70:5 79:24 86:15 97:2 identical 64:23 65:18,19 66:16,20 identification 12:7 56:24 identifies 11:25 12:1 13:23 18:4 identify 17:12 84:17 illuminated 7:23,24 8:6 11:15,17 14:12 16:9,13,14,15,18,19 21:16 23:7 illuminating 21:13 illumination 6:11,13 6:15 8:9,10 19:22 22:6 ilona 3:15 imagine 23:3 87:21 immediately 7:18 42:2 50:5 56:11 62:14 82:9 impact 20:1,2 66:1 96:8 impacted 65:11 impair 12:14 impairment 34:2 impediment 61:11 impression 69:23 82:22 improved 98:17 improvements 51:18 97:14 98:19 98:21,22 99:2,12,14 improves 88:14 inaudible 66:25 91:23 incandescent 21:14 inch 87:15 inches 10:6,7 11:13 11:14,22,23 14:18</p>
<p>h</p> <p>h 8:24 20:7 42:24 84:12,15 89:7,9</p>			

<p>14:19 35:8,10,18,19 including 87:24 independence 87:17 indicate 39:5,11 54:9 59:3 96:2 97:23 indicated 98:18 99:4 individual 16:9 indulge 96:16 indulgences 49:22 industry 22:5 information 44:10 97:18 inherited 78:18 initial 53:4 55:12 65:22 72:4 initially 46:10 56:2 82:8 94:9 initiatives 98:14 innocuous 8:11 input 39:16 inspected 40:18 install 36:14 installing 40:16 instance 55:4 institute 20:17 integrated 68:4 intelligent 80:23 intended 74:6 intent 11:2,3 12:4 12:14 34:3 intentions 51:21 71:22 78:15 79:2 intents 12:3 33:13 interested 27:2 102:18 interestingly 72:3 interim 64:23 interior 13:16 interlocking 31:22 interrupt 11:8 inv 1:11 26:22 42:22 43:4,7 44:5 involved 98:6 99:23</p>	<p>isabel 3:13 86:20,25 issue 40:12 56:14 68:3 78:25 79:25 81:6,12,14 82:3,20 issues 83:21 97:25 98:2 item 4:14 6:2 48:18 items 39:10</p> <p style="text-align: center;">j</p> <p>j 2:5 3:6 28:10 jc 33:7,8 jean 5:11 jefferson 1:19 87:16 jeffery 4:16 jersey 1:5 2:6 8:25 9:8,11 20:8 28:11 28:15,19 42:25 51:23 53:25 54:12 58:16 84:14 89:8,10 91:18 93:1 102:5,21 jill 1:18 joanne 102:3 job 1:25 75:20 80:6 95:13 john 2:3 7:8 26:19 joseph 58:17 josephine 1:13 48:19 49:1,4 52:18 joy 88:11,12 jschepisi 2:4 julie 92:12 jumping 51:10 june 89:15 99:3,12 junipers 33:9 39:11 jurisdictional 52:25</p> <p style="text-align: center;">k</p> <p>k 8:24 92:25 kahn 1:4 karlene 94:19 kates 1:22 4:16,19 6:5,7 16:12,17,20 37:12 45:1,4 46:17 46:24 54:6 57:14 64:19 65:13,20 66:3</p>	<p>66:9,14,22 67:4,7 68:2,12,16,18,20 71:10,12 73:9,15,18 73:21 76:2,8 77:12 77:15,19 80:3,10,14 84:10,19 86:11 89:12 94:12,15 98:13,22 99:11 keep 32:20 38:18 40:9 88:22 kiky 1:17 5:2 15:4 15:19,22 18:7 19:2 19:12 26:10 36:6 47:24 48:11 72:19 73:1 kilmartin 1:16 5:1 12:25 13:3,5,11 14:1,11 16:22 17:14 17:20 18:4 26:9 34:23 36:1 47:15 48:10 68:23 69:5 70:2,5 73:25 74:10 76:17 77:6 78:25 79:3,21,25 81:6,23 82:2,8 83:8 89:2,4 95:7 100:14,25 kilowatts 34:23 35:1 kim 1:17,18 5:2,4,7 14:14,17,20 15:4,19 15:22 18:7 19:2,12 26:10,12 35:21 36:6 47:22,24 48:11,13 72:19 73:1 kim's 18:15 kind 19:3 84:8 90:5 95:1 knee 7:6 knew 56:13 80:23 knocked 91:24 know 17:18 22:3,5 23:12,15 30:16 38:3 38:4 40:3 42:13 50:17 52:10,11,12 52:12 62:10 64:23 70:11 71:23,24,25</p>	<p>72:2,9 73:25 74:10 74:11,23 75:12,13 75:22,22 76:16,20 76:22 78:9,11,13,13 78:16 79:1,4,8,19 80:1 92:14,20 94:12 94:16 95:20 99:2,5 99:18 knowledge 60:25 76:14 known 26:23 49:7 50:1,6 52:19 knows 14:22 94:15 kurus 3:2 9:7 18:16</p> <p style="text-align: center;">l</p> <p>l 28:10,10,10 42:24 84:12,15,15 92:25 lack 52:1 ladies 7:4 laid 60:1 land 28:18 29:7 54:11 84:1 landscape 33:6 74:13 landscaped 31:25 landscaping 32:1,24 33:3,5 39:16 68:5 large 37:20 larger 87:9 laser 87:11 late 77:13 law 4:10 27:1 lawfully 80:8 lawyer 70:20 75:20 leave 96:21 leaves 96:5 led 5:7 ledger 4:11 lee 2:6 28:11 62:18 62:18 93:21 left 15:18 31:5 45:22 58:13 74:16 length 35:11</p>
---	--	--	--

<p>letter 16:9 18:23 21:2 39:14 71:19 93:22</p> <p>letters 16:4,5 18:17 18:19,23,24</p> <p>level 6:11</p> <p>levels 39:6</p> <p>liability 72:14 82:17</p> <p>license 102:21</p> <p>licensed 9:7,10 29:7 51:23 54:11</p> <p>licenses 28:14,17,20</p> <p>life 46:17 75:3 83:20 84:7 87:3 88:14</p> <p>lift 89:24</p> <p>light 18:24 19:3 20:1 21:17 23:4 88:8</p> <p>lighting 21:8,9</p> <p>lights 11:15 14:24 18:20 21:12,14,15 22:12</p> <p>likes 23:16</p> <p>likewise 49:8,14,21 61:25</p> <p>limited 72:14 82:17</p> <p>limits 85:10</p> <p>line 11:12,21 17:6 20:2 31:5 55:14 59:21,24 60:5 64:11 64:25 70:12,13 73:10 79:13,16,18 80:13,15 81:2,7 82:11,12 94:1</p> <p>line's 63:15</p> <p>lines 30:15 31:16 50:25 52:2 56:7,10 60:3 62:7 66:15 69:9,10 70:24,25 74:6</p> <p>listed 73:6</p> <p>lit 7:17 8:7 18:21 19:6,16</p> <p>litigation 81:19</p>	<p>litigious 100:1</p> <p>little 19:21 26:25 49:23 86:16 89:14 90:6 91:1 92:10 93:15 97:17</p> <p>live 51:14 78:23 88:3 95:18</p> <p>lived 83:19,20 87:2 92:11</p> <p>lives 50:11</p> <p>living 87:21</p> <p>llc 1:8,11 7:3,10 26:23 52:21 82:15</p> <p>locate 12:8 27:6</p> <p>located 23:19 31:12 52:22</p> <p>location 15:11 17:1 19:24 36:6,7,10</p> <p>locations 38:24</p> <p>logo 10:5 11:24</p> <p>long 7:7 8:2 48:4 54:13 79:5</p> <p>look 23:18,19 24:15 24:16 40:7,11 51:17 53:16 55:20 86:2 92:7 94:3 96:18</p> <p>looked 24:13 59:8</p> <p>looking 17:8 32:21 63:20 82:23</p> <p>looks 64:24</p> <p>lost 15:11 44:2,13 63:21 78:5</p> <p>lot 1:11 8:1,2 10:17 13:17 26:24 27:8,14 27:14 31:17,17 37:1 37:1 42:15 44:9 46:21 52:5,20 53:10 56:7,10 59:21,24 60:4 61:17,22 62:7 62:11,12,19,22 63:11,12 65:10 66:1 66:2,15 68:3,13,21 68:21 69:4,9,10,10 69:12,20 70:7,16,16 70:24,25 71:2,12,15</p>	<p>71:16,17,18 72:4,19 74:12,20 76:3,21 79:7,13,16,18 81:2 81:7,8 84:6 92:16 94:10 95:22 99:23</p> <p>lots 1:9,13 3:22 10:20,24 49:8,18 50:8,16 51:5,25 52:19 53:2 55:25 56:21 59:7,13,14,19 59:20,23,23,24 60:1 61:12,19,20 62:3 68:15,16,18 70:2,10 70:15 71:10 76:23 77:13 79:11,22,23 80:9 81:22 94:24 96:7,15,25</p> <p>lower 58:13</p> <p>lunch 45:18</p> <p>luscious 87:25</p> <p>lyndhurst 8:25</p> <p style="text-align: center;">m</p> <p>m 42:24</p> <p>madam 4:6,8 5:5 6:19,21,24 24:1 26:14 83:17</p> <p>mailing 49:13</p> <p>main 17:2,22 18:6 31:16 90:10</p> <p>maintain 53:18</p> <p>maintained 36:21 50:23 62:2</p> <p>major 1:13 49:6 54:23 63:25,25 64:3</p> <p>making 7:19 80:6</p> <p>management 1:11 26:22 98:14</p> <p>manager 21:7</p> <p>manhole 86:1 89:24</p> <p>manufactured 37:17</p> <p>map 52:12 55:10 59:12 65:13 66:6 67:9 76:2,7,8,14</p>	<p>77:4 84:22 85:7</p> <p>maps 55:8 56:11,12 67:11 86:13</p> <p>march 1:2 4:4</p> <p>mark 2:5 49:3 51:2 54:3 66:12</p> <p>marked 32:15 56:23 56:25 60:15 66:9</p> <p>marketability 70:10</p> <p>marketable 70:6,11 79:9</p> <p>marketed 51:6</p> <p>marketing 43:13 44:7,8 80:4</p> <p>marking 52:8 56:20</p> <p>match 76:7</p> <p>matter 50:3 63:11 74:9 76:22</p> <p>mature 84:2,4</p> <p>mauro 1:13,13 3:22 48:19,19 49:1,1,4,7 51:4 52:3,18,20 70:21 83:25 84:13 84:25 87:3,23 88:2 88:10,15 89:7,9,19 89:20,21,22,22,25 90:9 92:14,25 93:24 94:3,20 97:15 98:16</p> <p>mauro's 87:5 92:11 92:12</p> <p>maximum 45:9,12</p> <p>mayor 1:23 85:18 92:8</p> <p>mayor's 85:22</p> <p>mclaughlin 2:2 7:9 26:19</p> <p>md 84:12</p> <p>mean 11:7 69:7,22 69:24 71:3 73:16 74:5,11 79:6</p> <p>meaning 70:23</p> <p>meaningful 69:18</p> <p>measure 24:17 41:25</p>
--	---	---	---

<p>measured 73:9,15 87:11 measurement 6:12 measurements 22:3 measures 90:16 measuring 21:20 media 1:8 7:3,10 meet 56:15 63:12 meeting 1:1 4:2,3,6 4:9,10 5:10,18 6:4,9 25:5 40:22 47:13 48:24 49:15 83:11 95:5 99:9 100:23,24 101:4 meetings 85:18 meets 94:2 member 4:16,17,19 25:8,17 26:3 54:5 95:9 members 1:15 4:1 59:3 86:22 97:24,24 memories 88:1 mentioned 44:6 45:1 48:1 74:15 merely 52:13 met 52:23 98:19 meter 23:4 meters 42:6 mic 9:4,6 micahel 1:22 michael 3:8 42:21 42:23 middle 68:21 69:2 69:12,21 70:7 71:2 81:7 88:19 mike 68:10 mind 7:5 minimis 34:6 minimum 61:17,22 63:12 70:16 72:22 73:7 minor 1:10 3:22 7:6 54:23 56:21 57:6 63:10 80:13</p>	<p>minute 48:21 49:23 55:1 minutes 4:5 5:17,19 5:25 36:23 42:23 89:16,23 90:1 mirandi 1:22 8:17 18:14 19:15 21:2 35:14 38:25 39:3 40:4 41:3,7,11,13 41:16 42:15,17 45:24 46:2,6,8,12 46:16 47:25 48:20 65:4 68:8 73:4,6,11 73:17,20,23 75:2 97:8,10 98:15,24 99:13 misses 91:24 missing 92:21 mistake 96:14 model 89:19 mold 91:9 moment 62:17 80:2 month 38:6 months 36:22 monument 8:15 10:1,9 16:12,23,25 17:3,11 moss 87:25 mother 43:8 92:11 motion 5:19 6:17 25:4,14,21 26:1,14 47:3,13,21,22 83:4 93:12 95:5 97:3,5 100:12,22 mount 13:2 mounted 16:18 move 9:16 47:22 81:3 moved 5:12 53:16 64:10,13 82:12 83:6 100:25 moving 9:4 61:9 multiple 4:12 14:5 municipal 1:4</p>	<p>municipality 11:4 12:15,19 34:19 mysteries 75:3 mystery 75:4 92:18</p> <p style="text-align: center;">n</p> <p>n 8:24,24 18:19 20:7 28:10 42:24 53:24 53:24 84:12 89:7,9 91:17,17,17 92:25 92:25 n.j.s.a. 34:17 name 7:8 26:18 62:13 82:16 86:25 named 100:20 nation 87:22 natural 37:3 90:20 nature 37:22 nbc 1:8 7:3 10:5 11:23 16:6 18:19 near 42:9 nearest 21:24 42:10 necessity 69:15 100:7,8 need 6:3 7:15 8:16 16:23 37:20 44:3 52:16 55:15 68:10 69:13 99:23,24 100:2,2 needed 27:10 63:7,7 neglia 8:22,24 neighbor 71:19 90:11 neighbor's 86:6 neighborhood 84:5 84:7 88:15,24 90:24 91:13 95:19 96:13 neighbors 93:6,10 93:23 neither 66:3,4,6 85:6 102:14,17 nests 88:4 never 27:21,23 45:17 76:6 82:12,13 82:17</p>	<p>new 1:5 2:6 4:15 7:1 8:25 9:8,11 16:16 16:20 20:8 28:11,15 28:19 42:25 46:22 50:8 51:23 53:13,25 54:11 58:15 79:1 84:13 88:16,18 89:8 89:10 91:18 93:1,13 96:23 102:4,21 newly 4:17,19 night 38:11 88:6,8 nj 2:3 nj2029660 1:25 nocturnal 88:6 noise 38:18 39:6 41:24 nope 57:13 north 32:9 northbound 32:5 northerly 10:2 17:2 17:25 notarized 53:4 notary 102:4,21,22 note 84:22 92:10 noted 27:18 39:13 notice 4:8,11 88:9 noticed 88:17 number 3:18 23:12 27:17,25 29:20 34:6 36:15 45:12 97:19 numerals 16:4</p> <p style="text-align: center;">o</p> <p>o 8:24 28:10,10 42:24 53:24,24 84:12,12,15,15 91:17 92:25 o'brien 3:14 oak 87:15 oaks 87:8,9 oath 84:11 obtained 29:19 56:8 75:7 obviously 95:19</p>
--	---	---	--

<p>occupied 27:19,21 45:13 78:20,23 occurred 55:4 75:17 99:2 odd 58:22 offensive 23:10 24:6 offer 29:5 64:16 99:15 office 21:1 29:15 50:13 52:3 official 80:24 oh 1:23 24:2 26:13 48:14 67:16 74:14 74:18,23 97:5 101:1 okay 4:21 15:2 20:3 25:1,13 41:3,13 46:2,16 48:18,23,24 53:22,23 66:22 73:17 old 6:2 29:14 33:9 46:22 87:1,13 91:2 older 91:4 once 29:3 38:5,21 51:25 55:12 ones 40:2 open 4:10 25:5 47:4 83:5,11 100:13 opened 40:12 opening 62:21 operation 28:6 44:21 45:5 opportunity 54:15 54:19 56:15 96:17 97:11 opposed 5:25 17:20 25:11,20 46:22 47:10,11 80:24 option 95:25 96:5 order 4:4 12:7 18:1 21:3 27:10 ordinance 7:23 10:15 11:4 12:4,15 29:22 34:4 39:7 80:9</p>	<p>original 29:11 31:3 40:1 53:4 59:8 60:1 originally 62:11 outfalls 98:25 output 21:17 outside 41:22 overcapacity 90:21 overhang 15:12 owned 43:9 52:20 52:21 53:10 62:19 71:12 94:24 owner 27:19 79:1,4 90:8 owners 51:4 53:2 72:8,11,13 owns 43:7 52:18,18</p> <p style="text-align: center;">p</p> <p>p.a. 2:2 p.m. 1:3 6:14 89:15 101:5 package 65:3 66:12 paid 49:15,17 palisades 87:19 paper 89:13 parisi 1:23 85:18 92:8 park 8:25 13:20 40:9 45:18 parking 1:11 13:17 13:20,21,23 17:18 27:7,7,13,14,14,17 28:1,3 29:20,22 30:19 31:6,10,17,17 33:11 36:2 39:22 45:2,12 parks 14:4 part 37:15 60:24 63:15 65:18 66:12 74:13 participate 53:2 particular 37:20 55:4,9 59:13 87:12 99:6</p>	<p>parties 81:21 102:16 parts 84:8 party 8:14 75:14 78:17,19 82:18 pass 32:18 57:15 60:21 passed 51:4 passes 26:14 pc's 43:18 pe 20:18 pedestrian 14:3 pedestrians 33:15 people 8:12 13:12 17:4,16 23:11 36:18 40:9 44:17 45:3,18 45:19,21,22 50:9,11 51:14 70:20 75:17 92:14,15 percent 30:24 perfect 63:24 perfected 50:21 52:2 perfecting 59:13 perform 21:6 54:16 performed 76:12 period 7:7 permission 84:9 95:14,16 permit 7:23 27:25 29:20 75:8 permitted 10:16 36:15 94:17 permitting 34:10,11 person 14:4 person's 64:12 personally 90:24 perspective 51:24 55:25 78:3,6 pertinent 85:4 petition 85:8 87:2 88:21 91:10 phonetic 62:14 photo 32:12 86:2,7 photograph 3:19</p>	<p>physical 51:16 picture 78:4 89:17 94:5 pictures 91:21 piece 81:16 pile 65:17 pipe 85:20,23,25 pipng 98:25 place 13:13 15:10 27:6 37:2 44:1 55:5 94:17 102:12 placed 17:1 30:6 34:18 85:20 94:10 placement 15:17 places 87:5 plan 1:10 9:14 11:3 12:15 27:25 31:3 33:6,8,22 34:3 35:9 38:10 40:1 52:8 53:6 68:12,14 92:19 planned 88:18 planner 8:22 9:10 9:13 28:8,19 29:2,6 planning 1:1 4:4 14:23 29:1 50:1 57:22 58:14 65:23 72:10 85:8 91:10 plans 3:19 32:16 39:21 78:14 96:19 plat 50:20 58:7 60:1 60:17 64:1,3 plats 64:21 play 87:24 88:13 please 8:23 9:5,23 11:7 59:2 81:19 83:14,15 86:23 89:6 pledge 5:8 plot 98:25 point 11:25 12:1 13:9 17:18 39:3 41:15 52:16 72:3 76:17 77:12 79:15 86:11 99:14 pointed 41:16</p>
--	---	--	--

<p>points 13:23 49:5 police 40:6 portion 15:15 25:14 58:13 position 20:11 possible 38:17 76:11 posting 4:11 postponed 5:14 potential 68:20 76:9 93:6,8 potentially 93:15 potholes 98:3 pour 90:4 power 27:11 30:12 30:15 43:23 powered 35:14 43:25 powerful 94:21 powers 44:22 practical 15:10 38:13 practically 32:5,9 pre 54:3 precisely 67:12 precondition 85:13 preference 74:10 premises 49:7 prepare 54:20 55:3 prepared 58:7 93:8 97:11 prerogative 74:5 present 1:15,21 4:2 29:16 49:20,22 63:19 81:4 presently 16:12,14 30:20 pressed 27:14 presume 79:10 82:10 presumes 77:19 presuming 75:19,24 pretty 44:19 prevent 18:1 90:14 93:16</p>	<p>preventative 90:16 previous 26:25 prides 88:22 principals 42:22 43:3 prior 6:9 80:24 81:4 98:18 102:5 probably 75:2,15,19 81:19 82:9 93:13 94:21 problem 27:5 38:22 38:23,25 41:14 55:11 82:6 83:23,24 85:14,16,19 89:19 90:6 99:21 problems 56:6 95:18 97:13 98:3 procedural 53:20 proceed 50:19 52:25 53:5 84:19 89:12 proceeded 70:22 proceeding 32:3 53:9 proceedings 1:3 produce 51:22 profession 54:10 professional 8:21,22 9:7,10,17 20:21 28:7,8,18 29:6,6 project 29:12 85:24 89:21 projects 9:6 promptly 67:20 75:16 proof 49:12 92:13 92:22 proper 60:13 73:5 properly 4:7 55:3 95:13 properties 42:9 54:17 55:7 85:17 property 10:2 17:5 20:2,15,25 26:22,23 27:20 31:5,24 33:17 33:18,24 39:13 50:3</p>	<p>50:23 51:4 53:1 55:14 64:12 65:2 71:22 72:5 73:2,5 79:4 81:7,16 85:12 86:6 90:9,10,18,19 91:1 93:11 94:1,5 94:25 98:9,9 99:22 propose 33:5 100:4 proposed 11:9 16:15 21:10 32:11 40:1 proposing 9:25 33:3 39:12,23 prospect 77:2 prospective 79:9 protocol 52:10 proud 94:25 provide 54:20 68:11 provided 49:16 56:20 57:1 provides 10:15 public 1:1 3:12 4:8 4:10 12:18 25:5,14 34:2 47:4,14 50:23 55:20 59:3 83:5,12 95:6 97:24,24 100:13,23 102:4,21 publication 49:13 pull 82:22 purchaser 51:24 55:25 56:3 76:9,20 79:10 purpose 7:11 9:24 11:3 85:2,11 purposes 12:3 33:13 50:15 73:10 pursuant 56:8 70:23 pursue 64:19 pushed 86:2 put 22:14 26:17 27:4,15 28:2 31:1 36:8,11 38:4,17 80:13,15 84:10 90:17 93:13,14 94:23</p>	<p>putting 7:14 8:21 11:4 12:2 15:11,12 15:22,24 38:23 44:16</p> <p style="text-align: center;">q</p> <p>qualified 28:23 29:2 quality 84:7 88:14 quarter 49:18 question 13:25 15:4 18:15,16 28:5 40:5 41:1 46:3 72:19 74:14 84:1 93:17,22 93:24 94:8,13,18 questioning 41:17 questions 12:21,24 15:3 20:4 24:24 25:2,2 32:19 38:14 39:19 42:20 44:24 53:20 64:17 72:17 73:24 quickly 75:19 84:8 quite 30:16 37:19 100:2 quo 53:18 61:5 64:13,14 quorum 5:5</p> <p style="text-align: center;">r</p> <p>r 8:24 18:19 20:7 53:24,24 84:12,12 84:15 89:7 91:17 102:2 rabbits 88:5 rain 89:18 rainfall 89:24 90:2 rainstorm 89:16 raised 46:4 raising 39:4 ramp 40:16 ramps 40:20 ran 86:4 rarely 30:23 ratify 51:19 52:13 63:2</p>
--	---	---	--

rb 61:14 reach 97:17 99:8 read 84:3,8 86:23 93:9 readings 21:14 reads 84:20 86:20 readvertise 5:15,16 readvertising 100:9 realign 59:17,18,21 realized 51:25 really 15:1 17:9 23:11 32:9 38:3 75:3 82:2 92:6,12 92:19,20 93:8 rear 12:1,1 13:9,12 13:20 14:11 16:17 36:18 40:7 73:2 reason 18:7 36:8 37:21 44:16 reasonable 48:4 recall 98:17 receding 40:22 receiving 21:2 53:6 recess 16:1 48:21,22 recessed 15:15 21:12 recognize 95:17 record 4:11 26:18 50:23 55:8 67:5,23 75:1 82:25 86:24 92:23 record's 32:16 recorded 55:21 66:3 66:5,8 recording 1:19 records 50:8,15 51:12 55:20 56:17 62:1,1 67:20 70:1 red 56:12 redrawing 85:9 redrawn 84:24 reduce 27:25 reduced 29:21 65:5 reduction 36:2 66:18	refacing 8:17 10:1 refer 55:22 reference 63:10 referred 62:21 reflect 50:8,24,25 62:2 68:9 reflected 50:15 67:24 reflects 66:18 81:11 refrigeration 46:8 regular 1:1 31:8,10 regulations 94:2 related 65:9 relates 49:5 relating 49:6 65:24 relation 9:22 14:3 20:24 24:8 30:3,19 31:19 32:2 34:8 relative 102:15,17 relatively 49:19 relied 50:9 51:3 52:15 relief 69:13 relocated 61:2,5 64:11,13 rely 88:3 remain 10:3 77:2 remember 36:19 39:10 remove 96:11 removed 46:11 repeat 5:9 14:14 report 72:3 82:19 reporter 102:4,21 represent 57:5 60:10,11 70:14 77:3 77:9 78:17 representative 49:21 95:24 representatives 56:16 representing 95:15 96:21 represents 59:5,6	request 8:7 14:22 21:1 23:18 49:22 51:11,19 53:18 69:17,18 70:17 95:16 requested 44:20 52:6 59:20 85:6 requesting 27:24 36:2 required 29:22 53:1 73:4 requirement 73:21 94:3 requirements 63:13 requires 7:21 91:5 resale 61:11 research 55:16 residence 36:17 42:12 62:15 residential 42:8 54:17 61:15 residents 84:25 98:6 98:18,20 residing 84:13 89:7 89:9 91:17 resolution 6:3,8,18 60:16 resolved 79:1 81:18 respect 62:11 respectfully 74:4 85:8 95:20 responsible 9:14 rest 25:3 45:21 85:15 94:24 restore 69:25 82:24 restored 69:19 restructure 96:12 96:23,23 rests 47:2 result 51:7,7 63:11 resume 48:24 retail 45:5 retained 3:24 retaining 31:21,23 32:25	rethinking 99:17 retreat 87:19 return 17:11 96:6 revealed 56:6 review 39:16 56:17 86:8 93:23 reviewed 67:22 right 10:11 11:12,21 13:4 25:23 31:6 37:7 39:12 40:4,20 44:22 50:11 55:15 56:10 59:11,22 60:4 66:7 69:17 72:20 73:15,20,23 76:4 79:7 80:16 81:11,16 84:1 86:12,13 87:2 88:19 rights 99:22 risk 90:20 100:1 river 98:21 road 1:13 19:25 40:15 48:19 49:1,7 83:25 84:13 85:1,17 87:3,24 88:2,10,15 89:7,9,19,20,21,22 89:22 90:9 92:25 93:21 98:22 99:11 roads 80:18 98:16 roberta 58:17 rock 98:25 roll 4:22 26:4,5 48:5 48:6 ronald 1:16 rooftop 46:15 room 20:20 roots 88:5 rosenberg 1:18 4:24 5:20 6:7,22,23 25:6 25:15,22,25 26:7 47:5,17 48:8 71:4 71:18,21 72:1 97:1 roth 93:21 roughly 38:6 rounding 71:16
---	--	---	---

<p>run 37:25 46:25 running 38:22 39:1 44:11 98:11 runs 99:25 rutgers 50:18</p>	<p>48:3,16 schepisi.com 2:4 screened 33:16 screening 36:10 screwed 52:1 sean 1:18 5:4,7 14:14,17,20 26:12 35:21 47:22 48:13 search 50:22 second 5:21,22 7:24 11:5 18:12 25:7,8 25:16,17 26:2,3,22 47:6,7,16,17,23 74:21 83:7,8,25 95:8,9 100:15,16 101:1 secretary 1:19 4:6,8 5:5 6:19,21,24 24:1 26:14 58:17 83:17 section 3:22 51:1 58:14 59:6 61:19 see 8:8 10:8 15:1,1 17:6,9,10 18:18 20:1 23:9 30:23 32:8,10 33:8 40:17 55:13,16,21 66:17 68:9 74:1 76:3 80:15,18 89:24 92:13,18,18,20 95:24 96:19 seeking 8:3,18 12:13 30:4 59:21 seen 45:13 63:4 92:8 sees 31:11 self 30:10 32:22 sell 68:15,16 74:25 79:11,16,24 80:7 82:18 selling 71:22 79:18 79:21,23 80:1,3,5 sensitive 23:6 43:14 44:6 sensors 46:11 sent 93:22</p>	<p>separate 68:18 september 102:22 service 31:18 43:22 49:13 services 43:13 52:4 54:21 session 3:12 set 15:13 16:2 27:1 37:17 73:10 94:7 102:12 setbacks 63:16 77:16 84:24 85:1 setting 100:1 seven 39:22 44:14 61:18 87:7 seventy 22:1,24 41:21,22,25 sewer 86:4 shade 39:15 shame 95:1 share 63:16 she'd 86:17 sheet 31:4 33:7 56:22 sherili 52:21 sherwood 40:17 shielded 33:14 shining 11:16 shoot 21:12 short 48:22 86:18 show 12:25 14:8,10 31:1 56:25 62:3 67:7,10 shower 89:18 showing 72:21,21 shown 40:1,2 85:6 shows 8:12 11:23 31:5 84:23 94:6 shut 7:17,18 side 11:19 13:6,17 13:18,24 14:7,9 15:18 32:24,25 68:5 77:16 91:23,25 92:10</p>	<p>sided 10:8 sides 10:9 sidewalk 40:24 sign 1:8 6:2,13 7:2 7:14,23,25 8:3,4,5,6 8:9,11,11,15,17 10:1,3,6,10,16 11:5 11:8,9,10,13,14,16 11:18,22 13:8,9 14:8,9,15 15:11 16:3,10,12,17,20,23 16:23,25 17:3,5,7 17:11,15 18:3 19:5 19:8,16,25 20:1 21:4,7,9,13,16,18,21 22:5,6,11,14,20 23:13,13,15,19,22 23:22,24 24:2,4,8 24:11,20,21 signage 15:5,23 18:8 signature 102:20 signed 52:9,24 significant 83:23,24 97:12,14,19,20 98:15,24 99:1 signs 7:16,17,20,24 8:3 9:25 10:23 12:2 12:7,12 13:1 14:4 14:24 15:1 16:18 19:13,19 23:8,9 silent 38:21 simple 49:20 simpler 66:13 simply 51:19 53:18 69:25 70:18 80:25 single 27:19 61:15 62:15 sir 10:13,20,24 11:8 12:5,10 16:10 21:25 24:22 31:2 32:4,11 32:12 33:1,5,25 34:14 37:4 68:17 95:12 sister 91:4,7</p>
<p>s</p>			
<p>s 8:24 28:10 53:24 84:15 89:9 91:17 92:25 safe 100:11 safety 90:25 91:12 91:12 93:4 sanderson 53:24 sandy 30:14 34:13 44:14 sapling 87:15 saturdays 6:15 save 87:20 saw 33:21 39:21 saying 23:12 38:6 73:19 79:17 95:20 says 41:19 58:14 82:5,5 scale 31:4 scancarella 1:19 schedule 33:8 scheme 11:3 12:4,14 34:3 schepisi 2:2,3 3:2,4 3:6,8 7:4,8,9 9:2,3 9:16,21 12:21 13:25 14:2,21 16:1,8,14 16:19,21 17:22 18:11 19:7,10,17,20 20:5,10 21:23 22:17 23:14,17 24:3,7,12 24:16,18,19,24 25:3 25:24 26:16,19,19 28:13 29:5,10 32:14 34:21 36:24 37:24 38:3,19 41:1,4,10 41:12,14,18 42:2,5 42:10,18 43:2 44:24 45:8,15 46:19,25</p>			

<p>sit 7:5 88:19 site 1:10 13:15,16 17:12,17 27:6,24 31:3,24 33:22 37:6 40:1 55:18 88:18 92:7 sitting 27:22 50:18 situation 93:16 97:9 size 10:3,6,8 14:16 35:2 61:17,22 66:18 70:16,17 79:7 85:2 sizes 63:12 66:2 69:11 79:7 skunk 88:6 slightly 68:25 small 31:22,25 87:4 93:7 smaller 65:5,13 66:11 85:24 snow 40:18,22 snowstorms 30:14 34:13 soaking 90:14 sokolich 2:5 3:10 6:25 49:2,3 54:2,3,7 54:8 57:15,17 60:21 60:23 64:15,20 65:6 65:15,22 66:4,7,11 66:19,23 67:2,6,11 67:15,17,19 68:7,10 68:14,17,19,22,23 69:5 70:4,9 71:6,14 71:20,24 72:2 74:4 74:15,17,22 75:4 76:16 77:1,8,14,18 77:21,23 78:5,9,10 78:13,22 79:3,23 80:5,12,20 81:9,13 81:17 82:1,7 83:3 94:14 95:10,12 99:18 100:6,10 sold 50:10 51:6,7 62:12,13,18 72:6,7 75:15</p>	<p>solute 5:6 solve 85:14 somebody 68:10 somewhat 40:22 85:19 son 90:7 soon 64:20 sorry 11:1 41:2 46:7 57:11 67:17 92:5 sort 56:14 92:13 sought 29:25 59:15 85:2 sound 37:3 38:19,24 39:7 41:22 south 17:4,23 31:5 31:20 32:10,25 33:17,18,19 37:2 42:10 81:8 southeast 28:3 southerly 17:25 southwest 27:13 space 27:7,13,15 28:3 31:6,7,8,9,10 31:20 88:20,23 spaces 13:21 27:17 27:18,21,23 28:1 29:21,22 30:5,19,21 31:1 33:24,25 34:6 39:22,24 45:13 speak 86:7 92:7 speaker 83:13,16 93:21 94:19 100:20 spec 41:19 specific 12:9 44:3 71:14 73:13 97:25 98:2 99:3,11 specified 85:4,6,13 speculating 75:16 spend 84:5 spoke 64:20 98:20 sponge 86:10 spread 91:9 square 61:18,22 70:16 71:5,8,16,16 71:17</p>	<p>squirrels 88:3 staff 3:22 51:1 stair 15:16 stand 50:12 87:4 standard 22:2,6 32:22 84:23 85:1 87:14 standards 40:21 standby 27:10,15 28:2 30:6,9,10 31:12,15 34:10,11 standing 7:6 standpoint 27:3 53:1 star 4:11 start 53:15 started 5:10 41:16 59:22 state 9:8,11 28:15 28:19 51:23 54:11 102:4,21 statement 57:18 62:21 83:13 84:3,20 86:17,20 97:11 status 53:18 61:5 64:13,14 stay 69:21 stays 27:11 stenographic 1:2 stenographically 102:11 step 57:19 83:15 92:21 stern 58:18 steve 3:14 28:8 38:4 42:5,22 steven 3:6 28:7 stevens 20:17,21 stick 42:22 stones 32:1 stop 10:11 32:9 88:10 stops 45:21 storm 30:13 90:21 95:18 97:19</p>	<p>storms 92:9 97:20 story 26:25 stown 98:14 straddle 62:8 street 7:25 10:17 11:21 21:24 22:22 23:1 87:4 100:20 streets 98:3 strictly 78:15 strip 81:24 84:1 strong 92:1,6 studied 86:13 88:17 studio 36:18 42:11 42:12 subdivide 50:2 subdivides 65:1 subdivision 1:13 3:22,22 49:6 50:20 50:20,21 51:1 53:13 56:21 57:6 59:5,6,7 59:11,25 60:9,10,17 60:19,24 61:20 62:4 63:6,24 64:1,3,5,24 65:7,10,14 66:2,21 67:13,25 69:16 75:18 76:12 80:13 80:16,25 85:10 92:13 93:11,12,25 95:21 96:14,22 subdivisions 54:21 54:23,24 84:24 subject 50:3 80:16 submit 75:9 submitted 32:16 53:3 57:6 65:2,17 84:23 subsequent 65:8 76:20 subsequently 60:17 62:18 substantial 34:1 sudden 89:16 sueng 1:18 suggest 71:3</p>
---	--	--	---

suggesting 36:14 69:21 96:9	system 90:21	testify 19:21 52:6 62:16 102:7	threw 56:12
summer 87:23 88:7	systems 99:6	testifying 68:24	throwing 45:22
sunday 8:8	t	testimony 8:9 18:22 19:15 27:9 33:25 34:16,21 51:22 52:8 83:14 102:10	thursday 1:2
sundays 6:16	t 8:24 18:19 20:7 28:10 84:12,12 89:9 102:2,2	thank 14:20 20:5 26:16 29:4 40:5 42:17 45:15 46:16 46:24 48:16,17 49:2 54:7 60:22 64:15 66:23 86:18 88:25 89:1,2,3,4 91:14 92:23,24 93:19 95:3 95:12 100:10	time 4:5 7:7 14:15 23:8 27:21,22 38:10 40:18 44:14 50:19 65:23 71:23 80:2 84:5 85:23 89:3,15 89:23 92:1 97:13 99:10 102:11
sundown 6:14	table 9:4	thankfully 90:17	times 36:22 38:8,9 46:21 75:6 86:1
sup 75:23	take 12:18 22:3 23:15 27:12,16 30:4 30:25 32:18 40:7 48:21 55:1,5,20 69:3 70:7 73:7 85:9 88:10,24 93:7 96:18	theoretically 10:23	title 52:1 55:5,22 56:7,13 62:11 72:3 74:18 79:12 81:10 81:12,14,23 82:3,4 82:5,19
superimpose 96:19	taken 31:9 48:22 51:9 75:24 91:7 102:11	theory 58:20	today 60:3 67:12,23 98:20
superintendent 97:22	takes 30:15	thing 22:5 76:19	told 67:20
supply 30:12	talk 68:3	things 41:15 53:14 53:15 95:22	toni 89:18 97:15
supplying 44:9	talking 32:20 71:25	think 18:10 23:14 36:10 37:22 40:20 44:21 46:20 55:21 64:20,22 65:1,13 66:22 72:22 73:3 75:15 77:1 84:10 86:15,16 92:6,8,14 94:18 95:4,13 100:1 100:3	tonight 40:21
support 77:13	tank 37:10,11	thinking 93:7	tons 43:16
supporting 68:21	taste 23:11	third 11:18 71:12 75:14 82:18	top 10:5 32:6 33:12 35:23,24 67:14
supports 37:6	tax 50:13,15,15 51:12 56:11,12 62:1 67:9,11,23 76:2 92:23	thirty 45:4	topography 37:1
supposed 51:8 52:11 55:5 75:21,23	taxed 50:16 67:21	thomas 87:15	total 10:12 27:17 29:20
surace 1:17 5:3,22 6:8,24 16:3 26:11 47:7 48:12	taxes 49:17	thought 70:13 80:20 94:4	tough 7:6
surcharges 99:7	technology 11:24 16:5 17:19 18:5,21 20:18	thousand 61:18	town 23:9,15 51:3 76:4,5 78:7 88:21 94:21
sure 22:7,8 41:3 52:17 61:8 67:6 95:11 99:24	tell 15:7 33:4 42:14 43:6 70:9 92:15	three 9:25 20:20 28:20,24 29:9 59:20 59:22,23,23 71:11 75:5 77:13 80:8 87:6 96:14,24	toyota 24:5
surgery 7:6	tells 17:4		traffic 13:18 14:3 33:15
surges 46:21	term 52:1		tran 3:4 20:5,6,11
survey 55:3,12 58:7 58:25 75:10 76:7,13	terrace 1:4 4:12 26:24,25 40:8,15,17 42:11 45:18		transacted 75:19
surveying 54:20	test 21:6		transaction 56:6 78:17
surveyor 28:18 29:7 51:23 54:11 55:24 57:4 58:7 76:12,13	tested 36:21 38:5,8		transactions 50:10 75:6,17
surveys 54:16	testified 9:1 20:8 28:12,23 43:1 54:1 84:16 89:11 91:19 93:2		transcript 1:2 102:10
sustained 90:18			transfer 55:5 72:11
suzanne 3:14			
swear 4:15,16			
sworn 4:18 9:1 20:8 28:12 43:1 53:21 54:1 84:16 89:11 91:19 93:1 102:7			
sylvan 1:9,11 2:2 7:3 11:10,13 13:15 15:13 20:7,12 23:19 23:24 24:8,20 26:23 36:9 42:24			

<p>transferred 72:13 82:13,14,15 translation 63:21 traveling 17:7,9 32:8 tray 37:14 tree 32:1 39:15 87:12,15,21 88:22 trees 64:11 84:2,4,6 86:9,18 87:7 88:5 94:25 96:12 tried 97:16 99:8 true 102:10 trust 75:11 truth 102:7,8,8 trying 17:10 27:12 60:12 61:8 63:8 69:6,25 70:18 74:25 79:8 80:7 82:22 tunnel 88:5 turn 13:13 36:23 turned 14:24 31:10 twice 91:24 two 6:10 7:21 8:20 10:8 12:25 15:7 16:18 17:24 18:8 24:14 31:23 36:15 36:22 40:20,24 44:19 48:21 51:5,24 64:21,22 68:18 70:2 71:10 72:20 79:11 82:15 95:2 96:7 type 43:12 44:5 65:9 69:13 typically 39:10,14</p>	<p>unconditional 52:24 uncovered 56:9 undergoing 91:3 underground 31:18 underneath 88:5 understand 40:8 79:17 understanding 30:18 33:23 36:4 57:3 65:12 underway 85:24 undo 70:18 unfortunately 50:16 65:4 66:4 unit 37:16,17 38:19 38:20 41:23 units 46:6 universal 1:8 7:3,10 10:5 11:24 16:6 18:19 20:12 unnecessary 81:20 unravel 82:19 updated 49:16 use 27:19 36:18 46:11 74:24 88:19 usually 9:6 41:10 utilities 80:19 96:24 utility 17:14 utilize 17:17 utilized 45:2 72:5,7 75:5 utilizing 72:14</p>	<p>vehicle 32:2 vehicular 33:15 verify 41:9,11 versus 18:5 vice 4:24 5:20 6:21 6:23 25:6,15,22,25 26:7 47:5,17 48:8 71:4,18,21 72:1 97:1 view 33:14 vincent 1:17 violating 11:1,2 virtually 60:5 visibility 15:18 21:24 visible 32:3 33:18 33:19 visit 88:24 92:7 voice 9:6 vote 4:15 99:25 voting 6:8</p>	<p>wants 77:6 86:6 war 26:25 washington 87:18 watch 89:15 water 83:23,24 85:14,16,21 89:20 89:21 90:4,14 91:22 92:6,7 95:18 98:8 98:11,14,21 watt 21:12 way 11:12,21 18:21 19:11 22:25 35:9 36:21 39:12 49:10 50:16 51:10,16,25 53:8 56:13,13 57:13 60:16,17 62:3 65:1 69:19 70:14 73:7 74:6,7,8,9,16 76:9 77:2 79:20 92:2 94:22 95:25 96:4 we've 14:23 33:7 38:23 44:2 49:16 57:20 60:15 72:24 90:15,16 95:22 97:19 weekend 14:25 went 19:21 22:15 24:12 39:25 55:16 76:5 82:17 85:19 west 11:19 13:18,24 14:9 31:25 32:24 53:25 westerly 31:6 white 16:6 18:18,18 19:5,9,10 wide 10:7 11:13,22 width 35:10 72:22 73:4,5,9,10,18 wife 52:22 72:10,13 williams 94:19 winter 88:4 withstanding 8:1 witness 9:20 12:22 13:2,4,6,14 14:13 14:16,18 15:9,21,24</p>
<p>u</p>	<p>v</p>	<p>w</p>	<p>w</p>
<p>u 8:24,24 20:7 28:10 42:24 91:17 u.s.a. 88:22 ultimately 65:25 unable 51:6 unanimously 50:4 58:3</p>	<p>v 28:10 89:9 vacant 69:20,22 78:22 variance 1:8,11 6:3 7:2,22,24 8:3,16 27:24 30:1 33:22 34:1,19 36:1 85:5 variances 7:21 29:20 63:5,7 69:17 69:18 85:1</p>	<p>wait 79:5 80:17 waiting 19:23 75:18 walk 88:10 walking 18:2 wall 11:9,22 13:2,8 13:9 14:8,9,15 16:18,20,23 17:5,6 17:15 18:9 19:5 31:21,23 32:25 37:5 37:13 91:21,24 92:1 92:4 want 5:9 6:5,9 7:12 38:3,11 62:16 69:19 69:23 74:1 76:18,18 77:3,4,8,9 79:19 81:3 82:21 89:12 90:6 94:19 96:20 97:7 wanted 40:6 41:15 80:15 94:22,23,23 100:21</p>	

<p>16:5,25 17:16,24 18:6,10 19:1,4,9,14 19:20,24 20:4,4 21:21 22:7,13,16,19 22:23 23:2,5,16 24:25 26:20 28:5,24 34:22,25 35:4,7,13 35:16,19,23 36:4,12 37:9,11,13,16,22 38:7,12,15 39:25 42:6,16 44:25 45:3 45:6,16 46:1,5,7,10 46:14,20 49:20 54:6 64:21 66:6,17 68:2 71:8,11 72:18,24 76:4,11,25 78:8,21 81:10,25 82:4 84:22 86:12,22 87:21 89:3 89:13 90:8 91:14,20 93:3 98:10 102:6 witnesses 3:1 8:20 25:23,24 47:2 83:2 woman 94:21 wonderful 74:12 wooded 68:6 90:13 woods 68:5 wool 82:22 words 15:19 59:2 81:15 work 34:12 41:12 44:8,18 52:5 54:20 55:2,17 61:24 worse 90:3 writing 87:16 wrong 18:2 61:14 76:6,7,23</p>	<p>year 36:22 38:8,9 65:4 86:1 87:18 91:2 97:20 years 42:13,19 50:22 51:5,20 52:15 53:9,19 54:14 58:22 67:22 68:4 70:19,22 83:19 86:25 87:13 90:16 97:16,21 yellow 19:2,8 yellowish 19:4 young 3:8 38:4 42:21 43:3</p>
z	
	<p>z 28:10 91:17 zone 10:19 11:3 12:4 12:14 17:19 34:3 61:15,17 93:14 zoned 70:3 zoning 11:4 12:15 34:3 50:2 57:22 72:21 75:24 94:2,2 94:16</p>
x	
xx 1:5	
y	
<p>y 8:24 42:24 yard 36:15,18 63:11 74:13 yards 77:16</p>	

**BOSWELL McCLAVE ENGINEERING**

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VIA FACSIMILE AND EMAIL

February 9, 2015

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Sign Review
NBC Universal Media LLC
900 Sylvan Avenue
Block 1201, Lots 8 & 9.01
Our File No. ECES-1362 (PB#247K)

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Application to the Planning Board, Borough of Englewood Cliffs, dated January 15, 2015.
- b. An 11 x 17 Sign Plan, entitled "904 Sylvan Avenue Proposed Signage Plan, NBC Universal, 904 Sylvan Avenue, Signage Project, Block 1201, Lots 8 & 9.01, Englewood Cliffs, NJ", by Neglia Engineering, dated October 28, 2014.

Based on our review of the above referenced information and recent site inspection, we offer the following comments:

General

1. The Applicant/Owner in this matter is:

NBC Universal Media LLC
900 Sylvan Avenue
Englewood Cliffs, New Jersey 07632.

The Applicant/Owner should notify the Board of any change in the above referenced information.

Borough of Englewood Cliffs
February 9, 2015
Page 2 of 3

2. Block 1201, Lots 8 & 9.01 (the "Site") is 957,803 square feet, approximately 21.488 acres in area and is located at the westerly side of Sylvan Avenue approximately mid-block between Sage Road and Hollywood Avenue.
3. The Site contains an existing office building and is located in the B-2 Zone District.
4. The Applicant is proposing to replace the existing monument sign with a new two (2) sided monument sign 7.99 feet long by 5 feet high. The overall height above grade will be six feet. In addition two (2) wall mounted signs are proposed for the front and rear building entrances. The front entrance sign is 24.5 inches high by 70 inches long (14.1 square feet). The rear entrance sign is 38 inches high by 112 inches long (29.55 square feet).

Land Use

5. Business offices, professional offices, governmental and corporate offices are listed as a permitted use in the B-2 Zone District (Chapter 30-5.5a.1.)
6. Signs are listed as a permitted use in the B-2 Zone District (Chapter 19-16.b).

Variances/Waivers

7. The Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:
 - a. Signs shall not be illuminated (Chapter 19-13.e). The Applicant is proposing an illuminated sign.
 - b. The Applicant seeks a waiver for the requirements of the Site Plan/Subdivision Checklist.

Additional Comments

8. Building entrance signs have been installed. It is our understanding that the Applicant has been asked to keep the signs lite for a period of time for observation purposes.
9. The Applicant should provide testimony on sign brightness specifically illuminance as measured in foot candles or lux (metric) and provide comparisons.
10. The Applicant should provide testimony regarding the proposed construction of the sign meeting the standards of the American Standard Building Code requirements for sign and outdoor display structures (Chapter 19-19).
11. We take no exception to the waiver request.



Borough of Englewood Cliffs
February 9, 2015
Page 3 of 3

12. The Board should recall the Applicant received recent approval (Planning Board Resolution (#231K) approved at the June 12, 2014 meeting) for Guard Booth relocation and site improvements. That project is underway and remains open.
13. Any other issues the Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Huy Tran, NBC Universal Media LLC
John A. Schepisi, Esq., via fax & mail
Ed Fehre, via email
Michael B. Kates, Esq., via fax & email
Mark Neville, via email
Paul Renaud, Zoning Official

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VIA EMAIL

March 10, 2015

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan and Variance Review
455 Sylvan Avenue
a/k/a/452 Hudson Terrace
Block 412, Lot 10
Our File No. ECES-1374
ECPB Application No. 249K

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of the following information relative to the above referenced application:

- a. Application to Englewood Cliffs Planning Board, dated February 10, 2015.
- b. Site Plan set (5 Sheets) entitled, "Proposed Generator Plan, Block 412, Lot 10, Tax Map #5, 744 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," prepared by Collazuol Engineering & Surveying Associates, LLC, last revision date January 28, 2015 (unless otherwise noted), and consisting of the following:

<u>Sheet No.</u>	<u>Description</u>
None	Title Sheet
2 of 9	Proposed Generator Plan
4 of 9	Landscape Plan
7 of 9	Details
8 of 9	Boundary & Topographic Survey, dated February 25, 2005

- c. As Built Survey as prepared by McCutcheon Associates, P.A., dated July 13, 2007.
- d. Survey of Property as prepared by Steven J. Collazuol, P.E., L.S. last revised February 28, 2015.

Based on our review of the above information and recent site inspections Boswell offers the following comments:

General

1. The Applicant/Owner in this matter is:

INV Management Group, LLC
452 Hudson Terrace
a/k/a 455 Sylvan Avenue
Englewood Cliffs, NJ 07632

The Applicant/Owner should notify the Board of any changes in the above referenced information.

2. Block 412, Lot 10 (the "Site") is approximately 40,157.5 square feet (s.f.) in area and is bordered by Sherwood Avenue on the north, Sylvan Avenue on the west and Hudson Terrace on the east.
3. The Site currently contains a two-story glass and steel building and is located in the B-2 Zone (Limited Business).

Submission Status

4. This Application submittal is deemed *complete* with respect to engineering matters for a site plan submission, as outlined in Section 30-9.4 of the Zoning Code of the Borough of Englewood Cliffs and the Administrative Site Plan Checklist provided the Board grants the Applicant's requested waiver of the Site Plan.

We take no exception to the waiver request.

Land Use

5. Business and professional offices are listed as a permitted principal use with the B-2 Zone District (Chapter 30-5.59).

Variances/Waivers

6. The property received Planning Board approval for a prior Site Plan Application with a Resolution of Approval dated September 8, 2005. The Applicant received the following variances:

- a. Minimum lot area is 80,000 s.f. (Schedule A, Subsection 30-6.1).

The Site has an existing area of 40,157.5 s.f.



- b. Minimum lot width is 125 feet (Schedule A, Subsection 30-6.1).
The Site has an existing lot width of 122.10 feet.
- c. Minimum front yard setback is 60 feet (Schedule A, Subsection 30-6.1).
A front yard setback of 21.34 feet to the building line was approved.
Note that the Applicant had requested to have the address changed to a Sylvan Avenue address. (We defer this point to the Tax Assessor)
- d. Minimum side yard setback (one side) is 30 feet (Schedule A, Subsection 30-6.1).
A side yard setback of 16.62 feet was approved.
- e. Minimum side yard setback (both sides) is 60 feet (Schedule A, Subsection 30-6.1).
A combined side yard setback of 56.43 feet was approved.
- f. Minimum number of loading spaces is 2 (Schedule B, Subsection 30-10.2).
No loading spaces were approved.
- g. Minimum number of parking spaces is 128 (Schedule B, Subsection 30-10.1).
102 parking spaces was approved.
- h. Off-street parking is not permitted within the front yard setback (Chapter 30-10.1.i).
The Applicant received approval for 15 parking spaces within the front yard setback.
- i. Minimum drive aisle width for 90-degree parking spaces is 25 feet (Chapter 30-10.2.b).
The Applicant received approval for a drive aisle width of 24 feet along the south side for two-way traffic and a 14.5-foot aisle on the east side for one-way traffic.
- j. On corner lots, parking should not be located within 10 feet of the property line (Chapter 30-10.2.g).
The Applicant received approval for 31 parking spaces that are located five (5) feet from the south property line.

7. The Applicant states in the Application description the following:

"Applicant is seeking site plan approval and variance approval to cause the construction/installation of a standby generator. Applicant needs such generator in order to provide service to its building and business when there is a power failure. Applicant has experienced several power failures and, as a result thereof, without the generator, Applicant's business cannot continue. Applicant will be using 1 existing parking space for

the standby generator. The subject premises has 102 parking spaces. Applicant is seeking a variance to reduce the number of approved parking spaces from 102 down to 101 and to continue all pre-existing variances to facilitate the installation of a generator on the southwest corner of the parking lot where the existing parking space is. Applicant is presently using less than 30 parking spaces. The loss of 1 parking space will have no impact upon the building and will have no impact upon Applicant's current use of the premises..."

8. The Applicant had received prior approval for 102 parking spaces consisting of 98 regular 9' x 19' spaces and 4 ADA accessible spaces. The Code requirement for office space is 1 parking space for every 200 s.f. of floor area. A 25,610 s.f. building would require 128 parking spaces.
9. The proposed generator will displace one (1) parking space requiring a variance approval for a total of 101 parking spaces.

Stormwater Management

10. As the application does not propose any new impervious areas, stormwater management improvements are not required. However, the Applicant is reminded that the property owners are responsible for maintenance of the stormwater management facilities at least twice annually, as well as, after every major storm event.
11. Site inspection notes that pavement cracking and/or settlement has occurred around the existing parking lot inlets. We suggest the Applicant review remedy/maintenance option with their engineer.

Site Plan

12. The proposed generator plan set is numbered through 9 sheets. The Plan set does not include sheets numbered 3, 5, 6 and 9 of 9. The Applicant shall provide testimony.
13. It is noted that Bergen County has contracted to have ADA curb ramps installed along Hudson Terrace and will be installing one (1) at the intersection of Sherwood Avenue and Hudson Terrace. As the Hudson Terrace access drive was snow covered we could not determine the curb ramp condition at this location. Should the Board look favorably upon this condition, we suggest that the design engineer review requirements to upgrade (if necessary) ADA curb ramps at the Hudson Terrace access drive with the DPW Superintendent and this office.
14. The proposed generator plan (sheet 2 of 9) indicates several items as proposed which may have been already installed. Comparing this plan to the presented surveys reveals various inconsistencies. The Applicant shall provide testimony as to what has been installed/constructed and what improvements are currently proposed.

15. The Landscape Plan proposed plantings vs. existing plantings could not be verified as the site was snow covered. The Applicant shall provide testimony.
16. The February 26, 2015 survey identifies seven (7) ADA handicap parking spaces along the Sylvan Avenue frontage. Site inspection reveals four (4) ADA handicap parking spaces exist. The Applicant shall provide testimony to this discrepancy.
17. The February 26, 2015 survey does not include stormwater inlets on the north side of the parking lot. The Applicant shall provide testimony to this discrepancy.
18. Site inspection notes that the Hudson Terrace access drive is closed off with a chain. The Applicant shall provide testimony. The Board should seek comment from the Police and Fire Department.
19. The Applicant is reminded that a Final As-Built Survey is required to be submitted for review prior to the issuance of a Certificate of Approval.
20. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville, via e-mail – Note item no. 13
Ed Fehre, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Chief Michael Cioffi, via e-mail – Note item no. 18
Fire Chief George Drimonos, via e-mail – Note item no. 18
John A. Schepisi, Esq., via e-mail and mail
Steven J. Collazuol, P.E., L.S., via fax and mail

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**BOSWELL McCLAVE ENGINEERING**

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VIA FACSIMILE AND MAIL

February 10, 2015

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Estate of Josephine Mauro
Subdivision
361, 365 & 369 Mauro Road
Block 406, Lots 1, 2, & 3
Our File No. ECES-1361

Dear Ms. Scancarella:

Boswell McClave Engineering (Boswell) is in receipt of the following information relative to the above referenced application:

- A. Correspondence from Mark J. Sokolich, Esq. (Applicant's Attorney) dated October 10, 2014 transmitting "*Owner's Consent to Application*" for Lot 1, those premises owned by Shirili, LLC, a New Jersey limited liability company.
- B. Correspondence from Mark J. Sokolich, Esq. (Applicant's Attorney) dated October 2, 2014 serving to reconfirm a minor subdivision previously approved by Englewood Cliffs in 1979; however, the subdivision approval was not properly documented and otherwise reflected in the records of the Bergen county Clerk and therefore, the Applicant now stands before the Planning Board to administratively re-confirm the previously obtained subdivision approval and thereafter take the necessary steps to perfect this minor subdivision otherwise curing the prior oversight.
- C. Correspondence from Mark J. Sokolich, Esq. (Applicant's Attorney) dated July 18, 2014 serving to reconfirm a minor subdivision previously approved by the Borough of Englewood Cliffs Planning and Zoning Commission, now referred to as the Planning Board of the Borough of Englewood Cliffs and the transmission of documents for review.
- D. Correspondence from Mark J. Sokolich, Esq. (Applicant's Attorney) dated July 18, 2014 transmitting updated documents to the Planning Board.
- E. Planning Board Borough of Englewood Cliffs, Application Form dated July 17, 2014 consisting of seven (7) appendices as follows:

**Borough of Englewood Cliffs
Estate of Josephine Mauro Subdivision
February 10, 2015
Page 2 of 6**

- **Exhibit A; Letter of Denial dated 5/29/14.**
- **Exhibit B; List of Property Owners within 200 feet (Block 406, Lots 1, 2 & 3) dated 5/15/14.**
- **Exhibit C; Proof of Payment of Taxes [All Lots] dated May 15, 2014 (The Board shall note that this document only verifies payment of taxes through second quarter 2014. The Board Attorney shall review this matter).**
- **Exhibit D; Owner Consent to Application [Lot 1 in Block 406]. The form has not been completed and the Board Attorney shall review this matter.**
- **Exhibit E; Proposed Public Notice**
- **Exhibit F; Certification as to Deed Restrictions dated July 17, 2014.**
- **Exhibit G; Prior Resolutions of the Board (dated January 24, 1978 and January 26, 1979, including metes and bounds descriptions and copy of survey (not sealed but signed by Ernest T. Chick).**

Based on our review of the above information, Boswell McClave Engineering offers the following comments:

General

1. The Applicants in this matter are:

**Estate of Josephine Mauro [As to Lots 2 & 3]
Joseph Petrolino, Co-Executor
c/o 75 Ormont Road
Chatham, New Jersey 07928**

**Sherili, LLC [As to Lot 1]
c/o 361 Mauro Road
Englewood Cliffs, New Jersey 07632**

The Applicant(s) should notify the Board of any change in the above-mentioned information.

The Owner in this matter is:

**Estate of Josephine Mauro
Joseph Petrolino, Co-Executor
c/o 75 Ormont Road
Chatham, New Jersey 07928**



Borough of Englewood Cliffs
 Estate of Josephine Mauro Subdivision
 February 10, 2015
 Page 3 of 6

2. Block 406, Lots 1, 2, & 3 (the "Site") are located on the south side of Mauro Road, on the northeast corner of the intersection of Rock Road and Mauro Road, all bounded by Rock Road to the west and Toni Drive to the east.
3. The Applicant is proposing to move the westerly most lot line of existing Lot 3 approximately 60 ft to the west and the easterly most lot line of existing Lot 1 approximately 19 feet toward the west. The resulting property line changes have the following lot area impacts on each lot:
 - Lot 1: 13,693 sf reduces to 11,321 sf
 - Lot 2: 12,436 sf reduces to 8,420 sf
 - Lot 3: 12,568 sf increases to 18,966 sf
4. According to the Applicant's Attorney, Mark J. Sokolich, Esq. in his correspondence addressed to the Planning Board dated October 2, 2014, *"this Application essentially serves to reconfirm a minor subdivision previously approved by Englewood Cliffs in 1979; however, the subdivision approval was not properly documented and otherwise reflected in the records of the Bergen County Clerk. Accordingly, the Applicant now appears before the Englewood Cliffs Planning Board [hereinafter, "Planning Board"] to administratively re-confirm the previously obtained subdivision approval and thereafter take the necessary steps to perfect this minor subdivision otherwise curing this prior oversight. Furthermore, the Applicant's Attorney states that the lot sizes and dimensions depicted on the attached Minor Subdivision Plan are precisely the same sizes presented and approved by the Borough of Englewood Cliffs in 1979."*

Land Use

5. The site is located in the R-B Residential, Single-Family zoning district. Existing Lots 1 and 3 currently contain a single-family dwelling and related improvements while existing Lot 2 is currently vacant except for a portion of the dwelling from existing Lot 3 that encroaches upon same.

Variiances and Waivers

6. According to the Borough of Englewood Cliffs Zoning Officer's Letter of Denial dated 5/29/14, the application is deemed incomplete and a complete zoning analysis shall be provided. The applicant has provided a zoning analysis but does not stipulate the exact areas or dimensions on said table.
7. The following is the pertinent zoning criteria for this application:

Description	Code Requirement	Lot 1	Lot 2 ²	Lot 3 ¹
Min. Lot Area	7,000 sf	11,321 sf	8,420 sf	18,966 sf
Min. Lot Width	70 ft	92.65 ft	75 ft	102 ft
Min. Front Yard	25 ft	27.94 ft	≥ 25 ft	18.64 ft (V)
Min. Rear Yard	25 ft	46 ft	≥ 25 ft	20.74 ft (V)
Min. One Side Yard	7 ft	14.29 ft	≥ 7 ft	16.55 ft



Borough of Englewood Cliffs
 Estate of Josephine Mauro Subdivision
 February 10, 2015
 Page 4 of 6

Description	Code Requirement	Lot 1	Lot 2 ²	Lot 3 ¹
Min. Both Side Yards	31.5% of lot width at setback line	N/A		N/A
-Lot 2 (only)	23.63 ft (31.5% of 75')		TBD ³	
Min. Corner Side Yard	15 ft	16.55 ft	N/A	20.08 ft
Max. Impervious Coverage	51%	TBD	TBD	TBD
Max. Rear Yard Coverage	60%	TBD	TBD	TBD
Max. Building Height				
-from average grade	30 ft	TBD	TBD	TBD
-from average curb	32 ft	TBD	TBD	TBD
-stories	2.5 stories	TBD	TBD	TBD
Min. Floor Area				
-One Floor	1,600 sf	TBD	TBD	TBD
-Two Floor	1,800 sf	TBD	TBD	TBD
Shade Tree	1 per 35 ft Frontage	7 Trees (W)	3 Trees(W)	8 Trees (W)

Notes:

TBD: Denotes to be determined by the Applicant and the information provided on a revised submission of the zoning analysis table.

(V): Denotes possible variance required.

(W): Denotes possible waiver required.

¹ According to the definition of Corner Lot from the Borough of Englewood Cliffs Code for Lot 3, the Front Yard fronts Toni Drive, the Corner Side Yard fronts Mauro Drive, the Rear Yard is adjacent to Lot 2 and the Side Yard is adjacent to the southern-most property line of this lot. The Applicant shall review this mater and amend the zoning analysis accordingly on a revised submittal.

² The Applicant shall provide the exact dimension when the lot is proposed to be developed during the Plot Plan review phase with the Construction Code Official and prior to obtaining a building permit.

8. The Applicant shall provide the actual numbers where TBD is depicted on the above referenced table for Lots 1, 2 and 3.

Subdivision Map Review

9. The Planning Board Attorney has advised that based upon his review of this application, he has determine that this application is for a Major Subdivision and not a Minor Subdivision as the Applicant states since there are three (3) lots involved. The Planning Board Attorney shall therefore review the hearing advertisement to determine its acceptability with regard to a Major Subdivision.



Borough of Englewood Cliffs
Estate of Josephine Mauro Subdivision
February 10, 2015
Page 5 of 6

10. Even though the Planning Board Attorney has deemed this a Major Subdivision, Boswell has performed a dual review for both a Minor Subdivision and a Major Subdivision and provides our comments numbered 11 and 12 below for the members of the Planning Board to review.
11. **Minor Subdivision Review Comments:**
- The proposed lots form closed figures and the calculated square footages agree with supplied mapping.
 - As per the Borough of Englewood Cliffs Code, property owners within 200' should be listed.
 - Borough of Englewood Cliffs Tax Assessor should be consulted as to the numbering of new lots.
 - If the map is to be filed with the County of Bergen it must meet the requirements of the New Title Recordation Law, with respect to minor subdivisions. If this is not the intent, then deeds containing metes and bounds descriptions need to be provided to this office for review prior to execution and filing of the deed.
 - The New Jersey County and Regional Planning Enabling Act (40:27-6.2) provides for County review of ALL subdivisions of land within the County as does the Bergen County Subdivision Review Resolution (Section II.A.1). All subdivisions that affect county roads or drainage facilities and/or are classified major subdivisions must be submitted to the Department of Planning and Economic Development, Division of Development Review for review and approval.
12. **Major Subdivision Review Comments:**
- See comments listed above under Minor Subdivision review.
 - As per the New Jersey Map Filing Law, Chapter 26A the reference meridian and the coordinate base must be shown.
 - As per the New Jersey Map Filing Law, Chapter 26A a surveyor's certification must be shown.
 - The Applicant must follow the New Jersey Map Filing Law, Chapter 26A for necessary signature blocks in reference to major subdivisions.
 - The Applicant must follow the New Jersey Map Filing Law, Chapter 26A section 46:26B-3 for the proper installation of monuments in reference to major subdivisions.



Borough of Englewood Cliffs
 Estate of Josephine Mauro Subdivision
 February 10, 2015
 Page 6 of 6

Also monuments and or survey evidence found and or used to establish boundary shall be shown of mapping.

- If the map is to be filed with the County of Bergen it must meet the requirements of the New Title Recordation Law, with respect to major subdivisions
- 13. Proposed Lot numbers shall be obtained or verified from the Borough Tax Assessor and depicted on the plat.

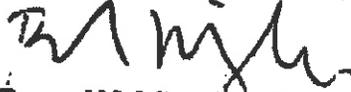
Additional Comments

- 14. Should the Planning Board act favorably upon this application, metes and bounds descriptions for each new lot shall be submitted to this office for our review and acceptance.
- 15. Based upon our review of the above referenced drawing and recent site inspection there is a decorative brick wall located within the Borough's right-of-way. The Board might want to consider having the Applicant remove this wall at its sole expense or at a minimum, provide a "hold harmless" agreement to the satisfaction of the Borough Attorney. The Board should seek comment from the Borough's DPW and Police Department.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

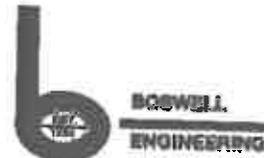
BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/EFS/amg

- cc: Paul Renaud
- Environmental Commission
- Shade Tree Commission
- Mark Neville, via email, note item 15
- Ed Fehre, via email
- Chief Michael Cioffi, via email, note item 15
- Michael B. Kates, Esq., via fax & email
- Mark J. Sokolich, Esq., via email
- George J. Anderson, L.S., BullsEye Surveying, LLC
- George Reggo
- John Englese



Statement to the Englewood Cliffs Planning Board

Bernadette M. Cracchiolo, MD MPH; Isabel Cracchiolo; and

Hartmut M. Hanauske-Abel, MD PhD,

368 Mauro Road, Englewood Cliffs, NJ 07632,

in re

Application #238K - Major Subdivision,

Estate of Josephine Mauro, 361,365 & 369 Mauro Road, Block 406 Lots 1,2 & 3

Read into the Record of the Regular Meeting of the Englewood Cliffs Planning Board

during the Open Public Meeting on March 12, 2015; 7:30 PM

Dear Mayor Parisi,

Dear Chairman Mr. Fehre,

Dear Members of the Planning Board,

Application #238K requests the readjustment of subdivision limits along the southern side of Mauro Road within the property of Josephine Mauro, deceased April 9, 2013. This request is presented with the explicitly intention of constructing at least one additional building on that property.

We note that the map submitted by applicant to the Board shows that additional building with standard setbacks within the re-drawn subdivision limits. However, applicant announced to residents of Mauro Road that variances on said standard setbacks will be sought for the purpose of enlarging the size of that building. Applicant has not in any pertinent and accessible document specified the actual dimensions of the variance announced as being requested though neither specified nor shown on the map.

We respectfully petition the Planning Board **not even to take up** the mere re-drawing, or correction, of the subdivision limits for the declared purpose of constructing at least one additional building on that property, until the most basic precondition has been created for considering Application #238K and its requested, unspecified variances. This singular precondition is the safe handling of storm run-off in the very section of Mauro Road that Application #238K specifies.

Please allow me to explain.

In September of 2006, we informed Mayor Parisi that with every rapid-onset rainstorm, the storm drain intakes in Mauro Road downhill from the Toni Drive intersection, reverse flow and release huge amounts of run-off onto the surface road (see **Exhibit 1**, which is herewith inserted in its entirety into the record). That released run-off is so massive that it jumps the curb to several properties; floods garages and enters homes; and transforms the downhill gardens into lakes that are several feet deep. We photo- and videotaped the extraordinary damage of the repeated floods, which on our property alone included

- wash-out erosion undermining weight-carrying floors of concrete;
- flooding of storage areas in the basement;
- demolition of a five-foot high cement-block wall between our property (368 Mauro Road) and 377 Castle Road; and
- severe root rot resulting in the complete loss of 10 adult fir and spruce trees in the back of our property.

To review the on-going video and photo documentation, Mayor Parisi held several meetings with the property owners on that section of Mauro Road, which also included Ms. Mauro herself, e.g. on July 19, 2007. The Mayor ordered on-site inspections at the time of rainstorms by Rodney R. Bialko, then the superintendent of the city's Department of Public Works; and came himself several times during rainstorms to help sand-bag the properties against the waters rushing down Mauro Road in white-water fashion. In a letter dated 2-14-2008, the Mayor used in writing the term '*intolerable*' (quote) to qualify the run-off conditions he discovered and verified in Mauro Road. To remedy the situation, the City of Englewood generously invested at least 2.3 million

dollars to have Boswell McCave Engineering replace the 24-inch storm drain pipe under Mauro Road with a new 30-inch pipe. That project was completed by October 2008.

However, as early as March 2008 undisputed evidence became available that, based on the videotapes of the repeated inundations of Mauro Road which allowed for the precise calculation of pertinent hydrological parameters, the new 30-inch replacement pipe would be far too small to handle the run-off in the Mauro Road corridor. This evidence had been the subject of repeated joint meetings, e.g. on March 14, 2008, of the property owners with the Mayor, the Borough's superintendent of Public Works, Rodney R. Bialko, and the representatives of Boswell McClave Engineering (see **Exhibit 2**, which is herewith inserted in its entirety into the record).

In the seven years since the completion of the million-dollar project of re-piping the storm drain system under Toni Drive/Mauro Road, the destructive and dangerous flooding of Mauro Road during severe rain storms has persisted. To provide one videotaped example, I ask you to review the events of June 25, 2012 (see CD provided and **Exhibit 3**): During a sudden-onset rain storm, the run-off intakes in the Toni Drive/Mauro Road corridor reverse flow, one of them gushing out a massive column of water onto the street with such force that a manhole cover is uplifted and moved aside, garbage containers floating down Mauro Road and banging into parked cars; and a school bus with close to 20 children on board runs into the open manhole, loses steering, and slides to a stop in front of 355 Mauro Road. The school bus accident causes a full-force response of the Englewood Cliffs Police Department, which rushes to the scene with five vehicles. Luckily, no child is hurt.

I wish to emphasize that after the million-dollar re-piping the storm drain system under Toni Drive/Mauro Road, the frequency of flooding events per year has decreased. For providing our family with this relief, I wish to thank Mayor Parisi and the City of Englewood Cliffs.

Nevertheless, the problem of destructive and dangerous flooding in Mauro Road persists. It still comes alive a few times per year. The school bus accident of June 2012 shows that these persistent flooding events are not merely an issue of property protection, they also are an issue of public safety. I respectfully submit that the situation requires other resolutions than owners building dams inside of their homes, in garages, and in gardens to guide the run-off away from sensitive

sites; of the City welding the manhole cover into place so it cannot be uplifted by the next explosion of run-off.

At this present time, clear and undeniable evidence shows that the storm drain system in the section of Mauro Road pertinent for Application #238K is, several times each year, strained beyond capacity - without adding even a single new building. Of note, and additionally concerning, is the fact that the new building announced in Application #238K will in its entirety replace the water-absorbing unobstructed surface of a small forest area that contains almost two dozen adult trees. In fact, these two dozen trees can be shown to lift extraordinary amounts of water out of the ground – a single large oak tree transpires, as conservative estimate, 0.4 tons of water per day. Please consider that the wooded area targeted by Application #238K for destruction contains eleven adult oak trees.

For these reasons, our family petitions the Planning Board not to take any action that could be interpreted as explicit or implicit approval of Application #238K and its stated and unstated intentions.

Thank you.

Bernadette M. Cracchiolo, MD MPH

Exhibit 1

**Letter to The Honorable Major of Englewood Cliffs,
Mr. Joseph C. Parisi, dated July 10, 2007 .**

Electronic copy of the true original

To : Joseph Parisi, Jr. ; Mayor, Englewood Cliffs
From : Residents of Mauro Road, Englewood Cliffs
Date : 7-10-2007
Re: Petition for relief from deficient run-off handling

Dear Sir,

We wish to express our appreciation for your willingness to meet with us, on 7-19-07, to review once more the on-going, significant problems caused by the deficient handling of street run-off along Mauro Road.

On 6-12-07, Rodney R. Bialko, the superintendent of the city's Department of Public Works, was himself an eyewitness when storm run-off once again turned Mauro Road into a rushing river that once again inundated homes and yards, causing significant property damage. We deplore that the city's actual on-site efforts, despite our past petitions for relief and protection, have until now resulted only in the mere presence of Mr. Bialko as an observer to the destruction. We have photodocumented the latest destruction.

Our 9-14-2006 memorandum on the 8-25-06 inundation of our properties on Mauro Road, which was hand-delivered to you, contains the following passage :

The issue of deficient run-off handling in the Toni Drive/Mauro Road corridor is not unknown to the City. For years property owners along Mauro Road have repeatedly informed City authorities that the drains do not handle even brief episodes of rain. As a direct result, this deficiency has regularly, i.e. several times per calendar year, caused basements to be flooded, garages to be inundated, and the backyard of 368 Mauro Road to be turned into a pond, dammed in by the wall towards 377 Castle Drive.

The response of the City to the notifications-of-fact by individual property owners has been deficient. Property owners therefore implemented private efforts, such as building flood-retaining dams across internal doors or installing multiple drainage systems inside and outside their homes. These back-end corrections cannot compensate for a proper front-end resolution, however. As evidenced by the recent destruction, this is no longer an issue of merely damage to private property. The collapse of the concrete wall shows that the City now fails to provide the engineering groundwork for public safety. The event of the wall collapse, which occurred long after the end of the actual rainfall, highlights a danger to human lives, and in particular to the well-being of the children who grow up and play on the affected properties.

The 6-12-07 street run-off, just like the one of 8-25-06, was high and rapid enough along Mauro Road to jump the 5-inch high curb in front of 366 Mauro Road, depositing debris and uprooting plants on the front lawns and once again flooding the basement and the garage (*Photo array 1*). The rushing street run-off then flooded onto the grounds of 368 Mauro Road. There it washed out foundations, causing foot-deep excavations, and deposited all types of organic and

inorganic debris in the downhill garden (*Photo array 2*). In the back of that property, the inundation was held back by a retention wall and formed a lake almost 3 feet deep. In contrast to the 8-25-06 inundation, this wall was not pushed over by the force of the water onslaught, which nevertheless carried enough wreckage to choke off the city storm drain in front of that wall (*Photo array 3*). The repeated inundation of that property caused the suffocation of two firs and rendered four others moribund, as per expert statement by Sav-A-Tree specialists. They estimated this category of damage caused by the street run-off to be in excess of \$60,000 - all of the trees are mature and above 30 feet tall. The damage on the neighboring properties inflicted by the street run-off, or costs incurred to alleviate or repair the water damage associated with rainstorms, likewise ranges in the tens of thousands of dollars.

Since the devastating 8-25-06 flood, we have met twice with you. We have provided you and the city's engineering contractor with our video documentation of this flood. We have provided additional photo documentation that establishes the source of the Mauro Road inundations : the storm drain intakes on Toni Drive and Mauro Roads, which reverse flow and turn into gushing fountains when acutely overloaded by rapid-onset downpours and their resulting run-off. Yet as of today, we have not received a single word on the planned remedies, if any, or on the actual results of the engineers' analysis.

Per our own research, the vast surface-asphalted commercial properties of 440 Sylvan Avenue and 400 Sylvan Avenue are tied into the residential storm drains that serve Toni Drive and Mauro Road. Both commercial properties are situated directly uphill of Toni Drive and Mauro Road. We noted that the downhill side, towards Toni Drive, of the parking lot at the commercial 440 Sylvan Avenue actually is designed as a huge retention basin, surrounded by a man-high dam and marked in yellow alert signs as "*subject to flooding*" (quote; see Photo array 4). The site displays two high-volume intake storms drains. We suggest to close off one of these, and to restrict the maximal intake of the remaining one. The costs for executing this proposal are miniscule.

We are looking forward to the meeting with you.

Primarily affected property owners :

372 Mauro Road :	A. and J. Karamanoukian	<i>Signature</i>
366 Mauro Road :	C. and M. Daniels	<i>Signature</i>
368 Mauro Road :	B. Cracchiolo and H. Hanauske-Abel	<i>Signature</i>

Exhibit 2

**Letter to Boswell McClave Engineering, Contractor of the City of
Englewood Cliffs, and to The Honorable Major of Englewood Cliffs,
Mr. Joseph C. Parisi, dated March 17, 2008 .**

Electronic copy of the true original

Bernard N. Mirandi, PE
Boswell McClave Engineering
330 Phillips Avenue
South Hackensack, NJ 07606-1722
Tel 201-641-0770

3-17-08

Dear Mr. Mirandi,

We wish to express our gratitude for making yourself available on 3-14-08 to meet with the Mayor of Englewood Cliffs, Mr. J. Parisi, Jr., and the Borough's superintendent of Public Works, Rodney R. Bialko. We appreciate that you explained the Boswell McClave analysis of the repeated runoff inundations at Mauro Road as well as the projected engineering solution to this severe problem.

We agree with your analysis that the severity of the inundation along the affected segment of Mauro Road, and the destruction it brought repeatedly to these properties, are caused by the tie-in of the storm runoff that originates from three commercial properties uphill along 9W, i.e. 440, 400, and 374 Sylvan Avenue. Using satellite data and topographical maps, we calculate this runoff generating area, located with its lowest point (40°52'38.60" N and 73°57'13.27" W) at least 50 feet directly above the level of 372 and 368 Mauro Road and then sloping up an additional 34 feet over a distance of about 860 feet to the South, to have an approximate catchment surface of 369,888 square feet, or 34,355.54 m². We are currently evaluating data and formulas for hydrologically relevant calculations like peak discharge, runoff depth, runoff curve number, time of concentration, and travel times.

While we concur with your analysis regarding causation, we are, as spontaneously expressed in the meeting on 3-14-08, highly skeptical of your projected engineering solution, which consists in exchanging the 24-inch diameter storm drain under Mauro Road for a 30-inch pipe. From the video and photo documentation we supplied, you are well aware that the storm runoff repeatedly transformed Mauro Road into rushing rapids. As verification for our skeptical assessment, we respectfully submit the following calculation for your review, comment, and correction :

At the segment of flood observation, Mauro Road has a width of 30 feet, or 914.0 cm. The floods often were at least 10 inches, or 25 cm deep. This depth allowed the floods to surge over the curb onto properties and into houses and to form within minutes a three feet deep pond in the backyard of 368 Mauro Road. These waters, in turn, repeatedly overthrew a 4 foot high, 1 foot thick stone wall, gushing onto 377 Castle Drive and then hitting the Drive itself. To be conservative, for our calculations we assume a flood depth of just 5 inches, or 12.5 cm, on Mauro Road. From the videos, we assessed an average flow velocity of 3 feet/sec, or 91.4 cm/sec. This amounts to a flow rate of 1.05 cubic meter of runoff water per second in Mauro Road. To calculate the pipe diameter that might handle this amount of runoff water, we used the simplified formula

$$\text{Pipe diameter} = \sqrt{4 \cdot \text{flow rate} / \pi \cdot \text{velocity}}$$

Assuming a **velocity of 7 feet per second**, the usually accepted *maximum* velocity for water distribution lines, we calculate a pipe diameter of 31.16 inches. Kindly note that a pipe with this diameter would just suffice to accommodate the excess *surface* runoff that has been documented in the past and is threatening private properties and public safety, e.g. on Mauro Road and on Castle Drive. This 31.16 inch diameter pipe would *not* be capacitated to handle the flow though the existing 24-inch diameter pipe that is under ground.

The 90° turn in the runoff pipe coming down Toni Drive as it ties into Mauro Road should be anticipated to cause chaotic flow turbulence. Therefore, we assume *maximal* velocity along Mauro Road cannot be reached, and re-calculate using a **velocity of 4 feet per second**. With this adjustment, we calculate a pipe diameter of 41.23 inches. Again, such a pipe would be required to *handle just the documented surface excess runoff water* of 1.05 cubic meter per second, itself an intentionally minimized parameter.

We therefore respectfully maintain that the planned improvement of the storm drains under Mauro Road, i.e. the change from a 24 inch to a 30-inch pipe, is not at all a tangible improvement over the existing situation. As expressed orally, we are profoundly concerned that **this multi-million dollar project fails to secure our properties and fails to enhance public safety along the Mauro Road / Castle Drive corridor**. We wish to repeat our concern, first expressed in writing in our 12-12-07 memorandum to Mayor Parisi :

“ We respectfully submit for your and the City’s consideration that, whatever the planned improvement in run-off handling at Mauro Road, the residents will not be served if destructive and dangerous property flooding is decreased from three or four deluges per year to one deluge per year.”

Kindly meet with us as soon as possible to review your and our calculations as well as the Boswell McClave rationale for replacing the 24-inch with a 30-inch pipe under Mauro Road / Rock Road.

We respectfully submit that, per our assessment detailed herein and our on-site experience, this 6-inch increase in pipe diameter will **not** produce a level of safety that is worth the Borough’s nearly three million dollars in project costs.

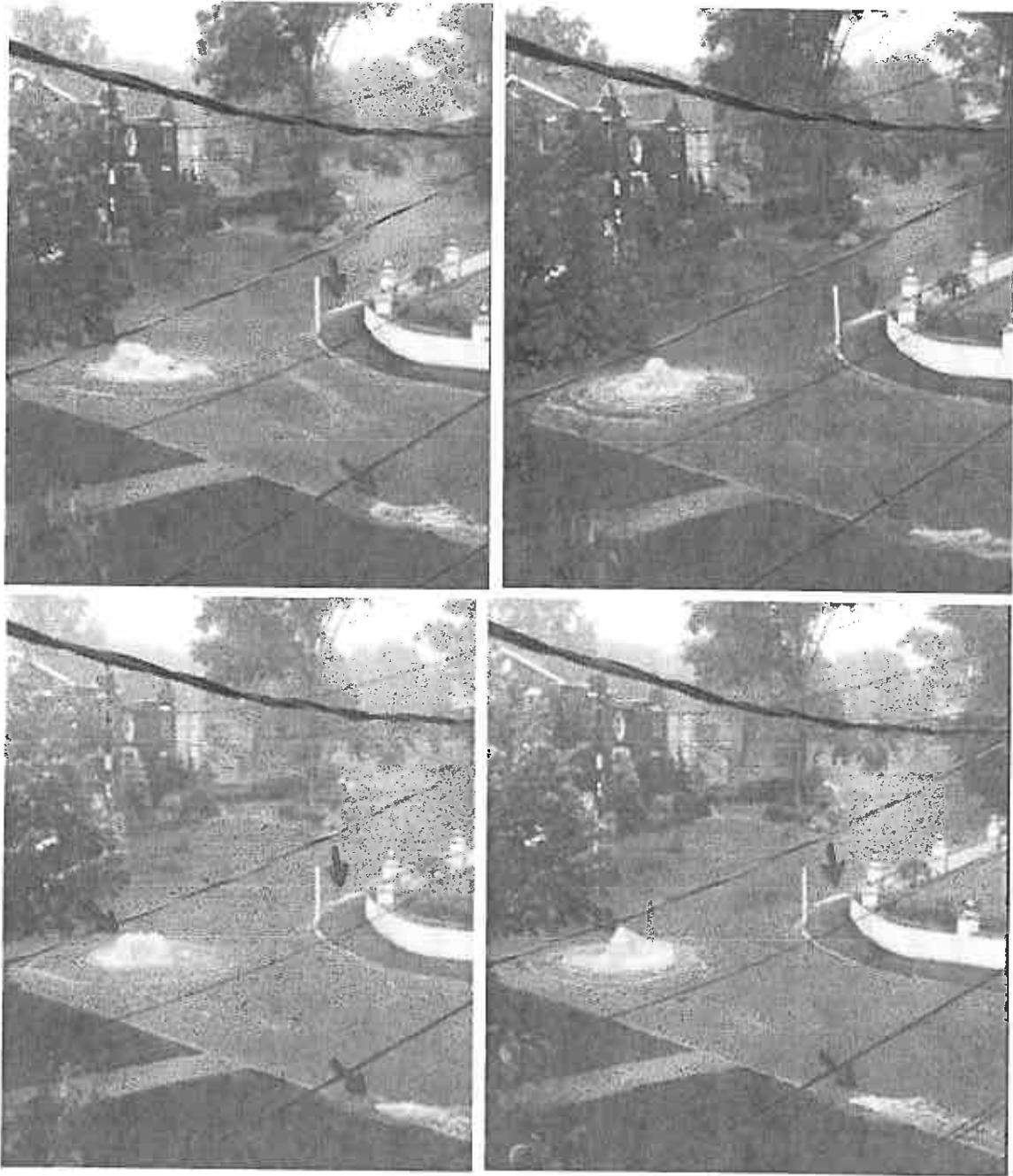
Thank you.

372 Mauro Road :	A. and J. Karamanoukian	<i>Signature</i>
366 Mauro Road :	C. and M. Daniels	<i>Signature</i>
368 Mauro Road :	B. Cracchiolo and H. Hanauske-Abel	<i>Signature</i>
61 Rock Road :	K. and B. Williams	<i>Signature</i>

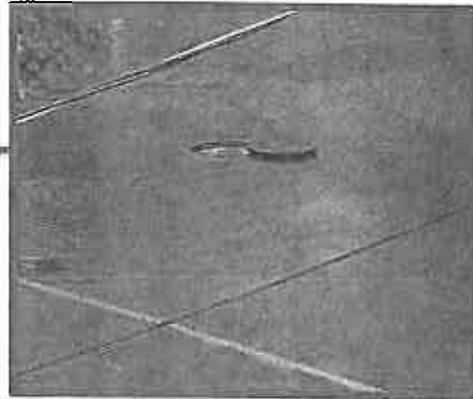
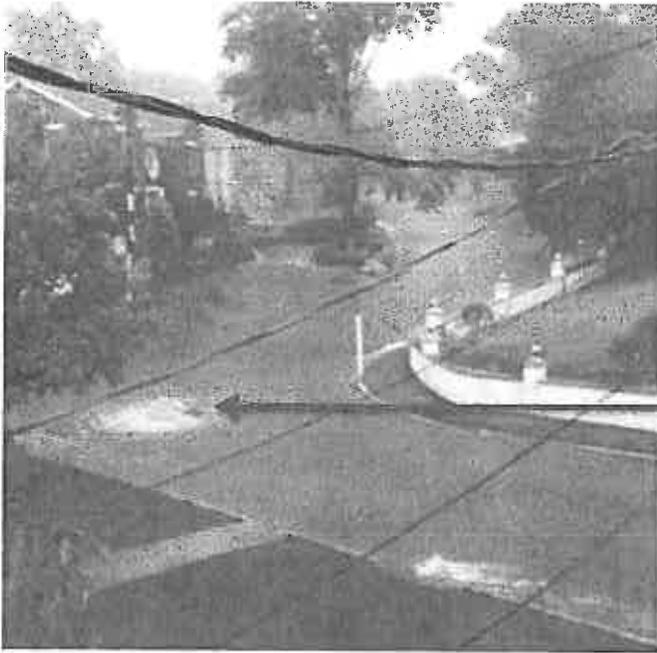
cc. Joseph Parisi, Jr. ; Mayor, Englewood Cliffs
Other affected residents of the Toni / Mauro /Rock / Castle roads area, Englewood Cliffs

Exhibit 3

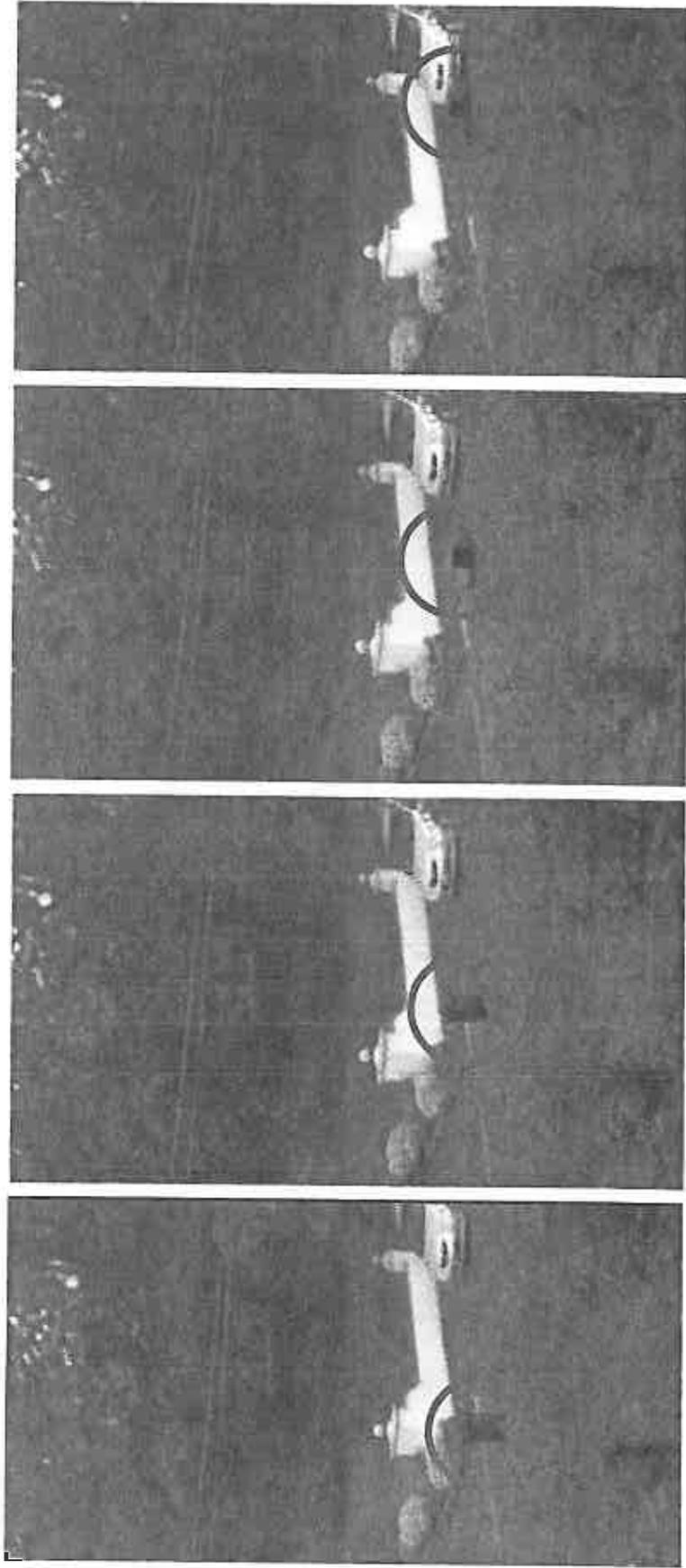
Photodocumentation about the unresolved run-off overload at the section of Mauro Road that is subject to Application #238K (“Major Subdivision, Estate of Josephine Mauro, 361, 365 & 369 Mauro Road”) and the multiple request for variances in same.



After the 2008 storm drain upgrade: Run-off flood in Mauro Road, June 25, 2012: Three storm drain intakes (red arrows) reverse their flow and become massive fountains, one of them lifting up a cast-iron manhole cover weighting in excess of 120 pounds and moving it aside.



After the 2008 storm drain upgrade: Run-off flood in Mauro Road, June 25, 2012:
A school bus (license plate S1 K886) carrying about 20 children runs into the open manhole, suffers damage to steering and tires, and comes to a stop. Englewood Cliffs Police is alarmed, rushes to the accident site with several vehicles, establishes that none of the children are hurt, and then supervises their transfers to another school bus.



Flood in Mauro Road on June 25, 2012: Garbage container floats down Mauro Road and hits car.

**Statement of Isabel Cracchiolo, 368 Mauro Road,
to the Planning Board of Englewood Cliffs, 3-12-2015**

Dear members of the Board.

Please allow me to read the following into the record.

My name is Isabel Cracchiolo.

I am 11 years old. Because I am an American Citizen, I have the right to petition the government.

I lived all my life at 368 Mauro Road in Englewood Cliffs. Across my street is a small stand of forest. This forest was one of Ms. Mauro's favorite places and she created it over many decades. It contains three flowering bushes, seven adult fir trees and 11 full-grown oaks. About 2 feet off the ground, several of these oaks have circumferences larger than 8 feet, and one of them has a circumference of 11.5 feet. Using a laser, I measured the height of this particular tree to be close to 100 feet. I calculated its age to be at least 256 years, using a standard formula developed by arborists. When this oak tree was a 5-inch sapling, Thomas Jefferson was writing the Declaration of Independence in early 1776 and later that year, George Washington was fighting the British here on the Palisades, and then had to retreat to save the Continental Army from defeat.

Just imagine: This tree is a living witness to the birth of our nation.

Every day in summer, the children of Mauro Road - including me - go to the forest and play. The forest has luscious beds of moss that you will not find anywhere else. That forest holds many memories for us, the children of Mauro Road. The forest also is the home for many animals: Squirrels rely on the acorns to live through winter,

birds build their nests in the trees, and rabbits tunnel underneath the roots. As night falls, nocturnal animals like deer and skunks come to the forest. In the summer, hundreds of fireflies light up the night, and the forest cools the air during the day. I notice that many adults take their walk through Mauro Road and stop by the forest. So the forest is not just a joy for children, it is also a joy for adults, except that they don't play in the forest. Its existence greatly improves the quality of life in this entire neighborhood, and not just on Mauro Road.

When I heard a new house was to be built, I studied the map that was provided for Application #238K. I noticed that the new building that is planned on the site of the forest, will sit right in its middle and use up all its space.

I petition you to consider that our town prides itself to be 'tree city USA', and to keep that forest as a space that everyone in the neighborhood can enjoy and visit to take a deep breath.

Thank you for allowing me to address you.