

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
January 9, 2014

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Vice Chairwoman Jill Rosenberg at 7:40 PM.

Present at Roll Call:

Mrs. Rosenberg
Mr. Trovato
Mr. Kilmartin
Mr. Chinman
Mr. Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. Duffy, 2nd Alternate
Mayor Parisi
Councilman Aversa

Absent:

Mr. Fehre
Mr. Dooly
Mr. Nikow

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Kate Walsh, 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 December 12, 2013 meeting motioned by Mr. Duffy seconded by Mr. Kiky Kim. This motion was approved by a roll call vote. 5 Ayes (Ms. Rosenberg, Mr. Kiky Kim, Mr. Duffy, Mr. Surace, Mr. Sean Kim), No Nays, 4 Abstentions (Mr. Trovato, Mr. Kilmartin, Councilman Aversa, Mayor Parisi).

Old Business:

Application #223K - Site Plan Approval with Variances
Investors Bank - 19 Sylvan Avenue - Block 134 - Lot 2

See attached transcripts.

New Business:

Application #224K - Interpretation of Zoning for B4 Zone
Martin Fuel & Prep Center, LLC
490 Sylvan Avenue - Block 506 - Lot 6

This application was carried over to the February 13, 2014 meeting without re-advertising.

Vice Chairwoman opened the meeting to the public for general questions/comments.

Mrs. Mary O'Shea, 12 Irving Avenue. She questioned if the board has received or reviewed an application for a restaurant at 11 Sylvan Avenue. Board secretary Caterina Scancarella informed Mrs. O'Shea that the board has not received anything for that property. The property has an open building permit only.

Vice Chairwoman Rosenberg asked for a motion to adjourn the meeting at 10:40 pm. Mr. Trovato made a motion, seconded by Mr. Kilmartin, and carried unanimously by voice vote.

Respectfully submitted

Caterina Scancarella
Planning Board Administrative Secretary

1 STATE OF NEW JERSEY
2 COUNTY OF BERGEN
3 BOROUGH OF ENGLEWOOD CLIFFS

3 -----x

4 In Re: INVESTORS BANK
5 19 SYLVAN AVENUE, BLOCK 134, LOT 2
6 ENGLEWOOD CLIFFS, NEW JERSEY

6 Application #223K

7 Applicant.

8 -----x

9 January 9, 2014
10 7:45 p.m.

11 B E F O R E:

12 THE ENGLEWOOD CLIFFS PLANNING BOARD
13 10 Kahn Place, Englewood Cliffs, NJ

13 PRESENT:

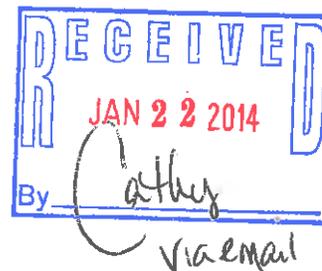
14 JILL ROSENBERG, Vice Chairwoman
15 MATTHEW TROVATO, Member
16 RONALD KILMARTIN, Member
17 MAYOR JOSEPH PARISI, Member
18 COUNCILMAN EDWARD AVERSA, Member

19 KIKY KIM, 1st Alternate Member
20 STEPHEN DUFFY, 2nd Alternate Member
21 VINCENT SURACE, 3rd Alternate Member
22 SEAN SUENG KIM, 4th Alternate Member

23 MICHAEL KATES, ESQ.
24 Attorney for the Planning Board

25 Cathy Scancarella, Board Secretary
Bernard Mirandi, P.E., Board Engineer

Reported by:
CELESTE A. GALBO, CCR, RPR, RMR



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1 A P P E A R A N C E S:

1-9-14_Investor_Bank_-_Englewood (2)

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ALAMPI & DeMARRAIS, LLC
Attorneys for the Applicant
One University Plaza
Hackensack, New Jersey 07601
BY: CARMINE ALAMPI, ESQ.
(201) 343-4600

♀

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MR. ALAMPI 63 64

DENNIS O'HARA
MR. ALAMPI 107

E X H I B I T S

APPLICANT'S	DESCRIPTION	PAGE
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(Exhibits retained by counsel.)

1 THE SECRETARY: Application No. 223,
2 site plan approval with variances. We're talking
3 about Investors Bank at 19 Sylvan Avenue, Block 134,
4 Lot 2. Please come forwards.

5 MAYOR PARISI: Madam Vice Chairman, at
6 this time because this is a matter of a B variance I
7 have to recuse myself and I will be leaving.

8 MR. KATES: And Councilman as well?

9 MAYOR PARISI: And Councilman. We have

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10 to because you now have become the zoning board.

11 MR. KATES: That's correct.

12 MAYOR PARISI: Thank you, everyone.

13 (Mayor Joseph Parisi and Councilman
14 Edward Aversa leave the meeting.)

15 MR. KATES: Can I ask you, Mr. Alampi,
16 whether it's your expectation that you'll be
17 presenting your full case tonight and expect a vote
18 or we're not?

19 MR. ALAMPI: Yes, we plan to. We have
20 four witnesses; two I think will be quite brief, two
21 more extensive. And I hope to bring that to a
22 conclusion. I hope to bring it to a vote. But,
23 again, people say I'm an eternal optimist.

24 MR. KATES: I just want to also get a
25 census of the board to see who's eligible to vote on

5

1 this application in terms of people who are certified
2 that they read the transcripts.

3 THE SECRETARY: They've all certified.

4 MR. KATES: So everybody sitting up
5 here is eligible?

6 THE SECRETARY: Yes.

7 MR. KATES: One, two, three, four,
8 five, six, seven; very good, we've got a full board.

9 MR. ALAMPI: Thank you again.
10 Congratulations for everyone for their reappointment.
11 It's always a pleasure to be before this board.

12 We had appeared at the December 12
13 meeting and had presented the testimony of our

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14 architect and an operations manager and introduced a
15 series of plans and documents into the record. A-2
16 was the -- a colored version of the engineering site
17 plan. The engineering plan is more extensive than
18 that. One particular sheet, the site plan itself was
19 introduced, although our engineer was not available
20 that evening, but we're going to start with Mr. Peter
21 Korzen who is the engineer that prepared the site
22 plans and we'll pick up the testimony from there.

23 We had marked in A-1, 2, 3 and 4. A-4
24 was a series of six photographs. Tonight we'll start
25 with the engineer and the landscape architect. We do

Voir dire - Korzen

6

1 have the sign and design consultant who will address
2 the monument sign and its placement and its size and
3 then go to the traffic engineer and the planning
4 consultant since it is a use variance.

5 With that, I'd like to introduce Mr.
6 Peter Korzen.

7 MR. KATES: Mr. Korzen, will you rise
8 just to be sworn.

9 PETER KORZEN, stating a business address of 26
10 Berkshire Street, Whippany, New Jersey 07981, having
11 been duly sworn, was examined and testified as
12 follows:

13 MR. KATES: Identify yourself for our
14 record, please.

15 THE WITNESS: Peter Korzen.

16 MR. KATES: And your address, business
17 address?

18 THE WITNESS: 26 Berkshire Street,
19 that's B-E-R-K-S-H-I-R-E, in Whippany, New Jersey.

20 MR. KATES: Your witness, Mr. Alampi.

21 MR. ALAMPI: Thank you.

22 VOIR DIRE EXAMINATION

23 BY MR. ALAMPI:

24 Q. Peter, could you please, you've been
25 sworn under oath, would you please give us your

voir dire - Korzen

7

1 background, your educational background and
2 licensing, a very brief curriculum vitae?

3 A. Sure. I have a Bachelor of Science in
4 civil engineering from New Jersey Institute of
5 Technology. I'm a licensed professional engineer and
6 land surveyor in New Jersey and I have over 25 years
7 experience.

8 Q. And your license, do you have a license
9 number for your engineering?

10 A. Yes, it's 24GB03585000.

11 Q. And, Mr. Korzen, have you been
12 qualified as an expert witness in civil engineering
13 and related fields surveying before various agency,
14 zoning and planning boards throughout the New Jersey?

15 A. I have.

16 Q. And have you ever been denied or
17 refused recognition of your expertise in your
18 credentials?

19 A. I have not.

20 Q. And are you still of course in good
21 standing?

22

A. I am.

23

MR. ALAMPI: Vice Chair, I offer

24

Mr. Korzen as our civil engineer and expert witness

25

in that related field.

♀

Direct - Korzen

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1

THE VICE CHAIRWOMAN: That's fine.

2

MR. ALAMPI: Is that acceptable?

3

THE VICE CHAIRWOMAN: Yes.

4

MR. ALAMPI: Thank you.

5

DIRECT EXAMINATION

6

BY MR. ALAMPI:

7

Q. Peter, if you want to stand up, you

8

have the easel off your right and your plans are

9

here. We previously marked as A-2 the main

10

engineering site plan, the colored version. Do you

11

want to pick up from there and then introduce your

12

exhibits? First and foremost, how many sheets is

13

your engineering plans?

14

A. Well, we have A-2 already.

15

Q. We marked it collectively as A-2?

16

A. Right.

17

Q. You just want to tell us how many

18

sheets?

19

A. We have all together in addition to

20

A-2, we have four sheets that I want to bring up and

21

I'd like to start actually question the existing

22

conditions plan. Just because I think it's a little

23

bit relevant and what you see here is the boundary

24

topographic survey, this is sheet 2 of 9 in your

25

packet.

♀

1 Q. Before I interrupt you, your
2 engineering plans were actually nine sheets in total
3 with the title sheet?

4 A. Correct.

5 Q. And there is also a landscape architect
6 plan at the end attached to your sheet?

7 A. That's correct, I believe it's L ---

8 Q. These are all last -- what's the last
9 reference date on it? Is it 10/21/2013?

10 A. That's correct.

11 MR. KATES: No revisions.

12 Q. No further revisions, correct?

13 A. Correct.

14 Q. So you're going to sheet 2. So sheet
15 1, 2, 3, 4, of 9 you're on sheet 2 of 9?

16 A. Correct.

17 Q. So when you present the sheet, just
18 tell us what sheet it is and you can go right into
19 it.

20 A. Okay. This shows existing conditions.
21 It's a .4 acre site located at the intersection of
22 Sylvan Avenue and Irving Avenue. It includes a two
23 and a half story building which formally was a house,
24 now it is a clothing store located in the center of
25 the property. Access is via two driveways, one is a

1 one way which leads to a drop off under a canopy and
2 the other one is a two way further to the south. And

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3 that provides access to a parking area in the back.
4 There's also an a detached garage located at the
5 southwest corner, and there is a lawn area located at
6 the northwest corner and also on the north side of
7 the building.

8 The site is located in the B-3 retail
9 -- Special Retail Zone, and it's bordered by
10 residential properties to the west and to the
11 southwest, Lot 1 and Lot 10. Lot 3 which is located
12 directly to the south is in the same zone as the
13 subject site.

14 Topography tends downward in a
15 southwest and west direction with the exception of a
16 small area which leads to the northwest direction
17 towards Irving Avenue but the bulk of it, all the
18 drainage that hits this property ends up in the
19 westerly lots, Lot 1 and Lot 10. And that drainage
20 includes not only the impervious surface of the
21 parking area but also the roof runoff that hits the
22 roof of the building because it's totally
23 uncontrolled. All of the roof runoff enters down
24 through downspouts and spills out onto the ground
25 surface, so it all ends up to the west and the

Direct - Korzen

11

♀
1 southwest.

2 Before I leave this plan we'll just
3 talk about utilities real quick. There's an existing
4 sanitary sewer lateral which services the back of the
5 building and that enters a sewer main in Irving
6 Avenue. There are also other utilities such as

7 overhead via Sylvan Avenue and Irving Avenue for
8 electric and telephone, and there's underground gas
9 off of Irving Avenue and water off of Sylvan.

10 I'm going to bring up right now is
11 Exhibit A-2 which was introduced at the last hearing.
12 This is the colored rendered layout and dimensioning
13 plan. It shows what's proposed. You could see the
14 one story 3,240 square foot bank located near Sylvan
15 Avenue, the drive-up canopy located on the south side
16 and the two entrances, essentially mirror images of
17 each other in the front and the back. Access to the
18 site is via two way driveway off of Irving Avenue.
19 That enters a parking area that contains 17 spaces.
20 And further on to the south would be three lanes, one
21 providing bypass and it's 12 foot wide that leads out
22 to Sylvan Avenue, and the other two are for the drive
23 up tellers located underneath the canopy.

24 As far as pedestrian access, there is a
25 sidewalk in front of the property currently and

Direct - Korzen

12

1 that's going to be replaced and you can see that in
2 the dark gray color here. Also a paved concrete or a
3 stamped concrete pavement which leads up to the front
4 access, and a stamped concrete section which leads
5 from the parking lot into the rear access.

6 Located at the southwest corner of the
7 property is a trash enclosure which includes a fence
8 and in addition to that there is a fence proposed on
9 the westerly property line and that continues down
10 the southerly property line. That would be a vinyl

11 board-on-board solid fence.

12 The next plan is sheet 4 of 9 in your
13 packet. This the grading, drainage and utility plan.
14 And it's a little more detail as far as the
15 engineering goes. It shows the proposed grading on
16 the property, how the topography going to modified.
17 It also shows the drainage system and it also shows
18 the utilities.

19 Let's start with the grading. There is
20 some slight change to grading relative to the
21 existing topography. As I mentioned previously,
22 everything sheet drains or is graded in a --
23 topography grades in a westerly direction and
24 southwesterly with a small portion that goes out to
25 Irving Avenue. It's going to be changed slightly

Direct - Korzen

13

1 where you're going to of the back of the building,
2 this area (indicating) graded down directly to the
3 west. However, there's going to be a larger area
4 which goes to the south. And you're going to have a
5 similar area which goes to the northwest towards
6 Irving Avenue. But the big difference between what's
7 proposed here with grading and drainage versus the
8 existing condition is the fact that this is
9 controlled. As I mentioned previously, the site is
10 uncontrolled when it comes to stormwater runoff, so
11 everything that hits the ground surface sheet drains
12 towards the west and southwest. What we're proposing
13 here is to have the stormwater runoff collected via
14 catch basins located in the parking area and roof

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15 drains on -- that will collect runoff from the
16 building roof, and all of that goes into an
17 underground stormwater management system. And that's
18 located here, that's this rectangle right here
19 (indicating). And what that is comprised of is a
20 series of 18-inch diameter horizontally laid pipes
21 which are totalled underneath the pavement so it
22 won't be seen, but all of the stormwater gets into
23 that system and it infiltrates into the soil and well
24 above the bedrock. Because we do have a soils report
25 from 2008 from the last application that was before

Direct = Korzen

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1 this board for this property and based on the
2 elevations of the bedrock we have our system a
3 minimum of two feet above that which is a DEP
4 standard requirement. So the end result is that the
5 runoff that leaves the site is going to be much less
6 than what currently leaves the site.

7 In addition we do have some open space.
8 we have some open space in the area of the trash
9 enclosure. We have an 8.9 foot buffer along the west
10 side, and we have a lawn area in front of the
11 building and also on the north side of the building.

12 This plan also shows proposed
13 utilities. Similarly to what's proposed or what's
14 shown on the existing conditions plan we have a
15 sanitary sewer lateral which is located on the north
16 side of the building and connects to an existing
17 clean out located at the northwest corner of the
18 site. We also have gas and water coming in from

19 Irving Avenue and the underground electric and
20 telephone which is a requirement by the state now is
21 not going to be overhead, its going to be
22 underground. Its going to come off of Sylvan Avenue
23 off of a utility pole.

24 I should mention before --

25 Q. Presently those utilities are overhead?

Direct - Korzen

15

1 A. They are.

2 Q. Servicing the site?

3 A. They are.

4 Q. But they'll be submerged now because of
5 the new standards?

6 A. That's right.

7 Before I remove this plan, I'd just
8 like to mention that there is another sheet in your
9 packet and that's the following plan, that's the Soil
10 Erosion and Sediment Control Plan, Sheet 5. That
11 shows how this site and the surrounding properties
12 more importantly will be protected during
13 construction from the sediment runoff.

14 Q. Now, Peter, there was a review letter
15 issued by Mr. Mirandi from Boswell Engineering,
16 correct?

17 A. Yes, I'd just like to -- before I get
18 into that I'd like to just bring up one more plan and
19 that would be the lighting plan because there's some
20 comments in that review letter about lighting plan.

21 MR. KATES: What sheet is that?

22 THE WITNESS: Sheet 6 of 9. This is
Page 13

23 the lighting plan.

24 And what this plan shows are six pole
25 mounted light fixtures. And they're labeled A series

Direct = Korzen 16

1 and B series on the plans. So you have A-1, A-2,
2 A-3, you have B-1 and B-2. They're all pole mounted
3 fixtures. They're all 12 feet high and there's
4 actually a typographical error here. Somewhere on
5 this plan I believe in a chart the two B series are
6 listed as 14 feet high, but they're all 12 feet high.
7 In addition to those pole mounted we have four canopy
8 lights underneath that support the drive-thru and we
9 have some wall pack units, very low wattage wall pack
10 units in the front and back for pedestrian access.

11 what this plan proposes or shows are
12 illumination values around each one of these
13 fixtures. And I've also gone through the borough
14 standards for lighting, and mainly what the borough
15 standards deal with is glare and that's what it's
16 really concerned about. And these fixtures have been
17 chosen because they're termed shoebox fixtures. They
18 have a box housing around the actual light fixture
19 itself. You've probably seen them on many commercial
20 sites. And the advantage of these is that there's
21 absolutely no glare at all. Especially with a 12
22 foot mounting height which is probably the least
23 height you would want for this type of fixture. But
24 because of that box shaped housing with an open
25 bottom and the fact that there is no part of the

1 light fixture that protrudes below the box, there
2 will be no glare. Everything will be contained
3 within the box fixture.

4 So this plan complies with the borough
5 code and on top of that it also complies with the
6 industry standard and national standard per the
7 Illumination Engineering Society which specifies that
8 there should be a .2 footcandle minimum for
9 pedestrian and vehicle safety, and we have complied
10 with that as well.

11 And at this point I'm ready to go
12 through the Boswell letter. It's very substantial
13 and --

14 Q. Before you do that, Peter, to outline
15 the dimensional or setback variances you have that
16 detailed on the face sheet of your plan. You just
17 outline very briefly the dimensional or setback type
18 of variances. First for the building and then
19 secondly for the buffer, et cetera.

20 A. Okay. Starting with the Zoning Data
21 Table which appears on your sheet 1 of 9, this is the
22 title sheet. You can see that there is a variance
23 required for a minimum corner side yard to the
24 building and that's listed as being 5.4 feet which
25 would be this dimension right here (indicating).

1 However, in Boswell engineer's report he correctly
2 brought up the fact that the canopy itself is less

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3 than that, probably on the order of 2.8 feet I
4 believe it is from the property line.

5 Q. Peter where your finger is, that's the
6 actual property line inside the gray area that
7 denotes the sidewalk and walkway?

8 A. Yes, this bold line with the two dashes
9 is the property line (indicating), correct.

10 Q. And not the outer rim where it's green,
11 it's the inner line, right?

12 A. Correct.

13 Q. Okay.

14 MR. TROVATO: The canopy distance to
15 the property line is what?

16 THE WITNESS: I have the exact
17 dimension, it's -- I'm sorry, it's 1.8 feet.

18 MR. TROVATO: Okay.

19 THE WITNESS: Back to the table. We
20 have another variance, a second variance for the
21 maximum building ground floor area and this deals
22 with the zone that's it's in. We have a maximum
23 permitted area of 1600 square feet and we're
24 proposing 3,240 square feet. However, that does not
25 include the overhangs of the building, that's

Direct - Korzen

19

1 strictly the salmon colored area of the building
2 itself.

3 The third variance would be a buffer
4 variance and that's along the westerly property line
5 and that adjoins the residential property. Also Lot
6 10 because Lot 10 is in that same residential zone,

7 so that buffer runs along here (indicating) and
8 there's actually a radius from that corner of Lot 10.
9 So we do not meet that buffer requirement and the
10 least distance that we have in that area would be 8.9
11 feet and that would be along the westerly property
12 line.

13 Q. Below the southerly property line a
14 section of it implicates the residential zone as
15 well, correct?

16 A. That's right. We have proposed from
17 the curb line 12.6 feet, and 20 feet is required for
18 that small area right there.

19 Q. Some elements meet the 20 foot
20 requirement and some elements don't, correct?

21 A. That's right. Back here at the
22 southwest corner of the site (indicating), that all
23 meets that buffer requirement. And I should mention
24 that the garage existing is actually over the
25 property line and in some cases right on the property

Direct - Korzen 20

1 line. so that would be zero buffer for that.

2 Q. And your plan calls for the removal of
3 the garage, does it not?

4 A. It does.

5 Q. So that structure actually may be
6 encroaching the --

7 A. Yes.

8 Q. -- the residential neighbors, correct?

9 A. That's right.

10 Q. And with regard to the parking spaces

11 1-9-14_Investor_Bank_-_Englewood (2)
dimensions and the drive aisle, do we comply there?

12 A. Yes. Moving on to that chart and it's
13 also included on the title sheet that's label parking
14 and loading requirements. You can see that the stall
15 size in the town in the borough is nine by 19 feet
16 minimum. We are proposing nine by 18 feet. And the
17 minimum aisle width for visitor parking is 25 feet
18 and we're proposing 24 feet. You also have another
19 aisle width requirement for employee parking that's
20 less than 25 feet, that's 22 feet. It's, again, all
21 one parking area, we're proposing 24 feet.

22 And the reason why we're proposing this
23 is twofold: The nine by 18 feet and 24 feet are
24 recognized standards in, for example, RSIS, state
25 standards that everybody recognizes as being

Direct - Korzen

21

1 sufficient for parking areas and for aisles where you
2 can back out. The second reason is with less parking
3 area, you have less pavement and that requires less
4 impervious surface and less stormwater runoff as a
5 result. So it's just good engineering practice to
6 use those dimensions. So we're requesting a waiver
7 for those.

8 In addition as shown on the chart we
9 have a waiver of variance for parking spaces in the
10 required front yard or buffer area. None are
11 permitted. And we do have that proposed at this
12 location right here (indicating).

13 Q. And it would be in the rear as well,
14 wouldn't it?

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15

A. It would be. It would be.

16

The fourth variance or waiver shown on that chart would be minimum parking setback from property line listed as five feet. And I think this was brought up in a review letter actually being a 10 foot minimum. We're proposing the parking areas to be a minimum of 4.2 feet on Irving Avenue and 8.9 feet on the westerly property line, again with that buffer.

24

And the final variance is again going back to that westerly property line, we're proposing

Direct - Korzen

22

1 a parking area within 10 feet of the residential zone
2 and we have it shown as being 8.9 feet.

3

Now there are two other charts --
4 actually one other chart that deals with variances
5 and design waivers. They have to do with signage and
6 we do have a signage consultant that's going to talk
7 about signs in detail, but I'll just briefly run down
8 the variances that are required and he can correct me
9 if I'm wrong, but I believe this is accurate.

10

This is shown on the sign requirements table on the title sheet. The maximum number of wall mounted signs is one and we're proposing four. So we have one in the front, one here (indicating). We also have one mounted by the ATM and we have one mounted at the west side of the canopy.

16

We have another variance listed for illumination and there is a correction that needs to be made on the chart. It shows as being three signs,

19 2, 3 and 5. It's actually -- and this will be
20 brought up later on by our sign consultant -- I
21 believe it's two signs and they would be the monument
22 sign and also the front entrance sign. The final
23 sign variance would be for the monument sign itself,
24 that's currently shown at this location (indicating)
25 at the northeast corner of the property and no

Direct - Korzen

23

1 freestanding sign is permitted.

2 Just getting back to that monument
3 sign, we feel it's critical for this site, and this
4 will be emphasized later on as well, just for
5 identification purposes. The only sign that we have
6 facing Sylvan Avenue is this sign located on the
7 overhang for the front of the building. And we feel
8 by having this other monument sign, ground mounted
9 sign, it just provides a more safe identification of
10 where this property is for both traffic traveling in
11 a northerly and southerly direction and more
12 importantly gives them a location where they know
13 they have to turn to access this site. We feel it's
14 critical that it's located near the intersection of
15 the two streets that provides a safe way of
16 identifying where the site is and where they have to
17 turn and at the same time that sign has been located
18 so it's nowhere near the AASHTO site triangle from
19 Irving Avenue. So no vehicle is going to be impeded
20 as they pull up to Sylvan Avenue by that line.

21 Q. Now you collaborated or consulted with
22 Mr. O'Hara with regard to the placement of that

23 1-9-14_Investor_Bank_-_Englewood (2)
monument sign?

24 A. I did. I did.

25 Q. As to its suitability?

Direct - Korzen

24

1 A. Yes.

2 Q. And he'll amplify in his testimony but
3 the location assists the general public to know where
4 they should turn to enter this property?

5 A. Correct.

6 Q. Now, Peter, with regard to some of
7 these dimensional variances such as the parking stall
8 length and the drive aisle, what is your
9 justification for 18 feet versus 19 foot?

10 A. Again, it gets back to the industry
11 accepted standards. I bring up RSIS because it's
12 used on many sites and it's implemented in many
13 ordinances. It's just a standard parking size, and
14 this will also be brought up in traffic testimony
15 too, it's just an appropriate size for car parking
16 and the 24 access aisle is sufficient for a vehicle
17 backing out of a parking space.

18 Q. So that's your opinion, that it's
19 sufficient and safe?

20 A. Yes. Yes.

21 Q. Let's go up to Mr. Mirandi's comments
22 letter dated December 10, 2013. You had an
23 opportunity to review his very comprehensive letter,
24 didn't you?

25 A. I did. I did. And it is very

Direct - Korzen

25

1 comprehensive. I don't want to hit every item but I
2 have highlighted some of the more important things
3 and if Mr. Mirandi feels there's something important
4 that I missed, I appreciate his input.

5 Q. Well, first, are there any issues that
6 you take exception to or that you disagree with in
7 his analysis?

8 A. Well, these I'll be talking about I
9 don't know if it's a disagreement or just a
10 clarification, but I would just like to take them one
11 step at a time.

12 Q. Go ahead.

13 A. The first one is on page 5 of 12 and
14 it's Item No. 9. Again, this is -- has to do with
15 that ground sign, and it must be set back 30 feet
16 from the street line. 30 feet from the street line
17 would be back over here (indicating). It serves no
18 purpose at all. We just feel that it's critical to
19 have it at this location and at the same time it is
20 more than adequately placed in back of the site
21 distance line which is the most important thing.

22 MR. DUFFY: Can I just ask a question?
23 I'd like to chime in here a little bit. Just on the
24 lighting in the monument sign, you're proposing four
25 signs that you're going to hang from the building and

Korzen

26

1 we require one or we allow one and we're discussing a
2 monument sign which, is that the fifth sign that is
3 going to alert people to the Investors Bank being

4 there?

5 THE WITNESS: Well, I believe it's the
6 main sign that alerts people to Investors Bank just
7 because of its locate. It's oriented in a south and
8 northerly direction which is the movement of traffic.
9 What you have here is a -- and this will all be
10 brought up in more sufficient testimony than I can
11 provide with the lighting facility -- but you just
12 have lettering on the building itself. It's faced in
13 an easterly direction here and a westerly direction,
14 really provides no clue or no direction for traffic.

15 MR. DUFFY: You know, I think you need
16 to think about living in a world without that
17 monument sign at this moment just for now until we
18 hear other testimony from other experts that are
19 going to come here and talk to us about this
20 application. I have a lot of questions regarding
21 this particular board that you have up. And if I can
22 just get to the heart of what I'm concerned right
23 now, does the bank have to be as big as you're
24 proposing --

25 THE WITNESS: This is the standard.

Korzen

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1 MR. DUFFY: --- for it to be effective
2 in an Investors needs for it to be?

3 THE WITNESS: I really can't answer any
4 questions about operations of Investors Bank but this
5 is the standard size that they use, that I'm used to
6 working on for them.

7 MR. DUFFY: Because I think what

8 happens here is you're proposing 3,240 square feet?

9 THE WITNESS: Yes.

10 MR. DUFFY: Is that correct?

11 THE WITNESS: That's correct.

12 MR. DUFFY: And our ordinance allows
13 1,600 feet; is that correct?

14 THE WITNESS: That's correct.

15 MR. DUFFY: Just on that premise I
16 think that that in -- that 3,240 feet, I think you
17 just ran off a list of six or seven or eight reliefs
18 that you're looking for from this board. I don't see
19 any hardship here. I see you putting together 3,240
20 square foot bank where we allow 1600 feet.

21 The reason I'm asking this question now
22 is because I think it goes to the buffer zone in the
23 back. Twenty feet is required and you've now
24 proposed 8.9 feet. Now there's a resident from
25 Englewood Cliffs that lives on the other side of that

Korzen

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♀

1 the buffer zone and you have lights going up 12 feet
2 high, and I don't know if they're going to be on 24
3 hours a day or what-have-you, we haven't gotten there
4 yet but I'll asking the lighting person when he or
5 she is gets here about the illumination, the hours of
6 illumination for these signs, but I'm thinking if we
7 had a smaller building on that property proposed,
8 that that buffer zone could be closer to the 20 feet
9 that we require, as opposed to the 8.9 that you're
10 now indicating that it's going to be. And I'm just
11 looking at the square footage and saying why did we

12 get to 3240, why couldn't we get to 2200 or 2500 or
13 2800. And I know you're not here to answer for the
14 bank's intentions of what happens inside the
15 building, I know -- I think we all know what happens
16 inside a bank. You know, people go and do banking.
17 But does it have to have that large for this
18 particular parcel of land that is situated next to a
19 residential area? And I'll leave it here for now but
20 I just wanted to get those two concerns out for the
21 board and for the public to understand that there is
22 some problems here, and I can't wait to here from the
23 traffic expert as far as the in and out off of Irving
24 Avenue which I want to talk to the traffic expert
25 about when he or she gets here to talk to that, to

Korzen

29

1 talk to me about and this board about what
2 implications that's going to have on that road if
3 this gets approved the way you're proposing it.

4 So I just want to throw that the out
5 there because and Mr. Mirandi were going to have a
6 conversation and Mr. Mirandi is here to help us with
7 things we need help with, but this board needs to
8 understand from you and all the other experts that
9 come forth to explain to us, the board who is going
10 to vote on this thing, what it is we're trying to get
11 to and where the hardships are and where we can find
12 some common ground because right now I think the
13 building is too big. That's just my opinion.

14 THE WITNESS: Again, I can't answer any
15 questions about operations of the building or what

16 goes on inside, but you brought up a good point about
17 lighting and something I should have addressed on the
18 lighting plan so I'll go back to that again.

19 MR. DUFFY: Sure.

20 THE WITNESS: I should have mentioned
21 this prior, but, first of all, you brought up a point
22 about lighting operations, the hours of operation.
23 You'll see in the upper right of this drawing what
24 we're proposing is to turn off the pole mounted
25 lights and even the back lights on the building at

Korzen

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1 9:00 at night. The other lights in the front
2 including this light right here are required, and
3 I'll actually bring up a statute. It's not really a
4 borough requirement it. There's a state statute that
5 has to do with lighting around ATMs. And what we
6 have to maintain is a two footcandle minimum 50 feet
7 from an ATM around that area. So we have to provide
8 these lights and they have to be on 24/7. But as I
9 mentioned, this light is totally shielded
10 (indicating), that's the closest one to the
11 residential property. On top of that, you have
12 and this hasn't been brought up yet. We have a
13 landscape architect who is going to talk about a
14 substantial evergreen buffer back there and you have
15 a six-foot high board-on-board fence. And even
16 during let's say 7:00 wintertime when it's dark out
17 when these lights are on back here, you can see that
18 there's zero footcandles, zero trespass of light
19 along the property line, along that westerly property

20 line. And that's not even considering the
21 landscaping. That's just this, what's shown on this
22 plan right now.

23 So you have no light spillage onto the
24 property in the west and also no light spillage along
25 the southerly property line until you get down to the

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1 road there's only one value that has -- that exceeds
2 zero footcandles. So I think one of the purposes of
3 the buffer is for lighting and I think we've achieved
4 that with this lighting design. We have zero
5 footcandles at the property.

6 Getting back to Mr. Mirandi's letter,
7 I'd like to just start with -- we talked about the
8 ground sign, the next one would be on page 6 of 12,
9 this is Item 10B and that has to do with runoff
10 calculations, stormwater management calculations.

11 There's actually two typos in the -- on
12 sheet 7 of 9. The first one is a correction. It
13 should be 6,981 square feet of pavement instead of
14 6,951. The second typo is it should be 10,802 square
15 feet instead of 18,802. But the end result is that
16 the required volume that's listed is correct. So the
17 system as designed has sufficient volume to treat the
18 stormwater runoff.

19 BY MR. ALAMPI:

20 Q. Peter, when you saying those numbers
21 are incorrect, on your plan or they're incorrect on
22 the report?

23 A. They're actually incorrect on the
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24 detail sheet of my plan, however, the end result
25 which is also listed on that plan, the volume

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1 required is correct which is the ultimate number.

2 There was a question on page 7 of 12 at
3 the top, Item E, about the roof area being listed as
4 greater than 3,240 square feet in the stormwater
5 management calculations. And that's as a result of
6 these overhangs of the building. This one especially
7 going to back (indicating), so that adds a little bit
8 of area to the salmon color of 3,240.

9 The next item on that page has to do
10 with stormwater volume calculations of 3.2 cubic feet
11 per feet. And Mr. Mirandi thought that was based on
12 24-inch pipes, however based on the manufacturer ADS
13 Company who is specified on this plan for 18-inch
14 pipe with a stone envelope and at void ratio of .4,
15 that value is 3.2 cubic feet per feet so that's
16 correct as shown on my plan and it is 18-inch pipes.

17 Likewise item G has to do with the void
18 ratio of the stone. That's included in the
19 calculations.

20 Mr. Mirandi brings up on item I, the
21 fact that he recommends that only the building roof
22 be controlled and that the pavement area drain into
23 landscaped areas which have sand underneath because
24 that's why we have the soils report to justify or
25 prove that we have sand underneath the soil in which

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1 case every test pit had that. I feel that's an
2 excellent idea to provide curb openings at various
3 points of the pavement and in that way the roof area
4 will just be treated. The only question I have is
5 what would be the storage requirement for the roof in
6 inches if Mr. Mirandi could provide that, that would
7 be helpful.

8 On the following page on page 8 of 12,
9 item 15 there was a reference to the borough's
10 Stormwater Green Committee, stormwater green design
11 elements such as cisterns, rain gardens, green roofs.
12 We feel especially since there would be a drainage
13 modification where you do have runoff getting into
14 these open areas, open space areas with sand under
15 laying, that would be an infiltration source. Also
16 the stormwater management system itself would be
17 infiltration. So we feel that's all groundwater
18 recharge, very green oriented. However, there is no
19 plans to use any cisterns, rain gardens or green
20 roofs on this property.

21 The next relevant item would be page 10
22 of 12, this is item 25B. There is a recommendation
23 or a requirement to enlarge the radius of this curb
24 so that a vehicle can make the turn into the closest
25 drive up aisle to the building. However, I've run a

Korzen

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1 turning diagram of a car which is going to be
2 occupying the westerly portion of this parking area,
3 it could easily make that. I think from a visual

4 perspective maybe these lines are throwing this off,
5 maybe this should end right here (indicating), this
6 striping lines, but a vehicle can easily make that
7 turn in. But if necessary, we can provide some type
8 of a tape per, tapered curb, an angled curb to make
9 that a little bit easier.

10 Also under that on that same page item
11 25E, we have the requirement for truck turning
12 template for access to the dumpster. Again, we've
13 run that. A truck can easily come in -- this will be
14 an SU 30 truck -- go down the bypass lane, back up,
15 pick up the trash and continue down Sylvan Avenue.
16 Very easy maneuver.

17 Q. Have you run that template?

18 A. Yes, we have.

19 And that's really all I saw as being
20 substantial items. And if Mr. Mirandi has any others
21 he'd like to bring up, I have comments listed by each
22 one here.

23 THE VICE CHAIRWOMAN: Mr. Mirandi.

24 MR. MIRANDI: Mr. Korzen, I don't
25 recall hearing as one of the variances/waivers

Korzen

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1 comments on the maximum curb cut. Can you just
2 address that?

3 THE WITNESS: Yeah, that's -- I
4 actually didn't finish that chart, I don't believe.

5 Oh, yeah, that wasn't listed on my
6 title sheet and that was brought up in your letter.

7 MR. MIRANDI: And just for the board,

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8 that's item I on page 5.

9 THE WITNESS: Right, we have a maximum
10 permitted of 60 feet and that applies to both curb
11 cuts. So we do exceed that. We have 33 proposed on
12 Sylvan Avenue and 40 feet proposed on Irving Avenue.
13 Irving Avenue is a little bit larger just because
14 we're providing channelization here, a vehicle exit.
15 So it's forced to make a right turn only. We have a
16 mountable concrete curb that channelizes traffic. We
17 also have a sign, traffic sign that says right turn
18 only right here (indicating). So all of these
19 vehicles are forced to make a right turn only onto
20 Irving Avenue and lead out to Sylvan Avenue. So
21 that's why that 40 foot curb cut is required there.

22 MR. MIRANDI: And another question, you
23 indicated the light intensity of requirements at the
24 ATM area. At that drive-thru canopy where the ATM
25 will be accessed, the light fixtures that are

Korzen

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1 proposed, are they recessed into the soffit ceiling
2 structure?

3 THE WITNESS: They are. They are. I
4 remember your comment. You had one concern about the
5 fact that there was a very high level --

6 MR. MIRANDI: Yes.

7 THE WITNESS: 22 footcandles. However
8 these are like high hats in a house, they're totally
9 recessed with absolutely no glare at all. It's
10 driven it downward and you can see once you get away
11 from that area it drops off rapidly.

12 MR. MIRANDI: Okay. Thank you.

13 Regarding some of the stormwater
14 management comments, I thank you for noticing some of
15 the typos. We will review that and should the board
16 look favorable upon this, we would ask for that to be
17 part of the condition that we review that.

18 I understand that you indicated with a
19 manufacturer's comments regarding the volume
20 calculations. To answer your question, two inches is
21 what we're looking at.

22 Also Mr. Korzen mentioned regarding the
23 stormwater/green which is something that we always
24 look to, and part of our suggestion and what Mr.
25 Korzen indicated is that they'll be following BMPs.

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1 Best Management Practices, which is part of the
2 stormwater control ordinance that was dictated by the
3 NJDEP, so that's acceptable to me with the ground
4 water recharge.

5 And we should just get a copy of those
6 turning templates that they ran the calculations
7 through so we could review that and see if there
8 needs to be that mountable curb or some sort of
9 structure there. And at this point I think that's
10 comments that address what Mr. Korzen had presented
11 unless the board has anything else at this point for
12 me from my letter.

13 THE VICE CHAIRWOMAN: Board, do you
14 have any questions for Mr. Mirandi?

15 MR. DUFFY: No, I don't.

16 THE VICE CHAIRWOMAN: Does anybody on
17 the board have any questions for the witness.

18 (No response.)

19 BY MR. ALAMPI:

20 Q. To recap, Peter, a few comments that
21 Mr. Mirandi raised providing him with a copy of the
22 actual templates and other items, you can provide
23 that to him readily?

24 A. Yes.

25 Q. You can send it to him by PDF I guess?

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1 A. Yes.

2 MR. ALAMPI: I have nothing further of
3 this witness. Mr. Chairwoman, I'm not sure if you
4 open it up to the public for each witness. How do
5 you do it?

6 MR. KATES: I think we'll get all the
7 testimony in and that way the public gets the whole
8 picture and then can ask their questions.

9 (Witness excused.)

10 MR. ALAMPI: I'll bring up our
11 landscape architect, an expert.

12 MR. KATES: I ask you to raise your
13 right hand.

14 JEFFREY HIGINBOTHAM, stating a business address of
15 540 Route 202, Far Hills, New Jersey 07931, having
16 been duly sworn, was examined and testified as
17 follows:

18 MR. KATES: Can you identify yourself
19 for the record?

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20 THE WITNESS: Jeffrey Higinbotham.

21 MR. KATES: Spell your last name,

22 Jeffrey.

23 THE WITNESS: H-I-G-I-N-B-O-T-H-A-M.

24 MR. KATES: And your business address,

25 please?

Voir Dire - Higinbotham

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1 THE WITNESS: 540 Route 202, Far Hills,

2 New Jersey.

3

4 MR. KATES: Your witness.

5 VOIR DIRE EXAMINATION

6 BY MR. ALAMPI:

7 Q. Mr. Higinbotham, could you please give
8 the board the benefits of your education and
9 professional background?

10 A. Yes, I will. Master of landscape
11 architecture from Cornell University. I'm a licensed
12 landscape architect in New Jersey for 14 years and 19
13 years of professional experience.

14 Q. And have you testified and been
15 accepted as a landscape consultant and expert by
16 various zoning boards and planning boards and other
17 agencies throughout the state?

18 A. Yes.

19 Q. And do you remain in good standing?

20 A. Yes.

21 Q. And have you ever been denied your
22 credentials?

23 A. No.

24

MR. ALAMPI: Thank you.

25

THE VICE CHAIRWOMAN: The board will

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1 accept him.

2 DIRECT EXAMINATION

3 BY MR. ALAMPI:

4 Q. Now, Jeffrey, we have attached with the
5 engineering plans nine sheets and the last sheet
6 separately was the landscape plan. Was that your
7 plan that was provided as part of the package?

8 A. Yes.

9 Q. And you have mounted now a plan. Is
10 that the same plan except that you've added colors to
11 visualize certain elements of it?

12 A. Correct.

13 Q. There no changes to it, just the
14 coloring?

15 A. Correct.

16 Q. So --

17 MR. KATES: Because it's colorized,
18 let's mark it, please.

19 MR. ALAMPI: Yes, we're going to mark
20 it as A-5, I believe.

21 MR. KATES: A-5.

22 MR. ALAMPI: And you can just mark it
23 right on there with a copy of today's date.

24 (Applicant's Exhibit 5, Landscape Plan,
25 was marked for identification.)

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1 Q. And Jeff, identify your plan that's on
2 file, this A-5, what is the date, there's a revision?

3 A. Revision 10/21/13.

4 Q. Okay.

5 MR. KATES: What's the original date?

6 MR. ALAMPI: Yes.

7 Q. And what --

8 MR. KATES: 10/21/13 is the revision
9 date or the original date?

10 THE WITNESS: That's the revision date.

11 MR. KATES: And the original date?

12 THE WITNESS: The original date -- I'm
13 sorry, you're correct, that's the original date.

14 MR. KATES: Is there a revision?

15 THE WITNESS: There is not a revision,
16 I'm sorry.

17 MR. ALAMPI: You threw me off there.

18 BY MR. ALAMPI:

19 Q. Jeffrey, this is called what, what do
20 you label this?

21 A. This is landscape plan.

22 Q. Okay. Now, Commissioner Duffy go right
23 to the buffer on the western portion of the property.
24 why don't we initially concentrate on these issues
25 with your landscape plan.

♀

1 Could you tell us what improvements are
2 being designed for the site?

3 A. Okay. Well, if we just want to talk
4 first about this buffer specifically, as mentioned

5 before we have the six foot fence that's going in and
6 this row of 24 evergreen trees. We have Leyland
7 cypress, Green Giant arborvitae and a Norway spruce.
8 I will say that the reason these plants have been
9 chosen is for their habit primarily. They're
10 evergreen, upright, uniformly upright, columnar as
11 opposed to a typical habit of an evergreen that we
12 know as more pyramidal. By using these types of
13 trees we're gaining the maximum amount of coverage
14 where we want it above that, the height of the fence.
15 It gives the greatest and most expeditious
16 opportunity for that to grow into a hedge form and
17 will -- both the Leyland cypress and the Green Giant
18 arborvitae are considered in the industry as fast
19 growing it's not a -- technically it's slow, medium,
20 fast, but they're both considered fast growing. And,
21 you know, both kind of similarly meet those criteria.
22 So that's why those plants have specifically been
23 chosen for that area.

24 THE VICE CHAIRWOMAN: Is there only one
25 row or is there going to be more rows?

♀

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1 THE WITNESS: There is one row.

2 THE VICE CHAIRWOMAN: There is only one
3 row?

4 THE WITNESS: Yes, and they're planted
5 approximately six feet on center.

6 Q. Jeffrey, I asked you the same question
7 the other day in our phone conversations, didn't I?

8 A. Yes.

9 Q. And why do you prefer a singular row
10 with a six-foot separation as opposed to double rows?

11 A. Well, you know, for the health of the
12 plants initially you don't want the plants staggered
13 or touching. That can be detrimental when plants are
14 planted directly adjacent, they can decline in those
15 areas and that can allow insects and disease to enter
16 the plants. So as a general practice it's best to
17 allow the plants to naturally form a hedge together.
18 And given the width of this buffer, there's not
19 substantial benefit to staggering that planting;
20 keeping them in the center of that area will provide
21 the greatest longevity.

22 MR. KATES: If you had more buffer,
23 what would you do with it?

24 THE WITNESS: If we think about this
25 and the reasons I've given for using these plants,

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1 specifically thinking about the neighbors and the
2 fact that there is a six-foot fence, a solid fence
3 and what are the neighbors going to see above that, I
4 believe that in either case, this is the best choice
5 of plant material for a visual buffer. So for me to
6 say what I would do differently depends on, you know,
7 where we're -- you know, where we're looking or what
8 particular factors we're considering. But visually I
9 wouldn't change that selection.

10 So what happens on the Investors' side
11 would be something that I wouldn't want to negatively
12 impact these plants. So, for example, putting other

13 trees in front of this that would shade them out
14 would ultimately lead to decline and a negative
15 impact. So in this respect I would say that I would
16 start -- I would begin with this. So --

17 MR. KATES: What sides on planting?

18 THE WITNESS: They're proposed 10 to 12
19 feet. That ranges in nursery standards once you get
20 above seven to eight, then they start to move in two
21 foot increments. So eight to 10, this is 10 to 12.

22 MR. KATES: And do you have a note to
23 that effect on your plan?

24 THE WITNESS: It's in the key. The
25 size is the size to be installed.

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1 MR. DUFFY: When laying out this buffer
2 and the trees at full growth will be how tall?

3 THE WITNESS: 25 to 30 feet. It will
4 say, you know, documentation will say 50 feet but
5 that's not in -- that's ultimately.

6 MR. DUFFY: Was it ever considered to
7 flip flop the trees and the fence so that the
8 neighborhood on that other side instead of the fence
9 being there all the time, they could have the benefit
10 of the trees being on their property and the fence
11 being on the inside of the trees closer to the
12 parking area?

13 THE WITNESS: Given the sun
14 orientation, that would kind of be an alley, so it
15 would shade that out and it would shade the side
16 facing the neighbor.

17 MR. DUFFY: Because I was thinking flip
18 flopping it around with maybe not as high as a
19 six-foot fence. Maybe you could do the 25 foot tall
20 trees that the neighbors could enjoy and then have a
21 smaller fence to allow the sun to maybe get those
22 trees in the morning. You know, we all live there.
23 We all know how the sun moves around and goes. So I
24 was just maybe thinking about possibly flip flopping
25 the trees and fence and doing a smaller fence.

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1 THE WITNESS: At that the ultimate
2 height?

3 MR. DUFFY: Yes.

4 THE WITNESS: Once -- say you've got
5 the fence and you've got the plants growing here, as
6 they start to grow over to this side (indicating)
7 they're going to be growing towards the sun more. So
8 I think it would still down the road would end up
9 that way.

10 MR. DUFFY: And the fence will be a
11 solid fence, you said that. Will it would be a wood
12 fence which will need repair and painting or a
13 synthetic like no maintenance fence?

14 THE WITNESS: It's listed as a vinyl
15 fence, so no maintenance.

16 MR. DUFFY: Okay.

17 DIRECT EXAMINATION

18 BY MR. ALAMPI: (Cont'd)

19 Q. And so to amplify, Mr. Kates raised a
20 point. If you had a wider buffer, would that

21 necessarily mean that you would modify your thoughts
22 regarding a singular columnar planting as opposed to
23 crisscrossing? I thought your answer was no, you
24 wouldn't make any adjustment for purposes of
25 screening to the neighbor.

♀

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1 A. No, I would begin with this as the
2 first line in any case.

3 Q. And these plants you believe will
4 mature to a 25 foot height?

5 A. Yes.

6 Q. And now what about the root system and
7 the soils and such, did you review that with
8 Mr. Korzen, the site engineer?

9 A. In discussing with Mr. Korzen, the soil
10 volume is acceptable and because it's a continuous
11 bed, there's enough root volume to easily support the
12 plants.

13 Q. And then going to the south property
14 line, also what do you have planned there, is it
15 similar planting?

16 A. Yes, it's a continuation of the Green
17 Giant arborvitae down that property line then
18 transitioning to smaller evergreen and ornamental
19 shrubs.

20 Q. Now, what about tree plantings, are
21 there any plans to install any ornamental trees or
22 anything of that nature?

23 A. There are three columnar maple trees
24 along Irving Avenue that will give the feeling of

25 street trees, you know, repeating street trees.

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1 There is a larger maple in this spot (indicating).

2 Q. Are those proposed or --

3 A. Proposed. Proposed.

4 Q. Are there any existing trees that
5 you're going to preserve in that buffer area?

6 A. Not currently in this plan. We're
7 focusing on establishing the evergreen buffer.

8 Q. Okay. Have you -- also I see green
9 around the northeastern corner and along the
10 southeastern corner I see greenery. What are you
11 planning there?

12 A. Well, the landscape plan begins with
13 manicured lawn transitioning from the curb and the
14 sidewalk, then at the building a combination of
15 flowering shrubs for seasonal interest and evergreen
16 shrubs and grounds coverage for four season
17 structure.

18 Q. Did you collaborate with Investors Bank
19 real estate department or management with regard to
20 the type of landscaping that is typically associated
21 with their facilities?

22 A. Yes.

23 Q. And is this a more or less uniform
24 appearance for --

25 A. Yes, this is consistent. It provides

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1 seasonal interest and manicured appearance.

2 Q. Are there any other issues you want to
3 present, Jeffrey, regarding this plan, any detail you
4 want to bring to the board's attention?

5 A. No, nothing specifically.

6 Q. And, once again, with regard to the
7 buffer area, you're designing just under nine foot
8 wide as opposed to a 20-foot buffer?

9 A. Yes, correct.

10 Q. Do you think that your landscaping
11 plantings address the purpose and intent of screening
12 and separating a commercial use from a residential
13 use?

14 A. Yes.

15 Q. Thank you.

16 THE VICE CHAIRWOMAN: I have a
17 question. Show me where the trash area is.

18 THE WITNESS: This is (indicating).

19 THE VICE CHAIRWOMAN: Okay, do you have
20 any special plantings around there?

21 THE WITNESS: Yes. These shaded in
22 dark green are skip laurel which is a broad leave
23 evergreen which typically will grow six to eight feet
24 in height. So that the will provide evergreen
25 screening along here (indicating). Also this larger

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1 maple will provide some visual screening to that area
2 at the upper canopy, and there are lower ornamental
3 plants.

4 THE VICE CHAIRWOMAN: Going back to my

5 original question about the one row, I wasn't thing
6 about crisscrossing. Is there enough room, okay,
7 without harming the first row to have another row of
8 these evergreens and all those type of plantings
9 along the back and on the side?

10 THE WITNESS: In here (indicating),
11 there's not enough room for two, no. They would
12 compete.

13 THE VICE CHAIRWOMAN: Right.

14 THE WITNESS: Right. One will fill
15 that quick.

16 THE VICE CHAIRWOMAN: In the present
17 plan here?

18 THE WITNESS: Correct.

19 THE VICE CHAIRWOMAN: I have no further
20 questions for board. Do you have any questions,
21 anyone?

22 MR. KIKY KIM: How the length extended,
23 how long it takes to get?

24 THE WITNESS: How long to get that
25 tall?

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1 MR. KIKY KIM: Yes.

2 THE WITNESS: They're, as I mentioned,
3 they're considered a fast growing plant, so that
4 would mean that these plants when they're established
5 could grow up to two feet per year in height. That
6 will not happen the first year. They have to
7 become -- they need to first get their root system
8 established and then that every year that will --

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9 that growth will be more robust.

10 MR. KIKY KIM: So once it's settled.
11 How long it takes to get settled?

12 THE WITNESS: One to two years.

13 MR. KIKY KIM: And then every two feet?

14 THE WITNESS: Yes. So in the first
15 year you would expect maybe one foot of height
16 growth.

17 MR. KIKY KIM: I understand. So it
18 takes about quite a few years, five to seven years,
19 right, to get maximum height?

20 THE WITNESS: Right. So right now at
21 10 to 12 feet these plants are four to six feet
22 taller than the fence.

23 MR. KIKY KIM: I understand. Thank
24 you.

25 MR. TROVATO: The dark greens are

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1 evergreens and the light shaded greens are grass,
2 what is that?

3 THE WITNESS: This is lawn
4 (indicating).

5 MR. TROVATO: Lawn.

6 THE WITNESS: And these smaller circles
7 are a variety of ornamental --

8 MR. TROVATO: And as well around the
9 side --

10 THE WITNESS: Correct.

11 MR. TROVATO: And is that going to be
12 wooded, irrigation there? what's there? Are you

1-9-14_Investor_Bank_-_Englewood (2)
13 going to have sprinklers there, what?

14 THE WITNESS: Typically there will be
15 sprinklers, yes.

16 MR. TROVATO: So that's part of this
17 plan?

18 THE WITNESS: Yes.

19 MR. TROVATO: Thank you.

20 MR. KILMARTIN: To the area where the
21 dumpster is to the right, you said that was a maple?

22 THE WITNESS: This is (indicating),
23 yes.

24 MR. KILMARTIN: That's going to be a
25 large maple. Now you're not concerned that that

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1 maple is going to block out the light?

2 THE WITNESS: There's enough -- in this
3 because of this extended buffer area we have enough.

4 MR. KILMARTIN: What is the depth of
5 that extended buffer area in that section?

6 THE WITNESS: That lawn, that's 20
7 feet.

8 MR. KILMARTIN: 20 feet. So if you had
9 a 20-foot buffer along that boundary, you'd be able
10 to put up your evergreen screening in a nice row of
11 beautiful maple trees and that would be a nice buffer
12 for the neighbor.

13 THE WITNESS: Well, it would be there
14 for a portion of the year.

15 MR. KILMARTIN: But he'd have the
16 evergreen behind that?

17

THE WITNESS: Um-hum.

18

MR. KILMARTIN: Okay. And why did you step down -- I'm referring to the northerly line now. why did you step down the height from -- where the arborvitaes end and you go to smaller plants if I may call them that?

23

THE WITNESS: Yeah, this is -- the fence extends further. And it was just visually a way to transition into this lawn so we didn't have

25

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1 the taller plants here adjacent to the lawn.
2 There's -- it's, you know, more of a scale issue
3 there because there wasn't a specific screening.

4

MR. KILMARTIN: Okay. The fence continues or the fence --

6

THE WITNESS: The fence continues. I see that graphic ending here (indicating).

8

MR. KILMARTIN: Okay. Thank you.

9

THE VICE CHAIRWOMAN: Do you have a maintenance plan?

11

THE WITNESS: I do not.

12

THE VICE CHAIRWOMAN: Is there one set? Is there a usual one set with Investors Bank?

14

THE WITNESS: I'm not aware of that. I would have to find out.

16

THE VICE CHAIRWOMAN: Okay, let's suppose some of these trees don't take. What is the procedure and how fast is the turn around time?

19

THE WITNESS: Well, a typical -- it could be a stipulation of the installation contract,

20

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21 but typically there minimally would be a one year
22 warranty on the planting with the contractor but that
23 could be -- you know, it's definitely stipulated in
24 the contract.

25 THE VICE CHAIRWOMAN: Okay, but as far

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1 as a maintenance plan. Today, let's suppose
2 everything, you get your application, you start
3 planting and in a week it's dead. What's the turn
4 around time in replacing all the greenery?

5 THE WITNESS: Again, I think it has to
6 be something that would be stipulated in the contract
7 with the contractor.

8 MR. KATES: It's not unusual for the
9 board to require a maintenance guarantee every four
10 years with landscaping, that's pretty much covered.

11 MR. ALAMPI: I think so. Typically the
12 board will demand that the applicant with a
13 developer's agreement has a maintenance bond,
14 et cetera. And of course we had our witness who
15 testified briefly, our operations witness, Investors
16 Bank contracts out with professional landscapers and
17 such.

18 BY MR. ALAMPI:

19 Q. I noticed a photographic book that you
20 brought along. Do you want to show that to the
21 board? Is there information there?

22 A. Well, this shows --

23 Q. We're going to mark that for
24 identification in a minute. Do these plantings that

1-9-14_Investor_Bank_-_Englewood (2)
25 you have in your hands, are they showing and

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1 depicting what you have up on the board?

2 A. Yeah, these are photographic
3 representations of the plants on the --

4 MR. ALAMPI: Why don't we just mark
5 that as A-6 is it?

6 MR. KATES: Yes.

7 (Applicant's Exhibit 6, photographic
8 book, was marked for identification.)

9 BY MR. ALAMPI:

10 Q. And, Jeffrey, if you could ever so
11 briefly just indicate why you have that booklet with
12 photographs and with the board's permission we'll
13 hand it up to Mr. Kim and circulate it. Just tell us
14 what that is. I didn't realize you brought that.

15 A. Yes, it's a -- it's just a graphic
16 depiction of photographs of the plants listed on the
17 plant schedule for reference.

18 Q. I'm mostly interested, can you identify
19 the Green Giant type of plants as well as the maple
20 tree?

21 A. It does.

22 Q. So then the board members can visualize
23 the breath of those plantings?

24 A. Yes.

25 MR. ALAMPI: I have nothing further.

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1 MR. KILMARTIN: Along those lines, the
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2 row, let's call the giant arborvitaes, is that what
3 you call them?

4 THE WITNESS: Yes.

5 MR. KILMARTIN: In optimum hedge form,
6 how wide would they be?

7 THE WITNESS: About eight feet.

8 MR. KILMARTIN: They can be eight feet
9 in width?

10 THE WITNESS: Yeah. But they grow, in
11 terms of the growth rate, it's primarily vertical.
12 It gross faster vertically than it does horizontal.

13 MR. KILMARTIN: Right because you're
14 trimming them. Thank you.

15 BY MR. ALAMPI:

16 Q. And these photographs indicate some of
17 those plant goes as they mature, correct?

18 A. Yes.

19 MR. KATES: Do you know what the
20 neighbor has on his property by way of trees and
21 growth?

22 MR. ALAMPI: I have an exhibit that my
23 planner has. I'm going to mark this because I think
24 this is the most helpful exhibit of all. Why don't
25 you mark this as A-7, just in the corner right where

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1 you have room, just A-7.

2 (Applicant's Exhibit 7, photograph, was
3 marked for identification.)

4 Q. And, Jeffrey, although you didn't take
5 this photograph, have you been on the property and

6 have you inspected the property in the recent months
7 or two?

8 A. Yes.

9 Q. And does this photograph accurately
10 depict the property from the rear of the existing
11 building to the neighbor on the westerly side?

12 A. Yes.

13 Q. All right. Tell us what this shows.
14 If you hold that in your hand and leave your plan on
15 the easel, could you just with one hand point to this
16 and show us where that would be on the plan on the
17 easel? I think the board is interested in the
18 boundary line and the existing fence to the neighbor
19 to the west.

20 A. Well, there's an existing lawn area
21 seen on this side (indicating).

22 Q. Show us with your pen.

23 A. In this area (indicating).

24 Q. Okay.

25 A. And then we're seeing the area between

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1 this existing garage in the corner.

2 Q. So presently there's a garbage
3 container next to the garage in its current use,
4 correct?

5 A. Yes.

6 Q. A small one but one there nonetheless?

7 A. Right.

8 Q. And now there's a wooden fence, it
9 looks like an older type of fence. Is that fencing

10 to be replaced?

11 A. Yes.

12 Q. And I guess the board is looking for
13 you to tell us based on your plan and what you see
14 how much planting is there now to screen the
15 neighbor?

16 A. Right. Well, we've got just one
17 substantial tree and other smaller deciduous trees,
18 all the material is deciduous and there currently and
19 lawn areas. The fence being replaced will be
20 replaced with a similar height.

21 Q. That's what I'm asking you. It doesn't
22 look like much is screened now, does it?

23 A. No.

24 MR. KATES: That tree is going to be
25 removed, that's on your property, the client's

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1 property?

2 THE WITNESS: Yes.

3 MR. ALAMPI: I think the board has a
4 visual. You can leave that on the base of the easel.

5 MR. KILMARTIN: Clearly there is no
6 existing buffer now?

7 THE WITNESS: Correct.

8 THE VICE CHAIRWOMAN: Mr. Mirandi.

9 MR. MIRANDI: Thank you, Madam Chair.
10 I have a couple of questions. Jeff, getting back to
11 that buffer area with the evergreens. Am I correct
12 in saying the pattern that I see on the plan coming
13 from Irving going south is seven of the giant

14 seven of the Green Giants then seven of the cypress
15 and then nine of the Green Giants?

16 THE WITNESS: Correct.

17 MR. MIRANDI: And, I'm sorry, I missed
18 why we have the difference in species there.

19 THE WITNESS: It's really just
20 primarily for a textural change. The plants are
21 relatively similar, just a slightly different look to
22 the color and it's just to break up such a long
23 straight run.

24 MR. MIRANDI: Okay. And as I'm looking
25 at the plan I see somewhat of a slight staggering in

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1 the markings identified for the trees, and I know you
2 said it's not to be staggered but will they be
3 planted in line or is there that slight back and
4 forth from one tree to the other? It may be minimal.

5 THE WITNESS: Yeah, I think ultimately
6 it should be a straight line.

7 MR. MIRANDI: Okay. Now, regarding the
8 maples along Irving Avenue. I didn't include in my
9 report but I'd just like to add, that would be part
10 of the jurisdiction of the Shade Tree Commission, so
11 anything, approval should be conditioned upon the
12 Shade Tree Commission reviewing and approving with
13 the landscape architect.

14 THE VICE CHAIRWOMAN: How about the
15 environmental?

16 MR. MIRANDI: The environmental handles
17 would be the buffer area and the perimeter area. So

18 we always like to have the environmental commission
19 included in that review as well. And I didn't
20 include that in my letter.

21 Comment came up and we picked up on
22 page 9 of our report on performance maintenance bonds
23 and two year guarantee is what we suggest for
24 landscaping. So I think that could be stipulated.

25 MR. ALAMPI: Yes.

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1 MR. MIRANDI: And I had my landscape
2 specialist review it too and she suggested with some
3 of the low lying plants perhaps a seasonal change in
4 coloring yourself. So I'll leave that up to you and
5 the commissions to review that with our landscape
6 architect.

7 THE WITNESS: Okay.

8 THE VICE CHAIRWOMAN: Okay.

9 MR. MIRANDI: Thank you.

10 THE VICE CHAIRWOMAN: Any further
11 questions?

12 (No response.)

13 THE VICE CHAIRWOMAN: Thank you.

14 (Witness excused.)

15 MR. ALAMPI: I think we have Mr. Nick
16 Verdese, our traffic expert.

17 NICHOLAS VERDERESE, stating a business address of
18 1904 Main Street, Lake Como, New Jersey 07719, having
19 been duly sworn, was examined and testified as
20 follows:

21 MR. KATES: Identify yourself, please.

22 THE WITNESS: Nicholas Verdese,
23 V-E-R-D-E-R-E-S-E. My address is 1904 Main Street,
24 Lake Como, New Jersey.

25 VOIR DIRE EXAMINATION

Voir Dire - Verdese

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1 BY MR. ALAMPI:

2 Q. Nick, can you give us the benefit of
3 your education professional license and background?

4 A. Yes, I have an a Bachelor of Science
5 degree in civil engineering from Rutgers University
6 1990. I'm a licensed professional engineer in the
7 State of New Jersey, also a certified professional
8 traffic operations engineer by the Institute of
9 Transportation Engineers. I regularly appear before
10 planning and zoning boards. It's been a number of
11 years since I've been here. I also since 2001 have
12 represented the Borough of Fort Lee at either both or
13 one of the planning and zoning boards, so that was
14 about 12 or so years now. I represented the Borough
15 of Edgewater for a number of years as well. You
16 know, I regularly appear before planning and zoning
17 boards representing applicants or doing review work
18 for the boards.

19 Q. And you've been qualified as an expert
20 witness in both the fields of professional
21 engineering, civil engineering and traffic
22 consulting?

23 A. Yes.

24 Q. And you've never been refused your
25 credentials or recognition of your expertise, have

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1 you?

2 A. No.

3 MR. ALAMPI: Madam Chair, we offer Mr.
4 Verderese as our traffic consultant.

5 THE VICE CHAIRWOMAN: Yes.

6 MR. ALAMPI: Thank you.

7 DIRECT EXAMINATION

8 BY MR. ALAMPI:

9 Q. Nick, you're associated with Staigar &
10 Peregoy, they actually have since the time of this
11 application become part of your organization known as
12 Dynamic Engineering?

13 A. Correct, Mr. Staigar and Peregoy now
14 are partners of mine at Dynamic Traffic.

15 Q. And you reviewed a report prepared by
16 your associates dated October 21 of 2013?

17 A. Yes, I did.

18 Q. You have a copy of that, right?

19 A. Yes.

20 MR. ALAMPI: Chairman, we're going to
21 mark as A-8, you have a report that's already been
22 filed back in the December or November rather when
23 this application was first filed. It's dated October
24 21, 2013. We'll just mark it as A-8.

25 (Applicant's Exhibit 8, report dated

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1 October 21, 2013, was marked for identification.)

2 Q. So, Nick, can you bring us through that
3 report? And of course you had the opportunity also
4 to have some review letters from the Borough of
5 Englewood Cliffs, Police Department and Traffic
6 Bureau?

7 A. Yes.

8 Q. Why don't you -- you want to review the
9 report first or comments letters?

10 A. I'll go through the report. I'll try
11 to touch on as much of the comments that came up in
12 either the police review or your engineer's review
13 while I go through it, then I'll touch on them
14 individually when we get to the letters as well.

15 Just to -- everyone has been oriented
16 to the site. On the plan I'm referencing here on the
17 easel is that A-2 prepared by Korzen Engineering. On
18 the bottom of the page is Sylvan, on the right side
19 is Irving Avenue.

20 You heard basically what happens in the
21 traffic study, we go out we look at existing
22 conditions so we identify number of lanes, speed
23 limits, site distances, other driveways, et cetera.
24 We do traffic counts as well. Traffic counts were
25 done in October of last year during the evening peak

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1 hour as well as the Saturday midday. Those are the
2 peak hours of banking operations as well as the peak
3 hours of the roadways are on those days. It was
4 identified that it's evening peak hour is from 4:30
5 to 5:30. A traffic engineer looks at the most

6 restrictive, the most conservative, the highest one
7 hour of traffic when we do our analysis. So we do a
8 number of hours of counts, then we boil that down to
9 the highest one hour. After we get the existing
10 conditions, then what we look at based on standard
11 data published by the Institute of Transportation
12 Engineers, which is accepted publication throughout
13 the United States, accepted by the Department of
14 Transportation, County of Bergen, et cetera, for this
15 project, we identified a two drive-thru bank of 3200
16 approximately square feet and identified how much
17 traffic it would generate during the peak hours.

18 For this size bank with two drive-thru
19 lanes it's identified that the total number of trips
20 during the evening peak hour -- let me go back. The
21 total number of trips during the morning peak hour,
22 generally banks have very light traffic during the
23 morning peak hour. Our projections would be
24 approximately 20 trip. A trip consists of both an in
25 and an out. So 20 trips, if half were in and half

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1 were out would be 10 vehicles coming on the property
2 and 10 vehicles exiting the property. So as you can
3 tell, in the morning the volumes are very low for a
4 bank. Twenty trips represents one vehicle every
5 three minutes additional to the surrounding roadway
6 network. So a very light traffic volume. Banks are
7 generally light traffic generators, especially
8 nowadays with all the modern conveniences of banking
9 and online banking, et cetera, banks do not get the

10 same traffic volumes they used to get say in the
11 1980s. The traffic projections back in the '80s were
12 probably double what the traffic projections are for
13 banks today, you know, in the current era of modern
14 banking. So it's slowly decreased over the years and
15 has gotten to the numbers that we're talking about
16 today of 20 in the morning.

17 In the evening peak hour we project 55
18 trips which is one per minute coming on and off,
19 split obviously between the two driveways. And in
20 the evening peak hours 61 which will be one vehicle
21 every minute coming on or off. So it's 30 on, 30 off
22 in the Saturday peak hour. That's the highest of the
23 hours, that would be on Saturday in the midday
24 period.

25 We did traffic counts. We didn't take

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1 any credits for traffic that's already coming on the
2 property, so that's traffic we assumed is still on
3 the roadway, so it's a slightly conservative analysis
4 we've done.

5 As you're all aware to the north of
6 this project on the opposite side of Irving Avenue is
7 a currently under construction daycare facility.
8 Just to give you an order of magnitude of what a
9 daycare facility generates traffic-wise and what this
10 proposed bank is going to generate, I have a copy of
11 that traffic study and I reviewed it. It generates
12 about 100 or so peak hour trips which is twice what
13 the bank is going to generate in the future

14 condition. So that what's just been approved there
15 is generating twice as much traffic as what our
16 proposed bank would generate on the site. So for
17 order of magnitude you can understand, again, I just
18 want to keep reiterating, a bank is a generally low
19 traffic generator.

20 If a generic retail use was proposed on
21 the property, it would generate similar traffic
22 volumes. If you put on there a similar size generic
23 retail that may fit, you know, into your ordinance,
24 you'd see pretty similar traffic volumes for retail
25 uses. If you put a restaurant on there which is a

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1 permitted use, you'd likely see a little bit more
2 traffic volumes, not significantly more but slightly
3 higher than what a bank would generate. And, again,
4 it would actually generate traffic for a longer
5 period of the day. So peak hour volumes may be
6 similar but at those other uses you're likely to see
7 traffic at seven, eight, 9:00 in the evening, well
8 after the bank is closed and generally after that
9 traffic is occurring when people are actually at home
10 in the their homes. The bank's main operation occurs
11 when the surrounding residents if they're working or
12 not home during the day, they're generally not home
13 and they don't really see the traffic, so it's not
14 really affecting a lot of the operation or of what's
15 going on during the middle of the day for most of the
16 residents generally assuming that most of the
17 residents are of working age and are currently

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18 working.

19 we then look at future traffic volumes.
20 So we took our existing volumes, we added the traffic
21 from the site, we added the traffic from the daycare,
22 we grew that out by a year to account for some
23 background traffic that may be increased based on
24 maybe some other developments that might be approved
25 a little further away, and we take that traffic so we

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1 do a before and an after analysis.

2 As far as how its going to operate in
3 the future condition, we looked at the driveway
4 intersections, the driveway on Irving, the driveway
5 on Sylvan, as well as the stop controlled
6 intersection of Irving and Sylvan Avenue.

7 The change in the operations of Irving
8 and Sylvan as I spoke of earlier as far as how much
9 traffic, what happens is the way the bank operates,
10 about 50 percent of the traffic associated with
11 banks, I've been probably on 30 or so banks, and
12 almost all of the banks tell me about half their
13 activity occurs on average at the drive-thru facility
14 with the other half happening in the lobby. So the
15 way our site lays out, anyone that comes onto the
16 property and wants to use the drive-thru, all of that
17 exiting traffic uses the driveway on Sylvan, none of
18 it comes back to Irving because it's a one way in
19 that area. So only half of the traffic that comes on
20 to the property even has the opportunity to try to
21 use Irving Avenue to come down to the stop controlled

22 intersection at Sylvan. The majority of it is going
23 to come out onto Sylvan via the driveway. So it's
24 not going to mix with any of the existing traffic
25 that currently comes out of Irving Avenue onto Sylvan

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1 Avenue.

2 So you can understand, the amount of
3 traffic on Irving Avenue that comes out to the
4 intersection during the peak hours, there's 68
5 vehicles currently that come eastbound on Irving,
6 stop at the stop sign, make either a right or a left.
7 That's 68 in the evening peak hours, so about one per
8 minute, 48 in the midday on Saturday.

9 The project is projected to generate
10 nine additional in the evening and 10 additional on
11 Saturday. That's one every six minutes. To the
12 average user of Irving, they're not really going to
13 notice one vehicle coming down that intersection more
14 in every six minutes. So you're likely really if
15 you're using Irving Avenue to very rarely even see
16 someone come out of the driveway on Irving Avenue and
17 come out to the stopped controlled intersection at
18 Sylvan.

19 We did get some comments from the
20 police department as far as Sylvan and Irving and
21 some of the concerns they had with that location.
22 And I understand that there's relatively high traffic
23 volumes along Sylvan in the evening peak hour, over
24 1900 vehicles on the roadway. On Irving as I said
25 before, there's about 70 vehicles currently trying to

1 come out of there. So there are some issues with
2 capacity there when you look at 1900 vehicles versus
3 the 70 vehicles on Irving. When you add the nine
4 vehicles from the site, which really is imperceptible
5 change as far as the actual operations and the
6 capacity and how long it's going to take you to get
7 out of that. So from a capacity standpoint there's
8 really not much of a difference in the before and the
9 after situation there.

10 But I understand what the police are
11 talking about as far as that intersection because it
12 is an unsignalized intersection, where the
13 intersections to the north and south at Bayview and
14 at Myrtle are both signalized intersections. So
15 anyone that comes out of there has the ability to
16 utilize the signal because of they have unimpeded
17 traffic coming out. And I understand that that was a
18 concern to him as far as adding any traffic to that
19 location, but he also talked about how many accidents
20 occurred in that location and he mentioned 14. He
21 didn't specifically say what type, so I can't really
22 comment on the types of accidents. I can comment on
23 how many accidents and generally what in the traffic
24 industry -- where that kind of falls in the scale of
25 accidents per actual vehicles travelled. In a one

1 year period there's actually one accident at this
2 intersection for every 3 million cars that travel

3 through the intersection. That's kind of a number
4 that the Department of Transportation uses to kind of
5 scale and get an idea of heavier accident locations.

6 This is generally on the lower end of
7 accident locations and, again, because the volumes
8 are so low on Irving, it's not two high volume
9 roadways coming together, so you're likely to have
10 more accidents at larger intersections with a lot of
11 turning lanes and maybe at a traffic signal that's
12 just busy. This isn't a generally busy location, at
13 least on Irving. There is pretty busy traffic along
14 Sylvan and the police department does recognize in
15 their letter that when you go north and south of
16 here, there's traffic signals. What happens with
17 those signals, when the signal turns red, there
18 generates a really large gap in the traffic stream
19 because there is no traffic traveling up and down
20 anymore in front of this site because we have the
21 signal on both ends. So up get these artificial gaps
22 in the traffic. So what happens is you may have to
23 wait there for a minute to exit, but then what
24 happens is there's a large gap and you have the
25 ability to exit out onto Sylvan. And that's

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1 generally how unsignalized intersections operate
2 along busier roadways, whether they be county
3 roadways -- this is a state highway, Route 9W, Sylvan
4 Avenue. So it's controlled by the Department of
5 Transportation. We will have to go to the Department
6 of Transportation with this application. There will

7 be just a minor access application.

8 There's a three categories in the
9 Department of Transportation so the board
10 understands; minor, just by the word, the smallest
11 type, the lowest traffic volume, a major application
12 and then a major with planning which is your highest.
13 So the scale of those are when you're a minor, if you
14 generate less than 500 total vehicles in a day,
15 you're considered a minor. The next step up deals
16 with if you generate the five -- the over the 500
17 daily trips, then you fall into the major. And then
18 when you get to a major with planning, you generate
19 over 500 daily plus you generate over 200 peak hour
20 trips.

21 A 200 peak hour trip project is about a
22 11 or 12,000 square foot retail center. So this is a
23 third of the traffic of what we would consider major
24 with planning. It's about half of the traffic to
25 even get us from minor up to major. So it is, again,

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1 a low traffic generator. Banks are low traffic
2 generators as I've said a number of times already.

3 There's also some comments. I'm going
4 to go into the driveways a little bit. On Irving
5 Avenue, we -- as has been spoke of earlier, we have a
6 right turn out stop control with a mountable concrete
7 island. The police had a comment there, kind of two
8 comments related in the same paragraph. They talked
9 about the possibility of making that driveway an in
10 only so none of the traffic came out onto Irving.

11 But later in that same paragraph they talked about if
12 that driveway had to be a right turn -- had to be an
13 exit, they would want the no left turn sign there as
14 well as -- I just want to get the wording correct --
15 a sign and enforcement ordinance and a statute sign.
16 What a statute sign is, and you've seen them, they're
17 more usually shown for, say, like radar enforced and
18 it would say the ordinance underneath it and it would
19 tell you maybe what the penalty is to try to deter
20 someone from violating that. So it would say -- I
21 don't know what the ordinance is, but it would say
22 maybe X points and X dollars or something like that
23 on there to try to enforce it a little bit more. So
24 they recommended that. We would have no problem with
25 providing that at the driveway.

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1 To take it through the site, you heard
2 about the nine by 18 parking stalls, 24 foot aisles.
3 We design the majority of our sites with those exact
4 dimensions as Mr. Korzen talked about. It's industry
5 standard, nine by 18, 24 for aisles. If this was
6 maybe a convenience store or something that gets a
7 high traffic volume and a high turnover rate we may
8 look at a little bit wider parking stalls, or if it's
9 a say a warehouse club, they like to have wider or
10 supermarket where you have carts and you're getting
11 in between but as far as this, it's just people
12 parking, getting out, walking into the building. So
13 nine by 18, 24 foot is definitely adequate for the
14 operation of the parking spaces as well as the safe

15 circulation on the drive aisles.

16 As you continue towards the drive-thru,
17 Mr. Korzen talked about a comment in your engineer's
18 review letter. As to someone driving in the
19 southbound direction wanting to get into the lane
20 nearest the building and the drive-thru, there is a
21 five foot radius in that area. But what happens is
22 because they're driving on the right side of the
23 road, the actual effective radius, if I'm trying to
24 draw it here with my highlighted pen, is well in
25 excess of say 15, 20, maybe 25 feet because you're

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1 driving from the right side and you're coming across
2 to the area that's one way, so you're driving on a
3 pretty large radius. So I don't have no real issue
4 with the car being in the right line and trying to
5 get into the drive-thru. There's about seven
6 stacking spaces here, more than adequate for a bank
7 facility of this size to accommodate the projected
8 demands. And as I said earlier, the projected demand
9 which is about 50 percent of the traffic.

10 So during the peak hour we have 30
11 vehicles entering the site, so that would be 15
12 vehicles in one hour entering the drive-thru facility
13 which would be one every four minutes. So you can
14 actually process, it's about two and a half minutes
15 per transaction, about 48 vehicles through there, but
16 we're only going to have about 15 on average during
17 the peak hour. So we're more than comfortable that
18 that stacking will accommodate people coming around

19 and having area to get out of what we propose as a
20 bypass lane.

21 Banks, fast foot restaurants, we like
22 to design bypass lanes. In this instance we like the
23 bypass lane because the people that parked have the
24 ability to come out and directly access to Sylvan,
25 they don't all have to go back towards Irving and

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1 utilize the residential street for egress. So our
2 traffic can bypass which we have a 12-foot wide, lane
3 can bypass that the activity that occurs at the
4 drive-thru, come down and make the turns down at
5 Sylvan Avenue left or a right coming out. And,
6 again, as I said earlier, about 15 vehicles are
7 coming through, so the -- any interaction between the
8 three different lanes, the frequency of it is so
9 little that I have no concern and I've designed it
10 and seen it at so many different places, this type of
11 configuration where you have three lanes, it kind of
12 narrows down to maybe a 30 foot or so wide width as
13 you come down, you can't really neck it all the way
14 down to say 18 feet or whatever in most instances.
15 The width here (indicating), the actual driveway is
16 about 30 to opening, at the curb is 33. The
17 Department of Transportation that controls access
18 along Sylvan Avenue, they have a desirable one way
19 driveway width of 34 feet. So we're right in that
20 number where 33 feet at the curb and a 30 foot wide
21 driveway. So I'm comfortable with the width from
22 that standpoint that it's not excessive and not too

23 wide for the use that's proposed.

24 Q. Can you comment on the existing
25 conditions and the existing driveways on Sylvan

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1 Avenue?

2 A. Yes. I'll put it up. It's not marked
3 but it's in your plan, set 2 of 9, and it's boundary
4 and topo survey.

5 Q. Collectively A-2?

6 A. Yes. Yes.

7 You heard earlier there's a one way
8 driveway, it's up right near the intersection. It's
9 really right at the curb return. So if someone in
10 the existing condition comes in the right there,
11 continues one way. There's a two way driveway
12 approximately in the location where our proposed
13 driveway is, similar width. There's also a driveway
14 out on Irving in the rear of the building.

15 Q. This is a curb?

16 A. You could you actually drive, it's
17 actually --

18 MR. MIRANDI: The pavement ends there.
19 It is a full height curb.

20 A. It is a full height curb. I drove by a
21 couple times at night and I didn't notice it was full
22 height curb. I guess there's a driveway at one point
23 there was a driveway, let's say.

24 So the existing site, activity all
25 occurs out here on Sylvan (indicating). There is

1 maybe ten or so parking spaces on the site on the
2 south end. The two driveways actually exceed the
3 amount that are allowed by the Department of
4 Transportation. You're only allowed one full
5 movement driveway along Sylvan Avenue for this size
6 property. There is what the Department of
7 Transportation will consider one and a half driveways
8 because there's an in and then a two way driveway.
9 We are what the Department of Transportation will
10 consider a half of driveway because we only have an
11 egress, so we don't have both ingress and egress.

12 And that, I guess, takes me to I want
13 to comment and there's been a lot of discussion and
14 concern about placing this monument sign over here at
15 Irving Avenue (indicating). And the reason for it,
16 and I would definitely be a proponent of having a
17 sign in that location because we don't have an
18 ingress on Sylvan Avenue, that we need to identify
19 Irving Avenue as the way for people to come in. What
20 you have here, you have a bank, and most of the
21 people know it's there but we have an ATM facility.
22 And ATM facility are, um, sometimes they're impulses;
23 so you're driving down the road, you know you need to
24 get some money, maybe you're not familiar and this is
25 a state highway. So you're going to have a lot of

1 traffic driving by here that's not -- that are not
2 people from the immediate area. They don't live in

3 Fort Lee or Englewood Cliffs or one of the adjacent
4 towns, they're driving through. They live, say, down
5 in Edgewater or further south and they use 9W to get
6 all the way down to get to Hudson Terrace and all the
7 way down. So they're not readily familiar but they
8 know they need to go to the ATM, they're driving
9 southbound, and maybe what happens is they're driving
10 and at the last second because there's only a sign if
11 there's not a monument and there's only a sign on the
12 canopy, they get really close to Irving and they
13 realize ooh, I can go to the ATM and it's a
14 drive-thru, that's nice. And at the last second they
15 decide they want to turn and then that's where it
16 creates an issue.

17 So from a traffic standpoint providing
18 this sign is a significant benefit to traffic safety
19 because it identifies our access because almost all
20 of the traffic that will come to this site will
21 access the site from Sylvan Avenue. The rear doesn't
22 really -- I can get you back to Myrtle if you go
23 through some of the side streets, but most the people
24 coming to the site are using Sylvan, they're turning
25 left or right in. And providing some type of

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1 monument sign at that area just from a pure traffic
2 standpoint, I understand your ordinance doesn't allow
3 the monument sign, but from a traffic standpoint it's
4 definitely a benefit to provide identification at the
5 location where you turn in. If we had an inbound
6 driveway here, I would recommend that monument sign

7 be placed over there (indicating) or at least a
8 really prominent sign on the building that could be
9 seen from both directions. Because the building is
10 up so close when you're driving, it's hard to see the
11 front face of the building until you're pretty close
12 on to it. So providing that sign is going to provide
13 a benefit.

14 The last thing I skipped over, 17
15 parking spaces proposed, the ordinance requires 16,
16 Institute of Transportation Engineers data for banks
17 would recommend 14 parking spaces. So we're in
18 excess of the 14 or the 16, so I'm comfortable with
19 that number of parking spaces.

20 Q. Lastly, Nick, you mentioned just now
21 the Institute of Traffic Engineers what we call the
22 ITE?

23 A. Yes.

24 Q. Could you just tell us for the record
25 what that organization is and why you rely upon that

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1 entity or that advisory group?

2 A. Yeah, it's a group. It's very large.
3 I'm a member. They do a lot of different things.
4 They do studies of different things, safety. One of
5 them is they study traffic volumes for different
6 types of developments. They put out a publication
7 called Trip Generation. They're in near 9th edition
8 now, so they've collected a lot of data over the
9 careers. I have been involved in submitting data
10 that I've counted at different facilities, some of

11 them being banks and submitting them to the ITE. So
12 that data is pretty significant. It's two large
13 volumes of data that we all rely upon for future
14 traffic generation for development projects.

15 Q. And these volumes are periodically
16 updated, you said they're now in the 9th edition?

17 A. Yes, and as I said earlier, back in the
18 '80s when we were probably in the, I'm going to say
19 sixth or 7th edition, I can't remember, traffic
20 volumes for banks were a lot higher. They actually
21 took out a lot of the old data because it didn't --
22 it wasn't consistent with a lot of the newer data, so
23 it was erroneously kind of bringing up what the
24 actual traffic volumes are because all of the new
25 data shows volumes similar to this for this size

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1 bank, 50 to 60 trips in the peak hour.

2 Q. And lastly, Nick, with regard to the
3 positioning of the parking to the rear as opposed to
4 the front of the property behind the proposed
5 building and circulation plan, being a corner lot do
6 you have any comment on that?

7 A. Well, it's well laid out. You know, I
8 understand the, you know, the -- this area most of
9 the buildings are up close to the road, so it has
10 that feel of the downtown feel. We placed our
11 building there. That leaves us with putting the
12 parking in the rear. As far as accessing it, I think
13 we've done a very good job. We have a drive-thru
14 facility, so that area by nature has to be one way.

15 So the whole south side is one way. We provide two
16 way and 90 degree parking standard layout. This is
17 very similar to most of the banks you'll see that are
18 on a corner, on this corner, on the, I will call it
19 the southwest corner because on the southwest it
20 would have this same layout. It would have one way
21 on one side, two way on the other, access from the
22 state highway, access from the minor road. As far as
23 the Department of Transportation in their access code
24 which governs the way you design driveways, how many
25 you put in, it encourages alternative, what they all

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1 alternative, meaning the access is not on the state
2 highway. They encourage the traffic to utilize the
3 lighter traveled roadways to make turning movements
4 on and off because it assists the state highway in
5 not forcing all the traffic into the one driveway
6 location, and that's what we've been able to do here.
7 We've really split the traffic probably 50/50 or so,
8 maybe it's a little bit more skewed to Irving because
9 all of the inbound -- well, it has to be a little bit
10 higher than 50/50 because all the inbound comes to
11 Irving but the majority of the outbound comes out on
12 Sylvan because of the one way and drive-thru located
13 there.

14 Q. And you indicated there might be 50
15 percent of the activity will utilize the drive-thru
16 feature. But with the drive-thru lane itself, some
17 of those people who are not using the drive-thru will
18 also go out directly onto Sylvan; is that true?

19 A. Yes, correct. Probably I think we
20 probably project around half of the traffic that's
21 parked or maybe a little bit less that are exiting
22 are going to choose to use the driveway as opposed to
23 Irving. And one of the reasons being the volumes to
24 exiting our driveway are well less than the volumes
25 that are on Irving. As I said earlier, there's about

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1 70 people coming out of Irving. For our driveway
2 only has maybe 15, 20 vehicles exiting the peak hour.

3 Q. Do you have any concern about the
4 vehicles queueing up on Irving, vehicles that are not
5 attributed to the bank but from other sources
6 queueing up that would interfere with the
7 ingress/egress driveway on Irving?

8 A. No, our calculations showed at the
9 maximum you'd see three vehicles queued there.

10 Q. And what's the distance for that
11 driveway on Irving?

12 A. It's --

13 Q. Approximately.

14 A. Approximately, I'm going to say about
15 90 feet.

16 Q. And you feel that that's a safe
17 distance to avoid any conflict with any vehicles that
18 are waiting to exit Irving?

19 A. Yes.

20 Q. Now, you're aware of the project that's
21 under construction directly across the street
22 crossing Bergen?

23

A. Yes.

24

Q. You in fact mentioned that you reviewed
25 some of the expert reports and engineering reports

‡

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1 and traffic reports related to that project, correct?

2

A. Yes, I did.

3

Q. And what is the plan for vehicular
4 activity with regard to that Learning Experience? Is
5 it called The Learning Experience?

6

A. Yes.

7

All the access for that property is
8 located in the northeast corner. They have one
9 driveway, it's located just to the west of our
10 proposed driveway. It will be ingress only. So all
11 of the ingress for the daycare comes up Irving, turns
12 into the driveway. All of the egress goes out to
13 Bayview.

14

Q. Because they have a configuration on
15 their site plan that goes right as a through lot to
16 Bayview?

17

A. Correct, they have frontage on two side
18 streets as well as down on Sylvan.

19

Q. And does that influence your analysis
20 of the sufficiency and the safety of this plan
21 because of the way the learning experience is
22 configured?

23

A. Well, what happens is you don't have
24 any interaction with their exiting traffic and our
25 traffic. Traffic will come in, it uses that short

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1 section up to their driveway. They turn right into
2 the daycare facility. None of it comes out and
3 intermingles with the exiting Irving Avenue volume.
4 The exiting traffic is where we would have a concern.
5 If all their exiting traffic came out onto Irving,
6 there would be probably twice as much traffic on
7 Irving as there is today. And I think that's why it
8 was designed that way on their site because they had
9 the ability to have access to the signal and to
10 Irving. They came in Irving, across and out to the
11 traffic signal.

12 We have a similar things except instead
13 of getting to the traffic signal, we come out to our
14 unsignalized driveway, so we have two access points,
15 one on the state highway and one on Irving. They
16 have one on Irving and one on Bayview.

17 MR. ALAMPI: Thank you. I have nothing
18 further of Mr. Verderese.

19 I'm sorry, I'm sorry, Mr. Kilmartin.

20 BY MR. ALAMPI:

21 Q. And you did make reference to various
22 reports from the Englewood Cliffs Police Department,
23 that would be the letter report of December 6, 2013
24 and a more detailed traffic review on December 4,
25 2013?

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1 A. Correct.

2 Q. And you saw as well a one-page letter
3 dated December 9, 2013 from the fire review?

4 A. Yes, I've seen that as well.

5 Q. Okay. And in reviewing all these of
6 these, the two comments letters and the report, do
7 you feel you have adequately addressed those concerns
8 in your testimony this evening?

9 A. Yes, I touched on -- I think I've
10 touched on every item that's in the police review.
11 If anyone has a question, we can go specifically
12 through those. And then the Boswell review as well.

13 Q. I'm sorry, I didn't ask you that. You
14 did of course consult the December 10, 2013 Boswell
15 review letter?

16 A. Yes.

17 Q. As it pertains to traffic?

18 A. Yes. They have one section, it goes
19 between page 9 and 10. I reviewed that. I touched
20 on a couple items that I felt were pertinent. The
21 other items I didn't have an issue with.

22 Q. Do you feel that you've addressed those
23 items fully?

24 A. Yes, I do.

25 Q. And you did comment on the one variance

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1 for the 33 foot curb cut conforms, it's actually one
2 foot less than what's permitted or required under the
3 state DOT standards?

4 A. The state actually allows 40. They're
5 desirable is 34.

6 Q. And you indicated as well that the
7 state prefers that a traffic come from a side street

8 out to the state highway whenever possible. And does
9 that addressed the issue or the need for a 40-foot
10 wide curb cut on Irving?

11 A. Yes, it does.

12 MR. ALAMPI: Okay, I have nothing
13 further.

14 MR. KATES: I heard you say that you
15 answered Fire Chief Drimones' December 9th comment
16 but I don't remember hearing it. I think I missed
17 it.

18 THE WITNESS: I didn't bring it up.
19 The only thing he talked about was the mountable
20 islands. We design mountable islands and for that
21 reason for trucks to drive over. They're a very
22 small hump that you come in when you're coming in.
23 They're there really to discourage someone in an
24 automobile from making the movement that we're trying
25 to keep from happening is that left turn onto Irving.

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1 So we made it mountable for that reason so if a fire
2 apparatus did have to come onto the property to get
3 to the rear of the building, it could just as easily
4 fight a fire from Irving or Sylvan which gets it
5 access to two sides. But if it did very to come on
6 and it had to drive over it, they drive over it all
7 the time.

8 The majority of the sites I've designed
9 are small one acre to two acre lots that don't have
10 the ability to provide a really large radii and
11 really large driveways. And if we did provide a

12 driveway that had an island in it and the truck could
13 come in, we'd be in excess of 50 or 60 feet at the
14 curb opening. Then we'd be really going passed what
15 the ordinance allows as far as driveways and widths.

16 So I think we've done a nice job at
17 trying to keep the driveway as small as possible and
18 allow for the ability of larger vehicles when they do
19 have to come onto the property, to get on without
20 having to jump actual curbs, that they can just drive
21 over the mountable curb.

22 MR. KILMARTIN: I really don't
23 understand the rationale for having the two-way
24 traffic on Irving. I thought I heard you say that
25 the state prefers it, but then you're saying, well,

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1 most of our traffic is going out the other way
2 anyway. Doesn't it just seem -- we know,
3 notwithstanding your testimony, that there's already
4 a lot of traffic on Irving. We know there's going to
5 be more going in if you will for the daycare center,
6 the volume that's coming out is also a substantial
7 volume. To me it makes sense to have this as a one
8 way only come in on Irving and come out onto Sylvan.
9 And frankly I didn't really hear anything that makes
10 me thing differently. So what would that be?

11 THE WITNESS: Well, what it does is it
12 gives you the ability to deal with two different
13 locations, so we don't concentrate all the traffic at
14 one location. So we don't take all of our exiting
15 traffic, force it out to the location on Sylvan

16 Avenue. As I said earlier --

17 MR. KILMARTIN: But it's not much
18 traffic according to you?

19 THE WITNESS: It's not much traffic, I
20 agree. So that's -- traffic is really just going to
21 find its location that it wants to go. It's likely
22 that a lot of the traffic will come out here. But if
23 someone does want to come out onto Irving, they have
24 that ability to do it by providing this plan.

25 MR. KILMARTIN: But why do we need to

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1 give them that ability?

2 THE WITNESS: Well, two reasons. One
3 is you have a plan, it would be difficult because of
4 the small nature to provide a plan that really kept
5 someone from driving out that way, even if we
6 provided only one way. All we'd have is a sign. If
7 someone backed out of that parking space, really
8 wasn't paying attention when they came in, they would
9 drive in the wrong direction and try to come out.

10 Now the person coming in would assume
11 they have the entire right-of-way, that driveway
12 would be for inbound only. They'd likely be driving
13 right in the center. There's the chance just because
14 it's small -- this isn't a large shopping center
15 where we can provide aisles that have angled parking
16 and all of that type of thing. It's such a short run
17 that any type of angled parking would kill probably
18 half the parking spaces in there. So it's really
19 what people anticipate. You don't want to do

20 something that people aren't anticipating. The
21 general nature if people come in on Irving, a lot of
22 people where they come in is where they end up going
23 out. Once you get used to it you'll likely to go out
24 onto Sylvan. Once you provide that one way there and
25 the one way driveway, there's the chance that someone

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1 will drive in the opposite direction.

2 I agree more of the traffic is going to
3 come out. I already know half of the exiting traffic
4 has to come out that way, and then half of the
5 traffic in the parking lot is likely to go that way
6 as well. So you're talking about 75 percent of the
7 exiting traffic. That's why I don't really have an
8 issue with it. Why not just let it be there because
9 of the handful of cars that are going to go there
10 because they want to go there and that's where they
11 feel comfortable going or they're going to go. It
12 may be that everyone goes the other way. But given
13 the ability to go that way.

14 If someone wants to drive down Irving
15 and it's a one way in, if everyone is concerned with
16 the traffic volumes on Irving, someone is going to
17 drive out the one way because it's so short. The
18 same guy that would make the illegal left would drive
19 against the one way and come out. So providing it, I
20 don't know that it's actually done anything as far as
21 reducing traffic volumes on Irving.

22 MR. DUFFY: I'm just going along your
23 line, Ron. I would take it one step further in

24 consideration of having no ingress or egress off
25 Irving at all and consider, you know, redoing the

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1 whole application, making the building smaller and
2 possibly consider ingress and egress off Sylvan and
3 making it a circular in and out situation.

4 THE WITNESS: Yeah.

5 MR. DUFFY: I don't know if you thought
6 of having that done. I appreciate way Mr. Kilmartin
7 has stated because I'm thinking too the reality of
8 Irving is that it's a very busy street, regardless of
9 all of the information and all the testing and all
10 the things that -- all the analysis that goes into
11 what Irving really is, but I think we as residents
12 who live in this town know that it's a very tricky
13 intersection and now we have the new development on
14 the north side of Irving coming in. And I was
15 thinking when Mr. Kilmartin raised the question of
16 only one way in on Irving, that if we could consider
17 possibly an egress and ingress only off Sylvan and
18 leaving Irving totally out of the equation.

19 THE WITNESS: I can go back, I was
20 talking a little bit. So here's a plan right here,
21 existing conditions, that have not exactly what
22 you're talking about but there's two driveways there.
23 This driveway by the intersection (indicating) --

24 MR. DUFFY: Yes.

25 THE WITNESS: -- seriously violates the

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1 Department of Transportation's criteria of how far a
2 driveway can be from the intersection.

3 MR. DUFFY: I was actually just to
4 interject, on your other plan, the 30 feet that
5 you're cutting off of Sylvan, is it 30 or 34 feet for
6 the two -- after you go through the ATM, the two
7 arrows pointing towards Sylvan, either moving the
8 building back, first of all, making the building
9 smaller, centering it on the property better and then
10 leaving Irving out of the equation all together and
11 having an ingress and an egress all in that one time
12 so a car entering into the property has to make --
13 has to go to the right and then you could have
14 parking in the front and in the back perhaps, and
15 then everything is in that one circular motion around
16 inside the property. So it's all self-contained. In
17 off Sylvan and out on Sylvan where it's all -- it
18 doesn't affect Irving at all, there's no impact on
19 Irving at that point.

20 THE WITNESS: But then we'd have no
21 parking on the site because --

22 MR. DUFFY: I don't know the impact on
23 the parking.

24 THE WITNESS: If we had a two way here,
25 you have to circulate counterclockwise.

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1 MR. DUFFY: Correct.

2 THE WITNESS: So they'd have to come
3 in.

4 MR. DUFFY: And make a right.

5 THE WITNESS: Circulate across the
6 front so we'd have an aisle here and the building
7 would be pushed back. We'd come around the building.
8 The building would be way back here, and we'd have
9 little opportunity -- you can see how wide a parking
10 bay is, little opportunity to provide any parking on
11 the site. If we stuck this building somewhere in the
12 middle, you don't really get the opportunity to
13 provide any parking. Then you're providing a lot
14 more pavement because then you have aisles that don't
15 even have parking on it that circulate the site. It
16 really changes the nature of the proposal. The
17 planner could probably talk to it a little bit more.

18 MR. DUFFY: Sure.

19 THE WITNESS: You've now moved the
20 building away from the frontage which, you know, is
21 making it more of a suburban style bank where this
22 has more of the urban feel because it's up on the
23 front and it does have that circulation really just
24 in that area.

25 MR. DUFFY: But this proposal, won't

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1 that be in front of the building to the south
2 considerably? I mean, so when you take it -- if you
3 took the building to the south, which obviously isn't
4 on this, but we all know there's a building similar
5 to the one that we're discussing tonight. This
6 proposal, this bank is going to be way up closer to
7 the road than that building in the back is going to

8 be. So as far as eyesight goes and lining buildings
9 up and trying to make a straight line where it's sort
10 of uniform. Because I look, I look at this
11 application as we aren't locked into anything. You
12 know, we can sort of move things around. It's a
13 vacant lot basically. And so, you know, I just want
14 to throw out considerations to maybe alleviate the
15 impact on Irving and perhaps do a different analysis
16 as far as putting this together so maybe it's that
17 everything goes off of Sylvan and out on Sylvan and
18 it's really less of an impact on the residents on
19 Irving. If, I mean if possible. I don't know. I
20 don't know all the implications.

21 THE WITNESS: A lot of it is really
22 planning. So I'm not going to touch on a lot of it.
23 Our planner will talk about setting up the building
24 and where it is. As far as parking goes, the most
25 efficient way to do parking is to have a double

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1 loaded aisle which is what we have. Any, really any
2 building a normal size standalone building is going
3 to be in this general size range, whether it's 2000
4 or 3000 isn't really --

5 MR. DUFFY: Honestly, wouldn't 2000 --

6 THE WITNESS: I couldn't tell you.

7 MR. DUFFY: Okay. I'll wait for the
8 planner to get here. But, I mean, if you reduced the
9 size of that building, wouldn't you as the traffic
10 expert have more to work with as far as meeting the
11 criteria that the town has in front of you to, you

12 know, to meet those challenges, the 17 parking spots
13 and obviously the drive-thru bay and then the third
14 lane for I think you called it the by way?

15 THE WITNESS: Bypass.

16 MR. DUFFY: Bypass. So I'm not saying
17 to eliminate any of the aspects of the application.
18 I'm just -- and I'll ask the planner when he gets
19 here or she gets here. You know, can we look at that
20 total egress, ingress off of Sylvan solely? And
21 maybe you're not the person to answer that.

22 THE WITNESS: What I was trying to get
23 at when I mentioned 2000 or 3000 from a traffic
24 standpoint -- and that's all I can really talk about.
25 I'm not going to talk about how it improves buffers

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1 and that. The setup of the site would be the same
2 whether it was 2000 or 3000 square feet. You'd have
3 a one way section on one side, you'd circulate
4 counterclockwise, you'd put access on both roadways.
5 I couldn't really design anything from a traffic
6 circulation standpoint that would be anything
7 different than this whether it was 2000, 2,500 or
8 3,000.

9 MR. DUFFY: I appreciate that.

10 THE WITNESS: You're welcome.

11 THE VICE CHAIRWOMAN: Any further
12 questions of this witness?

13 MR. MIRANDI: Thank you, Madam Chair.

14 A couple questions or maybe
15 clarifications. Nick, on the drive-thru aisle

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16 closest to the building it shows an 8-1/2 foot
17 dimension, and I'm not sure when you made a comment
18 on my letter or are you saying that you're able to go
19 up to the nine foot or what is your recommendation
20 there?

21 THE WITNESS: I see 8-1/2 there. I
22 thought the plan that I had in my bag showed nine.
23 But I guess it's 8-1/2.

24 MR. ALAMPI: They tricked you.

25 THE WITNESS: Yeah, someone tried to

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1 trick me. I have to talk to the site engineer.
2 Obviously we could put another half of a foot.

3 MR. MIRANDI: Just you what is your
4 opinion on an 8-1/2 foot when standard parking is
5 nine?

6 THE WITNESS: I don't have an issue
7 with it. You're not opening your door.

8 MR. MIRANDI: You're not opening the
9 door, okay.

10 THE WITNESS: So you can drive in. At
11 that point when you come around the building you're
12 not really turning, you're just coming straight
13 through, 8-1/2. It probably even lines up people a
14 little better. I know some people get a little too
15 far away and they have to reach.

16 MR. MIRANDI: And at that egress on to
17 Sylvan, I'm looking at the signage, I see two stop
18 signs, one north and south of the throw, the
19 driveway, and one do not enter sign. Should there be

20 two?

21 THE WITNESS: Two, yeah, I just noticed
22 that now. Yeah, I'd recommend two. So we'd put
23 right behind -- you're not supposed to mount anything
24 on the back of the stop sign, so we'd put two
25 separate signs on both the north and south side, we

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1 can do that.

2 MR. MIRANDI: Okay. And on that egress
3 area, again, we have two coming out and we understand
4 what the minor access application with NJDOT that
5 they'll tell you what you can have. But you're not
6 proposing any restrictions, so right now it will be a
7 turn to the north or a turn to the left and maybe can
8 you just discuss how that -- if you have two cars
9 lined up, how does that work?

10 THE WITNESS: As far as two cars lining
11 up, obviously there's the chance that that happens,
12 and I spoke of earlier at how low the volumes are
13 that actually come in, so the likelihood of that
14 occurring is slim. This is really pretty standard
15 design as far as the width. So if someone came out
16 -- and I hear what you're saying -- if someone came
17 out of where the ATM is, say they wanted to make a
18 right but the guy came out of the bypass, he wanted
19 to make a left, they'd really have to be prudent and
20 kind of get to a single file in that area, one has to
21 wait for the other.

22 I understand what you're saying. I
23 don't really have that much of an issue with it

24 because the volumes are so low. If this was a
25 heavier use, if maybe there was another use that

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1 connected here so there were higher volumes, but I
2 don't have a real concern. People are generally
3 going to line up.

4 We can modify some of striping in here
5 to try to channelize them as well. You know, we can
6 work with you on something there. And then when we
7 submit to the Department of Transportation, you'll
8 be -- the town is generally copied on that.

9 MR. MIRANDI: Thank you. And just one
10 further point of clarification for the board and I
11 know the question comes up quite frequently with this
12 intersection. Maybe you can just spend a moment and
13 speak to the warrant for a traffic signal at that
14 intersection of 9W and Irving.

15 THE WITNESS: Yes. There's a couple
16 things. There is the Department of Transportation
17 has criteria as far as how close traffic signals can
18 be located to other traffic signals. This Irving
19 Avenue location would violate in both directions the
20 distance between traffic signals. Secondly, and your
21 engineer spoke of the warrant, the warrant is how
22 much volume. And in order for this to warrant a
23 traffic signal, you go through some calculations but
24 in general coming out of Irving onto Sylvan you would
25 need over 100 left turning vehicles coming out of

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1 there. There's only probably 40 or so left turning
2 vehicles, so we wouldn't meet the warrant. So the
3 Department of Transportation would not approve a
4 traffic signal at this location for two reasons:
5 One, is it violates the space in between signals; the
6 other is the volume just isn't there to warrant a
7 traffic signal at this location.

8 MR. MIRANDI: Thank you.

9 BY MR. ALAMPI:

10 Q. Nick in the report there's a map that
11 shows the placement of the traffic lights. Just show
12 the board members where there is in your report.

13 A. Yours is colored?

14 Q. Yes, fancy.

15 A. Wow, I think I need some reading
16 glasses for this.

17 Q. Three or four pages off the --

18 A. Yeah, there's --

19 Q. Off the end of the report.

20 A. It's in the appendix. It's right after
21 some of the volume figures. It's horizontally on the
22 page, it says US 9W along the top. And it shows the
23 location of Irving Avenue as being at milepost 1.08
24 and Bayview Avenue is at milepost 1.15. So it's .07
25 miles. The general criteria is a half mile between

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1 traffic signals. It gets reduced because this is
2 only a 30 mile per hour roadway. But it's still well
3 in excess or well short for the requirement for
4 spacing. I understand that all the other signals are

5 there, most of them are -- probably predate the
6 access code and the criteria.

7 MR. ALAMPI: Madam Chair, I think we're
8 concluded with the traffic consultant.

9 MR. KATES: How many witnesses do you
10 have?

11 MR. ALAMPI: You want to give the court
12 reporter a -- I have the sign designer just to
13 illustrate the number of signs for the board on the
14 building. That will be five minutes and then the
15 planner.

16 MR. KATES: And the planner. And
17 you've got public here to question these witnesses.

18 MR. ALAMPI: Right.

19 MR. KATES: We have an application
20 behind you that is Mr. Lavonie (phonetic). Are you
21 here?

22 MR. LAVONIE: Yes.

23 MR. KATES: I'm not quite sure that
24 we're going to get to reach you tonight. I
25 understand that you've waiting to get to that

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1 outcome. It looks like it won't happen.

2 MR. LAVONIE: That's fine. I
3 appreciate it. I don't mean to interrupt. If that's
4 clear, we understood that we were kind of taking a
5 risk in showing up, that this other application is
6 before us. If you could just be so kind making a
7 public announcement carrying our notice so we don't
8 have to re-notice.

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9 MR. KATES: Yes, that will be fine.
10 This application, if we can recite it for the record
11 is regarding the Luke Oil Martin Fuel, Block 506, Lot
12 6, 490 Sylvan Avenue?
13 MR. LAVONIE: Correct.
14 MR. KATES: And we'll carry this to our
15 February meeting.
16 THE VICE CHAIRWOMAN: February 13.
17 MR. KATES: February 13. You don't
18 have to give any further notice.
19 (Discussion off the record.)
20 MR. KATES: Want to take a break?
21 THE VICE CHAIRWOMAN: Yes, let's take a
22 break. Ten-minute break.
23 (Recess taken at 10 p.m.)
24 THE VICE CHAIRWOMAN: Okay, we're back.
25 MR. ALAMPI: We have Mr. Dennis O'Hara

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♀

1 our sign consultant.
2 DENNIS O'HARA, stating a business address of 360
3 Crider Avenue, Moorestown, New Jersey 08057, having
4 been duly sworn, was examined and testified as
5 follows:
6 MR. KATES: Give us your full name and
7 spell your last name for the record.
8 THE WITNESS: Dennis O'Hara, capital O
9 apostrophe H-A-R-A.
10 MR. KATES: And your business address,
11 Mr. O'Hara?
12 THE WITNESS: 360 Crider, C-R-I-D-E-R,
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13 Avenue in Moorestown. New Jersey that's Exit 4 of
14 the turnpike. I might stay up here tonight.

15 MR. KATES: Why didn't you take him
16 first.

17 MR. ALAMPI: I didn't realize he was --

18 THE WITNESS: No, no, that's fine.

19 DIRECT EXAMINATION

20 BY MR. ALAMPI:

21 Q. Mr. O'Hara, you provided the services
22 to Investors Bank with regard to the design of the
23 signage and coordinated the same with the site
24 engineer; is that correct?

25 A. Right. I believe the board should have

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1 a copy of our drawing. It's dated November 8, 2013.

2 Q. And I think before I ask you about the
3 drawing, do you possess any specific licenses in
4 order to perform your services?

5 A. Just the State of New Jersey's driver's
6 license. I have been in the sign industry for 44
7 years. I am senior vice president at NW Sign
8 Industries. I have a 35-year history with Investors
9 Bank going back to when they were Investors Saving
10 Bank. In 2011 they introduced a brand, a new name
11 changed from Investors Saving Bank to Investors Bank
12 and created this new brand. I worked with their
13 design agency in creating the family of signs and we
14 have converted signage and provided signage to nearly
15 100 of their branches throughout New Jersey and New
16 York.

17 Q. Thank you. And in conjunction we're
18 going to mark as A-9 a series of signage designs,
19 colored signs that are how many pages to your
20 exhibit, seven pages?

21 A. Correct, seven pages.

22 Q. Not counting the green logo cover,
23 right?

24 (Applicant's Exhibit 9, signage
25 designs, seven pages, was marked for identification.)

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1 A. If I may.

2 Q. Go ahead.

3 A. Carmine, I'm proud to say that I served
4 16 year on the Florham Township Planning Board, 14 of
5 those years as chairman and appreciate the effort and
6 time put in by the board here tonight.

7 Q. And tonight you magically carved the
8 barbequed ribs without getting anything on your
9 hands.

10 A. Or on your shirt or anything.

11 Q. Dr. O'Hara. So with that Dennis, would
12 you please bring us through your exhibit? I think
13 you're going to use the architectural --

14 A. Yes, I'd like to use this. It's quite
15 large and it does highlight all the signage.

16 Q. The first thing I'd like you to address
17 some of the board's member questioned why we have
18 four signs on the building, four sign mount --
19 building mounted signs. Can you identify there are
20 four and where they are?

21 A. Right, and I'd like to correct the
22 engineer, the township's engineer report. There is
23 only two illuminated signs that we're proposing on
24 this site. Sign number one which is the monument
25 sign and sign number two which is the front entrance

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1 canopy sign.

2 Q. So let's get this straight. On the
3 back that's a canopy sign but that's not illuminated?

4 A. It's not illuminated. There's also a
5 small sign here on the canopy (indicating) that reads
6 clearance with the height. That's something that's
7 required as far as anybody approaching with a camper
8 or something like that, it designates how --

9 Q. So that's for safety purposes?

10 A. Safety purposes, correct.

11 Q. But it's not advertising for Investors,
12 that signage?

13 A. Correct.

14 Q. What about on the front of the
15 drive-thru?

16 A. That's sign goes on the front. Here
17 within the drive-thru you've heard testimony there's
18 going to be an ATM. There's also an after hour
19 depository. If you look -- why don't we do this and
20 I think it will go pretty quick.

21 On page 2 of our design we have the
22 monument sign which is sign No. 1.

23 Q. Right.

24 A. Which is located at the corner of
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25 Irving and Sylvan Way. You're not allowed to have

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1 internally illuminated signs, but we are proposing
2 that because there are several reasons. I think it's
3 more impactful than if this was an a cardboard sign
4 with external illumination, it would be much more
5 brighter than what we are proposing. Our monument
6 sign has an aluminum face and at night only the copy
7 Investors Bank, multi-colored symbol and the word ATM
8 or the copy ATM light up. The background is opaque
9 so it's very minimal as far as the amount of light
10 that's created, yet it identifies the bank, that
11 there's an ATM. And as you've heard testimony, I
12 believe from the engineer and also from the traffic
13 consultant, having it located here also serves not
14 only to identify it but to locate how they can get to
15 the bank to do their banking. And that is on Irving.
16 So it serves two purposes. We all know how heavily
17 traveled Sylvan Avenue is, lots of traffic. Someone
18 coming north or south really doesn't have an
19 opportunity to know that this is Investors Bank
20 because the building being so close to Sylvan and
21 also because the canopy is actually a radius and has
22 a curve. So approaching on either the north or south
23 direction, you don't see the full name of the bank
24 until you're directly in front of it because of the
25 curvature of the canopy. These letters are mounted

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1 flush to the canopy and, again, it's tough for a
2 motorist heading north to look over and see that this
3 is a bank. They might see the symbol, an INB but
4 without the monument they're not going to know it's
5 Investors Bank. Someone heading south on Sylvan will
6 see bank but will not know if it's an Investors Bank.

7 So the monument does play a very key
8 role not only in identifying it but also for safety
9 reasons to get into the site. And again I'd like to
10 emphasis that only the lettering which you see is
11 black during the day actually lights white at night
12 and the two colored symbol lights white and just the
13 ATM white letters light up. The green band does not,
14 this bottom base does not.

15 The sign on the front of the --

16 Q. And, Dennis, the position being in the
17 corner allows people to recognize to go to Irving
18 Avenue to get --

19 A. Yes, the only entry onto the site is
20 through Irving. You can't enter here (indicating)
21 and you don't want somebody thinking that this is an
22 entrance and having some conflicts on Sylvan and
23 people maybe exiting. So it does have a very key
24 feature as far as the safety.

25 If you go to the next page which is

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1 page 3, you will see the detail for the lettering
2 that is on the canopy. You have a 18-inch high
3 symbol. Again it's internally illuminated. And you
4 have a 12-inch high B. The engineer is correct in

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5 the square footage which is 15.45 square feet for the
6 sign. The letters do light up white at night against
7 the facade of the building.

8 The rear entrance is identical to the
9 front entrance. Here we went with non-illuminated
10 letters, the same size. Those letters will not light
11 up considering the resident -- residential area
12 behind the bank. Then again as you come around, I
13 mentioned the clearance sign which is on page 4 as
14 well as the rear letters, that's also on page 4. The
15 clearance sign is only 5-1/2 inches high by 30
16 inches. It's a green sign.

17 Q. And the letters themselves are less
18 than 5-1/2?

19 A. Right. They're white reflective so
20 when the headlights come around at night, it tells
21 you. And we will have the exact height of what the
22 clearance will be, not just the two Xs there.

23 Q. So that's not 10 feet 10 inches, that's
24 just for illustration?

25 A. That's just for illustration.

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1 Q. Okay.

2 A. They're not Roman numerals.

3 Q. Okay.

4 A. Then as you enter into the drive-thru
5 in lane one only, you approach the night depository
6 and the ATM. This unit will be mounted to the
7 building. The ATM has to be four inches off the face
8 of the curb so if someone pulls up in their car they

9 can reach over and operate the keys. So we have to
10 build this surround to be 12 inches deep so that it
11 projects out, the ATM comes into it, as well as the
12 night depository so it's accessible. It does say
13 Investors Bank 24 hour ATM, and that dimension is
14 10.5 square feet as the engineer has noted in his
15 report. And that is the sign package.

16 There is a directional sign here
17 (indicating) that directs the people in both
18 directions to the drive-up ATM, the drive-up tellers
19 and the parking area. There's a lot of concern how
20 these people exit. We don't want any traffic coming
21 in. There's a do not enter, there's a stop. We
22 propose also showing a double faced exit only. So
23 people going north and south on Sylvan, they'll know
24 not to turn here to gain access but to go to Irving.
25 Again the monument will direct them to get into the

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1 site, identify the site and also serve as a
2 directional.

3 Q. Those exit signs and directional signs
4 on page 6?

5 A. Correct, and they're non-illuminated.
6 That's pretty much our sign
7 presentation --

8 Q. And what do you have on page 7, Dennis?

9 A. On page 7, oh, that's just the hours
10 for the glass doors and the logos as you come into
11 the bank. The right door will list the hours of the
12 bank, the left door is just the Investors Bank logo.

13 These are just vinyl letters that are on there and
14 that is at both the front and the back. We also have
15 the address numbers, 19, which would go below the
16 canopy and above the doors on the front elevation
17 only.

18 I must say --

19 Q. If you pick up the rendering, in other
20 words underneath the canopy above the glass door
21 that's where the 19 will go?

22 A. Yes in the transom up here.

23 Q. In the transom, okay.

24 A. Only on the front elevation.

25 This is consistent with how Investors

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1 Bank has branded their sites throughout the state and
2 throughout Staten Island and New York, Brooklyn. It
3 is consistent with their prototypical branch and it
4 matches what we've done in other municipalities.

5 I just have to keep stressing the
6 necessity of this sign not only to identify but also
7 to direct into the only way you can enter into the
8 bank, the monument sign.

9 I welcome any questions.

10 MR. DUFFY: I would like to ask where
11 the closest Investors Bank is to this proposed
12 location?

13 THE WITNESS: I believe that would be
14 the Fort Lee branch.

15 MR. DUFFY: And is that one done in the
16 style that you're --

17 THE WITNESS: No, that was an
18 acquisition and they signed it as the building would
19 allow them to sign it.

20 MR. DUFFY: Okay. And then since that
21 one is not prototypical of what you're proposing, the
22 next -- where can we see an Investors Bank here close
23 to Englewood Cliffs and surrounding towns?

24 MR. ALAMPI: Steve, in Lyndhurst on
25 Ridge Road, there's a new one just built in

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1 Lyndhurst.

2 MR. DUFFY: Okay, and that's the style?

3 MR. ALAMPI: That will show you.

4 MR. DUFFY: Okay, thank you.

5 THE WITNESS: And Lyndhurst would have
6 a very high, tall freestanding sign.

7 We took in consideration your ordinance
8 and trying to marry into it as much as we can, so
9 that's why with went with a lower monument sign.

10 MR. DUFFY: Now, the one in Lyndhurst,
11 is that in a commercial area or is that too butted up
12 against a residential property?

13 THE WITNESS: I think that's
14 residential.

15 MR. DUFFY: I'll drive by and see it
16 myself.

17 MR. ALAMPI: Ridge Road is Route 17
18 that is commercial, right behind is residential.

19 MR. DUFFY: Okay.

20 THE WITNESS: It would be a mirror of

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21 what we're talking about here tonight.

22 MR. KILMARTIN: And the property site
23 is larger over there than this?

24 THE WITNESS: I would say this site is
25 comparable to the Lyndhurst.

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1 MR. ALAMPI: We had testimony last
2 month. It's a larger parcel.

3 THE WITNESS: Lyndhurst is.

4 MR. ALAMPI: Lyndhurst is larger?

5 THE WITNESS: Yes.

6 MR. KATES: What's the address? Could
7 you just tell us?

8 MR. ALAMPI: Grace, do we have the
9 address of Lyndhurst?

10 A VOICE: 123 Ridge Road.

11 MR. ALAMPI: 123 Ridge Road. It's a
12 freestanding building. You'll see it's on the
13 right-hand side.

14 THE WITNESS: It's a mirror of this
15 proposal, what we have here, the drive-thru is on
16 this side, the two entrances and the entrances off
17 the side street.

18 THE VICE CHAIRWOMAN: Any other
19 questions from the board?

20 THE WITNESS: I think the engineer's
21 report or Boswell's report mentioned that if this was
22 a -- and it's not -- I believe a B-2 Zone, it would
23 be allowed a 32 square foot monument although it
24 would be set back 30 feet. But we're -- the size of

25 our monument is 20 -- excuse me, 29 square feet. So

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1 we are smaller than what would be permitted into B-2
2 Zone.

3 MR. MIRANDI: Mr. O'Hara is correct
4 that our report did indicate that for reference for
5 the board. So that's on page 5 of the report.

6 THE VICE CHAIRWOMAN: Mr. Mirandi, do
7 you have any questions?

8 MR. MIRANDI: No.

9 THE VICE CHAIRWOMAN: Okay. Thank you.
10 No further questions?

11 MR. KILMARTIN: I have a question for
12 Mr. Mirandi. Were you okay per se with the location
13 of the monument sign? Is that line coming across on
14 Irving, is that supposed to be where the stop sign
15 would be and where a car would stop if it was going
16 to turn left or right.

17 THE WITNESS: Here (indicating)?

18 MR. KILMARTIN: No.

19 MR. ALAMPI: On the street.

20 MR. KILMARTIN: Right in the front.

21 MR. ALAMPI: In the street itself.

22 MR. KILMARTIN: In the street itself,
23 is that intended to be -- you may be the wrong person
24 -- is that intended to be the line in the street
25 where a car would stop?

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1 THE WITNESS: Yes.
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2 MR. KILMARTIN: And is the monument,
3 Mr. Mirandi --

4 MR. MIRANDI: I didn't have any issue
5 with that but I think that would be a good question
6 for Mr. Korzen.

7 THE WITNESS: I believe the traffic or
8 Mr. Korzen did say it's outside the site triangle.

9 MR. MIRANDI: Okay.

10 THE WITNESS: It doesn't fall within
11 the site triangle.

12 MR. MIRANDI: Can you just confirm
13 that.

14 MR. KORZEN: Yes.

15 MR. MIRANDI: Okay.

16 THE VICE CHAIRWOMAN: Okay. Anyone
17 else?

18 (No response.)

19 THE WITNESS: Thank you.

20 MR. ALAMPI: Thank you, Dennis.

21 (Witness excused.)

22 MR. ALAMPI: Our final witness is our
23 planning consultant, Mr. Tobia. Chairman, what time
24 do we end the meeting? Go on until 11 or 10:30,
25 what's your normal?

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1 THE VICE CHAIRWOMAN: We don't have a
2 normal routine.

3 MR. ALAMPI: There's nothing normal,
4 right.

5 MR. KATES: We also have an issue

6 because we have a public that hasn't had a chance to
7 question your witnesses. And I don't know how to
8 deal with the dynamic of that. Are you going to
9 bring them all back in February?

10 MR. ALAMPI: I would prefer, Mr. Kates,
11 if we allow the public to question the witnesses so
12 far and maybe relieve or call back --

13 MR. KATES: I think that's a better
14 approach.

15 MR. ALAMPI: So it's 10:25, if the
16 board is so disposed, why don't we allow the public
17 to question the various witnesses.

18 MR. KATES: The witnesses that have
19 testified.

20 MR. ALAMPI: Developing the traffic and
21 the signage and I can maybe relieve them.

22 MR. KATES: And Mr. Tobia will be a
23 single act?

24 MR. ALAMPI: I think so.

25 MR. KATES: All right. You want to

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1 open it up to the public for questions?

2 THE VICE CHAIRWOMAN: That's fine. We
3 can open it up to the public for public comment.

4 MR. KATES: These are questions only.

5 THE VICE CHAIRWOMAN: To all the
6 witnesses that just testified.

7 MR. KATES: We need a motion to open
8 up -- no, actually you don't, it's just questioning
9 the witnesses at this point.

10 THE VICE CHAIRWOMAN: Anyone?
11 A VOICE: Questions only?
12 MR. KATES: Yeah.
13 THE VICE CHAIRWOMAN: Please come up.
14 MS. O'SHEA: Mary O'Shea, 12 Irving
15 Avenue. In the landscape plans I'd like to know how
16 many trees are being removed from the property
17 currently? I believe from what I looked it looked
18 about a dozen or ten or 12 or something.
19 MR. KATES: Can you answer that? Is
20 your expert here?
21 THE VICE CHAIRWOMAN: Yes, he's right
22 there.
23 MR. ALAMPI: Peter, I believe you might
24 as well stay up here.
25 MR. KORZEN: Yes, there's eight

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1 existing trees that are proposed to be removed. I'm
2 referring to the colored rendering layout and
3 dimension plan and you see three proposed with Xs on
4 the southerly property line, one on the westerly
5 property line and series of one, two, three, four in
6 the center of the site.
7 MS. O'SHEA: I know that one of the
8 trees that are on the border on the western property
9 line is a redbud tree and I didn't see that indicated
10 on your plan.
11 MR. KORZEN: This tree was located by a
12 land surveyor. They're certainly not expert in trees
13 but we show this as a maple and also this one is a

14 maple (indicating).

15 MS. O'SHEA: Well, in that stretch
16 along that property line is a redbud tree and it's
17 been there about since -- I'm aware of it since 1980.
18 So it's a substantial tree and it's an ornamental
19 tree.

20 MR. KORZEN: Is that it (indicating)?

21 MS. O'SHEA: No, that's not it. I
22 don't know if you're familiar with a redbud tree but
23 it gets all little purple flowers right on the actual
24 branches of the tree.

25 MR. ALAMPI: We're going to let Jeffrey

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1 answer that.

2 MR. HIGINBOTHAM: Just looking it's
3 hard to tell just from the branch structure.

4 MS. O'SHEA: That one (indicating).

5 MR. HIGINBOTHAM: That one
6 (indicating)?

7 MS. O'SHEA: Yep.

8 MR. HIGINBOTHAM: She's referring to
9 this tree in the photo (indicating). It's -- when I
10 made my visit to the site it was defoliated as it is
11 now for the winter, so I couldn't really, you know,
12 tell the, you know, the condition or the quality of
13 the tree but it does like you're saying it looks to
14 be pretty old tree.

15 As you mention it's an ornamental tree,
16 relatively small in scale and if just in its position
17 relative to where the evergreen buffer is being

18 proposed, that would be -- if we were to preserve
19 this tree, it would create a gap in that buffer. So
20 it would be, you know, a judgment call as to whether
21 these plants could, you know, could be spaced
22 accordingly to leave that gap, but it would be leave
23 an opening in the buffer.

24 There's -- if I look at the landscape
25 plan, there's another --

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1 MR. ALAMPI: Jeffrey, where would that
2 be on that?

3 MR. HIGINBOTHAM: Approximately in this
4 location (indicating). You think that's correct?

5 MS. O'SHEA: Yeah.

6 MR. HIGINBOTHAM: So not quite to the
7 end of the buffer and as we referenced the residents
8 next door, it's beyond the face of that building but
9 still within the area that was considered to be
10 buffered. So --

11 MS. O'SHEA: Are you aware that
12 Englewood Cliffs has an ordinance about removing
13 trees that are along property lines of adjacent
14 properties, that we have a prohibition on that.

15 MR. KORZEN: Yes, we're aware that
16 there's a tree removal ordinance and it's referenced
17 in the borough engineer's letter and I believe it's
18 on page 11 of 12, item 27. And it states "Eight
19 trees are proposed to be removed. A tree removal
20 permit application is required in accordance with
21 section 30-22.8."

22 MS. O'SHEA: Is that about the ones
23 that are on the property line because there had been
24 quite a controversy when a residential property was
25 being done on Pershing Road and they were going to

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1 cut down the trees that are along or adjacent to the
2 property lines. So I think that might be something
3 that you might need to address.

4 MR. KORZEN: Okay.

5 MR. HIGINBOTHAM: Well, certainly there
6 are more trees being proposed than are being removed,
7 and, you know, I think that can all be taken into
8 consideration. But there's certainly an effort to,
9 you know, add more significant planting to the
10 property than exists now.

11 MS. O'SHEA: Thank you.

12 MR. MIRANDI: And if I may add, Madam
13 Chair, too, the -- I think we've heard a little bit
14 of testimony that that one tree was going to remain
15 and then if you compare it to the location of those
16 Green Giants that there would be a conflict of space
17 with that. That's part of why I had indicated
18 earlier that both the shade tree and environmental
19 commission should be part of this process. And there
20 is, as Ms. O'Shea has indicated, there is a permit
21 process, as the professionals have indicated too. So
22 that's something that needs to be confirmed with both
23 commissions. They take that into account when they
24 review it before all of those permits are issued.

25 THE VICE CHAIRWOMAN: Thank you.

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1 MS. O'SHEA: I have a question
2 regarding the retention basins. On the retention
3 basins there is an overflow indicated. And when the
4 daycare facility was approved for the across the
5 street, they agreed to put in storm drains to connect
6 -- down Irving Avenue, to connect to the storm drains
7 that are -- that the first ones on Irving Avenue is
8 by First Street. And I would like to ask if any
9 retention basins if this property was to move forward
10 in any form, that the retention basin overflow be
11 connected to the storm drains that are going to be
12 extended onto Irving Avenue. Irregardless of talking
13 about the two foot above the rock line, as a resident
14 in that area my whole life, there's rock under that
15 property immediately adjacent to it.

16 MR. ALAMPI: So that's a question,
17 right?

18 MS. O'SHEA: It's a question. It's a
19 question. Because I'm asking are you going to hook
20 up to --

21 MR. ALAMPI: Like jeopardy.

22 MS. O'SHEA: -- the sanitary? Not
23 sanitary, storm.

24 MR. ALAMPI: Peter, did you have an
25 opportunity to look at the engineering plans for the

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1 Learning Experience?

2 MR. KORZEN: I did. And let's just
3 step back here. There are four soil borings that
4 were done at that location on the property,
5 representative points. And they all indicate the
6 highest level of rock is elevation 355. This, the
7 bottom of the system is 357. So it's actually
8 357.12.

9 MS. O'SHEA: Can you speak a little
10 louder?

11 MR. KORZEN: Sure. The bottom of this
12 system is 357 elevation which is more than two feet
13 above the rock elevation. And that's a standard DEP
14 requirement, that any type of a proposed underground
15 system be more than two feet above the bedrock and
16 we've complied with that.

17 Regarding the Learning Experience, I
18 believe they did construct a stormwater or catch
19 basin located in this general area (indicating), and
20 it does convey runoff down the road, but at the time
21 of this application I don't believe that that was
22 approved or maybe it was in the process of being
23 approved, so we had no way of knowing that we could
24 connect to that at that time.

25 MS. O'SHEA: So if you were approved,

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1 would you connect to that storm drain.

2 MR. KORZEN: I have no problem with it.
3 It's just a short connection point. We have to
4 CONFER with Mr. Mirandi about the technical ability
5 to do that. I have no problem with it.

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MS. O'SHEA: Okay.

MR. MIRANDI: And I could add, we did have some preliminary conversations and I've also spoke with the DPW superintendent on that, and that's a possibility certainly that we would move forward with.

THE VICE CHAIRWOMAN: Thank you.

MS. O'SHEA: Okay, those are the only questions that I have, the rest are comments.

THE VICE CHAIRWOMAN: Thank you.

Anyone else would like to ask questions of the three witnesses?

(No response.)

THE VICE CHAIRWOMAN: Okay, I don't have to do a motion. We're going to close the questions to the witnesses from the public.

MR. KATES: Does anybody want to comment? You're not planning to come back in February?

A VOICE: We'll come back.

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MR. KATES: Well, okay but maybe there's somebody who won't be available because they're taking a long trip or something.

MR. ALAMPI: Right. I think definitely the sign witness and perhaps our traffic consultant. I would think we'd bring our engineer back but there's two or three witnesses who will not return if they want comments --

MR. KATES: Well, understood. But as I

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10 see it everybody is planning to be back here in
11 February, so we don't need this time for comments
12 period; is that correct? If that's the case, Madam
13 Chair, maybe we can start Mr. Tobia or we can go home
14 a little earlier, what do you think?

15 Mr. Alampi, what do you think? Do you
16 want to start with your witness or you want to wait?

17 MR. ALAMPI: Michael will be about 45
18 minutes. There will be questioning, so I think we'll
19 carry it to February.

20 THE VICE CHAIRWOMAN: I think that's
21 wise.

22 MR. ALAMPI: I think that we're just
23 looking to have or relieve some of our witnesses
24 tonight. I think I'm satisfied with a break point
25 here.

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1 MR. KATES: Okay, good.

2 THE VICE CHAIRWOMAN: Okay, great.

3 MR. KATES: Thank you.

4 MR. ALAMPI: would you please announce
5 the continuation date of this so we don't have to
6 renotice.

7 THE VICE CHAIRWOMAN: Sure. The
8 continuation date is February 13 at 7:30 in this
9 building.

10 MR. ALAMPI: Thank you.

11 (Time noted: 10:39 p.m.)

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CERTIFICATE

I, CELESTE A. GALBO, a Certified Court Reporter and Notary Public within and for the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement of the examination the witness was duly sworn by me.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcription of the testimony as taken stenographically by and before me on the date, time and place aforementioned.

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

In witness whereof, I have hereunto set my

18 1-9-14_Investor_Bank_-_Englewood (2)
hand this 16th day of January 2014.

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21

CELESTE A. GALBO, CCR, RPR, RMR
License No. 30X100098800
My commission expires 7/30/2015

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