

Regular Public Meeting of the
Englewood Cliffs Planning Board
Minutes
June 19, 2013

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairperson Ed Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre
Ms. Rosenberg
Mr. Chinman
Mr. Trovato
Mr. Dooly
Mr. Kim, 1st Alternate

Absent:

Mayor Parisi
Mr. Duffy, 2nd Alternate
Mr. Surace, 3rd Alternate
Mr. Nikow
Councilwoman Simon
Mr. Kilmartin

Also Present:

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

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

Flag Salute led by: Mr. Dooly

A motion to approve the May 9, 2013 meeting minutes was made by Ms. Rosenberg, seconded by Mr. Chinman and were approved by voice vote.

Old Business:

Application #222K – Site Plan with Bulk Variance Approval
Bank of New Jersey - 744 Palisade Ave. Block 512 - Lot 4
Approved – Resolution

Chairman Fehre announced that this will be postponed until the June 27th meeting.

New Business:

Application #221K – Site Plan with Variances
1 Fifth Street Associate, LLC
2 Fifth Street – Block 201 Lot 1

See attached transcripts from Paone & Associates Certified Court Reporters, 36 Tomahawk Trail, Denville, NJ 07834

A motion to open to public by Ms. Rosenberg, seconded by Mr. Trovato was carried unanimously by voice vote.

Mrs. Mary O'Shea 12 Irving Ave., Englewood Cliffs questioned the board on the scheduling of the Special Meetings of June 19th and June 27th. She also questioned the cancellation of the June 13th meeting. Mr. Kates answered her on the procedures of changing meetings as per the Board's bylaws. She also questioned why the 2 Fifth application will be heard before the 21 Sylvan application at the June 27th meeting. Mr. Kates and the Chairman Fehre informed

her of the cancellations on the applicants part has given the board the right to hear the 2 Fifth St. application prior.

A motion to close and adjourn the meeting at 11:18 pm by Mr. Chinman, seconded by Mr. Dooly was carried unanimously by voice vote.

Respectfully submitted

A handwritten signature in cursive script, reading "Caterina Scancarella". The signature is written in black ink and is positioned above the printed name.

Caterina Scancarella
Administrative Secretary

BOROUGH OF ENGLEWOOD CLIFFS PLANNING BOARD
 SPECIAL MEETING, WEDNESDAY JUNE 19, 2013
 COMMENCING AT 7:30 P.M.
 10 KAHN TERRACE
 ENGLEWOOD CLIFFS, NEW JERSEY

)
 IN THE MATTER OF:)
)
 APPLICATION #221K) TRANSCRIPT OF
) PROCEEDINGS
 1 FIFTH STREET ASSOCIATES,)
 LLC, 2 FIFTH STREET,)
 BLOCK 201 - LOT 1)
)

B E F O R E:

- EDWIN FEHRE, CHAIRMAN
- JILL ROSENBERG, VICE CHAIRPERSON
- DANIEL DOOLY, MEMBER
- JEFFERSON CHINMAN, MEMBER
- MATTHEW TROVATO, MEMBER
- KIKY KIM, ALTERNATE MEMBER

PAONE & ASSOCIATES
 Certified Court Reporters
 36 Tomahawk Trail
 Denville, NJ 07834
 (973) 586-3272
 Fax (973) 664-0721

2	<p>1 ALSO PRESENT:</p> <p>2 BERNARD N. MIRANDI, P.E. CME, BOROUGH ENGINEER</p> <p>3 CATERINA SCANCARELLA, PLANNING BOARD SECRETARY</p> <p>4</p> <p>5 A P P E A R A N C E S:</p> <p>6 KATES, NUSSMAN, RAPONE, ELLIS & FARHI, LLP</p> <p>7 190 Moore Street, Suite 306</p> <p>8 Hackensack, New Jersey 07601</p> <p>9 BY: MICHAEL B. KATES, ESQ.</p> <p>10 Counsel for the Planning Board</p> <p>11</p> <p>12 PROFITA & ASSOCIATES, LLC</p> <p>13 106 Grand Avenue</p> <p>14 Englewood, New Jersey 07631</p> <p>15 BY: MICHAEL PROFITA, ESQ.</p> <p>16 Counsel for the Applicant, 2 Fifth Street</p> <p>17 Associates, LLC, 2 Fifth Street, Block 201, Lot 1</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4																																																																	
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3	<p>1 CHAIRMAN FEHRE: The meeting of</p> <p>2 Englewood Cliff's Planning Board called to order</p> <p>3 this 19th of June at 7:30. p.m. Has the meeting</p> <p>4 been properly advertised in accordance with the</p> <p>5 Open Public Meeting Act?</p> <p>6 MS. SCANCARELLA: Yes, Public notice</p> <p>7 of this meeting has been given in compliance with</p> <p>8 the Open Public Meeting Law by advertisement in the</p> <p>9 Record, Star Ledger, and posting of notice in the</p> <p>10 municipal building bulletin board at 482 Hudson</p> <p>11 Terrance, Englewood Cliffs.</p> <p>12 CHAIRMAN FEHRE: Role call.</p> <p>13 MS. SCANCARELLA: Chairman Fehre?</p> <p>14 CHAIRMAN FEHRE: Here.</p> <p>15 MS. SCANCARELLA: Vice Chair</p> <p>16 Rosenberg?</p> <p>17 VICE CHAIRPERSON ROSENBERG: Here.</p> <p>18 MS. SCANCARELLA: Mr. Dooly?</p> <p>19 MR. DOOLY: Here.</p> <p>20 MS. SCANCARELLA: Mr. Chinman?</p> <p>21 MR. CHINMAN: Here.</p> <p>22 MS. SCANCARELLA: Mr. Trovato?</p> <p>23 MR. TROVATO: Here.</p> <p>24 MS. SCANCARELLA: Mr. Kilmartin is</p> <p>25 absent, and Mr. Nikow is not able to sit. Mayor</p>	5																																																																	

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1 Parisi is absent. And Mr. Kim?
 2 MR. KIM: Here.
 3 MS. SCANCARELLA: Mr. Duffy is
 4 absent and Mr. Surace is absent. We have a quorum.
 5 CHAIRMAN FEHRE: This evening, the
 6 flag salute will be led by Mr. Dan Dooly.
 7 (Whereupon, everyone stands for a
 8 recitation of the Pledge of Allegiance.)
 9 CHAIRMAN FEHRE: We have the
 10 minutes. We will do the approval of the minutes
 11 first of the May 9th 2013, meeting, which have been
 12 distributed by e-mail. Can I have a motion to
 13 approve those?
 14 VICE CHAIRPERSON ROSENBERG: So
 15 moved.
 16 MR. CHINMAN: Second.
 17 CHAIRMAN FEHRE: All in favor?
 18 (All Board Members Respond in the
 19 affirmative.)
 20 CHAIRMAN FEHRE: Any opposed?
 21 (NO RESPONSE)
 22 CHAIRMAN FEHRE: Okay. There is
 23 none opposed. The minutes are approved. There is
 24 no old business. We are going to do the resolution
 25 for the bank at 744 Palisades Avenue, we are going

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1 to be doing that next Thursday so the only thing on
 2 the agenda this evening is the new application,
 3 which is the address of 2 Fifth Street. It's also
 4 called 1 Fifth Street. I'm not sure what the
 5 difference is, but this is the old building there
 6 on Fifth Street in the back, Block 201, Lot 1 so
 7 with that, Mr. Profita the floor is yours.
 8 MR. PROFITA: Thank you,
 9 Mr. Chairman, Ladies and Gentleman, we thank you
 10 for coming out tonight for a special meeting. My
 11 name is Michael Profita. I'm an attorney and I
 12 represent 2 Fifth Street, Associates, LLC, which is
 13 the applicant, Mr. James Liu, who is here today who
 14 is the owner of the applicant.
 15 This application is for construction
 16 of a two-story childcare center on Lot 1, Block
 17 201, which is located on Fifth Street. Access to
 18 the site is through Lot 2 of Block 201, which is
 19 owned by a related party to the applicant, and you
 20 will hear testimony from him in a little while as
 21 well. Title to those properties were recently
 22 acquired.
 23 We have, I believe, complied with
 24 the required notice requirement of owner procedural
 25 matters, and we're ready to proceed with the

8

1 application.
 2 Just as an introductory note, a
 3 licensed childcare facility can be either a
 4 permitted use under the Municipal Land Act in any
 5 nonresidential zone. The facility is exempt from
 6 compliance with any onsite parking requirements and
 7 any density requirements, which may be imposed by
 8 local zoning ordinances. It's also considered an
 9 inherently beneficial use under the Municipal Land
 10 Use Act.
 11 We have a number of variances, which
 12 are required tonight. We will present testimony
 13 from a number of witnesses concerning those
 14 variances, and we also have a Traffic Consultant
 15 who has prepared and submitted a report and will
 16 testify today as well.
 17 We have received a review letter
 18 from Mr. Mirandi. We have received copies of
 19 letters from the Fire Department, the Police
 20 Department, and we will comment on those letters
 21 during the course of the testimony, if that's
 22 satisfactory. So with that, I would like to call
 23 my first witness Steven Collazuol.
 24 MR. KATES: May you raise your right
 25 hand.

9

1 (Whereupon, Mr. Collazuol is sworn
 2 in by Mr. Kates.)
 3 MR. KATES: Identify yourself and
 4 state your address for the record.
 5 MR. COLLAZUOL: Steven J.
 6 Collazuol, C-O-L-L-A-Z-U-O-L.
 7 MR. KATES: Your address.
 8 MR. COLLAZUOL: 1610 Center Avenue
 9 in Fort Lee, New Jersey.
 10 MR. KATES: And are you presenting
 11 Mr. Collazuol as an Engineer?
 12 MR. PROFITA: Correct.
 13 Mr. Collazuol is a Licensed Professional Engineer
 14 as well as a Licensed Planner.
 15 CHAIRMAN FEHRE: Mr Collazuol has
 16 testified many times before this Board. His
 17 credentials are accepted by the Chairman. You may
 18 proceed.
 19 MR. PROFITA: Mr. Collazuol, did you
 20 prepare a site plan for this application?
 21 MR. COLLAZUOL: Yes, I did.
 22 MR. PROFITA: Which zone is the
 23 property located in?
 24 MR. COLLAZUOL: It's located in D-3.
 25 MR. PROFITA: What I would like you

10

1 to do is we have a photo I think of the existing
 2 building on the site. Let's put that up.
 3 MR. COLLAZUOL: Certainly.
 4 MR. KATES: Can you mark that as
 5 Exhibit A-1 in some form with a label or pen.
 6 MR. PROFITA: Mr. Kates, I have
 7 marked it as A-1 with today's date.
 8 MR. KATES: Good. I venture to say
 9 this is the largest exhibit I've ever seen before.
 10 MR. CHINMAN: We appreciate it.
 11 MR. PROFITA: We might as well mark
 12 as A-2, which is the other perspective.
 13 But just before we do that,
 14 Mr. Collazuol, can you tell us what is shown in
 15 Exhibit A-1?
 16 MR. COLLAZUOL: Yes. This is the
 17 existing building on the existing site, as viewed
 18 from the southeast and off-site parking lot here in
 19 Fort Lee, so you are seeing the two-story section
 20 on the back 1/3 of the building, and the existing
 21 building which is formerly used as a shop and on
 22 the right-hand side, will be Fifth Street and
 23 projected out here to the left side, will be Sylvan
 24 Avenue.
 25 MR. PROFITA: And let's mark this as

11

1 A-2, today's date. And please explain to the Board
 2 what is shown in exhibit A-2.
 3 MR. COLLAZUOL: This is a photograph
 4 of the other extreme, the easterly side of the
 5 site. What you are looking at is on the left-hand
 6 side is the southern exposure of the building
 7 towards the Fort Lee section. In the lower
 8 right-hand corner you are seeing what's existing as
 9 far as Fifth Street, the current pavement out on
 10 Fifth Street. The end of the building is
 11 essentially a right of way line of Fifth Street,
 12 which is the property line for the site, and you
 13 will see the trailer and the loading dock is here,
 14 which formerly served the building. (Indicating)
 15 That is out in the right of way.
 16 MR. PROFITA: The right of way of
 17 Fifth Street?
 18 MR. COLLAZUOL: The right of way of
 19 Fifth Street.
 20 MR. PROFITA: And did you prepare a
 21 site plan that was submitted as part of the
 22 application?
 23 MR. COLLAZUOL: Yes, I did.
 24 MR. PROFITA: And put the site plan
 25 up please, and just explain to the Board what

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1 exists on the balance of the site?
 2 MR. KATES: That was it pre-filed?
 3 It was pre-filed, the site plan?
 4 MR. PROFITA: Yes. It's not marked
 5 in any fashion so it's the same plan that was
 6 submitted.
 7 MR. KATES: Let's identify it by the
 8 date and latest revision, if you have one.
 9 MR. COLLAZUOL: This is P-7 of our
 10 set, and it's entitled Boundary and Topographic
 11 Survey, and it shows the existing site in the lower
 12 center.
 13 MR. PROFITA: Does it have a last
 14 revised date on it?
 15 MR. COLLAZUOL: Yes, it does, June
 16 18, 2013. What we --
 17 MR. PROFITA: I'm sorry? What?
 18 MR. COLLAZUOL: This particular
 19 drawing --
 20 MR. PROFITA: No, the date.
 21 MR. COLLAZUOL: June 18, 2013. What
 22 we did was we just denoted a couple minor items on
 23 it, but the drawing that was submitted with the set
 24 was dated 2-11-13.
 25 MR. PROFITA: Well let's mark this

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1 as A-3 then, Mr. Kates?
 2 MR. KATES: Is that something that's
 3 been revised since filing?
 4 MR. COLLAZUOL: Yes, minor.
 5 MR. KATES: So the original date on
 6 that site plan is what, 2-4-2013?
 7 MR. COLLAZUOL: Yes.
 8 MR. KATES: That's the Boundary and
 9 Topographic survey. Original date 2-4-2013.
 10 Revised June 18, 2013?
 11 MR. COLLAZUOL: Yes.
 12 MR. PROFITA: Mr. Collazuol, could
 13 you please show the Board where the existing
 14 building is situated on the site?
 15 MR. COLLAZUOL: Yes. The parcel
 16 that's shown here is centrally located, which shows
 17 Fifth Street on the bottom of the sheet and Sylvan
 18 Avenue on the top of the sheet. The left hand
 19 property line is the Borough line, distinguishing
 20 between the Borough of Englewood Cliffs on the
 21 right and the Borough of Fort Lee on the left.
 22 This dark line represents the building which I'm
 23 delineating. (Indicating) This dash line
 24 represents the difference between the one-story
 25 section of the building and the two-story section

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1 of the building.
 2 In the front, we show the loading
 3 dock, projecting and encroaching into Fifth Street
 4 and in the rear, we show the existing parking and
 5 partial concrete macadam area, as well as the
 6 stucco garage that straddles both 1 Fifth Street
 7 and 2 Sylvan Avenue. I'll outline that with my
 8 finger here. (Indicating) so that's on both
 9 properties.
 10 MR. PROFITA: Okay. Now, Lot 1,
 11 that has the existing building and the garage, does
 12 that have any loading? I'm sorry. The loading
 13 dock you said was out in the street. Correct?
 14 MR. COLLAZUOL: Yes.
 15 MR. PROFITA: Does that it have any
 16 side yard setback for the existing building?
 17 MR. COLLAZUOL: Essentially none,
 18 but technically, at one point the building is 1/2
 19 foot clear at the northwest corner. At the
 20 northeast corner, it's about 1.5 foot clear. On
 21 the south side, at the southeasterly on the Fifth
 22 Street side, it's essentially on line, and at the
 23 back left corner, it's about 1 foot clear so it's
 24 essentially from lot line to lot line.
 25 MR. PROFITA: All right. And is

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1 there any front yard set back on Fifth Street?
 2 MR. COLLAZUOL: Actually in the
 3 front, it's encroaching. The corner of the
 4 building actually encroaches into Fifth Street, and
 5 it's perpendicular to the lot so it's somewhat
 6 clear of Fifth Street at the lower left-hand corner
 7 or the southeasterly corner of the building.
 8 MR. PROFITA: Are there any trees on
 9 the lot?
 10 MR. COLLAZUOL: There are no trees
 11 whatsoever on the site.
 12 MR. PROFITA: Is there a buffer
 13 area?
 14 MR. COLLAZUOL: There is no buffer
 15 area, as the building is right at the municipal
 16 line and as I said, the loading dock is encroaching
 17 into the right of way.
 18 MR. PROFITA: Are there any
 19 landscaped areas on the lot?
 20 MR. COLLAZUOL: No landscaped areas
 21 as well.
 22 MR. PROFITA: Does the lot have
 23 ingress or egress from Sylvan Avenue other than
 24 through Lot 2?
 25 MR. COLLAZUOL: It does not.

16

1 MR. PROFITA: And what currently
 2 exists on Lot 2?
 3 MR. COLLAZUOL: Currently on Lot 2,
 4 there's a one and a half story building, commonly
 5 known as Wild Flowers, Lot 2 as well, and it has a
 6 driveway on the northerly side which is used as an
 7 ingress and egress for 2 Sylvan Avenue. It has a
 8 parking area in the rear, and one ADA space just to
 9 the west of the existing stucco garage.
 10 MR. PROFITA: Now, can you tell the
 11 Board, what is proposed to be built on Lot 1?
 12 MR. COLLAZUOL: Yes.
 13 MR. PROFITA: We have photos here as
 14 well.
 15 MR. COLLAZUOL: Yes.
 16 MR. PROFITA: If you want to take
 17 that off. I guess we'll mark this as A-4.
 18 MR. KATES: A-4, yeah.
 19 MR. PROFITA: All right.
 20 Mr. Collazuol, can you first tell us by reference
 21 to the rendering that's been marked as A-4, what is
 22 proposed to be constructed on Lot 1?
 23 MR. COLLAZUOL: Yes. What we are
 24 looking at is the rendering from the same
 25 perspective as the photograph. On your right, the

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1 gray striped area is Fifth Street, proposed to be
 2 improved. This telephone pole represents the same
 3 telephone pole you were looking at the earlier
 4 photograph. The building is being set back from
 5 Fifth Street 20 feet, and this left-hand side of
 6 the building is the southern exposure.
 7 The proposed driveway is shown right
 8 along the front of the building. The overhang to
 9 the building is shown here as well, and then the
 10 area on the left would be the parking that we'd
 11 show on our site plan out in the western portion of
 12 the site.
 13 The striped area in the front, down
 14 at the bottom is in Fort Lee, it's beyond the lot
 15 line so we are getting a perspective of the
 16 adjoining property here.
 17 MR. PROFITA: And can you put up now
 18 the site plan that shows the proposed improvements
 19 on the site?
 20 MR. COLLAZUOL: Yes. I'm not sure
 21 we can get them all on here.
 22 MR. KATES: We are going to mark
 23 that as A-5. It's a colorized version of the site
 24 plan.
 25 MR. PROFITA: Yes.

18

1 MR. KATES: And just identify the
 2 site plan by original date and later revision.
 3 MR. COLLAZUOL: The original date is
 4 2-05-13 and it's sheet 2 of 7, and additions
 5 4-17-13 and 6-11-13. We colorized it for the
 6 Board's use tonight. We added the three colors to
 7 it to match the rendering that was shown earlier.
 8 MR. PROFITA: Okay. So can you just
 9 briefly for the Board, show what's highlighted on
 10 the site plan?
 11 MR. COLLAZUOL: Yes. Well, what we
 12 have shown in this light brown is the building
 13 footprint complete, including the second floor.
 14 The --
 15 MR. PROFITA: The overhang.
 16 MR. COLLAZUOL: Yes. Including the
 17 overhang. The green area in the front is the
 18 proposed buffer area, and the green area on the
 19 north is the enclosed grass area, and the light
 20 gray shaded area is the proposed driveway and
 21 parking at the rear. We show the dark arrows for
 22 the direction of traffic flow.
 23 MR. PROFITA: Okay. So basically
 24 how is the traffic flow plan through the site?
 25 MR. COLLAZUOL: The proposal is to

19

1 continue to use the ingress from Sylvan Avenue and
 2 pass through Lot 2 or 2 Sylvan Avenue at a point
 3 where at the rear we turn into a one way such that
 4 vehicles will enter the site, and pass through the
 5 driveway and exit out a right turn only onto Fifth
 6 Street.
 7 MR. PROFITA: Okay. Let me show you
 8 what's been marked as --
 9 MR. MIRANDI: Just a question before
 10 we leave that Exhibit, the original date, did you
 11 say 2-5 or 2-4-13?
 12 MR. COLLAZUOL: 2-4-13.
 13 MR. MIRANDI: Thank you.
 14 MR. PROFITA: Thank you,
 15 Mr. Mirandi. I will mark this as A-6 then?
 16 MR. KATES: Yes.
 17 MR. PROFITA: All right. Can you
 18 show us or tell us what is the depicted on A-6 and
 19 what A-6 is?
 20 MR. COLLAZUOL: A-6 is an aerial
 21 projection from Google maps showing the surrounding
 22 areas between Sylvan Avenue and Fifth Street and
 23 approximately two lots to the south and into Fort
 24 Lee and approximately three lots to the north in
 25 Englewood Cliffs. What we are looking at is the

20

1 rooftops of the surrounding buildings, particularly
 2 1 Fifth you will see here, the left half side of
 3 the roof is light gray and the right half side is
 4 irregular. The back two story section is dark.
 5 MR. PROFITA: That will be totally
 6 removed in connection with the application?
 7 MR. COLLAZUOL: That's correct.
 8 This entire building is to be removed.
 9 MR. PROFITA: And the garages are
 10 shown?
 11 MR. COLLAZUOL: Yes. You see the
 12 two different roofs for the garage and
 13 interconnecting section here at the rear of the
 14 site, and that's to be removed as well. The number
 15 2 Sylvan Avenue shown on the top shown with its tan
 16 roof, and we see Sylvan Avenue. You also see the
 17 common driveway for number 2 and number 6 Sylvan,
 18 and the existing parking in the rear of 2 Sylvan
 19 and 1 Fifth, you will see automobiles parked there
 20 as well.
 21 MR. PROFITA: Now, what is the
 22 current onsite parking consist of?
 23 MR. COLLAZUOL: Currently, there's
 24 nine spaces, which were utilized for Wild Flowers
 25 and of course, for the existing or former use of

21

1 the property.
 2 MR. PROFITA: And those spaces are
 3 partially on Lot 2 where the proposed new building
 4 will be and some are on Lot 1, which is where Wild
 5 Flowers is?
 6 MR. COLLAZUOL: That's correct. Lot
 7 1, if I'll superimpose it with my pen, will be
 8 approximately here. Two and a half cars would be
 9 on the subject property and the rest would be off
 10 the property.
 11 MR. PROFITA: And currently, are
 12 there any onsite drainage facilities?
 13 MR. COLLAZUOL: There are none. All
 14 this roof water from the existing water spills out
 15 and there are no underground or connected storm
 16 drainage facilities.
 17 MR. PROFITA: As part of this
 18 application, have you proposed a drainage plan on
 19 the property?
 20 MR. COLLAZUOL: Yes.
 21 MR. PROFITA: Can you tell the Board
 22 briefly what that plan encompasses.
 23 MR. COLLAZUOL: Yes. It's a series
 24 of underground retention systems capturing the roof
 25 runoff as well as the pavement and the driveway

22

1 areas, and directed into the ground and
 2 re-surcharging the ground water.
 3 MR. PROFITA: In your opinion would
 4 that be an improvement to the current drainage in
 5 the area?
 6 MR. COLLAZUOL: Yes. It would, as
 7 well as the fact we are creating a green area which
 8 would capture some natural runoff as well.
 9 MR. PROFITA: Can you just point out
 10 for the Board, the existing residential development
 11 which will be across from the proposed new building
 12 on the east side of Fifth Street?
 13 MR. COLLAZUOL: Yes. We can see on
 14 the lower portion of this, the residential
 15 properties in Fort Lee on the lower left, you see
 16 the roof tops, this again is the dividing line
 17 between Fort Lee and Englewood Cliffs so you see
 18 the last home in Fort Lee here on the bottom left,
 19 and along existing unimproved section of Fifth
 20 Street, you will see some trees and some irregular
 21 pattern of macadam driveways used.
 22 You'll see some portions of buffer
 23 areas to the rear of 6 Sylvan Avenue. You'll see
 24 the parking lot to the rear of 8 and 10 Sylvan
 25 Avenue. You'll see the building behind Mona's,

23

1 which is 12 Sylvan Avenue, and then there's a brand
 2 new house on the paver portion of Fifth Street
 3 shown with the roof right here on the title block,
 4 which has some pavement and connections to the
 5 access way.
 6 MR. PROFITA: Okay. And have you
 7 observed the condition of Fifth Street?
 8 MR. COLLAZUOL: Yes, I have.
 9 MR. PROFITA: Can you describe the
 10 current condition of Fifth Street?
 11 MR. COLLAZUOL: Fifth Street has
 12 never been improved or designed by the municipality
 13 and so it remains essentially unimproved. There
 14 are no utilities except for an electric line in
 15 there, and it's been haphazardly utilized by the
 16 adjoining property owner for many years.
 17 MR. PROFITA: And from the southerly
 18 corner of the building, the existing building on
 19 the site, and where the proposed new building or
 20 where the buffer area for the proposed new building
 21 would be as you head south into Fort Lee, that
 22 portion of Fifth Street is paved?
 23 MR. COLLAZUOL: That portion of
 24 Fifth Street is fully paved, fully improved and
 25 it's two-way traffic as well.

24

1 MR. PROFITA: Now, you described the
 2 buffer area before, that will be on -- I'm sorry --
 3 A-5?
 4 MR. COLLAZUOL: Right.
 5 MR. PROFITA: Okay. What are the
 6 dimensions of the buffer area?
 7 MR. COLLAZUOL: The dimensions of
 8 the buffer area --
 9 MR. PROFITA: You can put that right
 10 back up.
 11 MR. KATES: Before you leave that
 12 subject, the paved portion of Fifth Street goes to
 13 the middle of the subject property?
 14 MR. COLLAZUOL: I'm sorry?
 15 MR. KATES: When I look at the
 16 aerial, the paved portion of Fifth Street goes into
 17 Englewood Cliffs about half way into the subject
 18 lot? Paved, I'm talking about, not gravel.
 19 MR. COLLAZUOL: It's been
 20 irregularly paved over the years, Mr. Kates, and it
 21 does partly go beyond the subject premises as the
 22 dock, the loading dock on the subject premises has
 23 been used for that use, and trucks have been
 24 turning around in there so it's been a gravel
 25 turnaround for many years, and it's been extended

25

1 to some degree by some of the other property owners
 2 to the north.
 3 MR. KATES: But it's not a defined
 4 public street?
 5 MR. COLLAZUOL: It doesn't have a
 6 curbed sidewalk as you indicate, yes.
 7 MR. KATES: And the use of the
 8 current building, is it vacant or occupied?
 9 MR. PROFITA: I believe it's in the
 10 process of being vacated. It was used as a
 11 printing shop.
 12 MR. MIRANDI: Mr. Chairman, if I
 13 may, just to help answer that question of Mr.
 14 Kates, Exhibit A-3, which is the Boundary and Topo
 15 Survey, on that survey shows an edge of pavement
 16 line so if the Board looks at that, they can see
 17 where the pavement is delineated on that lot.
 18 MR. KATES: Thank you.
 19 MR. PROFITA: Any other questions on
 20 that?
 21 MR. DOOLY: I have a question. That
 22 office building, the white one south of the Dean
 23 property.
 24 MR. COLLAZUOL: That one?
 25 (Indicating)

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1 MR. DOOLY: Yes, access and egress,
 2 how is that achieved there?
 3 MR. COLLAZUOL: That has two means
 4 of ingress and egress. There's a drivethrough
 5 right below the building, which accesses Sylvan in
 6 Fort Lee, known as Lemoine Avenue, two way in and
 7 out. There's a drivethrough under the building as
 8 I mentioned. There's a driving aisle through the
 9 entire site, and there's an exit two-way ingress
 10 and egress out to Fifth Street.
 11 MR. PROFITA: So there is traffic
 12 that goes from 2500 Lemoine Avenue that could make
 13 a right-hand turn and go take Fifth Street down to
 14 Washington or --
 15 MR. COLLAZUOL: That's correct.
 16 MR. PROFITA: So we are talking
 17 about the buffer zone. If you could just relate to
 18 the Board what the dimensions of the proposed
 19 buffer zone are?
 20 MR. COLLAZUOL: Yes. Our proposed
 21 buffer area has a depth of 20 feet and a breadth of
 22 approximately 57 feet. The buffer area is 20 feet
 23 and on the southern end is approximately 25 so it's
 24 an average of about 22 and a half, 23 feet in
 25 depth.

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1 MR. PROFITA: And is there a fence
 2 proposed in the buffer area?
 3 MR. COLLAZUOL: Yes. We show a
 4 fence at the 20-foot line returning along the north
 5 side of the proposed exit driveway, and it could be
 6 a six-foot high board-on-board fence.
 7 MR. PROFITA: And was the purpose of
 8 that fence for screening purposes, additional
 9 screening for the property across Fifth Street?
 10 MR. COLLAZUOL: Yes. In addition to
 11 the plantings that we indicate on our other sheet,
 12 its purpose is to screen further from the
 13 residential properties.
 14 MR. PROFITA: Okay. And if it was
 15 the preference of the Board that no fence be
 16 included, the applicant would be willing to forgo
 17 the fence?
 18 MR. COLLAZUOL: Yes.
 19 MR. PROFITA: In other words, it's
 20 not for security purposes?
 21 MR. COLLAZUOL: That's correct.
 22 MR. PROFITA: And can you tell the
 23 Board what is proposed for plantings in that area.
 24 You have a landscape plan I believe.
 25 MR. COLLAZUOL: Yes.

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1 MR. PROFITA: Okay. If we could
 2 refer to that.
 3 MR. COLLAZUOL: Yes. Sheet 4 is our
 4 grading, drainage and landscape plan.
 5 MR. PROFITA: Does that have a date
 6 on it?
 7 MR. COLLAZUOL: Yes. It has a date
 8 of 2-4-13, with the additions of 4-17-13 and
 9 6-11-13.
 10 MR. PROFITA: Okay. So that is
 11 different than the set that was submitted. There
 12 have been some changes.
 13 MR. COLLAZUOL: Very minor changes.
 14 MR. PROFITA: Why don't we mark that
 15 as A-7.
 16 MR. COLLAZUOL: Okay. To answer
 17 your question, Mr. Profita, we're showing in symbol
 18 the plantings to be placed in the landscape buffer
 19 area. We have proposed plantings shown on the
 20 left-hand side, proposed plantings 3, 3 and a half
 21 inch caliber White Pines and these White Pines have
 22 a height, a planting height of 10 to 12 feet.
 23 We also have two framing the
 24 building on the left-hand side and the right-hand
 25 side, three and a half inch caliber Cruiser

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1 Dogwoods, which have a planting height of 8 to
 2 10 feet. The rest of the buffer area will be
 3 planted with grass and also along the northerly
 4 three feet of the proposed building, we have a
 5 grassy planting area as well.
 6 MR. PROFITA: Can you tell the Board
 7 what a rain garden is?
 8 MR. COLLAZUOL: A rain garden is a
 9 depressed grassed area which collects water from
 10 either a roof area or a pavement area and retains
 11 that water and doesn't have any other place to go
 12 except for in the ground, and it allows certain
 13 plantings, specific grasses to grow in that area.
 14 MR. PROFITA: Did you consider
 15 installing a rain garden in this buffer zone?
 16 MR. COLLAZUOL: Yes, we did.
 17 MR. PROFITA: And I assume the idea
 18 was rejected in favor of planting the trees?
 19 MR. COLLAZUOL: Yes. It was thought
 20 that the screening, the plantings their initial
 21 planting and of course, as they mature will provide
 22 more of a screening to the residential neighborhood
 23 than a rain garden.
 24 MR. PROFITA: And if the Board
 25 preferred to see a rain garden there, would the

30

1 applicant be willing to do that in lieu of the tree
 2 plantings?
 3 MR. COLLAZUOL: Yes.
 4 MR. PROFITA: Now, the ordinance
 5 requires a 25-foot buffer; is that correct?
 6 MR. COLLAZUOL: That is correct.
 7 MR. PROFITA: And I believe you said
 8 that this buffer was 20 feet on the north end and
 9 25 feet on the south end?
 10 MR. COLLAZUOL: Yes. That's
 11 correct.
 12 MR. PROFITA: With an average of
 13 approximately 22 and a half feet?
 14 MR. COLLAZUOL: Yes.
 15 MR. PROFITA: Would it be practical
 16 to provide the full 25-foot buffer in connection
 17 with this zone?
 18 MR. COLLAZUOL: We feel it would not
 19 be. We feel that if we provided the full 25, we
 20 would lose turning movement and parking areas into
 21 the rear of the site.
 22 MR. PROFITA: Now, are buffer areas
 23 provided on the buildings to the south in Fort Lee?
 24 MR. COLLAZUOL: There are not.
 25 MR. PROFITA: What about the other

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1 buildings in Englewood Cliffs as you move north?
 2 MR. COLLAZUOL: The rear of 6 Sylvan
 3 does have a partial buffer, which has been
 4 disturbed somewhat. To the rear of 8 and 10, there
 5 is no buffer, and to the rear of the other
 6 properties, being the restaurant, the two
 7 restaurants, they have provided what's just a
 8 natural buffer. They haven't really planted
 9 anything in those.
 10 MR. PROFITA: And in your opinion,
 11 is the proposed buffer area sufficient in order to
 12 accomplish the purpose of a buffer area?
 13 MR. COLLAZUOL: Yes, it is.
 14 MR. PROFITA: And now, you have
 15 proposed some improvements to Fifth Street as part
 16 of the development plan.
 17 MR. COLLAZUOL: Yes, we have.
 18 MR. PROFITA: Where can we look at
 19 those improvements.
 20 MR. COLLAZUOL: We will refer back
 21 to the grading, drainage, landscape and lighting
 22 plan as well as the site plan.
 23 MR. PROFITA: That's marked A-7.
 24 Correct?
 25 MR. COLLAZUOL: That is correct.

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1 MR. PROFITA: We were showing a
 2 hatched area along the entire property frontage.
 3 As Fifth Street, its right of way width is 33 feet
 4 in width. We are improving 15 feet for proposed
 5 pavement, the entire frontage with one and a half
 6 foot space between the curb and the right of way
 7 line, and providing a full curb along the property
 8 frontage.
 9 The pole, as I mentioned earlier,
 10 which is in the photograph, which has a light on it
 11 will be relocated behind the telephone pole so the
 12 applicant is providing, which is normal and typical
 13 of a developer, to improve his frontage --
 14 MR. PROFITA: A curb will be
 15 provided as well?
 16 MR. COLLAZUOL: -- to Borough specs,
 17 yes.
 18 MR. PROFITA: And now, other than
 19 that one utility light pole that has to be
 20 relocated, can you generally describe the other
 21 lighting in the area of the site?
 22 MR. COLLAZUOL: Yes. We have on our
 23 sheet, which is shown as the ingress and egress
 24 plan, which is sheet 2 for the purpose of this
 25 hearing.

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1 MR. PROFITA: Now, that sheet is
 2 dated what?
 3 MR. COLLAZUOL: Dated 2-04-2013 as
 4 well as 6-11, to show some of the aerial light.
 5 MR. PROFITA: So it was revised on
 6 6-11?
 7 MR. COLLAZUOL: Yes.
 8 MR. PROFITA: So then we will mark
 9 this as A-8 I believe, Mr. Kates?
 10 MR. KATES: Yes.
 11 MR. PROFITA: I'll just put the
 12 date.
 13 MR. KATES: What is the title of
 14 that?
 15 MR. COLLAZUOL: Ingress and egress
 16 plan.
 17 MR. KATES: Was that pre-filed or
 18 have you amended it?
 19 MR. COLLAZUOL: Yes. It was
 20 pre-filed.
 21 MR. KATES: Was it a amended since
 22 it was filed?
 23 MR. COLLAZUOL: Yes, it was.
 24 MR. KATES: What is the amended
 25 date?

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1 MR. COLLAZUOL: 6-11-13.
 2 MR. PROFITA: And what were the
 3 nature of the changes that were made after it was
 4 filed?
 5 MR. COLLAZUOL: We added the
 6 lighting in the area, the light as shown in the
 7 general area. It's the only addition to the plan.
 8 MR. PROFITA: Can you review what
 9 lighting existed in the general area please?
 10 MR. COLLAZUOL: Certainly. As I
 11 mentioned earlier, along the property frontage out
 12 in the right of way of Fifth Street, there's an
 13 existing power pole with a PSE&G light on it, and
 14 in front of the ingress egress to the rear of 2500,
 15 there is another public utility pole with a light
 16 on it.
 17 MR. PROFITA: Excuse me. Mr. Dooly,
 18 do you want Mr. Collazuol to move? Do you want to
 19 stand on this side?
 20 MR. DOOLY: I want to stretch my
 21 leg. It's okay.
 22 MR. COLLAZUOL: I'm sorry to block
 23 you.
 24 MR. DOOLY: No. That's all right.
 25 MR. COLLAZUOL: To the rear of --

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1 MR. PROFITA: Do you want to use the
 2 laser?
 3 MR. COLLAZUOL: I have one, yes. To
 4 the rear of 2500 Lemoine, there is the building
 5 mounted signs. This is the outline of the 2500
 6 building, there's building mounted signs to the
 7 rear of this section, as well as here. It does not
 8 identify any street lights along Lemoine Avenue or
 9 Sylvan Avenue along the property front. On the
 10 adjoining parking lot though, about 2/3 of the way
 11 down at the proposed building, there is a light
 12 provided for that parking area, as well as one on
 13 the opposite side of that. And then there's
 14 another PSE&G pole on the adjoining property, which
 15 will be behind 8 Sylvan, which is PSE&G type pole,
 16 which provides a lot of light as well. So that's
 17 the aerial lighting, and if I may, the architect
 18 will talk about the building lighting underneath
 19 the second-story overhang.
 20 MR. PROFITA: Thank you. Now, you
 21 are aware that a variance is required to locate the
 22 egress drive through the buffer zone. Correct?
 23 MR. COLLAZUOL: I am.
 24 MR. PROFITA: And that variance is
 25 required in this zone for traffic existing onto

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1 Fifth Street?
 2 MR. COLLAZUOL: Yes.
 3 MR. PROFITA: Is that correct?
 4 MR. COLLAZUOL: That's correct.
 5 MR. PROFITA: As opposed to Sylvan
 6 Avenue. Now, can you just tell the Board what kind
 7 of directional signage will be installed at the
 8 exit drive by Fifth Street?
 9 MR. COLLAZUOL: Yes. We have shown
 10 that there will be a proposed "Do Not Enter" and
 11 "No Left Turn Sign" at the exit at Fifth Street.
 12 At the western end of the site, we also show a
 13 proposed one-way sign, and at the end of the common
 14 driveway, we show a proposed two-way sign so we
 15 will provide ample signage, and as well as that, we
 16 are showing directional arrows will be painted on
 17 the pavement as well.
 18 MR. PROFITA: And maybe you can just
 19 point out on the ingress egress plan where the
 20 egress is from 2500 Lemoine Avenue, which is
 21 immediately to the south for traffic that exits
 22 onto Fifth Street?
 23 MR. COLLAZUOL: Would you repeat the
 24 question?
 25 MR. PROFITA: Yes. 2500 Lemoine

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1 Avenue, correct?
 2 MR. COLLAZUOL: Yes.
 3 MR. PROFITA: The property to the
 4 south also has ingress and egress onto Fifth Street
 5 as you testified previously.
 6 MR. COLLAZUOL: Yes.
 7 MR. PROFITA: So I just want the
 8 Board to see where that's located.
 9 MR. COLLAZUOL: Yes. That's just
 10 adjacent to the light pole that's we are showing
 11 right here, and it's shown by two directional
 12 arrows on the plan as well. (Indicating)
 13 MR. PROFITA: Okay. So that this
 14 egress drive is basically would you say about maybe
 15 ten feet farther to the north?
 16 MR. COLLAZUOL: I would say it's
 17 probably 35 feet to the north.
 18 MR. PROFITA: I'm sorry. 35 feet to
 19 the north. I'm sorry.
 20 MR. COLLAZUOL: Yes.
 21 MR. PROFITA: And that's the same
 22 traffic pattern that's been followed with the other
 23 developments on Fifth Street in Fort Lee then?
 24 MR. COLLAZUOL: Yes.
 25 MR. PROFITA: And now, in your

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1 opinion, is it practical to design the site to
 2 provide for ingress and egress to and from Sylvan
 3 Avenue in lieu of the having ingress on Sylvan and
 4 egress on Fifth?
 5 MR. COLLAZUOL: No. It is not
 6 practical.
 7 MR. PROFITA: And why is that?
 8 MR. COLLAZUOL: We would then need a
 9 turnaround to exit the site to turn back out to
 10 Sylvan Avenue, and we do not believe that's a good
 11 functioning plan.
 12 MR. PROFITA: And can you tell the
 13 Board what exists immediately across from the
 14 proposed building on the east side Fifth Street? I
 15 believe you said it was a vacant lot.
 16 MR. COLLAZUOL: That's correct.
 17 MR. PROFITA: And what's the
 18 dimension of that vacant lot? Is it three lots?
 19 MR. COLLAZUOL: That's correct.
 20 There's one 25 foot lot, which is vacant. Then
 21 there's Lot 2, which is 150 feet of frontage along
 22 the unimproved section of Fifth Street, as well
 23 100 feet in length, and that's a vacant lot, except
 24 for the small portion that was used as a turnaround
 25 for trucks using the site, the former site.

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1 MR. PROFITA: And that's Lot 2 of
 2 Block 202. Correct?
 3 MR. COLLAZUOL: Yes. That's
 4 correct.
 5 MR. PROFITA: Do you know who owns
 6 that lot?
 7 MR. COLLAZUOL: Yes.
 8 MR. PROFITA: Who is that?
 9 MR. COLLAZUOL: It's 4 Fifth Street
 10 Associates.
 11 MR. PROFITA: LLC?
 12 MR. COLLAZUOL: LLC.
 13 MR. PROFITA: And do you know who
 14 the managing member of 4 Fifth Street Associates,
 15 LLC is?
 16 MR. COLLAZUOL: I do. And it's K.
 17 W. Liu.
 18 MR. PROFITA: And did that company
 19 recently acquire that parcel of land as well?
 20 MR. COLLAZUOL: Yes, they did.
 21 MR. PROFITA: And do you know what
 22 that relationship is between consideration K.W. Liu
 23 and James Liu, who is the owner of 2 Fifth Street
 24 Associates and Developers?
 25 MR. COLLAZUOL: Yes. It's father

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1 and son. K.W. Liu is the father.
 2 MR. PROFITA: Now, the lot at 2500
 3 Lemoine Avenue, do you know who the owner of that
 4 lot is?
 5 MR. COLLAZUOL: Yes. I do.
 6 MR. PROFITA: Who is that?
 7 MR. COLLAZUOL: That is 2500 Lemoine
 8 Associates.
 9 MR. PROFITA: And do you know who
 10 the managing member of 2500 Lemoine Associates is?
 11 MR. COLLAZUOL: Yes. That is K.W.
 12 Liu.
 13 MR. PROFITA: Now, is that lot fully
 14 developed?
 15 MR. COLLAZUOL: That lot is fully
 16 developed, as I mentioned earlier, it's a four-
 17 story building at the front of it facing Lemoine
 18 Avenue and it's approximately 79 cars, with two
 19 driving aisles and a center double row parking and
 20 parking along the north side, adjoining our
 21 proposed site, as well as the south side, and also
 22 parking along the right of way line of Fifth
 23 Street.
 24 MR. PROFITA: Okay. And can you
 25 describe the lot immediately to the north of the

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1 proposed development?
 2 MR. COLLAZUOL: Yes. This was an
 3 application that came before the Board a number of
 4 years ago, 6 Sylvan Avenue. It's a medical
 5 building in the front portion of the building.
 6 Access is from Sylvan Avenue through 2 Sylvan
 7 Avenue's drive, ingress driveway, and there's 13
 8 cars along the common property line, with the site
 9 in question, as well as two-way driving aisle down
 10 the middle, and another 13 cars on the northern
 11 side and that site has been curbed as you would say
 12 it's probably in the neighborhood of ten-years old
 13 that was improved, and I mentioned the lighting on
 14 that earlier, so that's fully improved as well.
 15 MR. PROFITA: Okay. Now, what's the
 16 lot size of Block 201, Lot 1, which is where the
 17 proposed new building would be?
 18 MR. COLLAZUOL: The lot area is
 19 10,979 square feet.
 20 MR. PROFITA: And there's a maximum
 21 lot area of 10,000 square feet permitted under the
 22 zoning ordinance?
 23 MR. COLLAZUOL: That's correct.
 24 MR. PROFITA: And is this then a
 25 preexisting nonconformity?

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1 MR. COLLAZUOL: It is.
 2 MR. PROFITA: And what's the
 3 proposed rear yard setback for the new building?
 4 MR. KATES: It's not a
 5 nonconformity. He's got more than 10,000.
 6 MR. PROFITA: It's actually a
 7 maximum lot size.
 8 MR. KATES: Oh, maximum. I'm sorry.
 9 MR. PROFITA: It's kind of odd.
 10 MR. KATES: It's more than what's
 11 permitted.
 12 MR. PROFITA: Right. So I'm not
 13 sure how you cure that problem.
 14 MR. KATES: Okay. Got it.
 15 MR. PROFITA: So we were talking
 16 about the rear yard setback of the proposed
 17 building.
 18 MR. COLLAZUOL: Yes. We are
 19 providing 21.8 feet, and it's shown here at the
 20 western left corner, so the existing lot line in
 21 the rear.
 22 MR. PROFITA: And a 29.4-foot rear
 23 yard setback would be required by the ordinance.
 24 MR. COLLAZUOL: That is correct
 25 which is 20% of the lot depth.

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1 MR. PROFITA: And in this space,
 2 would it be practical to comply with that provision
 3 of the zoning ordinance?
 4 MR. COLLAZUOL: We feel it would
 5 not, based on the function, and we would then have
 6 to encroach into the proposed buffer area.
 7 MR. PROFITA: And what are the
 8 proposed side yards setbacks for the new building?
 9 MR. COLLAZUOL: Yes. At the ground
 10 floor or the first floor, we are proposing that the
 11 left-hand side of the south side would have
 12 16.6 feet, from the lot line to the building face,
 13 and on the second floor, since the overhang is 5
 14 feet, we would have 11-foot, 11.6 feet as an upper
 15 side yard setback.
 16 On the north side, we're providing a
 17 3-foot buffer or excuse me, a 3-foot side yard and
 18 so the minimum side yard, one side is 10 feet, and
 19 we are providing 10, so we will need a variance for
 20 that northern side yard.
 21 MR. PROFITA: What about the
 22 combined length of the side yards?
 23 MR. COLLAZUOL: Right.
 24 MR. PROFITA: What about that
 25 requirement?

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1 MR. COLLAZUOL: The requirement
 2 would be 22 feet, and we are providing 14.6 feet.
 3 We will need a variance for both side yards.
 4 MR. PROFITA: In your opinion, is it
 5 practical to comply with the side yard requirement
 6 of the ordinance?
 7 MR. COLLAZUOL: No.
 8 MR. PROFITA: And how did the
 9 proposed setbacks, side yard setbacks, compare to
 10 the existing building side yards setbacks?
 11 MR. COLLAZUOL: Well, we are
 12 increasing it substantially as we are essentially
 13 having a combined side yard of 2 feet and now we
 14 are having a combined side yard of approximately
 15 15 feet, just under, so we are increasing it by a
 16 great deal.
 17 MR. PROFITA: And now, did you look
 18 at the lot coverage, the calculated lot coverage
 19 for the proposed development?
 20 MR. COLLAZUOL: Yes. Yes.
 21 MR. PROFITA: And what is the lot
 22 coverage for the proposed development?
 23 MR. COLLAZUOL: This building
 24 provides for 54.65% lot coverage.
 25 MR. PROFITA: And what's the maximum

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1 lot coverage permitted under the ordinance?
 2 MR. COLLAZUOL: The 33.3%.
 3 MR. PROFITA: And what is the lot
 4 coverage of the existing building on the side?
 5 MR. COLLAZUOL: We calculated 71%
 6 existing.
 7 MR. PROFITA: And so you are
 8 reducing the lot coverage by approximately 15%?
 9 MR. COLLAZUOL: 16%.
 10 MR. PROFITA: Okay. And in your
 11 opinion, is it practical to comply with the maximum
 12 lot coverage provision of the zoning ordinance in
 13 terms of this development?
 14 MR. COLLAZUOL: No, it is not.
 15 MR. PROFITA: What is the proposed
 16 first floor area of the building?
 17 MR. COLLAZUOL: The building width
 18 is 55 feet and the building length is 100 feet so
 19 we have a ground floor area of 5,500 square feet.
 20 MR. PROFITA: That's gross floor
 21 area. Correct?
 22 MR. COLLAZUOL: Gross floor area.
 23 Yes.
 24 MR. PROFITA: And what is the
 25 maximum allowed under the zoning ordinance?

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1 MR. COLLAZUOL: 1,600.
 2 MR. PROFITA: I would also point out
 3 that to me this is in the nature of a density area
 4 variance, which this building would be exempt from
 5 density requirements as it's a licensed childcare
 6 facility.
 7 And what's the floor area of the
 8 existing building, first floor area?
 9 MR. COLLAZUOL: 7,300 square feet.
 10 MR. PROFITA: And so you are
 11 reducing that by approximately 25%?
 12 MR. COLLAZUOL: 25%, yes.
 13 MR. PROFITA: Would it be practical
 14 to comply with that provision of the zoning
 15 ordinance of a 1,600 square foot maximum?
 16 MR. COLLAZUOL: No. It's extremely
 17 impractical.
 18 MR. PROFITA: Now, can you just
 19 point out to the Board the proposed parking spaces.
 20 MR. COLLAZUOL: Yes.
 21 MR. PROFITA: Before you start, I
 22 thought you said there were currently 9 on site.
 23 Correct?
 24 MR. COLLAZUOL: That's correct.
 25 MR. PROFITA: And you are providing

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1 9 on site, and it was a shared situation between
 2 the Wild Flowers building and this building?
 3 MR. COLLAZUOL: Yes. That's
 4 correct.
 5 MR. PROFITA: And I guess this
 6 building and this building. Right?
 7 MR. COLLAZUOL: Yes. That's
 8 correct.
 9 MR. PROFITA: So just point out to
 10 the Board where those parking spaces are located?
 11 MR. COLLAZUOL: So where we have
 12 shown as parking spaces 1, 2, 3 and 4, on the south
 13 side, parking space 1 would be the ADA space, with
 14 attached area for van accessibility, pointing to
 15 that here. (Indicating.) We have a hatched area
 16 protecting the parking space 4, so that vehicles
 17 can traverse through the site, and then on the
 18 north side, we have spaces 5, 6, and part of 7 and
 19 8 fully and 9 are on site, and 9 is shown to be an
 20 ADA space with it's 5-foot provision for the ADA
 21 compliance.
 22 MR. PROFITA: And as far as the
 23 setbacks are concerned, do we comply with the
 24 5-foot setback requirement for parking spaces?
 25 MR. COLLAZUOL: No. We do not. We

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1 have zero foot on the south side on Lot 2, and we
 2 have a 3 foot on the north side of Lot 2 and 1.
 3 MR. PROFITA: Did the currently
 4 existing parking spaces on site comply with the
 5 side yard setback requirement of 5 feet?
 6 MR. COLLAZUOL: No. They do not.
 7 MR. PROFITA: And these spaces will
 8 continue to be shared; is that correct?
 9 MR. COLLAZUOL: Yes. That's my
 10 understanding.
 11 MR. PROFITA: In your opinion, is it
 12 practical to comply with the 5-foot setback of the
 13 parking spaces?
 14 MR. COLLAZUOL: No, it is not. Due
 15 to the functionality of the two-way aisle, we
 16 require this arrangement.
 17 MR. PROFITA: Now, is the applicant
 18 required to provide any onsite parking for this
 19 development?
 20 MR. COLLAZUOL: It's my
 21 understanding that this application would not
 22 require it as it's exempt.
 23 MR. PROFITA: As a childcare
 24 facility?
 25 MR. COLLAZUOL: As a childcare

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1 facility.
 2 MR. KATES: As a function of zoning
 3 I understand that, but as a practical matter to
 4 operate a childcare facility, will you have
 5 testimony as how you park your employees and drop
 6 off your students and your children?
 7 MR. PROFITA: Yes. We will.
 8 MR. KATES: Recognizing that it's
 9 exempt, is this going to work as a childcare
 10 center, really?
 11 MR. PROFITA: I understand. We have
 12 some ideas in that regard that will be presented by
 13 Mr. Luglio.
 14 MR. KATES: When you refer to the
 15 spaces that were marked 1, 2, 3 and 4 at the top of
 16 the plan, are they really servicing the structure
 17 to the north, the Wild Flower now?
 18 MR. COLLAZUOL: Yes.
 19 MR. KATES: So that's not really
 20 where you are dedicating spaces, that's why it's
 21 not shaded in green.
 22 MR. PROFITA: Yes. It will be the 5
 23 spaces on the north side.
 24 MR. COLLAZUOL: 5 through 9.
 25 MR. KATES: Okay.

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1 MR. PROFITA: Now, is any loading
 2 space proposed for the site?
 3 MR. COLLAZUOL: We are not proposing
 4 any loading space.
 5 MR. PROFITA: And there will be one
 6 loading space required under the zoning ordinance?
 7 MR. COLLAZUOL: That's correct.
 8 MR. PROFITA: Is there any onsite
 9 loading space for the existing building?
 10 MR. COLLAZUOL: As I mentioned
 11 earlier, there is a loading space out on Fifth
 12 Street.
 13 MR. PROFITA: Not on site.
 14 MR. COLLAZUOL: Not on site.
 15 MR. PROFITA: And is it practical to
 16 provide a loading space for this development?
 17 MR. COLLAZUOL: Not for this
 18 development. No.
 19 MR. PROFITA: In your opinion, is a
 20 loading space required?
 21 MR. COLLAZUOL: No. It is not.
 22 MR. PROFITA: Now, did you have an
 23 opportunity to discuss this application with the
 24 Bergen County Planning Board?
 25 MR. COLLAZUOL: I did.

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1 MR. PROFITA: And did you submit a
 2 copy of the plans and request an exemption letter?
 3 MR. COLLAZUOL: Yes, we did.
 4 MR. PROFITA: And why did you go
 5 about doing that?
 6 MR. COLLAZUOL: We contacted the
 7 County to assure that Sylvan Avenue is not under
 8 the jurisdiction of the County, as we understand
 9 it, it's a New Jersey DOT road. I spoke to Alan
 10 Camlet and he concurred the property does not have
 11 any frontage on Sylvan Avenue, and in the eyes of
 12 the County, this would be a minor project so
 13 typically, it would be exempt.
 14 MR. PROFITA: So now in your
 15 opinion, would these requirements to the zoning
 16 ordinance that we just reviewed, the ones that the
 17 applicant cannot comply with and is requesting
 18 variances for, would create an undue hardship for
 19 the applicant to comply?
 20 MR. COLLAZUOL: Yes, I believe they
 21 do.
 22 MR. PROFITA: If your opinion, would
 23 this development provide a desirable visual
 24 environment?
 25 MR. COLLAZUOL: Yes.

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1 MR. PROFITA: And will maintaining
 2 the buffer area, well not maintaining the buffer
 3 area, but installing the buffer area on the site,
 4 would that help promote desirable open space on the
 5 site?
 6 MR. COLLAZUOL: Certainly much more
 7 than exists, yes.
 8 MR. PROFITA: And in your opinion,
 9 would granting those variances constitute an
 10 appropriate use and development of the property as
 11 a childcare center?
 12 MR. COLLAZUOL: Yes. Absolutely,
 13 yes. It's a permitted use. It permits buildings,
 14 serving children and also to provide jobs for
 15 others.
 16 MR. PROFITA: In your opinion, would
 17 this be an efficient use of this property, the
 18 proposed development?
 19 MR. COLLAZUOL: Absolutely.
 20 Efficient use compared to the existing facility,
 21 and it's a tremendous improvement.
 22 MR. PROFITA: And will the benefits
 23 in your opinion to be gained by advancing the
 24 purposes of the Municipal Land Use Act outweigh,
 25 substantially outweigh any possible detriment?

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1 MR. COLLAZUOL: Yes.
 2 MR. PROFITA: And in your opinion,
 3 will granting these variances substantially impair
 4 the intent and purpose of the zone plan or the zone
 5 ordinance?
 6 MR. COLLAZUOL: No. It would not.
 7 These are minor bulk variances, and they will
 8 potentially decrease the nonconformity of the site.
 9 MR. PROFITA: In your opinion, would
 10 there be any negative impact on surrounding
 11 properties by granting the variances on the site
 12 plan?
 13 MR. COLLAZUOL: No. This is a
 14 decrease in lot coverage, and in addition to that
 15 we providing a buffer and storm management
 16 provisions.
 17 MR. PROFITA: In your opinion would
 18 granting the variances result in any substantial
 19 detriment to the public?
 20 MR. COLLAZUOL: There will be no
 21 detriment to the public whatsoever.
 22 MR. PROFITA: I have no further
 23 questions for Mr. Collazuol.
 24 CHAIRMAN FEHRE: Does anyone on the
 25 Board have questions for Mr. Collazuol?

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1 VICE CHAIRPERSON ROSENBERG: I do.
 2 The property that's on Fifth Street, that's owned
 3 by the owner's father, what is proposed for the
 4 vacant land there? I don't recall what is proposed
 5 on that land.
 6 MR. PROFITA: That is zoned for
 7 three residential lots. And they just acquired
 8 title within the last couple of weeks, so I don't
 9 know. Mr. Liu, and Mr. K.W. Liu is going to
 10 testify as well. If you would like him to address
 11 that at this point. I'm not sure if he has any
 12 plans as we sit here, but if he does, he can relate
 13 them.
 14 VICE CHAIRPERSON ROSENBERG: Wasn't
 15 that application before the Planning Board?
 16 CHAIRMAN FEHRE: No.
 17 VICE CHAIRPERSON ROSENBERG: It
 18 wasn't?
 19 CHAIRMAN FEHRE: No. It's 150-foot
 20 lot.
 21 VICE CHAIRPERSON ROSENBERG:
 22 Actually, you include that and I'll be subject to
 23 ask a few questions.
 24 MR. MIRANDI: And just to follow up,
 25 we are referring to Lot 2 in Block 202?

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1 MR. PROFITA: Correct.
 2 MR. MIRANDI: I believe right now
 3 it's just one residential lot. It would require a
 4 subdivision for three lots. Would that be correct?
 5 MR. PROFITA: You know, I have not
 6 looked into the subdividability of the lot. I
 7 thought it was 50 foot footage on that side of
 8 Fifth Street.
 9 CHAIRMAN FEHRE: Right. 50 by a
 10 100, and you probably could do a subdivision on
 11 that making three residential lots, three
 12 residential homes.
 13 MR. PROFITA: Yes. That's permitted
 14 use of it.
 15 CHAIRMAN FEHRE: Three residential
 16 homes.
 17 MR. PROFITA: Yes. I just said
 18 three lots because of the size of it.
 19 MR. MIRANDI: Okay.
 20 MR. PROFITA: I don't know if it's
 21 been before the Board.
 22 MR. TROVATO: From pavement to the
 23 underside of the overhang, do you know what that
 24 height is, Steve?
 25 MR. COLLAZUOL: I believe it's

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1 9.7 feet. You are talking about the clearance
 2 there?
 3 MR. TROVATO: Yes.
 4 MR. COLLAZUOL: It's 9.7 feet, and
 5 the architect will speak of that too a little bit
 6 further.
 7 MR. TROVATO: Thank you.
 8 MR. KATES: The height of the
 9 structure, which is bringing into play the DC Use
 10 Variance, why is it necessary and is there any
 11 possibility of reducing that?
 12 MR. PROFITA: We'll have the
 13 architect speak to that.
 14 MR. KATES: The architect will?
 15 MR. PROFITA: Yes. I don't know if
 16 Mr. Collazuol has an opinion, but we will cover
 17 that testimony for you as well.
 18 CHAIRMAN FEHRE: If there are no
 19 further questions right now?
 20 MR. KIM: That entrance, that front
 21 of the entrance, that pavement, what is the width
 22 of the front?
 23 MR. COLLAZUOL: This entrance?
 24 (Indicating.) The width of the pavement.
 25 MR. KIM: Yes.

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1 MR. COLLAZUOL: That's 16.6 feet
 2 there, across here.
 3 CHAIRMAN FEHRE: For one-way traffic
 4 there?
 5 MR. COLLAZUOL: Yes.
 6 CHAIRMAN FEHRE: If there are no
 7 more questions.
 8 MR. MIRANDI: Mr. Chairman, I just
 9 had one question, it relates to the exhibit that
 10 shows the buffer rendering, and my question is
 11 verus the landscape plan, was there some artistic
 12 liberties given with that? Could you just speak to
 13 are we looking at the buffer zone as per the
 14 landscape plan or as per the rendering?
 15 MR. COLLAZUOL: We colored the
 16 buffer area on the site plan just to illustrate it
 17 being green. We are not changing any of the
 18 plantings that are shown on the landscape plan.
 19 MR. MIRANDI: So the rendering then
 20 has a lot of flowering, and it looks like a good
 21 amount of trees that may be more than what's
 22 indicated on the landscape plan?
 23 MR. COLLAZUOL: That's correct.
 24 MR. PROFITA: The flowering is the
 25 rendering.

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1 MR. COLLAZUOL: Yes.
 2 MR. MIRANDI: Thank you.
 3 MR. KATES: Can you put up the
 4 revised ingress and egress plan for a minute. I
 5 just want to clarify a point. Now, that's an
 6 offsite, I guess it's Lot 3, exit showing exit
 7 arrows onto Sylvan.
 8 MR. COLLAZUOL: That's correct.
 9 MR. KATES: Is that still in your
 10 plan?
 11 MR. COLLAZUOL: That's not to
 12 change. That is egress for 6 Sylvan and for 2
 13 Sylvan only.
 14 MR. KATES: Not for this
 15 application?
 16 MR. COLLAZUOL: Correct.
 17 MR. KATES: So show us again the
 18 ingress and egress to this particular site?
 19 MR. COLLAZUOL: Ingress would be
 20 these arrows, which are on the north side of 2
 21 Sylvan Avenue, and then the vehicles would pass
 22 behind Wild Flowers showing here, entering this
 23 two-way area, and then continuing crossing onto the
 24 property and you see the first vehicle here.
 25 (Indicating.)

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1 MR. KATES: Why is it a two-way area
 2 there?
 3 MR. COLLAZUOL: This is two-way to
 4 provide for egress and turn around of these
 5 vehicles 1 through 4 and perhaps 5.
 6 MR. KATES: So they are servicing
 7 the Wild Flowers?
 8 MR. COLLAZUOL: Wild Flowers. And
 9 they can turn around in that 31 -- pardon,
 10 32.3 feet aisle width, they can turn around and
 11 exit out through the egress easement provided on 6
 12 Sylvan Avenue.
 13 MR. KATES: So shown on your plan
 14 for the offsite function of the Wild Flowers site,
 15 right, not to show egress as it relates to the
 16 alley?
 17 MR. COLLAZUOL: That is correct.
 18 MR. PROFITA: That is correct.
 19 MR. KATES: And how does the
 20 applicant leave the site?
 21 MR. COLLAZUOL: He leaves the site,
 22 he or she leaves the site, along the exit driveway
 23 and turns right out into Fifth Street and traverses
 24 into Fort Lee.
 25 MR. KATES: So for purposes of

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1 ingress, this plan includes, this approval includes
 2 an offsite easement agreement or right of way?
 3 MR. PROFITA: Yes. We would have
 4 Lot 2, in the front, where Wild Flower is now owned
 5 by the just recently acquired by the company that
 6 is owned by K. W. Liu.
 7 MR. KATES: So it's a related party.
 8 MR. PROFITA: James' father. James
 9 Liu owns the company that has acquired Lot 2, where
 10 the building -- Lot 1 where the building will be
 11 built and yes, there will be an easement agreement.
 12 MR. KATES: Recorded running with
 13 the land.
 14 MR. PROFITA: Running with the land
 15 and which will be submitted to yourself, the Board
 16 attorney, for review prior to recording.
 17 CHAIRMAN FEHRE: Right now the lot
 18 in question, this is a Fifth Street lot. Correct?
 19 MR. PROFITA: Yes.
 20 CHAIRMAN FEHRE: And if I look at
 21 the map, it doesn't have any access, there is no
 22 access to Sylvan, the only way that you can get in
 23 and out of that lot is through Fifth Street; is
 24 that correct?
 25 MR. PROFITA: That's correct.

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1 CHAIRMAN FEHRE: So you're proposing
 2 to have only one-way traffic on Fifth Street?
 3 MR. PROFITA: On Fifth Street.
 4 CHAIRMAN FEHRE: Coming out onto
 5 Fifth Street.
 6 MR. PROFITA: There's no entering
 7 the site from Fifth Street.
 8 CHAIRMAN FEHRE: There is no
 9 entering the site from Fifth Street so it will only
 10 be exiting?
 11 MR. PROFITA: Correct.
 12 MR. KATES: But you are also
 13 proposing to improve Fifth Street?
 14 MR. PROFITA: We are proposing to
 15 improve that portion of Fifth Street for the full
 16 width of our lot.
 17 CHAIRMAN FEHRE: Because there are
 18 some houses being built back there as we speak. On
 19 Fifth Street, there is a new home.
 20 MR. PROFITA: North in Englewood
 21 Cliffs, yes.
 22 CHAIRMAN FEHRE: In Englewood
 23 Cliffs, which right now it's a kind of a dirt road,
 24 but you drive down the dirt road to get to it.
 25 MR. KATES: Is Fifth Street being

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1 improved as part of that or I thought there was
 2 access onto the road from Sixth.
 3 CHAIRMAN FEHRE: There is. Fifth
 4 Street right now, half of Fifth Street is a dirt
 5 road.
 6 MR. PROFITA: You probably see it
 7 right there.
 8 MR. COLLAZUOL: Again --
 9 CHAIRMAN FEHRE: For that house down
 10 there you have to drive down that road.
 11 MR. COLLAZUOL: -- this is the new
 12 house.
 13 CHAIRMAN FEHRE: I think he put some
 14 gravel down there.
 15 MR. MIRANDI: There is no access
 16 from Sixth to answer that question.
 17 MR. COLLAZUOL: Goes around and goes
 18 around right like this. (Indicating)
 19 CHAIRMAN FEHRE: But that's through
 20 somebody else's property. Fifth Street, if you
 21 were to extend Fifth Street, it would go to that
 22 new house there.
 23 MR. COLLAZUOL: This is Fifth Street
 24 here. (Indicating.)
 25 CHAIRMAN FEHRE: I believe he did

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1 put some gravel there to access Sixth Street.
 2 MR. COLLAZUOL: It goes like that.
 3 (Indicating.)
 4 MR. TROVATO: I just want to
 5 reconfirm, I think what Michael just asked you,
 6 from the northern part of that property on Fifth
 7 Street, Fifth Street in back going south toward
 8 Fort Lee, you are going to improve the entire
 9 street, is that what you said?
 10 MR. COLLAZUOL: From the northern
 11 part of the property back into Fort Lee.
 12 MR. TROVATO: Back into Fort Lee.
 13 MR. COLLAZUOL: The whole width of
 14 the street.
 15 MR. PROFITA: Well, the lot.
 16 MR. COLLAZUOL: Three feet, half of
 17 it, half of it that's shown on the plan. Half of
 18 it.
 19 MR. TROVATO: Because that's not the
 20 answer he got.
 21 MR. PROFITA: Oh, okay. I'm sorry.
 22 Thank you. Yes. The testimony was to improve,
 23 which I believe is customary, you improve your half
 24 of the street from the center line of the street
 25 over to the lot line and the installation of the

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1 curb.
 2 MR. TROVATO: So it's like 16 and a
 3 half feet.
 4 MR. COLLAZUOL: That's correct.
 5 CHAIRMAN FEHRE: But you don't plan
 6 to use any of that pavement because you are going
 7 to go only south from there, right?
 8 MR. PROFITA: The driveway is right
 9 on the property. It's right on the property line
 10 to exit so.
 11 CHAIRMAN FEHRE: Going to the north,
 12 would not be allowed, because there's no exit
 13 there.
 14 MR. MIRANDI: And there's no left
 15 turn is what Mr. Collazuol had indicated coming out
 16 of that driveway.
 17 CHAIRMAN FEHRE: No left turn. No
 18 legal left.
 19 MR. CHINMAN: If you didn't want to
 20 wait on a long line and drop off your kid, and you
 21 went north on that street, how would you turn
 22 around?
 23 MR. PROFITA: We have a Traffic
 24 Consultant, and Mr. Chinman, perhaps if you can
 25 wait to hold that question, maybe he will be able

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1 to better address it.
 2 CHAIRMAN FEHRE: Any other
 3 questions? He will be here.
 4 (NO RESPONSE)
 5 MR. MIRANDI: Just to getting back
 6 to the buffer along Fifth Street there, should the
 7 Board look favorably upon the application, I would
 8 suggest that the Shade Tree and Environmental
 9 Commissions review the plantings for that.
 10 CHAIRMAN FEHRE: And also the
 11 question of the fence.
 12 MR. MIRANDI: I was going to raise
 13 that question to the architect.
 14 CHAIRMAN FEHRE: There's been a
 15 concept kicked around that we want to have a buffer
 16 zone with a fence so it blocks off the parking
 17 areas from what's going to be the residential area
 18 one day on Fifth Street so the purpose of a fence
 19 would be to basically block off those parking
 20 areas. There's no parking area involved here so
 21 possibly the fence is not really needed.
 22 MR. MIRANDI: And, Mr. Chairman,
 23 there is a man door, which I presume is a fire exit
 24 and that door looks like it comes out to the point
 25 of the fence, so I was going to raise that question

66	<p>1 of the architect when that testimony is done.</p> <p>2 CHAIRMAN FEHRE: Maybe the fence is</p> <p>3 not a good idea, but the initial idea was to buffer</p> <p>4 the residential side of Fifth Street from the</p> <p>5 business side.</p> <p>6 MR. PROFITA: Removal of the fence</p> <p>7 is not a problem and certainly submitting the</p> <p>8 landscape plan to the Environmental Commission and</p> <p>9 Shade Tree Commission is fine.</p> <p>10 CHAIRMAN FEHRE: I think the</p> <p>11 question is what's going to look better.</p> <p>12 MR. PROFITA: Yes.</p> <p>13 CHAIRMAN FEHRE: To make it a nice</p> <p>14 residential street one day.</p> <p>15 MR. PROFITA: I'm sure they are in a</p> <p>16 very good position to tell us.</p> <p>17 MR. KATES: The B3 zone its</p> <p>18 southerly boundary is at Fifth Street and across</p> <p>19 Fifth Street is residential.</p> <p>20 MR. PROFITA: I think it's easterly.</p> <p>21 MR. MIRANDI: Easterly.</p> <p>22 MR. PROFITA: It's kind of a --</p> <p>23 MR. KATES: South east.</p> <p>24 MR. PROFITA: I think Fifth Street</p> <p>25 runs north and south.</p>	68	<p>1 I'd rather open it up at the end, hearing at all</p> <p>2 witnesses and then this way we will have to come up</p> <p>3 one at a time.</p> <p>4 MR. PROFITA: Our witnesses will</p> <p>5 remain.</p> <p>6 CHAIRMAN FEHRE: As long as they</p> <p>7 remain to answer questions later when we open it</p> <p>8 up.</p> <p>9 MR. PROFITA: Yes. I would like to</p> <p>10 call Raymond Boos.</p> <p>11 MR. KATES: Please raise your right</p> <p>12 hand.</p> <p>13 (Whereupon, Mr. Boos is sworn in by Mr.</p> <p>14 Kates.)</p> <p>15 MR. KATES: Would you state your</p> <p>16 business address.</p> <p>17 MR. BOOS: 13-01 Plaza Road, Fair</p> <p>18 Lawn, New Jersey.</p> <p>19 MR. KATES: And you're being</p> <p>20 qualified as an Architect.</p> <p>21 MR. BOOS: Yes.</p> <p>22 MR. KATES: Have you testified</p> <p>23 before the Board previously?</p> <p>24 MR. BOOS: Last century.</p> <p>25 MR. KATES: Last century. Anybody</p>
67	<p>1 MR. KATES: That's the way I see it</p> <p>2 too.</p> <p>3 MR. PROFITA: The way I look at it.</p> <p>4 MS. SCANCARELLA: It's cut in half.</p> <p>5 MR. KATES: So the RB zone below it,</p> <p>6 and that's why the buffer comes into play because</p> <p>7 it abuts a residential.</p> <p>8 MR. PROFITA: Correct. It's</p> <p>9 actually across the street, but I believe you</p> <p>10 interpret that to mean required buffer.</p> <p>11 MR. KATES: This whole thing is like</p> <p>12 a square peg in a round hole because you are</p> <p>13 putting a childcare center in what is designed in</p> <p>14 what is a so-called retail boutique zone and you</p> <p>15 are doing it as of rights because of the statute,</p> <p>16 and then we are kind of wrestling with buffers and</p> <p>17 everything else so it's hard to conceptualize, but</p> <p>18 I think we are getting it.</p> <p>19 MR. PROFITA: Yes.</p> <p>20 CHAIRMAN FEHRE: Okay. Move on to</p> <p>21 the next witness.</p> <p>22 MR. KATES: No public questions of</p> <p>23 this witness.</p> <p>24 CHAIRMAN FEHRE: We can open it to</p> <p>25 the public or we can open it at the end. I think</p>	69	<p>1 on this Board since the last century? Just briefly</p> <p>2 your qualifications, if you will.</p> <p>3 MR. BOOS: I was licensed the last</p> <p>4 century, 1975, in the State of New Jersey, 1976 in</p> <p>5 the State of the New York, and I've been in</p> <p>6 practice ever since.</p> <p>7 MR. PROFITA: And you are practicing</p> <p>8 as an Architect now?</p> <p>9 MR. BOOS: Yes.</p> <p>10 MR. PROFITA: For how long?</p> <p>11 MR. BOOS: In business since 1968.</p> <p>12 MR. PROFITA: And you testified</p> <p>13 before other planning boards and zoning boards in</p> <p>14 the state?</p> <p>15 MR. BOOS: Yes.</p> <p>16 MR. PROFITA: In this century?</p> <p>17 MR. BOOS: This century and the</p> <p>18 last.</p> <p>19 MR. PROFITA: I would offer</p> <p>20 Mr. Boos --</p> <p>21 CHAIRMAN FEHRE: You testified here</p> <p>22 last century?</p> <p>23 MR. BOOS: Last century.</p> <p>24 CHAIRMAN FEHRE: Which property was</p> <p>25 that?</p>

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<p>1 MR. BOOS: It might have been 2 Mr. Liu's, and it was maybe a couple of small 3 office buildings. 4 CHAIRMAN FEHRE: The one on Van 5 Nostrand up there? 6 MR. BOOS: Yes. 7 CHAIRMAN FEHRE: Yes. I think he's 8 acceptable. 9 MR. PROFITA: Thank you. 10 Mr. Boos, did you prepare the 11 architectural plans for the proposed building? 12 MR. BOOS: Yes, I did. 13 MR. PROFITA: And what I would like 14 to do, these were the plans that were submitted to 15 the Board and there were no changes? 16 MR. BOOS: That's correct. 17 MR. PROFITA: And so what we would 18 like to do, is start with the first floor plan, and 19 you can describe for the Board what's shown on 20 that. 21 MR. BOOS: The first floor plan 22 consists of approximately six childcare rooms. 23 I'll get my little pointer here. The ages in the 24 childcare room 3, which is southeast corner of the 25 building is the 6-week to 12-month olds. The room</p>	<p>1 building, yes. 2 MR. PROFITA: And what about the 3 roof plan, do you have a roof plan? 4 MR. BOOS: There's a roof plan, yes. 5 MR. PROFITA: And what's shown on 6 the roof plan? 7 MR. BOOS: The roof plan we have 8 access to two stairways and the elevator lobby or 9 vestibule on the Fifth Street side which is here. 10 We have a roof area, which is a Gable and a Hip 11 roof area that conceals the mechanical equipment 12 and the rest of the area is all play area. 13 MR. PROFITA: And it's surrounded by 14 a parapet wall? 15 MR. BOOS: Parapet wall, 6-foot 16 parapet wall. 17 MR. PROFITA: You have elevation 18 views as well? 19 MR. BOOS: Yes. 20 MR. PROFITA: The front elevation is 21 what you have as business plan A-5; is that 22 correct? 23 MR. BOOS: Yes. 24 MR. PROFITA: And that's the plan 25 that's been submitted. Does that have a date on</p>
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<p>1 adjacent to child room 4 is 12-months to 18-months. 2 Childcare room 5 is 18 to 24-months. Childcare 3 room 6 is 24 to 30-months and rooms 1 and 2 would 4 be for 3 and 5-year olds. We have an office, and 5 it's also considered a control point. Either end 6 of the building at the center would be our stairs 7 and in the center, opposite the entrance right 8 here, is the elevator. 9 MR. PROFITA: And what about the 10 second floor plan? 11 MR. BOOS: The second floor plan we 12 have five rooms, and they are all for 3 to 5-year 13 olds. 14 MR. PROFITA: And are there any 15 other areas other than the childcare rooms? 16 MR. BOOS: Well, we have a kitchen, 17 but no stove. It's basically a refrigerator and 18 perhaps as prep area for the children. 19 MR. PROFITA: Is there any cooking 20 or serving of food on site? 21 MR. BOOS: No cooking, but there 22 will be serving of food, perhaps snacks and drinks. 23 MR. PROFITA: And so it's a 24 two-story building. Correct. 25 MR. BOOS: It's a two-story</p>	<p>1 it? 2 MR. BOOS: I believe it's 2-14-13. 3 MR. PROFITA: And so at the top, the 4 front elevation, that is the view that one would 5 see from Fifth Street; is that correct? 6 MR. BOOS: Yes. It's a Gable with a 7 Hip. 8 MR. PROFITA: And if we just move 9 this over, I don't know if you can see the 10 rendering, I notice that the windows are different 11 on the elevation view than shown in the rendering. 12 MR. BOOS: This is a later 13 development by the preparer for the building. I 14 guess it's in discussion so these windows will be 15 changed to reflect this style. 16 MR. PROFITA: The style that's shown 17 in the rendering as opposed to the style that's 18 shown on the drawing? 19 MR. BOOS: Right. 20 MR. PROFITA: And what about the 21 rear elevation? 22 MR. BOOS: The rear elevation, it 23 just shows the parapet. This is facing Wild 24 Flower. There's really no view from any street, 25 other than if you are standing on Sylvan and</p>

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1 looking up the driveway.
 2 MR. PROFITA: And then you have the
 3 side elevations?
 4 MR. BOOS: I have the side
 5 elevations, the left side is the southerly view.
 6 This is where the drive, the drivethrough is, the
 7 main entrance is here, and the north view is what
 8 would be seen off that parking lot for I guess lot
 9 6, the medical building.
 10 MR. PROFITA: So on the right side
 11 of the drawing, that shows the Gable roof.
 12 Correct?
 13 MR. BOOS: Yes.
 14 MR. PROFITA: Now, how would you
 15 describe the architectural style of the building?
 16 MR. BOOS: It's, I guess I'll call
 17 it a residential Gable, with a Gable look. I
 18 wanted -- I did that to reflect perhaps what would
 19 ultimately be built along Fifth Street, picking up
 20 a little bit of what's on Fifth Street in Fort Lee.
 21 There is one house on Fifth Street, but it's up
 22 further and it seems to be down a little bit, and
 23 that's got a hip roof on it, I believe.
 24 MR. PROFITA: So this was intended
 25 to have a view from the residential property zone

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1 on Fifth Street looking at a more residential --
 2 MR. BOOS: Yes.
 3 MR. PROFITA: -- looking building as
 4 opposed to a commercial one?
 5 MR. BOOS: Right.
 6 MR. PROFITA: What would be the
 7 exterior?
 8 MR. BOOS: The base will be a level
 9 stone, random stone, wainscoting up to the window
 10 sills and then we'll have a brick veneer and then
 11 to break up the height, visual height line, put in
 12 a stucco band and then brick above that.
 13 MR. PROFITA: And now there's an
 14 overhang on the south side of the building of the
 15 second floor over the first floor; is that correct?
 16 MR. BOOS: Yes.
 17 MR. PROFITA: And what is the depth
 18 of the overhang?
 19 MR. BOOS: The overhang is 5 feet.
 20 MR. PROFITA: And that requires a
 21 variance?
 22 MR. BOOS: Yes.
 23 MR. PROFITA: Or ordinance depending
 24 on how one interprets the density. So why did you
 25 design the second floor to overhang the first

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1 floor?
 2 MR. BOOS: Well, I wanted to --
 3 MR. PROFITA: Well first of all,
 4 what's the yellow striping?
 5 MR. BOOS: The yellowing stripe is a
 6 painted walkway to eliminate a curb and the step
 7 when the kids are getting out of the car or
 8 transferring the children out at the drop off and
 9 pick up point so what will happen in this -- it's
 10 actually a recessed vestibule area that would ramp
 11 down from the floor itself to what would be the
 12 driveway area, and this also becomes the fire lane.
 13 MR. PROFITA: So then the purpose of
 14 the overhang on the side of the building.
 15 MR. BOOS: Well, it's to protect the
 16 area here, but also the intent was to reduce the
 17 footprint of the building on the site itself, but
 18 because of the requirements of the tenant, we
 19 needed a particular area in the building so that's
 20 where the compensation came in and the change came.
 21 MR. PROFITA: Now, is there going to
 22 be lighting associated with the building? Mr.
 23 Collazuol testified as to the lighting in the area.
 24 Correct?
 25 MR. BOOS: Yes.

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1 MR. PROFITA: Can you tell the Board
 2 what the lighting will be?
 3 MR. BOOS: On the left side.
 4 MR. PROFITA: Referring to sheet
 5 A-6.
 6 MR. BOOS: A-6, yes, the left side
 7 elevation.
 8 MR. PROFITA: Dated
 9 February 14-2013.
 10 MR. BOOS: Right. As you can see
 11 here, what appears to be a scalloped look, that is
 12 actually the light pattern for a wall-washed
 13 recessed fixture in the overhang. I didn't want to
 14 have any spill light going beyond the property, so
 15 what I'm doing is I'm lighting up the facade of the
 16 building under the overhang and not above it, so
 17 therefore, the bottom portion will be lit up and
 18 that's it, and there will not be any direct spill
 19 light into the area. It will be more of a
 20 reflective light, and since this is going to be red
 21 brick, the color in the area, you know, the
 22 reflective color would be in the red zone, which
 23 actually diminishes over the distance. So there
 24 will be no harsh light shining on any adjacent
 25 properties.

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<p>1 MR. PROFITA: Now, if you excluded 2 the Gables on the Fifth Street side of the 3 building, the parapet wall and the elevator towers 4 and stair towers on the roof, what would be the 5 height of the building? 6 MR. BOOS: 25 feet 11 inches. 7 MR. PROFITA: So that would comply. 8 Correct? 9 MR. BOOS: Right. Exclusive of the 10 stair tower and elevator. 11 MR. PROFITA: And the gable. 12 MR. BOOS: Well, if we had no 13 parapet, nothing up there, there will be no reason 14 for stair tower or elevator. 15 MR. PROFITA: And the ordinance, I 16 believe, provides if the roof is occupied then you 17 must count those elements. 18 MR. BOOS: Yes. 19 MR. PROFITA: And could you, if you 20 wanted to go back to a flat roof or go to a flat 21 roof along the entire length of the building, you 22 could eliminate the Gable and reduce the building 23 height? 24 MR. BOOS: I could do that, but then 25 again we would be taking away a play area for the</p>	<p>1 the top of the Gable roof. Correct? 2 MR. BOOS: Yes, that would be, on my 3 drawing I show 38.9 but the average height is 39.45 4 feet. 5 MR. PROFITA: As calculated under 6 the ordinance? 7 MR. BOOS: That's based on the four 8 corners of the building. 9 MR. PROFITA: Okay. And if you 10 chose to leave the 6-foot parapet wall, and you 11 could go to a flat roof in the front as well. 12 MR. BOOS: Yes. 13 MR. PROFITA: It would not have the 14 look that you wanted. 15 MR. BOOS: Right. That's right. If 16 we went to the strictly flat roof with no parapet, 17 there would be no structure up on that roof. 18 MR. PROFITA: In your opinion, does 19 the proposed development, does it represent an 20 improvement to the neighborhood? 21 MR. BOOS: Definitely. 22 MR. PROFITA: You have seen the 23 existing building? 24 MR. BOOS: Oh, yeah. 25 MR. PROFITA: And did you give any</p>	
<p>1 children. 2 MR. PROFITA: If you just remove the 3 Gable -- 4 MR. BOOS: Oh, if I remove the 5 Gable, there would no need for the roof access from 6 the stairs or for the elevator. 7 MR. PROFITA: And why did you 8 propose the 6-foot parapet walls? 9 MR. BOOS: Well, I proposed the 10 6-foot parapet walls realizing we had no ground 11 area for a playground. I wanted to provide a 12 playground area for the children up above, and it 13 helps, it will protect them in this day and age 14 from prying eyes. It also helps noise reduction, 15 the kids playing up there, the noise will be 16 directed upwards. 17 MR. PROFITA: And that will be 18 helped by the parapets walls? 19 MR. BOOS: That will be helped by 20 the parapet walls. 21 MR. PROFITA: And the parapet walls 22 provides safety; is that correct? 23 MR. BOOS: Yes. 24 MR. PROFITA: So what is the height 25 of the building? The highest point, I believe, is</p>	<p>1 consideration with the applicant to renovating the 2 existing building for use as a childcare facility? 3 MR. BOOS: We looked into it, and 4 there is nothing really to save from the old 5 building, and to approach it, let's say as a 6 renovation from the interior, it's first of all, it 7 doesn't even meet minimum heights today required. 8 Structurally, it's questionable. It's severely 9 deteriorated. I was with the owner, Mr. Liu, and I 10 reached and grabbed the window sill to lean over, 11 and I actually put my hand through the window to 12 the interior. 13 MR. PROFITA: Would it be possible 14 though to renovate that existing structure? 15 MR. BOOS: It would be possible but 16 impractical. 17 MR. PROFITA: Impractical? 18 MR. BOOS: Impractical. 19 MR. PROFITA: In your opinion, is 20 this building compatible with the continued 21 hopefully residential development on the other 22 side? 23 MR. BOOS: Yes, I believe it is. 24 MR. PROFITA: And let me ask you 25 with reference to the stair tower and the elevator</p>	

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1 tower, as you look at the rendering, you can see
 2 that they look exposed. With the 6-foot parapet
 3 wall, will they, in fact be visible?
 4 MR. BOOS: Let me show you the front
 5 elevation. This is right here, that's the top of
 6 the stair tower. Now, here is the parapet here, in
 7 order to see that, if you did a projected visual
 8 line, you would be probably half way to Washington
 9 before you might even get to see the top of the
 10 stair tower from the parapet, because of the site.
 11 So you really won't. If you are up against, close
 12 within a hundred feet of the building, you will not
 13 see the stair tower or the elevator enclosure.
 14 MR. PROFITA: And how does the
 15 height, the proposed height of this building
 16 compare with any other building in the
 17 neighborhood?
 18 MR. BOOS: I believe the existing
 19 residential buildings are somewhere between the
 20 height of 25 and 30 feet. This is higher, but I
 21 don't think it would be discernable because we are
 22 on the opposite side of the street, and there's
 23 nothing to compare it to. I believe just north of
 24 the site, the only structure is a garage structure,
 25 but on that side of the street, all the way down to

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1 Washington, there are no buildings.
 2 MR. PROFITA: How about the building
 3 immediately to the south of the proposed building
 4 at 2500 Lemoine Avenue?
 5 MR. BOOS: That's a four-story
 6 building. I believe it could be in the height
 7 range of about 40 to 45 feet.
 8 MR. PROFITA: And that would be
 9 higher than this?
 10 MR. BOOS: Higher than this
 11 building, yes.
 12 MR. PROFITA: And in your opinion,
 13 is it practical to locate the play area on the
 14 ground, outside the building?
 15 MR. BOOS: No.
 16 MR. PROFITA: As opposed to on the
 17 roof?
 18 MR. BOOS: No. No.
 19 MR. PROFITA: And is that because
 20 you would lose the buffer area?
 21 MR. BOOS: Lose the buffer area and
 22 lose parking.
 23 MR. PROFITA: Now, is this building
 24 going to be fully sprinklered?
 25 MR. BOOS: Yes.

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1 MR. PROFITA: And have you
 2 considered what might happen in the event there's a
 3 medical emergency in the play area on the roof top?
 4 Do you view that as an impediment to the safe
 5 operation?
 6 MR. BOOS: Not really because if it
 7 was three-story building, it would be the same
 8 situation, but in our case, the elevator is
 9 directly opposite the entrance, so if there is any
 10 emergency and the emergency vehicle and personnel
 11 came, it would be direct access to the roof itself.
 12 So it's no different than if you were on a
 13 three-story or four-story building. As a matter of
 14 fact, it's more direct than one of those buildings.
 15 MR. PROFITA: Now, have you reserved
 16 an area on the building for a sign on the building?
 17 MR. BOOS: Yes. I have proposed two
 18 areas because I wasn't sure what the tenant wanted,
 19 but the signage will comply with the Borough of
 20 Englewood Cliffs.
 21 MR. PROFITA: And that one sign is
 22 on Fifth Street?
 23 MR. BOOS: Yes. A sign here is on
 24 Fifth.
 25 MR. PROFITA: Potential sign area.

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1 MR. BOOS: Potential, and the other
 2 is on the southeast corner of the building.
 3 MR. PROFITA: Now, did you consider
 4 incorporating a green roof on this building?
 5 MR. BOOS: No.
 6 MR. PROFITA: And why not?
 7 MR. BOOS: Because of the fact that
 8 I was going to use it as play area for the children
 9 and it will be impractical any way. Since, you
 10 know, the little kids would be curious, they will
 11 be playing with vegetation, whatever is up there.
 12 MR. PROFITA: And I assume you have
 13 to have maintenance on that?
 14 MR. BOOS: That would have to be
 15 maintained.
 16 MR. PROFITA: Fertilized?
 17 MR. BOOS: Yes, fertilize,
 18 maintained with water, whatever.
 19 MR. PROFITA: And in your opinion is
 20 this building an improvement to the area?
 21 MR. BOOS: Definitely.
 22 MR. PROFITA: Now, in your opinion,
 23 would compliance with the building height and
 24 maximum floor area requirements of the zoning
 25 ordinance that we talked about create a hardship

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1 for the tenant?
 2 MR. BOOS: Yes.
 3 MR. PROFITA: And in your opinion,
 4 would this development present a desirable visual
 5 environment?
 6 MR. BOOS: I believe it would be a
 7 greater improvement.
 8 MR. PROFITA: Will the installation
 9 of the buffer zone provide open space?
 10 MR. BOOS: It will provide open
 11 space and it also will shield the building and
 12 actually reduce the impact of the building itself,
 13 since the trees, as previously testified, will be
 14 around 12 feet tall so that is at this line here so
 15 you are going to have a green area, which will be
 16 the low portion, and the trees that were spoken
 17 about, the White Pines, they are kind of full, and
 18 I would say they will probably block most of this.
 19 Same thing with the Dogwoods, they are full type
 20 tree. Dogwoods would lose their leaves naturally
 21 in winter, but the White Pine will not so you will
 22 still have a large green element here, and they
 23 will continue to grow. So at some future date, you
 24 may be up to there with the trees.
 25 (Indicating.)

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1 MR. PROFITA: In your opinion, will
 2 granting the variances and allowing this
 3 development constitute appropriate use and
 4 development of this property as a childcare center?
 5 MR. BOOS: Yes. And it's also
 6 permitted use.
 7 MR. PROFITA: In your opinion, will
 8 granting these variances result in a more efficient
 9 use of this property?
 10 MR. BOOS: Definitely.
 11 MR. PROFITA: And will granting the
 12 variance substantially impair the intent or purpose
 13 of the zoned plan or zoning order?
 14 MR. BOOS: No, I don't think so.
 15 MR. PROFITA: Do you think there
 16 will be any negative impact on the surrounding
 17 properties?
 18 MR. BOOS: No. If anything there
 19 will be improvement for them.
 20 MR. PROFITA: In your opinion, will
 21 there be any substantial detriment to the public
 22 good?
 23 MR. BOOS: No.
 24 MR. PROFITA: And these attributes
 25 that we talked about, which are some of the

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1 purposes of the Municipal Land Use Act, would
 2 benefits be provided by allowing this development
 3 and advancing those purposes substantially outweigh
 4 any potential detriment that you can see for this
 5 use?
 6 MR. BOOS: Absolutely.
 7 MR. PROFITA: I have no further
 8 question for this witness.
 9 CHAIRMAN FEHRE: I have a question
 10 about the sign on Fifth Street. It seems to serve
 11 no purpose to me at all, because if Fifth Street is
 12 the going to be strictly a residential street from
 13 that point north, it would be no way to advertise.
 14 MR. BOOS: I concur. It was put on
 15 and it was discussed. I think the sign on the
 16 southeast corner would be more beneficial.
 17 MR. PROFITA: Even that one because
 18 if the entrance is on Sylvan, wouldn't it be better
 19 off with a monument sign on Sylvan Avenue saying
 20 the business?
 21 MR. BOOS: I believe that would.
 22 Probably I think the sign on this corner here, it
 23 still will be seen from Fifth Street, it's just to
 24 say look, here we are, we are here right here, the
 25 one facing Fifth Street, I concur, it's just --

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1 CHAIRMAN FEHRE: It has no purpose.
 2 MR. BOOS: It has no purpose.
 3 MR. PROFITA: The applicant would be
 4 willing to put a monument sign on the block.
 5 CHAIRMAN FEHRE: Because you want to
 6 mark the entrance for people since that's where
 7 they were coming in.
 8 MR. PROFITA: Yes.
 9 CHAIRMAN FEHRE: To let them know
 10 where to come in.
 11 MR. PROFITA: Yes.
 12 MR. DOOLY: I have a question about
 13 the fire apparatus. How do you propose that fire
 14 trucks if it has to get back in there will access
 15 it?
 16 MR. BOOS: Well, the access would
 17 come either off of Sylvan through that common
 18 driveway, and they will not put the equipment up
 19 against the building, so you have got parking lots
 20 on either side and granted we have a parking lot in
 21 the Fort Lee area, but it's not going to stop them.
 22 They are either going to use the Fort Lee area and
 23 or --
 24 MR. DOOLY: But it looks a little
 25 constricted making the S turn and even egressing on

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1 Fifth.
 2 MR. BOOS: I'll be honest with you,
 3 I don't think the fire equipment, if they do come
 4 in, they'll come in --
 5 CHAIRMAN FEHRE: Fifth Street.
 6 MR. BOOS: They can come up Fifth
 7 Street into 2500, and if they had to -- well, you
 8 can't access here but you got Fifth Street here, if
 9 they come into Sylvan, they come into Sylvan into
 10 this parking lot here. They wouldn't put their
 11 equipment right alongside of the building.
 12 Emergency vehicles could have an access into here,
 13 but, I'd say fire equipment they wouldn't put their
 14 equipment up direct alongside the building.
 15 MR. DOOLY: I'm not saying putting
 16 it up against. Getting in so that they can get
 17 reach off of their equipment.
 18 MR. BOOS: Well, if they put a truck
 19 in here, a ladder truck in here, they get to the
 20 building and even if they put a ladder truck here,
 21 which is 2500, they could still access the
 22 building.
 23 MR. DOOLY: If nobody is parked
 24 there.
 25 MR. BOOS: Right.

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1 MR. DOOLY: Yeah. Okay.
 2 CHAIRMAN FEHRE: This is kind of a
 3 unique street because Fifth Street is in Englewood
 4 Cliffs, but there's no access from Englewood
 5 Cliffs, but all access for this property would be
 6 through Fifth street coming up north.
 7 MR. BOOS: And you have a firehouse
 8 right here. They would most likely come out, they
 9 would come down this way or if they felt like it
 10 they could come down and around.
 11 MR. DOOLY: That's if they are
 12 called.
 13 MR. BOOS: If they are called.
 14 MR. PROFITA: I think there is an
 15 interborough agreement, isn't there, Fort Lee and
 16 Englewood Cliffs.
 17 MR. BOOS: Actually, that's right.
 18 That's Fort Lee.
 19 MR. PROFITA: It is in Fort Lee,
 20 that firehouse.
 21 MR. DOOLY: How many students? How
 22 many children by law are allowed?
 23 MR. BOOS: The number of students
 24 in this building is actually based on the net area,
 25 free area of the floors, and what you do is you

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1 exclude any furniture or sinks, anything that
 2 projects into the floor area, that's how we are
 3 going to calculate it.
 4 MR. DOOLY: And the number is?
 5 MR. BOOS: Well, let's see, was it
 6 100.
 7 MR. PROFITA: I believe the
 8 estimated number is 126.
 9 MR. BOOS: 126 children.
 10 VICE CHAIRPERSON ROSENBERG: And how
 11 many employees?
 12 MR. PROFITA: Estimated 22 to 25
 13 employees, 15 on site at any given time.
 14 MR. KATES: Can I ask what
 15 percentage of the roof line actually exceeds the
 16 30-foot height?
 17 MR. PROFITA: I'm sorry?
 18 MR. KATES: What percentage of the
 19 roof line actually exceeds the 30 foot height?
 20 You've got a peak there.
 21 MR. BOOS: Right.
 22 MR. KATES: I assume that's where
 23 the violation occurs.
 24 MR. BOOS: Well, I guess if you want
 25 to consider the parapet as a violation because it's

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1 6 feet above the 26-foot height of the flat roof so
 2 we are at 31 feet to the parapet so that puts us a
 3 foot above the maximum height, I would say that
 4 the --
 5 MR. KATES: So 100% of the roof is
 6 above the maximum height at least?
 7 MR. BOOS: If you want to count the
 8 parapet, yes.
 9 CHAIRMAN FEHRE: So the top of the
 10 parapet is how far above --
 11 MR. BOOS: Six feet.
 12 CHAIRMAN FEHRE -- above the ground
 13 level?
 14 MR. BOOS: Above the ground level, I
 15 believe it is off the north side parking lot, it's
 16 approximately 32 feet.
 17 CHAIRMAN FEHRE: 32 feet.
 18 MR. CHINMAN: Would you consider the
 19 roof really as usable feet?
 20 MR. BOOS: Sure. It's no different
 21 than what they would have in New York City.
 22 MR. CHINMAN: Right.
 23 MR. BOOS: Many playgrounds are on
 24 the roof areas and in some cases, they are 20 to
 25 30 stories above the street so I mean the question

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<p>1 about emergency vehicles, I would rather be in this 2 building than one in New York City. 3 MR. CHINMAN: So really each floor 4 is how big? 5 MR. BOOS: Well, the first floor is 6 5,500, that's gross area. The second floor is 7 6,000. 8 MR. CHINMAN: And the roof? 9 MR. BOOS: The roof is -- well, as a 10 second floor, it's 6,000, and then you discount the 11 mechanical areas. 12 MR. CHINMAN: So this is 17,000 foot 13 usable space. 14 CHAIRMAN FEHRE: No. 15 MR. CHINMAN: 6, 12 and 5. 16 MR. BOOS: Well, if you want to say 17 area, yes, you are talking 17,000 square feet. 18 MR. PROFITA: But the roof is not 19 enclosed. 20 MR. BOOS: It's not enclosed, but I 21 understand he's saying a flat area, that you can 22 occupy. 23 MR. KATES: What percentage of the 24 roof, going back to my question, what percent of 25 the roof exceeds 30 feet in height?</p>	<p>1 MR. BOOS: Well, if I ran the gable 2 the full length, yeah, then I have created an 3 enclosed space. I didn't want to do that. I just 4 brought the Gable back about 20 feet, just to 5 enclose the first stair tower. 6 MR. MIRANDI: And the height of the 7 elevator shaft comes into play, that's 39.4 foot. 8 MR. KATES: That brings us to the 9 max? 10 MR. MIRANDI: Right. 11 MR. KATES: Is there an exit of the 12 elevator onto the roof? 13 MR. BOOS: Yes. There's an elevator 14 vestibule on the roof. That's only for inclement 15 weather. 16 MR. CHINMAN: If it's inclement 17 weather, they are not going to be using the roof. 18 MR. BOOS: Well, the kids could be 19 up there when it starts raining, and at least they 20 have a place to go into, and it also protects the 21 entrance to the elevator. 22 MR. KATES: I have another question 23 you have reference in your plan to the Goddard 24 School, which I assume is the franchise. 25 MR. BOOS: Right.</p>
95	97
<p>1 MR. BOOS: Oh, I would probably say 2 maybe 20%. 3 MR. KATES: 20%. So this so called 4 D6 use variance is 20% of the roof, not a 100%. 5 MR. PROFITA: Yes, the D6 variance, 6 correct, yes. 7 MR. BOOS: That's right. 8 MR. PROFITA: And that's because of 9 the Gable? 10 MR. BOOS: Yes. 11 MR. PROFITA: And you could remove 12 the gabling? 13 MR. BOOS: I could remove the gable 14 but then you would be looking at the stair tower 15 from the street side. 16 MR. PROFITA: You can have a roof 17 that looks like the back. 18 CHAIRMAN FEHRE: It will be 19 residential. 20 MR. BOOS: I would rather present 21 that and have a nonconforming issue with the Board 22 and give you that look of a, you know, a 23 residential building. 24 MR. CHINMAN: Then you couldn't use 25 the roof for a play area?</p>	<p>1 MR. KATES: How much of your design 2 was dictated by the franchise? 3 MR. BOOS: Their requirements are 4 what basically dictated the design. 5 MR. KATES: Meaning the size of the 6 building? 7 MR. BOOS: Well, size of the areas 8 of the rooms and the areas within the rooms. 9 MR. KATES: So they're dictating to 10 you a population of 120? 11 MR. BOOS: Approximately. Yes. 12 MR. CHINMAN: Where are 25 cars for 13 the employees, where are they going to go? 14 MR. BOOS: Well, I believe -- 15 MR. PROFITA: It's 15 on site at any 16 given time, the total work force will be. 17 MR. BOOS: And I believe the traffic 18 expert will testify to that, and they also 19 anticipate employees coming by bus from Fort Lee 20 and other areas for them to park in. 21 MR. PROFITA: He will address that. 22 VICE CHAIRPERSON ROSENBERG: What 23 happens when it snows? How are you going to 24 remove that from the roof? 25 MR. BOOS: If it snows, what do you</p>

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<p>1 do with the roof? It's up to the school whether or 2 not they want to let the children up there or they 3 clear it off. 4 VICE CHAIRPERSON ROSENBERG: How are 5 they going to do that? It's a big area. We are 6 talking almost 6,000 square feet. 7 MR. BOOS: I guess it's up to them. 8 If we had 2 or 3 feet of snow, I don't think it's 9 an issue. Nobody is going to go up there. 10 MR. PROFITA: Is there a roof leader 11 and gutter system? 12 MR. BOOS: There will be a drainage 13 system up there. It's possible may be to come up 14 with some kind a melt system for the roof area 15 itself. 16 VICE CHAIRPERSON ROSENBERG: Well 17 has that been anticipated? 18 MR. BOOS: I haven't looked into it, 19 but we can. 20 MR. CHINMAN: The garbage area is in 21 the back corner there. How is the garbage truck 22 going to get in there? 23 MR. BOOS: I guess the way they get 24 in and out now, through that Sylvan area access 25 which is right here. (Indicating.)</p>	<p>1 me. On the roof, is it an open area or is there 2 going to be any play equipment? 3 MR. BOOS: No. It's all open. 4 VICE CHAIRPERSON ROSENBERG: So 5 there's no swing sets, there's no sand pits or 6 anything like that? 7 MR. BOOS: It's up to the Goddard 8 School, what they want to put up there for 9 equipment. We are anticipating that when we design 10 it, but we have to see what. 11 VICE CHAIRPERSON ROSENBERG: But is 12 there going to be anything that's going to be 13 affixed there, attached to the actual roof, not 14 something removable? 15 AUDIENCE MEMBER: Would you use the 16 microphone please? 17 VICE CHAIRPERSON ROSENBERG: Is it 18 going to be a fixed play set or anything like that 19 or is it going to be easily removed? 20 MR. BOOS: You would have to affix 21 it because of the action of playing on it itself, 22 so it will have to be, would have to be anchored in 23 some way so as not to move, but it could it be 24 easily removed. 25 MR. PROFITA: Could we situate that</p>
99	101
<p>1 MR. CHINMAN: Is there enough room 2 for them to turn around? 3 MR. BOOS: Well, if they come in, 4 I'm sure they turn around now, they probably come 5 in this way, back up, pick up the dumpster, go into 6 here, pick up any trash from this place, and then 7 do a turn around and go back out to Sylvan. 8 MR. PROFITA: That will be addressed 9 by our traffic expert. 10 MR. TROVATO: What is the square 11 footage of the actual play area on the roof? 12 MR. BOOS: Net area is 4,300 square 13 feet. 14 MR. TROVATO: For the play area. 15 MR. BOOS: The play area. 16 MR. TROVATO: So it's 4,300 and 6 17 and 5,500 is what would be used for the children. 18 MR. BOOS: Right. 19 MR. PROFITA: Correct. 20 MR. BOOS: The rough calculation, I 21 would say half of 11,000 square feet is what would 22 be, you know, for classrooms for where the kids 23 would be. The rest would be support facilities, 24 elevator, stairs, kitchen, bathrooms, etc., etc. 25 VICE CHAIRPERSON ROSENBERG: Excuse</p>	<p>1 so it would not be visible from the ground? 2 MR. BOOS: Yes. 3 VICE CHAIRPERSON ROSENBERG: 4 Actually, besides that issue, we are talking as, 5 you know, as a safety issue because, you know, we 6 have hurricanes, tornadoes, there's lot of things 7 going on with the weather patterns. 8 MR. BOOS: That's why it would have 9 to be anchored because of the winds. 10 CHAIRMAN FEHRE: Okay. Mr. Mirandi? 11 MR. MIRANDI: Thank you, 12 Mr. Chairman. Regarding the roof play area, what 13 separates the play area from the mechanical 14 equipment area? 15 MR. BOOS: I was thinking of because 16 of the equipment, I would put in a chain link fence 17 area to close it off. 18 MR. MIRANDI: And what's the 19 composition of the roof? 20 MR. BOOS: Besides the standard 21 built up roof, we are going to have these play 22 mats, like the foam play mats. In some areas, it 23 will be like the loose rubber, and we also talked 24 about under the mat, over the mat, covering it with 25 an Astroturf type of the material.</p>

102	<p>1 MR. MIRANDI: So a built up roof, 2 then you will have the mats above it, and then the 3 mats will be adhered to it and perhaps this 4 Astroturf. 5 MR. BOOS: Astroturf type thing and 6 some of the areas as we are speaking about earlier, 7 they have this kind of chopped rubber type of 8 material, which is softer. 9 MR. MIRANDI: Now, the chopped 10 rubber, is that adhered or is that able to fly off 11 the roof? 12 MR. BOOS: I guess we'll have to see 13 what the density of it is. 14 MR. MIRANDI: You mentioned for the 15 flat roof, you mentioned drainage. Is that 16 interior drainage through the building? Do you 17 have Yankee gutters? 18 MR. BOOS: In all likelihood 19 interior, without having the leaders exposed. 20 MR. MIRANDI: So how is that 21 protected as a tripping hazard on the play area, 22 the roof drainage and the cages that go around? 23 MR. BOOS: The cages in that case 24 instead of having the standard inverted bowl would 25 keep it a flat disk, and since it's going to be</p>	104	<p>1 traffic? 2 MR. BOOS: It could I guess guide 3 larger vehicles to keep them away from the 4 building, but you know, the striped area is a 5 visual mark for them to follow. We could actually 6 bring the striped area out maybe beyond the edge of 7 the building. 8 MR. MIRANDI: Would you recommend 9 for the handicapped, the ADA spot that's in the 10 back of the building, which would face the Sylvan 11 Avenue side, would you recommend that striping 12 continue to that point? 13 MR. BOOS: Yes. 14 MR. MIRANDI: Okay. Thank you. 15 MR. PROFITA: Would it be practical 16 to, you know, for large planters in order to 17 protect the building? 18 MR. BOOS: I think, if this is a 19 fire lane, I'm not sure if any type of object can 20 be placed within the fire lane itself. 21 MR. MIRANDI: And I mentioned before 22 when Mr. Collazuol was up, you have an exit door 23 towards the buffer area and there's fencing there 24 so we wanted your opinion on that board on board 25 fence. It looks like a 3-foot wide door, and I</p>
103	<p>1 occupied on almost a daily basis, they can be 2 cleaned on a daily basis. I don't anticipate much 3 trash up there other than leaves, but since they 4 will be using it, it's going to be cleaned on a 5 daily basis. 6 MR. MIRANDI: Okay. Now, maybe just 7 go back to your rendering of the building. 8 MR. BOOS: Okay. 9 MR. MIRANDI: Now, what protects the 10 corner of the building and the overhang with the 11 5-foot overhang from vehicles coming through off of 12 the Sylvan Avenue ingress? 13 MR. BOOS: On this corner, I guess 14 we could probably put a bollard in just off the 15 corner. 16 MR. MIRANDI: Would a sidewalk help 17 instead of the striping? 18 MR. BOOS: I don't think so because 19 it would just elevate it, and I think the sidewalk 20 would be a tripping hazard, especially on offload 21 and on load of children. 22 MR. MIRANDI: Well, you would have 23 dropped curbs perhaps, and how about just driving 24 through to protect the building, would the curb and 25 sidewalk help protect the building from vehicular</p>	105	<p>1 imagine that's an emergency exit door. 2 MR. BOOS: If the fence goes in, I 3 would recommend that we keep it at least 6-foot 4 clear of the out swing of the door. So it may 5 be pushed toward the street another six inches. 6 MR. MIRANDI: Or as indicated, the 7 fence may not be needed. 8 CHAIRMAN FEHRE: What's your opinion 9 as the architect and designer, what's going to look 10 better with the fence or without a fence? 11 MR. BOOS: Considering the 12 landscaping, I don't think the fence is necessary. 13 It's not blocking the view of anything. It is a 14 side entrance. I mean if we didn't want to block 15 the view, we could treat the glass on it as a 16 frosted glass so there's no direct view into the 17 building itself, but I don't believe the fence is 18 really necessary. 19 CHAIRMAN FEHRE: Okay. 20 MR. MIRANDI: And now if future 21 residents on Fifth Street want to walk their kids 22 to the facility, looking at the striping, what 23 would you suggest for that? 24 MR. BOOS: Well, if they from Fifth 25 Street, they would be coming this way.</p>

106	<p>1 (Indicating) now, we could look at it and maybe 2 perhaps here, if there is a sidewalk going to be 3 placed on Fifth Street, then the sidewalk would 4 probably be along here, and we would direct it 5 toward the striped area. 6 MR. MIRANDI: That may take away 7 from the buffer area. I'm not sure if we would 8 want the sidewalk. 9 CHAIRMAN FEHRE: I don't think we do 10 want to put the sidewalk in there because the 11 street is so narrow. I would rather have the 12 vegetation, and it won't really be used by too many 13 pedestrians. 14 MR. BOOS: Well, anybody walking to 15 it means they are not in their car, and that car is 16 not going to be up and down the street, the 17 resident's cars so I mean if they are across the 18 street, they have to walk across the street, so I 19 don't think it's a major issue. 20 CHAIRMAN FEHRE: If there are no 21 further questions for the architect, the next 22 witness. 23 MR. CHINMAN: Above the parapet, 24 there's not going to be any fencing or screening? 25 MR. BOOS: No. Not necessary. Not</p>	108	<p>1 municipalities as well. 2 I've also served as an expert 3 witness for development applications. 4 MR. PROFITA: And is that your 5 primary occupation now, is that of Traffic 6 Engineer? 7 MR. LUGLIO: Yes. 8 MR. PROFITA: I would propose 9 Mr. Luglio as an expert. 10 CHAIRMAN FEHRE: We'll accept him. 11 MR. PROFITA: Thank you, sir. 12 All right. Now, can you tell us you 13 are familiar with the proposed site and the 14 architectural plans throughout? 15 MR. LUGLIO: Yes. 16 MR. PROFITA: And you have been 17 present while Mr. Collazuol testified and when Mr. 18 Boos testified as well? 19 MR. LUGLIO: Yes, I have. 20 MR. PROFITA: And did you undertake 21 an traffic engineering evaluation of the site? 22 MR. LUGLIO: Yes, I did. 23 MR. PROFITA: And so what I want to 24 ask you is how familiar are you with traffic 25 circulation and childcare centers?</p>
107	<p>1 unless we have pole vaulters. 2 MR. PROFITA: I call Louis Luglio. 3 MR. KATES: You came without a 4 chart, huh? 5 (Whereupon, Mr. Luglio is sworn in by Mr. 6 Kates.) 7 MR. KATES: Spell your name and your 8 business address. 9 MR. LUGLIO: It's Louis Luglio, 10 L-U-G-L-I-O, 160 Hillcrest Avenue, Leonia, New 11 Jersey. 12 MR. PROFITA: I'm going to qualify 13 Mr. Luglio as a traffic expert. Mr. Luglio. Can 14 you tell us how you are currently employed? 15 MR. LUGLIO: Sure. I'm a 16 Professional Engineer in the State of New Jersey, 17 New York and four other states, and I have been 18 practicing traffic and transportation planning for 19 the past 24 years. 20 My educational background I have a 21 BS in Civil Engineering from New Jersey Institute 22 of Technology, and a Master's in Transportation 23 Planning also from NJIT. I have served as an 24 expert witness for the State DOT, for various 25 counties, and on the municipal side, for</p>	109	<p>1 MR. LUGLIO: Very familiar. I have 2 done at least eight to a dozen, a little less than 3 a dozen, different childcare centers. One most 4 recently was in Tenafly, and it was, I guess 5 similar, in terms of drop off and pick up 6 activities, limited space, but I've been familiar 7 and have worked on many childcare facilities. 8 MR. PROFITA: So let's put up an 9 exhibit here where you can demonstrate to the Board 10 how traffic will be basically move through the 11 site. 12 MR. LUGLIO: We are going to mark 13 another Exhibit then. 14 MR. KATES: So you did have another 15 Exhibit? 16 MR. LUGLIO: Always have an another 17 exhibit. 18 MR. PROFITA: A-9. 19 MR. KATES: We are up to A-9. 20 MR. PROFITA: And today's date. 21 Thank you. 22 MR. LUGLIO: What we did here on the 23 A-9 is we took the aerial would you that was 24 mentioned before which I forgot which one that was 25 that A-6 I believe.</p>

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1 MR. PROFITA: Yes. A-6.
 2 MR. LUGLIO: We took A-6 and A-6 is
 3 an aerial from Google maps that's November 5th of
 4 2012, and I superimposed the building and the site
 5 plan on top of it as best I could, but the purpose
 6 here is to look -- I'm sorry again for my back.
 7 MR. DOOLY: You are fine.
 8 MR. LUGLIO: The purpose here is to
 9 look at on the aerial how traffic circulation would
 10 occur on the site, so from Sylvan, you would be
 11 coming into the site as talked about before, making
 12 your way to the south side of the building, and
 13 then the exit would be a right turn out onto Fifth.
 14 What we've done here is to look at,
 15 not the only parking spaces that are critical to
 16 the operation of flow that's coming through the
 17 building, but also this demonstrates the maximum
 18 number of vehicles that could potentially queue on
 19 the site. In a little bit, I'll go over the actual
 20 operation, but this is a depiction of how many
 21 vehicles really could fit physically on the site.
 22 MR. PROFITA: Okay. And can you
 23 describe how the queuing operation works in terms
 24 of loading the cars to the queuing area, and the
 25 dropping off of the children and taking them into

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1 the building and picking them up.
 2 MR. LUGLIO: Sure. So what we have
 3 done in a few other locations is to look at having
 4 a person that would be a staff person that's out in
 5 front, really directing the vehicles that are
 6 coming in. And we would have another person, close
 7 by the door or under the underhang and basically,
 8 it's a three-car operation at a time. We have
 9 three cars come in from this queue. When it
 10 starts, there's really no queue at all. Three cars
 11 would pull up. What you will do is pull up, you
 12 would get out of your vehicle, you would take your
 13 child out, you would walk that child a few steps to
 14 the lobby. Once inside the lobby, whatever
 15 security procedure the tenant has in force, usually
 16 it's either a swipe card or it's some
 17 identification that you are there, your child is
 18 there, and after that, you are back in your vehicle
 19 and you are out.
 20 The daycare that we just completed
 21 in Tenafly, that operation is anywhere from a
 22 minute to two minutes at maximum from the time you
 23 actually stop your car to the time your car is
 24 being pulled away again.
 25 MR. PROFITA: If parents chose to go

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1 through the queuing lane as opposed to walking
 2 their child to the center, are they allowed to take
 3 the child up into the childcare room areas?
 4 MR. LUGLIO: Yes. I mean they
 5 should be able to also utilize the walkway, the
 6 flush walkway that we have to gain access into the
 7 lobby as well.
 8 MR. PROFITA: If you use the queuing
 9 lane, you are not permitted to take the child
 10 beyond the checkpoint in the front; is that
 11 correct?
 12 MR. LUGLIO: No. I misunderstood
 13 your question. That's right. And part of this is
 14 also orientation in the beginning of the year for
 15 new parents as well. This is the system that we
 16 have, this is the system that's going to be
 17 operational, and so you would know that before you
 18 come onto the site.
 19 Now, for the first week of
 20 operation, it's always a little, little hectic, but
 21 after about a week or two weeks at most, people
 22 actually understand the operation, and it runs
 23 pretty smooth. So yes, if you walked into the
 24 building, you would be able then to walk up to the
 25 classroom if you wanted to, because you have no

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1 obligation to be in this queue to move your
 2 vehicle.
 3 MR. PROFITA: And does everybody
 4 come at the same time to drop off children?
 5 A. Not necessarily. We really have a
 6 window of time, and it would be anywhere from 6:30
 7 to 7 o'clock all the way to 9 o'clock in the
 8 morning, for the a.m. peak. I would also recommend
 9 at least three 15-minute periods where you would
 10 stagger having kids coming into the center, just so
 11 that you don't have that crush of vehicles that are
 12 happening all in that 15-minute period, and that's
 13 something that the tenant can control.
 14 MR. PROFITA: And you have seen this
 15 in operation in other childcare centers?
 16 MR. LUGLIO: Yes. The one in
 17 Tenafly actually that has a double lane where
 18 vehicles queue up, and they take their kid out and
 19 they basically it's the same distance, they walk
 20 their child to the front door, and there is someone
 21 there to greet them basically and take the child
 22 inside. Again, I'd rather have a single lane
 23 because our double lane system sometimes one
 24 vehicle will be parked there because it's a double
 25 lane. If it's a single lane system, there's no

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1 ability for you to do that.
 2 MR. PROFITA: And in your opinion,
 3 is the queuing system that's set up here sufficient
 4 to handle the projected traffic on site?
 5 MR. LUGLIO: Yes. And so how do you
 6 really back into that number, so in my report also
 7 we talk about 126 kids on an average day, and
 8 that's what we are designing for, an average day,
 9 you would have possibly 5% that will be absent,
 10 another 5% of the total population is either a
 11 sibling or riding with another parent, their
 12 sharing that vehicle, so from that, from those
 13 percentages that we take off, about 65% of that
 14 population that's left really occurs in the peak
 15 hour. It's really a peak 30-minute period that we
 16 utilize in our report, but really it occurs over
 17 the hour. So some kids come earlier, some kids
 18 come later. If we were looking at this operation,
 19 I would say it's anywhere from 7:15 to 7:45 is the
 20 peak time where you are going to have the vehicles
 21 that are coming into the site.
 22 MR. PROFITA: Does the drop-off time
 23 depend on where the parent dropping off the child
 24 ultimately has to travel to work?
 25 MR. LUGLIO: Yes. I mean it's all

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1 the function of dropping off your child and then
 2 continuing on your a.m. trip wherever that needs to
 3 be. In our report, we looked at the population, we
 4 looked at child population, and we also looked at
 5 destination of work from people that are living in
 6 Englewood Cliffs and Fort Lee and so we have about
 7 75% of the vehicles are coming north on Sylvan. I
 8 think it was 60% actually on Sylvan, and another
 9 15% that would be coming from Hudson Terrace making
 10 their way onto Washington.
 11 MR. PROFITA: And so you develop
 12 trip generation projections for the site. Correct?
 13 MR. LUGLIO: Yes. The Institute of
 14 Transportation Engineers has a manual on trip
 15 generation, the number of new vehicles that you
 16 would expect to come to a facility like this, and
 17 it really is the guideline for the County, the
 18 State DOT, even from a nation standpoint.
 19 Now, their numbers are slightly
 20 lower in terms of number of new vehicles that would
 21 be generated by this facility or this type of
 22 facility, so I ended up going with a more
 23 conservative approach, utilizing the 126 students,
 24 again discounting them for absentee and shared
 25 rides so that was the number that I actually

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1 utilized because it was a little more conservative.
 2 MR. PROFITA: But the site could
 3 actually handle more than that?
 4 MR. LUGLIO: Yes. The site could
 5 handle, in my opinion, the site could handle 175
 6 kids, discounting again the same 5% and 5% and
 7 utilizing the 65% that occurs during the peak
 8 period.
 9 MR. KATES: What's the drop off
 10 sequence? How much time elapses?
 11 MR. CHINMAN: One to two minutes.
 12 MR. LUGLIO: One to two minutes. We
 13 utilize the two minutes, we utilize the maximum.
 14 If the Board, at some future time, we also have
 15 videotape of an actual activity from dropping off
 16 from the Tenafly school and how long it takes each
 17 car to perform that drop off. Some were as little
 18 as 20 seconds when you really want to get rid of
 19 your kid, and then others were up to the two
 20 minutes.
 21 MR. PROFITA: They have a number of
 22 staffers, correct? The check in point is right at
 23 the front end of the building where the entrance
 24 is?
 25 MR. LUGLIO: Right. That's right.

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1 MR. PROFITA: And they have a number
 2 of staffers that are there waiting to take the
 3 child and bring them to the respective room?
 4 MR. LUGLIO: That's right. And just
 5 keep in mind that after you do that for a two-week
 6 period, this is a very quick operation, very quick
 7 operation.
 8 VICE CHAIRPERSON ROSENBERG: When is
 9 pick up? When is pick up?
 10 MR. LUGLIO: We assume our pick up
 11 is from 5 to 6:00 p.m. It could be earlier than
 12 that. The pick up activity is usually less intense
 13 than the a.m. because everyone is dropping off
 14 during a certain smaller window of time. Whereas
 15 in the evening and we do have some half day classes
 16 but, but we didn't assume that here. We assumed
 17 everyone be picked up within that hour between 5
 18 and 6 same activities, so up will be able to come
 19 in, you will pull up and you would be able to just
 20 pick up your child from the lobby area. This is
 21 similar to what they do in Englewood as well where
 22 they have a single lane and that system is a little
 23 different. Each car has a, has a decal or a
 24 hanging number, and that car responds to your child
 25 so there are many different systems that you could

118	<p>1 put in place.</p> <p>2 MR. TROVATO: What is the back up</p> <p>3 system? You see the four vehicles that you have</p> <p>4 lined up near the front?</p> <p>5 MR. LUGLIO: Yeah.</p> <p>6 MR. TROVATO: If one of those four</p> <p>7 vehicles can not start, what is the backup system?</p> <p>8 MR. LUGLIO: Well, if they cannot</p> <p>9 start, yes and that's the reason why we are going</p> <p>10 with a flush walkway, but the total width here is</p> <p>11 16 feet, so theoretically, you could pass two</p> <p>12 vehicles within 16 feet if that vehicle is stopped.</p> <p>13 Now, the probability of a having a</p> <p>14 vehicle stopped just in this small area is actually</p> <p>15 pretty remote. It can it happen, yes, but it's not</p> <p>16 likely that that will happen, but in the event that</p> <p>17 it did, you would still be able to get another</p> <p>18 vehicle around that vehicle.</p> <p>19 MR. TROVATO: Assuming it was to one</p> <p>20 side or the other.</p> <p>21 MR. LUGLIO: Even if it's even dead</p> <p>22 smack in the middle, I think you will still be able</p> <p>23 to get another vehicle around it, but I would then</p> <p>24 say, you know, all bets are off. If you have a</p> <p>25 vehicle there's even skewed in here for some</p>	120	<p>1 MR. LUGLIO: That, I do not know. I</p> <p>2 do not know that.</p> <p>3 MR. CHINMAN: Yes.</p> <p>4 MR. LUGLIO: Someone is saying yes.</p> <p>5 All year round.</p> <p>6 MR. DOOLY: I was just sitting</p> <p>7 where, do you know where Central Kitchen is?</p> <p>8 MR. LUGLIO: Yes, I do.</p> <p>9 MR. DOOLY: And the other night I</p> <p>10 watched them will valet park, and we were assured</p> <p>11 there would be enough parking without that,</p> <p>12 basically. Now, you said 10%, which kids aren't</p> <p>13 there or doubled up, that brings you down around</p> <p>14 114.</p> <p>15 MR. LUGLIO: Right.</p> <p>16 MR. DOOLY: 65% within 45 minutes?</p> <p>17 MR. LUGLIO: Right.</p> <p>18 MR. DOOLY: Okay. That's roughly 75</p> <p>19 vehicles in a 45-minute period. With people and</p> <p>20 kids, I have a hard time believing that you are</p> <p>21 going to have an average of a two-minute drop off.</p> <p>22 I've seen it at the schools, it's bad enough.</p> <p>23 MR. LUGLIO: At what kind of school?</p> <p>24 MR. DOOLY: Any grammar school</p> <p>25 basically dropping younger kids off.</p>
119	<p>1 reason, then again that's not something that's</p> <p>2 going to happen on an average day. Can it happen,</p> <p>3 yes, of course, it can happen; the likelihood is</p> <p>4 pretty low.</p> <p>5 MR. PROFITA: Or there are a number</p> <p>6 of staffers that would be able to push that car to</p> <p>7 the side.</p> <p>8 MR. LUGLIO: We are hiring high</p> <p>9 level big guys that would physically move the car.</p> <p>10 It's a good question, yes, and so I mean in the</p> <p>11 event that that did happen, I think that you would</p> <p>12 be able to at least, even if the car is in neutral,</p> <p>13 to push it to one side so you can still get around</p> <p>14 there.</p> <p>15 MR. TROVATO: I'm thinking because</p> <p>16 the building is 55 foot, if you took off 5 feet,</p> <p>17 you will have all the answers for that situation.</p> <p>18 MR. LUGLIO: Yes, but again, we</p> <p>19 don't design for something that's not a normal</p> <p>20 occurrence. I mean we don't design roadways for 15</p> <p>21 lanes because it's summer peak. We just don't. We</p> <p>22 design for an average day, a normal day's</p> <p>23 operation, but it is a good question.</p> <p>24 VICE CHAIRPERSON ROSENBERG: This is</p> <p>25 all year round?</p>	121	<p>1 MR. LUGLIO: But is it a structured</p> <p>2 drop-off procedure. See, that's the difference</p> <p>3 between a regular grammar school. So if you went</p> <p>4 to a couple of daycare centers that have this in</p> <p>5 place and again, I could provide video to the</p> <p>6 Board, it's a minute, it really is a minute drop</p> <p>7 off, two minutes at the most for you to get out,</p> <p>8 open the door, take out your child or two, and</p> <p>9 basically hand them off, and then you are back in</p> <p>10 your vehicle. I mean that is how quick the</p> <p>11 operation is.</p> <p>12 MR. DOOLY: When he forgets his</p> <p>13 boots, he forgot his gloves, he forgot his hat.</p> <p>14 His lunch, everything, mom is going to come back.</p> <p>15 MR. LUGLIO: Then she's coming back.</p> <p>16 That's right. You are going to leave there and</p> <p>17 come back. She will leave though and come back.</p> <p>18 MR. DOOLY: No, she will be parked</p> <p>19 there and running back.</p> <p>20 MR. LUGLIO: Well, it can't happen.</p> <p>21 You can't tolerate it.</p> <p>22 MR. DOOLY: Yes. You can't tolerate</p> <p>23 it especially when you are backing up onto a</p> <p>24 highway across from a fire station. That gives me</p> <p>25 a lot of reserve.</p>

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1 MR. LUGLIO: Based on the number of
 2 students and 75 vehicles that are coming in, this
 3 system will definitely will able to handle all of
 4 the vehicles that are coming in. With the Tenafly
 5 school, we have 250 students, it's a double lane,
 6 it's a little bit shorter.
 7 MR. DOOLY: Is that across from the
 8 railroad track?
 9 MR. LUGLIO: Yes.
 10 MR. DOOLY: How many square feet for
 11 that play area on the roof?
 12 MR. LUGLIO: There's no roof.
 13 There's no area play area.
 14 MR. DOOLY: There is another one
 15 there because I see a cage.
 16 MR. LUGLIO: That's a juvenile
 17 detention facility.
 18 MR. DOOLY: Oh. I was wondering why
 19 the barbed wire.
 20 MR. LUGLIO: That one does not
 21 because they have like an auditorium inside. They
 22 do their play activities inside.
 23 MR. PROFITA: So the drop off is
 24 less than a minute then.
 25 MR. LUGLIO: Yes. I do understand

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1 your concerns about the drop off activities, and I
 2 do invite you to look at some of the other schools
 3 that are in the area from a daycare facility
 4 standpoint. Even if one in Fort Lee, the Green
 5 House, which has no parking at all, and all of that
 6 drop off activity and pick up activity occurs on
 7 the street, and it's a very narrow street, and it's
 8 the same type of procedure and it's just not on the
 9 site. It's not contained on site. People actually
 10 stop on the street, they take their kids out, they
 11 bring them 20 feet to the door and they are back in
 12 their car again.
 13 VICE CHAIRPERSON ROSENBERG: What
 14 street is that on?
 15 MR. LUGLIO: I think it's on Jones
 16 Road. It's by another school.
 17 MR. TROVATO: By Number Two School.
 18 MR. LUGLIO: By Number Two School,
 19 right, and they expanded maybe six years ago, they
 20 expanded the facility.
 21 MR. CHINMAN: In your calculation
 22 you must have come up with a spill factor, how many
 23 cars are going to be queued up on Lemoine Avenue,
 24 are most of the cars going north or south because
 25 that's a tough left-hand turn?

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1 MR. LUGLIO: We have assumed 75%
 2 would be coming from the south, from the Fort Lee
 3 based on a bunch of different data sources, and 25%
 4 would be coming southbound on Sylvan, making the
 5 left turn into the site, there's no doubt about
 6 that. Now, I'll tell you, I'll give you another,
 7 give you another exhibit. Could I do another
 8 exhibit?
 9 MR. PROFITA: You just have to mark
 10 it as A-10 with the date.
 11 MR. LUGLIO: So A-10 is yet another
 12 aerial of yet a little bit wider section.
 13 MR. PROFITA: Can we have a date on
 14 it for Mr. Kates.
 15 MR. LUGLIO: Yes. It's dated
 16 today's date, 6-19-13.
 17 MR. PROFITA: That is a Google map.
 18 MR. LUGLIO: It's the same Google
 19 image but a wider area and, again, the site itself
 20 is sort of in the middle to the left of the image
 21 itself, and the purpose here, what I wanted to talk
 22 about was the roadway network that is around, and
 23 more specifically, if you're coming southbound on
 24 Sylvan, you wanted to make the left turn into the
 25 site, the signal here at Lemoine and Washington

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1 provides gaps in traffic going in the northbound
 2 direction.
 3 Now, some people then say well, you
 4 still vehicles on both sides of Washington, they
 5 may be turning left and right, and that's true, but
 6 you still have gaps in traffic that would allow
 7 that 25% of our student population to still gain
 8 access into the site.
 9 Now, if you didn't want to do that,
 10 and it becomes impossible for you to make the left
 11 turn because you don't want to wait that long, you
 12 still have the ability to go passed Washington and
 13 basically, come northbound back up onto Fifth --
 14 sorry -- up onto Washington, and then you will
 15 still be able to make the right turn into the site.
 16 So if this becomes what people are accustomed to
 17 where they are coming from, but the left turn is
 18 something that's definitely doable as far as the
 19 movement is concerned.
 20 MR. CHINMAN: I'm curious, why
 21 aren't you going one way or the other way? From
 22 Fifth and then making the right onto Sylvan, seems
 23 it's not going to block traffic? I mean, I don't
 24 know.
 25 MR. LUGLIO: Coming --

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1 MR. CHINMAN: No. No. Access
 2 through Fifth make the left onto the --
 3 MR. LUGLIO: You mean having people
 4 coming in this way? (Indicating.)
 5 MR. CHINMAN: Yes.
 6 VICE CHAIRPERSON ROSENBERG: Yes.
 7 MR. LUGLIO: Well, one thing is
 8 that --
 9 MR. CHINMAN: People can double park
 10 and bring their kids in.
 11 MR. LUGLIO: Well, we don't want
 12 that to happen. We don't want people to be double
 13 parking on Fifth.
 14 MR. CHINMAN: It's Fort Lee.
 15 MR. LUGLIO: Just a logistic
 16 standpoint, just like a bus stop, you want the
 17 driver to be on the left-hand side, you want them
 18 to be able to get out. It's really a function of
 19 the operation of the vehicle and the drop off. You
 20 will be on the other side.
 21 MR. CHINMAN: The kids are on the
 22 left side.
 23 MR. KATES: What if you shifted the
 24 building?
 25 MR. LUGLIO: Shifted the building

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1 this way and have them come in this way?
 2 MR. KATES: Yes.
 3 MR. PROFITA: You would have the
 4 same issue if everyone exited onto Sylvan, making a
 5 left turn out of the building out on Sylvan.
 6 MR LUGLIO: Yes. We definitely have
 7 more flexibility having the vehicles come in off of
 8 Sylvan, and it has the higher traffic volume, and
 9 have them come out and make a right turn only on
 10 Fifth, which really doesn't have any traffic volume
 11 so once, and it's also a flexible type of
 12 arrangement when you get out onto Fifth Street,
 13 because once you are out onto Fifth, you make this
 14 right turn, you either can go left and go down to
 15 Hudson Terrace. You can't go straight, it's a "Do
 16 Not Enter" or you can come up to Lemoine and at
 17 this point you can go right northbound to go back
 18 home or work or you can go left or you could even
 19 continue through and head over to Route 4, so it
 20 really gives you a flexibility of where you are
 21 destined to go.
 22 MR. PROFITA: Now, as part of your
 23 investigation here, you looked at the levels of
 24 service in the area.
 25 MR. LUGLIO: I did, yes.

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1 MR. PROFITA: And can you just
 2 please tell the Board what the term "level of
 3 service" means.
 4 MR. LUGLIO: The level of service is
 5 the ability of an intersection to process traffic.
 6 So it really ranges from the level of service "A"
 7 that you would see at 2:30 in the morning on Sylvan
 8 where there's really not much traffic at all, down
 9 through the letters, all the way to level service
 10 "F" like a report card. So when you get into level
 11 service "D" and "E," you start to have congestion
 12 and level service "F," you may not make it through
 13 the intersection during one signal cycle if you are
 14 making a left turn for instance, so what we did in
 15 the report is to look at the intersection level of
 16 service of Lemoine and Washington, and then the
 17 additional vehicles that would be going through the
 18 intersection as a result of the project.
 19 Now, NJDOT criteria is if you have a
 20 hundred vehicles or more, then you would look at
 21 the intersection, you will study it, it would be a
 22 significant increase to the network itself, to the
 23 roadway system. In our case, and if you did the
 24 math for me, that's great, but roughly 75 vehicles
 25 in that hour period that we are adding to the

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1 roadway and we put through the intersection, and we
 2 did a comparison on that in the report from
 3 existing conditions to our build conditions with
 4 this in place. And there's really no significant
 5 change in the level of service. The level of
 6 service at the intersection is not a stellar
 7 intersection. There's parts of this that have
 8 level of service "D," there is congestion at the
 9 intersection.
 10 For the most part, our traffic is in
 11 the morning or in the arrival. They are coming on
 12 Washington, making the right turn, they are coming
 13 up Sylvan, and to continue and make the right turn
 14 or they are making the left turn on Sylvan. The
 15 major movement and the heaviest traffic is in the
 16 southbound direction. Sylvan/Lemoine has about
 17 2,000 to 2,100 vehicles in peak hours, a.m. and
 18 p.m. peak hours, just to give you an idea to have a
 19 level of traffic that's on Sylvan, not that you
 20 don't know that because you travel it, but we are
 21 adding 75 to that 2,000. So just from a number
 22 standpoint, it's not a significant amount of
 23 traffic that we are adding to the roadway.
 24 MR. PROFITA: And you will operate
 25 at an acceptable level of service under your

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1 calculations; is that correct?
 2 MR. LUGLIO: Yes. It will continue
 3 to operate.
 4 MR. PROFITA: And in your opinion,
 5 does the proposed traffic circulation and the site
 6 plan comply with accepted engineering standards
 7 concerning ingress egress and circulation of the
 8 road?
 9 MR. LUGLIO: Well, definitely it
 10 does as far as having an access drive off of --
 11 having the access drive off of Sylvan, providing
 12 for some level of distance where you could queue up
 13 vehicles if you needed to. We know that the
 14 previous testimony talked about a two-way driveway,
 15 that's an existing condition, and the two-way,
 16 would continue for the Wild Flowers operation and
 17 then become one-way, so from a circulation
 18 standpoint, it definitely meets all the industry
 19 standards. The width of our driveway, our drop-off
 20 area, also is sufficient in the width.
 21 MR. PROFITA: Okay. Now, did you
 22 take a look at the parking spaces that have been
 23 designated on the site?
 24 MR. LUGLIO: Yes. And we have, as
 25 stated before, we have the existing condition 9 and

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1 we would continue to have 9, and the breakdown has
 2 been gone over already.
 3 MR. PROFITA: And did you take a
 4 look at the building which is located on Lot 3?
 5 I'm sorry, the Wild Flowers building which is
 6 located on Lot 2.
 7 MR. LUGLIO: Yes. I actually took a
 8 look at the building. I went in to talk to the
 9 owner about his operation. It's basically a
 10 flower, wholesale type of operation. 80% of his
 11 business is phone call business. It's not a retail
 12 flower shop where people go there to buy a dozen
 13 roses. He has two deliveries a week of products
 14 that come in in a box truck. It's Mondays and
 15 Thursdays and that's anywhere from 12 to 3, it's
 16 during the day. He normally needs about 2 to 3
 17 spaces for the employees that are there. There may
 18 be two times a year where he has as many as 8 or 9
 19 employees and that's really just for a specific
 20 event that he does every year. So for the most
 21 part, he's a three car space need or --
 22 MR. TROVATO: Operation.
 23 MR. LUGLIO: -- operation. Thank
 24 you. And most of it is, 80% or more of it over the
 25 phone.

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1 MR. MIRANDI: What are their hours
 2 of operation?
 3 MR. LUGLIO: They are 9:30 to 6. So
 4 they are not here during our peak hours in the
 5 morning basically. But they will be, you know,
 6 sort of winding down during the p.m. peak hour.
 7 They are a seven-day operation also and a lot of
 8 their work happens on the weekend, where they are
 9 delivering Saturdays and Sundays, so for weddings
 10 or for other events.
 11 MR. PROFITA: So your opinion
 12 allocating the four spaces on the south side of the
 13 site is sufficient for their operation?
 14 MR. LUGLIO: Yes.
 15 MR. PROFITA: And now, the spaces
 16 that will be utilized, the five spaces for parking
 17 at the childcare center, can you describe the
 18 pedestrian pathway that persons parking there would
 19 take in order to enter the building?
 20 MR. LUGLIO: People that are parked
 21 here, including that ADA space, basically would
 22 come south and utilize the at-grade walkway, and
 23 directly gain access to the building. If we had
 24 to -- not if we had to, but we certainly can stripe
 25 out a path for the ADA, and it hasn't been

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1 discussed yet I think, but we have our trash
 2 enclosure, that's right here at the west side of
 3 the building so we would have to either stripe
 4 around it or in some way deal with the trash.
 5 (Indicating.)
 6 MR. PROFITA: While you mention
 7 that, why don't you describe what the trash
 8 situation would be. Are we talking about a lot of
 9 trash for this location?
 10 MR. LUGLIO: No. We are not really
 11 talking about a lot of trash in that regard, not a
 12 lot of deliveries. It's a childcare facility.
 13 There's no cooking that happens on the premises, so
 14 there's not a lot of waste that would actually
 15 happen here, but as far as the garbage truck, again
 16 it would be the same type of circulation where the
 17 garbage truck would position right near the waste,
 18 the trash area. They would be rolled out and most
 19 likely the garbage truck would continue and come
 20 out on Fifth, and I don't anticipate them turning
 21 around in this area, because they have the ability
 22 to basically go through the access lane.
 23 MR. CHINMAN: It's high enough for
 24 the garbage truck to go through?
 25 MR. LUGLIO: Well, the clearance

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1 here is, the whole thing is 16.6, but we still have
 2 plenty of room for the garbage truck to go through.
 3 From a height standpoint, I'll agree with you
 4 probably the garbage truck would not meet the
 5 clearance of the 9 feet for the little, for the
 6 5-foot overhang, but they don't need to travel
 7 underneath that. They could do that on the outside
 8 or the travel lane itself.
 9 MR. PROFITA: And there's also for
 10 the handicapped access purposes, there's a doorway
 11 at the west?
 12 MR. LUGLIO: Yes. If there were an
 13 employee that needed this, then obviously they
 14 would be able to gain access to that western
 15 doorway. Otherwise, they would be accessing the
 16 at-grade walkway.
 17 MR. PROFITA: That's a controlled
 18 access doorway?
 19 MR. LUGLIO: Yes. That's a
 20 controlled access doorway.
 21 MR. PROFITA: All right. Now, you
 22 mentioned the painted walkway and there was
 23 testimony that that would also serve as a fire
 24 lane.
 25 MR. LUGLIO: Yes. And again, the

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1 purpose of the fire lane normally it's 5 feet in
 2 width, and the purpose is not to have parking in
 3 that area, so that the equipment could be stationed
 4 there. So it would really have a dual purpose here
 5 of having the walkway that would be striped out and
 6 in a dual purpose, it could also serve as a fire
 7 lane. Given the fact that you probably wouldn't
 8 have equipment that close to the structure, as
 9 testified to before, it most likely would happen or
 10 occur on 6 Sylvan in the parking lot or 2500,
 11 depending exactly where the situation was in the
 12 building, and again, it's a fully sprinklered
 13 building so it still has access that would be
 14 provided to it.
 15 MR. PROFITA: Now, the handicapped
 16 spaces, the one for Wild Flowers and the one for
 17 this building, that will be appropriately marked
 18 and signed?
 19 MR. LUGLIO: Yes. With the new 2010
 20 ADA guidelines for signing and striping of those
 21 spaces.
 22 MR. PROFITA: Now, did you look at
 23 the building immediately to the north, which is
 24 also depicted on this diagram?
 25 MR. LUGLIO: Yes. 6 Sylvan.

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1 MR. PROFITA: Yes. Can you just
 2 tell us what that building is.
 3 MR. LUGLIO: It's basically an
 4 office, medical office type space, and it has 30
 5 parking spaces that are associated with it, access
 6 is from Sylvan in the inbound direction and the
 7 outbound direction also to Sylvan. There's no
 8 connection toward the east parcel to Fifth in any
 9 way, and actually, there's a Belgium block curb,
 10 that runs along the north side of that parking
 11 area.
 12 MR. PROFITA: And you are aware that
 13 there is a driveway easement, a common easement
 14 agreement between Lot 2 where Wild Flowers is and
 15 Lot 3 where the medical building is?
 16 MR. LUGLIO: Yes.
 17 MR. PROFITA: And the direction
 18 that's used as the ingress is located on Lot 2, the
 19 Wild Flowers' lot. Correct?
 20 MR. LUGLIO: Yes. So basically,
 21 these green cars would be the entrance coming into
 22 their parking lot area. As they come in, they
 23 would go to the left, and then they would utilize
 24 the exit.
 25 MR. PROFITA: Now, under the plan

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1 that you are proposing, the ingress to the site
 2 that will ultimately go to Lot 1, so only utilizing
 3 that portion of the driveway, which is located on
 4 Lot 2?
 5 MR. LUGLIO: That's right. Only the
 6 ingress portion. That's right.
 7 MR. PROFITA: So you are not
 8 utilizing the property that is owned by Lot 3?
 9 MR. LUGLIO: That is correct.
 10 MR. PROFITA: And I would just note
 11 that a copy of that existing usage was attached to
 12 the application and one of the comments was raised
 13 by Mr. Mirandi, was whether that needed to be
 14 amended in some fashion and our position is that it
 15 does not because the owner of Lot 2 and Lot 1 will
 16 only use that portion of that common driveway that
 17 is on Lot 2, will not be using any property owned
 18 by Lot 3, and there's nothing in the agreement that
 19 indicates that it's exclusive rights granted under
 20 the agreement.
 21 So can you tell me do you anticipate
 22 any difficulty with the vehicles entering onto Lot
 23 3, which is 6 Sylvan Avenue?
 24 MR. LUGLIO: No. Again this A-9, I
 25 depicted all the vehicles on the site to queue as

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1 many as I could put on the site. I also described
 2 it as p.m. peak hour and a.m. peak hour at the
 3 maximum that I think a que could potentially
 4 develop on the site, and so even at the a.m. peak
 5 hour, these green vehicles are classified as extra
 6 spaces or just there to show how many vehicles
 7 could be stored on the site, but in my opinion, we
 8 would probably be up to three in the queue -- I'm
 9 sorry -- three dropping off and another three in
 10 que. We won't get back to that point of the
 11 driveway where it then splits off to 6 Sylvan.
 12 MR. PROFITA: And will there be
 13 directional signage on the common driveway, the
 14 ingress sides and egress side?
 15 MR. LUGLIO: Yes. To really alert
 16 the motorists where they are going.
 17 MR. PROFITA: And did you look at
 18 the other driveways in the area on Fifth Street?
 19 MR. LUGLIO: Yes.
 20 MR. PROFITA: Do you have the other
 21 Exhibit?
 22 MR. LUGLIO: Yes.
 23 MR. PROFITA: Could you show that?
 24 MR. LUGLIO: The larger exhibit.
 25 Yes, A-10.

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1 MR. PROFITA: In other words, those
 2 properties were on east side of Fifth Street now.
 3 Correct?
 4 MR. LUGLIO: Yes. The east side of
 5 Fifth Street. All of these driveways that are
 6 here, you could see on A-10, we located them all
 7 obviously, but in terms of the number of vehicles
 8 that are coming in and out of these residential
 9 developments that are here and the homes, and since
 10 it's really a dead-end street, there's really not a
 11 lot of traffic that occurs on Fifth, so access,
 12 this right turn coming out, it's an easy movement
 13 to make. There's really no competing with traffic
 14 to really deal with.
 15 MR. PROFITA: So in your opinion, if
 16 exiting onto the westerly half of Fifth Street
 17 would not interfere with the driveways, entering
 18 and exiting driveways on the westerly side of the
 19 street?
 20 MR. LUGLIO: No. And Fifth Street,
 21 I think it's 33 feet deep in width so from a
 22 residential street standard, it's definitely wide
 23 enough.
 24 MR. PROFITA: Okay. Now, did you
 25 discuss this application with NJDOT?

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1 MR. LUGLIO: I did. I did discuss
 2 this with Mr. Barrett, Chris Barrett down at NJDOT
 3 with respect to the Route 9 designation or highway,
 4 New Jersey State highway. Since the driveway, the
 5 access itself on Sylvan, this property's address
 6 and frontage is on Fifth so it directly would not
 7 need an access permit because it doesn't have
 8 access onto the State Highway. However, there is
 9 ingress then that will come into the site from the
 10 state highway, and I discussed that with
 11 Mr. Barrett. As far as he's concerned, they would
 12 have no interest, they will have no interest at all
 13 in the application, because the application itself
 14 would have a hundred or less than a hundred trips,
 15 it would not consider -- they would not consider
 16 this to be an impact with respect to the State
 17 Highway, and all that I would need to do is to send
 18 in a letter of No Interest or No Significant
 19 Increase in Traffic to the NJDOT, and normally,
 20 they don't respond to it, and that's it. There's
 21 no application for permit that could be obtained.
 22 MR. PROFITA: So in other words, you
 23 send in a letter, you do not receive an approval
 24 from them, it's more like a negative approval in
 25 that if they have a problem, then they are going to

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1 react and notify you of that?
 2 MR. LUGLIO: Yes. That's right.
 3 MR. PROFITA: Okay. And you
 4 anticipate that they wouldn't require any codes
 5 restrictions?
 6 MR. LUGLIO: Not for our level of
 7 development here. And obviously six months into
 8 the operation, if the left turn becomes a
 9 significant issue, then I think that the tenant and
 10 Englewood Cliffs would want to have some remedy to
 11 that, but I do not anticipate that.
 12 MR. PROFITA: And now there were two
 13 letters from the fire officials --
 14 MR. LUGLIO: Yes.
 15 MR. PROFITA: -- that were received.
 16 MR. LUGLIO: Yes.
 17 MR. PROFITA: Do you have those?
 18 MR. LUGLIO: I do.
 19 MR. PROFITA: One from the Fire
 20 Chief. One from the Fire Official.
 21 MR. LUGLIO: Yes.
 22 MR. PROFITA: And did you have an
 23 opportunity to review those letters?
 24 MR. LUGLIO: I did.
 25 MR. PROFITA: And the one from the

142	<p>1 Fire Chief is dated June 12, 2013.</p> <p>2 MR. LUGLIO: 2-19.</p> <p>3 MR. PROFITA: I'm sorry? No,</p> <p>4 June 12th. That's the Fire Official.</p> <p>5 MR. LUGLIO: Oh, sorry. The</p> <p>6 official one.</p> <p>7 MR. MIRANDI: The Police Department</p> <p>8 is June 9th.</p> <p>9 MR. LUGLIO: I do have it.</p> <p>10 MR. PROFITA: I have it.</p> <p>11 MR. LUGLIO: I do. Here it is. I</p> <p>12 have June 12th.</p> <p>13 MR. PROFITA: And it's the Fire</p> <p>14 Chief or Fire Official?</p> <p>15 MR. LUGLIO: This is the Fire</p> <p>16 Official.</p> <p>17 MR. PROFITA: Let's go to the Fire</p> <p>18 Chief.</p> <p>19 MR. LUGLIO: Got that one, too.</p> <p>20 MR. PROFITA: Okay. Good. So what</p> <p>21 concerns are raised by the Fire Chief?</p> <p>22 MR. LUGLIO: Basically, this one</p> <p>23 from the Fire Chief is the projected traffic</p> <p>24 situation, the drop off and pick up along with the</p> <p>25 egress on Fifth can cause a problem with the</p>	144	<p>1 well.</p> <p>2 MR. PROFITA: What was the concern</p> <p>3 raised in that letter?</p> <p>4 MR. LUGLIO: I think this one was</p> <p>5 the last paragraph, ingress from Sylvan Avenue onto</p> <p>6 a common driveway and egress onto a narrow dead end</p> <p>7 two-way street, Fifth can create a difficult</p> <p>8 situation for traffic of fire apparatus</p> <p>9 particularly during the times of drop off and pick</p> <p>10 up as a result of insufficient parking spaces. So</p> <p>11 I think we talked about this as well, during pick</p> <p>12 up or drop off, if something is happening, we would</p> <p>13 suspend this operation and block off the entrance</p> <p>14 and the exit and depending on where it occurred,</p> <p>15 you would still be able to get emergency equipment</p> <p>16 in.</p> <p>17 MR. PROFITA: Now, in your opinion</p> <p>18 does this plan, and having the exit drive along the</p> <p>19 southerly boarder of the property, is that a better</p> <p>20 situation or a worse situation than the existing</p> <p>21 building that's on the site?</p> <p>22 MR. LUGLIO: Well, as far as traffic</p> <p>23 flow, it's definitely a benefit because we have two</p> <p>24 access points. It's really circulating through the</p> <p>25 site, there's no reason to turn around onto this</p>
143	<p>1 emergency units. So I did talk about this a little</p> <p>2 bit, again, going back to a 9, as far as a fire</p> <p>3 truck gaining access to the site -- well, first of</p> <p>4 all, if there's an active fire or some emergency,</p> <p>5 we were not going to continue to process vehicles</p> <p>6 into the site. That's just normal, right. So if</p> <p>7 an ambulance had to come in, they will be able to</p> <p>8 come in directly to the front door. If it was a</p> <p>9 fire apparatus of any kind, either they could</p> <p>10 station in the parking area between Wild Flowers</p> <p>11 and the proposed building or as I said before on 6</p> <p>12 Sylvan or 2500 in those parking areas to gain</p> <p>13 access to the site.</p> <p>14 MR. PROFITA: And in an emergency</p> <p>15 situation like a fire, would you block off the</p> <p>16 entrance into the site of that Sylvan Avenue and</p> <p>17 then just clear out the queue? Nobody is going to</p> <p>18 go to the center if it's on fire.</p> <p>19 MR. LUGLIO: Yes. Most likely, they</p> <p>20 would most likely block off the entire driveway for</p> <p>21 vehicles coming or going.</p> <p>22 MR. PROFITA: And then did you look</p> <p>23 at the letter from the Fire Official dated June 12,</p> <p>24 2013?</p> <p>25 MR. LUGLIO: Yes. I saw that one as</p>	145	<p>1 narrow site. The existing building today, you</p> <p>2 can't gain access around the building at all so it</p> <p>3 is a better plan.</p> <p>4 MR. PROFITA: From a fire access, a</p> <p>5 fire equipment, emergency equipment standpoint.</p> <p>6 MR. LUGLIO: I think from a fire</p> <p>7 equipment standpoint, the benefit is that now, we</p> <p>8 have access through the site, so they can get</p> <p>9 closer to the building depending on what that</p> <p>10 emergency is, and if it is something that is</p> <p>11 larger, again, you could still have both parking</p> <p>12 lots on either side or even Fifth Street, from the</p> <p>13 easterly side.</p> <p>14 MR. PROFITA: Now, you also received</p> <p>15 letters from the Police Department. Correct?</p> <p>16 MR. LUGLIO: Yes.</p> <p>17 MR. PROFITA: And you have the</p> <p>18 letter dated June 19, 2013?</p> <p>19 MR. LUGLIO: From the Police Chief.</p> <p>20 MR. PROFITA: There's two. Correct?</p> <p>21 MR. LUGLIO: Yes.</p> <p>22 MR. PROFITA: Okay. Let's start</p> <p>23 with the letter from the Police Chief and what</p> <p>24 concerns have been raised by the Police Chief?</p> <p>25 MR. LUGLIO: I think mainly in the</p>

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1 first paragraph, the Police Chief is talking about
 2 the extreme limited amount of parking, issue of the
 3 number of staff and the 9 parking spaces that are
 4 provided.
 5 MR. PROFITA: We are going to talk
 6 about that in a little while.
 7 MR. LUGLIO: Vehicles entering again
 8 on Sylvan specifically southbound crossing over a
 9 couple lanes of traffic into the site. Again, from
 10 a driveway standpoint, as you can see, there are
 11 many driveways on that easterly side of Sylvan that
 12 you can make a left turn into those driveways.
 13 Cafe Tivoli I believe it is a good example of that.
 14 MR. PROFITA: Cafe Italiano.
 15 MR. LUGLIO: Cafe Italiano. I had
 16 the wrong restaurant, so as far as these existing
 17 buildings are concerned, even 2500 in Fort Lee, the
 18 left turn can be accommodated because of the gap in
 19 traffic that the signal creates.
 20 Now, if it becomes, and I always
 21 caution people when I'm doing work anywhere near
 22 the George Washington Bridge, if there's a major
 23 backup on the bridge and everything is congested,
 24 then all bets are off because there's traffic
 25 congestion, but on an average day, there would

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1 still be enough gaps in traffic to complete that
 2 left-hand turn coming into the site.
 3 If people are not comfortable with
 4 it, again there's still another way that you could
 5 continue south, turn around and then you are make a
 6 right turn into the site, but I don't think that
 7 left turn into the site for the 75%, actually 25%
 8 of the vehicles turning into the site is going to
 9 be an issue at all.
 10 MR. PROFITA: And what other
 11 concerns are raised in the letter from the Police
 12 Chief?
 13 MR. LUGLIO: Okay. On the next
 14 page, the Police Chief talks about all traffic is
 15 flowing onto Fifth Street in Fort Lee, which is a
 16 narrow street, it already has vehicles parking in
 17 front of residents, which they are really not many
 18 at all. These residents on the eastern side, many
 19 of them have driveways and garages in them, but
 20 even if there are.
 21 MR. PROFITA: They are located in
 22 Fort Lee?
 23 MR. LUGLIO: Yes. Located in Fort
 24 Lee. But even if they didn't, it's a 33-foot wide
 25 roadway Fifth Street is, and so I think it meets

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1 the residential site improvement standards and just
 2 roadway dimensions.
 3 MR. PROFITA: So in order words, if
 4 someone were parked in front of a resident on the
 5 east side of Fifth Street, you could still
 6 accommodate two-way traffic?
 7 MR. LUGLIO: Definitely.
 8 Definitely.
 9 MR. PROFITA: Any other concerns
 10 raised?
 11 MR. LUGLIO: In the event of an
 12 emergency, a car fire or a building fire or medical
 13 emergency, it would be difficult to obtain
 14 immediate access during the opening and closing of
 15 the school. So again, we would suspend any type of
 16 operation, if there was some kind of emergency, and
 17 he went on to talk about emergency evacuation of
 18 the daycare center, and it presents some serious
 19 safety issues at the location of the driveway.
 20 Obviously, there will be some, once
 21 it's opened and operational, some fire drill or
 22 areas that are allocated for people that are
 23 occupants in the building to go to. That hasn't
 24 been hashed out at this point, but I'm sure that it
 25 will, and the Building Code Department and the Fire

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1 Code Officials will definitely have that.
 2 I don't see the site plan or that
 3 neighboring parking areas preventing an evacuation
 4 of the building. Even if the play area on top has
 5 to be evacuated, it obviously can be and they will
 6 utilize the stairs instead of the elevator in that
 7 circumstance. He did go onto talk about a Homeland
 8 Security concern, but I'm not sure exactly what he
 9 means by that. And the use of adjacent property
 10 for ingress and egress, although possible is not
 11 favorable. He's talking about the shared access
 12 point that we have with the ingress coming in off
 13 of Sylvan, and I think has been testified tonight,
 14 that would run with the land.
 15 MR. PROFITA: Yes.
 16 MR. LUGLIO: And so I think that was
 17 it for his letter.
 18 MR. PROFITA: And then there would
 19 also have to be easements granted by Lot 2 to Lot 1
 20 for that ingress and egress. Correct?
 21 MR. LUGLIO: Yes.
 22 MR. PROFITA: And easements for the
 23 shared parking. Part of the space is allocated to
 24 Wild Flowers or located partially.
 25 MR. LUGLIO: Wild Flowers, yes. Two

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1 and a half, yeah.
 2 MR. PROFITA: And those would be
 3 submitted to the Board Attorney for review?
 4 MR. LUGLIO: Yes.
 5 MR. PROFITA: And you talked about
 6 the delivery to Wild Flowers. What kind of
 7 deliveries are anticipated for the childcare
 8 center?
 9 MR. LUGLIO: The childcare center, a
 10 box-truck type of delivery really for paper
 11 products, nothing that's large scale. Once they
 12 were all moved in, and I would imagine that even
 13 from a Fed Ex delivery, would still travel the same
 14 path. Normally, I would say if the building was a
 15 little closer, I would say the Fed Ex truck or UPS
 16 would park on Sylvan, and then just walk in, and
 17 they possibly could do that, they have been known
 18 to park in some strange places, but in this case,
 19 it's very favorable during the day really just to
 20 pull up and be able to drop off the package and
 21 leave.
 22 MR. PROFITA: Okay.
 23 MR. LUGLIO: That's about a
 24 two-minute operation as well.
 25 MR. PROFITA: The front desk is

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1 right by the door?
 2 MR. LUGLIO: That's right.
 3 MR. PROFITA: And I just have to ask
 4 the young lady if her fingers are falling off.
 5 THE COURT REPORTER: I'm fine.
 6 MR. KATES: Will there be testimony
 7 from management about hours of operation?
 8 MR. PROFITA: Yes.
 9 CHAIRMAN FEHRE: I think we need a
 10 break.
 11 MR. CHINMAN: I want to get home.
 12 MR. PROFITA: Just so you know, I'll
 13 have some more testimony from Mr. Luglio, which
 14 will concern parking that will be provided at 44
 15 Sylvan Avenue, and maybe we can just show that, and
 16 I note which is also owned by companies controlled
 17 by K. W. Liu and that will finish Mr. Luglio's
 18 testimony. I have testimony from Mr. Liu, which
 19 will be relatively short, and I have testimony from
 20 the proposed tenant, which would be relatively
 21 short.
 22 CHAIRMAN FEHRE: Why don't we take a
 23 five-minute break now if that's possible. Would
 24 that disturb your flow?
 25 MR. PROFITA: That's fine.

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1 (A short recess was taken.)
 2 MR. PROFITA: I do have additional
 3 questions of Mr. Luglio. So if you would like, we
 4 can finish that and continue the application next
 5 week. Is that what the Board would prefer?
 6 CHAIRMAN FEHRE: I would like to.
 7 How much longer would it be to go through all of
 8 your witnesses tonight?
 9 MR. PROFITA: I would say roughly
 10 half an hour.
 11 CHAIRMAN FEHRE: All right. Let's
 12 do that and then we will break and then the public
 13 will be able to ask questions at the next meeting,
 14 which is on next Thursday. We have two
 15 applications next Thursday, that we already
 16 postponed so we will be putting them second and you
 17 will be starting first Thursday.
 18 MR. PROFITA: Okay.
 19 CHAIRMAN FEHRE: We will finish
 20 tonight with all your witnesses and questioning by
 21 the Board.
 22 MR. PROFITA: Yes. If that's the
 23 pleasure of the Board, whatever, we are here.
 24 CHAIRMAN FEHRE: So we are clear, we
 25 will do that on Thursday.

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1 MS. SCANCARELLA: Excuse me. Just
 2 so you know, I already spoke with her, the
 3 transcript will get to me by Monday of next week so
 4 it can get to the Board members. We are having a
 5 conflict with the Board members so they will have a
 6 chance to read it so I just wanted to let you know,
 7 we are going to rush it.
 8 MR. PROFITA: Yes, she will. Thank
 9 you.
 10 Ms. Luglio, before we broke, we were
 11 talking about two other buildings in Englewood
 12 Cliffs, one at 140 Van Nostrand Avenue and one at
 13 44 Sylvan Avenue.
 14 MR. LUGLIO: Yes.
 15 MR. PROFITA: You are familiar with
 16 those buildings?
 17 MR. LUGLIO: I am.
 18 MR. PROFITA: And can you just
 19 describe to the Board what those two buildings are?
 20 MR. LUGLIO: These buildings on
 21 A-10, the upper right hand corner, the bulk are
 22 office buildings and one provides for roughly 159
 23 parking spaces, and the other building provides for
 24 I think 40 parking spaces.
 25 MR. PROFITA: Let me I guess we are

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1 up to A-11. Let me mark this as A-11.
 2 MR. KATES: Yes. Is that your copy?
 3 MR. PROFITA: I do. I have copies.
 4 MR. KIM: Do you have one?
 5 MR. PROFITA: I do have one. I'll
 6 represent to the Board that A-11 is parking space
 7 count log that has been maintained by Mr. K.W. Liu
 8 who will testify as to it.
 9 AUDIENCE MEMBER: Could you use the
 10 microphone so we can hear you?
 11 MR. PROFITA: Sure. A-11 is a
 12 parking space utilization log that was prepared by
 13 Mr. Liu. Mr. Liu will testify later on about it,
 14 but I need to just use the figures on here to
 15 finish the testimony for Mr. Luglio.
 16 So, Mr. Luglio, the building at 44
 17 Sylvan Avenue --
 18 MR. LUGLIO: Yes.
 19 MR. PROFITA: -- A-11 shows a total
 20 of 59 spaces.
 21 MR. LUGLIO: That's right.
 22 MR. PROFITA: And then there's a
 23 series of dates that have two columns, number of
 24 spaces, use and number of spaces vacant. Do you
 25 see that?

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1 MR. LUGLIO: Yes.
 2 MR. PROFITA: And then at the
 3 bottom, there's a daily average, percentage of used
 4 to vacant, and then there's empty spaces in the
 5 building of 12%, so in order to adjust those
 6 numbers to full occupancy you have to go through
 7 the map as you see it.
 8 MR. LUGLIO: Yes.
 9 MR. PROFITA: Do you understand
 10 that?
 11 MR. LUGLIO: Yes.
 12 MR. PROFITA: And then at the
 13 bottom, there's an adjusted daily average number of
 14 vacant spaces for 44 Sylvan Avenue, which is 18,
 15 and for 120 Van Nostrand which is 24 for a total
 16 average of 42.
 17 MR. LUGLIO: That's right. Yes.
 18 MR. PROFITA: And there's just a raw
 19 daily average which has not been adjusted for the
 20 current vacant portions of those buildings. Do you
 21 see that?
 22 MR. LUGLIO: Yes.
 23 MR. PROFITA: And you are familiar
 24 with this Exhibit?
 25 MR. LUGLIO: Correct. Yes.

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1 MR. PROFITA: And so having looked
 2 at that, is it your opinion that there are
 3 available parking spaces for use at those two
 4 buildings?
 5 MR. LUGLIO: Yes. Definitely.
 6 MR. PROFITA: And how far is it from
 7 120 and 44 Sylvan Avenue, how far is it to go to
 8 the site for an employee who is parking at one of
 9 those two buildings to go to the childcare center?
 10 MR. LUGLIO: What I did on A-10 was
 11 to draw these radius circles in yellow, green and
 12 other yellow, and at a distance of 250, 500 feet
 13 and a 1,000 feet so it's just beyond a 1,000 feet
 14 for 120 and 44 Sylvan, for it's basically about a
 15 two block walk, and there's sidewalks that are
 16 provided along Sylvan, so that employee can park
 17 there and be able to get to the site.
 18 MR. PROFITA: And would employees
 19 also be able to meet and park on Van Nostrand and
 20 Sylvan Avenue at the corner of those two buildings
 21 and then one of the employees drive or 4 or 5 of
 22 them and park at the childcare center in the
 23 designated spaces?
 24 MR. LUGLIO: Sure.
 25 MR. PROFITA: And having looked at

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1 the figures -- well, let's do something else first.
 2 You are familiar with the Institute of
 3 Transportation Engineers?
 4 MR. LUGLIO: Yes.
 5 MR. PROFITA: And have they
 6 developed average demand standards for parking
 7 requirements?
 8 MR. LUGLIO: Yes. The ITE has a
 9 parking generation manual and for these types of
 10 mixed use office buildings, generally it's 4 per
 11 1,000, 4 spaces per 1,000 square feet that would be
 12 required.
 13 MR. PROFITA: That's more lenient
 14 than the Englewood Cliffs zoning ordinance?
 15 MR. LUGLIO: Yes. That 5 per 1,000.
 16 MR. PROFITA: And did you look at
 17 the square footages of these buildings and
 18 determine if the 4 per 1,000 which is 1 per
 19 250 feet, square feet.
 20 MR. LUGLIO: Yes.
 21 MR. PROFITA: If that the standard
 22 we're utilizing, whether there is excess parking at
 23 these two buildings?
 24 MR. LUGLIO: Just based on that,
 25 building number one, which is 44 Sylvan, the net

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1 building area is just over 12,000 square feet, and
 2 if we apply the 5 per 1,000, then we need 61
 3 parking spaces and 59 are available. But if we use
 4 the 4 per 1,000, we would have 49 parking spaces
 5 that would be required. So we basically would have
 6 additional parking spaces on the site, based on
 7 that 4 per 1,000.
 8 MR. PROFITA: So you would have 10
 9 additional cars?
 10 MR. LUGLIO: Yes.
 11 MR. KATES: But based upon the
 12 Englewood Cliffs zoning ordinance, 59 spaces are
 13 two less than will be required for full occupancy?
 14 MR. LUGLIO: That is correct. Based
 15 on the 5 per 1,000.
 16 MR. KATES: How could you loan them
 17 to this site if you are underutilized at that site?
 18 MR. LUGLIO: The reality is that 5
 19 per 1,000 is for shopping center parking
 20 generation. 4 per 1,000 based on the ITE,
 21 thousands of studies that have been done, the 4 per
 22 1,000 and slightly even less than that, but the 4
 23 per 1,000 is really the ideal number that you need,
 24 and this has been a struggle with respect to Boards
 25 and Engineers about providing enough parking, but

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1 not too much parking because then you have a whole
 2 bunch of asphalt that's not being utilized.
 3 So what we are saying here is that
 4 even based on the count information, the actual
 5 number of parked cars, it's not even close to
 6 requiring the 5 per 1,000, based on the actual
 7 observations that have been done at both
 8 properties. So that's really the line that we are
 9 moving towards here. The actual operation and
 10 what's required on these two sites is more in line
 11 with the 4 per 1,000, and it's actually even a
 12 little bit less than that, but the 4 per 1,000 rate
 13 should really apply and that's why we have, we have
 14 parking that's associated with it.
 15 MR. KATES: 4 per 1,000 is how many
 16 spaces?
 17 MR. LUGLIO: 4 per 1,000 is 49
 18 parking spaces.
 19 MR. CHINMAN: That's 120 Van
 20 Nostrand?
 21 MR. PROFITA: That's 44 Sylvan.
 22 MR. LUGLIO: 44 Sylvan. And 120 Van
 23 Nostrand is the net building area is 8,800 and it
 24 has 40 parking spaces, and if we were to use the 5
 25 per 1,000, we need 44 parking spaces, and the 4 per

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1 1,000 is 36 parking spaces.
 2 VICE CHAIRPERSON ROSENBERG: Have
 3 you actually done a field study on these buildings?
 4 MR. LUGLIO: On these two buildings?
 5 MR. PROFITA: Yes.
 6 VICE CHAIRPERSON ROSENBERG: Yes.
 7 MR. LUGLIO: That's what A-11 is,
 8 and I have as well, and my numbers are basically in
 9 line with what Mr. Liu has come up with as well. I
 10 have photos and I have video of the buildings on
 11 different occasions, about three different
 12 occasions that I went there.
 13 VICE CHAIRPERSON ROSENBERG: Is that
 14 nail salon still in business?
 15 MR. LUGLIO: The nail salon is.
 16 VICE CHAIRPERSON ROSENBERG: On the
 17 first floor, that's a rather crowded parking lot.
 18 MR. LUGLIO: Again, there's not been
 19 a time that I have been there that all the parking
 20 spaces have been filled.
 21 VICE CHAIRPERSON ROSENBERG: And
 22 when have you been there?
 23 MR. LUGLIO: I went there at
 24 11 o'clock. I went there at 3 o'clock and I also
 25 went there at 6 o'clock. I've been there different

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1 times during the day, taken photos and videos of
 2 how many cars are really parked there. So we try
 3 to do different parts of the day, just so we get a
 4 good average.
 5 MR. CHINMAN: Is there medical in
 6 those buildings?
 7 MR. LUGLIO: There is office space
 8 there.
 9 MR. CHINMAN: Is there a different
 10 requirement for medical space than office space?
 11 MR. LUGLIO: Yes. If it were
 12 doctors that were seeing patients there. If it's a
 13 medical office, it really is part of the same
 14 office complex, it is a mixed-use building so in
 15 that regard, we would look at it as all office.
 16 If additional studies between now
 17 and the next time we are back here next week or we
 18 could look at the parking 3 or 4 different times a
 19 day, just to give the Board again another set of
 20 data, but what the point is there is spaces that
 21 are never utilized in both of these sites.
 22 MR. CHINMAN: How about the site
 23 right next door, he owns that office building?
 24 MR. LUGLIO: This one in Fort Lee?
 25 (Indicating.)

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<p>1 MR. CHINMAN: Yes.</p> <p>2 MR. LUGLIO: This one in Fort Lee,</p> <p>3 right?</p> <p>4 MR. CHINMAN: Yes.</p> <p>5 MR. LUGLIO: There are also parking</p> <p>6 spaces that are available there.</p> <p>7 MR. CHINMAN: Can he assign part of</p> <p>8 the 10 spaces to that?</p> <p>9 MR. LUGLIO: I think the purpose of</p> <p>10 utilizing those two areas that are up there or</p> <p>11 those two sites, that we were in Englewood Cliffs</p> <p>12 and to keep the staff parking there in the same</p> <p>13 municipality was the first focus. The reality is</p> <p>14 that there are available spaces in 2500 as well,</p> <p>15 and is that something that we could talk about,</p> <p>16 sure, we can. I mean the combination of three</p> <p>17 buildings, we have ample parking.</p> <p>18 CHAIRMAN FEHRE: Suppose something</p> <p>19 went wrong and people wound up parking on the</p> <p>20 street at one of those other properties, we</p> <p>21 couldn't really allow that I don't think, but let's</p> <p>22 say something did go wrong with all your</p> <p>23 calculations and people did wind up parking let's</p> <p>24 say on Van Nostrand in the street, would you then</p> <p>25 go someplace else, for example, and lease some</p>	<p>1 permit that if in the event the available spaces at</p> <p>2 120 Van Nostrand and 44 Sylvan evaporated somehow,</p> <p>3 they will make other arrangements. They were</p> <p>4 thinking of putting 12 spaces there.</p> <p>5 CHAIRMAN FEHRE: Every time I go up</p> <p>6 to that area there, this D3 zone, I see so many</p> <p>7 empty parking spaces. One guy's got a piece of</p> <p>8 property here and he's got a bunch of empty spaces</p> <p>9 and the same thing with the guy next to him.</p> <p>10 MR. PROFITA: It is.</p> <p>11 CHAIRMAN FEHRE: If they could only</p> <p>12 share those parking spaces in some way we could do</p> <p>13 one of two things, we could allow larger buildings</p> <p>14 or have more green space because right now there's</p> <p>15 so many areas. Some areas are problematic in town,</p> <p>16 but other areas have too much asphalt. I think</p> <p>17 sharing of parking spaces will help to alleviate</p> <p>18 that situation.</p> <p>19 MR. PROFITA: Right. From the</p> <p>20 applications of the large office campuses, you</p> <p>21 know, you can see from the photos a sea of</p> <p>22 concrete, it's empty every day.</p> <p>23 CHAIRMAN FEHRE: Every day, yes.</p> <p>24 MR. PROFITA: We have counted them</p> <p>25 for a month, they are empty.</p>	
<p>1 parking spaces from another property?</p> <p>2 For example, I'm just thinking as an</p> <p>3 example from a restaurant who is not using this</p> <p>4 property during the day, during when you need it,</p> <p>5 they only need it at night or on weekends, would</p> <p>6 that be something that you could do?</p> <p>7 MR. LUGLIO: I would agree that if</p> <p>8 three different buildings or even these two</p> <p>9 properties that we talked about for some reason</p> <p>10 didn't work out, yes, that would definitely be an</p> <p>11 option to lease space for the staff parking.</p> <p>12 CHAIRMAN FEHRE: Because we simply</p> <p>13 can't have parking on the street.</p> <p>14 MR. LUGLIO: I agree with that.</p> <p>15 MR. PROFITA: The way we've</p> <p>16 approached this is that even though we are exempt</p> <p>17 from parking requirements, we are not insensitive</p> <p>18 to the need for parking. And we felt that this</p> <p>19 building is owned by related owner, you know, the</p> <p>20 counts are fairly, you know, steady of a lot of</p> <p>21 empty spaces, and so it's really not difficult to</p> <p>22 get from there to there, that's why 2500 Lemoine</p> <p>23 Avenue, there are also empty spaces there. However</p> <p>24 we wanted to, you know, keep the situation in</p> <p>25 Englewood Cliffs if the applicant would certainly</p>	<p>1 CHAIRMAN FEHRE: I'd rather we had</p> <p>2 grass or trees or something like that.</p> <p>3 MR. PROFITA: Really, if you look at</p> <p>4 the numbers here, the raw numbers of spaces that</p> <p>5 are empty between the two buildings, you got 25,</p> <p>6 32, you got a total of 57 something empty spaces.</p> <p>7 CHAIRMAN FEHRE: The areas in town</p> <p>8 which does not seem to be enough parking, right</p> <p>9 next to that, you will see some property with a lot</p> <p>10 of empty spaces, so why can't people share their</p> <p>11 parking.</p> <p>12 MR. PROFITA: Well, that's what we</p> <p>13 are trying to get at here, and is it a perfect</p> <p>14 concept, I don't know, but as I said certainly if,</p> <p>15 in fact, in practice it works out where there are</p> <p>16 no available spaces at these two building then the</p> <p>17 applicant would commit to replace that somewhere,</p> <p>18 and, you know, the building next door that's an</p> <p>19 option too. There's other buildings that the</p> <p>20 applicant, a related party to the applicant owns so</p> <p>21 it's not an impossible situation, and as I said,</p> <p>22 they are not insensitive to the employee parking</p> <p>23 situation. You know, they want to provide it.</p> <p>24 They want to provide employee parking. So the</p> <p>25 proposal would be to provide 12 spaces between</p>	

166	<p>1 those two buildings. Correct?</p> <p>2 MR. LUGLIO: That's right.</p> <p>3 MR. PROFITA: And then they have the</p> <p>4 5 on site, 1 is handicap that gives you 16 which is</p> <p>5 more than the anticipated number of employees on</p> <p>6 site?</p> <p>7 MR. LUGLIO: That's correct. And</p> <p>8 the last part of that is there's also public</p> <p>9 transportation, and at some level, some level of</p> <p>10 staff will utilize that. Obviously, we don't know</p> <p>11 what that level is, but there is frequent bus</p> <p>12 transportation that's up and down Sylvan.</p> <p>13 MR. PROFITA: Are you showing bus</p> <p>14 stops? You have shown bus stops on exhibit A 11?</p> <p>15 MR. LUGLIO: I have one at Lemoine</p> <p>16 and Washington and another at Sylvan and Bayview.</p> <p>17 MR. PROFITA: I don't have any</p> <p>18 further questions of Mr. Luglio.</p> <p>19 CHAIRMAN FEHRE: Anybody from the</p> <p>20 Board would like to ask a question? Mr. Mirandi.</p> <p>21 MR. MIRANDI: Thank you,</p> <p>22 Mr. Chairman, there are some testimony regarding</p> <p>23 staff members that would provide some traffic</p> <p>24 control. Are you the witness to detail a little</p> <p>25 more of that or would that be by the operator?</p>	168	<p>1 person, that's basically here for the drop off.</p> <p>2 (Indicating) So, all that person is doing is</p> <p>3 making sure that we have three cars coming in at</p> <p>4 the time, that someone is there, a representative</p> <p>5 of the tenant and of the daycare center, so that</p> <p>6 you have some order of coming onto the site. After</p> <p>7 that, there's really not much more that that person</p> <p>8 is going to do, other than guide and direct the</p> <p>9 vehicles coming into the site.</p> <p>10 MR. MIRANDI: And is there a</p> <p>11 designated time that that person would be available</p> <p>12 outside or just peak hours?</p> <p>13 MR. LUGLIO: No. Normally it will</p> <p>14 be from the beginning when people start to drop off</p> <p>15 the children so I would say anywhere from probably</p> <p>16 7 to 9 o'clock that that person would be out there.</p> <p>17 MR. PROFITA: And in afternoon?</p> <p>18 MR. LUGLIO: And again, in the</p> <p>19 afternoon, and you will hear from the perspective</p> <p>20 tenant, but probably during the day, if there's a</p> <p>21 half day program, for that hour period or at least</p> <p>22 half hour period, and then in the evening, probably</p> <p>23 starting at 4:30, and running until everyone is</p> <p>24 done.</p> <p>25 MR. MIRANDI: Now, I also heard a</p>
167	<p>1 MR. LUGLIO: I can give it a shot.</p> <p>2 MR. PROFITA: You understand the</p> <p>3 question?</p> <p>4 MR. LUGLIO: I do.</p> <p>5 MR. PROFITA: Mr. Luglio will be the</p> <p>6 one speaking on that.</p> <p>7 MR. DOOLY: That doesn't give us</p> <p>8 much confidence when you say a shot.</p> <p>9 MR. LUGLIO: I thought he had a</p> <p>10 follow-up question to that --</p> <p>11 MR. MIRANDI: I will.</p> <p>12 MR. LUGLIO: -- as far as how it's</p> <p>13 going to be controlled.</p> <p>14 MR. TROVATO: A flashlight and a</p> <p>15 whistle.</p> <p>16 MR. LUGLIO: This is not rocket</p> <p>17 science, and basically, this goes back to the</p> <p>18 orientation of the parents and have them know, this</p> <p>19 is the person that's going to be here, every</p> <p>20 morning guiding you into the drop off area. You</p> <p>21 got to listen to that person, whoever that person</p> <p>22 is. So you have one person that's here, and again</p> <p>23 this is similar to the Tenafly school is that they</p> <p>24 have one person that's directing the traffic as</p> <p>25 they are coming in, and then they have another</p>	169	<p>1 comment from one of the Board members about a</p> <p>2 whistle and a flashlight, and I may add a stop sign</p> <p>3 or a safety vest. Is there any provision for that?</p> <p>4 MR. LUGLIO: Definitely a safety</p> <p>5 vest. I'm not sure about the whistle, but probably</p> <p>6 a flashlight as well because of the darkness for</p> <p>7 the winter hours, but definitely a safety vest.</p> <p>8 That's a standard thing, so that it is really an</p> <p>9 official person. It's similar to a crossing guard,</p> <p>10 but there's no street that people are crossing.</p> <p>11 MR. MIRANDI: Thank you.</p> <p>12 VICE CHAIRPERSON ROSENBERG: Did you</p> <p>13 make any allowances for possibly a security guard?</p> <p>14 MR. LUGLIO: A security guard to do</p> <p>15 this function?</p> <p>16 VICE CHAIRPERSON ROSENBERG: Or car.</p> <p>17 A lot of the communities and the schools, and I'm</p> <p>18 not sure if it's daycare as well, have either a</p> <p>19 police that now employed by the schools or the</p> <p>20 facility for safety.</p> <p>21 MR. LUGLIO: I'm sure that's a</p> <p>22 possibility.</p> <p>23 VICE CHAIRPERSON ROSENBERG: Would</p> <p>24 there be room for a marked car in the front?</p> <p>25 MR. LUGLIO: In the front of the</p>

170	<p>1 property itself, I'm not sure if we needed that, a 2 marked car. That's something that you could 3 probably talk to the tenant about. I'm sure what 4 the purpose of a marked car does but. 5 VICE CHAIRPERSON ROSENBERG: Well 6 it's visibility for security to the outside world. 7 MR. PROFITA: Is this really a 8 critical element of the orientation that takes 9 place with the parents? 10 MR. LUGLIO: Definitely. 11 MR. PROFITA: They have to 12 understand this is the procedure, this is the way 13 it works, this is the way you are going to get in 14 here and get out of here and get to work. 15 MR. LUGLIO: Yes. 16 MR. PROFITA: I mean it's an 17 educational process really. 18 MR. LUGLIO: It is, and it's just 19 like this. It's a board, it's a printout, you 20 explain everything to them, so again, after the 21 first week, it is pretty routine. 22 CHAIRMAN FEHRE: If there are no 23 questions from the Board anymore for this witness, 24 we will go onto the next witness. 25 MR. PROFITA: Yes. Mr. K.W. Liu</p>	172	<p>1 MR. PROFITA: And it was earlier 2 mentioned that you are the managing member of 2500 3 Lemoine Avenue in Fort Lee. 4 MR. LIU: Yes. 5 MR. PROFITA: And you are also part 6 of the ownership? 7 MR. LIU: Yes. 8 MR. PROFITA: And you are also the 9 managing member of 4 Fifth Street Associates. 10 Correct? 11 MR. LIU: Yes. 12 MR. PROFITA: And 4 Fifth Street 13 Associates recently acquired the 150 by 100 14 residential parcel across from this proposed 15 development? 16 MR. LIU: Yes. 17 MR. PROFITA: And do you have any 18 plans for that at the present time? 19 MR. LIU: At this point, no. 20 MR. PROFITA: You understand it's 21 residential property? 22 MR. LIU: I understand. 23 MR. PROFITA: And you are also a 24 managing member of 2 Sylvan Associates, LLC. 25 Correct?</p>
171	<p>1 please. 2 MR. KATES: Mr. Liu, would you raise 3 your right hand. 4 (Whereupon, Mr. Liu is sworn in by 5 Mr. Kates.) 6 MR. KATES: Spell your full name 7 please. 8 MR. LIU: Kuo Win Liu. 9 MR. KATES: Spell it, please. 10 MR. LIU: K-U-O, W-I-N, last name is 11 L-I-U. 12 MR. KATES: And your address. 13 MR. LIU: 575 Summit Street, 14 Englewood Cliffs. 15 MR. KATES: Your witness. 16 MR. PROFITA: Mr. Liu, can you tell 17 me what your current occupation is? Tell the 18 Board. 19 MR. LIU: Oh, okay. 20 MR. PROFITA: I already know. 21 MR. LIU: My occupation is real 22 estate investment. 23 MR. PROFITA: And how long have you 24 been involved in real estate investments? 25 MR. LIU: Over 30 years.</p>	173	<p>1 MR. LIU: Correct. 2 MR. PROFITA: And 2 Sylvan 3 Associates recently acquired title to Block 201, 4 Lot 2, which is the Wild Flowers' site. Correct? 5 MR. LIU: Correct. 6 MR. PROFITA: And you do understand 7 that access to the proposed childcare center is 8 through that lot? 9 MR. LIU: Yes, I do. 10 MR. PROFITA: And you are willing to 11 enter into an easement agreement in order to 12 provide access through Lot 2, in order to allow 13 vehicles to travel to the new building and out onto 14 Fifth Street? 15 MR. LIU: Yes. 16 MR. PROFITA: And also you are 17 willing to grant an easement to allow the existence 18 of the parking spaces that are partially located on 19 Lot 2? 20 MR. LIU: Yes. 21 MR. PROFITA: That are going to be 22 allocated to be used by the new childcare center? 23 MR. LIU: Yes. 24 MR. PROFITA: And how long have you 25 been involved in the ownership of 2500 Lemoine</p>

174	<p>1 Avenue?</p> <p>2 MR. LIU: Since mid 80s.</p> <p>3 MR. PROFITA: 1980's?</p> <p>4 MR. LIU: Yes.</p> <p>5 MR. PROFITA: So having owned that</p> <p>6 property, you go there often?</p> <p>7 MR. LIU: Yes.</p> <p>8 MR. PROFITA: And how often do you</p> <p>9 go there?</p> <p>10 MR. LIU: I work there for over 20</p> <p>11 years every day, and I've moved into another</p> <p>12 building, last couple years to consolidate the</p> <p>13 office.</p> <p>14 MR. PROFITA: So being involved in</p> <p>15 the ownership of that building at 2500 and the new</p> <p>16 vacant lot, the vacant lot that you recently</p> <p>17 purchased, do you have any concern that this</p> <p>18 proposed development by the company owned by your</p> <p>19 son is going to have some adverse impact?</p> <p>20 MR. LIU: I think this is better</p> <p>21 than the present one.</p> <p>22 MR. PROFITA: Okay. Now, you are</p> <p>23 also a managing member of Syl Associates, LLC.</p> <p>24 MR. LIU: Yes.</p> <p>25 MR. PROFITA: And Syl Associates,</p>	176	<p>1 MR. LIU: Yes.</p> <p>2 MR. PROFITA: And then the final</p> <p>3 column is spaces that were vacant, meaning they</p> <p>4 didn't have a vehicle?</p> <p>5 MR. LIU: Correct.</p> <p>6 MR. PROFITA: And then can you</p> <p>7 explain the calculation with the percentages at the</p> <p>8 bottom?</p> <p>9 MR. LIU: Basically what we said,</p> <p>10 out of 100% we only utilized 57% of the parking</p> <p>11 spaces for that whole building. Now, there's 12%</p> <p>12 vacancy so we increased the utilization by 12%, so</p> <p>13 we came out with 68%, and then we take that number</p> <p>14 times total space required, and then from that you</p> <p>15 reduce the usage and you get the net so raw vacant</p> <p>16 spaces available.</p> <p>17 MR. PROFITA: So you adjusted the</p> <p>18 raw number of vacant spaces to take into account</p> <p>19 that part of the building was not rented.</p> <p>20 MR. LIU: So what you are really</p> <p>21 seeing here is number of spaces after adjustment,</p> <p>22 we have 42 spaces.</p> <p>23 MR. PROFITA: Between the two?</p> <p>24 MR. LIU: Assuming it's under 100%</p> <p>25 under current situation.</p>
175	<p>1 LLC owns 44 Sylvan Avenue and 120 Van Nostrand?</p> <p>2 MR. LIU: Correct.</p> <p>3 MR. PROFITA: And how long have you</p> <p>4 been involved in the management of those buildings?</p> <p>5 MR. LIU: About 15 years.</p> <p>6 MR. PROFITA: Okay. And how often</p> <p>7 do you visit those buildings?</p> <p>8 MR. LIU: Probably weekly.</p> <p>9 MR. PROFITA: And now at my request,</p> <p>10 did you undertake a survey of the available parking</p> <p>11 spaces, of the total number of parking spaces and</p> <p>12 the available parking spaces on those sites?</p> <p>13 MR. LIU: Yes. We did every day</p> <p>14 between 10 and 11 in the morning.</p> <p>15 MR. PROFITA: And so this chart, you</p> <p>16 can hold onto that, just so the Board understands</p> <p>17 how it was prepared, the left-hand column is the</p> <p>18 date that the count was taken. Correct?</p> <p>19 MR. LIU: Correct.</p> <p>20 MR. PROFITA: And the next column is</p> <p>21 the total spaces on site. Correct?</p> <p>22 MR. LIU: Correct.</p> <p>23 MR. PROFITA: The next column is the</p> <p>24 number of spaces used, which means they had a</p> <p>25 vehicle in them?</p>	177	<p>1 MR. PROFITA: The actual number is</p> <p>2 57.</p> <p>3 MR. LIU: Yes.</p> <p>4 MR. PROFITA: But if you would</p> <p>5 adjust that for full occupancy of the building, is</p> <p>6 it typical with buildings of this sort that have</p> <p>7 some vacancy?</p> <p>8 MR. LIU: We have quite a few</p> <p>9 buildings around this area, most my buildings have</p> <p>10 a substantial vacancy, at least 30%. For example,</p> <p>11 we expanded 700 Palisade Avenue, we had about over</p> <p>12 50, 60 empty spaces. Even after we expanded, we</p> <p>13 still have about 40 spaces. When you take that</p> <p>14 into account, it's a high investment with no</p> <p>15 return.</p> <p>16 MR. PROFITA: Well, the point we</p> <p>17 want to make here is whether or not the figures</p> <p>18 that are shown here on this dates that you</p> <p>19 performed these counts, having been involved for</p> <p>20 15 years with these buildings, do you feel that</p> <p>21 these figures are representative of what the</p> <p>22 situation has been over that period of time?</p> <p>23 MR. LIU: My opinion, yes, no</p> <p>24 problem, but this is based on facts.</p> <p>25 MR. PROFITA: Right, and these were</p>

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179	<p>1 that?</p> <p>2 MR. PROFITA: Yes, recently. I'll</p> <p>3 ask the applicant. When was title closed?</p> <p>4 MR. LIU: April 30th.</p> <p>5 MR. PROFITA: April 30th, after this</p> <p>6 application.</p> <p>7 MR. KATES: April 18th was the date</p> <p>8 of the application.</p> <p>9 MR. PROFITA: Yes.</p> <p>10 MR. KATES: Right after that.</p> <p>11 MR. PROFITA: Title was closed after</p> <p>12 that.</p> <p>13 MR. KATES: Is the present owner</p> <p>14 Mr. Liu individually?</p> <p>15 MR. PROFITA: No. The present owner</p> <p>16 of Block 201, Lot 1, is 2 Fifth Street Associates,</p> <p>17 LLC.</p> <p>18 MR. KATES: Which is also the</p> <p>19 applicant?</p> <p>20 MR. PROFITA: Pardon me?</p> <p>21 MR. KATES: Which is also the</p> <p>22 applicant?</p> <p>23 MR. PROFITA: Who is also the</p> <p>24 applicant. Correct. It was the contract purchaser</p> <p>25 at the time of the application. The record owner</p>	181	<p>1 MR. KATES: What is the required</p> <p>2 number of outside parking spaces for that lot?</p> <p>3 MR. LIU: 3, but the person who is</p> <p>4 using it now, he normally uses 3, but</p> <p>5 occasionally --</p> <p>6 MR. KATES: I know that's used, but</p> <p>7 what about zoning?</p> <p>8 MR. LIU: Zoning, I don't know, but</p> <p>9 that was years ago. That's been there since</p> <p>10 Mr. MacPhail was born there and raised there so</p> <p>11 that's one of the first built houses in Englewood</p> <p>12 Cliffs.</p> <p>13 MR. KATES: It's really a</p> <p>14 single-family home that was converted?</p> <p>15 MR. LIU: Yes.</p> <p>16 MR. PROFITA: We can provide that</p> <p>17 information next week.</p> <p>18 MR. KATES: Okay.</p> <p>19 MR. PROFITA: Any other questions</p> <p>20 for Mr. Liu?</p> <p>21 CHAIRMAN FEHRE: That would be all I</p> <p>22 guess.</p> <p>23 MR. LIU: Thank you.</p> <p>24 MR. PROFITA: Thank you, Mr. Liu.</p> <p>25 Stephanie Chiang.</p>

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1 MR. KATES: Can you raise your
 2 right.
 3 (Whereupon, Ms. Chiang is sworn in by Mr.
 4 Kates.)
 5 MR. KATES: Give your name and
 6 spelling as well.
 7 MS. CHIANG: Stephanie Chiang,
 8 C-H-I-A-N-G.
 9 MR. KATES: And your address,
 10 please.
 11 MS. CHIANG: My residential address
 12 is 43 Fox Hill Road, Upper Saddle River, New
 13 Jersey.
 14 MR. KATES: Okay. Thank you.
 15 MR. PROFITA: Ms. Chiang, you have
 16 been negotiating a lease with 2 Fifth Street
 17 Associates; is that correct?
 18 MS. CHIANG: That is correct.
 19 MR. PROFITA: And is it your
 20 intention to enter into that lease if this project
 21 is approved?
 22 MS. CHIANG: Yes, it is.
 23 MR. PROFITA: And can you tell the
 24 Board something about your background and work
 25 experience?

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1 MS. CHIANG: Certainly. So I
 2 graduated from Stanford University and then spent
 3 the next few years on Wall Street, at Goldman Sachs
 4 as an Investment Research Analyst. Subsequent to
 5 that, I spent the next 13 years in Fortune 500 and
 6 Global 50 companies, including the likes of Siemens
 7 AG, where I was their Vice President of Business
 8 Development and Chief Financial Officer for one of
 9 their smaller medical affiliates. I then moved
 10 onto Eastman Kodak, where I ran their 40 million
 11 molecular industry division. Then most recently, I
 12 was at Becton Dickinson, reported directly to the
 13 office of the CEO with responsibility for
 14 enterprise strategy sourcing.
 15 MR. PROFITA: So why do you want to
 16 operate a childcare center?
 17 MS. CHIANG: Great question. So I
 18 have two daughters --
 19 MR. PROFITA: This is my own
 20 question.
 21 MS. CHIANG: It's sort of personal
 22 but I have two daughter ages 7 and 10, and as a
 23 dual working parent household we continually
 24 struggled to try to locate a real quality childcare
 25 facility that could meet the individual needs of

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1 our daughters, as well as accommodate our really
 2 hectic work schedule so when a change in the Board
 3 Chairman resulted in the elimination of my position
 4 and then, of course, the economic conditions where
 5 borrowing costs are at an all-time low and
 6 commercial vacancies seem to be quite high, we made
 7 a strategic decision to pursue our aspirations to
 8 start our own childcare facility.
 9 MR. PROFITA: Now, you understand
 10 that a childcare facility must be licensed by the
 11 New Jersey Department of Human Services?
 12 MS. CHIANG: Yes.
 13 MR. PROFITA: And you understand
 14 that a childcare center must be operated in
 15 accordance with the statutes and regulations
 16 promulgated by the State of New Jersey?
 17 MS. CHIANG: Yes. We understand
 18 that.
 19 MR. PROFITA: And now, how do you
 20 intend to see that those functions are properly
 21 carried out, not having any experience yourself in
 22 the childcare center operating business?
 23 MS. CHIANG: Sure. So we do plan to
 24 hire a Director, who will be, of course, degreed
 25 and experienced in early childhood education, and

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1 we do plan to compliment it with the depth and
 2 breadth of experience of an industry leading
 3 franchise.
 4 MR. PROFITA: And what do you
 5 anticipate the ages of the children to be who would
 6 attend this facility?
 7 MS. CHIANG: From 6 weeks to
 8 6 years.
 9 MR. PROFITA: And you are not
 10 affiliated with -- I mean the operation is not
 11 going to be that of a school, kindergarten
 12 through --
 13 MS. CHIANG: No.
 14 MR. PROFITA: -- through sixth
 15 grade?
 16 MS. CHIANG: No.
 17 MR. PROFITA: It's a childcare
 18 center. Correct?
 19 MS. CHIANG: Correct.
 20 MR. PROFITA: And what do you
 21 anticipate to be the hours of operation?
 22 MS. CHIANG: Right now we are
 23 anticipating 6:30 to 6:30 Monday through Friday.
 24 MR. PROFITA: And how does that
 25 break down throughout the day? Does everyone sign

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1 up for 6:30 to 6:30?
 2 MS. CHIANG: No. We are
 3 anticipating --
 4 MR. PROFITA: Tell the Board how you
 5 anticipate the flow of children take place.
 6 MS. CHIANG: Certainly. So we
 7 expect to be able to offer a half a day as well as
 8 a full day. I can't tell you the hours of
 9 operation because that will be demand driven so
 10 typically, it could be anywhere 4 the 6 hours. It
 11 could be from 9 to 1, 8 to 12, even 7 to 1. Again,
 12 we can, we can I guess stage the timing of the
 13 entry, but there would be a specific time they
 14 would be asked to come in and again, that would be
 15 demand driven and something that's determined at a
 16 later date.
 17 For a full day, it would be 6:30 to
 18 6:30 so the parents would have flexibility as to
 19 when they drop off in the morning and when they
 20 pick up in the afternoon, and then there would be
 21 core hours where we are looking to institute our
 22 programs uninterrupted. So for example, if you are
 23 a parent, we say try to drop your kids off anywhere
 24 between 6:30 and say 8:30, 9 o'clock, we will set
 25 those hours when we get closer to operation, and

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1 then pick up any time between let's say 4:30 to
 2 6:30.
 3 MR. PROFITA: So there is some
 4 staggering involved in the time that children are
 5 dropped off and the time that children are picked
 6 up?
 7 MS. CHIANG: Absolutely.
 8 Absolutely.
 9 MR. PROFITA: And can you tell the
 10 Board what the procedure is -- you listened to
 11 Mr. Luglio when we testified tonight; is that
 12 correct?
 13 MS. CHIANG: Yes, I did.
 14 MR. PROFITA: And you have spoken to
 15 him during the course of developing this
 16 application --
 17 MS. CHIANG: Yes.
 18 MR. PROFITA: -- as to the
 19 requirements that are needed for the center and how
 20 he would develop a plan. Correct?
 21 MS. CHIANG: Correct.
 22 MR. PROFITA: So you are familiar
 23 with the queuing plan?
 24 MS. CHIANG: Yes, I am.
 25 MR. PROFITA: And can you just

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1 explain what the procedure is when a car pulls up,
 2 what happens? When it's in the que, what happens?
 3 MS. CHIANG: So they pull into the
 4 queuing lane, they park the car. They will then
 5 enter with their child through the initial doors,
 6 and then they will have to go through security, and
 7 security could be a hand scanner or there could be
 8 even automated, I guess, control device that allows
 9 the parents through. As soon as they get through
 10 the security doors, you have a staff member that
 11 will meet and greet the child and take the child
 12 from there to their respective classrooms. They
 13 will then settle the child into the classroom and
 14 then come back to receive the next child.
 15 MR. PROFITA: Okay. And then you
 16 have one person that does this?
 17 MS. CHIANG: No. There will be
 18 multiple staff members.
 19 MR. PROFITA: And if someone parks
 20 in the queuing lane, if a parent parks in the
 21 queuing lane, are they allowed to take their child
 22 up to the childcare room?
 23 MS. CHIANG: No.
 24 MR. PROFITA: They have to surrender
 25 more or less at the checkpoint?

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1 MS. CHIANG: Correct.
 2 MR. PROFITA: And is the plan that's
 3 been designed satisfactory for you as far as the
 4 circulation?
 5 MS. CHIANG: Yes.
 6 MR. PROFITA: Now, you were also
 7 here when Raymond Boos testified?
 8 MS. CHIANG: Yes. Correct.
 9 MR. PROFITA: And you had input into
 10 the development of the floor plans for the building
 11 as well as the rooftop plan for the building?
 12 MS. CHIANG: Yes.
 13 MR. PROFITA: Is that correct?
 14 MS. CHIANG: Yes.
 15 MR. PROFITA: So how many employees
 16 do you plan to hire in connection with the
 17 childcare operation?
 18 MS. CHIANG: So it could go up to 25
 19 employees.
 20 MR. PROFITA: And these would be new
 21 jobs created?
 22 MR. CHIANG: Yes. Absolutely.
 23 MR. PROFITA: You are not moving an
 24 existing business?
 25 MS. CHIANG: No. New.

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1 MR. PROFITA: This is a startup?	1 secure space at a local school, a public school or
2 MS. CHIANG: Correct.	2 we would actually rent a space so.
3 MR. PROFITA: A new undertaking?	3 MR. PROFITA: I have no further
4 MS. CHIANG: Yes, it is.	4 questions for Ms. Chiang.
5 MR. PROFITA: And out of that 25	5 CHAIRMAN FEHRE: Questions?
6 employees, how many would be on site at any given	6 MR. DOOLY: I have a question for
7 time?	7 her. Not as a businesswoman as a parent, as a
8 MS. CHIANG: We anticipate around 15	8 mother, would you be comfortable taking your child
9 at any one given time.	9 to a place that only has five spots where if you
10 MR. PROFITA: So how is it that you	10 have a question that you want to check in while you
11 hired 25 and you have 15 would be there at a given	11 are dropping your child off, that they might be
12 time?	12 filled up, there might be four or five other, six
13 MS. CHIANG: So they come and go at	13 other parents that want to park and run little
14 different times.	14 Johnny or Sally upstairs?
15 MR. PROFITA: Explain to the Board.	15 MS. CHIANG: I would be comfortable
16 MS. CHIANG: Sure. They come and go	16 with that because I would make arrangements to
17 at different times horizons. So there could be a	17 speak to whom I needed to at a time that I could
18 half-day program in the morning, a half-day program	18 actually park my car.
19 in the afternoon and then a staggering of when the	19 MR. KIM. You have capacity for 120?
20 teachers would come, etc. so.	20 MS. CHIANG: Again, that's an
21 MR. PROFITA: And I assume that	21 estimate right now. We are in discussions with the
22 these employees get vacations, they get sick days?	22 franchise.
23 MS. CHIANG: Of course. Right.	23 MR. KIM: What is your estimate of
24 Absolutely.	24 the half day schedule? How many people?
25 MR. PROFITA: And so you need to	25 MS. CHIANG: On the half day
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1 have more employees than you actually need on the	1 schedule?
2 site at any particular point in time.	2 MR. KIM: Yes. You say everything
3 MS. CHIANG: Yes.	3 is an estimate.
4 MR. PROFITA: Now, is there going to	4 MS. CHIANG: I can't answer that. I
5 be any food preparation or food service at the	5 don't have the answer for you right now. It's very
6 facility?	6 dependent on whom we end up with in terms of the
7 MS. CHIANG: No. No.	7 franchise and how that all works.
8 MR. PROFITA: And the children would	8 MR. KIM: Your estimate, just an
9 bring their own lunch?	9 estimate.
10 MS. CHIANG: Yes.	10 MS. CHIANG: Yes. That's tough. I
11 MR. PROFITA: And whatever they want	11 don't know. I'm sorry. I'm sorry.
12 to eat during the day?	12 MR. PROFITA: In addition to half
13 MS. CHIANG: Correct.	13 day, you would have less than full day, too?
14 MR. PROFITA: And so there's no	14 MS. CHIANG: Yes.
15 cooking facility?	15 MR. PROFITA: Probably three
16 MS. CHIANG: No cooking facilities.	16 quarters?
17 MR. PROFITA: And what would happen	17 MS. CHIANG: Probably not. No. We
18 if you have parents' day or you have an award	18 will just have half, and we could create a three
19 ceremony or graduation, how with this queuing	19 quarter day.
20 system going to work, when you will have a large	20 MR. PROFITA: I thought you said
21 number of parents that have to be present on the	21 pickup time would have a pretty wide range as to
22 site in order to attend a ceremony or something	22 what hours?
23 like that?	23 MS. CHIANG: Oh sure, if someone
24 MS. CHIANG: If that occurred, we	24 wants to pick up at 4:30 or 4 or whatever.
25 will take that off site, so we would either try to	25 MR. CHINMAN: I'm sure you have

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1 done your homework and there must be how many
 2 facilities like this in our area, Fort Lee, how
 3 many are in Fort Lee, Tenafly, Englewood?
 4 MS. CHIANG: There's quite a number.
 5 When you ask that question, it's a tough one to
 6 answer because you have small private mom and pop
 7 shops, and you have larger entities.
 8 MR. CHINMAN: This would be
 9 considered a larger one?
 10 MS. CHIANG: It's a larger one.
 11 MR. CHINMAN: A 100 or more is
 12 larger?
 13 MS. CHIANG: Yes. So I'm guessing,
 14 what I know of a local three mile radius, probably
 15 at most three, maybe two. I can think of only one
 16 right now which is Green House, and I think there
 17 was one other so.
 18 MR. CHINMAN: Okay.
 19 CHAIRMAN FEHRE: There's actually
 20 one on Fifth Street, did you know that?
 21 MS. CHIANG: Yes, I know about that
 22 one.
 23 MR. CHINMAN: What's the general
 24 occupancy range of these type of facilities?
 25 MS. CHIANG: Typically, in the 150

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1 range.
 2 MR. CHINMAN: In terms of the
 3 percentage.
 4 MS. CHIANG: I'm sorry. Percentage,
 5 typically the occupancy is about 80%. That's
 6 what's considered full, a full school is about 80%
 7 occupancy.
 8 MR. CHINMAN: So are you trying to
 9 get 80% of 125 or 80% of a 160?
 10 MS. CHIANG: Well, let's say it's
 11 150, you get 80% of 150 so, and the demographics,
 12 just for I mean what it's worth, it's very rich.
 13 CHAIRMAN FEHRE: Go ahead.
 14 MS. CHIANG: I don't know if you
 15 have seen, so typically, if we go through selection
 16 criteria to better understand whether or not the
 17 area can support a school of that capacity, and
 18 when you look at for example the site and you take
 19 like for example, that 3 or 4-mile radius if you
 20 just, to give you an example, if you take Englewood
 21 Cliffs, Fort Lee alone the number of children under
 22 the age of 5 is 2000, and if you cast the net even
 23 wider to include Englewood, now you are talking
 24 about doubling the population to 4,000, so at the
 25 capacity we are looking at, you are only talking

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1 about capturing 3 to 4% of the target population,
 2 which I think is pretty reasonable and that's the
 3 way we look at it as an owner.
 4 MR. PROFITA: These are preschool
 5 age children?
 6 MS. CHIANG: Oh yes.
 7 MR. PROFITA: You are not competing
 8 with the public or private school?
 9 MS. CHIANG: That's correct. That's
 10 correct.
 11 CHAIRMAN FEHRE: If there are no
 12 further questions. Thank you.
 13 (NO RESPONSE)
 14 CHAIRMAN FEHRE: Then we are done.
 15 Next witness?
 16 MR. PROFITA: I'm out of witnesses.
 17 I'm sorry. I think I just want to address one
 18 issue that was raised by Mr. Mirandi, and I know he
 19 does have these, but I guess I'll mark these as
 20 A-12 and 13. There was a question raised as to the
 21 environmental situation on the lot, and I have it
 22 marked as A-12 is a copy of a Response Action
 23 Outcome letter which was sent to NJDEP by the
 24 Licensed Site Remediation Professional concerning
 25 the site that indicates that there is no further

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1 action required, and A-13 is a Response Action
 2 Outcome Form that accompanies that.
 3 The procedure as it operates today,
 4 you do not get what's called an NFA or No Further
 5 Action letter from the DEP anymore. You hire a
 6 private LSRP, Licensed Site Remediation
 7 Professional, and it's on their back to do the
 8 work, make sure everything is fine, and then they
 9 send in the letter to the DEP, and then if you
 10 don't get any response from them saying you have to
 11 do more, that's the end of it so, it really is no
 12 approval per se that you get. It's similar to the
 13 letter of No Interest procedure that Mr. Luglio
 14 talked about. So I know, Bernie, you have these.
 15 So I'll just hand these in as well, and then, I
 16 have no further witnesses this evening.
 17 MR. KATES: Leave your boards here.
 18 Can we leave them here? It's only a week away.
 19 MS. SCANCARELLA: Leave everything,
 20 and I'll talk to the police and make sure it's
 21 okay.
 22 MR. PROFITA: I guess I would need
 23 to bring back all the witnesses for the 27th so we
 24 are announcing I guess carrying the hearing.
 25 MR. KATES: Yes. We are carrying it

1 to the 27th.
2 MR. PROFITA: 7:30 is it going to
3 be?
4 CHAIRMAN FEHRE: Yes. And then
5 we'll start off opening to the public.
6 MR. PROFITA: Yes. There is that
7 one question you asked about the size of Wild
8 Flowers. We will look into that, and if we have
9 anything additional that will be helpful, we'll
10 bring it up at that time.
11 MR. KATES: Good.
12 MR. PROFITA: Thank you for coming
13 out on an off night.
14 (Whereupon, this matter will be
15 continuing at a future date. Time noted 11:11
16 p.m.)
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C E R T I F I C A T E

I, LAUREN DI GENNARO, a Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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

LAUREN DI GENNARO, C.S.R.
No.30X100194900

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