

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
January 14, 2016

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 8:03 PM.

Present at Roll Call:

Absent:

Mr. Fehre
Ms. Rosenberg
Mr. Villari
Mr. Chinman
Mr. Kilmartin
Mr. Trovato
Mrs. O'Shea – Borough Rep
Mr. Kim – 1st Alternate
Mr. Duffy – 2nd Alternate
Mr. Porrino – 3rd Alternate
Mr. Lee – 4th Alternate
Councilman Park
Mayor Kranjac

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.

The minutes of the December 10, 2015 meeting motioned by Mr. Kim, seconded by Mr. Fehre approved by roll call (Mr. Fehre, Mr. Chinman, Mr. Kim) 10 abstentions (Ms. Rosenberg, Mr. Kilmartin, Mr. Trovato, Mr. Villari, Mrs. O'Shea, Mr. Duffy, Mr. Porrino, Mr. Lee, Councilman Park, Mayor Kranjac)

Old Business:

Application #254K - Site Plan Approval – Parking Garage
Conopco, Inc. 700 Sylvan Avenue
Block 806-Lot 7 & Block 808-Lot 9
Approved – Resolution

Mrs. O'Shea requested to question Mr. Kates a question regarding the approval given to Conopco. She stated that after reading the borough zoning ordinance it specifically states that parking garages are prohibited anywhere in the town, prohibited in B-2 and not be considered accessory buildings. In view of this she wanted to understand how the board could have approved this:

Mr. Kates answered that the statute talks about granting a use variance related only to principal buildings and structures or principal uses. The board determined as a threshold question that the parking structure on this 23 acre campus like setting was accessory to the office building it serves. As an accessory structure the remedy if you are going to allow it is

not a D1 use variance. We followed the C variance route and put the applicant and his planner to justify the parking garage as a C2 variance, and in the resolution we applied the test (see page 8 paragraph #9 of the resolution).

Mrs. O'Shea stated that in our zoning chapter 30-7.2 #5 accessory structures – No accessory building shall be constructed for parking garages in the B1, B2, B3 and B4 zones. Mrs. O'Shea still feels it is totally wrong.

Mr. Kates stated that each case is on its own facts and that this does not set a precedent in the borough. The resolution does not ignore what you have read. The resolution deals with it and mentioned it as well.

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 motion to approve. Motion was made by Mr. Fehre, seconded by Mr. Kim. Chairman asked for roll-call vote of the members that were eligible to vote: E. Fehre, K. Kim they each voted to adopt this Resolution; it was unanimous.

New Business:

Application #256K - Rear Yard Variance for Deck
Mr. Cazim Ljuljanaj – 4 Summit St. – Block 100 – Lot 2

Mr. Mark Stefanelli architect for the applicant gave a description of the property. The house is a one family home which has a rear yard that has a slope. Mr. Ljuljanaj's son has suffered a major accident and has become disabled. The applicant would like to construct a deck on the rear of the home to allow his son access to the rear yard of the home. The deck will be 12' deep, 30' wide and will have a staircase down to a concrete pad that is adjacent to the home. He will need an accessible door from the lower level. We are proposing to cut a doorway to access the deck. The deck is approx. 6 ½' above grade and will be made out of wood, composite decking and have an aluminum rails to match the existing decks. We are asking for three variance. One for the rear yard setback where 25 is required with 20' required to deck and we are proposing 13.66'. The second one will be building coverage of 39% were 32% is required. The last one is for impervious coverage were 51% is required and we are proposing 52%.

Exhibit A1 – Photo board of pictures taken by Mr. Stefanelli dated 1/14/2016 was entered. Mr. Stefanelli gave a description of the photos on the board. These were pictures of the existing home and the rear property.

Mr. Stefanelli stated that he doesn't see any detriment to any neighbors since there are none behind the applicant due to Flat Rock Brook Nature Center behind the home.

Mr. Trovato questioned if there will be any lighting? Mr. Stefanelli stated yes one by the door and one additional one on the wall of the home. They will be wall mount lights.

Mr. Ljuljanaj stated that there is an approx. 500' drop behind the home. You cannot see any homes it is all woods behind me.

Mr. Kates questioned if the rear yard is usable removing his son's condition? Mr. Ljuljanaj stated no because of the slope.

Mr. Kates stated that personal hardship meaning your son's condition is normally not a basis to grant you the relief you are seeking. You can move from the home and this is to run with the land meaning personal hardship doesn't matter, but typographical hardship is what we are looking for you. What you are saying is that you are unable to use your rear yard normally and the deck not only compensates the situation for your son's benefit, but for the whole family. Mr. Kates stated that the board should look at this as a typographical hardship not a personal hardship.

Mr. Kilmartin questioned Mr. Stefanelli if there was any other way that the family can use the rear yard without the proposing of this deck? Mr. Stefanelli stated not really because the flooring of the home is up high and the property slopes down.

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

There were no comments.

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

Chairman Fehre requested a motion to approve the application. Motion was made by Mr. Kilmartin, seconded by Mr. Trovato. This motion was approved by roll-call vote, 8 Ayes, (Mr. Fehre, Ms. Rosenberg, Mr. Trovato, Mr. Kilmartin, Mr. Villari, Mr. Chinman, Mrs. O'Shea, Councilman Park, and Ms. Eastwood), No Nays, No Abstentions.

**Application #251K - New Home Site Plan Approval
Mr. & Mrs. Civan – 560 Floyd St. – Block 609 – Lot 10**

Mr. Cereste gave a brief explanation of the application and the history of it being heard at the October 8, 2015 meeting and was not approved is asking for a reconsideration. The applicant along with his professionals has reconfigured the home and would like to present it tonight. The building has been reduced by 13% and the general mass by 850 sq. feet of floor area. The building coverage was proposed at 31.88% and has now been reduced to 28.27%. The side yard setback on Demarest has been increased to 10.1 feet. The set back on the northerly side has increased by 1 foot 6 inches so the setback of 7' mirrors with the neighbors. The impervious coverage went from 53.9% to 50.02% which is a 4% reduction. The driveway side yard has increased from 5.6' to 7'. As a result of all these changes we have eliminated 2 variances. One being impervious coverage and the minimum side o n the combined has been eliminated as well. This is a difficult site since it is undersized. RA zone requires 100' wide frontage where ours is at 50' wide.

At this time Mr. Porrino made an announcement that he must recuse himself from this application due to a ongoing work relationship with Mr. Cereste. Mr. Kim also stated that he has to recuse himself as well due to the same reason.

Mr. Mario Lachanaris the applicants architect gave a description of the changes to the interior of the home. The house was reduce by 5' in length. The depth is reduced to 30'. With these reduction they reduced the house by 400 sq. feet per floor. Mr. Lachanaris gave a description of all the room in the home. On the Demarest side of the home we removed the fireplace

chimney in the family room and moved it to the interior of the home. This has removed one of the variances which was the side yard variance.

Mr. Fehre questioned that even though this is a smaller lot you are still within the lot coverage for this home? Mr. Lachanaris stated yes, because the property has a length of 162' overall square footage of the lot is approx. 8000 sq. feet.

Mr. Kilmartin questioned which variances you are you seeking? Mr. Lachnaris stated they are still requiring variance for lot width, and lot size because of the preexisting condition of the lot and asking for the corner side yard requirement of 15' we are asking for 10'. Another variance for the other side which required 10' we are asking for 7'.

Mr. Mark Martins, 55 Walnut St., Norwood, NJ the engineer for the applicant gave a description of the site plan for the new home with all of the changes that have been done. He stated all the variances that are being proposed. They have reduced the overall building coverage and impervious coverage which now has eliminated 2 variance that where mentioned before by Mr. Lachanaris.

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

There were no comments.

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

Mr. Kates stated that this will be a pure zoning variance so this will be a zoning board not a planning board application.

Chairman Fehre requested a motion to approve the application. Motion was made by Mr. Trovato, seconded by Mr. Kilmartin. This motion was approved by roll-call vote, 5 Ayes, (Mr. Fehre, Ms. Rosenberg, Mr. Trovato, Mr. Kilmartin, Mr. Chinman), No Nays, No Abstentions.

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

Chairman Fehre announced that this application will be carried to the February 11, 2016 meeting and will be re-noticed.

Application #257K - Site Plan Approval w/VariANCES
FCA Realty, LLC – 100 Sylvan Ave. – Block 130 – Lot 23

Chairman Fehre announced that this application will be carried to the February 11, 2016 meeting and will be re-noticed.

Application #258K - Site Plan Approval w/VariANCES
FCA Realty, LLC – 120 Sylvan Ave. – Block 130 – Lot 24

Chairman Fehre announced that this application will be carried to the February 11, 2016 meeting and will be re-noticed.

Application #255K - Site Plan Approval for New Commercial Office Building w/
Variances
Lighthouse E.C., LLC – 922(980) Sylvan Ave. Block 1202 – Lot 2

See attached transcripts.

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

Carin Geiger, 270 Alfred St. questions in regards to Mr. Schepisi's future application that the board should look into what abandonment.

Mr. Stephen Duffy make a statement of thanking Mr. Dan Dooly for his time and service to the Planning Board.

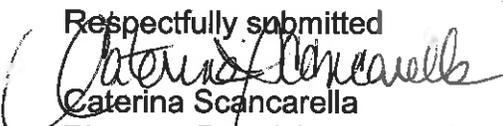
Mr. Morfesis, 26 John St. questioned Mr. Kates in regard to a letter he sent to him about 476 Sylvan Avenue. Mr. Kates stated that his request is not enforceable by the board but by the building/zoning official.

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

There was discussion with the board in regards to a date for a Special Meeting on January 27, 2016. Board was polled and date of January 27, 2016 was set.

Chairman Fehre asked for a motion to adjourn the meeting at 10:58 pm. Motion was made by Mr. Kilmartin, seconded by Mr. Chinman and carried unanimously by voice vote.

Respectfully submitted


Caterina Scancarella

Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD

REGULAR MEETING – January 14, 2016 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.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: December 10, 2015

OLD BUSINESS:

- Application #254K - Site Plan Approval – Parking Garage
Conopco, Inc. – 700 Sylvan Avenue – Block 806 – Lot 7 & Block 808 – Lot 9
Resolution - Approved
- Application #256K - Rear Yard Variance for Deck
Mr. Cazim Ljuljanaj – 4 Summit - Block 100 - Lot 2
- Application #251K - New Home Site Plan Approval
Mr. & Mrs. Civan – 560 Floyd St. – Block 609 - Lot 10
- Application #238K - Major Subdivision
Estate of Josephine Mauro - 361, 365, 369 Mauro – Block 406 – Lots 1, 2, 3

NEW BUSINESS:

- Application #255K - Site Plan Approval for New Commercial Office Building with variances
Lighthouse E.C., LLC – 922 Sylvan Avenue – Block 1202 – Lot 2
- Application #257K - Site Plan Approval w/variances
FCA Realty, LLC – 100 Sylvan Avenue – Block 130 – Lot 23
- Application #258K - Site Plan Approval w/variances
FCA Realty, LLC – 120 Sylvan Avenue – Block 130 – Lot 24

COMMITTEE REPORTS

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ORIGINAL

PLANNING BOARD BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF CONOPCO, INC. :
FOR AMENDED PRELIMINARY AND FINAL SITE PLAN : MEMORIALIZATION RESOLUTION
APPROVAL AND VARIANCES RELATING TO LOT 7 IN : APPLICATION NO. 245K
BLOCK 806 AND LOT 9 IN BLOCK 808, 700 SYLVAN AVENUE :

WHEREAS, UNILEVER UNITED STATES, INC., a division of **CONOPCO, INC.,** with its North American headquarters at 700 Sylvan Avenue, Englewood Cliffs, NJ, applied on or about October 20, 2015, to the Planning Board of the Borough of Englewood Cliffs for preliminary and final site plan approval and ancillary variances relating to site improvements, including the construction of a five level parking deck with a capacity of 793 parking spaces, additional surface parking, the partial relocation of Vitality Trail, modifications to the stormwater basin and to add additional site lighting and landscaping, in the "B-2" Limited Business Zone; and

WHEREAS, public hearings were conducted on November 12, 2015 and December 10, 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, Michael Profita, Esq., of DeCotiis, Fitzpatrick & Cole, LLP, 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ 07666, represented applicant; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments of agencies were received from:

- **Bernard N. Mirandi, P.E.,** of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606, dated November 11, 2015 and December 8, 2015;

- Fire Chief George Drimones and Fire Official Joseph Cardullo, dated October 26, 2015 and October 27, 2015; and

WHEREAS, admitted into evidence were the following documentary exhibits:

Exhibit A-1 – Sheet 3 of 22 of Preliminary and Final Site Plan entitled “Site Layout Plan Overall Site” prepared by Kenneth D. Dykstra, P.E. & L.S., Dykstra Walker Design Group, 21 Bowling Green Parkway, Suite 204, Lake Hopatcong, NJ 07849, dated August 15, 2014 with latest revision October 28, 2015;

Exhibit A-2 – “Site Plan” prepared by Perkins + Will, 215 Park Avenue South, 4th Floor, New York, NY 10003, consisting of two sheets, as follows:

Sheet A02-10 – Zoning – Site Plan – Phase 2, dated October 19, 2015; and

Sheet A02-09 – Zoning – Site Plan – Phase 1, dated October 3, 2015; and

Exhibit A-3 – Sheet A02-30 of Site Plan entitled “Zoning-Perspective + Views from Egan Place/Floyd Street” prepared by Perkins + Will, dated October 19, 2015;

Exhibit A-4 – Solar Glare Hazard Analysis Report prepared by Nick Maynard of NRG Energy, Inc., 4900 North Scottsdale Road, Scottsdale, AZ 85250, dated November 9, 2015;

Exhibit A-5 – Solar Array Elevations prepared by Nick Maynard, undated;

Exhibit A-6 – E-mail from Nick Maynard dated December 10, 2015 transmitting updated glare studies;

Exhibit A-7 – Glare Study prepared by Nick Maynard applicable to 600 Sylvan Avenue;

Exhibit A-8 – Glare study prepared by Nick Maynard applicable to the Sylvan Avenue Perspective, dated December 10, 2015;

Exhibit A-9 – Sheet A02-21 of Site Plan entitled “Zoning-Site Sections & Elevations” prepared by Perkins + Will, dated October 19, 2015;

Exhibit A-10 – Sheet A02-11 of Site Plan entitled “Zoning-Site Plan” prepared by Perkins + Will, dated October 30, 2015;

Exhibit A-11.1– Sheet A.1 of Architectural Plans prepared by John Rom, Desman Design Management, 49 West 37th Street, New York, NY 10018, entitled “Grade Level and Second Level Plans” dated December 10, 2015;

Exhibit A-11.2– Sheet A. of Architectural Plans prepared by John Rom, entitled “Third and Fourth Level Plans” dated December 10, 2015;

Exhibit A-12 – Rendering of Parking Garage Lighting dated December 10, 2015;

Exhibit A-13 – Landscaping Plans prepared by HM White Associates, 107 Grand Street, 6th Floor, New York, NY 10013, dated October 19, 2015, consisting of seven sheets as follows:

- Sheet 1 of 7 – Landscape Key Plan;**
- Sheet 2 of 7 – Landscape Plan Enlargement – Sheet A;**
- Sheet 3 of 7 – Landscape Plan Enlargement – Sheet B;**
- Sheet 4 of 7 – Landscape Plan Enlargement – Sheet C;**
- Sheet 5 of 7 – Landscape Plan Enlargement – Sheet D;**
- Sheet 6 of 7 – Planting Details; and**
- Sheet 7 of 7 – Planting Details, Soil Profiles, Plant Schedule & Notes;**

Exhibit A-14 – Parking Table prepared by Louis Luglio, PE, 365 West Passaic Street, Rochelle Park, NJ 07662, dated December 8, 2015; and

WHEREAS, admitted into evidence without exhibits references were the following:

- **Application, dated October 20, 2015;**
- **Memorandum of Joseph H. Burgis, PP, AICP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675, to Englewood Cliffs Planning Board, dated December 3, 2015;**
- **Letter of Peter Kortright III, P.P., Principal Environmental Planner, County of Bergen, Department of Planning and Engineering, One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601, to Henry Alexander, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, dated November 23, 2015;**
- **Preliminary and Final Site Plan prepared by Kenneth D. Dykstra, P.E. & L.S., dated August 15, 2014, with latest revision October 28, 2015, unless otherwise noted and consisting of 21 sheets, as follows:**
 - **Sheet 1 of 22 – Title Sheet;**
 - **Sheet 2 of 22 – Topographic Survey Plan Overall Site, dated May 7, 2014 with latest revision October 28, 2015;**
 - **Sheet 4 of 22 – Phased Parking Garage Option dated October 28, 2015;**
 - **Sheet 5 of 22 – Solar Array Layout;**
 - **Sheet 6 of 22 – Site Layout Plan “A”;**
 - **Sheet 7 of 22 – Site Layout Plan “B”;**
 - **Sheet 8 of 22 – Site Layout Plan “C”;**
 - **Sheet 9 of 22 – Site Layout Plan “D”;**
 - **Sheet 10 of 22 – Grading & Utility Plan “A”;**
 - **Sheet 11 of 22 – Grading & Utility Plan “B”;**
 - **Sheet 12 of 22 – Grading & Utility Plan “C”;**
 - **Sheet 13 of 22 – Grading & Utility Plan “D”;**
 - **Sheet 14 of 22 – Lighting Plan;**
 - **Sheet 15 of 22 – Existing Drainage Area Map;**
 - **Sheet 16 of 22 – Proposed Drainage Area Map;**
 - **Sheet 17 of 22 – Proposed Inlet Drainage Area Map;**

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- **Sheet 18 of 22 – Soil Erosion and Sediment Control Plan;**
- **Sheet 19 of 22 – Construction Notes and Details;**
- **Sheet 20 of 22 – Construction Notes and Details;**
- **Sheet 21 of 22 – Construction Notes and Details; and**
- **Sheet 22 of 22 – Construction Notes and Details;**
- **Sheet A02-01 of Site Plan entitled “Zoning – Aerial View” prepared by Perkins + Will, dated October 15, 2015 with latest revision October 30, 2015;**
- **Sheet A02-09 of Site Plan entitled “Zoning – Site Plan – Phase 1” prepared by Perkins + Will, dated October 30, 2015;**
- **Sheet A02-19 of Site Plan entitled “Zoning – Site Section & Elevations – Phase 1” prepared by Perkins + Will, dated October 30, 2015; and**

WHEREAS, testimony in support of the application was given by Philip Grossberg, Director of the Workplace Services for North America, Conopco, Inc., 800 Sylvan Avenue, Kenneth D. Dykstra , P.E. & L.S.; Nick Maynard, NRG Energy, Inc.; Rob Goodwin, Perkins +Will; John Rom, Desman Design Management; Hank White, HM White Associates; Louis Luglio, PE; and the following persons questioned the witnesses or commented on the application: the Board’s planning consultant, Edward J. Snieckus, Jr., PP, LLA, ASLA, Burgis Associates, Inc.; Albert L. Buzetti, Esq., A. Buzzetti & Associates, LLC, 467 Sylvan Avenue on behalf of the adjoining property owner, 600 Sylvan Avenue, LLC; Ralph and Nancy Nachman, 657 Floyd Street; Jeffrey Chinman, 611 Floyd Street; Karen Geiger, 270 Albert Street; Thomas Manolio, 603 Floyd Street; Gloria Gesell, 666 Floyd Street; Linda Reiter, 611 Floyd Street; and Andrew Parmella, 657 Floyd Street; 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. On November 13, 2014, applicant was granted site plan approval with ancillary variances essentially to enclose a courtyard and construct a new front entry pavilion as part of its consolidation of sales and marketing departments, supply chain, human resources and finance personnel from 800 Sylvan Avenue into 700 Sylvan Avenue. A revised on-site parking scheme proposed

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909 spaces, of which 51 spaces were to be added to an existing 858 spaces. In the opinion of William Horgan, Unilever's Facilities Manager, the existing spaces were deemed adequate; and in the absence of proofs to the contrary, the Board concurred. The approval of this application, Application No. 241K, was memorialized on December 11, 2014.

2. The new application is to add 599 spaces, for a total of 1,508 spaces. This would have eliminated a variance for deficient parking in the previous applications. The building square footages (unchanged) require on-site parking of 1,496 spaces.¹ Previous applications offered less and variances were given on the basis that less were needed. Of the 1,508 spaces in this application, 793 were proposed to be accommodated in a five-story parking garage, to be constructed on what is now, and considered in the previous application as, surface parking. During the course of the hearings, applicant modified its proposal to reduce the garage to four stories and eliminate 191 parking spaces, for a reduced total of 1,299 spaces (combined garage and surface spaces). The Board concludes that if 908 spaces were satisfactory in 2014, 1,299 spaces are satisfactory today. It is the height of the proposed parking garage that became the focus of the Board's attention, channeled by neighborhood opposition.

The Site

3. Block 806, Lot 7 and Block 808, Lot 9 are bordered by Sylvan Avenue (Route US 9W) to the east and by Floyd Street to the west. The site is in the B-2 Limited Business Zone and is utilized for general office purposes. The site borders the R-A Residential Single Family Zone to the west and on a higher elevation, which makes the height of the proposed parking garage problematical for these neighbors to the west.

4. Lot 7 in Block 806 is the parking component to the existing two- and three-story office building on Lot 9, consisting of four wings that are interconnected by bridged walkways. The total floor area of the existing building and its four wings is 297,340 square feet.

The Development Application

¹ The number of off-street parking spaces required by Ordinance is as follows:

Proposed Office Space: 1 space for every 200 s.f. of floor area.	
(293,633 s.f.) x (1 space/200 s.f.) =	1,468.2 parking spaces required
Warehouse & Distribution: 1 space per 1,000 s.f. of floor area.	
(27,574 s.f.) x (1 space/1,000 s.f.) =	<u>27.6 parking spaces required</u>
	1,496 total required

5. The purpose of this application is to obtain amended site plan approval for the construction of a four level parking garage; to reconfigure the parking around the proposed new garage; to redesign the driveway and parking at the front entrance and in the front yard; to modify the design of the storm water management improvements; to relocate the existing "vitality trail" and locate a new crosswalk in the parking areas; and to add additional landscaping and lighting. The solar array has been adjusted to provide for the installation of solar array canopies on the parking garage. The other improvements contemplated in the 2014 Application No. 241K are still intended, including the canopy covering the courtyard between the existing building wings, the installation of the CHP Unit and EV charging stations; installation of the solar canopies and solar arrays on the rooftops of the buildings, covered walkways and parking areas; construction of the entry pavilion access drives and parking in the front of the building; construction of the additional parking spaces and restriping of the compact car spaces; and installation of the illuminated sign.

The Variances

6. The prior applications resulted in the variances and design waivers footnoted below.² Unless contradicted herein, or invalidated by any other law, those approvals remain.

² Applicant previously received the following variances and waivers:

- The minimum number of required parking spaces is 1,496 (for the existing building, and proposed addition as required by the Zoning Ordinance, Schedule B, (Section 30-10.1) for "Business and Professional Office" (one space per 200 s.f. of floor area plus 1 space per 1000 s.f. for Warehouse & Distribution plus 1 space per 200s.f. for Office). Proposed spaces are 908 including 22 handicap accessible spaces and 12 electric charge station spaces. A variance was approved in the Board's December 11, 2014 Resolution.
- The existing parking spaces are undersized. According to Section 30-10.2.a, the required minimum parking stall dimension is 9 ft. by 19 ft. The dimensions of the 50 proposed new parking spaces are 9 ft. by 18 ft. and therefore undersized. The Applicant also proposes to restripe a portion of the existing parking lot to create 110 compact car spaces which are proposed at 8 ft. by 18 ft. A variance was approved in the Board's December 11, 2014 Resolution.
- The existing aisle width in the parking areas is 24 feet. According to Section 30-10.2.b, the required minimum width is 25 feet for visitor parking. The Applicant indicates this is an existing non conformity. However, two (2) new aisles are proposed through the parking modules at the northwest section of the site. Drawing No. 8 of 22 dimensions these "cut-through" aisles as 12 ft. wide. A variance was approved in the Board's December 11, 2014 Resolution.
- Applicant received parking variances from the required number of spaces by Resolution No. 209K adopted on July 10, 2008 and Resolution No. 214K adopted on June 10, 2010.

7. A new component of this application is the parking structure; and a threshold question is whether the parking structure requires a "use" variance under N.J.S.A. 40:55D-70d(1), in light of Code Section 30-7.2.a.5 which states: "No accessory building shall be constructed for parking garages in the B-1, B-2, B-3 and B-4 zones." Similarly, a threshold question is whether the parking structure requires a "use" variance under N.J.S.A. 40:55D-70d(6) because Code Section 30-7.2.c imposes a maximum height limitation on accessory buildings of one story and 14 feet. On the basis of testimony from applicant's planner, Mr. Dykstra, and the Board's consultant, Mr. Snieckus, the Board concluded that "use" variances were not required. The operative statute, N.J.S.A. 40:55D-70d(1) and d(6) empowers relates only to principal structures, not accessory structures. The Board concludes, and the applicant concurs, that the parking is accessory to the office building it adjoins, albeit on a separate tax lot, and thus it is an accessory structure and not a principal structure.

8. This does not obviate the need for variances from the prohibition of parking garages structures as prohibited accessory structures (Code Section 30-7.2.a.5) or accessory structures in excess of one story and 14 feet (Code Section 30-7.2.c). The approach outlined in *Engleside at W. Condo. Ass'n v. Land Use Bd. of Borough of Beach Haven*, 301 N.J. Super. 628 (Law Div. 1997) is the preferred method of ensuring the highest protection of the public interest, to wit: to require a subsection "c" (N.J.S.A. 40:55D-70c) analysis. Since our law favors the ultimate elimination of nonconforming structures and uses, any effort to the contrary should be scrutinized. *Engleside at W. Condo. Ass'n v. Land Use Bd. of Borough of Beach Haven*, supra, 301 N.J. Super. at 636. It balances the rights of the applicant to enjoy the benefits of land

- Section 30-10.1(i) of the Code prohibits parking within the required front yard. This is an existing non-conformity as both the northeasterly and southeasterly lots contain parking spaces in the front yard between the front line of the lot and the nearest point of the building. Also new angled parking spaces are proposed in the front yard near Buildings "A" and "B". A variance was approved in the Board's December 11, 2014 Resolution.
- Schedule B of Section 30-10.1 of the Code requires three (3) loading dock spaces for floor space up to 100,000 s.f. plus one (1) space for each additional 60,000 s.f. The Applicant indicates seven (7) loading dock spaces are required and two (2) spaces exist. A variance was approved in the Board's December 11, 2014 Resolution.
- Applicant requested a variance from Sections 19-15(b) (2) which states "Signs attached to and parallel to buildings shall not exceed 32 s.f. of total sign area and in no event shall exceed four (4) feet in height or 16 feet in length" and 19-13(e) which prohibits the erection of any illuminated sign. A variance was approved in the Board's December 11, 2014 Resolution.

ownership with the rights of the public to benefit from a zoning environment that discourages nonconforming or prohibited structures under municipal ordinances, notwithstanding the fact that use or structure is an accessory use or accessory structure.

9. Both applicant's planner, Mr. Dykstra, and the Board's consulting planner, Mr. Snieckus, concur that "c" variance relief is required. Accordingly, *N.J.S.A. 40:55D-70c* provides two approaches, commonly referred to as the "physical features" or c(1) test and the "public benefits" or c(2) test. The Board concludes that the "public benefits" test is satisfied in the following particulars:

- The parking structure offers more on-site spaces than surface parking alone could ever approximate – 602 garage spaces in the garage, added to 697 surface spaces, for a total of 1,299 spaces. The previous application, without a parking garage, totaled 908 spaces. The zoning requirement is 1,496 spaces, so there is still a deficiency, but much less.
- The Board and the planning expertise in this application are constrained to justify the prohibition of parking structures in a campus setting of 23.373 acres.
- The Borough has been able to stabilize its tax base with major development in the B-2 Zone along Sylvan Avenue and remains steadfast in encouraging its full utilization, in the modern, campus settings that continue to attract national and international corporate headquarters. The Board seeks by this approval to encourage a further investment of Unilever/Conopco in its Englewood Cliffs' properties.

10. As to the negative criteria of *N.J.S.A. 40:55D-70*:

- To achieve the same number of 1,299 spaces would have required encroaching upon mandated buffers. There will be an increase in total impervious area of approximately 10,000 s.f. more than the plan approved by the Resolution adopted December 11, 2014, for a total increase of 53,600 s.f., or an increase of only 5.2%, and it is not much different than the previous application as the garage will sit upon what was the parking lot.
- The garage is accessory to office building components of three (3) and four levels or stories, and thus the garage structure blends into a harmonious and appropriate setting.
- The reduction in the garage's height, from five (5) stories to four (4) stories is a reduction of eleven (11) feet. Nevertheless, the comparative height of homes to the west, abutting Floyd Street, more particularly the four homesites closest to

the proposed parking structure (225 feet at the closest point), require applicant to minimize the exposure rooftop illumination and the glare of car headlights on all levels. Applicant has done so in several ways:

- The roof mounted solar panels will be tilted to minimize exposure to points west of the site.
- Garage lighting fixtures will be shielded and focused downward to lessen off-site impacts. In addition, after a stated time period all lighting will be automatically shut down. When, as and if the garage is used after hours, motion sensors will activate the lighting to accommodate safe passage within and from the garage.
- The westerly façade will have live plantings (Boston ivy or equivalent on vinyl panels), as well as parapet walls designed to screen vehicle headlights. The "green" wall panels will be fully grown on the westerly façade in three to five years. It will be irrigated and subject to a maintenance guaranty.
- There will be an enhanced landscape buffer on the western edge, designed to screen the site from adjoining homes. In addition, applicant has agreed to enhance the landscape plantings on the four homes to the west of the parking garage with reasonably additional plantings, in consultation with those homeowners. Accordingly, landscape specialists at Burgis Associates will meet with applicant's landscape architect to prepare enhanced landscape plans. Once drawn, it will be circulated to those homeowners and those homeowners will be given the opportunity to comment on the plan. Including the plantings proposed on their homesites. To the extent there is a failure of consensus, Burgis Associates shall have the final authority to recommend a final plan or require applicant to return to the Planning Board for a final decision as to such landscaping, on notice to property owners within 200 feet. The resulting landscape plan shall be filed with the Board as an amended landscape plan. Any new plantings shall be supported by maintenance guarantees, to the limits allowed by the Municipal Land Use Law, also to be referenced in a Developer's Agreement by and between the Borough, the Planning Board and the applicant.

11. This amended site plan requires the following additional variances and design

waivers:

- The aisle width in the 90° visitor parking areas is twenty-four feet, and twenty-five feet is required under Code Section 30-10.2 (b).

CATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 308
HACKENSACK, N.J.
07601-7407

- As shown on the site plan, a portion of the proposed new parking spaces are located between the front of the building and the street and not within the sixty-foot front yard setback required by Code Section 30-10.1 (i).
- The parking spaces in the proposed parking garage are 9' by 18' and therefore undersized as per Code Section 30-10.2 (a).

11. Under the "public benefits" criteria of *N.J.S.A. 40:55D-70(c)(2)* the equities favoring the minor variances set forth above outweigh any detriments.

Site Plan Considerations

12. **Retaining walls.** Any retaining wall in excess of four (4) feet of exposed height shall require submission of stability calculations for review. Any retaining wall in excess of four (4) feet will require certification by a licensed New Jersey professional engineer.

13. **Public safety.** The emergency access drive from Sylvan Avenue will be constructed of pavers masked by grass. Note 18 on Site Plan Sheet 1 of 22 states "The proposed fifteen (15) foot wide access drive for emergency purposes from Sylvan Avenue has been shown based on the request of the Englewood Cliffs Fire Chief and Fire Official. Applicant shall not be required to construct this access drive if NJDOT objects to this direct access from Sylvan Avenue (Route 9W)."

14. **Stormwater management.** It shall be subject to review and approval by the Board's consulting engineer. Applicant has stipulated that engineering review and acceptance are required prior to the issuance of any building permit, including modifications to the site approved in 2014. Applicant will be voluntarily providing a contribution fee of \$1 per square foot of additional impervious area, i.e. \$53,600 to the Borough's Stormwater Capital Improvement Fund.

15. **Noise review.** A proposed screened 200 kW gas engine CHP unit was proposed and approved at the northwest corner of Building "D". Noise prohibitions and sound levels are part of Code Chapter BH: VI Noise and fall under the purview of the Board of Health. Applicant previously stipulated to sound testing during the 241K Application. Sound testing shall be provided prior to Certificate of Occupancy and be in conformance to Board of Health requirements.

16. **Surface parking repairs.** The concrete permeable parking lot surfaces exhibit significant scaling. Applicant previously stipulated to this repair/restoration during the 241K application.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs that this amended development application be approved, subject to the following conditions:

CONDITIONS SPECIFIC TO THE AMENDED APPLICATION

A. Applicant's voluntary contribution fee to the Borough's Stormwater Capital Improvement Fund shall be increased from \$43,900 to \$53,600, reflecting an increase in impervious surfaces in the amended site plan (calculated at \$1 per square foot of additional impervious area), to be paid prior to the issuance of a certificate of occupancy.

B. The roof mounted solar panels will be tilted to minimize exposure to points west of the site.

C. Garage lighting fixtures will be shielded and focused downward to lessen off-site impacts. In addition, after a stated time period all lighting will be automatically shut down at 10:00 pm. When, as and if the garage is used after hours, motion sensors will activate the lighting to accommodate safe passage within and from the garage.

D. The westerly façade will have live plantings (Boston or English Ivy or their equivalent, on vinyl panels), as well as parapet walls of 3 feet, 8 inches in height, which are designed to screen vehicle headlights. The "green" wall panels will be fully grown in on the westerly façade in three to five years, and it will be irrigated and subject to a maintenance guaranty.

E. There will be an enhanced landscape buffer on the western edge, designed to screen the site from the four homes to the west of the parking garage. In addition, applicant shall enhance the landscape plantings of these four homes to the west of the parking garage with reasonably appropriate additional plantings, in consultation with those homeowners. Accordingly, landscape specialists at Burgis Associates will meet with applicant's landscape architect to prepare enhanced landscape plans. Once drawn, it will be circulated to these four adjacent homeowners and the homeowners will be given the opportunity to comment on the plan, including the plantings proposed on their homesites. To the extent there is a failure of consensus, Burgis Associates shall have the final authority to recommend a final plan or to

require applicant to return to the Planning Board for a final decision as to such landscaping, on notice to property owners within 200 feet. The resulting landscape plan shall be filed with the Board as an amended landscape plan. Any new plantings shall be supported by maintenance guarantees, to the limits allowed by the Municipal Land Use Law, also to be referenced in a Developer's Agreement by and between the Borough, the Planning Board and the applicant.

F. Applicant shall enter into a Developer's Agreement by and between the Borough, the Planning Board and the applicant.

G. Applicant shall file a revised Site Plan reflecting all final modifications and it shall be a condition precedent to the issuance of any building permit for the proposed improvements.

H. To the extent they are not inconsistent herewith, the conditions set forth in prior approvals are hereby ratified and confirmed.

GENERAL CONDITIONS

I. 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.

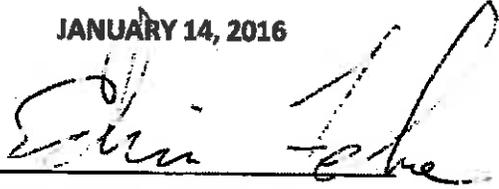
J. The action of the Planning Board in approving this application shall not relieve the applicant of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals and agencies, accept any responsibility for design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

MOTION BY:	MR. FEHRE
SECONDED BY:	MR. SURACE
IN FAVOR:	MR. FEHRE, MR. SURACE, MR. K. KIM and MR. S. KIM
ABSTAINED:	MS. OH

KATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
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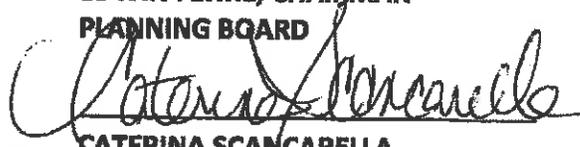
DATE APPLICATION APPROVED: DECEMBER 10, 2015

DATE RESOLUTION APPROVED: JANUARY 14, 2016



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

Attest:



**CATERINA SCANCARELLA
PLANNING BOARD SECRETARY**

**KATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 308
HACKENSACK, N.J.
07601-7407**



VIA EMAIL

December 4, 2015

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Plot Plan Review and
Revised Application Submission
Raffi and Denise M. Civan
560 Floyd Street
Block 609, Lot 10
Our File No. ECES-1391
ECPB Application No. 251K

Dear Ms. Scancarella:

Boswell McClave Engineering (Boswell) is in receipt of copies of the following documents:

- a. Letter dated November 24, 2015 by Applicant's Attorney, Saverio V. Cereste transmitting revised Site and Architectural plans for reconsideration.
- b. Engineering Plan Set (2 sheets) entitled, "560 Floyd Street, Lot 10, Block 609 situated in the Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Mark S. Martins, P.E. & L.S., of Mark Martins Engineering, LLC, dated April 30, 2015 last revised November 10, 2015 consisting of the following drawings:
 - Sheet 1 of 2, Site Plan
 - Soil Erosion Plan/Details
- c. Architectural Plan Set (2 sheets) entitled, "Proposed One Family Residence, 560 Floyd Street, Englewood Cliffs, New Jersey," as prepared by Marios Lachanaris, Architect, LLC, dated November 4, 2015.

Boswell previously received the following documents:

- d. Planning Board, Borough of Englewood Cliffs, Application Form dated August 13, 2015 inclusive of an Addendum and Impact and Evaluation Statement [containing Exhibit A - Photographs of Property] prepared by the Applicant's Attorney, Saverio V. Cereste. Also

attached are Certification of Taxes paid, Authorization and Consent to inspect the premises and Certifications on Restrictions and Covenants.

- e. Drainage Calculations as prepared by Mark S. Martins, P.E. & L.S dated May 1, 2015.

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

General

1. The Applicant/Owner in this matter is:

Raffi and Denise M. Civan
560 Floyd Street
Englewood Cliffs, New Jersey 07632

The Applicant should notify the Board of any change in the above mentioned information.

2. Block 609, Lot 10 (the "Site") is a corner lot located on the northwesterly intersection of Floyd Street and Demarest Avenue. The Applicant seeks to demolish an existing one (1) story ranch style dwelling and construct a new 2 ½ story single family dwelling with a permeable paver driveway fronting Floyd Street, an entry porch, a paver patio in the rear yard and Keystone retaining walls along the northwesterly property line and at both sides of the driveway. Also proposed are stormwater management improvements.

Boswell deems the application complete from an engineering perspective and further notes this application is for reconsideration as granted by the Board at their November 12, 2015 meeting. The original application was denied at the October 8, 2015 meeting.

Land Use

3. The property is located, in the R-A Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.

Variances and Waivers

4. According to the application, the following variances are required and the Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:
 - a. Minimum Lot Area: §30-6.1 – Schedule A requires a lot area of 10,000 sq. ft. An existing non-conformity of 7,787 sq. ft. is the existing and proposed area.
 - b. Minimum Lot Width: §30-6.1 – Schedule A requires a lot width of 100 feet. An existing non-conformity of 49.26 feet is the existing and proposed width.
 - c. Minimum Corner Side Yard: §30-6.1 – Schedule A requires a 15 feet corner side yard setback. The Site Plan indicates a proposed corner side yard setback of 10.1 feet to the building.

- d. Minimum Side Yard – One Side: §30-6.1 – Schedule A requires a 10 feet side yard (one side) setback. The Site Plan indicates a proposed side yard setback (one side) of 7.0 feet.

Stormwater Management

5. We take no exception to the previously submitted drainage calculations.
6. Should the Planning Board look favorably upon this application, a soil log and percolation test shall be performed at the exact locations of the proposed stormwater management structures to substantiate the soils acceptance of such a system and to determine the elevation of groundwater and rock.
7. The installation of the stormwater management facility shall not be allowed to commence until this office has received and reviewed the aforementioned tests for acceptance. A note to this effect should be indicated on a revised plan.
8. The Applicant shall contact this office or the Building Department at least 48 hours prior to the installation of the seepage pits in order for this office to schedule the inspection of same. No Certificate of Approval shall be issued unless this office has inspected and accepted the drainage system. A note to this effect should be indicated on a revised plan.
9. No drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
10. Sump pumps are not indicated on the Architectural or Site Plans. Please provide testimony confirming whether sump pumps are or are not proposed.

Additional Comments

11. Should the Board look favorably upon this application, Soil Moving Calculations shall be provided.
12. In accordance with Section 30-7.15 of the Borough Code, any demolition activity of one or more structures and/or any new disturbance activity involving more than 5,000 square feet of area within the site, including the construction of one single-family dwelling or other project, the Applicant should contact the Bergen County Soil Conservation District (BCSCD) for their review of the application and obtain a Soil Erosion and Sediment Control Plan Certification.
13. Soil erosion control measures shall be maintained throughout the course of construction.
14. According to the engineering drawings, five (5) trees are indicated for removal and no shade trees are proposed. The Borough's Shade Tree and Environmental Commissions shall review/comment with regard to this plan. Their review is required to ensure that any removal of selected trees and the preservation of trees to remain are in accordance with the Borough Code. Four of the five trees proposed for removal are within the building and driveway footprint. One of the five trees proposed for removal is along the northerly property border.

15. The Applicant is reminded the proposed rear yard patio cannot exceed six (6) inches above the surrounding grade. In the event the patio elevation exceeds 6 inches above surrounding grade the building coverage calculations are affected.
16. The installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
17. In the event the existing sanitary sewer connection is to be utilized, the Borough requires video inspections of the existing sanitary lines to ensure the adequacy of the line. As noted on the plans, the applicant shall provide a DVD of the video inspection of the sanitary line to the Superintendent of Public Works prior to Certificate of Occupancy. Also, all connections shall be discussed with the DPW Superintendent for his concurrence. A note to this effect is included on the engineering drawing.
18. The plan indicates the applicant is responsible for the replacement of all curbing along the property frontage. All necessary curb replacement and damaged paving shall be installed to the satisfaction of the Superintendent of Public Works.
19. The Applicant shall undertake, at the time of foundation completion, a foundation location survey inclusive of setback dimensions and top of "Block" elevation which shall be submitted to the Borough for review. A note to this effect should be indicated on a revised plan.
20. The Applicant shall survey the Roof Ridge Elevation upon completion of framing. Compliance verification with the allowable roof ridge elevation is required prior to commencement of roof sheathing. A note to this effect should be indicated on a revised plan.
21. Building height certification shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Occupancy. A note to this effect should be indicated on a revised plan.
22. An As-Built Survey shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Occupancy. A note to this effect should be indicated on a revised plan.
23. The engineering drawing depicts a 4 ft. high maximum 'Keystone' retaining wall being proposed along the driveway and a 3 ft. high maximum 'Keystone' retaining wall along the northerly property line. The Applicant shall be made aware of the following:
 - All retaining walls greater than four feet (4 ft.) in exposed height require retaining wall stability calculations to be provided by a Professional Engineer licensed in the State of New Jersey, signed and sealed, for the Municipality's review and approval prior to construction.
 - All retaining walls greater than four feet (4 ft.) constructed on-site will require a certification of a licensed Professional Engineer that he/she has provided on-site inspection during the wall construction, proper methods were utilized in the construction, the wall has been constructed in accordance with the approved design drawings, the wall has been properly stabilized and the wall will be adequate for the intended purpose.

Inspecting engineers must also certify appropriate batter, heights, and locations have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Municipal Engineer.

24. The Applicant shall review the proposed location of the generator with the Construction Code Official.
25. The Board may wish to review the need for landscaping screening around the generator and AC units.
26. The Board may wish to seek comment from the Englewood Cliffs Police Department on the proximity of the new driveway curb cut fronting on Floyd Street to the intersection with Demarest Avenue.
27. The original April 30, 2015 site plan indicated a covered front porch. The November 10, 2015 site plan no longer identifies a covered porch. The Architectural Plans for the porch area of the front elevation do not appear different from the original submission. Please provide testimony.
28. 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

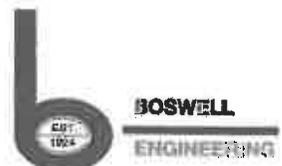


Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville, via email
Chief Michael Cioffi, via email – Note item 26
Ed Fehre, via email
Michael B. Kates, Esq., via fax & e-mail
Raffi and Denise M. Civan
Mark Martins Engineering, LLC
Marios Lachanaris, Architect, LLC
Saverio V. Cereste, Esq., via email
John Englese

151204AMGL1.doc





VIA EMAIL

December 28, 2015

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan Review
Lighthouse Realty E.C. LLC
922 Sylvan Avenue
Block 1202, Lot 2
Our File No. ECES-1398
Planning Board Application No. 255K

Dear Ms. Scancarella:

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

- A. Application to Englewood Cliffs Planning Board, dated November 2, 2015.
- B. Site Plan set (24 sheets) entitled, "922 Sylvan Avenue (Route 9W – Mile Post 6.32), Block 1202, Lot 2, Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Anthony Kurus, P.E., P.P. of Neglia Engineering Associates, dated September 30, 2015, last revised October 5, 2015 (unless otherwise noted), and consisting of the following:

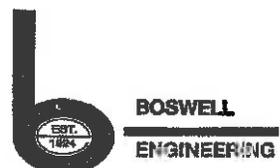
<u>Sheet No.</u>	<u>Description</u>
1.00	Cover Sheet/Key Map
2.00	Site Clearing and Tree Removal Plan
3.00	Site Plan & NJDOT Dimensions Exhibit, revised through 12/2/15
4.00	Grading and Drainage Plan
5.00	Site Utility
6.00	Landscape Plan, Notes and Details
7.00	Lighting Plan
8.00	Soil Erosion and Sediment Control Plan
9.00	Sanitary Sewer Profile and Construction Details
9.01 – 9.07	Construction Details

- 10.00 NJDOT Traffic Control Details, dated September 25, 2015 and revised through October 5, 2015
 - 10.01 NJDOT Traffic Control Plans, dated September 25, 2015 and revised through October 5, 2015
 - 10.02 NJDOT 500 Ft. Exhibit, dated September 25, 2015 and revised through October 5, 2015
 - 10.03 NJDOT Signing & Striping Plan, dated September 25, 2015 and revised through October 5, 2015
- C. Survey set (3 sheets) entitled, "922 Sylvan Avenue, Lot 2, Block 1202, Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Richard F. Dybus, P.L.S., of Neglia Engineering Associates, dated October 9, 2014, last revised 9/17/15 (unless otherwise noted), and consisting of the following
- 1 of 3 Boundary & Topographic Survey
 - 2 of 3 Tree Location Plan dated October 9, 2014
 - 3 of 3 Tree Location Table dated October 9, 2014
- D. Architectural Plan set (5 Sheets) entitled, "922 Sylvan Avenue, Englewood Cliffs, New Jersey, Proposed Office Building" prepared by Raymond J. Virgona, R.A., of Virgona + Virgona Architects|Planners, dated October 8, 2015, and consisting of the following:
- | <u>Sheet No.</u> | <u>Description</u> |
|------------------|--------------------|
| A-1 | Elevations |
| A-2 | Elevations |
| A-3 | Grand Floor Plan |
| A-4 | First Floor Plan |
| A-5 | Second Floor Plan |
- d. Drainage Report entitled, "Drainage Calculations for 922 Sylvan Avenue, Borough of Englewood Cliffs, Bergen County, NJ," as prepared Anthony Kurus, P.E., of Neglia Engineering Associates, dated September 30, 2015.
- e. Maintenance Report entitled, "Stormwater Maintenance Manual for 922 Sylvan Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," prepared by Anthony Kurus, P.E., of Neglia Engineering Associates, dated October 5, 2015.

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

General

1. The Applicant in this matter is:
Lighthouse E.C. LLC, Attn: Michael Kessel



707 Palisade Avenue, 2nd Floor
Englewood Cliffs, New Jersey 07632

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

2. The Owner in this matter is:

Alfiero & Lucia Palestroni Foundation, Inc.
333 Sylvan Avenue
Englewood Cliffs, NJ 07632

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

3. Block 1202, Lot 2 (the "Site") is a corner lot located in the B2 Limited Zoning District on the northeastern corner of the intersection of Sylvan Avenue and Sage Road and extends the full block toward the west with frontage on Johnson Avenue. The Site is an undeveloped wooded lot with over 1,500 trees, 81,429 sf of wetlands and a State Open Water Way.
4. The Applicant is seeking Site plan approval with variances and waivers in order to permit the construction of a 31,833± sf two (2) story office building with parking below along with surface parking, and improvements including stormwater management, landscaping, and lighting. Also, proposed is a two-way ingress/egress access to Sylvan Avenue (Route U.S. 9W). The proposed use is an office building.
5. The Applicant is seeking approval of variances and waivers from Section 30-7-10.2 of the Zoning Ordinance of the Borough of Englewood Cliffs in order to permit 9' x 19' parking spaces throughout the parking lot and 8.5' x 19' parking spaces beneath the building at column locations as shown and to provide 128 parking spaces while the Englewood Cliffs Ordinance requires 160 spaces pursuant to Schedule B.

Submission Status

6. This Application submittal will be 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 once the Applicant completes the checklist as required.

Land Use

7. Business offices, professional offices, governmental and corporate offices are permitted uses within the B-2 Zone.

Variances/Nonconformities

8. The property contains existing nonconformities and the Applicant is requesting variances summarized as follows:

- a. Parking Space Size (§30-10.2.a): 9' x 19' required. According to the Zoning Table depicted on Sheet No. 3.00, the Applicant is proposing 9' x 19' parking spaces along the parking lot perimeter and 8.5' x 19' parking spaces beneath the building at the columns. In review of the Site Plan depicted on Sheet No. 3.00, the Applicant depicts 9' x 18' parking spaces along the parking lot perimeter. Furthermore, Sheet No. 10.03 depicts 9' x 19' parking spaces along the parking lot perimeter. In any event, the Applicant requires a parking space size variance. The Applicant shall also provide testimony with regard to the aforementioned discrepancies. The Applicant shall make the required corrections and place additional parking space size length and width dimensions on a revised set of drawings. **Please provide testimony with regard to this matter.**
- b. Drive Aisle Width (§30-10.2.b): 25' required. The Applicant is proposing 24' wide drive aisles along the parking lot perimeter and requires a variance for this item. The Applicant shall provide additional drive aisle dimension for the parking area located beneath the building. **Please provide testimony with regard to this matter.**
- c. Parking Space Requirement (§30-10.3. (Schedule B)): 160 parking spaces required. The Applicant is proposing 122 parking spaces. Therefore a variance is required. **Please provide testimony with regard to this matter.**

Off-Street Parking & Various Jurisdictional Requirements

9. The number of off-street parking spaces required is as follows:
 - a. Business and Professional Office Use: 1 parking space for 200 square feet
Accordingly, $31,833 \pm \text{ sf} / 200 \text{ sf} = 160$ required parking spaces and 122 spaces provided.
 - b. The accessible parking spaces must be in conformance to the ADA Guidelines inclusive of striping and signage. The Applicant is proposing five (5) Barrier Free Parking Spaces. According to the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG), the number of Barrier Free Parking spaces required for parking lots between 101 and 150 total parking spaces is five (5) accessible parking spaces of which one (1) is a Van Accessible Parking Space. The Applicant shall coordinate with the Construction Code Official as to the location of the Van accessible ADA parking space and note same on a revised drawing. **Please provide testimony with regard to this matter.**
10. The Applicant shall submit truck circulation plans to confirm a garbage truck can adequately access the garbage dumpster and a fire truck can access the site and building. The Applicant shall also provide testimony with regard to this matter. The Fire Department should review and comment. We recommend that the Fire Official be requested to review the proposed Truck Circulation Plan for review and comment.

11. In a letter from George Drimones, Fire Chief and Joseph Cardullo, Fire Official to the Englewood Cliffs Planning Board dated November 16, 2015, the following items were noted:
- a. The Fire Department objects to the use of the street number as 922. The Fire Department suggests that an even number should be used above 940 and below 1000 Sylvan Avenue.
 - b. Fire Department approval would be based upon a fully sprinklered building due to lack of fire department accessibility around the perimeter of the building.
 - c. A free standing FDC (Fire Department Sprinkler Connection) would be required to be located on the lawn off of Sylvan Avenue with its location based upon fire department approval.

Stormwater Management

12. Boswell's Hydrology Department has reviewed the application submittals and offers the following comments on drainage and stormwater management elements of the project:
- a. Runoff calculations for the existing and proposed conditions are prepared based on the entire site area, of which 4.14 acres remain undisturbed. The calculations should be provided for the area to be disturbed by the project which is 2± acres. This will not only simplify the calculations greatly, but will also allow a more clear comparison between the existing and proposed peak runoff discharged from the project area.

Specifically, runoff calculations for areas EDA2 and PR DA2 and the composite runoff should be removed from the report.
 - b. A copy of soils map of the site, together with soils name is included with the Johnson's Soils report. For clarity, this information should be moved to the runoff calculations section.
 - c. The outlet structure includes a 2.7" orifice at elevation 398.0' a 34" wide by a 2.5" high slot at elev. 399.75', and a 4' long overflow weir at elevation 401.15'. It is to be noted that 2.7" orifice is highly vulnerable to clogging and since hidden underground, it can be left undetected. Thus, the basin may be half full when a storm event occurs.

Considering functionality and maintenance, we recommend using a 6" orifice as the smallest opening in any underground detention basin. The outlet structure should be modified accordingly. Also another 6"± orifice may be substituted for the proposed 2.5" x 34" opening.
 - d. The void volume in the underground stone trench is calculated using 3.0' depth (see attached). The calculations should be revised accounting for the stone base, the pipe thickness and stone cover, if any. Note that the neglecting any stone cover, the stone thickness would be 4' (6" stone base + 42" outer diameter of the 36" HDPE).

Also the ADS Table 6-2 in the detention storage section of the report should be updated (see attached).

- e. The thickness of stone base should be specified as 6" rather than 3" to 6", on the Typical Trench Detail on Sheet 9.05.
- f. The project proposes excessive number of inlets and manholes. Inlets #1 and #3 can be eliminated through a small regrading. Likewise manholes #3 and #4 can be eliminated via connecting inlet #1 to inlet #9 directly. In fact, the Site Plan tends to imply that inlet #9 is located on the garage floor beneath the building. As such, it will not receive any runoff. This inlet and manholes #4 and #3, and their interconnecting pipes may be removed altogether.
- g. Runoff calculations for the tributary area to the detention basin are performed separating the pervious and impervious surfaces. This procedure is only applicable where the runoff from pavements alone is conveyed by inlets while the runoff from pervious surfaces flows overland and enters directly into the basin. In this project where the runoff from lawn and pavements both enter the inlets, the runoff calculations should be revised based on a composite soil curve number.
- h. The proposed water treatment device is located past the underground detention basin. As such, the silt, leaves, grass needles and other impurities get partly trapped at the basin. To avoid premature clogging of the detention basin, we suggest that filters, such as, Flo-Gard + Plus or the like are inserted at all of the inlets. See also comments 10 and 11.
- i. Groundwater recharge calculations are inconsistent with the plans. Specifically, the calculations assume that all of the impervious surfaces are routed through the recharge basin on the east side of the lot. On the contrary, the runoff from all of the impervious covers is routed through the underground detention basin. This discrepancy should be reconciled. See also the next comment.
- j. If the underground detention basin is not used for groundwater recharge, then solid pipes may be substituted for the proposed perforated pipes in the stone trench. This will eliminate the need for any inlet filter and eases the maintenance. See also the next comment.
- k. Filterra bio-retention basins (inlets) may be substituted for the proposed inlets. Since Filterra is approved for 80% TSS removal by the NJDEP, the suggested modification will eliminate the use of JellyFish altogether.
- l. Soil logs and percolation tests should be performed at the location of the proposed underground detention basin. Test results should be furnished to the Borough. Also, this office should be notified when testing is scheduled. A minimum of two (2) work days notice is required. Note that the Johnson's Soils report does not provide any information on soil permeability.

- m. The wetlands buffer area disturbance and the compensation area shown on Sheet 3.00 do not indicate that the project will fully compensate for the area of disturbance. Also the notes on wetlands which are duplicated on Sheets 2, 3, 4 and 5 of the plan do not indicate if a wetland transition area averaging plan has been submitted to the NJDEP. It should be verified if an application for wetlands transition area averaging plan is going to be filed with the NJDEP.
- n. Calculations for the outflow pipe from the detention basin are performed based on the 25 year discharge from the basin. The calculations should be revised based on the 100 year storm which is the design criteria for the detention basin. Also the calculated parameters should be expressed to the 2nd decimal place, rather than 9 decimal places.
- o. Pipe sizing calculations, labeled "Storm Sewer Tabulation" implies that a number of the proposed pipes are oversized. A 12" pipe provides ample capacity to convey the 25 year discharge and may be substituted for the proposed 15" pipes for the following pipe reaches:
 - 1) Inlet #6 to Inlet #5 to MH #2
 - 2) Inlet #1 to Inlet #2 to MH #1
 - 3) Inlet #4 to Inlet #3
- p. A full size drainage area map of inlets should be submitted. The map enclosed in the report is not fully legible
- q. The Stormwater Maintenance Manual should be revised as follows:
 - 1) The address, phone number and email of the Lighthouse Realty which is noted to be responsible for maintenance should be provided.
 - 2) The plans do not show any trench drain. The item rear yard trench drain should be deleted from the Maintenance Inspection on Sheet 5.
 - 3) Removal of sediment from the perforated pipes and the stone trench in the underground detention basin should be elaborated in Section E.
 - 4) Maintenance of conveyance system is not relevant to the detention system; it is duplicated and should be removed from Section E.
 - 5) The manufacturer's maintenance procedure for JellyFish should be substituted for the "Maintenance of Water Quality Units", in Section F.
- r. The NSPS should be removed from the report. Due to court cases it has been thrown out by the NJDEP.

13. No drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
14. The Applicant is reminded the property owners are responsible for maintenance of the stormwater management facilities at least twice annually, as well as, after every major storm event.
15. The Applicant should be aware that a contribution for the Borough's Stormwater Capital Improvements Project is suggested for the additional impervious area.
16. The Applicant shall provide testimony to the conformance to the Borough's Stormwater/Green Committee the use of various "Stormwater/Green" design elements such as cisterns, rain gardens, green roofs, etc. The Applicant should be aware that a contribution for the Borough's Stormwater Capital Improvement projects has historically been calculated at a \$1.00 per square foot of additional impervious cover.

Landscaping

17. The Landscape Plan has been reviewed by our certified landscape designer. Our comments follow:
 - a. Fallen trees and debris within the site shall be cleaned up to the satisfaction of the Environmental and Shade Tree Commissions.
 - b. We suggest a three (3) year maintenance bond for the tree and shrub plantings.
 - c. The Board may wish to seek comment from the Environmental and Shade Tree Commissions.

Traffic

18. The northbound left turn lane on Sylvan Avenue at the main driveway should be made longer to facilitate northbound motorists slowing up just beyond the traffic signal at Sage Road. This will permit them to leave the through lane of traffic more rapidly and facilitate their braking, reducing the likelihood of a rear end accident. The lane is shown to be 75 feet in length with the three left turn arrows spaced 25 feet apart. I would recommend a turning lane at least 125 feet long with the three left arrows spaced 50 feet apart.
19. Right turn arrows and lane use signs should be added to the southbound right turn lane, since it is an exclusive lane
20. Boswell suggests that the curb return on the southwest corner of the driveway be increased from the 13 feet shown on the plan to at least 20 feet to facilitate motorists turning right out of the driveway.
21. There is an 'old style' breakaway cable terminal on the north end of the existing guiderail that will become much more vulnerable now that the southbound deceleration lane is being

constructed. Boswell recommends that the Applicant contact the NJ Department of Transportation and arrange for the end treatment to be upgraded to current end treatment standards.

Site Plan

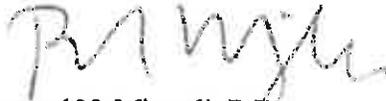
22. Soil movement calculations should be provided.
23. The handicapped ramps located along Sylvan Avenue are proposed to be replaced conforming, as required. Design Engineer certification will be required prior to Certificate of Occupancy.
24. All utility piping (sanitary, storm, domestic water, fire, water, and gas) will be connected in the existing mains located in Johnson Avenue.
25. The installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance. A note to this effect shall be added on a revised set of drawings.
26. The New Jersey Department of Transportation shall review these drawings and the Applicant shall receive comments from the jurisdictional agency or a Letter of No Interest since Sylvan Avenue is a State highway.
27. The applicant shall be prepared to provide testimony regarding proposed signage onsite including conformance to Borough Code requirements.
28. A total of 460 trees between 2" and 26" caliper are being proposed to be removed from the site. The Applicant shall review this matter with the Environmental and Shade Tree Commissions.
29. The Applicant should provide testimony regarding existing/proposed lighting in this area (Chapter 30-9.4k). The Applicant is reminded, all lights directly facing a neighboring property or public roadway shall be shielded. Boswell's review of site lighting will be submitted under separate cover.
30. The Applicant shall be aware that soil erosion control measures must be maintained throughout construction.
31. 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 Occupancy.
32. Should the Planning Board look favorably upon this application, we suggest a Developer's Agreement be executed between the Applicant and the Borough of Englewood Cliffs.
33. Any other issues the Planning Board deems necessary.

Borough of Englewood Cliffs
December 28, 2015
Page 10 of 10

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



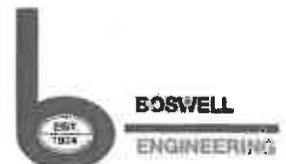
Bernard N. Mirandi, P.E.

BNM/EFS/amg

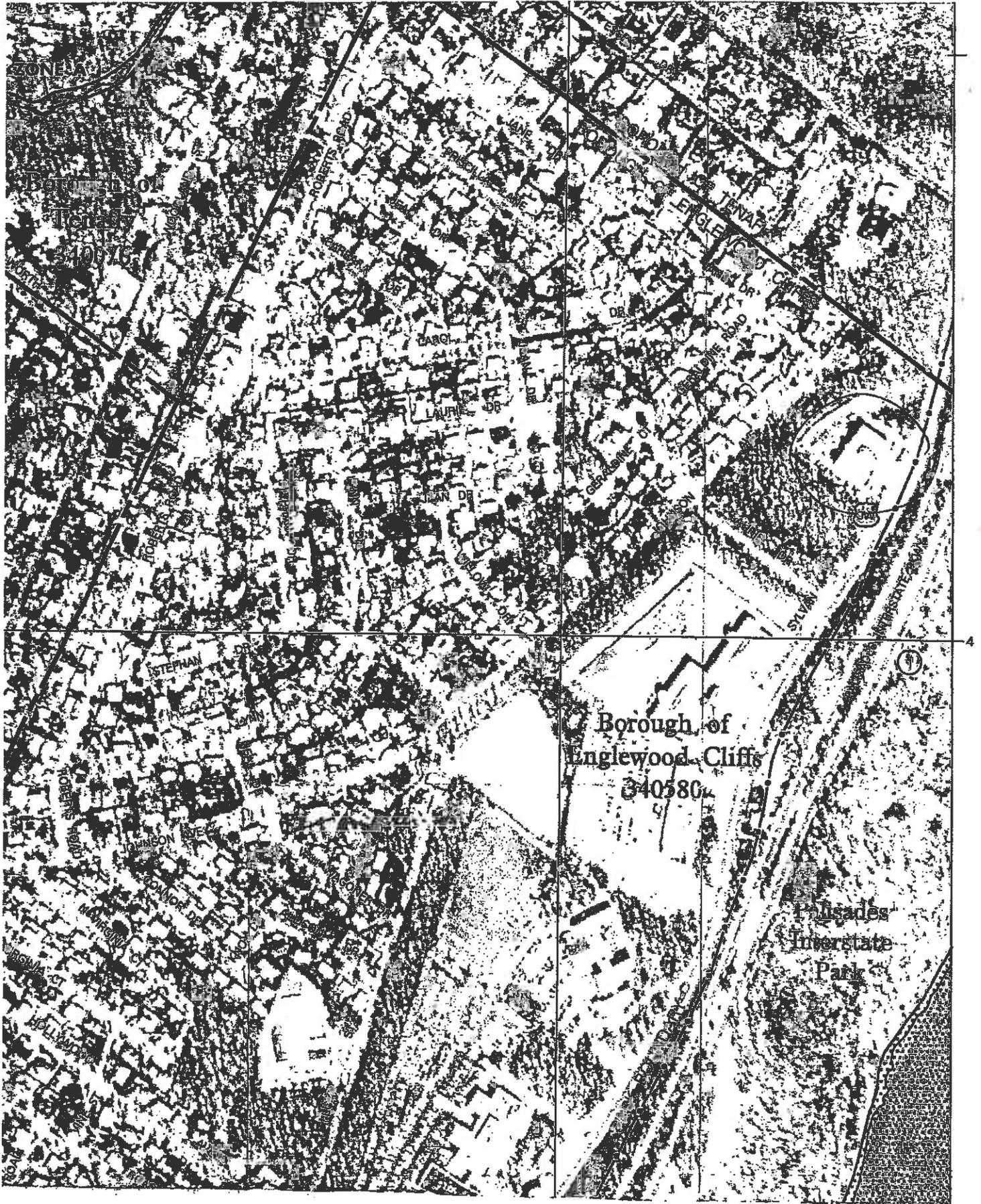
Enclosures

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via email
Michael B. Kates, Esq., via fax & email
Englewood Cliffs Police Department
Englewood Cliffs Fire Department
Englewood Cliffs Fire Official
Lighthouse E.C. LLC, Attn: Michael Kessel
John A. Schepisi, Esq., via email
Anthony Kurus, P.E., Neglia Engineering Associates, email
Raymond J. Virgona, R.A., Virgona + Virgona Architects|Planners
John Englese

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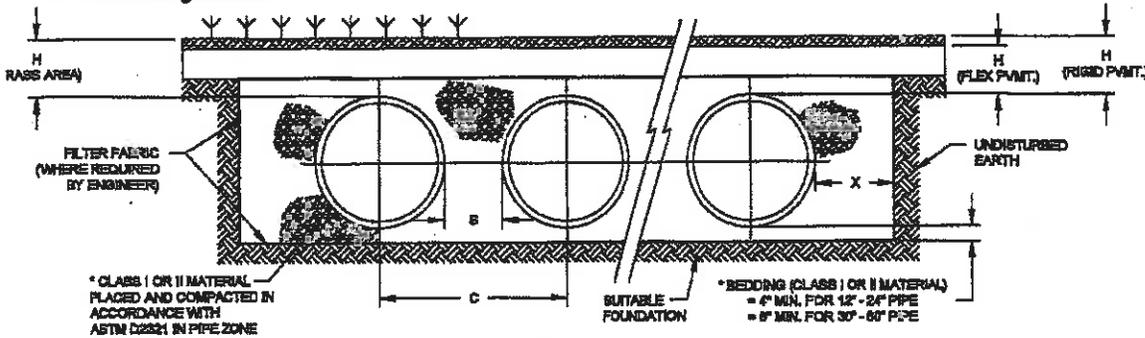
Property Location			
922 SYLVAN AVE, Englewood Cliffs 07632-3301 218 (Englewood Cliffs Borough), Block 1202, Lot 2			
Property Information		Assessment Data	
Class: Class: 1 - Vacant Land Additional Lots: Bid Description: Land Description: 6.009 AC Acreage: 6.009 Square Footage: 0 Zoning: , Usage: Year Constructed: 0 Use Code: 0 # Dwellings: 0 Census Tract: 160		Total Value: \$1,500,000.00 Land Value: \$1,500,000.00 Improvement Value: \$0.00 % Improvement: 0.0 Special Tax Codes: Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled() Exemption: 0 Exemption status: 2013 Rate: 0.849; 2013 Ratio: 105.86%; 2013 Taxes: \$12,734.99 2014 Rate: 0.87; 2014 Ratio: 108.2%; 2014 Taxes: \$13,050.00 2015 Rate: N/A; 2015 Ratio: 105.47%; 2015 Taxes: \$0.00	
Current Owner		Sale Data	
ALFIERO & LUCIA PALESTRONI (FOUNDAT 333 SYLVAN AVE Englewood Cliffs, NJ 07632-2724 Previous Owner:		Date: 01/09/2003 Price: \$1.00 Ratio: 1500000.0% Deed Book: 08551 Deed Page: 00328	
Latest Sales Detail			
Recorded: 02/20/2003 Sales Date: 01/09/2003 Deed Book: 08551 Deed Page: 00328	Sales Price: \$1.00 Sales Ratio: 4800000.0% Use Code: Not Usable: 10	Recorded: 02/20/2003 Sales Date: 01/09/2003 Deed Book: 08551 Deed Page: 00323	Sales Price: \$1.00 Sales Ratio: 4800000.0% Use Code: Not Usable: 10
Buyer		Buyer	
ALFIERO & LUCIA PALESTRONI (FOUNDAT 333 SYLVAN AVE Englewood Cliffs, NJ 07632-2724		PALESTRONI (ESTATE), ALFIERO 333 SYLVAN AVE Englewd Clfs, NJ 07632-2724	
Seller		Seller	
PALESTRONI (ESTATE), ALFIERO 333 SYLVAN AVE Englewd Clfs, NJ 07632-2724		BW CONSTRUCTORS INC 333 SYLVAN AVE Englewd Clfs, NJ 07632-2724	



FEMA Panel 214 of 332 issued 9/30/2005

Figure 6-2
Typical Retention/Detention Cross Section

Note: This is a typical cross section only. See Structures, Section 2, or Installation, Section 5, of the Drainage Handbook for specific installation guidelines.



MINIMUM H (FLEX PVCMT.), H (RIGID PVCMT.) = 12" FOR UP TO AND INCLUDING 36" HDPE PIPE
= 24" FOR 42" THROUGH 60" HDPE PIPE

* CLASS I BACKFILL REQUIRED AROUND 60" DIAMETER FITTINGS.

MAXIMUM FILL HEIGHT LIMITED TO 8-FT OVER FITTINGS FOR STANDARD INSTALLATIONS. CONTACT REPRESENTATIVE WHEN MAXIMUM FILL HEIGHTS EXCEED 8-FT FOR INSTALLATION CONSIDERATIONS.

Table 6-2
Storage Capacities of N-12[®], N-12[®] ST, and N-12[®] WT Pipes

Nominal Inside Diameter	Average Outside Diameter	"x" Spacing	"s" Spacing ¹	"c" Spacing ¹	Pipe Volume ²	Stone Void Volume ^{3,4,5}	Total Retention Storage	Retention Surface Area Required	Detention Surface Area Required
in. (mm)	in. (mm)	in. (mm)	in. (mm)	in. (mm)	ft ³ /ft (m ³ /m)	ft ³ /ft (m ³ /m)	ft ³ /ft (m ³ /m)	ft ² /ft ² (m ² /m ²)	ft ² /ft ² (m ² /m ²)
12 (300)	14.5 (368)	8 (210)	10.9 (280)	25.4 (650)	0.81 (0.07)	0.84 (0.08)	1.65 (0.15)	1.3 (4.2)	2.7 (8.6)
15 (375)	18 (457)	8 (210)	10.9 (280)	28.9 (750)	1.2 (0.11)	1.1 (0.10)	2.3 (0.21)	1.1 (3.5)	1.97 (6.4)
18 (450)	21 (533)	9 (230)	14.3 (360)	35.3 (900)	1.8 (0.16)	1.4 (0.13)	3.2 (0.29)	0.93 (3.0)	1.6 (5.4)
24 (600)	28 (711)	10 (280)	13.4 (340)	41.4 (1050)	3.1 (0.29)	2.0 (0.18)	5.1 (0.47)	0.88 (2.2)	1.1 (3.6)
30 (750)	36 (914)	18 (460)	17.1 (430)	53.1 (1350)	4.9 (0.46)	3.1 (0.28)	8.0 (0.74)	0.55 (1.8)	0.90 (3.0)
36 (900)	42 (1067)	18 (480)	21 (530)	63.0 (1600)	7.1 (0.66)	4.2 (0.39)	11.3 (1.05)	0.47 (1.5)	0.74 (2.4)
42 (1050)	48 (1219)	18 (460)	24 (610)	72 (1830)	9.2 (0.87)	5.8 (0.53)	15.0 (1.40)	0.40 (1.3)	0.65 (2.1)
48 (1200)	54 (1372)	18 (460)	24.5 (620)	78.5 (2000)	12.4 (1.15)	6.7 (0.62)	19.1 (1.77)	0.34 (1.1)	0.53 (1.7)
60 (1500)	67 (1702)	18 (480)	23 (580)	90 (2290)	19.3 (1.79)	8.5 (0.76)	27.8 (2.57)	0.27 (0.89)	0.39 (1.3)

Notes:

See Figure 6-2 for typical cross section used in volume calculations. Bedding depth assumed 4" for 12"-24" pipe and 6" for 30"-60" pipe.

1. Based on A-profile pipe.
2. Actual ID values used in calculation.
3. Stone Porosity assumed 40%.
4. Stone height above crown of pipe is not included in void volume calculations.
5. Calculation is based on the average OD of the pipe.

See "Design Aids" for a system design tool to calculate total HDPE pipe system storage with an example calculation.

Manning Equation - full flow - Downstream Piping Analysis

outflow pipe 1 - 15" hdpe

D	.15 in		
A	1.22718463 ft ²		
P	3.926990817 ft		
R	0.3125 ft		
n	0.011 manning's roughness coefficient		
s	0.003 ft/ft		
Q	4.192735501 Capacity of proposed 15" outflow pipe		
V	3.41654825		

Qpeak	basin outflow	2.08 cfs	25 year storm
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Conclusion - Proposed Piping Downstream of detention basin has sufficient capacity

Existing Borough Storm Sewer - 42" RCP

D	42 in		
A	9.621127502 ft ² ?		
P	10.99557429 ft		
R	0.875 ft		
n	0.013 manning's roughness coefficient		
s	0.007 ft/ft		
Q	84.40275218 Capacity of proposed 15" RCP		<i>Incorrect</i>
V	8.772646674		

Qpeak	basin outflow	2.08 cfs	25 year storm
Qpeak	undetained	1.23	25 year storm
Qtotal		3.31	25 year storm
Qsiting		3.94	25 year storm

Conclusion - Proposed Piping Downstream of detention basin has sufficient capacity and the project will reduce runoff to the existing conveyance system

**922 Sylvan Avenue Project
Borough of Englewood Cliffs**

PROPOSED UNDERGROUND DETENTION CAPACITY CALCULATION

Pipe Diameter	36.00 in	perforated HDPE piping
Capacity	7.04 cdf	pipe capacity only (per hancor)
Run Length	91 ft	
Number of Runs	15 runs	
Header Pipe Length	71.00 ft	
Number of Runs	2 runs	
total Length of Detention Piping (includes headers)	1607	
total underground basin pipe only capacity provided	10609 cubic feet	

Basin Stone Trench Capacity

Stone Trench Area	9416.00 sf
Stone Trench Depth	3.00 ft
Volume of Trench	28248.00 cf
Outer Pipe Diameter	41.10 inches
Pipe Volume in cubic feet per linear foot (outer diameter)	9.21 cf per lf
Effective Trench Volume (trench - pipe volume)	14370.73 cf
Stone Void Ratio	0.40 void ratio
Stone Storage Only Volume Provided	5748.29 cubic feet

trench l trench w trench d
107 88 3

4+

TOTAL STONE VOID STORAGE PROVIDED	5748 cubic feet
TOTAL PIPE STORAGE VOLUME STORAGE PROVIDED	10609 cubic feet
TOTAL BASIN VOLUME PROVIDED	16358 cubic feet OK
TOTAL BASIN VOLUME REQUIRED	16261 cubic feet

NOTES:

1. Bottom stone storage volume excluded from storage capacity.
2. Stone Porosity assumed 40%
3. Stone height above crown in not included in stone void volume calculation
4. Pipe volume excluded from stone trench is based on the outer diameter (O.D) of the pipe
5. Per NJDEP BMP Manual Chapter 9.4 E., if a stone bed is utilized for storage volume, all runoff to the subsurface basin must be pre-treated or the basin's storage volume increased to account for loss of volume in stone bed. Flo-Gard or equal inlet silt catchers are proposed to provide pre-treatment/removal of silt and sediment for inlets in the parking area.

1 BOROUGH OF ENGLEWOOD CLIFFS STENOGRAPHIC.
2 PLANNING BOARD TRANSCRIPT OF
3 REGULAR MEETING PROCEEDINGS
4 10 Tahn Terrace
Englewood Cliffs, New Jersey
Thursday, January 14, 2016
Commencing at 3:04 p.m.

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IN RE:
APPLICATION NO. 255-K
Lighthouse E.C., LLC,
Applicant.

Site Plan Approval for New
Commercial Office Building with
Variances
Block 1202, Lot 2,
912 Sylvan Avenue
-----X

BEFORE:

EDWIN FEHRE, CHAIRMAN
AUREL VILLARI, VICE CHAIRMAN
GILL ROSENBERG
JEFFERSON CHINIAN
DONALD KILMARTIN
MATTHEW TROVATO
KIRY KIM
STEPHEN DUFF
RUSSELL PORRINO
J. P. LEE
COUNCILMAN MARK PARK
CATHY O'SHEA
Michael b. Kites, Esquire, Board Attorney
Bernard M. Miranji, PE, Board Engineer
Cathy Scaturillo, Board Secretary

TRANSCRIBED BY AND BEFORE:
ToniAnn Acquaro, Professional Court Reporter, and Notary
Public of the State of New Jersey.

Job No. 2210140

APPEARANCES:

SCHEPISI & McLAUGHLIN, P.A.

Counsel for Applicant
Lighthouse E.C., LLC
473 Sylvan Avenue
Englewood Cliffs, New Jersey 07632

BY: JOHN SCHEPISI, ESQUIRE
(201) 539-9398
jschepisi@schepisi.com

INDEX:

APPLICANT'S WITNESSES:	PAGE
Mark Virgona, P.A.	7
Virgona & Virgona Architects	
Anthony Kurus, P.E., P.P.	10
Neglia Engineering Associates	
Michael Kessel	62
Lighthouse E.C., L.L.C.	

MEMBERS OF THE PUBLIC:

Maria Villari	71
45 Jane Drive	
Carol Ichorror	77
7 Ridge Road	

EXHIBITS:

APPLICANT'S	DESCRIPTION	PAGE
Exhibit A-1	Color rendering of Sylvan Avenue approach	8
Exhibit A-2	Site Plan	9
Exhibit A-3	Entire set of plans	11

(Exhibits retained.)

CHAIRMAN FEHRE: The next item on the agenda
is Application 254K, site plan approval for new
commercial office building with variances for Lighthouse
E.C., LLC, and for the property as 922 Sylvan Avenue,
Block 1202, Lot 2, at the corner of Sylvan Avenue and
Sage.

MR. SCHEPISI: Members of the board, John
Schepisi of Schepisi and McLaughlin on behalf of the
applicant.

Before we get started, let me just tell you a
couple of things. It's no longer 922 Sylvan, it's now
980 Sylvan. There was a question raised by the fire
department. We had it changed, so it's now 980.

If the board doesn't mind, I'm going to stay like
this because I do have a bad knee and sitting or
standing hurts, so if I rest my butt here, and it
doesn't offend anybody, I'm going to do that.

The property owner is the Alfiero & Lucia
Palestroni Foundation. I think you are all are familiar
with this property. This is the property just north of
Sage Avenue -- Sage Road, right before the LG building,
the existing LG building. This property has been
sitting there since the beginning of time. This
property has never been developed. The property
consists of a six acres tract, four acres plus of the

tract is wetlands, setback requirements, very difficult tract.

My client, who happens to be a member of the community, has building at 707 on Palisades Avenue and wanted, its subsidiary Lighthouse E.C., LLC saw the tract, wanted to build something that they can use, occupy, and have a little bit of rental space because they are growing out of their seams at their 707 Palisades Avenue address.

The property is 6 acres, as I stated. It's 261,451 square feet and what we are proposing for the property is a 31,000 square foot building. That building on two stories is the type building that would be built on a 2-acre track. It is going to be built on a 6-acre track because of the constraints on this property.

Every provision of the ordinance is being complied with. Your zoning ordinance in particular except for minor variances that are being sought. The variances that are being sought are the typical variances of any application in Englewood Cliffs for an office building. Your ordinance requires 9-by-19 parking stalls. We are seeking what is the norm in the industry a 9-by-18 parking stall. Your ordinance requires 25-foot aisles, the norm in the industry is

24-foot aisles. Those are the two variances that we are seeking, vis-a-vis size of the parking stalls. The other variance we are seeking is the number of parking stalls.

As you are all familiar, your ordinance which was prepared by previous boards and previous governing bodies, have a requirement of five parking spaces per 1000 gross square footage. I don't believe there is any building in this municipality that has been built to that standard except for my building across the street. And the reason I did not, I did not want to come for a variance for reasons unrelated to that because I bought the property from the borough.

So basically what we have is every office building in this municipality having 4 per 1000 or less. We have every building within Englewood Cliffs having realistically two and a half to three parking spaces per thousand. And the norm in the industry is between two and a half and three and a half parking spaces per thousands. What we are seeking is a variance to permit this project to be built with a smaller aisles conforming with the 60 foot module and to permit the parking to be reduced to 122 parking spaces, which is 3.83 parking spaces per thousand.

We have two witnesses that will testify this

evening. The first witness is just going to describe his elevation here, his rendering, he will come back afterwards and that is Mr. Mark Virgona, that is just to describe what the building will look like and then I am going to retire him for a little while and bring him back after we do the engineer.

Mr. Virgona, can you come forward, please?

MR. KATES: Mr. Virgona, you will be sworn.

M A R K V I R G O N A, after having been duly sworn, was examined and testified as follows:

MR. KATES: Identify yourself.

THE WITNESS: Yes, my name is Mark Virgona. It's M-a-r-k and Virgona is V-i-r-g-o-n-a. Our office address is 115 River Road in Edgewater, New Jersey. I am a practicing architect. I'm licensed in New Jersey and New York. I have been registered since '96. I have appeared before numerous municipalities on various different projects, including office buildings. I don't think I have been in front of this board.

MR. SCHEPISI: I offer Mr. Virgona as a licensed architect, who is the architect in charge of this project.

CHAIRMAN FEHRE: Okay. We accept him.

MR. SCHEPISI: Thank you very much.

EXAMINATION BY MR. SCHEPISI:

Q. Mr. Virgona, can you take a couple of moments and describe what you are proposing for the site.

MR. SCHEPISI: Let's mark in exhibit, Applicant's Exhibit A1 and put on it today's date.

(Applicant's Exhibit A-1 marked for identification.)

MR. KATES: Would you describe that as a rendering?

THE WITNESS: Yeah. This is the color rendering of the Sylvan Avenue approach to the building.

Q. This was prepared by you at your direction; is that correct, sir?

A. Yes.

Q. Where would one be standing looking at the building and seeing that?

A. I'm just going to pull up this rendered site plan. You want to put this in?

MR. SCHEPISI: Let's mark that as Applicant's Exhibit A-2, not prepared by this witness, prepared by the next witness.

(Applicant's Exhibit A-2 marked for identification.)

MR. KATES: That's the colorized site plan, the date of the plan is?

THE WITNESS: The latest revision date is

1 12/30/15.

2 A. So this is the colorized view of the site
3 plan and it is an indication of the area of driveways as
4 well as the area of greenery. This rendering is a view
5 taken from the entry drive looking towards the building.
6 The building fingerprint is shown in this kind of
7 brownish color in the middle.

8 So back to the rendering, if you look here, this
9 is the approach what we will see basically standing on
10 or across Sylvan looking directly at the facade.

11 Q. The building the way you have designed it has
12 parking beneath and it's A-2-story building above; is
13 that correct?

14 A. That's correct. All the parking beneath the
15 building is hidden from view from the street. There is
16 an entry behind this landscaped area. And there is
17 another entry below parking beneath the building so you
18 get around the side of the building.

19 Q. Mr. Virgona that's all I have for you right
20 now.

21 MR. SCHEPISI: I will be calling Mr. Virgona
22 back. I just wanted to have an intro of this drawing.

23 MR. CHINMAN: That's Sylvan Avenue?

24 MR. SCHEPISI: Where the cars are running IS
25 Sylvan.

1 Q. Sage would be where, sir?

2 A. Sage is around the corner here. So if we
3 look at the site plan, this is Sage and this is Sylvan.
4 And north is Johnston.

5 MR. SCHEPISI: Thank you, Mr. Virgona. At
6 this time I would like to call Anthony Kurus.

7 Q. Mr. Kurus, can you please tell the board your
8 name and your occupation and your address?

9 THE WITNESS: Anthony Kurus, spelled
10 K-u-r-u-s, licensed professional engineer in the State
11 of New Jersey business address, Neglia Engineering
12 Associates, 34 Park Avenue, Lyndhurst.

13 Q. Do you have hold on other licenses in the
14 State of New Jersey?

15 MR. KATES: Let me swear him in.

16 ANTHONY KURUS, after having been
17 duly sworn, was examined and testified as follows:

18 A. I'm licensed professional engineer and a
19 licensed professional planner.

20 Q. Would the board want me to go through his
21 credentials?

22 CHAIRMAN FEHRE: No, he has been here before.

23 Q. I'm going to be offering him for both of his
24 expertise.

25 CHAIRMAN FEHRE: Okay. We accept him.

1 MR. SCHEPISI: Thank you.

2 Q. Can you put up the site plan that we have
3 been using which is the exhibit that has been marked
4 A-2? Just so the record is complete the entire set of
5 plans that were submitted with this application, I'm
6 going to mark them as exhibit A-3 so that they are in
7 the record in case there is any appeal. So the entire
8 set of plans, both architectural and engineering be
9 marked as Applicant's Exhibit A-3.

10 (Applicant's Exhibit A-3 marked
11 for identification.)

12 MR. KATES: What is the sheet number for
13 that?

14 THE WITNESS: Sheet 3.00.

15 MR. KATES: Okay.

16 Q. And just to point something out to the board
17 before Mr. Kurus gets started, when we originally
18 submitted this application, we changed a couple of the
19 sheets based upon requirements of New Jersey DEP and
20 DOT. The plans that you have before you, which we are
21 seeking approval on are those with the DEP's and the
22 DOT's input.

23 A. The site --

24 Q. I want to stop you one more time. I meant to
25 ask this question before we got started. The board

1 right now has not appointed an engineer. Is the board
2 keeping the current engineer as the engineer on this
3 project to review this until another engineer is
4 appointed? Is he a carryover?

5 MR. KATES: He is a carryover and hopefully
6 he is the re-appointee.

7 CHAIRMAN FEHRE: I just want to make sure he
8 has reviewed this application before.

9 MR. MIRANDI: That's correct. And the board
10 should be in receipt of my review letter. I did bring
11 extra hard copies. I know the board secretary alerted
12 all the board members that my reports are on the FET
13 site.

14 MR. SCHEPISI: Now, if I can make it easier
15 for the board, we will pass out copies of that plan so
16 everybody will have it in front of them.

17 Danielle Cardone, one of the attorneys from my
18 office will pass it out to each of you.

19 Q. Okay. Now, the plan that we passed out is
20 the plan that is up before the board as Applicant's
21 Exhibit A-2 and could you please, Mr. Kurus, describe
22 the site as it exists today and with reference to the
23 various constraints on this property.

24 A. Sure. The site is located on Block 1202, Lot
25 2 in the Borough of Englewood Cliffs. The lot area is 6

1 acres. It's located at the intersection of Sylvan
2 Avenue and Sage Road. The site the bound by Sylvan
3 Avenue on the east side, Sage Road to the south, Johnson
4 Avenue on the left side, and the existing LG office
5 building to the north side. The site is located in the
6 B2 limited business zone. The shape of the property is,
7 it's irregular shaped, it's generally rectangular.
8 It's approximately 400 feet wide by 600 feet deep.

9 Q. I want to stop there because you said is a
10 regular, you mean it is irregular?

11 A. Correct.

12 Q. Please continue.

13 A. The site has frontage on Sylvan Avenue, Sage
14 Road, and Johnston Avenue. Sylvan Avenue is under the
15 jurisdiction of NJ DOT. Sage Road and Johnston Avenue
16 are borough roadways. The existing site is currently
17 undeveloped. It's currently wooded. The significant
18 feature is the existing state open water drainage water
19 course that is shown in blue that runs from Sylvan
20 Avenue on the east side almost through the center of the
21 site and it curls up to the northwest corner. That is
22 an existing drainage state open water course.

23 Q. And that water course runs south to north?

24 A. From south to north, correct. And along the
25 water course there is also some wetlands areas that are

1 on both sides of it that are also regulated by NJ DEP.
2 In addition to the wetlands on the sides of the water
3 course, there is an isolated wetland area approximately
4 7,800 square feet on the northern boundary and a second
5 isolated wetland area along the westerly boundary that
6 is approximately 8,600 square feet.

7 Q. Would you say, sir, based upon the
8 environmental issues on this site with the water courses
9 and the wetlands this is a difficult site to develop?

10 A. Yes. There is a lineage to the developable
11 area on the site because of the existing environmental
12 constraints.

13 Q. As part of the application process, have you
14 not, on behalf of the applicant and my office, made
15 application to the DEP for the appropriate permits from
16 the Department of Environmental Protection?

17 A. Yes, we've applied to the NJ DEP for fresh
18 water wetland permits. The site already has a valid
19 letter of interpretation for the limits of the wetland
20 and the state open waters. So the constraints are
21 already verified by DEP. We have submitted the permits
22 for the proposed improvements to the property.

23 Q. As part of process did the DEP require the
24 applicant to go out and do a historical archeological
25 survey of this site?

1 A. Yes, they did. As part of the fresh water
2 wetlands permit, they requested and the state historic
3 preservation office requested that an archeological
4 study be done to confirm the presence or absence of any
5 artifacts on the property.

6 Q. And has that archeological study been done at
7 a substantial expense to the applicant?

8 A. Yes, it has.

9 Q. And what has that archeological survey shown?

10 A. There were no artifacts of significant
11 resource on the site and the recommendation was that no
12 further evaluation is necessary.

13 Q. And the digs that were taken, I think, at
14 thirty different locations, discovered a coke -- a beer
15 bottle and a lot of macadam?

16 A. Yes. Glass and some asphalt.

17 Q. The only thing we are waiting for now from
18 the DEP is the results of that report to be reviewed by
19 the historical preservation group at the DEP so they can
20 recommend to the remainder of the DEP so this site can
21 go forward; is that correct?

22 A. Yes.

23 Q. And we expect to have that information the
24 latest April when?

25 A. The 90th day for DEP to act on the

1 application is March 4, but that is pending the receipt
2 of the report from the state historic preservation
3 office. Hopefully they get it back by that March 4th
4 date. We can call them and push them, but that is about
5 it.

6 Q. And we have done everything that we the
7 applicant have to do, we are just waiting for the state
8 to act.

9 A. Correct.

10 Q. We are requesting that the board act on this
11 application during that period because we do not
12 anticipate anything coming out of the norm, because we
13 have satisfied every one of the questions and the
14 demands and the inquires of the DEP; isn't that correct?

15 A. Yes.

16 Q. I interpreted you. Now, please go ahead with
17 your testimony describing the site.

18 A. Back to the existing site. Topography is
19 gradually sloping, the grading, the existing grade is
20 generally sloping from the existing grade at the
21 adjacent roadways. It slopes down towards the water
22 course to the center or towards the wetland areas. The
23 flattest, most upland portion of the site is the north
24 easterly corner, which is where we propose to develop
25 for the project. Which takes me to the colorized site

1 plan.

2 We are proposing the construction of a new
3 two-story office building over ground level parking with
4 a new parking lot, drainage system, landscaping,
5 lighting and site utilities.

6 Q. Does everything that we are proposing,
7 setbacks, height, total square footage, impervious
8 material comply with the borough's ordinance, but for
9 the parking requirements?

10 A. That's correct.

11 Q. Continue, sir.

12 A. Access to the site, we are proposing a new
13 ingress and egress driveway from Sylvan Avenue. There
14 will be a full movement ingress and egress. No cars
15 will be entering the site from either Sage Road or
16 Johnston Avenue. All cars coming to the site and from
17 the site will be accessing the site from Sylvan Avenue.

18 Q. And at the direction of my office on behalf
19 of the applicant you were instructed to make certain
20 that none of the vehicular traffic will go into the
21 residential area; isn't that correct?

22 A. That's correct.

23 Q. Continue, please.

24 A. So access is provided off of Sylvan Avenue.
25 It takes you to the parking area. We are proposing a

1 total of 122 parking spaces on the site, 36 of which
2 will be located beneath the building area. Site
3 circulation enter off of Sylvan Avenue, you either enter
4 the parking spaces at the rear of the building or
5 continue to the rear parking area, which loops around
6 and comes back out.

7 The front yard setback is 65 feet is proposed
8 where 60 feet is required. The side yard on the north
9 side is 34 feet proposed, where 30 feet is required.
10 The corner side yard setback to Sage Road is 239 feet
11 proposed where 30 feet is required. Although there is
12 no rear yard for this property because we have frontage
13 on three streets, we would consider Johnston Ave as the
14 rear yard because it is the back of the property. And
15 the setback to the Johnston Avenue right-of-way is 350
16 feet to the right-of-way line, 370 feet to the curb.

17 Q. And that was measured from the building; is
18 that correct?

19 A. Correct. The proposed parking lot complies
20 with the setback requirements, as well. There is no
21 parking proposed in the front yard. The side yard
22 setbacks for the parking lot comply. The parking lot is
23 176.2 feet from the Johnston Avenue right-of-way, so we
24 meet the setback on that side, as well.

25 Building coverage, we comply with the lot

1 coverage requirements for the B2 zone, 33 percent is the
2 maximum allowable. The proposed lot coverage is 12.2
3 percent.

4 The only variances that we are seeking is for the
5 parking space size, 9-by-19 is the requirement, we are
6 proposing 9-by-18 foot spaces, as well as
7 8-and-a-half-by-18 foot spaces underneath the building
8 at the column locations only.

9 We are also requesting a variance for parking
10 drive aisle width, 25 feet requirement, we are proposing
11 a 24 foot drive aisle width.

12 And then the last variance is the off-street
13 parking variance, 160 spaces required, one per 200 or 3
14 per 1000 is the requirement of the ordinance. We are
15 proposing 122 spaces, which comes out to 3.33 spaces per
16 1000.

17 Q. Before we get into the variances, let's
18 discuss the traffic flow and where we are. We filed the
19 application already with the NJ DOT because our only
20 access to this site is through Sylvan Avenue a/k/a SW;
21 is that correct?

22 A. That's correct. We already received two
23 letters back. They have no more engineering comments.
24 We are expecting their final report within the next week
25 or so. So we are very close to getting the permit from

1 NJ DOT for the driveway.

2 Q. And the proposal that we have submitted is a
3 driveway that would be left turn in, left turn out,
4 right turn in, right turn out; is that correct?

5 A. Yes.

6 Q. And by doing that we, again, stop traffic
7 from going into the residential neighborhood; is that
8 correct, sir?

9 A. Yes.

10 Q. If we didn't have that type of driving
11 configuration with the left turn in, left turn out,
12 right turn in, right turn out, traffic in order to get
13 in and out of this site would have to circle around the
14 residential area; isn't that correct, sir?

15 A. Yes.

16 Q. We have avoided that by making the
17 application to the DOT?

18 A. That's correct.

19 Q. And the DOT has stated that they looked
20 favorably upon it. They made some minor tweaks and we
21 have agreed to everything they want.

22 A. Yes.

23 Q. In addition to that Mr. Mirandi had some
24 comments that he made to the plan where in the stacking
25 lane with a left turn in, we had that presently at 75

1 feet; is that correct, sir?

2 A. Yes.

3 Q. And Mr. Mirandi said he preferred it at 125
4 feet; isn't that correct, sir?

5 A. Yes.

6 Q. So we don't care whether it's 75 or 125 as
7 long as the DOT approves it. I think Mr. Mirandi would
8 concur with that because both of them work.

9 MR. MIRANDI: Thank you, Mr. Chairman.

10 That's correct. I had made comments in my December 28th
11 letter. The applicant has submitted some revised plans
12 or he addressed some of those comments in regard to the
13 traffic on 9W. So I would agree with Mr. Scherisi's
14 statements there. And as far as DOT goes, I guess we
15 are waiting for comments on the end treatment that I had
16 suggested, as well.

17 THE WITNESS: Correct.

18 MR. MIRANDI: Thank you.

19 MR. SCHEPISI: Any approval we obtain from
20 the DOT we will submit to Mr. Mirandi, if this board
21 seeks fit to grant the approval. Let's continue with
22 the variance.

23 Q. So we are not seeking any variance for
24 parking in the front yard, parking in the side yard, the
25 only thing we are asking a variance for is the number of

1 spaces; is that correct, sir?

2 A. Correct. Number of spaces and the size.

3 Q. Now, I'm going to ask you to put on your
4 second hat and talk to us as a planner.

5 A. Sure.

6 Q. The board would be granting this variance
7 under N.J.S.A. 40:65D-70c1 and 2, is that correct, sir?

8 A. Yes.

9 Q. And take me through the criteria that has to
10 be met by the applicant in order for a board to grant
11 the variance under those two sections.

12 A. In order to consider the C-1 variance, we
13 believe this fits into the B and C criteria, which
14 states "By reason of exceptional topographic conditions
15 or physical features uniquely affecting a piece of
16 property," or C, "by reason of extraordinary and
17 exceptional situation or condition of such uniquely
18 affecting a piece of property or structures lawfully
19 existing thereon."

20 Our site is constrained by the state open water
21 course, that runs generally through the center of it
22 and the wetlands. These areas are regulated by the NJ
23 DEP. They restrict the developable area on the
24 property, they restrict what can be done on the
25 property. It's our opinion that the strict application

1 of the zoning regulations related to the size of the
2 parking spaces and the number of spaces will result in
3 peculiar and exceptional practical difficulties and undo
4 hardship.

5 Q. Are you also referring to the aisle widths
6 also when you say that?

7 A. Yes.

8 Q. In relation to the number of parking spaces
9 for this site, has your firm done any studies in
10 Englewood Cliffs or other parking lots?

11 A. Yes, we have.

12 Q. And have you done any studies based upon
13 traffic engineering analysis and various theses?

14 A. Yes, we have.

15 Q. And what has your search determined?

16 A. The ITE, Institute of Traffic Engineers,
17 demands for office building is 2.8 spaces; we have 3.63.
18 So we exceed the ITE parking generation demand for an
19 office. In addition, we have done studies for office
20 facilities in Englewood Cliffs. We came up with a
21 demand of approximately 1.8 spaces when we performed
22 that study.

23 Q. And when you performed that study, and these
24 are mainly the office buildings are on 9W; is that
25 correct?

1 A. Yes.

2 Q. And there is no overflow of parking into the
3 streets from those office buildings?

4 A. None.

5 Q. There is no overflow from parking into
6 residential neighborhoods from those office complexes?

7 A. None.

8 Q. Are those office complexes with that smaller
9 number of parking spaces per thousand functioning today?

10 A. Yes.

11 Q. And there is also vacant spaces at those
12 sites notwithstanding the fact the number is
13 substantially less than what we are proposing?

14 A. Yes.

15 Q. The borough requirement of 5 per 1000, is
16 that something that municipalities and developers and
17 traffic engineers do not use as the right number of
18 spaces for an office complex?

19 A. It's typically less. The typical requirement
20 for office is less than 5 per 1000.

21 Q. Do you know of any other municipality in the
22 Bergen County area that has a parking requirement of 5
23 parking spaces per 1000?

24 A. I don't.

25 Q. Do you believe this board can grant this

1 variance for the number of parking spaces that we are
2 seeking without substantially impairing the intent and
3 scheme of the zoning plan and zoning ordinance of the
4 borough of Englewood Cliffs?

5 A. Yes.

6 Q. Do you believe the variances that are being
7 sought can be granted without any detriment to the
8 public good, public safety and the citizenry of this
9 municipality?

10 A. Yes.

11 Q. Now, let's go back to you as an engineer.

12 A. Yes.

13 Q. I'm sorry, let's go back to Mr. Mirandi's
14 report. I think each member of the board already has a
15 copy of this. Hold on one second. I put it out of
16 order. Is there anything in Mr. Mirandi's report that
17 we have not already complied with or addressed? I am
18 referring to Bernie Mirandi's memo to the planning board
19 dated December 29th of this year.

20 A. We can comply with everything.

21 Q. The only thing that was in Mr. Mirandi's
22 report that we have some issues with and based upon the
23 unusual situation at this site, the issue we have is
24 with the contribution of a dollar per square foot for
25 the impervious material on this site for the borough to

1 study storm water runoff; isn't that correct?

2 A. Yes.

3 Q. And has not this applicant already addressed
4 that by reducing the number of square feet of impervious
5 material and also based upon the wetlands that are on
6 this site, and to make a further contribution would
7 cause a greater hardship on this applicant than any
8 other property owner in the Cliffs?

9 A. I agree.

10 Q. And the trees, the total number of trees to
11 be removed as Mr. Mirandi pointed out is 460, but that
12 is not going to mean anything because nobody is going to
13 see them because there are so many trees on this site;
14 is that correct?

15 A. Approximately 630 trees to remain.

16 MR. SCHEPISI: I have to see distance, and I
17 refuse to go with the bifocals.

18 Q. Now in relation to the fallen trees and
19 debris throughout the site, has the applicant stated he
20 is willing to remove them subject to the DEP and your
21 shade tree commission's, if it is back in action, input;
22 is that correct, sir?

23 A. Yes.

24 Q. Is there anything else in Mr. Mirandi's
25 report that you can recall reviewing that we have not

1 already addressed?

2 A. No.

3 Q. And is it your opinion as a professional
4 planner and a professional engineer that the board would
5 be legally within its right and it would be appropriate
6 for the board to grant the approval for this
7 application?

8 A. Yes.

9 Q. Would this be a betterment for this
10 community?

11 A. Yes, it would.

12 Q. I have no further questions.

13 MR. KILMERTIN: I have a question about the
14 parking. Would there be an option for you to put in
15 more parking than what you've -- would it be doable?
16 We don't want you coming back for a parking garage.

17 THE WITNESS: No. The application we filed
18 with the DEP permits us a certain amount of disturbance
19 on the site, which is the darker hatched areas. In
20 order to let us disturb the darker hatched areas, we
21 have to compensate with other areas and then the
22 remainder of the site, they put a restriction on it to
23 what could be built in the future. So we would need
24 some kind of a -- I don't know of a hardship from DEP to
25 add more once they have already approved a wetlands

1 transitional permit. So you kind of -- you get one
2 shot with the DEP, otherwise you have to go back for --
3 I don't know if it's an amendment. It's a hard
4 undertaking once you restrict the undeveloped area with
5 them to go back for a second site, so.

6 MR. TROVATO: Sort of relating to the
7 parking, I have a question. I think you said, first of
8 all, it's very difficult for me to see these, and I need
9 four of these to see one of those. So you mentioned
10 that the building is 31,000 and change square feet,
11 right?

12 THE WITNESS: Yes.

13 MR. TROVATO: And that was the two floors
14 combined.

15 THE WITNESS: Yes.

16 MR. TROVATO: I'm going to ask you square
17 footage roughly, what totals your shafts, your toilets,
18 your stairs, your lobby, your corridors; what kind
19 number would you come up with?

20 MR. SCHEPISI: I will get you Mark.

21 THE WITNESS: Mark, can you answer that?

22 MR. SCHEPISI: The other witness is still
23 sworn.

24 MR. TROVATO: I'm trying to tie this in with
25 the parking.

1 MR. SCHEPISI: Mr. Virgona.

2 MR. VIRGONA: You want me to come up?

3 MR. SCHEPISI: You don't mind having two
4 witnesses up at the same time?

5 Mr. Virgona, the question is on each floor of
6 this building, stairwells, bathrooms, shafts, air
7 shafts, how many square feet becomes not usable on each
8 floor?

9 MR. VIRGONA: Yeah, so the total square
10 footage is 31,833, which includes every space in the
11 building, the ground floor, the first floor, and the
12 second floor.

13 MR. SCHEPISI: And that means the utility
14 room, the electric room, the elevator room.

15 MR. VIRGONA: And the stairs.

16 MR. TROVATO: So if you can deduct the
17 non-office areas, what would that be?

18 MR. VIRGONA: Including the lobby, you are at
19 roughly 25,000 square feet. So we have mechanical areas
20 in the garage, we have both stairs, we have a corridor
21 that will be in the building. And we did a concept -- I
22 have a drawing here -- that is basically the minimum
23 amount that we would need, the shortest corridor we
24 could and deducting all the common areas. And you are
25 left with 25,000.

1 MR. TROVATO: Still left with 25,000,
2 including the lobby.

3 MR. VIRGONA: Including the lobby. That's
4 1,600 square feet.

5 MS. O'SHEA: How much?

6 MR. VIRGONA: 1,600 net.

7 MR. SCHEPISI: And once you go in and do a
8 layout for tenants, you will be losing other square
9 footage for interior hallways, et cetera.

10 MR. VIRGONA: If this were an ideal world,
11 one tenant, one small hallway.

12 MR. SCHEPISI: Twenty-three, four usable is
13 really what I'm trying to get at. Thank you.

14 Any further questions of him? I will bring him
15 back in a moment.

16 MR. PORRINO: Waiting for the engineer and
17 planner. Mr. Chairman?

18 CHAIRMAN FEHRE: Yes.

19 MR. PORRINO: I have a couple of questions.
20 I'm not sure if we know the answer to this. What
21 parking requirements or limitations are there on Sage
22 Road and/or Johnston Avenue? Does either the applicant
23 know?

24 MR. SCHEPISI: I believe parking is prohibited
25 on both on that side of the street. And if it's not

1 there, we will support having an ordinance passed by the
2 municipality to prohibit it. We have no desire to park
3 on either of those streets.

4 MR. PORRINO: I suggest that we get a letter
5 from the police chief as to what current regs are and
6 potentially limit it, if there is, indeed, an overflow
7 of parking on any occasion that the applicant is not
8 going to be allowed to park on residential streets of
9 Englewood Cliffs. I think we are going to need a letter
10 from the police chief as to whether it's permitted in
11 the first place.

12 MS. EASTWOOD: There is no parking on Sage
13 Road.

14 MR. PORRINO: That is my recollection.

15 CHAIRMAN FEHRE: I have never seen anybody
16 parking there. So you would have no problem if there
17 was no parking there?

18 MR. SCHEPISI: None whatsoever.

19 MR. PORRINO: Question for the engineer. Do
20 you have a landscape architect that you are going to be
21 presenting, Mr. Schepisi?

22 MR. SCHEPISI: No, I do not.

23 MR. PORRINO: Can you help with what the
24 shading is. I don't know what the exhibit number is.

25 MR. SCHEPISI: A-2.

1 MR. PORRINO: There is a hatched area that
2 leads from the building to Johnston Avenue that runs
3 parallel to Johnston. Is that a sewer easement?

4 MR. SCHEPISI: That's the utility easement
5 for the utilities that are coming in from Johnston
6 Avenue.

7 MR. PORRINO: That's the sanitary sewer.

8 THE WITNESS: Sanitary and sewer drain.

9 MR. SCHEPISI: The electric and everything
10 else is coming and phone and everything else is coming
11 in from 9W.

12 MR. PORRINO: The landscape plan that I have
13 is just about unreadable. Do you have a specific
14 landscape plan that we can look at.

15 THE WITNESS: In that area, no, because we
16 are not allowed to landscape because the DEP will not
17 let us go in there and touch it. We have no problem
18 going in there, we just have to restore it to its
19 condition before we started working in that area.

20 MR. PORRINO: Understand. If you were going
21 to be removing trees that means you are going to be
22 replacing trees.

23 THE WITNESS: Correct.

24 MR. PORRINO: So my suggestion is, I am a
25 firm believer in having the landscape depicted now this

1 versus by the shade tree people in the future. The
2 board has control over the application as we speak and
3 it loses control once it's approved or denied.

4 CHAIRMAN FEHRE: We have generally made these
5 types of landscaping conditions contingent upon having
6 it be approved and reviewed by our environmental
7 commission, which I think we have.

8 MR. PORRINO: I appreciate that. When the
9 applicant is asking for a variance, clearly it's not
10 that much of a hurdle to ask for some additional
11 landscaping.

12 MR. SCHEPISI: We have an answer from the
13 engineer.

14 THE WITNESS: We does prepare a full
15 landscape plan, which is sheet 6.0.

16 MR. SCHEPISI: Unfortunately, it's not green,
17 so it doesn't look as pretty as the other one.

18 THE WITNESS: The plantings are shown on this
19 plan. We have a variety of shade trees along Sylvan
20 Avenue, perennial plantings, shrubbery.

21 Q. Anthony, in particular, was there concern
22 about the area that we are going to?

23 A. Where we are putting the utilities in.

24 Q. Where we are putting in the utilities, what
25 are we taking out and what are we putting in?

1 A. Whatever trees are within -- are in close
2 proximity to the utilities that would have to come out,
3 the DEP has put a restriction on us to limit tree
4 removals through that area to the greatest extent we can
5 limit it. And what we are putting back, we are
6 proposing native shrubs and native grasses, we don't
7 want to put trees back over the top of utilities, but if
8 there is room, I guess, flanking the utilities, we can
9 plant something. But you really don't want trees
10 getting into where you are putting utilities.

11 MR. PORRINO: My next question is: Around
12 the perimeter of the parking area, if you drive past the
13 property now, you have a pretty good view shed into the
14 property because it is all that insidious trees. So at
15 this time there is literally no green. So this parking
16 lot I think is going to be visible from Sylvan Avenue
17 during the winter. And I know you are very limited in
18 terms of the space that you've got.

19 MR. SCHEPISI: Landscape -- please continue,
20 I'm sorry.

21 MR. PORRINO: Do you have any space at all?
22 My suggestion is to do some planting along the parking
23 areas that face between the building and Sylvan Avenue,
24 for instance, and between the building and Johnston
25 Avenue. And I know you are limited by the wetlands as

1 to how far you can go back in. But something in the
2 evergreen nature that would help shield the view of the
3 parking areas from both the neighbors on Johnston and
4 the people driving by.

5 MR. SCHEPISI: We will be pleased to do that.
6 And we would put something that is satisfactory to your
7 borough engineer.

8 THE WITNESS: As long as it is native, we can
9 plant it along those parking stalls that face along
10 Johnston Avenue. We can plant that. The spot where the
11 utilities poke through we can't put a tree smack down on
12 top of it, but we can plant right up to it, and along
13 the parking stalls and kind of wrap it around and just
14 leave a space for the utilities.

15 MR. PORRINO: One more question, maybe two
16 more questions, Mr. Schepisi, when you were speaking
17 about not contributing to the borough, was that the
18 sewer.

19 MR. SCHEPISI: There is the requirement that
20 Mr. Mirandi referred to in his paragraph, I think it's
21 12 -- nope, I'm wrong.

22 THE WITNESS: Sixteen.

23 MR. SCHEPISI: Sixteen. "The applicant shall
24 provide testimony to the conformance to the borough
25 storm water green committee the use of various storm

1 water green design elements such as cisterns, rain
2 gardens, green roofs, et cetera. The applicant shall
3 be aware that a contribution to the borough's storm
4 water capital improvement projects have historically
5 been calculated at one dollars per square foot of
6 additional impervious cover."

7 However, I don't believe that has been collected
8 from every applicant that has come before this board for
9 the past ten years. It's been requested of some, but
10 not everybody.

11 CHAIRMAN FEHRE: We generally ask for it. We
12 ask for a voluntary combinations. This is a new site.
13 How much would it come out to?

14 THE WITNESS: 1.29 acres, it's over 50,000.

15 MR. SCHEPISI: And since you don't have an
16 ordinance in place, which we've always argued and the
17 municipality has never adopted the ordinance for reason
18 unbeknownst, you don't legally have the right. If you
19 are looking for a contribution, I am saying let's have
20 them do the same thing as the landscaping in this area
21 to benefit the neighborhood, but I don't think you have
22 to have them do anything further with the storm water,
23 particularly with the stream running through the
24 property and the retention system that has been placed
25 on this as required by Mr. Mirandi.

1 MR. PORRINO: And I have one more point to
2 make again and this is up to the board, I won't be
3 voting on it, but it's up to the board to decide if they
4 are going to push the contribution question a little bit
5 further. In terms of COAH contributions, is that
6 something that was typically evaluated by the planning
7 board for commercial development. I notice with what
8 happens at the state level --

9 MR. SCHEPISI: Never.

10 MR. PORRINO: There is a very big question
11 mark.

12 MR. KATES: No. It's in the residential mix
13 but not commercial.

14 MR. PORRINO: So as it stands right now, it's
15 been revoked or abandoned let's say in terms of
16 contributions for commercial?

17 MR. KATES: Yeah. But there is a fair share
18 plan that you are going to see on the 27th, I think.

19 MR. PORRINO: Maybe.

20 MR. KATES: Maybe.

21 CHAIRMAN FEHRE: I believe this property is
22 in that report.

23 MR. SCHEPISI: If I remember correctly, I
24 think it was designated at one time, but it is quickly
25 coming off of that.

1 CHAIRMAN FEHRE: Once it's developed it
2 wouldn't be listed as realistic development potential.

3 MR. SCHEPISI: Which will benefit the
4 community.

5 MR. PORRINO: So these are my comments, Mr.
6 Chairman. Thank you.

7 CHAIRMAN FEHRE: With the landscaping, I
8 think one of the problems we have is enforcing, you
9 know, what is it going to look like later when it's all
10 built. And the landscaping, in some incidences we have
11 approved applications and it just doesn't come out the
12 way we had envisioned it; maybe because we don't have
13 the expertise. Would you be adverse to paying for us to
14 hire our own landscape architect to review your plan and
15 to take a look at it after it's done and to comply with
16 his suggestions.

17 MR. SCHEPISI: Rather than bringing in
18 somebody strange, Bernie, don't you have a landscape
19 architect on staff in your office.

20 MR. MIRANDI: Mr. Chairman, we do have a
21 certified landscape designer. Not a landscape
22 architect, a landscape designer, who does quite a nice
23 job, I might add.

24 CHAIRMAN FEHRE: Landscaping has fallen
25 through the cracks. And a lot of times we will delegate

1 this to our Englewood Cliffs Environmental Commission,
2 which --

3 MR. SCHEPISI: Is not functioning anymore.

4 CHAIRMAN FEHRE: It was not functioning.
5 Maybe they are going to start something new.

6 MS. O'SHEA: Yeah. I don't know when they
7 are meeting again.

8 CHAIRMAN FEHRE: They are not organized so
9 wouldn't it be a good idea to hire a landscape architect
10 to approve and to monitor this landscaping. We do have
11 a planner that has done this in the Unilever
12 application.

13 MR. SCHEPISI: I have no problem if you want
14 us to --

15 CHAIRMAN FEHRE: And we set up it so that
16 they would take a look. If the applicant who is
17 responsible for doing the landscaping, but Burgess, who
18 is representing us or the board --

19 MR. SCHEPISI: Would be making sure it's
20 done.

21 CHAIRMAN FEHRE: Hold on. Would be making
22 sure it's done correctly. And if they didn't agree on
23 something then it would have to come back before the
24 board. That's the way we wrote that one up, isn't it,
25 Mr. Kates?

1 MR. KATES: Well, yes and no. We didn't ask
2 for the inspection after planting. What we wrote was
3 that there be a plan to plant. And it be done to that
4 expertise. But this is a new twist to say that whenever
5 this application is built on, and your plans are the
6 last to go in, it could be a couple of years from now,
7 somebody would go back on behalf of the community and
8 evaluate it.

9 MR. PORRINO: Mr. Chairman, if I may, I think
10 that the easiest solution is that the applicant hire a
11 landscape architect with their money that they are going
12 to be spending. If they listen to the comments of the
13 board in terms of what we are trying to accomplish.

14 MR. SCHEPISI: We have no problem.

15 MR. PORRINO: And then our landscape
16 architect or planner would look at it and approve it.
17 And once it's reduced to paper, the issue of enforcement
18 goes away. Because the borough engineer goes by or the
19 landscape architect --

20 CHAIRMAN FEHRE: It doesn't go away. Don't
21 say it goes away.

22 MR. PORRINO: I am saying the issue, because
23 it's on a plan and if they don't conform to it, they
24 don't get a CO.

25 MR. KATES: Plus you get a maintenance

1 retainer, which says if it dies within three years, it
2 has to be replaced.

3 MR. SCHEPISI: The landscape plan that we
4 have that has been attached to our drawings has been
5 prepared by a landscape architect out of Neglia's
6 office. We will have her -- we will make that a little
7 bit prettier. We will address your concerns in the area
8 where we are taking out the trees, submit that to
9 Burgess's office next week so that we can have a report
10 back -- and also Bernie's office. So we can have a
11 report back in a week to two weeks thereafter, so we can
12 address any issues before we come back before you in the
13 February 11 meeting.

14 MR. MIRANDI: Mr. Chairman, I just want to
15 add that as Mr. Kates has said the three-year
16 maintenance bond is a big help.

17 CHAIRMAN FEHRE: The thing is three years
18 later, somebody has got to go take a look at it.

19 MS. O'SHEA: My comment is that I believe
20 that the area, Johnston Avenue and Sage Road, the
21 parking needs to be shielded like Mr. Porrino said with
22 evergreen-type trees that will hide the buildings in all
23 seasons. And I think you need because of the wet
24 constitution of that land, you need something that will
25 tolerate a lot of water. And I know down in Overpick

1 they planted weeping willow trees because they suck up
2 the water. They are not going to be adverse to the
3 water. And I think you need to go with native plants
4 that are natural. Don't bring in species that are not
5 native to the area.

6 MR. SCHEPISI: We will not be bringing in
7 bamboo. I assure you.

8 MS. O'SHEA: The Audubon Society does a lot
9 with making habitats for birds and butterflies and
10 things and I think that you should look at some of those
11 plantings, wild weed and different things.

12 MR. SCHEPISI: We agree completely. And you
13 have to remember that the owner/developer, this is going
14 to be his office. So he wants this to be as pristine
15 and as pretty as possible. That's why we have no problem
16 with anything that you say.

17 MS. O'SHEA: So I'm just asking if you can
18 incorporate these suggestions into your landscape plan
19 that you are going to bring back to us so we can see
20 what you are going to do before we give approval.

21 MR. SCHEPISI: We will do that.

22 MS. O'SHEA: And following up on Mr.
23 Trovato's question on the service areas in the building.
24 If you have 6000 square feet of service area that you
25 are going to knock off, you are going to knock off the

1 requirement for thirty parking spaces. Then you are
2 only asking for a variance for eight spaces, which is
3 much more tolerable. You were talking, you said 25,000
4 plus another 1600 so that's --

5 MR. CHINMAN: Twenty-three four.

6 MS. O'SHEA: So you are really knocking it off
7 as long as your architect will certify to those numbers,
8 that it's actual.

9 MR. SCHEPISI: The only problem that you have
10 is we still need a variance because your organize is 5
11 per 1000. We are now coming below 4 per 1000 at 3.83.
12 We don't want to go less than that. There is no reason
13 to go less than that. And the DEP is not asking us to
14 go less than that and it's better to have them there
15 rather than to take the chance of bringing them down to
16 too low a number.

17 MS. O'SHEA: You are providing 122, but you
18 were required to have 160. If he certifies that your
19 square footage in the building that is taken up by the
20 bathroom and the halls and the stairs, you don't have
21 to have the parking for that.

22 MR. SCHEPISI: But your ordinance is a gross
23 square footage.

24 MS. O'SHEA: Oh, it's gross.

25 MR. MIRANDI: You still need a variance.

1 MR. SCHEPISI: That's the unfortunate part of
2 your ordinance. It's not a net usable, it's gross.

3 MS. O'SHEA: I'm sorry, I thought it was net.

4 MR. KILMARTIN: I just have one more on
5 landscape. Following up on Mr. Porrino's excellent
6 suggestion. I think what I am hearing is we are asking
7 you to landscape the periphery of the parking area at
8 least as visible on three sides there, Sylvan, Sage and
9 Johnston; is that what your understanding is?

10 MR. SCHEPISI: I thought more so Sage and
11 Johnston not so much Sylvan.

12 CHAIRMAN FEHRE: How about Sylvan Avenue
13 landscaping? You are driving down Sylvan Avenue, are we
14 going to drive down there and all of a sudden see a bare
15 spot?

16 MR. SCHEPISI: No.

17 CHAIRMAN FEHRE: What are you putting in,
18 large oaks or something like that?

19 THE WITNESS: We are proposing maple trees.
20 We are proposing shade trees along Sylvan Avenue and
21 then landscaping behind that.

22 MR. SCHEPISI: Do me a favor, when we put
23 together the plan that we are going to submit next week,
24 let's detail this with the type of tree and give a color
25 rendering that shows what this will look like, how this

1 will effect the street scape that we are talking about
2 at the meeting with the board at the other application.

3 CHAIRMAN FEHRE: One thing is to shield the
4 parking lot as much as possible from the residential
5 area. The other one is the Sylvan Avenue street scape.
6 Englewood Cliffs is a beautiful town. I'm trying to get
7 a landscaped plan developed for all of Sylvan Avenue.
8 That would be the deal for us all.

9 THE WITNESS: There are, and we do have oak
10 trees, too.

11 MR. SCHEPISI: Let's put together a color
12 rendering.

13 CHAIRMAN FEHRE: And then you would be in
14 agreement to have Burgess?

15 MR. SCHEPISI: Yes.

16 MR. CHINMAN: Can I ask a different question
17 in a different direction in case anybody has anymore
18 landscaping questions? Exiting and entering the
19 property, from the property, you can go from north to
20 south and you can enter from north to south.

21 MR. SCHEPISI: Correct.

22 MR. CHINMAN: As a planner, are you
23 concerned? If you look at the property to the north, it
24 seems to have a radius and cars travel very quickly
25 going south on 9W. Are you concerned with exiting going

1 north in terms of accidents?

2 THE WITNESS: No. We checked the site
3 distance at the access and it conforms with the DOT
4 standards for site distance.

5 MR. SCHEPISI: And the one other good thing
6 that you have at that site which most other sites don't
7 have you have a traffic light on the corner, so vehicles
8 are being slowed down for that traffic light, which will
9 give you the turning times. And DOT, we discussed this
10 with them, and they were happy with it.

11 MR. CHINMAN: So you did check the traffic
12 patterns.

13 THE WITNESS: Yes.

14 MR. MIRANDI: And let me add, based upon
15 their report, they modified their plan for that as we
16 indicated earlier.

17 MR. CHINMAN: My second question, is that and
18 maybe I am a little confused by all these planning
19 experts because at our last large hearing it was
20 suggested to us that you had to have at least five to
21 one parking for an office building to be adequate in
22 Englewood Cliffs. Is that -- I mean, I'm just trying to
23 understand why you are staying it's only four.

24 MR. SCHEPISI: Whoever said that to you, it
25 is against everything that every treatise says. So

1 whoever that applicant was that said you need 5 per
2 1000, that is contrary to every treatise from the
3 Institute of Traffic Engineers and anybody you speak
4 with. I don't know where that came from. I wasn't
5 party to that application.

6 MR. CHINMAN: I just wanted clarification.
7 Bernie?

8 MR. MIRANDI: We have the ordinance here, you
9 heard testimony from the applicant's this evening, you
10 have seen office buildings in the borough where you have
11 seen several areas of black space not being used for
12 parking for those areas. It's the board's discretion to
13 listen to the testimony and go by that, what the other
14 town ordinances are.

15 MR. CHINMAN: Because the last application we
16 allowed -- they had to have 5 per 1, am I incorrect on
17 that?

18 MR. MIRANDI: I don't recall the specifics of
19 that. I can research that and get back to you.

20 MR. SCHEPISI: Are you talking the Unilever
21 application?

22 MR. CHINMAN: Yes.

23 MR. SCHEPISI: Yes.

24 MR. CHINMAN: One last question, you are
25 doing the underground parking lot.

1 MR. SCHEPISI: Under the building.

2 MR. CHINMAN: So it doesn't go below grade at
3 all?

4 THE WITNESS: No. It's going to be at grade.

5 MR. TROVATO: Question. Changing again on
6 the landscape. You met with the fire officials?

7 MR. SCHEPISI: We haven't yet. A report,
8 everything was submitted to them. They came back with a
9 report, which I believe Cathy has. The main issue they
10 had is the standpipes, they wanted standpipes. They
11 wanted lock boxes to gain access and they wanted us to
12 change the number of the building.

13 MR. TROVATO: That will be worked out with
14 them. And you have agreed that whatever has to be done
15 will be done. I got you. I got you.

16 MR. MIRANDI: So we did have the FEC
17 connection on the plan. So that is indicated and that
18 is something that we suggested the fire department
19 review for accessibility to that.

20 MR. SCHEPISI: That was added. Show them
21 where it was added. Look up there.

22 THE WITNESS: This is the approximate
23 location of the freestanding FEC on the lot to be
24 coordinated with the borough fire department.

25 MR. TROVATO: It's probably very tiny on

1 this.

2 MR. VILLARI: I have a question. If I
3 understand the plan, at any time will there be vehicular
4 access from the site to Johnston Avenue.

5 MR. SCHEPISI: No.

6 THE WITNESS: No.

7 MR. VILLARI: Not even temporarily?

8 THE WITNESS: No, I mean, the construction
9 access will be off of Sylvan Avenue.

10 MR. VILLARI: Okay. Thank you.

11 CHAIRMAN FEHRE: Ms. O'Shea. I'm sorry, you
12 are sort of hiding behind this monitor.

13 MS. O'SHEA: That's why I raised my hand way
14 up. Following on what Mr. Chinman said about the
15 previous application, which is Unilever, which is the
16 garage, all right? That was stated that they needed
17 the garage based on the square footage of the building
18 space.

19 CHAIRMAN FEHRE: I believe if I recall, they
20 presented it as this is how many spots we need, we don't
21 need all of the --

22 MS. O'SHEA: Well, first when they came in,
23 in December, they said they don't need them and then
24 they came back in here and said they needed them.

25 MR. KATES: They still got a variance for

1 being under the requirement.

2 MS. O'SHEA: But wasn't it based on the
3 square footage based on our formula?

4 CHAIRMAN FEHRE: The variance they were
5 seeking that was the goal. And then they provided
6 testimony that said they would never need that many
7 spaces that the ordinance requires. In any situation
8 like that you have to grant a parking variance because
9 it is too much.

10 MS. O'SHEA: Based on the ordinance.

11 CHAIRMAN FEHRE: Schepisi goes back a lot
12 longer than I do. This has been a problem in town as a
13 result of the parking ordinance, you'll drive down the
14 road here and you will see unused asphalt all over the
15 town. I would rather see some trees there.

16 MS. O'SHEA: Well, I was wondering if it was
17 possible to make the building, cut off one of those
18 little wings, the projections, either the part facing
19 Johnston Avenue or the part facing the north and make
20 the building a little smaller.

21 MR. SCHEPISI: Why?

22 MS. O'SHEA: So that you don't have to have a
23 parking variance.

24 MR. SCHEPISI: You need a parking various if
25 I put any building there because with five per thousands

1 we need a parking variance.

2 MS. O'SHEA: But it's based on the square
3 footage, so if you reduce the square footage.

4 MR. SCHEPISI: Then nobody can afford to
5 build it. And your ratables, you won't have the
6 building there so your taxes don't benefit. And it
7 makes no sense.

8 MS. O'SHEA: Can't you cut it a little bit?

9 MR. SCHEPISI: But why?

10 MS. O'SHEA: Why not?

11 MR. SCHEPISI: Because the applicant wants to
12 optimize it, give you what is best for the town.

13 MS. O'SHEA: But he wants to rent the space.

14 MR. SCHEPISI: No, he needs the space.

15 MS. O'SHEA: But you mentioned that he is also
16 going to be renting the space.

17 MR. SCHEPISI: But right now he plans on
18 using the bulk of the building.

19 MS. O'SHEA: I'm saying if he doesn't need
20 this space for the building, can he make the building a
21 little smaller so that --

22 MR. SCHEPISI: Ms. O'Shea, why? You have now
23 a piece of plan that is 6 acres, the building that is
24 being put up there is the size building that you put on
25 2 and a half acres. So he has already been impeded with

1 that and he is paying full price for this parcel of
2 land. If you make things economically unfeasible, you
3 are never going to have any sound development in this
4 community. If you make it where the applicant is giving
5 you trees, the applicant is giving you green, don't just
6 say just cut the building.

7 MS. O'SHEA: Cut the building a little bit.

8 MR. SCHEPISI: But why? That's the question.
9 It makes no sense to me.

10 MS. O'SHEA: Well, it makes sense to me.

11 CHAIRMAN FEHRE: Any other questions of this
12 witness at this time?

13 MR. SCHEPISI: Bernie?

14 CHAIRMAN FEHRE: Bernie.

15 MR. MIRANDI: Thank you, Mr. Chairman.

16 MR. SCHEPISI: You've got that deep voice.

17 MR. MIRANDI: I'm sorry, I have a head cold
18 so I apologize to the board for that. I am taking some
19 vitamin C. So maybe at the next meeting it will be a
20 lot better for you, John.

21 There was the comment by Mr. Kurus regarding NJ
22 DEP. I would just like to add that if the board looks
23 favorable upon this that the appropriate permits signed
24 and sealed plans come back to the board, the building
25 department and the board engineer for our record and

1 use.

2 There is also testimony, and just to go back, I
3 mentioned before my December 28th letter. And
4 Mr. Schepisi and Mr. Kurus had provided some testimony
5 regarding that they addressed comments in my letter. I
6 will say that Plan Sheet No. 3.010.3 TR1 and TR2 were
7 submitted post my report to address some of the comments
8 that we had. They addressed many of the comments.

9 I just want clarification regarding, we had
10 several comments regarding storm water management. I
11 didn't get any revised storm water management reports.
12 And I just want clarification that the applicant is
13 stipulating to addressing those items before building
14 permit.

15 THE WITNESS: Absolutely.

16 MR. MIRANDI: Okay. Thank you.

17 MR. SCHEPISI: If there are no further
18 questions of this witness.

19 CHAIRMAN FEHRE: Do you have another witness.

20 MR. SCHEPISI: I have one more.

21 CHAIRMAN FEHRE: What is he going to talk
22 about?

23 MR. SCHEPISI: It's the architect.

24 CHAIRMAN FEHRE: I have questions about the
25 lighting and the signage.

1 MR. SCHEPISI: We will do it with this
2 witness.

3 CHAIRMAN FEHRE: The lighting situation.
4 What is that? Is that is going to glow in the dark?

5 THE WITNESS: We are proposing LED pole,
6 mounted LED area lighting. All the lights are going to
7 be downward facing aimed at the pavement. There will be
8 shielding. There will be no spill light onto adjacent
9 properties. Underneath the building, there would be
10 ceiling mounted lights. With the LED lights, you have
11 better back light control with them. They can be...

12 MR. SCHEPISI: Are all the requirements of
13 the borough's ordinance met with the lighting proposed?

14 THE WITNESS: Yes. Yes.

15 MS. ROSENBERG: When do they turn on?

16 THE WITNESS: They will be on a timer.

17 CHAIRMAN FEHRE: Is there something in our
18 ordinance that says when building lights have to go out?

19 MR. SCHEPISI: No.

20 CHAIRMAN FEHRE: Is there anything that you
21 know of in our zoning ordinance that says how bright the
22 lights have to be?

23 MR. SCHEPISI: Yes, you have that because of
24 the spillover.

25 CHAIRMAN FEHRE: Is there a brightness

1 standard? Lumens or whatever?

2 MR. SCHEPISI: The flow of lumens onto the
3 other properties. Lighting, I don't think there is any
4 requirement in our ordinance that says the intensity of
5 the lighting on the site. I can assure you that we are
6 not going to have flood lights on the site. It's going
7 to be a typical office user parking lot with lights. If
8 you look at my building, I have lighting on my building
9 far from being offensive. It is just shining down so
10 that people coming out at night aren't afraid they are
11 going to get mugged. It is not offensive lighting.

12 MR. CHINMAN: Do your lights go off at any
13 time?

14 MR. SCHEPISI: I think ours go off at twelve
15 because of municipal court people walking through and I
16 have some attorneys that are there at night.

17 MR. CHINMAN: So would your applicant be
18 willing to consider a time that they will turn off so
19 they will not bother anyone on Johnston.

20 MS. ROSENBERG: How is it going to affect
21 Johnston? I mean will you be able to see it when you
22 are driving by Johnston or on Sage.

23 MR. SCHEPISI: Turn off at twelve?

24 MR. CHINMAN: Maybe eleven.

25 MR. DUFFY: You might want to check up with

1 the police department and see what the recommendation
2 will be in that area on any particular day instead of us
3 going back and forth with ten, eleven, and twelve.
4 Check with the police department, let them give a
5 recommendation and that will give us a guide on where we
6 should go with the lighting.

7 MR. SCHEPISI: What time do the lights go off
8 at 910, 920, 930, 940, which is right across the street
9 from us. We will abide by that same time. Is that
10 okay?

11 MR. KESSEL: They don't ever go off.

12 MR. SCHEPISI: They don't?

13 MR. KESSEL: We will do better than that.

14 MR. SCHEPISI: We will beat that.

15 MS. ROSENBERG: There has to be a set time.

16 CHAIRMAN FEHRE: Right now there is no
17 ordinance that says when lights have to be shut off.
18 MS. ROSENBERG: Can you agree to do
19 something?

20 MR. SCHEPISI: We can agree. We can't shut
21 the lights off at 6:00 at night. But if you want to
22 talk about 10:00 at night. Is that fair?

23 CHAIRMAN FEHRE: Would you agree to abide by
24 Mr. Duffy's suggestion to talk to the police department?

25 MR. SCHEPISI: I don't think you are going to

1 be happy with the results.

2 MS. SCANCARELLA: They are going to want
3 something, they patrol.

4 MR. SCHEPISI: We are willing to go 10:00.

5 MS. ROSENBERG: Stipulate to ten. But I have
6 a quick question, so that is even with the parking lot,
7 correct? But what about the signage or any of the other
8 lights that you would have.

9 MR. SCHEPISI: The signs, when you see them,
10 the testimony on signs, they are just small little --
11 there are no major signage. You are going to get that
12 testimony right now.

13 MR. KESSEL: If someone is staying past ten
14 and they are leaving --

15 MR. SCHEPISI: If you are going to be on a
16 timer for 10:00 at night for the exterior. If, however,
17 someone is going to be working late once in a blue moon,
18 I am sure nobody is going to send the police up there.
19 But the timer will be set to 10:00. That's fine.

20 Now let's talk about the signs.

21 MR. MIRANDI: Just before you got to that,
22 Mr. Chairman, and just for the board's information, a
23 question arose on lighting. And I'm not talking signage
24 as Mr. Schepisi will speak to that, Chapter 30, Section
25 9.4k addresses site plan lighting. The applicant has

1 submitted one of their plans, in part of the A3, the
2 whole plan says that they indicated as the lighting
3 plan. I reviewed that for compliance. It does show
4 footcandles throughout the site based upon the light
5 fixtures that they propose. And the ordinance does tie
6 into spillage as you heard some testimony before at the
7 property lines. And that's something that we typically
8 take a look at prior to CO, that we make sure that what
9 they had on the plan is conforming to the footcandle
10 level, that there is not spillage. And we typically ask
11 if there is that there be some sort of the shielding to
12 protect the neighboring properties from that. And I
13 believe you heard some testimony from Mr. Kurus on that
14 earlier.

15 CHAIRMAN FEHRE: Is there a brightness
16 standard?

17 MR. MIRANDI: Footcandle is the measurement
18 for spillage along the property line.

19 CHAIRMAN FEHRE: There is actually a
20 measure, you actually go there with a light meter and
21 measure that?

22 MR. MIRANDI: We take a look at it. We
23 haven't looked at it recently. We have looked at it
24 with light meters in the past. That's usually
25 something, a stipulation, in the resolution if the board

1 wants that to happen.

2 MR. SCHEPISI: Put it right in the
3 developers's agreement.

4 MR. MIRANDI: And/or in the developer's
5 agreement, which is more binding.

6 MR. CHINMAN: Signage.

7 MR. SCHEPISI: Enough with the lighting.

8 I think Mrs. O'Shea has a comment. We did put a
9 building in, as you know. And I live right across the
10 street from it. It bothers me. Somehow we did
11 something and it didn't turn out the way we thought it
12 was going to turn out.

13 MR. SCHEPISI: Which building is that?

14 CHAIRMAN FEHRE: 21 Sylvan. It's just so
15 bright. It has lights on the outside of the building
16 over each door, and there are lots of doors. And the
17 lights are just so bright that this whole thing is
18 glowing, you know. And it's right there in the
19 neighborhood.

20 THE WITNESS: You have the remember here you
21 have such a large track of land that is set back from
22 everything.

23 CHAIRMAN FEHRE: These lights are brighter
24 than all the other buildings around. Somehow it got in
25 there that these lights are just so bright.

1 MR. SCHEPISI: We have no desire to put in
2 any lighting beyond what is normally in an office
3 building.

4 MR. KATES: So how would we enforce this?

5 MR. SCHEPISI: We will not put in any
6 lighting similar to the lighting on that building on
7 Sylvan Avenue. I don't know what else to say. We are
8 not going to do it and I think that any office building
9 that I have represented the applicants on, you have no
10 problems with lighting on any one of them. This client
11 doesn't want to waste any more money on electricity
12 every month.

13 CHAIRMAN FEHRE: That goes to what he talked
14 about spillage. That spillage can be coming onto your
15 property.

16 MR. SCHEPISI: In this case there isn't any
17 spillage though.

18 MR. CHINMAN: It is because if light is going
19 from that property onto adjacent properties.

20 CHAIRMAN FEHRE: This one is more like a
21 heavy glow rather than actually spilling.

22 MS. O'SHEA: Right. And the thing is when
23 you talk about that other situation, they leave all the
24 lights on in the building with the shades up. So it
25 glows out. They leave all the lights on in the whole

1 place. So we can say turn out the lights at 10:00. And
2 you go past the building and it's lit up like a
3 Christmas ornament.

4 MR. SCHEPISI: Realistically anybody that
5 does that -- it's not an owner/user, it's a tenant in
6 there.

7 MS. O'SHEA: It was an owner, it's an
8 owner/user. They lease the land.

9 MR. SCHEPISI: I don't think so.

10 CHAIRMAN FEHRE: You can say something like
11 the interior lights, the office lights, they go out at a
12 certain time.

13 MS. ROSENBERG: You are never going to be
14 able to control that.

15 MR. SCHEPISI: Sometimes I have to work on
16 projects, I have a whole team of lawyers to work around
17 the clock.

18 CHAIRMAN FEHRE: These lights are on and not
19 being used.

20 MR. SCHEPISI: We will not have the lights
21 on 24/7 at the building.

22 MS. O'SHEA: Will you have light switches in
23 the office that are sensitive. Like when you go out of
24 the room, the lights go out. There is a switch.

25 MR. KESSEL: I plan on --

1 MR. KATES: I have to put you under oath.
2 You have to be on the record. You can't shout from the
3 back.

4 Identify yourself.

5 MR. KESSEL: Michael Kessel, K-e-s-s-e-l.

6 MR. SCHEPISI: What is your position,
7 Michael?

8 MR. KESSEL: I am a principal with the
9 company.

10 MICHAEL KESSEL, after having been
11 duly sworn, was examined and testified as follows:

12 MR. SCHEPISI: The question has come up on the
13 lighting in the building. Are you saying that in your
14 current building you have motion sensors in all your
15 offices?

16 MR. KESSEL: Yes. All our internal lights
17 are set on motion sensors. I don't know the exact time,
18 but it's a matter of a minute or so that they go off
19 when no one is in the building.

20 MR. SCHEPISI: And you have had them in the
21 building?

22 MR. KESSEL: Absolutely. We are the kind of
23 people that unplug the coffee machine when we leave.

24 MR. TROVATO: What time is coffee served over
25 there?

1 MR. SCHEPISI: You can't tell, the clocks are
2 off.

3 MS. ROSENBERG: Signage.

4 CHAIRMAN FEHRE: No more on lighting for the
5 time being.

6 EXAMINATION BY MR. SCHEPISI:

7 Q. In relating to the signage, please show us
8 what two signs we have on the building?

9 A. We are proposing a ground sign along the
10 Sylvan Avenue frontage.

11 MR. TROVATO: And what size is that sign?

12 THE WITNESS: That sign will be 32 square foot
13 maximum to satisfy the ordinance requirement.

14 Q. No variances is being sought for that?

15 A. No.

16 Q. How is that sign proposed, is that going to
17 be eliminated with an external light shining on it or is
18 it going to be the a florescent McDonald's type of sign?

19 A. Commercially illuminated.

20 CHAIRMAN FEHRE: It's not a LED back lit?

21 MR. SCHEPISI: It's not going to be back lit.
22 It's not being going to be one of those plastic signs
23 where the whole sign flares out. It will be a very
24 tasteful --

25 CHAIRMAN FEHRE: Can you give me an example

1 of some sign in town?

2 MR. SCHEPISI: Look at my building. I have a
3 big sign out in front, no body even notices it's there.

4 CHAIRMAN FEHRE: You have something with a
5 spotlight on it.

6 MR. SCHEPISI: I have a spotlight on it. For
7 externally, the back lit ones, we just put one --

8 THE WITNESS: The NBC building.

9 MR. SCHEPISI: The NBC building signs. The
10 technology ones. Those are backlit, but they are not
11 backlit like a plastic sign, they are back lit so you
12 see the perimeter and then the light comes around the
13 edges. It will be very tastefully done.

14 MR. KILMARTIN: Are we going to see it or are
15 you just going to tell us about tastefully done? Do you
16 have the details?

17 THE WITNESS: I don't have the final details
18 of the sign.

19 MR. SCHEPISI: You will have them at the next
20 meeting?

21 MS. O'SHEA: Do we have details on the sign?

22 MR. SCHEPISI: That's what we've just
23 discussed.

24 CHAIRMAN FEHRE: That's what we were just
25 saying.

1 Q. And the other sign on the building is going
2 to be where, sir?

3 A. It will be on the Sylvan Avenue frontage,
4 again a 32 square foot maximum to comply with the
5 ordinance requirements.

6 MR. KILMARTIN: So same thing that is on the
7 rendering. And we will see that.

8 MR. SCHEPISI: You will have a detail on that
9 within the next ten days.

10 CHAIRMAN FEHRE: So you are going to have a
11 monument sign.

12 MR. SCHEPISI: One monument sign.

13 CHAIRMAN FEHRE: Along the driveway.

14 MR. SCHEPISI: And then another sign on the
15 building and that's it.

16 CHAIRMAN FEHRE: 32 square foot.

17 MR. SCHEPISI: Each.

18 MS. O'SHEA: Mr. Chairman, I'm not up to date
19 on the sign ordinance. Is that a variance for the two
20 32 square foot signs?

21 MR. SCHEPISI: No, it is not.

22 MR. KATES: It's not supposed to exceed 32
23 square feet.

24 MS. O'SHEA: He has one monument sign and one
25 on the building.

1 MR. KATES: Are you talking about cumulative
2 standard; 32 plus 32?

3 MS. O'SHEA: Yes.

4 MR. KATES: Are they both on the same side?

5 MS. O'SHEA: No, one is on the building and
6 one is on the ground.

7 THE WITNESS: One is a ground sign and there
8 is only one wall sign.

9 CHAIRMAN FEHRE: If I'm correct, you are
10 allowed one sign on Sylvan Avenue, you are allowed
11 another one on Sage, if I am correct.

12 MR. SCHEPISI: You are correct.

13 CHAIRMAN FEHRE: And they should not be back
14 lit. So the one on the building is that flood lighted?

15 MR. SCHEPISI: We will give you the specs on
16 that. You will have it before the next meeting. We
17 will have that into Bernie next week and then we will
18 have it to the whole board in the week after.

19 MR. KATES: We will look at the zoning.

20 CHAIRMAN FEHRE: Another requirement like on
21 a large building, like on the CNBC, every 200 feet you
22 are allowed to have another sign.

23 MR. SCHEPISI: Since we have frontage on three
24 streets, you are allowed to have one sign for every 100
25 feet of street frontage. We could theoretically have

1 three, four signs on this building plus the monument
2 sign. But we will have all the details for submittal
3 next week.

4 MS. O'SHEA: We wouldn't allow a sign facing
5 the residential street.

6 MR. SCHEPISI: Nobody is doing that, but your
7 ordinance permits it.

8 MS. O'SHEA: I'm just saying you couldn't do
9 it.

10 MR. SCHEPISI: Yes, you could.

11 MS. O'SHEA: No, you couldn't.

12 MR. SCHEPISI: Your ordinance permits it.

13 MS. O'SHEA: And we wouldn't let you.

14 MR. SCHEPISI: You can't stop it. But we are
15 not doing it, so why are we having a debate about it.

16 MS. O'SHEA: Don't allude to it.

17 CHAIRMAN FEHRE: Any further questions?

18 MR. PORRINO: Not on signage. I'm just going
19 back to landscaping for one second. I think it may be
20 prudent, not to take business away from engineering,
21 since the appointment has been temporary and this is not
22 to broadcast any message of any sort, shouldn't the
23 board bring in an independent landscape architectural
24 firm to review this, in terms of even the continuity of
25 the applicant. Because if you ended up with a new

1 engineer a month from now, what do you do with this
2 application and the landscape plan, who is going to
3 review it.

4 MR. SCHEPISI: Boswell has been fired from
5 many, many a town and still continued reviewing certain
6 plans that were before them before they left.

7 MR. PORRINO: Just a thought.

8 CHAIRMAN FEHRE: I thought we agreed to send
9 it to Burgess.

10 MR. SCHEPISI: I will send it to whoever you
11 want me to send it to.

12 CHAIRMAN FEHRE: Burgess is already doing --

13 MR. SCHEPISI: No. No. No. Burgess is not
14 doing anything for us.

15 MR. PORRINO: There could be a motion on
16 that, the chair has the right.

17 CHAIRMAN FEHRE: They have licensed
18 landscape architects on their staff.

19 MR. SCHEPISI: As long as we can get Burgess
20 to work quickly.

21 MR. KILMARTIN: Couldn't we defer this issue
22 until next meeting and see where we are at?

23 MR. PORRINO: The only question is, is if
24 there is motion necessary that you are selecting who is
25 going to be appointed between now and the next meeting.

1 And the chair has the ability basically to appoint
2 somebody with this board's approval tonight. That's my
3 recommendation.

4 CHAIRMAN FEHRE: I think we can go with
5 Burgess, that seems to me to be a safe place.

6 MR. SCHEPISI: That's fine with a us. Either
7 firm, whether it be Burgess or Boswell.

8 Can someone please permit me to talk to Mr.
9 Burgess to ask him to please expedite this? I can't
10 lose time, I'm on a time is the essence contract to buy
11 this property and I don't want to lose it.

12 CHAIRMAN FEHRE: As long as we have some kind
13 guarantee that it's going to be done in a reasonable
14 amount of time.

15 MR. SCHEPISI: Get everything to Burgess and
16 I will talk to Joe tomorrow.

17 Danny, remind me to call Joe Burgess tomorrow.

18 CHAIRMAN FEHRE: Is that it for your
19 testimony?

20 MR. SCHEPISI: I will have to bring him back.
21 Unless you want me to close the testimony and this is
22 subject to having my people available in case there are
23 any questions that Bernie has that the board has not had
24 satisfactorily answered.

25 CHAIRMAN FEHRE: We can open the meeting to

1 the public now and hear the public testimony and then
2 you are going to come back again.

3 MR. SCHEPISI: I'd look to, if we close it
4 tonight, I request maybe that the board vote on it
5 conditionally, a conditional vote would be subject to a
6 plan being submitted that is acceptable to your engineer
7 for lighting and landscaping, which has been done many
8 times before. And then this way I don't have to lose
9 another month and then another so that we are into May
10 before we get approvals.

11 CHAIRMAN FEHRE: So Mr. Kates, you are clear
12 on conditions?

13 MR. KATES: No. I thought we were coming
14 back. And we don't want to limit the public and it's
15 10:30. I think it's probably a comeback.

16 MR. KILMARTIN: And were we going to hear
17 from the architect?

18 MR. SCHEPISI: I was planning on putting him
19 on next. If you want to hear from him today. Mr. Kates
20 looks like he is getting tired.

21 MR. KATES: I have been going since five this
22 morning.

23 CHAIRMAN FEHRE: Let's open it to the public.

24 MR. CHINMAN: Motion to open it to the
25 public.

1 MS. SCANCARELLA: So I have a first from Mr.
2 Chairman.

3 MR. KILMARTIN: Second.

4 MS. ROSENBERG: Second.

5 CHAIRMAN FEHRE: All in favor?

6 ALL BOARD MEMBERS: Aye.

7 CHAIRMAN FEHRE: Is there anybody who would
8 like to be heard on this application?

9 MS. VILLARI: Maria Villari, 45 Jane Drive.

10 Obviously, I have been living in a lovely area
11 with all those trees and I'm concerned because even
12 though I live on Jane Drive not Johnston, I can hear the
13 traffic from 9W. I'm concerned that when you are taking
14 these trees down, it will increase the noise level that
15 we hear just by being in our back yard. I didn't
16 understand about, did you say you are not allowed to cut
17 trees or plant trees in that wetland area that you are
18 restricted.

19 THE WITNESS: Not the wetlands, we can't
20 plant trees on top of the new utility lines.

21 MS. VILLARI: What I would like to see and
22 am hoping to see what the landscape designer is going to
23 do now. I would like to see maybe more trees to help not
24 only shield the lights that may be coming from the
25 building but to shield the view of the parking lot. The

1 Only reason I'm concerned is because when I moved to
2 into this town many years ago, Johnston going to the
3 park, you couldn't see 9W, you couldn't see New York,
4 you couldn't see anything. And somewhere along the line
5 the companies that are on that side were allowed to
6 extend their parking lots. The trees were minimized and
7 now it's a clear view. It almost feels like a complex I
8 am driving into instead of a very lovely area. So I'm
9 really concerned about the noise level and the view of
10 the building.

11 MR. SCHEPISI: Can I ask Ms. Villari a
12 question. Are you concerned about having trees on
13 Johnston Avenue or are you more concerned about having
14 trees going around the perimeter of the parking lot?

15 MS. VILLARI: I would like to see trees from
16 the edge of Johnston Avenue to the edges of the parking
17 lot. I mean it's not land that you are going to be
18 using for anything specific. So why not just plant many
19 trees, evergreens, so that in the wintertime especially
20 if you are going by Johnston field there, there are no
21 evergreens and when the leaves are down, I wouldn't want
22 to live in those houses. And they are expensive houses.
23 And all you see is a parking lot and a building.

24 And I feel that for Englewood Cliffs it should
25 be --

1 MR. SCHEPISI: We will talk to a landscape
2 architect. The only thing you have to remember when you
3 have a heavy cover of trees you can't put more trees
4 under it because they will not live. That's why I
5 suggested perimeter trees of evergreen, which will give
6 what you want as compared to what you are suggesting
7 now. Because if I have a big oak tree, I can't put a
8 pine underneath it because it wouldn't get sunlight to
9 live.

10 MS. VILLARI: Right, but you are removing
11 trees.

12 MR. SCHEPISI: Up in the front.

13 MS. VILLARI: What is happening from the
14 parking lot to Johnson? What is happening there?

15 MR. SCHEPISI: You have 400 feet of
16 undisturbed property exactly as you have. We are not
17 touching anything.

18 MS. VILLARI: And if a tree falls, they will
19 replace them.

20 MR. SCHEPISI: As the big ones fall?

21 MS. VILLARI: Um-hmm.

22 MR. SCHEPISI: Yeah, I guess they will.

23 MS. VILLARI: I mean, because as they fall
24 sometimes we see new plantings going in. So we don't
25 want these trees to become so old and then they fall and

1 then nobody does anything.

2 MR. SCHEPISI: What you have there today, I
3 went there this morning to check it. You must have a
4 hundred trees of this diameter laying one on top of the
5 other. It looks like a lumber yard. Our plan is to get
6 them out of there, clean them up and around the
7 perimeter put a nice little planting closer to you and
8 let the natural growth come into the area.

9 MS. VILLARI: Okay. Well I would like to
10 see.

11 MR. SCHEPISI: We will have the landscape
12 architects work together. And we will have something
13 more for the next meeting.

14 MS. ROSENBERG: You know what? Just to bring
15 up a point. I'm not sure it was Unilever or which
16 company it was, but when there was the storm, a whole
17 bunch of trees were destroyed and I think -- I'm trying
18 to remember if there was an application and they had to
19 replace those.

20 MR. SCHEPISI: That was me and that was CNBC.
21 And it was the area around the tennis courts, if you
22 remember. The trees all came down, the fencing came
23 down and we redid it.

24 CHAIRMAN FEHRE: That was in their buffer
25 zone.

1 MR. SCHEPISI: Correct.

2 CHAIRMAN FEHRE: 120 feet is their buffer
3 zone.

4 MS. ROSENBERG: Maybe we can put that somehow
5 in the resolution or that if some of those trees
6 actually fall down or whatever we can replace them.

7 MR. SCHEPISI: I have no problem maintaining
8 our property. Am I correct?

9 MR. KESESEL: Yep.

10 MR. SCHEPISI: If trees fall on our property
11 we will main our property.

12 MS. ROSENBERG: Well, if they fall, they want
13 a buffer of another tree.

14 MR. SCHEPISI: Well, maybe you don't want
15 that. Maybe what caused the trees to fall is because
16 they were getting no light because their roots couldn't
17 spread. Let's have the landscape architect work on it
18 and we can talk about this next week after we get the
19 report.

20 MS. VILLARI: I would like to see something
21 concrete, not just well maybe and if only and if this
22 falls.

23 CHAIRMAN FEHRE: A landscape architect will
24 come in and make a huge plan of the whole site. It's a
25 guy that is supposedly well-trained and is licensed and

1 that's their livelihood, designing parks and things like
2 that. So they will take a look at the whole thing from
3 a site plan point of view, probably in a way that we
4 couldn't even imagine. And they will put all that on
5 paper.

6 MS. VILLARI: My only concern is, I'm going
7 to be completely honestly with you, I went to a meeting
8 and the LG project and they had this lovely rendering of
9 the building and the trees and the trees were this small
10 and the building was this big. And my question was,
11 "Well, how could these trees be so small?"

12 And they said, "Well, they will grow to a
13 height." And we all know trees can't grow to certain
14 heights. They fall before they get too crazy. I just
15 want to make sure that the integrity of that area stays
16 the way it is. It's a beautiful area, when you drive
17 into Sage Road, unfortunately, the left side, they
18 ruined, but when I moved in, it was just all beautiful
19 trees. The park was beautiful trees and I see less and
20 less trees.

21 MR. SCHEPISI: We will definitely address it
22 with the landscape architect and have something for the
23 next meeting?

24 CHAIRMAN FEHRE: Anyone else from the public?
25 Ms. McMorrow?

1 MS. McMARROW: Carol McMorrow, 7 Ridge Road.
2 Welcome to all the members that are coming back. And
3 the new members, I wish you all good luck.

4 Mr. Schepisi, I appreciate your anxiousness at
5 getting this through as quick as possible and I
6 appreciate the board allowing it to come back for the
7 next time to get everything in writing. And I just want
8 to stress the importance of the getting everything in
9 writing. It's great now to hear everybody saying, don't
10 worry, we are going to take care of it. Don't, worry we
11 are going to take care of it. Guess what? A couple of
12 years from now nobody is going to remember what you
13 promised or whatever anybody else promised. But the
14 rest of us that are living there are going to remember.
15 I think we will remember the Unilever story.

16 MR. SCHEPISI: Which one?

17 MS. McMARROW: Unilever on Hollywood Avenue.
18 In fact a couple years back when I was on the council, I
19 was called by the residents that were there. And that
20 they were promised that they were going to maintain that
21 landscaping. And guess what? They didn't. They were
22 cut down. There was no buffer, there were no trees,
23 there was no protection. So all those promises meant
24 nothing. So I'm asking the board to please and we want
25 the land to be -- let me finish, please.

1 MR. SCHEPISI: I'm agreeing with you.

2 MS. McMARROW: You agree with everything.

3 MR. SCHEPISI: No, I don't. That one I don't
4 agree with.

5 MS. McMARROW: You have a job to do. You
6 have a client, we welcome them to Englewood Cliffs. We
7 want them to be successful. But we have to respect our
8 residents. And I thank you the board, please just make
9 sure the landscaping is agreed to, but more importantly
10 the maintenance because you brought up Ms. Rosenberg a
11 good thing. If it's falls, who is going to put it back
12 up. If it's not all written carefully it doesn't happen
13 and the residents are going to be left with a totally
14 different idea of what their understanding now is going
15 to happen. And that's all I have to say.

16 CHAIRMAN FEHRE: At some point it becomes a
17 property maintenance issue though --

18 MS. McMARROW: It's not a property
19 maintenance issue.

20 CHAIRMAN FEHRE: I mean, you plant the stuff,
21 it grows, it changes --

22 MS. McMARROW: If I may, Chairman, what
23 happened with Unilever, I believe it was put into -- and
24 I think Mr. Porrino could probably correct my memory
25 because he would know better than myself -- there were

1 promises made as to how that property would be
2 maintained by that buffer by the corporation because it
3 was so close to the residences. I remember getting, it
4 is three years ago, a frantic call from a resident that
5 all of these trees were being cut down. And they cut
6 them all down. And you can't bring any of those trees
7 back. We are talking about big trees. They were gone.
8 And people forget what they are supposed to do. So I am
9 just saying, please, for the sake of the residents, and
10 the neighborhood to just keep those things in mind. I
11 want to make it as clear as possible for everybody.

12 CHAIRMAN FEHRE: We definitely need a
13 drawing.

14 MS. McMARROW: And a maintenance.

15 MR. MIRANDI: We suggest three years.

16 CHAIRMAN FEHRE: Three years on landscape
17 maintenance?

18 MR. SCHEPISI: And one thing you should have,
19 you should have a property maintenance code which you
20 don't have. And you should recommend it to the
21 governing body.

22 MR. PORRINO: Mr. Chairman, if I can, I think
23 I can settle this in about ten seconds. The board has
24 the right, I believe, to stipulate in the
25 memorialization of the matter that the plantings will be

1 done in accordance with the plan and that they will be
2 maintained. That's in perpetuity. So if a tree falls
3 or if a tree dies or if its diseased where its in danger
4 of dying, the borough can then enforce the
5 memorialization of this hearing. But you have to put it
6 in the stipulation, a stipulation in the
7 memorialization.

8 CHAIRMAN FEHRE: Is this something that the
9 landscaping architect that we are being to hire on the
10 board's behalf, Burgess, for example, can make the
11 property, a landscaping maintenance agreement?

12 MR. PORRINO: No. It's basically here's the
13 plan, this is what the applicant is going to plant on
14 the property. It's agreed upon by the applicant, our
15 own landscape engineer approves it. And then it's just
16 a simple addition of several words in the
17 memorialization that the planting is going to be
18 maintained. It is going to be planted as per the plan
19 and it will be maintained in the future.

20 MR. KATES: Let me check it out. I know the
21 Municipal Land Use Law puts a three-year limit on
22 maintenance retainers, that means funding it. I'm not
23 sure that the promise to maintain it is --

24 MR. PORRINO: I think I have been through
25 this and Mr. Schepisi will agree, I think, it's

1 enforceable.

2 MR. KATES: Well, we will check it out. I
3 think it's a good idea. We will just see if it works.

4 MR. SCHEPISI: And if it's not my suggestion
5 is recommend to the governing body a property
6 maintenance code. You need it.

7 MS. ROSENBERG: WE have a property maintenence
8 code.

9 MR. SCHEPISI: It's probably doesn't cover
10 landscaping.

11 MR. KATES: As far as the removal of trees,
12 that is a violation of the tree ordinance. Trees have
13 to be replaced.

14 MR. SCHEPISI: Correct. If you are removing
15 a tree, you have to replace it.

16 CHAIRMAN FEHRE: So we are going to take a
17 look at that and hopefully we will have a plan that we
18 can talk about more.

19 MR. CHINMAN: I make a motion to close.

20 CHAIRMAN FEHRE: Is there anybody else out
21 there that wants about to be heard on this application?

22 MR. CHINMAN: We have to open for general
23 purposes.

24 CHAIRMAN FEHRE: Motion to close?

25 MS. ROSENBERG: Second.

1 CHAIRMAN FEHRE: All in favor.

2 ALL BOARD MEMBERS: Aye.

3 MR. SCHEPISI: From a timing standpoint for
4 the next meeting, we are going on first, we will
5 continue with this? For my second application, I'm
6 flying people in from Detroit. I am just trying to say
7 we will go with this one first, my second one will come
8 after. We will have this one hopefully resolved that
9 night. And then you will vote on it, and you will
10 memorialize it the following week if it's accepted with
11 your approval.

12 MS. O'SHEA: Don't we have Mauro Road on,
13 too?

14 MS. SCANCARELLA: That's what I was going to
15 see. Does Mauro Road have to go after this one or
16 before?

17 MR. KATES: How big is the other application
18 in terms of witnesses?

19 MR. SCHEPISI: I've got three witnesses,
20 minimum. Depending on the questions, I may have to put
21 a couple more. I was planning on putting on my
22 engineer, my planner and my architect, those three.

23 CHAIRMAN FEHRE: What else do we have for
24 February?

25 MS. SCANCARELLA: Mauro.

1 MR. SCHEPISI: Haven't they been pending for
2 three months?

3 MS. O'SHEA: Mr. Chairman, wouldn't Mauro
4 Road come before 120 or 100 Sylvan Avenue? Because
5 that's been on since March.

6 MS. SCANCARELLA: Definitely. That's from
7 March of last year.

8 CHAIRMAN FEHRE: But are they ready?

9 MS. SCANCARELLA: They are ready, but they
10 keep pushing it off.

11 CHAIRMAN FEHRE: We are not pushing it off,
12 the applicant keeps pushing it off.

13 MR. KATES: He wrote a letter saying he will
14 be ready on the 11th of February.

15 MR. KILMARTIN: Can we close to the public?

16 MR. KATES: We have this issue of the 27nd of
17 January. Let's do that and see if we can have a
18 meeting. Maybe we can do something then.

19 MR. SCHEPISI: I'm in Guatemala. I'm fishing
20 in Guatemala on the 27th, I think.

21 MR. PORRINO: You can't cancel that?

22 CHAIRMAN FEHRE: We will figure something
23 out.

24 MR. SCHEPISI: I will be here for both
25 meetings. Whatever you do, you do, it's your

1 prerogative. I just ask that I be notified before I fly
2 all my witnesses in.

3 CHAIRMAN FEHRE: We will let you know a
4 couple of days before.

5 MR. SCHEPISI: That's fine.

6 MR. PORRINO: This may be a question for Mr.
7 Schepisi. Do you want to bifurcate that application
8 into a use variance or is it your position that you
9 don't need a use variance? Maybe it's premature or
10 maybe it's not. It will help him bring in the
11 appropriate witnesses.

12 MR. SCHEPISI: It's not a use variance
13 because it's been a continuation of an existing
14 nonconforming use; it's never changed.

15 MR. KATES: There has been no abandonment.

16 CHAIRMAN FEHRE: There has been no
17 abandonment of the existing nonconforming use.

18 MR. PORRINO: Will this board, if we agree,
19 because we know who is going to be recusing and who is
20 not if it's going to be a use variance or not.

21 CHAIRMAN FEHRE: Absolutely. We did hear
22 this in committee. Mr. Schepisi came and explained the
23 situation and now we just have to deal with it.

24 MR. KATES: I think the zoning officer's
25 position was it was not an abandonment. He makes the

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