

Regular Public Meeting of the Englewood Cliffs
Planning Board Minutes
May 8, 2025

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Porrino at 7:36 pm.

Roll Call:

Present:

Chairman Porrino
Vice Chairwoman Mrs. O'Shea
Ms. Correa
Ms. Kim
Mr. O'Shea
Ms. Zamecki – 2nd Alternate
Mr. Lee – Borough Representative
Mr. You – Mayor Designee
Councilwoman Biegacz

Absent:

Mrs. Villari
Mrs. Rizvi – 1st Alternate
Mayor Park

Present:

Thomas Randall Esq., of Randall & Randall, LLP, the planning board's attorney.
Mr. David Hoder, of Hoder Associates the planning board's engineer.
Mr. Michael Mistretta, of Harbor Consultants the planning board's planner.
Mr. David Horner, of Horner Cantor the planning board's traffic expert.

Flag Salute

Public notice of this regular virtual meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, notification to The Press Journal, and posting of notice on the municipal website at www.EnglewoodCliffsNJ.org and posting on the entrance of the borough hall building at 482 Hudson Terrace, Englewood Cliffs, NJ.

Chairman Porrino requested a motion for the April 10, 2025, regular meeting minutes. Motion was made by Mrs. O'Shea and seconded by Mr. Kim with a roll call vote. (8) Ayes, Mrs. O'Shea, Mr. Kim, Mr. O'Shea, Ms. Zamecki, Mr. Lee, Councilwoman Biegacz, Mr. You and Chairman Porrino. No Nays, (1) Abstention Ms. Correa.

Chairman Porrino requested a motion for the April 10, 2025, executive meeting minutes. Motion was made by Mrs. O'Shea and seconded by Mr. O'Shea with a roll call vote. (7) Ayes, Mrs. O'Shea, Mr. Kim, Mr. O'Shea, Ms. Zamecki, Mr. Lee, Mr. You and Chairman Porrino. No Nays, (2) Abstentions Ms. Correa and Councilwoman Biegacz

Old Business:

Application #325K - Residential Impervious Coverage Variance
Dr. & Dr. Goldenberg – 20 Lynn Dr. – Block 1003 Lot 16
Resolution – Approved.

Chairman Porrino stated that we were in receipt of revised plans, but there was some issue with them so this will be carried till the June 12th meeting for the applicant to address the issues.

Chairman Porrino requested a motion to carry this application to the June 12, 2025, meeting. Motion was made by Mrs. O'Shea seconded by Ms. Correa and carried unanimously by voice vote.

Application #340K - Minor Subdivision w/Site Plan Approval & Variances
Dara Ye – 18 Seventh St. – Block 203 – Lot 10

Chairman Porrino stated this application has been officially withdrawn and will not continue to be heard.

Application #343K - Minor Subdivision with Commercial Site Plan Approval
Tag Sylvan Corp. Ctr. & Tag New Sylvan Corp. Ctr., LLC
Englewood Cliffs JLUB
910-940 Sylvan Ave. – Block 1201 – Lots 9.03 & 9.04

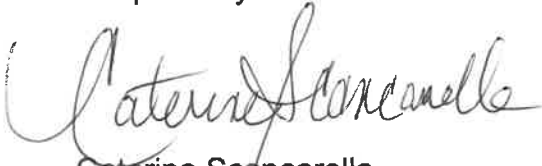
See attached transcripts.

Chairman Porrino requested a motion to open to the public for any matter. Motion was made by Ms. Correa seconded by Mr. Lee and carried unanimously by voice vote.

No Comments.

Chairman Porrino asked for a motion to close the public portion and adjourn the meeting at 11:03 pm. Motion was made by Mr. O'Shea seconded by Ms. Correa and carried unanimously by voice vote.

Respectfully submitted.



Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – May 8, 2025 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

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

FLAG SALUTE:

"OPEN PUBLIC MEETINGS ACT" STATEMENT

This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regularly scheduled Planning Board meeting by advertisement in The Record, notification to the Northern Valley Press Journal, the Suburbanite, posting of notice on the municipal website at www.EnglewoodCliffsNJ.org, and at Borough Hall, 482 Hudson Terrace, Englewood Cliffs, NJ.

ROLL CALL

APPROVAL OF MINUTES:

April 10, 2025 – Regular Meeting
April 10, 2025 – Executive Session

OLD BUSINESS:

- | | |
|---------------------|---|
| Application #325K - | Residential Impervious Coverage Variance
Mr. & Mrs. Goldenberg – 20 Lynn Dr. – Block 1003 - Lot 16
Resolution – Approved |
| Application 340K - | Minot Subdivision w/Site Plan Approval & Variances
Dara Ye – 18 Seventh – Block 204 Lot 10
Withdrawn |
| Application #343K - | Minor Subdivision with Commercial Site Plan Approval
Tag Sylvan Corp. Ctr. & Tag New Sylvan Corp. Ctr, LLC
Englewood Cliffs JLUB
910-940 Sylvan Ave. - Block 1201 – Lots 9.03 & 9.04 |

NEW BUSINESS:

COMMUNICATIONS:

EXECUTIVE SESSION:

Affordable Housing Information

COMMITTEE REPORTS:

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

1

07:40PM 1 BOROUGH OF ENGLEWOOD CLIFFS
 2 PLANNING BOARD
 3 THURSDAY, MAY 8, 2025
 4 COMMENCING AT 7:40 P.M.
 5
 6 IN THE MATTER OF: :
 7 Application #343K : TRANSCRIPT
 8 Minor Subdivision with Commercial Site : OF
 9 Plan Approval : PROCEEDING
 10 Tag Sylvan Corp. Ctr. & Tag New Sylvan :
 11 Corp. Ctr., LLC :
 12 Englewood Cliffs JLUB :
 13 910-940 Sylvan Ave - Block 1201 - Lots :
 14 9.03 & 9.04 :
 15
 16 B E F O R E:
 17 BOROUGH OF ENGLEWOOD CLIFFS PLANNING BOARD
 18 THERE BEING PRESENT:
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 20 RUSSELL PORRINO, CHAIRMAN
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 22 MARY O'SHEA, VICE CHAIRWOMAN
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 24 MARK PARK, MAYOR (ABSENT)
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 26 SANGMIN YOU, MAYOR DESIGNEE
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 28 JP LEE, BOROUGH REP (II)
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 30 RIVKA BIEGACZ, COUNCIL REP(II)
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 32 FRANCES CORREA, MEMBER
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 34 THOMAS KIM, MEMBER
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 36 TIMOTHY O'SHEA, MEMBER
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 38 MARIA VILLARI, MEMBER (ABSENT)
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 40 NASREEN RIZVI, ALTERNATE 1
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 42 KINGA ZAMECKI, ALTERNATE 2
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1 CHAIRMAN PORRINO: Good evening, ladies
 07:43PM 2 and gentlemen, I'd like to call the Englewood Cliffs
 07:43PM 3 Planning Board meeting to order.
 07:43PM 4 The date is May 8th, 2025. The time is
 07:43PM 5 7:36 p.m.
 07:43PM 6 Everyone please rise for the flag
 07:43PM 7 salute.
 07:43PM 8 (Whereupon, all rise for a recitation
 07:44PM 9 of the Pledge of Allegiance.)
 07:44PM 10 CHAIRMAN PORRINO: I apologize for the
 07:44PM 11 lack of air conditioning I'm told there's nothing we
 07:44PM 12 can do about it so feel free to take your coats
 07:44PM 13 off -- your jackets.
 07:44PM 14 Open Public Meetings Act statement
 07:44PM 15 please?
 07:44PM 16 SECRETARY SCANCARELLA: This meeting
 07:44PM 17 which conforms with the Open Public Meeting Law
 07:44PM 18 Chapter 231, Public Laws of 1975, is a regularly
 07:44PM 19 scheduled Planning Board meeting by advertisement in
 07:44PM 20 The Record, notification to the Northern Valley Press
 07:44PM 21 Journal, The Suburbanite, posting of the notice on
 07:44PM 22 the municipal website at www.EnglewoodCliffsnj.org
 07:44PM 23 and at the borough hall, 482 Hudson Terrace,
 07:44PM 24 Englewood Cliffs, New Jersey.
 07:44PM 25 CHAIRMAN PORRINO: Thank you.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

6

07:44PM 1 Roll call, please.
 07:44PM 2 SECRETARY SCANCARELLA: Ms. O'Shea?
 07:44PM 3 MS. O'SHEA: Here.
 07:44PM 4 SECRETARY SCANCARELLA: Ms. Correa?
 07:44PM 5 MS. CORREA: Here.
 07:44PM 6 SECRETARY SCANCARELLA: Mr. Kim?
 07:44PM 7 MR. KIM: Yes.
 07:44PM 8 SECRETARY SCANCARELLA: Mr. O'Shea?
 07:44PM 9 MR. O'SHEA: Here.
 10 SECRETARY SCANCARELLA: Ms. Villari is
 11 absent.
 12 Ms. Rizvi is absent.
 13 Ms. Zamecki?
 14 MS. ZAMECKI: Here.
 07:44PM 15 SECRETARY SCANCARELLA: Mr. Lee.
 07:44PM 16 MR. LEE: Here.
 17 SECRETARY SCANCARELLA: Councilwoman
 18 Biegacz.
 19 COUNCILWOMAN BIEGACZ: Yes.
 20 SECRETARY SCANCARELLA: Mayor Park is
 21 absent.
 22 Mr. You?
 23 MR. YOU: Here.
 24 SECRETARY SCANCARELLA: And, Chairman
 25 Porrino?
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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07:46PM 1 CHAIRMAN PORRINO: Here.
 07:46PM 2 SECRETARY SCANCARELLA: We have a
 07:46PM 3 quorum.
 07:46PM 4 CHAIRMAN PORRINO: Thank you.
 07:46PM 5 (Whereupon, the board conducts regular
 07:46PM 6 business and begins the public hearing on this
 07:46PM 7 matter.)
 07:40PM 8 CHAIRMAN PORRINO: Okay. Next up is
 07:40PM 9 Application 343K, Tag Sylvan Corp., 910 Sylvan
 07:40PM 10 Avenue.
 07:40PM 11 Counsel is present.
 07:40PM 12 MR. CAPIZZI: Good evening,
 07:40PM 13 Mr. Chairman, Members of the Board. Matthew Capizzi
 07:41PM 14 on behalf of the applicant.
 07:41PM 15 This was an application that was before
 07:41PM 16 the board last month essentially seeking site plan
 07:41PM 17 approval relative to the continued development of
 07:41PM 18 this campus for an additional office building, two
 07:41PM 19 stories and an expanded parking field.
 07:41PM 20 The building is going to be exclusively
 07:41PM 21 occupied by Englewood Health.
 07:41PM 22 When we were before you in April, we
 07:41PM 23 had testimony from our civil engineer, Steve
 24 Collazuol; our architect, Dan Kaplan; our traffic
 25 engineer, Nicholas Kennedy; and our landscape
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1 architect, Paul DeVitto.
 2 We are back before you this evening
 3 with some additional plan materials that either the
 4 board and/or board professionals have requested be
 5 submitted and at that point in time when we were
 6 before you in April, some of the board professionals
 7 had not issued their review letters.
 8 Since then until now, we have received:
 9 A traffic engineer's review letter; a planner's
 10 review letter; and a supplemental civil engineering
 11 review letter on behalf of your board professionals.
 12 And our team will be prepared this
 13 evening to respond to those letters and there was
 14 also an updated letter from the fire department -- I
 15 shouldn't say an update, a replacement letter from
 16 the fire department.
 17 As it pertains to the fire department
 18 letter, a majority, if not the entirety of those
 19 items, are things that will be addressed during
 20 building department review.
 21 But there were two items regarding
 22 building clearance for a fire truck that we are
 23 prepared to discuss this evening. And we have looked
 24 at a turning template for a fire truck around the
 25 facility and are comfortable that there's no
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9

1 operation issue there.

2 As far as the materials that we filed,

3 there was an additional submittal on May 1st, which

4 essentially included a minor subdivision map from

5 Mr. Collazuol.

6 As the board may be aware, the site as

7 it exists in the field today consists of two building

8 lots with each building sitting on its own building

9 lot and the buildings on those lots utilizing the

10 parking at the campus in conjunction as though it's

11 one campus by way of a cross easement agreement and

12 the reason why that was set up in such a way was

13 essentially for financing purposes and also for ease

14 of reference for our leases.

15 For example, each lease will be on a

16 particular lot that has its own tax bill and we can

17 do CAM charges in a bit more user-friendly way in

18 that fashion.

19 When we were before you in April, we

20 had, for one reason or another, set up to actually

21 have it as one lot. That was really somewhat of a

22 technical issue. We should not have set it up that

23 way, because it would be inconsistent with your

24 current layout on the lot as far as the financing and

25 the leases are concerned.

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1 So what we're proposing tonight is

2 essentially to continue what we've been doing at the

3 property by each building being on its own lot. So

4 910 and 920 on its own lot; 930 and 940 on its own

5 lot; and the new building at 9 -- which will exist at

6 9.05 will be on its own building lot and, again, the

7 parking field will be used in common.

8 So although there are separate building

9 lots that house each building, the parking field will

10 be used in common with all the visitors and employees

11 at the campus.

12 We understand that we'll have to submit

13 a revised cross easement agreements as a condition of

14 approval subject to your board attorney and board

15 engineer's review and approval.

16 We'll certainly provide that document

17 to update that aspect of the application.

18 We had submitted an updated landscaping

19 plan. There was a conversation during the April

20 meeting about seeing what we can do to enhance

21 certain landscaping elements and Mr. DeVitto has done

22 that and he'll be prepared to discuss that this

23 evening.

24 Mr. Collazuol also provided a lighting

25 plan. I believe when we were before you in April we

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1 had not had that data for discussion. We have that

2 for this evening.

3 And Mr. Kaplan's office prepared some

4 additional renderings. There was a request to be

5 able to view the building from different angles. We

6 have renderings to that effect and a member of the

7 board had a question about whether we can seek about

8 modifying the materials that screen the mechanical

9 equipment and we have updated that item as well.

10 MS. SCANCARELLA: Excuse me,

11 Mr. Capizzi, I just want to make an announcement.

12 A board member came in, Ms. Rizvi. She

13 came in at 7:44 p.m. I just wanted to put it on the

14 record.

15 MR. CAPIZZI: Thank you.

16 So, essentially, Mr. Chairman, that's a

17 summary of what we seek to achieve this evening.

18 We also have planning testimony from

19 our planner Spach Trahan who is from the Phillips,

20 Preiss, Grygiel office and she'll go through the

21 variance relief that's required as a result of the

22 application.

23 CHAIRMAN PORRINO: Okay. Bring your

24 first witness back.

25 MR. CAPIZZI: Sure.

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1 CHAIRMAN PORRINO: All of your experts

2 are still under oath, Counselor.

3 MR. CAPIZZI: Correct.

4 CHAIRMAN PORRINO: Counselor, what's

5 the order of your witnesses that you plan on bringing

6 up.

7 MR. CAPIZZI: Mr. Collazuol will go

8 through the subdivision plan and lighting plan.

9 Mr. Kaplan will talk about the

10 additional renderings and the change in the

11 mechanical screening equipment.

12 Mr. Kennedy has some brief testimony.

13 It was an inquiry about what's the requirement just

14 for clarity in the resolution, what's the

15 requirement, parking requirement, for the entire

16 campus, so he'll have that number for us.

17 Mr. DeVitto is going to go through

18 landscaping.

19 And then we're going to conclude with

20 Ms. Trahan's planning testimony.

21 CHAIRMAN PORRINO: Thank you.

22 STEVEN COLLAZUOL, P.E.

23 1610 Center Avenue, Fort Lee, New Jersey, having

24 been duly sworn previously, continues to

25 testify as follows:

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1 DIRECT EXAMINATION

07:46PM 2 BY MR. CAPIZZI:

07:46PM 3 Q. Mr. Collazuol, as you recall, you were

07:46PM 4 sworn during the April meeting and remain sworn.

07:47PM 5 Can you describe for us what we have on

07:47PM 6 the easel there please?

07:47PM 7 A. Yeah, certainly.

07:47PM 8 And thank you. Hello, everyone.

07:47PM 9 This is Sheet No. 1 of 1. It's a minor

07:47PM 10 subdivision map.

07:47PM 11 The prior conditions was that the

07:47PM 12 property was subdivided between the 910 and the 920

07:47PM 13 building as one lot with an appendage coming out into

07:47PM 14 this area here (indicating) and Lot 9.04 was --

07:47PM 15 contained the Building 930 and 940.

07:47PM 16 What we proposed here is to subdivide

07:47PM 17 the site in its entirety, such that 910 and 920 will

07:47PM 18 be on a lot of its own; 930 and 940 will be on a lot

07:47PM 19 of its own; and the proposed building will be on a

07:47PM 20 lot of its own.

07:47PM 21 In addition to that, each one of these

07:48PM 22 areas are fairly equal in size. So the configuration

07:48PM 23 of the lot follows my finger as it goes through the

07:48PM 24 back of the buildings up towards Johnson Avenue, ties

07:48PM 25 in and circles around that way (indicating).

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07:48PM 1 We've shown a table in the upper

07:48PM 2 left-hand corner, which illustrates the requirements

07:48PM 3 for each of the lots and all of the proposed lots

07:48PM 4 that are proposed as part of this minor subdivision.

07:48PM 5 This particular map is an exhibit this

07:48PM 6 evening whereby we show the actual lot depths and

07:48PM 7 Ms. Trahan will explain the nature of the variances a

07:48PM 8 little further, but in the upper left-hand corner we

07:48PM 9 do have the fact that we're seeking two variances for

07:48PM 10 conditions. The -- as before, Lot 9.03 had a rear

07:49PM 11 yard setback of zero, because that's formally where

07:49PM 12 that subdivision was line -- was and the proposed for

07:49PM 13 Lot 9.04. We have a rear yard variance of 3606,

07:49PM 14 which we're showing the frontage or the lot width

07:49PM 15 according to Sage Road, which is the narrowest part

07:49PM 16 of the lot.

07:49PM 17 So those are the only two variances, I

07:49PM 18 believe, that we seek for the minor subdivision map.

07:49PM 19 And that's the short and concise version of it.

07:49PM 20 MR. WISS: Was this marked previously?

07:49PM 21 MR. CAPIZZI: This would be A-6.

07:49PM 22 MR. WISS: A-6, thank you so much.

07:49PM 23 I just want to be able to track this on

07:49PM 24 the record.

07:49PM 25 MR. CAPIZZI: Sure.

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07:49PM 1 (Whereupon, Map, dated 5/08/2025 is

07:49PM 2 marked as Exhibit A-6 for identification.)

07:49PM 3 MR. WISS: Is this updated or is this

07:49PM 4 --

07:49PM 5 MR. CAPIZZI: This is updated.

07:49PM 6 MR. WISS: Okay. Can you just give me

07:49PM 7 the date of the update?

07:49PM 8 THE WITNESS: Yes, this is 5/08/2025.

07:49PM 9 MR. WISS: Thank you so much, sir.

07:49PM 10 CHAIRMAN PORRINO: Mr. Collazuol, can

07:49PM 11 you repeat how many parcels was this property, the

07:49PM 12 global of the mother lot, let's call it, subdivided

07:49PM 13 into before?

07:50PM 14 THE WITNESS: Two lots.

07:50PM 15 CHAIRMAN PORRINO: There was two lots

07:50PM 16 before and now it's becoming three.

07:50PM 17 THE WITNESS: Yes.

07:50PM 18 CHAIRMAN PORRINO: Can you just

07:50PM 19 identify with your finger or pointer where that

07:50PM 20 subdivision line was in place?

07:50PM 21 THE WITNESS: Previously?

07:50PM 22 CHAIRMAN PORRINO: Yes.

07:50PM 23 THE WITNESS: Previously it was

07:50PM 24 starting fairly in the middle of the site along Sage

07:50PM 25 and it traversed through the rear entrance of 920 and

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07:50PM 1 turned along the back of 920 and turned back up along

07:50PM 2 the northerly line of 910, along the rear line of

07:50PM 3 910, along the rear entrance of 910 out to the

07:50PM 4 typical access agreement and went fairly down the

07:50PM 5 middle of the open field area and then turned up

07:50PM 6 towards the line to the rear of the ball field and

07:50PM 7 turned back up to the property corner up to Johnson

07:50PM 8 Avenue, returned across to the corner of Johnson and

07:51PM 9 Sage, back down to about the middle of Sage

07:51PM 10 (indicating).

07:51PM 11 CHAIRMAN PORRINO: Thank you.

07:51PM 12 BY MR. CAPIZZI:

07:51PM 13 Q. Mr. Collazuol, the modified lot line

07:51PM 14 proposal we have here this evening, does it affect

07:51PM 15 your site plan in any way?

07:51PM 16 A. Physically, no. With respect to

07:51PM 17 construction, no, as well.

07:51PM 18 Q. And the location of the improvement

07:51PM 19 that we discussed when we were here in April as

07:51PM 20 compared the way they are today, everything that we

07:51PM 21 proposed then remains in the same location despite

07:51PM 22 this lot line orientation?

07:51PM 23 A. That's correct.

07:51PM 24 Q. Thank you.

07:51PM 25 As far as the updates, I know we had

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07:51PM 1 filed the subdivision plat on May 1st.

07:51PM 2 This one is dated May 8th. Can you

07:51PM 3 describe the changes, please?

07:51PM 4 A. Yes.

07:51PM 5 There was some discussion with

07:51PM 6 Ms. Trahan and her's with the Borough's planner, some

07:51PM 7 of the orientation of what was distinguished as the

07:51PM 8 front yard of these lots and the lot frontage and the

07:51PM 9 lot depth.

07:51PM 10 So on the map that was submitted, we

07:52PM 11 showed that the easterly side of 930 and 940 was the

07:52PM 12 lot -- the frontage and half the distance was across

07:52PM 13 that dimension.

07:52PM 14 In addition, we showed that since

07:52PM 15 Johnson Avenue previously had been considered due to

07:52PM 16 the buffer, a street, but not accessible due to the

07:52PM 17 deed restriction, that Sylvan Avenue is considered

07:52PM 18 the frontage and, therefore, the frontage of the lot

07:52PM 19 was across this portion of 930 and 940 and not across

07:52PM 20 Johnson Avenue and so those are the changes that took

07:52PM 21 place as a result of that, these discussions that

07:52PM 22 have been taking place the past few days.

07:52PM 23 Q. Thank you.

07:52PM 24 You also have a lighting plan for

07:52PM 25 discussion?

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07:52PM 1 A. Yes.

07:52PM 2 The lighting plan was submitted and

07:52PM 3 this is a full-size printout of the lighting. The

07:52PM 4 notes are very clear and the notes indicate that no

07:53PM 5 light overflow beyond the property line, and no glare

07:53PM 6 to leave the property and glare to -- onto the ball

07:53PM 7 field, Sage Road and residences on Johnson Avenue.

07:53PM 8 Fixtures to be wired with line voltage

07:53PM 9 and 0-to-10 volt control wire for dimming

07:53PM 10 capabilities.

07:53PM 11 It's a photometrics as was requested by

07:53PM 12 the board's engineer showing that there's no

07:53PM 13 spill-off outside of the property, as well as along

07:53PM 14 Sage that is zero spillage out onto Sage Road.

07:53PM 15 MR. WISS: Do you want to mark that?

07:53PM 16 BY MR. CAPIZZI:

07:53PM 17 Q. This -- we filed this, correct?

07:53PM 18 A. Yes, you filed this.

07:53PM 19 Q. Yes.

07:53PM 20 A. The following sheets in that, 2 of 7,

07:53PM 21 3 of 7 are merely a blow up of the proposed building

07:54PM 22 site and the -- I believe there's 13 -- 14 -- pardon

07:54PM 23 me -- 18 -- 18 lights around the building.

07:54PM 24 And they're on the same location that

07:54PM 25 the original application was made.

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07:54PM 1 Again, lightings -- photometrics are

07:54PM 2 shown with no spill-off and the light poles are shown

07:54PM 3 to be 20 feet in height.

07:54PM 4 Sheet 4 of 7 shows the lighting along

07:54PM 5 the additional parking along the north side of 920

07:54PM 6 and 940.

07:54PM 7 Again, with the same number of light

07:54PM 8 poles with zero spill-off out into Sage Road.

07:54PM 9 The balance of the drawings are cuts,

07:54PM 10 catalogues, types of lights, voltages that are used

07:54PM 11 and then the following sheets in that package were

07:54PM 12 the cuts, the shielding for each of the lights, as

07:54PM 13 well as the manufacturer.

07:55PM 14 CHAIRMAN PORRINO: Mr. Collazuol, can

07:55PM 15 you just step back for a second?

07:55PM 16 What were the types of lights that

07:55PM 17 you're proposing along the Sage Road parking?

07:55PM 18 THE WITNESS: They're RABs.

07:55PM 19 Poles are 20 feet in height, they're

07:55PM 20 shielded.

07:55PM 21 CHAIRMAN PORRINO: And the location?

07:55PM 22 Are they the red -- small red dots.

07:55PM 23 THE WITNESS: Yes, the small -- small

07:55PM 24 red dots shaped like a square when it's blown up to

07:55PM 25 24-by-36-inch sheet are the poles themselves.

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07:55PM 1 CHAIRMAN PORRINO: So that's located

07:55PM 2 between the last two rows of parking.

07:55PM 3 THE WITNESS: Yes, that's correct.

07:55PM 4 You'll see on this drawing that the --

07:55PM 5 the 0.1 footcandle is the outer contour and then all

07:55PM 6 along the line itself, zero footcandle.

07:55PM 7 CHAIRMAN PORRINO: Is there a reason

07:55PM 8 why they couldn't be moved over to the next --

07:56PM 9 between the next two rows of parking to reduce the

07:56PM 10 amount of light as viewed from Sage Road.

07:56PM 11 THE WITNESS: I could ask the

07:56PM 12 consultant to consider that.

07:56PM 13 I don't have an answer for you at this

07:56PM 14 point in time whether they can be put in between

07:56PM 15 another row and still provide sufficient lighting for

07:56PM 16 the far end or the outer edge of parking spaces, but

07:56PM 17 we can look into that.

07:56PM 18 CHAIRMAN PORRINO: Okay.

07:56PM 19 Thank you.

07:56PM 20 MR. CAPIZZI: Thank you, Steve.

07:56PM 21 I don't have any further questions for

07:56PM 22 him, Mr. Chairman.

07:56PM 23 MR. LEE: Chairman, I have a question.

07:56PM 24 On the Lot 9.03 you put the front -- no, I'm sorry,

07:56PM 25 the rear yard is zero, which makes sense, but for the

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07:57PM 1 front yard for 9.04 lot, why did you measure it from
 07:57PM 2 the boundary line when you have the frontage on Sage?
 07:57PM 3 THE WITNESS: Well, now this drawing
 07:57PM 4 supercedes the one that you're looking at that was
 07:57PM 5 submitted.
 07:57PM 6 MR. LEE: Oh, okay.
 07:57PM 7 THE WITNESS: Right, the frontage now
 07:57PM 8 has been determined as Sage Road.
 07:57PM 9 MR. LEE: Right.
 07:57PM 10 So what's the difference from Sage to
 07:57PM 11 the building? Is that --
 07:57PM 12 THE WITNESS: It's 206.6 feet.
 07:57PM 13 MR. LEE: Okay. So you don't need a
 07:57PM 14 variance for that.
 07:57PM 15 THE WITNESS: Correct.
 07:57PM 16 MR. LEE: The previous one, you did?
 07:57PM 17 THE WITNESS: Correct.
 07:57PM 18 CHAIRMAN PORRINO: Do we a list of
 07:57PM 19 variances?
 07:57PM 20 And maybe the planners will get into
 07:57PM 21 this. Do we have a complete list of the variances
 07:57PM 22 that's being seeked on this application, including
 07:57PM 23 the new ones associated with the subdivision.
 07:57PM 24 MR. CAPIZZI: I know Mr. Mistretta's
 07:57PM 25 letter lined out most of them, if not all of them.

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07:57PM 1 MR. MISTRETTA: Mr. Chairman, yeah, I
 07:57PM 2 think -- I believe my letter is pretty comprehensive
 07:58PM 3 with the variances with the exception of three, the
 07:58PM 4 three bulk variances that were just described on this
 07:58PM 5 amended plan.
 07:58PM 6 CHAIRMAN PORRINO: Okay.
 07:58PM 7 Would you like to describe -- describe
 07:58PM 8 them again, please, those three variances as pursuant
 07:58PM 9 to the site plan -- excuse me, subdivision.
 07:58PM 10 THE WITNESS: Two.
 07:58PM 11 CHAIRMAN PORRINO: Two.
 07:58PM 12 THE WITNESS: Two, yes.
 07:58PM 13 It's a side yard for Lot 9.04, which is
 07:58PM 14 zero and that's right here.
 07:58PM 15 And then the rear yard for 9.04 as
 07:58PM 16 well, which would be at the rear of 930 building,
 07:58PM 17 which I'm pointing to the 36.08 over here.
 07:58PM 18 CHAIRMAN PORRINO: Which is -- what's
 07:58PM 19 the proposed lot number?
 07:58PM 20 THE WITNESS: 9.05.
 07:58PM 21 CHAIRMAN PORRINO: 9.05.
 07:58PM 22 And the rear yard is what?
 07:58PM 23 THE WITNESS: 36.08.
 07:58PM 24 CHAIRMAN PORRINO: Thank you.
 07:59PM 25 Counsel, would you like to have our

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07:59PM 1 engineers interact with your engineer at this point?
 07:59PM 2 MR. CAPIZZI: Certainly.
 07:59PM 3 CHAIRMAN PORRINO: David.
 07:59PM 4 MR. HODER: Okay. Dave Hoder, engineer
 07:59PM 5 for the board.
 07:59PM 6 I did do a letter May 2nd and I have
 07:59PM 7 one or two comments outside that letter.
 07:59PM 8 First, are you going to file the
 07:59PM 9 subdivision by map or deed?
 07:59PM 10 BY MR. CAPIZZI:
 07:59PM 11 Q. I think we'll do it by deed, unless you
 07:59PM 12 think --
 07:59PM 13 A. **No, I agree with you by deed.**
 07:59PM 14 **MR. HODER: It's going to be some**
 07:59PM 15 **complicated deeds.**
 07:59PM 16 THE WITNESS: Yes.
 07:59PM 17 MR. HODER: Second question: Is there
 07:59PM 18 a way that you can reconfigure that subdivision to
 07:59PM 19 make those variances of zero and I don't remember the
 07:59PM 20 other -- the other distance, a little bit better?
 07:59PM 21 Give some numbers to it that would make
 07:59PM 22 it a little longer for that side yard and -- you said
 07:59PM 23 two side yards.
 07:59PM 24 MR. CAPIZZI: I think predominantly
 07:59PM 25 we're laying out to equalize them as to area.

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07:59PM 1 MR. HODER: Right, but if -- what I'm
 08:00PM 2 saying is, can you make it closer to the ordinance by
 08:00PM 3 even adding a couple feet here and there plus or
 08:00PM 4 minus so that you don't have zero lot lines.
 08:00PM 5 THE WITNESS: I don't think so.
 08:00PM 6 We're talking about, for instance, for
 08:00PM 7 Lot -- Proposed Lot 9.04, we have a lot depth --
 08:00PM 8 we're using Sage as the front.
 08:00PM 9 We're talking about a lot depth of
 08:00PM 10 816 feet.
 08:00PM 11 Consequently, 20 percent of that is
 08:00PM 12 160 feet. We have a rear yard of 36 feet. I don't
 08:00PM 13 think we can accomplish that.
 08:00PM 14 MR. HODER: I always get nervous with
 08:00PM 15 zero lot lines. Things often wind up over the line
 08:00PM 16 when they shouldn't be. Just a personal comment.
 08:00PM 17 On the lighting, the ordinance requires
 08:00PM 18 that timers be used. I would assume that you are
 08:00PM 19 using timers, but I didn't see it on the plans.
 08:00PM 20 THE WITNESS: I believe the intention
 08:00PM 21 is to use timers on the new section and it says here
 08:01PM 22 fixtures to be wired with line voltage control wire
 08:01PM 23 for dimming capabilities.
 08:01PM 24 MR. HODER: Dimming is different than
 08:01PM 25 timers.

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08:01PM 1 THE WITNESS: So we'll include -- make
 08:01PM 2 sure that --
 08:01PM 3 MR. HODER: So you're going to be doing
 08:01PM 4 both for dimming and timers? Okay, that's good.
 08:01PM 5 Okay. Good.
 08:01PM 6 I didn't see the details. I guess
 08:01PM 7 they're on cut sheets that you had in your hand
 08:01PM 8 there.
 08:01PM 9 Can you put those on the plans in the
 08:01PM 10 next submission?
 08:01PM 11 THE WITNESS: They were included in the
 08:01PM 12 PDFs that were distributed.
 08:01PM 13 I don't know if you got the PDFs, but
 08:01PM 14 they were included. I do have a set here.
 08:01PM 15 MR. HODER: No, I actually went online
 08:01PM 16 and I found them, so I have them, but I didn't --
 08:01PM 17 they should really be on the plans so people know
 08:01PM 18 what they're looking at and type of fixture it is.
 08:01PM 19 It's -- you know, on the plan it looks like a box
 08:01PM 20 fixture, but it's really not, it's a very flat LED,
 08:01PM 21 right?
 08:01PM 22 THE WITNESS: Right.
 08:01PM 23 The way they were distributed, they're
 08:01PM 24 8-and-a-half-by-11.
 08:01PM 25 So, yes, we can compile and put them on
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08:01PM 1 a full-size sheet.
 2 MR. HODER: It's probably a good idea.
 3 THE WITNESS: Okay.
 4 MR. HODER: And for the inspectors,
 5 too, so they know what they're looking at.
 6 THE WITNESS: Very good.
 08:02PM 7 MR. HODER: And in terms of the
 08:02PM 8 ordinance has two sections, they talk about both dark
 08:02PM 9 sky and light pollution reduction.
 08:02PM 10 Can you provide any testimony on that?
 08:02PM 11 THE WITNESS: I'm sorry, that's out of
 08:02PM 12 my league.
 08:02PM 13 MR. HODER: Okay. The ordinance does
 08:02PM 14 require that information on light pollution reduction
 08:02PM 15 and dark sky standards are provided as part of any
 08:02PM 16 lighting plan.
 08:02PM 17 Maybe what you can do is you can talk
 08:02PM 18 to your lighting professional --
 08:02PM 19 MR. WISS: I think you had indicated
 08:02PM 20 you were going to follow-up anyway.
 08:02PM 21 MR. CAPIZZI: We'll -- these items will
 08:02PM 22 be handled by way of resolution compliance.
 08:02PM 23 We'll certainly submit the dark sky
 08:02PM 24 data for the board's review and if that's
 08:02PM 25 insufficient, we'll provide whatever additional
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08:02PM 1 information is necessary.
 08:02PM 2 MR. HODER: Okay. And then let's just
 08:02PM 3 see if there's something else.
 08:03PM 4 Oh, on the Chairman's comment before
 08:03PM 5 about possibly moving the lights along Sage, I'm
 08:03PM 6 assuming these are forward throw lamps, right? They
 08:03PM 7 -- most of their footcandle coverage is forward, not
 08:03PM 8 to the side or to the back.
 08:03PM 9 THE WITNESS: Right.
 08:03PM 10 MR. HODER: The only comment I have,
 08:03PM 11 Mr. Chairman, is that if you turn them around and
 08:03PM 12 point them back towards the parking spaces, you might
 08:03PM 13 actually be throwing more glare on Sage. And if you
 08:03PM 14 can do -- if you can do a situation where you put the
 08:03PM 15 shields on the back, on the Sage side and they're
 08:03PM 16 forward throw lamps and they're throwing it towards
 08:03PM 17 the buildings, I think you'll be in a better spot,
 08:03PM 18 but I also think you can move them closer to the
 08:03PM 19 curb. I mean, you know, they're just graphically
 08:03PM 20 shown there, I think, but I mean, if you can put them
 08:03PM 21 right up against the curb and move as far away from
 08:03PM 22 Sage as possible, that would be a good thing.
 08:04PM 23 CHAIRMAN PORRINO: I'm confused.
 24 Are you talking about moving them
 25 closer to the building or closer to the curb of Sage
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1 Road.
 2 MR. HODER: No, closer to the building.
 3 Closer to the interior curb.
 08:04PM 4 Get them away from Sage Road. You
 08:04PM 5 know, right now they're graphically shown in the
 08:04PM 6 grass area and --
 08:04PM 7 CHAIRMAN PORRINO: I thought they were
 08:04PM 8 -- they were depicted in the median between the
 08:04PM 9 double row of parking there in the center. I could
 08:04PM 10 be wrong.
 08:04PM 11 THE WITNESS: They're along the edge --
 08:04PM 12 no, I'm sorry, you're correct, they're in the median,
 08:04PM 13 which is --
 08:04PM 14 CHAIRMAN PORRINO: Because you got four
 08:04PM 15 rows of parking, right, along Sage, let's call it?
 08:04PM 16 THE WITNESS: Yes.
 08:04PM 17 CHAIRMAN PORRINO: And the lights are,
 08:04PM 18 indeed, located in the median between that double
 08:04PM 19 stack.
 08:04PM 20 THE WITNESS: That's correct.
 08:04PM 21 MR. HODER: Okay. So you still have
 08:04PM 22 room then to move them to the south is what I'm
 08:04PM 23 saying.
 08:04PM 24 CHAIRMAN PORRINO: Closer to the
 08:04PM 25 building.
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08:04PM 1 MR. HODER: Yeah, if you can, that
 08:04PM 2 would keep the lighting off Sage and away from any
 08:04PM 3 residences that are at the corner of Sage and
 08:04PM 4 Johnson.
 08:04PM 5 THE WITNESS: We can look into that and
 08:04PM 6 accomplish something along that line.
 08:05PM 7 MR. HODER: Okay. Thank you.
 08:05PM 8 That's it, Mr. Chairman, for now.
 08:05PM 9 BY MR. CAPIZZI:
 08:05PM 10 Q. Steve, you're suggesting that the
 08:05PM 11 modification of the location is something that we
 08:05PM 12 could do if the lighting levels remained as
 08:05PM 13 necessary?
 08:05PM 14 A. Yes.
 08:05PM 15 Q. And if they for whatever reason dropped
 08:05PM 16 off, they would stay where they're presently located?
 08:05PM 17 A. Yes.
 08:05PM 18 Q. As far as the shielding of the fixtures
 08:05PM 19 along Sage Road, any issue adding that back shielding
 08:05PM 20 that Mr. Hoder just mentioned?
 08:05PM 21 A. No.
 08:05PM 22 Q. Okay.
 08:05PM 23 CHAIRMAN PORRINO: That particular
 08:05PM 24 fixture, Mr. Hoder, can accomplish -- it's just a
 08:05PM 25 matter of adding shielding to it.

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08:05PM 1 MR. HODER: Yes, either internal
 08:05PM 2 shielding or exterior shielding.
 08:05PM 3 CHAIRMAN PORRINO: Okay.
 08:05PM 4 Any members of the board have any
 08:05PM 5 questions for the engineer?
 08:05PM 6 I have a few, but I'll let everyone
 08:05PM 7 else go first.
 08:05PM 8 Ms. O'Shea?
 08:05PM 9 VICE CHAIRWOMAN O'SHEA: I have a
 08:05PM 10 question.
 08:05PM 11 Last meeting I made a comment regarding
 08:05PM 12 a buffer on Sage Road and I went and investigated my
 08:06PM 13 thoughts and there has been a buffer on Sage Road for
 08:06PM 14 90 feet for the past 50 years and it's been codified
 08:06PM 15 in the deed restriction with a resolution and an
 08:06PM 16 ordinance and maps and on every plan that
 08:06PM 17 Mr. Collazuol has prepared for this property over the
 08:06PM 18 past 30-plus years, he has always showed a 90-foot
 08:06PM 19 buffer, but this time you're not showing a 90-foot
 08:06PM 20 buffer and I have a lot of trouble with that and I
 08:06PM 21 would like to know why and I would like to know why
 08:06PM 22 it's not on the plans.
 08:06PM 23 MR. CAPIZZI: There's no buffer
 08:06PM 24 requirement by way of deed restriction or ordinance
 08:06PM 25 or zoning requirement.

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08:06PM 1 VICE CHAIRWOMAN O'SHEA:
 08:06PM 2 Ordinance 6804.
 08:06PM 3 MR. CAPIZZI: I'm not familiar, but I
 08:06PM 4 can tell you --
 08:07PM 5 VICE CHAIRWOMAN O'SHEA: Mr. Collazuol
 08:07PM 6 had it on all this plans all these years and every
 08:07PM 7 plan that's been since 1984 has a 90-foot buffer.
 08:07PM 8 MR. CAPIZZI: This project does not
 08:07PM 9 propose a 90-foot buffer.
 08:07PM 10 VICE CHAIRWOMAN O'SHEA: Well, 30-foot
 08:07PM 11 plus 60-foot is 90, that's what's on all the plans.
 08:07PM 12 MR. CAPIZZI: This project proposes a
 08:07PM 13 buffer of approximately 20 feet in depth.
 08:07PM 14 VICE CHAIRWOMAN O'SHEA: I know, that's
 08:07PM 15 not right, that's wrong.
 08:07PM 16 MR. CAPIZZI: It's not a variance. It
 08:07PM 17 doesn't trigger a variance. I certainly understand
 08:07PM 18 your concern, but from a zoning perspective there's
 08:07PM 19 no requirement for a buffer there.
 08:07PM 20 THE WITNESS: If I can chime in a
 08:07PM 21 little bit.
 08:07PM 22 VICE CHAIRWOMAN O'SHEA: Well, in the
 08:07PM 23 deed restriction it says -- it's very hard to read,
 08:07PM 24 I'm sorry.
 08:07PM 25 CHAIRMAN PORRINO: Go ahead, Mary,

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08:07PM 1 finish your thought.
 08:07PM 2 VICE CHAIRWOMAN O'SHEA: I can.
 08:07PM 3 CHAIRMAN PORRINO: Yeah, sure.
 08:07PM 4 Just let them finish their
 08:07PM 5 conversation.
 08:07PM 6 VICE CHAIRWOMAN O'SHEA: It says, in no
 08:07PM 7 case shall this buffer be utilized for parking or
 08:08PM 8 building purposes, and I have the whole deed
 08:08PM 9 restriction which accompanied with two maps and the
 08:08PM 10 maps show the buffer and this came from the county in
 08:08PM 11 Hackensack.
 08:08PM 12 CHAIRMAN PORRINO: This is a deed
 08:08PM 13 restriction on this property.
 08:08PM 14 Counselor or Mr. Collazuol, any --
 08:08PM 15 MR. CAPIZZI: I have a snippet of what
 08:08PM 16 I believe Ms. O'Shea is referring to.
 08:08PM 17 It clearly states it's only along
 08:08PM 18 Johnson. The opening recital of the ordinance
 08:09PM 19 section talks about it being just along Johnson.
 08:09PM 20 MR. WISS: And I don't know if you have
 08:09PM 21 a cleaner copy of that.
 08:09PM 22 CHAIRMAN PORRINO: What are you
 08:09PM 23 referring to?
 08:09PM 24 MR. CAPIZZI: It's only along Johnson.
 08:09PM 25 CHAIRMAN PORRINO: And what are you

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08:09PM 1 referring to now?
 08:09PM 2 MR. CAPIZZI: I believe this is what
 08:09PM 3 Ms. O'Shea is circulating.
 08:09PM 4 CHAIRMAN PORRINO: Thank you.
 08:09PM 5 So this is Ordinance No. 6 --
 08:09PM 6 MS. SCANCARELLA: 68 --
 08:09PM 7 CHAIRMAN PORRINO: 6804 from back in
 08:09PM 8 1969, it looks like.
 08:09PM 9 VICE CHAIRWOMAN O'SHEA: 1984.
 08:09PM 10 But the maps that go with it show the
 08:09PM 11 buffer, which I gave to you.
 08:09PM 12 CHAIRMAN PORRINO: Well, the buffer
 08:09PM 13 ordinances have -- and it's been an engineering and a
 08:09PM 14 planning question.
 08:09PM 15 We may want to bring this up more with
 08:09PM 16 the planner than with the engineer.
 08:09PM 17 VICE CHAIRWOMAN O'SHEA: Well, I wanted
 08:09PM 18 to because Mr. Collazuol drew the plans.
 08:09PM 19 CHAIRMAN PORRINO: That's fine.
 08:09PM 20 And Mr. Collazuol probably was here
 08:10PM 21 and/or with your dad back in the day on applications
 08:10PM 22 for this same property.
 08:10PM 23 You know, if there's a deed restriction
 08:10PM 24 or a -- something of that sort, it's important that
 08:10PM 25 we know that and, presumably, you've already done
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08:10PM 1 your title searches on this.
 08:10PM 2 MR. CAPIZZI: Correct.
 08:10PM 3 CHAIRMAN PORRINO: So from your
 08:10PM 4 understanding there's no deed restrictions as it
 08:10PM 5 pertains to buffers or setbacks?
 08:10PM 6 MR. CAPIZZI: Just along Johnson.
 08:10PM 7 CHAIRMAN PORRINO: Okay. And do you
 08:10PM 8 have a copy of that? This is just a resolution --
 08:10PM 9 this is a -- you know, an official resolution. If
 08:10PM 10 you have -- and I'll leave this to counsel.
 08:10PM 11 If there's some sort of deed
 08:10PM 12 restriction as it pertains to buffer, Counsel, can we
 08:10PM 13 be entitled to get a copy of that.
 08:10PM 14 MR. WISS: Absolutely, if you have it.
 08:10PM 15 Do you have it in the title work?
 08:10PM 16 MR. CAPIZZI: No, I don't have it.
 08:10PM 17 MR. WISS: Unfortunately the copy that
 08:10PM 18 I have is very unclear, so...
 08:11PM 19 CHAIRMAN PORRINO: There's an ordinance
 20 -- and the ordinances have changed over the years,
 21 obviously, right, and we're dealing with the
 22 ordinance as it exists today, I get that, but if
 23 there's a deed restriction that speaks to the buffers
 24 that were to be provided on this property, that's
 25 something that we should, indeed, have and if we
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08:11PM 1 don't have it, if you could please get --
 08:11PM 2 MR. CAPIZZI: I can't --
 3 CHAIRMAN PORRINO: -- get it to us.
 4 MR. CAPIZZI: -- I can't prove the
 5 non-existence of something.
 6 CHAIRMAN PORRINO: Well, I thought you
 7 said you did see that you --
 8 MR. CAPIZZI: There's nothing --
 08:11PM 9 there's no deed restriction along Sage.
 08:11PM 10 Ms. O'Shea is referring to Sage.
 08:11PM 11 THE WITNESS: If I could chime in on
 08:11PM 12 this?
 08:11PM 13 CHAIRMAN PORRINO: Yes, please.
 08:11PM 14 THE WITNESS: Okay.
 08:11PM 15 On all the plans we show, along the
 08:11PM 16 100-foot buffer zone along Johnson Avenue, the deed
 08:11PM 17 book and page and -- we show it as an exception,
 08:11PM 18 there's no reference in that I can state that -- and
 08:11PM 19 I've read that several times.
 08:11PM 20 This goes back to last fall when we
 08:11PM 21 were doing the other application that this deed book
 08:11PM 22 and this buffer area does not have any reference to
 08:11PM 23 anything along Sage.
 08:11PM 24 CHAIRMAN PORRINO: Okay.
 08:11PM 25 Do you have a copy of this recording?
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08:11PM 1 Because this was a recorded document.
 08:12PM 2 THE WITNESS: Yes, I do.
 08:12PM 3 I don't have it with me.
 08:12PM 4 VICE CHAIRWOMAN O'SHEA: It refers to
 08:12PM 5 two maps, A and B and the county -- the clerk and the
 08:12PM 6 deed's office gave me -- gave us a copies of the two
 08:12PM 7 maps that went with this deed restriction.
 08:12PM 8 MR. CAPIZZI: You mind if I take a look
 08:12PM 9 at that, please?
 08:12PM 10 VICE CHAIRWOMAN O'SHEA: Sure.
 08:12PM 11 MR. WISS: If you can read it, be my
 08:12PM 12 guest.
 08:12PM 13 (Laughter.)
 08:12PM 14 VICE CHAIRWOMAN O'SHEA: All the
 08:12PM 15 copies, 16 pages.
 08:12PM 16 MR. CAPIZZI: Mr. Chairman, just so we
 08:12PM 17 can dispose of this one way or the other, do mind if
 08:12PM 18 I take a two-minute break?
 08:12PM 19 CHAIRMAN PORRINO: No, by all means.
 08:12PM 20 MR. CAPIZZI: Thank you.
 08:12PM 21 (Whereupon, a brief recess is held.)
 08:12PM 22 CHAIRMAN PORRINO: We're back on the
 08:15PM 23 record?
 08:15PM 24 MS. SCANCARELLA: Yup, we are.
 08:15PM 25 CHAIRMAN PORRINO: Counselor?
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08:15PM 1 MR. CAPIZZI: So, Mr. Chairman, I had
 08:15PM 2 an opportunity to speak to Mr. Collazuol about the
 08:15PM 3 deed restriction issue.
 08:15PM 4 We're very confident that it only
 08:15PM 5 exists along Johnson. In part, Mr. Collazuol has the
 08:15PM 6 metes and bounds description of the buffer on his
 08:15PM 7 plan and if the metes and bounds description of the
 08:16PM 8 landscaping is carried around to Sage, he would have
 08:15PM 9 plotted that and he did not, because there is no
 08:15PM 10 landscaping buffer requirement as it pertains to Sage
 08:15PM 11 Road.
 08:15PM 12 And, secondarily, we're confident
 08:15PM 13 enough in that position that we request the board
 08:15PM 14 treat Sage Road as not having a deed restriction.
 08:16PM 15 I would provide the board with the
 08:16PM 16 Johnson Avenue deed restriction and if my
 08:16PM 17 representation turns out to be inaccurate, we'll come
 08:16PM 18 back before the board.
 08:16PM 19 VICE CHAIRWOMAN O'SHEA: What I gave
 08:16PM 20 you was the one, that is it.
 08:16PM 21 MR. CAPIZZI: This document, Ms. --
 08:16PM 22 VICE CHAIRWOMAN O'SHEA: No, the
 08:16PM 23 stapled papers --
 08:16PM 24 MR. CAPIZZI: Right, that --
 08:16PM 25 VICE CHAIRWOMAN O'SHEA: -- is the deed
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08:16PM 1 restriction.
 08:16PM 2 MR. CAPIZZI: I'm not in a position to
 08:16PM 3 read it now. The typed face is too small, it's not
 08:16PM 4 legible.
 08:16PM 5 Certainly appreciate you providing it.
 08:16PM 6 My team has read the ordinance sections and what we
 08:16PM 7 believe the line of demarcation that you're saying
 08:16PM 8 wraps along Sage Road is the imposition of a front
 08:16PM 9 yard setback requirement.
 08:16PM 10 So that ordinance accomplished two
 08:16PM 11 things, it created a buffer along Johnson Avenue and
 08:16PM 12 a front yard setback requirement along Sage and I say
 08:17PM 13 that -- it makes reference to a Footnote No. 4 that
 08:17PM 14 talks about the imposition of a front yard setback.
 08:17PM 15 So, again, I will provide the board
 08:17PM 16 with the Johnson Avenue buffer deed restriction.
 08:17PM 17 VICE CHAIRWOMAN O'SHEA: Okay. I gave
 08:17PM 18 it to you. I'm just saying --
 08:17PM 19 MR. CAPIZZI: I'm going to provide you
 08:17PM 20 with a legible version of it.
 08:17PM 21 CHAIRMAN PORRINO: There you go.
 08:17PM 22 VICE CHAIRWOMAN O'SHEA: All right.
 08:17PM 23 Then do you want to give me my illegible one back --
 08:17PM 24 MR. CAPIZZI: Yes, yes.
 08:17PM 25 VICE CHAIRWOMAN O'SHEA: -- so I don't
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08:17PM 1 have to make another copy?
 08:17PM 2 MR. CAPIZZI: No problem.
 08:17PM 3 CHAIRMAN PORRINO: Speaking of buffers,
 08:17PM 4 are any variances being requested vis-a-vis deviation
 08:17PM 5 from our buffer ordinance as it exists today?
 08:17PM 6 MR. CAPIZZI: I don't believe so.
 08:17PM 7 I know Mr. Mistretta noted the fire
 08:17PM 8 lane, but that's an existing condition that's not
 08:17PM 9 being modified by way of the application and it was
 08:17PM 10 Mr. Mistretta's position that the buffer requirement
 08:17PM 11 is 120 feet in depth. We're showing 100 feet,
 08:18PM 12 because that's the deed restriction.
 08:18PM 13 And it's our position that the deed
 08:18PM 14 restriction is controlling, because the deed
 08:18PM 15 restriction is site specific, whereas the ordinance
 08:18PM 16 requirement is just general in nature.
 08:18PM 17 So this site was specifically
 08:18PM 18 designated for 100-foot buffer requirement pursuant
 08:18PM 19 to that deed restriction. The ordinance requirement
 08:18PM 20 wouldn't be applicable here. It's superceded by the
 08:18PM 21 deed restriction.
 08:18PM 22 CHAIRMAN PORRINO: That's a question,
 08:18PM 23 frankly, for our professional and the attorney to
 08:18PM 24 weigh in on and understood that, you know, where
 08:18PM 25 you're not disturbing any of the -- along the ball
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08:18PM 1 field, let's call it, or the Borough property, you're
 08:18PM 2 not intruding any further into the 120-foot buffer,
 08:18PM 3 let's call it, whether it's 100, 120, you're not
 08:18PM 4 intruding into it at all.
 08:18PM 5 I start to think about and question,
 08:18PM 6 though, as you approach Sage Road and you've got cars
 08:18PM 7 now parking within a hundred feet of Johnson Avenue
 08:18PM 8 where they didn't exist before and, you know, I want
 08:18PM 9 to hear from our professionals if they disagree with
 08:19PM 10 you about the deed restriction superseding the
 08:19PM 11 ordinance and that's for the professionals to weigh
 08:19PM 12 in on.
 08:19PM 13 MR. WISS: Sure.
 08:19PM 14 Why don't we reserve this? I don't
 08:19PM 15 know if you're planner is going to talk.
 08:19PM 16 Why don't we reserve it for the
 08:19PM 17 planning portion? Because I think that's going to
 08:19PM 18 tie in more globally with everything and then I'll
 08:19PM 19 give you my thoughts.
 08:19PM 20 MR. CAPIZZI: Certainly appreciate
 08:19PM 21 that.
 08:19PM 22 If we're talking about other issues,
 08:19PM 23 though, about viewsheds and whatnot, we should really
 08:19PM 24 deal with it in the forefront so I can respond
 08:19PM 25 accordingly.
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08:19PM 1 CHAIRMAN PORRINO: Yeah, no.
 08:19PM 2 And again, viewshed as it pertains to
 08:19PM 3 lights, Mr. Collazuol, presumably if it's regarding
 08:19PM 4 architectural, we'll deal with it with the architects
 08:19PM 5 and landscaping with the landscaper, unless you --
 08:19PM 6 you know, that's my perspective on this.
 08:19PM 7 MR. HODER: Mr. Chairman, if I can make
 08:19PM 8 a comment.
 08:19PM 9 CHAIRMAN PORRINO: Yeah.
 08:19PM 10 MR. HODER: In regard to that area
 08:19PM 11 along Johnson, my letter said take a look at the
 08:19PM 12 ordinance, you know, 120 feet, all those spaces are
 08:19PM 13 in it, but in reality I think the board is more
 08:20PM 14 concerned with the area around Sage and Johnson, the
 08:20PM 15 corner and if there could be the possible relocation
 08:20PM 16 of some of those spaces so that you're not as close
 08:20PM 17 to the corner, you're not as close to Sage and not as
 08:20PM 18 close to Johnson in that very corner area, because --
 08:20PM 19 and I drove again by tonight after probably the third
 08:20PM 20 time I went by and even with the leaves out, you can
 08:20PM 21 see through.
 08:20PM 22 So we would like to keep as much buffer
 08:20PM 23 space and existing, as much of the existing
 08:20PM 24 landscaping as possible, as well as the new
 08:20PM 25 landscaping that the landscape architect is proposing
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08:20PM 1 to keep you away from Sage and the corner.
 08:20PM 2 MR. CAPIZZI: Certainly.
 08:20PM 3 One of the -- we attribute the success
 08:20PM 4 of the campus in large part to be to the regular
 08:20PM 5 availability of parking at the site.
 08:20PM 6 As the general public is aware, office
 08:21PM 7 developments in large part are very difficult to
 08:21PM 8 tenant and here we've been fortunate that we're fully
 08:21PM 9 tenanted and we believe at the basis that we're able
 08:21PM 10 to accomplish a fully tenanted campus is because of
 08:21PM 11 the ease of being able to park at the site.
 08:21PM 12 We want the site to continue to be
 08:21PM 13 successful and in order for it to be successful it
 08:21PM 14 has to be convenient.
 08:21PM 15 So we do have, what we think, is the
 08:21PM 16 critical area that you're referring to.
 08:21PM 17 MR. HODER: If I can interrupt, they
 08:21PM 18 are probably the least convenient parking spaces
 08:21PM 19 on-site --
 08:21PM 20 MR. CAPIZZI: I can --
 08:21PM 21 MR. HODER: -- the ones that I'm
 08:21PM 22 talking about.
 08:21PM 23 So it might be a good thing to do,
 08:21PM 24 but...
 08:21PM 25 MR. CAPIZZI: It's -- again, there's a
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08:21PM 1 building right in proximity to the stalls along the
 08:21PM 2 corner of Sage and Johnson and, again, we're the
 08:21PM 3 operator, we know what we need to be successful. I
 08:21PM 4 can appreciate technical comments, but in
 08:21PM 5 practicality investing significant sums into the
 08:21PM 6 campus, we want to be very confident that we're not
 08:21PM 7 going to run into any obstacles in making sure we
 08:21PM 8 accomplish and maintain a successful property.
 08:22PM 9 MR. HODER: Can we continue this
 08:22PM 10 conversation in the buffer portion, the landscape
 08:22PM 11 buffer portion?
 08:22PM 12 Sure.
 08:22PM 13 MR. CAPIZZI: I mean --
 08:22PM 14 MR. HODER: Thank you.
 08:22PM 15 MR. CAPIZZI: Mr. Chairman, if we want
 08:22PM 16 to have a successful meeting, let's keep it positive.
 08:22PM 17 I understand there are certain goals
 08:22PM 18 and objectives to be achieved and the applicant's
 08:22PM 19 goals and objectives are equal to that.
 08:22PM 20 I'm not sure if you --
 08:22PM 21 CHAIRMAN PORRINO: Mr. Capizzi, don't
 08:22PM 22 assume that any member's comments are anything but --
 08:22PM 23 MR. CAPIZZI: No, no, the board has
 08:22PM 24 been nothing but cordial.
 08:22PM 25 CHAIRMAN PORRINO: This is a --
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08:22PM 1 MR. CAPIZZI: I don't understand
 08:22PM 2 Mr. Hoder jarring with me right there.
 08:22PM 3 CHAIRMAN PORRINO: -- large project and
 08:22PM 4 we have given this application so far, you know, as
 08:22PM 5 much prompt attention and consideration as we can, so
 08:22PM 6 I think we should leave it at that.
 08:23PM 7 MR. CAPIZZI: The jarring is not
 08:23PM 8 something I'm interested in dealing with.
 08:23PM 9 CHAIRMAN PORRINO: I'm sorry.
 08:23PM 10 MR. CAPIZZI: I don't want to be jarred
 08:23PM 11 with.
 08:23PM 12 CHAIRMAN PORRINO: Jarred with? I'm
 08:23PM 13 not sure what that means.
 08:23PM 14 If someone has a question and it's not
 08:23PM 15 answered, they have the right to come back and ask
 08:23PM 16 the question again --
 08:23PM 17 MR. CAPIZZI: I just think it should be
 08:23PM 18 handled politely.
 08:23PM 19 And I'm --
 08:23PM 20 CHAIRMAN PORRINO: -- if they want it
 08:23PM 21 -- okay. Counsel, point taken.
 08:23PM 22 If you -- I presume you want to move
 08:23PM 23 this application along, so I really suggest that we
 08:23PM 24 move forward with the application.
 08:23PM 25 MR. CAPIZZI: No, certainly, we're
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08:23PM 1 trying to do that.

08:23PM 2 CHAIRMAN PORRINO: Any members of the

08:23PM 3 board have any questions for Mr. Collazuol, the

08:23PM 4 engineer on this application, please.

08:23PM 5 MS. CORREA: I have a quick question.

08:23PM 6 Is there any possibility or has it been considered

08:23PM 7 that the parking be a two-story building or structure

08:23PM 8 so that the buffers are not an issue?

08:23PM 9 MR. CAPIZZI: We're not considering any

08:23PM 10 -- beyond what's provided at the building and the

08:23PM 11 structured parking there, there's no additional

08:23PM 12 structured parking proposed.

08:23PM 13 MS. CORREA: Okay.

08:23PM 14 CHAIRMAN PORRINO: Anything else, Fran?

08:24PM 15 MS. CORREA: No, that's it.

08:24PM 16 CHAIRMAN PORRINO: Okay. Vis-à-vis the

08:24PM 17 corner of Sage and Johnson, and this will come up

08:24PM 18 maybe more in planning as well, but I'm not sure, and

08:24PM 19 I don't know if counsel wants to weigh in on it, does

08:24PM 20 the deed restriction on the property supersede the

08:24PM 21 ordinance in place?

08:24PM 22 MR. WISS: It would, and here's -- the

08:24PM 23 problem, though, is we don't have an legible copy.

08:24PM 24 So it's tough for me to answer that

08:24PM 25 question right now. The deed restriction may also

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08:24PM 1 reference that the ordinance is amended. They're no

08:24PM 2 longer subject to those restrictions.

08:24PM 3 I just don't know the answer to that.

08:24PM 4 So if there is a specific deed restriction, counsel

08:24PM 5 has represented that he believes there's not, that

08:24PM 6 can be addressed when we get a copy and maybe we can

08:24PM 7 do that depending on where this all heads as a

08:25PM 8 condition to satisfy the attorneys that there is no

08:25PM 9 deed restriction.

08:25PM 10 Like just separate and apart from that,

08:25PM 11 we have whatever the board decides to do with the

08:25PM 12 present ordinance and variances and approvals.

08:25PM 13 That's something different, obviously, than a deed

08:25PM 14 restriction. So while those two issues are

08:25PM 15 overlapping, the real legal impediment aside from the

08:25PM 16 is variance impediments would be is there a deed

08:25PM 17 restriction that specifically imposes a buffer which

08:25PM 18 counsel said is that just related to the Johnson Ave

08:26PM 19 section.

08:25PM 20 Once we get a more legible copy, we can

08:25PM 21 certainly address that issue, but neither of us,

08:25PM 22 neither myself nor the applicant's attorney have that

08:25PM 23 right now and so we're not in a position to answer

08:25PM 24 that.

08:25PM 25 CHAIRMAN PORRINO: Understood.

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08:25PM 1 I spoke last meeting about this corner

08:25PM 2 and the viewshed of the neighbors especially

08:25PM 3 diagonally across the street from the application and

08:26PM 4 diagonally across Johnson specifically and I see that

08:26PM 5 you added a few more trees which is a landscaping

08:26PM 6 point, whether or not the ordinance supersedes your

08:26PM 7 deed restriction or not, I have a suggestion, just a

08:26PM 8 suggestion, you have six parking spaces that are a

08:26PM 9 continuation of a present line, but I think further

08:26PM 10 limit the amount of plantings that could be done and

08:26PM 11 I'll bring it up again during landscaping and

08:26PM 12 planning testimony, but I would ask the applicant to

08:26PM 13 consider eliminating those six parking spaces that

08:26PM 14 are directly adjacent to Johnson so that you can

08:26PM 15 create more of an enhanced screening for the

08:26PM 16 residents across the street.

08:26PM 17 I think you're going to -- I'm not sure

08:26PM 18 what residents are here this evening, but I think

08:26PM 19 it's important that we do what we can there to

08:26PM 20 increase the plantings in that corner. I, for one,

08:27PM 21 don't think that there's a buffer along Sage Road. I

08:27PM 22 could be wrong and, again, these documents will show

08:27PM 23 from what my experience was they may, indeed, not be,

08:27PM 24 but I do think that every effort should be made so

08:27PM 25 that the residents that will be facing this

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08:27PM 1 additional parking are provided whatever protection

08:27PM 2 we can give them and I say "we" as a team here, the

08:27PM 3 applicant and the board.

08:27PM 4 So that's something I throw out there

08:27PM 5 for you to consider.

08:27PM 6 MR. CAPIZZI: That would be fine,

08:27PM 7 Mr. Chairman.

08:27PM 8 I believe one of the board's

08:27PM 9 professionals had raised a similar comment in their

08:27PM 10 review letter and so the removal of those stalls and

08:27PM 11 the conversion of that area into a landscaping area

08:27PM 12 would be acceptable.

08:27PM 13 CHAIRMAN PORRINO: And, again, the

08:27PM 14 landscaping we'll talk about during landscaping, but,

08:27PM 15 you know, I think some more could be done to further

08:27PM 16 screen the corner of this -- of the applicant's

08:28PM 17 property and their parking.

08:28PM 18 Anything else, Board Members?

08:28PM 19 (No Response.)

08:28PM 20 CHAIRMAN PORRINO: Dave, anything else

08:28PM 21 in terms of engineering?

08:28PM 22 MR. HODER: No, nothing until we get

08:28PM 23 towards the landscaping.

08:28PM 24 CHAIRMAN PORRINO: Okay.

08:28PM 25 MS. ZAMECKI: Actually, I have a

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08:28PM 1 question.

08:28PM 2 CHAIRMAN PORRINO: Yes.

08:28PM 3 MS. ZAMECKI: It's an entrance, but

08:28PM 4 it's not being used next to the playground. Is that

08:28PM 5 being --

08:28PM 6 CHAIRMAN PORRINO: The fire exit, the

08:28PM 7 fire lane?

08:28PM 8 MS. ZAMECKI: Right, yes.

08:28PM 9 CHAIRMAN PORRINO: Yes.

08:28PM 10 MS. ZAMECKI: Is there any chances that

08:28PM 11 it's going to be active and the residents of that new

08:28PM 12 building can have access through from the Johnson

08:28PM 13 through that entrance.

08:28PM 14 CHAIRMAN PORRINO: Good point.

08:28PM 15 Counselor, what's the plan for the fire lanes staying

08:28PM 16 exactly like it is, are there any improvements

08:28PM 17 planned on either side of the existing gate or

08:28PM 18 staying exactly as it is?

08:28PM 19 MR. CAPIZZI: Exactly as it is, no

08:28PM 20 modifications whatsoever, no access at all from that

08:29PM 21 area.

08:29PM 22 MS. ZAMECKI: The playground is around

08:29PM 23 the corner, that's what --

08:29PM 24 MR. CAPIZZI: Yes.

08:29PM 25 CHAIRMAN PORRINO: Because that's
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08:29PM 1 something that's -- that is important.

08:29PM 2 It's a good point that you brought up.

08:29PM 3 MS. ZAMECKI: Thank you.

08:29PM 4 CHAIRMAN PORRINO: You will have

08:29PM 5 emergency services coming into this property,

08:29PM 6 obviously, coming and going and it would be important

08:29PM 7 that they not be utilizing that access, you know,

08:29PM 8 going out unless it's an emergency where 9W is

08:29PM 9 impeded or blocked.

08:29PM 10 MR. CAPIZZI: Yeah, I mean, as far as

08:29PM 11 regular operations, that will not be used.

08:29PM 12 CHAIRMAN PORRINO: Okay.

08:29PM 13 Anything else, anyone?

08:29PM 14 (No Response.)

08:29PM 15 CHAIRMAN PORRINO: Otherwise, next

08:29PM 16 witness.

08:29PM 17 MR. CAPIZZI: Thank you.

08:29PM 18 **D A N I E L K A P L A N, RA, AIA**

08:33PM 19 **235 Duffield Street, Brooklyn, New York 11213,**

20 **having been duly sworn previously, continues to**

21 **testify as follows:**

22 **DIRECT EXAMINATION**

23 **BY MR. CAPIZZI:**

24 **Q. Mr. Kaplan, you were sworn during the**

25 **April hearing and you remain sworn.**
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1 Can you tell us what you have for

2 discussion this evening?

08:30PM 3 **A. Yes.**

08:30PM 4 **Good evening, Board.**

08:30PM 5 CHAIRMAN PORRINO: Good evening.

08:30PM 6 THE WITNESS: I would like to address

08:30PM 7 the mechanical screen questions that came up at the

08:30PM 8 last meeting.

08:30PM 9 The first thing I'd like to make clear

08:30PM 10 is the extent of the screen and we are -- this is a

08:30PM 11 roof plan and it shows two different zones in the

08:30PM 12 gray, which would be enclosed, fully enclosed

08:31PM 13 internalized and with the red dotted lines would be a

08:31PM 14 screen wall that would screen rooftop mechanical so

08:31PM 15 that the mechanicals are not visible from the street

08:31PM 16 or playground, ball fields.

08:31PM 17 The enclosed area is less than

08:31PM 18 10 percent of the roof area. The -- however, the

08:31PM 19 enclosed area plus the screened area is 37 percent of

08:31PM 20 the -- of the roof area as shown. That exceeds the

08:31PM 21 25 percent that's in the code.

08:31PM 22 We believe this is important to have

08:31PM 23 because of the medical office use requires bigger

08:31PM 24 equipment. As that internal planning is being done,

08:32PM 25 the flexibility to have a larger screened area in
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08:32PM 1 plan, not in height, but in plan, is desired so that,

08:32PM 2 again, the equipment can be screened and the

08:32PM 3 flexibility can be provided in terms of planning.

08:32PM 4 CHAIRMAN PORRINO: If you could --

08:32PM 5 THE WITNESS: Yes, sir.

08:32PM 6 CHAIRMAN PORRINO: -- while you're on

08:32PM 7 that page, do you know -- let me rephrase that.

08:32PM 8 Concerns sometimes we've had in the

08:32PM 9 past applications where devices, fans, other kinds of

08:32PM 10 exhaust equipment were put on roofs of buildings that

08:32PM 11 became objectionably loud.

08:32PM 12 And I'm not sure how you can address

08:32PM 13 this at this point. You may not even know exactly

08:32PM 14 what they're putting in the building, but can you add

08:32PM 15 something to that in terms of, you know, what would

08:32PM 16 be done.

08:32PM 17 Is it typically just exhaust fans? Is

08:32PM 18 there -- is there -- there's no, I presume, research

08:32PM 19 and development that's going on.

08:32PM 20 THE WITNESS: Correct, correct.

08:33PM 21 CHAIRMAN PORRINO: Office, an operating

08:33PM 22 room, potentially, MRI machines?

08:33PM 23 THE WITNESS: Correct.

08:33PM 24 I just want to -- I think that's a good

08:33PM 25 point. This isn't, like, a large research building
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08:33PM 1 that you might have in your mind with a big rooftop
 08:33PM 2 -- it's standard rooftop equipment, but just maybe a
 08:33PM 3 little bit more of it.
 08:33PM 4 In terms of noise, there are noise
 08:33PM 5 reduction devices that are routinely put on these
 08:33PM 6 equipment and I don't have it at the top of my head
 08:33PM 7 what the noise reduction criteria is.
 08:33PM 8 I'm sure there's a statewide code that
 08:33PM 9 this would have to comply with and so that's what we
 08:33PM 10 would do.
 08:33PM 11 CHAIRMAN PORRINO: Thank you.
 08:33PM 12 THE WITNESS: In terms of what this
 08:33PM 13 looks like, I just -- let me just -- yeah. This is
 08:33PM 14 an updated version of the view we showed last month
 08:34PM 15 from the northwest and it shows the bulkhead, the
 08:34PM 16 second floor and the ground floor.
 08:34PM 17 I will talk about the bulkhead
 08:34PM 18 materials in the next -- on the next page, but just
 08:34PM 19 there was also questions about the materiality of the
 08:34PM 20 building and you asked us to clarify that.
 08:34PM 21 The ground floor will be a painted
 08:34PM 22 aluminum and glass, what's called a storefront
 08:34PM 23 system. There would be solid in-fill panels of
 08:34PM 24 either stone or a terra cotta material in these
 08:34PM 25 darker colors.

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08:34PM 1 The second floor is -- would be a light
 08:34PM 2 color, not white but a warm -- a warm off white of
 08:34PM 3 either terra cotta or painted aluminum with painted
 08:35PM 4 aluminum mullions in this pattern and then the
 08:35PM 5 bulkhead would be a painted alluminum vertical
 08:35PM 6 textured screen, and I will show you what that is
 08:35PM 7 right now.
 08:35PM 8 You asked about and were concerned
 08:35PM 9 about the material and appearance of the screen.
 08:36PM 10 This is a view looking west from the entry. That's
 08:35PM 11 CNBC and believe that's 920, if my memory serves, but
 08:35PM 12 that's the screen wall.
 08:35PM 13 So, basically, what we look at is
 08:35PM 14 determining color, finish and texture and starting
 08:35PM 15 with color, we want something that isn't too dark so
 08:36PM 16 it stands out nor lighter than the sky like white
 08:36PM 17 would stand out, so a sort of medium light gray.
 08:36PM 18 In terms of finish, not reflective and
 08:36PM 19 not matte, but something like luster, again, to keep
 08:36PM 20 this as soft as possible and then finally in terms of
 08:36PM 21 texture, we need something that: One, allows the air
 08:36PM 22 to go in and out for the equipment; but, two, creates
 08:36PM 23 a little bit of softness.
 08:36PM 24 So it's a vertical type of slat
 08:36PM 25 orientation and simple, but a handsome -- handsome

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08:36PM 1 enclosure. We purposely wanted to be sort of more
 08:36PM 2 secondary to the second floor, which is really the
 08:36PM 3 main event, if you will.
 08:36PM 4 Q. Dan, I know you touched upon it earlier
 08:36PM 5 on the last page, but I'm assuming there's an
 08:36PM 6 aesthetic benefit of the additional enclosure space
 08:37PM 7 by shielding the mechanicals from the viewshed?
 08:37PM 8 A. Yes, yes, of course, the -- you know,
 08:37PM 9 the rooftop mechanicals will be, as I said before, a
 08:37PM 10 mixture of enclosed and rooftop equipment that is
 08:37PM 11 mounted.
 08:37PM 12 We want to not have that viewed from --
 08:37PM 13 from grade and so creating a continuous -- this is
 08:37PM 14 13-foot high off of the roof enclosure, we think is
 08:37PM 15 the -- is the most aesthetically pleasing way to do
 08:37PM 16 it so you don't see any mechanical equipment, nor do
 08:37PM 17 you see any ups and downs in terms of different
 08:37PM 18 heights.
 08:37PM 19 Q. And the fire department had a question
 08:37PM 20 about accessibility under portions of the building.
 08:37PM 21 Can you discuss that for us, please?
 08:37PM 22 A. Sure.
 08:37PM 23 There is a corner of -- yes, there are
 08:38PM 24 overhangs on the building. This is the plan we
 08:38PM 25 previously submitted. The ground floor plan, where

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08:38PM 1 is my ground floor plan.
 08:38PM 2 Anyhow, yes, there is -- this was the
 08:38PM 3 ground floor plan previously submitted.
 08:38PM 4 So it was questions about the overhangs
 08:38PM 5 and would that impeded fire access.
 08:38PM 6 So there are really very modest
 08:38PM 7 overhangs on the west side that really are over the
 08:38PM 8 sidewalk area.
 08:38PM 9 On the east side they're primarily over
 08:38PM 10 the sidewalk area. There's a little bit that extends
 08:38PM 11 over the parking spaces, which should not be a
 08:38PM 12 concern of fire access.
 08:38PM 13 They have a 12-foot-6 clearance and
 08:39PM 14 there's this one corner here (indicating), which is
 08:39PM 15 the loading area, which is covered by the cantilever
 08:39PM 16 and that has a 14-foot clearance. I believe the fire
 08:39PM 17 access code is 13-foot-6 in terms of height, so we
 08:39PM 18 are exceeding that.
 08:39PM 19 There was also question over here in
 08:39PM 20 terms of the -- would the overhang impede? You know,
 08:39PM 21 it's really access to the ramps going down into the
 08:39PM 22 cellar and some planting and it's, again, 12-foot-6
 08:39PM 23 clear at that point.
 08:39PM 24 Q. The balance of the fire department
 08:39PM 25 comments as they pertain to the architectural

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08:39PM 1 elements, you would be addressing by way of your
 08:39PM 2 construction document submittal and building
 08:39PM 3 department review; is that correct?
 08:39PM 4 **A. That is correct.**
 08:39PM 5 MR. CAPIZZI: Thank you, Mr. Kaplan.
 08:39PM 6 I don't have any further questions,
 08:39PM 7 Mr. Chairman.
 08:39PM 8 CHAIRMAN PORRINO: Any questions for
 08:39PM 9 the architect?
 08:39PM 10 Yes.
 08:39PM 11 MR. YOU: A few questions for you.
 08:39PM 12 First of all, thank you very much for
 08:39PM 13 the much better material color tones, which I like
 08:40PM 14 the earth tone compared to previously pure white one.
 08:40PM 15 Of course it was you're creating a
 08:40PM 16 design. And what's the height of the bulkhead? You
 08:40PM 17 said 13 feet, but if you go back to your section,
 08:40PM 18 there is 13-feet high, plus 3-feet parapet --
 08:40PM 19 THE WITNESS: Yes.
 08:40PM 20 MR. YOU: -- so 16 total?
 08:40PM 21 THE WITNESS: No, there is -- it's
 08:40PM 22 13-feet high above the main roof level and then there
 08:40PM 23 is a portion less than 600 feet, I believe by
 08:40PM 24 ordinance that's allowed to be 3-feet taller --
 08:40PM 25 MR. YOU: Uh-huh.

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08:40PM 1 THE WITNESS: -- and that's for
 08:40PM 2 elevator overrides and such.
 08:40PM 3 MR. YOU: I see.
 08:40PM 4 THE WITNESS: -- that is located on the
 08:40PM 5 south side where the service elevator will come up.
 08:40PM 6 MR. YOU: So bulkhead is 13?
 08:40PM 7 THE WITNESS: Correct.
 08:40PM 8 So -- so the -- so the screen wall,
 08:40PM 9 which would set the -- you know, which you would
 08:40PM 10 really perceive from the --
 08:40PM 11 MR. YOU: Uh-huh.
 08:40PM 12 THE WITNESS: -- grade is 13 feet above
 08:40PM 13 the main room.
 08:40PM 14 MR. YOU: I see.
 08:40PM 15 And one more question --
 08:40PM 16 THE WITNESS: Sure.
 08:40PM 17 MR. YOU: Or the bulkhead, thank you
 08:41PM 18 again to provide that kind of louver system --
 08:41PM 19 THE WITNESS: Yeah.
 08:41PM 20 MR. YOU: -- which is much better than
 08:41PM 21 previous year, of course it was here --
 08:41PM 22 THE WITNESS: Right.
 08:41PM 23 MR. YOU: -- in the design.
 08:41PM 24 Are there any way to add acoustic kind
 08:41PM 25 of mat behind the panel in the future?

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08:41PM 1 Can you consider that kind of...
 08:41PM 2 THE WITNESS: We can certainly consider
 08:41PM 3 it and as I said before, you know, as the mechanical
 08:41PM 4 needs and systems of the building are defined, we
 08:41PM 5 will certainly adhere to noise codes and an acoustic
 08:41PM 6 lining may very well be a good solution.
 08:41PM 7 MR. YOU: Because behind the building
 08:41PM 8 we have one of our main kind of community parks.
 08:41PM 9 So we do not want to hear big machines
 08:41PM 10 keep running during their happy time.
 08:41PM 11 THE WITNESS: Of course.
 08:41PM 12 MR. YOU: Okay?
 08:41PM 13 THE WITNESS: Yes.
 08:41PM 14 MR. YOU: That's all for me.
 08:42PM 15 CHAIRMAN PORRINO: Anyone else?
 08:42PM 16 MR. KIM: Can I ask something.
 08:42PM 17 CHAIRMAN PORRINO: Sure, absolutely.
 08:42PM 18 MR. KIM: Any OR in the building.
 08:42PM 19 THE WITNESS: I don't believe there is
 08:42PM 20 an OR in the building, no.
 08:42PM 21 MR. KIM: Okay, thank you.
 08:42PM 22 CHAIRMAN PORRINO: This rooftop access
 08:42PM 23 you have an elevator that will extend up to roof for
 08:42PM 24 maintenance purposes, parts, et cetera?
 08:42PM 25 THE WITNESS: Yes.

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08:42PM 1 CHAIRMAN PORRINO: Is there going to be
 08:42PM 2 any public access to the roof of this building.
 08:42PM 3 THE WITNESS: No, there will not. It's
 08:42PM 4 just -- it's for mechanical only.
 08:42PM 5 CHAIRMAN PORRINO: Thank you.
 08:42PM 6 Mr. Hoder, do you have any questions or
 08:42PM 7 comments as it pertains to anything engineering?
 08:42PM 8 MR. HODER: No, I don't have anything,
 08:42PM 9 not for architecture.
 08:42PM 10 CHAIRMAN PORRINO: Okay.
 08:42PM 11 MR. YOU: Have you considered the EV
 08:42PM 12 car charging stations? How many required and how
 08:42PM 13 many did you discuss?
 08:42PM 14 MR. CAPIZZI: It will be about
 08:42PM 15 approximately 25, 25 or 28.
 08:42PM 16 MR. YOU: Did you assign certain
 08:43PM 17 portions of the -- not yet?
 08:43PM 18 MR. CAPIZZI: Not yet.
 08:43PM 19 CHAIRMAN PORRINO: That's required
 08:43PM 20 actually by state code.
 08:43PM 21 MR. CAPIZZI: 28 -- it will be 28 EV
 08:43PM 22 spaces that will have to be brought on line.
 08:43PM 23 CHAIRMAN PORRINO: Assuming Tesla is
 08:43PM 24 still in business.
 08:43PM 25 (Laughter.)

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08:43PM 1 CHAIRMAN PORRINO: Okay. I don't have
08:43PM 2 anything else.
08:43PM 3 No one else? No?
08:43PM 4 (No Response.)
08:43PM 5 CHAIRMAN PORRINO: Next witness.
08:43PM 6 Thank you.
08:43PM 7 THE WITNESS: Thank you.
8 P A U L D E V I T T O, L.A.
9 92 Park Avenue, Rutherford, New Jersey, having
10 been duly sworn previously, continues to
11 testify as follows:
12 DIRECT EXAMINATION
08:43PM 13 BY MR. CAPIZZI:
08:43PM 14 Q. Mr. DeVitto, you were sworn in in April
08:44PM 15 as an expert in the field of landscape architecture
08:44PM 16 and you remain sworn?
08:44PM 17 A. Yes.
08:44PM 18 Q. Can you identify what you have on the
08:44PM 19 easel for us, please?
08:44PM 20 A. Sure.
08:44PM 21 So this will be Exhibit, I guess, A-7.
08:44PM 22 Q. Correct.
08:44PM 23 (Whereupon, Landscape Plan Rendering is
08:44PM 24 marked as Exhibit A-7 for identification.)
08:44PM 25 THE WITNESS: So this is a site plan
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08:44PM 1 render or a landscape plan rendering.
08:44PM 2 North is to the top right corner of the
08:44PM 3 page.
08:44PM 4 This is dated 5/6/2025 and this is
08:44PM 5 Sheet 1 of 1.
08:44PM 6 So, you know, we were here last month
08:44PM 7 and we heard the board. So we took that as an
08:44PM 8 opportunity to enhance the landscape plan. We really
08:44PM 9 focused on three main areas. Those being the
08:44PM 10 frontage along Sage Road as it turns into the corner
08:44PM 11 of Johnson Avenue. This area we've now extended
08:44PM 12 evergreen plantings across the entire frontage of
08:44PM 13 Sage Road and then turning that corner.
08:44PM 14 We've also included additional large
08:44PM 15 woody deciduous shrubs along the corner as well just
08:44PM 16 to provide some ornamental interest.
08:45PM 17 Plantings along this area, we're
08:45PM 18 proposing an additional 28 trees. These consist of
08:45PM 19 spruce trees and holly trees to match those plantings
08:45PM 20 a little bit down to the neighboring property along
08:45PM 21 Johnson Avenue.
08:45PM 22 This will grow into a continuous
08:45PM 23 evergreen wall to provide that buffering that the
08:45PM 24 board was seeking last meeting.
08:45PM 25 CHAIRMAN PORRINO: Could you identify
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08:45PM 1 by pointing on the sketch, please, where you're
08:45PM 2 talking about adding those spruce and hollies?
08:45PM 3 THE WITNESS: Sure.
08:45PM 4 So they've been intermingled through
08:45PM 5 the entire frontage, because we have added a
08:45PM 6 substantial amount of trees not just towards the
08:45PM 7 section of Sage Road and Johnson Avenue, but also
08:45PM 8 throughout the frontage that was already previously
08:45PM 9 proposed to be planted.
08:45PM 10 CHAIRMAN PORRINO: Can you identify the
08:45PM 11 width of the wooded area, the natural wooded area
08:45PM 12 that exists today as compared to what is remaining
08:45PM 13 naturally wooded?
08:46PM 14 And I know it's not that great of an
08:46PM 15 area.
08:46PM 16 THE WITNESS: Just to give you an
08:46PM 17 accurate number here -- I just want to provide the
08:46PM 18 board with a correct number.
08:46PM 19 CHAIRMAN PORRINO: Take your time.
08:46PM 20 THE WITNESS: I know the general --
08:46PM 21 right, so it's 90 feet existing going down to
08:46PM 22 30 feet.
08:47PM 23 The second area that we've added
08:47PM 24 plantings was the buffer west of the proposed
08:47PM 25 building.
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08:47PM 1 This area, again, same idea, providing
08:47PM 2 a continuous evergreen row of trees. We're providing
08:47PM 3 an additional 37 trees. This is going to supplement
08:47PM 4 the existing deciduous trees that are there, as well
08:47PM 5 as there are a significant portion of this frontage
08:47PM 6 that is -- or not frontage, boundary that is taken up
08:47PM 7 by mature deciduous shrubs that we're proposing to
08:47PM 8 keep.
08:47PM 9 CHAIRMAN PORRINO: Those are the shrubs
08:47PM 10 adjacent to the fence --
08:47PM 11 THE WITNESS: Yes, along the --
08:47PM 12 CHAIRMAN PORRINO: -- separating your
08:47PM 13 client's property from the park.
08:47PM 14 THE WITNESS: Correct.
08:47PM 15 CHAIRMAN PORRINO: So the new plantings
08:47PM 16 would all be proud in front of the existing evergreen
08:47PM 17 shrubbery, let's call it.
08:47PM 18 Some of that, I think, is pretty tall.
08:48PM 19 It's, I think, 8- or 10-feet high --
08:48PM 20 THE WITNESS: Correct.
08:48PM 21 CHAIRMAN PORRINO: -- it's pretty dense,
08:48PM 22 at least at this of the year now.
08:48PM 23 THE WITNESS: Yeah, so we saw value in
08:48PM 24 that, so...
08:48PM 25 CHAIRMAN PORRINO: Agreed.
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08:48PM 1 MS. ZAMECKI: I have a question.
 08:48PM 2 Along Sage Avenue and where the ball
 08:48PM 3 park is, is a natural growing trees --
 08:48PM 4 THE WITNESS: Uh-huh.
 08:48PM 5 MS. ZAMECKI: -- and that gives anybody
 08:48PM 6 who is there nice feeling, like you see in the
 08:48PM 7 country --
 08:48PM 8 THE WITNESS: Sure.
 08:48PM 9 MS. ZAMECKI: -- why do you want to
 08:48PM 10 replace with, you know, other trees?
 08:48PM 11 THE WITNESS: Sure.
 08:48PM 12 So --
 08:48PM 13 MS. ZAMECKI: Why do you -- why do you
 08:48PM 14 want to make at like manicure, you know, like design
 08:48PM 15 instead of keeping the natural look?
 08:48PM 16 THE WITNESS: Right.
 08:48PM 17 So that just goes back to kind of our
 08:48PM 18 -- our whole presentation of, you know, part of -- of
 08:48PM 19 the project, part of the demand and need for the
 08:48PM 20 building.
 08:48PM 21 The -- there still -- there still are
 08:48PM 22 going to be large mature trees that are going to be
 08:48PM 23 able to be preserved along this frontage, and then
 08:48PM 24 we're going to supplement them with additional
 08:49PM 25 evergreen trees.

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08:49PM 1 MS. ZAMECKI: Because, you know, the
 08:49PM 2 other side of the Sage was lighthouse, they left
 08:49PM 3 pretty big space --
 08:49PM 4 THE WITNESS: Uh-huh.
 08:49PM 5 MS. ZAMECKI: -- with the natural
 08:49PM 6 looking like forest, you know, area.
 08:49PM 7 That would be nice to keep it the same
 08:49PM 8 on the other side of Sage --
 08:49PM 9 THE WITNESS: Sure.
 08:49PM 10 MS. ZAMECKI: -- that's -- I don't know,
 08:49PM 11 this is, like, fashionable to -- to cut the trees and
 08:49PM 12 replace with, you know, some evergreens which are not
 08:49PM 13 so lasting.
 08:49PM 14 THE WITNESS: Well, the -- it's a
 08:49PM 15 different style of tree, but they do have similar
 08:49PM 16 lifespans.
 08:49PM 17 MS. ZAMECKI: We have the oaks in that
 08:49PM 18 place.
 08:49PM 19 Oaks live like, you know, 70 years and
 08:49PM 20 trees they are planting around the new buildings,
 08:49PM 21 they are evergreens or, you know, one of those
 08:50PM 22 maples, which are like 25 years or maybe a little
 08:50PM 23 more.
 08:50PM 24 So I don't know what we are replace the
 08:50PM 25 oak with...

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08:50PM 1 THE WITNESS: Sure.
 08:50PM 2 MR. CAPIZZI: There is no buffer
 08:50PM 3 requirement along Sage, so --
 08:50PM 4 MS. ZAMECKI: No, we don't know that,
 08:50PM 5 because Ms. O'Shea said that it is and you said you
 08:50PM 6 don't know.
 08:50PM 7 So that has to be verified and bring
 08:50PM 8 again to the next meeting, that's what I understood.
 08:50PM 9 MR. CAPIZZI: No, I know there's no
 08:50PM 10 buffer along Sage.
 08:50PM 11 MS. ZAMECKI: So --
 08:50PM 12 MR. CAPIZZI: The provision of a
 08:50PM 13 20-foot buffer is more than what's required.
 08:50PM 14 MS. ZAMECKI: So if this is the case,
 08:50PM 15 why the other Sage -- side of Sage left the buffer?
 08:50PM 16 MR. CAPIZZI: I can't speak to that
 08:50PM 17 application.
 08:50PM 18 MS. ZAMECKI: Okay.
 08:50PM 19 MR. CAPIZZI: But as I had mentioned to
 08:50PM 20 the board, I'm going to provide the board with the
 08:50PM 21 Johnson Avenue buffer easement agreement and if my
 08:50PM 22 representation is inaccurate, we'll come back before
 08:50PM 23 the board.
 08:50PM 24 MS. ZAMECKI: So you -- this is buffer,
 08:50PM 25 why the concern is the corner of Sage and Johnson

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08:51PM 1 when the buffer from Johnson should cover the -- the
 08:51PM 2 corner.
 08:51PM 3 So why we are talking about, you know,
 08:51PM 4 replacing or planting new trees on that corner?
 08:51PM 5 MR. CAPIZZI: The board had asked for
 08:51PM 6 that.
 08:51PM 7 We don't need to supplement --
 08:51PM 8 MS. ZAMECKI: We are not going to touch
 08:51PM 9 the oak trees, right, on that corner?
 08:51PM 10 MR. CAPIZZI: Correct.
 08:51PM 11 I thought there was -- the team thought
 08:51PM 12 that there was a suggestion to see if we can enhance
 08:51PM 13 the buffer at the intersection, so that's why we were
 08:51PM 14 proposing plantings there.
 08:51PM 15 CHAIRMAN PORRINO: Kinga, the idea was
 08:51PM 16 that for folks that live across the, street
 08:51PM 17 diagonally looking out onto this new parking, because
 08:51PM 18 it's going to be -- if this project is approved,
 08:51PM 19 there's going to be new parking and much less natural
 08:51PM 20 trees along Sage.
 08:51PM 21 So the conversation was, well, why not
 08:51PM 22 add additional screening, right, even though --
 08:51PM 23 MS. ZAMECKI: In front of the existing.
 08:51PM 24 CHAIRMAN PORRINO: -- the buffer along
 08:51PM 25 Johnson is not -- that's correct, you know, outside

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08:51PM 1 of closer to the -- to the street --

08:51PM 2 MS. ZAMECKI: Okay.

08:51PM 3 CHAIRMAN PORRINO: -- not just along

08:52PM 4 Sage, but around the corner of Johnson as well too.

08:52PM 5 And that brings up, you know, a point

08:52PM 6 that I'll make that you did add, it looks like, five

08:52PM 7 PICs, which are pines, I think.

08:52PM 8 What's your --

08:52PM 9 THE WITNESS: That's a Norway spruce.

08:52PM 10 CHAIRMAN PORRINO: Norway spruce?

08:52PM 11 Okay.

08:52PM 12 You know, I had asked for, and I'll ask

08:52PM 13 again, for a continuation of that look to continue

08:52PM 14 around Johnson.

08:52PM 15 You have one that it looks like that

08:52PM 16 you added there, but I really think that has to be

08:52PM 17 extended a little further towards the -- I guess that

08:52PM 18 would be the south and not just stopped almost

08:52PM 19 literally at the corner of Sage.

08:52PM 20 MR. CAPIZZI: That's fine,

08:52PM 21 Mr. Chairman.

08:52PM 22 BY MR. CAPIZZI:

08:52PM 23 Q. Mr. DeVitto, we had talked earlier

08:52PM 24 about the six spaces along Sage, correct, being

08:52PM 25 deleted and that area converted to landscaping.

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08:52PM 1 Can you provide the board with your

08:52PM 2 initial thoughts about what you would do there by way

08:52PM 3 of vegetation?

08:52PM 4 A. Sure.

08:53PM 5 So this would open up a little area

08:53PM 6 that we could, you know, plant additional evergreen

08:53PM 7 trees. Should the board want oak trees, we can plant

08:53PM 8 oak trees, but, yeah, the removal of these six spaces

08:53PM 9 would provide an additional planting opportunity.

08:53PM 10 CHAIRMAN PORRINO: Yes, Mr. O'Shea?

08:53PM 11 MR. O'SHEA: Have you guys created a

08:53PM 12 rendering of what the -- like an elevation from Sage

08:53PM 13 or the new parking? You'd have to put like a

08:53PM 14 retaining wall in there, right, for the parking? I

08:53PM 15 mean, there's a big height difference.

08:53PM 16 THE WITNESS: Yeah, so that's site

08:53PM 17 related, but there is a proposed retaining wall.

08:53PM 18 MR. O'SHEA: Okay.

08:53PM 19 CHAIRMAN PORRINO: Yeah, there is a

08:53PM 20 concern that I have that even some of the trees that

08:53PM 21 are depicted to remain in that 30 feet remaining

08:53PM 22 natural area may not survive as a result of

08:54PM 23 construction activities.

08:54PM 24 I think some rock outcrops as well that

08:54PM 25 are going to have to be broken or demoed out with

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08:54PM 1 blasting.

08:54PM 2 So I think you're going to be relying

08:54PM 3 more on your new plantings than you are unfortunately

08:54PM 4 on the natural vegetation that was there before.

08:54PM 5 So I think adding some -- continue to

08:54PM 6 add more evergreen screening both around the corner

08:54PM 7 of Johnson as I suggested before and also continuing

08:54PM 8 along Sage as well too. I know you added several

08:54PM 9 more, I guess they're pines, but I think engineering

08:54PM 10 may have touched on this on his report.

08:54PM 11 Did you talk about landscaping as it

08:54PM 12 pertains to adding some evergreens?

08:54PM 13 MR. HODER: Mr. Chairman, yes, I -- in

08:54PM 14 my report I asked for some additional evergreens.

08:54PM 15 The one other comment is that -- is

08:55PM 16 that can you put a note on the plan requesting that

08:55PM 17 the contractor leave any large trees, let's say,

08:56PM 18 greater than 4 inches in place so that the new stuff

08:56PM 19 will go in, but it will go in without destroying the

08:56PM 20 existing buffer, so that would be one thing that

08:56PM 21 would be positive and if you can add some additional

08:56PM 22 trees to make that corner a little -- especially now

08:56PM 23 with the loss of those six spaces, you'll be able to

08:56PM 24 create a little bit better of a buffer along that

08:56PM 25 whole corner there.

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08:56PM 1 THE WITNESS: Yeah, I think that would

08:56PM 2 be agreeable.

08:56PM 3 MR. HODER: So we can work that out.

08:56PM 4 I did have, Mr. Chairman, one other

08:56PM 5 comment about the -- where the new building is going.

08:56PM 6 There's a -- what, a 27-foot buffer there that

08:56PM 7 they're proposing and there's existing evergreen and

08:56PM 8 mostly deciduous plantings in that area now.

08:56PM 9 Your new shade trees are pretty close

08:56PM 10 to the -- or relatively close to the new curb, but

08:56PM 11 the -- all the evergreens appear to be back

08:56PM 12 intermixed in the existing foliage.

08:56PM 13 Is it possible you can take all of them

08:56PM 14 and move them out into the grass area so that the

08:56PM 15 existing, again, is saved?

08:56PM 16 THE WITNESS: Sure.

08:56PM 17 MR. HODER: I'm going -- I'm going to

08:56PM 18 the same place on both areas and allow for the new

08:56PM 19 landscaping to be out in front of it so it's really,

08:56PM 20 really helping it a lot and you're not destroying any

08:56PM 21 of the existing. You know, you go through there in

08:56PM 22 the middle of the summer and it's nice and thick, the

08:56PM 23 winter not so much.

08:56PM 24 So if we can keep that in place and put

08:56PM 25 all the new landscaping, move that all forward

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08:56PM 1 towards the curb intermixed with the street trees, I
08:56PM 2 think you would be better off.
08:56PM 3 CHAIRMAN PORRINO: And staggering the
08:56PM 4 new plantings in the process?
08:56PM 5 MR. HODER: Yes, yes.
08:56PM 6 CHAIRMAN PORRINO: Sir, yes?
08:57PM 7 THE WITNESS: Yes.
08:57PM 8 MR. HODER: Thank you.
08:57PM 9 CHAIRMAN PORRINO: And we can touch --
08:57PM 10 touch once more time on the additional landscaping.
08:57PM 11 It's going to be part of the planning, I think,
08:57PM 12 discussion as well.
08:57PM 13 I don't have anything else.
08:57PM 14 Did you touch on any landscaping around
08:57PM 15 off of Sylvan Avenue in front of the building?
08:57PM 16 I know there's some trees that are
08:57PM 17 going to be lost. Did we get a tree -- was there a
08:57PM 18 tree plan that shows -- depicts what trees are being
08:57PM 19 maintained versus those that are being removed?
08:57PM 20 Do you have such a plan? I don't know
08:57PM 21 if I saw it.
08:57PM 22 THE WITNESS: No, we don't have that
08:57PM 23 exact plan.
08:57PM 24 CHAIRMAN PORRINO: Dave, do you have a
08:57PM 25 feeling on that?

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08:57PM 1 MR. HODER: The landscaping plan seems
08:57PM 2 to show that all the -- everything on Sylvan is
08:57PM 3 staying.
08:57PM 4 Am I right about that?
08:57PM 5 THE WITNESS: Yes.
08:57PM 6 MR. HODER: Okay. The only thing, the
08:57PM 7 only place where they're going to maybe do some
08:57PM 8 additional plantings and maybe remove something might
08:58PM 9 be along the back of NBC -- CNBC, sorry.
08:58PM 10 THE WITNESS: I believe this area was
08:58PM 11 going to remain, that was our intention, for any tree
08:58PM 12 within this island.
08:58PM 13 MR. HODER: Okay. So you're just going
08:58PM 14 to build curb around it and that's it.
08:58PM 15 THE WITNESS: Yes, we have a proposed
08:58PM 16 curb.
08:58PM 17 CHAIRMAN PORRINO: So it looks like you
08:58PM 18 depict the trees on the property; is that fair? I
08:58PM 19 don't know if it was you or the engineer that did it,
08:58PM 20 but it looks like they are depicted and it would be
08:58PM 21 helpful if -- it looks like the work was already done
08:58PM 22 -- if those that are going to be destroyed, I think
08:58PM 23 it would be helpful for the -- for there to be
08:58PM 24 clarity as what's being maintained so there's not a
08:59PM 25 surprise later on.

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08:58PM 1 MR. HODER: The applicant did also add
08:58PM 2 some foundation plantings around the building, which
08:58PM 3 I think is very positive and some additional
08:58PM 4 plantings in and around the entrance to the
08:58PM 5 underground parking garage, which also is positive.
08:59PM 6 THE WITNESS: Yeah, and the other thing
08:59PM 7 we look to do is just increase the species diversity
08:59PM 8 which is something we spoke about as well.
08:59PM 9 CHAIRMAN PORRINO: Okay.
08:59PM 10 Anything else, anyone?
08:59PM 11 (No Response.)
08:59PM 12 CHAIRMAN PORRINO: Counsel, next
08:59PM 13 witness.
08:59PM 14 MR. CAPIZZI: Thank you, Mr. Chairman.
08:59PM 15 Mr. Kennedy?
08:59PM 16 Mr. Chairman, Mr. Kennedy is our next
09:00PM 17 witness, our traffic engineer.
18 N I C H O L A S K E N N E D Y, P.E.
19 92 Park Avenue, Rutherford, New Jersey, having
20 been duly sworn previously, continues to
21 testify as follows:
22 DIRECT EXAMINATION
23 BY MR. CAPIZZI:
09:00PM 24 Q. Mr. Kennedy, you also testified during
09:00PM 25 the April proceedings and were sworn in as an expert

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09:00PM 1 in the field of traffic engineering services?
09:00PM 2 A. Correct.
09:00PM 3 Q. As far as the material for this
09:00PM 4 evening, one of the tasks that you had completed was
09:00PM 5 an assessment of the parking for the campus as is
09:00PM 6 required by ordinance.
09:00PM 7 Have you undertaken that assessment?
09:00PM 8 A. We have.
09:00PM 9 Again, that was part of the planning
09:00PM 10 review letter was to get an understanding of what the
09:00PM 11 existing parking requirement is for this site.
09:00PM 12 We did take a look and based on the
09:00PM 13 ordinance of one space per 150 square feet, the
09:00PM 14 parking required for the four existing buildings --
09:00PM 15 the four existing buildings, as well as our proposed
09:01PM 16 building would be 2,541 parking spaces.
09:01PM 17 Again, that is the parking requirement.
09:01PM 18 We are proposing with the loss of the six spaces,
09:01PM 19 1,195 parking spaces.
09:01PM 20 Q. Thank you.
09:01PM 21 As far as the fire department letter, I
09:01PM 22 know there was a comment about, I believe, fire truck
09:01PM 23 circulation.
09:01PM 24 Did you have a chance to take a look?
09:01PM 25 A. Yeah, we took a look.

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09:01PM 1 **I reached out to the Englewood Cliffs**
 09:01PM 2 **Fire Department just to get their specs on their**
 09:01PM 3 **largest fire truck.**
 09:01PM 4 **I haven't heard anything back yet, but**
 09:01PM 5 **we did run truck turning templates with the largest**
 09:01PM 6 **fire truck we have in our system. It's a 48-foot**
 09:01PM 7 **fire truck. It's very large. It's probably larger**
 09:01PM 8 **than whatever the largest Englewood Cliffs fire truck**
 09:01PM 9 **is.**
 09:01PM 10 **I can conclude that that fire truck can**
 09:01PM 11 **circulate the site. I presume once getting those**
 12 **specs that the results will be the same with the**
 13 **largest Englewood Cliffs fire truck.**
 14 Q. Thank you.
 15 Have you had a chance to take a look at
 16 Mr. Horner's review letter of May 1st?
 17 A. **I have.**
 09:02PM 18 Q. There were some items in there that
 09:02PM 19 required us to provide some supplemental
 09:02PM 20 documentation.
 09:02PM 21 Have you had an opportunity to speak to
 09:02PM 22 Mr. Horner about that?
 09:02PM 23 A. **Yup, I spoke to Mr. Horner earlier this**
 09:02PM 24 **week, might have been yesterday.**
 09:02PM 25 **There's a few things we need to provide**
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09:02PM 1 **him. That truck -- fire truck turning template is**
 09:02PM 2 **one of them. A little bit of sight distance**
 09:02PM 3 **analysis.**
 09:02PM 4 **I think in general, the review letter**
 09:02PM 5 **-- and when I talked to Mr. Horner, we agree on the**
 09:02PM 6 **results of the traffic impact study, we just need to**
 09:02PM 7 **provide him a little more information, a couple**
 09:02PM 8 **additions to the plans that we have no problem**
 09:02PM 9 **complying with.**
 09:02PM 10 MR. CAPIZZI: Thank you, Mr. Kennedy.
 09:02PM 11 I don't have any further questions,
 09:02PM 12 Mr. Chairman.
 09:02PM 13 CHAIRMAN PORRINO: Mr. Horner?
 09:02PM 14 MR. HORNER: Mr. Chairman, so as you
 09:02PM 15 can see from Mr. Kennedy's testimony, I agree with it
 09:02PM 16 that we are in agreement on pretty much everything
 09:03PM 17 that we've done and he will be providing additional
 09:03PM 18 documents.
 09:03PM 19 With that said, would you like me to go
 09:03PM 20 through fairly efficiently my letter for the board's
 09:03PM 21 benefit as opposed to just letting it stand with that
 09:03PM 22 statement?
 09:03PM 23 CHAIRMAN PORRINO: Please.
 09:03PM 24 MR. HORNER: Sure.
 09:03PM 25 Letter dated May 1st, 2025, basically
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09:03PM 1 broken into three parts. The first being access and
 09:03PM 2 internal circulation. We reviewed in detail the
 09:03PM 3 traffic impact study. We reviewed in detail the site
 09:03PM 4 plan submitted with the application for the purpose
 09:03PM 5 of looking at internal circulation and parking in
 09:03PM 6 particular.
 09:03PM 7 So in terms of the access, it's
 09:03PM 8 providing two access -- two two-way access aisles
 09:03PM 9 intersecting what I'll consider the main spine aisle
 09:03PM 10 that goes to Sylvan.
 09:03PM 11 I endorsed that plan, because it does
 09:03PM 12 provide full circulation around the entire new
 09:04PM 13 building and allows both not just emergency vehicles,
 09:04PM 14 but employees and visitors to have the ability to
 09:04PM 15 circulate around if they're looking for a parking
 09:04PM 16 spot, they're not trapped in a dead-end aisle.
 09:04PM 17 So I do endorse the way the access is
 09:04PM 18 laid out for the new building.
 09:04PM 19 There was some talk last month about
 09:04PM 20 the aisle width, 24-foot two-way aisle width is
 09:04PM 21 proposed. That's consistent with the existing
 09:04PM 22 office, the remainder office development.
 09:04PM 23 It does require a waiver from the
 09:04PM 24 ordinance. We do endorse that waiver, because I
 09:04PM 25 believe a 24-foot minimum is appropriate and it is,
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09:04PM 1 again, consistent with the rest of the development.
 09:04PM 2 In addition to the aisle width, there
 09:04PM 3 was also some conversation about what's called the
 09:04PM 4 module width, which is the two-way aisle combined
 09:04PM 5 with perpendicular parking on both sides.
 09:05PM 6 If you add up the dimensions of the
 09:05PM 7 parking stall depth, the two-way aisle and then the
 09:05PM 8 other parking stall depth, it total -- it's 18, 24
 09:05PM 9 and 18, totals 60 feet. That does not meet the code.
 09:05PM 10 It would require a waiver.
 09:05PM 11 A similar waiver was granted with the
 09:05PM 12 existing development. To me, 60 feet is the minimum,
 09:05PM 13 but it is acceptable and I would endorse a waiver,
 09:05PM 14 which really critical for the 60 feet, it's not so
 09:05PM 15 much being able to pass two vehicles and 24 feet.
 09:05PM 16 It's being able to back out of a perpendicular spot
 09:05PM 17 and have enough room to maneuver, you need that full
 09:05PM 18 24 feet.
 09:05PM 19 So it is the minimum, but I agree with
 09:05PM 20 it and would endorse that waiver.
 09:05PM 21 Talked about pedestrian crossings. I
 09:05PM 22 don't know if you can pull up the site plan. I don't
 09:05PM 23 know what exhibit number that is.
 09:06PM 24 MR. CAPIZZI: It's behind that.
 09:06PM 25 THE WITNESS: There we go.
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09:06PM 1 MR. HORNER: So even though it's small,
 09:06PM 2 in the vicinity of the new driveways that are
 09:06PM 3 intersecting the main aisle to Sylvan.
 09:06PM 4 THE WITNESS: Yeah.
 09:06PM 5 MR. HORNER: And by the way, there's
 09:06PM 6 also a separate in and separate out to get to the
 09:06PM 7 underground parking, which I also agree with. I
 09:06PM 8 think in a previous plan, a previous application,
 09:06PM 9 they were only showing one entrance/exit combined.
 09:06PM 10 I think having two separate ones does
 11 allow emergency vehicles to -- if one of them is
 12 blocked for some reason, they can go in the other
 13 one, so I do endorse that.
 14 With regard to pedestrian crossing,
 15 that plan shows, if I recall, some ADA compliant
 09:07PM 16 ramps at a couple of spots in proximity to those
 09:07PM 17 accesses, but it doesn't show striped pedestrian
 09:07PM 18 crosswalks going across the aisle and I think there
 09:07PM 19 should be crosswalks.
 09:07PM 20 The question is the location, because
 09:07PM 21 some of those ramps, it looks like if they were to
 09:07PM 22 continue across, they would not go into a safe
 09:07PM 23 landing area on the other side.
 09:07PM 24 So I would like to see the supplemental
 09:07PM 25 materials and we can have a conversation about where
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09:07PM 1 the pedestrian crossing should go.
 09:07PM 2 There should be at least two pedestrian
 09:07PM 3 crossings properly signed, properly striped with
 09:07PM 4 proper ADA ramps in locations that we can confirm
 09:07PM 5 with further discussion.
 09:07PM 6 THE WITNESS: We're more than happy to
 09:07PM 7 work with you on that.
 09:07PM 8 MR. HORNER: And then Mr. Kennedy
 09:08PM 9 referenced plans that I had asked were to be
 09:08PM 10 provided.
 09:08PM 11 One was an emergency vehicle
 09:08PM 12 circulation plan. Mr. Kennedy testified that he has
 09:08PM 13 run those templates and feels confident that the
 09:08PM 14 largest fire truck can circulate.
 09:08PM 15 I'd just like to see that on his plan.
 09:08PM 16 THE WITNESS: Absolutely.
 09:08PM 17 MR. HORNER: And in addition, a
 09:08PM 18 separate truck plan to show the movements into and
 09:08PM 19 out of the loading zones, again, to ensure that that
 09:08PM 20 does accommodate.
 09:08PM 21 I know from our conversation, you were
 09:08PM 22 confident that it does as that has been run
 09:08PM 23 internally in your office should be shown on the plan
 09:08PM 24 so we can see it.
 09:08PM 25 THE WITNESS: Again, absolutely we can
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09:08PM 1 provide you those.
 09:08PM 2 MR. HORNER: Okay.
 09:08PM 3 We discussed parking in our letter and
 09:08PM 4 there was a lot of testimony about parking last
 09:08PM 5 month.
 09:08PM 6 In summary, the ordinance requirement
 09:08PM 7 is five spaces per 1,000 square feet and that would
 09:08PM 8 result in -- that would result in over 2,000 parking
 09:09PM 9 spaces for the entire campus. A variance granted for
 09:09PM 10 the existing portion of the campus in 2002 allowed
 09:09PM 11 for what turned out to equate to 4.03 spaces per
 09:09PM 12 thousand square feet. There are 1160 spaces
 09:09PM 13 currently.
 09:09PM 14 In the final plan with the six spaces
 09:09PM 15 removed, there would be 1,195, if I'm correct.
 09:09PM 16 THE WITNESS: Correct.
 09:09PM 17 And just to add a caveat to that, that
 09:09PM 18 doesn't include the 69 spaces for the CNBC building.
 09:09PM 19 MR. HORNER: That's correct, yeah, the
 09:09PM 20 69 would be in addition to that and we're keeping
 09:09PM 21 them out of the conversation because they are
 09:09PM 22 dedicated to CNBC.
 09:09PM 23 Based on the parking counts that were
 09:10PM 24 provided by the applicant, we've reviewed that
 09:10PM 25 carefully.
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09:10PM 1 It shows that there's a substantial
 09:10PM 2 amount of empty parking spaces in this lot currently.
 09:10PM 3 I think -- I'm trying to see where the number is.
 09:10PM 4 Looks like it's got an existing utilization of about
 09:10PM 5 38 percent, like 435 spaces used out of 1160. So a
 09:10PM 6 lot of empty spaces. That equates to a parking ratio
 09:10PM 7 of 1.63 spaces per thousand. The ordinance or the
 09:10PM 8 ordinance requires five, the variance gave 4.03. The
 09:10PM 9 existing usage is 1.63.
 09:10PM 10 With the new building, with the new
 09:10PM 11 spaces, there is projected to be a utilization of
 09:11PM 12 about 70 percent. I am comfortable with that
 09:11PM 13 percentage and I'm comfortable that the number of
 09:11PM 14 spaces proposed will support the project. It doesn't
 09:11PM 15 meet even the prior variance approval 4.03 ratio. It
 09:11PM 16 doesn't need to be. There's nothing that requires it
 09:11PM 17 has to meet that ratio.
 09:11PM 18 But it does represent in the specific
 09:11PM 19 area this new building about 3.94 spaces per
 09:11PM 20 thousand, that's just immediately surrounding the
 09:11PM 21 building.
 09:11PM 22 So I am comfortable that that will
 09:11PM 23 support the project.
 09:11PM 24 And then I had some comments regarding
 09:11PM 25 the traffic study. Most of the comments were
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09:11PM 1 basically like, for example, it was done in
 09:11PM 2 accordance with general accepted engineering
 09:11PM 3 practice. The TIS did assume 137,000-square-foot
 09:11PM 4 building, roughly, where 104,700 is currently
 09:11PM 5 proposed.
 09:12PM 6 So I'm guessing that was a leftover
 09:12PM 7 calculation from prior iterations of the study.
 09:12PM 8 So it should be modified to reflect the
 09:12PM 9 correct square footage, but it is a conservative
 09:12PM 10 analysis, because it's assuming a higher square
 09:12PM 11 footage than is actually proposed.
 09:12PM 12 So I don't have any concerns with the
 09:12PM 13 analysis that I reviewed.
 09:12PM 14 I don't believe there will be any
 09:12PM 15 traffic issues created at the access with Sylvan.
 09:12PM 16 That was analyzed in detail by the engineer. I
 09:12PM 17 reviewed it. It would be, what's called, acceptable
 09:12PM 18 level of operation.
 09:12PM 19 I am suggesting that six months after
 09:12PM 20 the building is occupied, that that access can be
 09:12PM 21 reviewed just to determine if there needs to be
 09:12PM 22 signal timing modifications to get more green time,
 09:12PM 23 let's say, to the access because there will be more
 09:13PM 24 traffic.
 09:13PM 25 Just a suggestion, that can be part of
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09:13PM 1 the resolution or condition of approval that they do
 09:13PM 2 an analysis six months after occupancy.
 09:13PM 3 MR. WISS: Are you okay with that?
 09:13PM 4 MR. CAPIZZI: I'm sorry, what was the
 09:13PM 5 request, again, sir?
 09:13PM 6 MR. WISS: Six months after occupancy
 09:13PM 7 to do a traffic count and study of the intersection,
 09:13PM 8 signalized intersection for the purpose of
 09:13PM 9 determining whether it needs signal timing
 09:13PM 10 modifications now that we know what the traffic will
 09:13PM 11 be.
 09:13PM 12 MR. CAPIZZI: That's fine.
 09:13PM 13 MR. WISS: Thanks.
 09:13PM 14 MR. HORNER: I am requesting site
 15 distance analysis for the internal site driveways to
 16 ensure that there's proper sight distance internally.
 17 I'm not talking about at the traffic signal. I'm
 18 talking about the new access points intersecting the
 19 main aisle. I just want to make sure that you can
 20 demonstrate on the plan there's proper sight distance
 21 and there will be no plantings that exceed the driver
 22 eye height that will interfere with that.
 09:13PM 23 THE WITNESS: Again, happy to provide.
 09:14PM 24 MR. HORNER: And, finally, with regard
 09:14PM 25 to the parking, there was conversation last month,
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09:14PM 1 because there's so much excess parking at least in
 09:14PM 2 terms of operationally currently to banking or
 09:14PM 3 building at some future date the new parking area
 09:14PM 4 along Sage.
 09:14PM 5 So in terms of numbers, if I'm correct,
 09:14PM 6 there's 56 parking spaces, a row of 56 that exist now
 09:14PM 7 that would be removed with the new plan and replaced
 09:14PM 8 with 178 new spaces in the area.
 09:14PM 9 So if those 178 spaces were banked and
 09:14PM 10 nothing was done initially in that area, there would
 09:14PM 11 be a net reduction of 122 spaces, if I did the math
 09:14PM 12 right, 56 would remain, 178 would not be built.
 09:14PM 13 I believe especially since it's not in
 09:15PM 14 proximity to the new building, the site can support
 09:15PM 15 that.
 09:15PM 16 So I would be in favor of banking those
 09:15PM 17 spaces to a later date, which I think also might
 09:15PM 18 address at least temporarily some of the landscaping
 09:15PM 19 and buffering concerns along Sage.
 09:15PM 20 How that is triggered would have to be
 09:15PM 21 determined. I don't know whether Englewood Cliffs
 09:15PM 22 has done that in the past and what has been the
 09:15PM 23 trigger built into the approvals of the resolution,
 09:15PM 24 but I would endorse a banking of those spaces or a
 09:15PM 25 portion of them if the 122 spaces is too many, I
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09:15PM 1 would be in favor of that. And that is my review
 09:15PM 2 letter.
 09:15PM 3 CHAIRMAN PORRINO: Thank you.
 09:15PM 4 MR. WISS: And the last one?
 09:15PM 5 MR. CAPIZZI: That's a discussion point
 09:15PM 6 that I'll handle.
 09:15PM 7 MR. WISS: Okay, great.
 09:15PM 8 MR. CAPIZZI: Just one point of
 09:15PM 9 clarification.
 09:15PM 10 We had done the parking analysis at a
 09:15PM 11 ratio of 6.67 per thousand, not 5 per thousand using
 09:16PM 12 the medical office standard.
 09:16PM 13 So when we had done the required
 09:16PM 14 parking for the entire campus, we used the most
 09:16PM 15 intensive parking standard for any use allowed in the
 09:16PM 16 B zone, which generated a required parking demand of
 09:16PM 17 2,541 spaces. I just wanted to --
 09:16PM 18 MR. HORNER: Understood.
 09:16PM 19 I stand corrected.
 09:16PM 20 MR. CAPIZZI: No, I just wanted to have
 09:16PM 21 this reconciled, that's all.
 09:16PM 22 MR. HORNER: Thank you.
 09:16PM 23 MR. CAPIZZI: As I had said earlier,
 09:16PM 24 Mr. Chairman, certainly having -- we recognize
 09:16PM 25 there's an excess of parking and that's an important
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09:16PM 1 facet of our business model and something we believe
 09:16PM 2 strongly leads to the success of the campus, so
 09:16PM 3 that's why it's important for us to have readily
 09:16PM 4 available parking at multiple locations on the site.
 09:16PM 5 CHAIRMAN PORRINO: Presumably this was
 09:16PM 6 discussed already with your client and their feeling
 09:16PM 7 is they need to provide this parking right from the
 09:16PM 8 get-go?
 09:16PM 9 MR. CAPIZZI: It was, Mr. Chairman. We
 09:16PM 10 certainly read the concern from the professionals'
 09:16PM 11 review letters and discussed it at length and it's
 09:17PM 12 something that's very important to the success of the
 09:17PM 13 campus.
 09:17PM 14 CHAIRMAN PORRINO: Understood, because
 09:17PM 15 I also -- I heard that there was some discussion
 09:17PM 16 about there being the need for temporary parking
 09:17PM 17 during the construction procedure while that's
 09:17PM 18 ongoing.
 09:17PM 19 MR. CAPIZZI: Correct.
 09:17PM 20 CHAIRMAN PORRINO: And if that was the
 09:17PM 21 only issue, you know, there could be temporary
 09:17PM 22 parking available, I think. You know, there's
 09:17PM 23 several -- there's a vacant building not far away
 09:17PM 24 from here that -- and, again, I can't advocate, but
 09:17PM 25 if that was the only concern, you know, the powers
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09:17PM 1 that be in the Borough could assist potentially in
 09:17PM 2 helping to try to secure temporary parking, if that's
 09:17PM 3 only what was required.
 09:17PM 4 If it's the applicant's position that
 09:17PM 5 they feel that for this campus to work the way it
 09:17PM 6 needs to, that they're going to need that parking
 09:17PM 7 away, it's a moot point.
 09:17PM 8 MR. CAPIZZI: Respectfully,
 09:17PM 9 Mr. Chairman, that is our position.
 09:17PM 10 CHAIRMAN PORRINO: Okay, that's fine.
 09:18PM 11 Any questions regarding traffic for
 09:18PM 12 either our engineer or theirs?
 09:18PM 13 (No Response.)
 09:18PM 14 CHAIRMAN PORRINO: Okay. Do you have
 09:18PM 15 another witness?
 09:18PM 16 MR. CAPIZZI: I do.
 09:18PM 17 Just before, can I take a quick break
 09:18PM 18 before we call our last witness.
 09:18PM 19 CHAIRMAN PORRINO: Two minutes.
 09:18PM 20 MR. CAPIZZI: Yes, thank you.
 09:18PM 21 (Whereupon, a brief recess is held.)
 09:18PM 22 CHAIRMAN PORRINO: Counselor, we're
 09:23PM 23 back on the record.
 09:23PM 24 MR. CAPIZZI: Thank you, Mr. Chairman.
 09:23PM 25 Our next witness is Spach Trahan, our planner.
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09:23PM 1 MR. WISS: Her right hand is up
 09:23PM 2 already. I thought everyone was sworn in last time.
 09:23PM 3 Raise your right hand.
 09:23PM 4 Have you been sworn in before?
 09:23PM 5 MS. TRAHAN: I have not.
 09:23PM 6 MR. WISS: Okay. Just for the record,
 09:23PM 7 state your name and your qualifications, please.
 09:23PM 8 MS. TRAHAN: Sure.
 09:23PM 9 My name is Spach, that's spelled
 10 S-P-A-C-H Trahan, T-R-A-H-A-N.
 11 I'm an associate principal at Phillips
 12 Preiss, Grygiel, Leheny, Hughes, LLC.
 13 MR. WISS: And do you swear or affirm
 14 that the testimony you'll give will be the whole
 15 truth and nothing but the truth?
 09:24PM 16 MS. TRAHAN: Yes, I will.
 17 S P A C H T R A H A N, AICP, PP
 18 70 Hudson Street, Suite 5B, Hoboken, New Jersey
 19 07030, having been duly sworn, testifies as
 20 follows:
 21 MR. WISS: Do you want to qualify or --
 22 VOIR DIRE EXAMINATION
 23 BY MR. CAPIZZI:
 24 Q. Spach, can you give us your
 25 qualifications, please?
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1 A. Sure.
 2 I have graduated with a master's of
 3 city and regional planning from the Rutgers Bloustein
 4 School of Planning and Public Policy, 2017.
 5 I'm a licensed professional planner in
 6 the State of New Jersey and I also have my national
 7 licensure from the American Institute of Certified
 8 Planners.
 9 I've testified before other boards in
 10 Bergen County. Some are Englewood, Fort Lee, Mahwah,
 09:24PM 11 Montvale, Allendale.
 09:24PM 12 CHAIRMAN PORRINO: You missed Tenafly,
 09:24PM 13 but otherwise it's good.
 09:24PM 14 (Laughter.)
 09:24PM 15 MR. WISS: I'm satisfied, Mr. Chairman.
 09:24PM 16 CHAIRMAN PORRINO: Thank you.
 17 MR. CAPIZZI: Thank you, Mr. Chairman.
 18 DIRECT EXAMINATION
 19 BY MR. CAPIZZI:
 20 Q. Spach, did you have an opportunity to
 21 prepare a planning assessment on this application?
 09:25PM 22 A. Yes, I reviewed all the documents. I
 09:25PM 23 also reviewed the transcripts from the last meeting
 09:25PM 24 as I wasn't here and I also reviewed the ordinance
 09:25PM 25 and the master plan documents for the Borough.
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09:25PM 1 Q. Thank you.

09:26PM 2 Can you take us through your

09:25PM 3 assessment, please?

09:25PM 4 A. Sure.

09:25PM 5 So as we have it today there, the two

09:26PM 6 lots, Lot 9.03 and 9.04, the total campus is 19 acres

09:25PM 7 approximately and there are four existing

09:25PM 8 interconnected or somewhat connected office

09:25PM 9 buildings.

09:25PM 10 Obviously there is a large parking

09:25PM 11 field on what I call the panhandle of the site and

09:25PM 12 it's definitely a midst to other office uses along

09:25PM 13 Sylvan Avenue.

09:25PM 14 There's also the recreational field to

09:25PM 15 the southwest and cross Johnson Avenue there are

09:25PM 16 residential properties.

09:25PM 17 With this proposal, there would be a

09:25PM 18 subdivision, moving of the lot lines where now three

09:26PM 19 lots would be proposed. Still the whole site would

09:26PM 20 function as one campus, one office campus, but,

09:26PM 21 again, for the purposes of business, the two

09:26PM 22 buildings 910 and 920 would be on Lot 9.03; and the

09:26PM 23 930 and 940 buildings would be on Lot 9.04.

09:26PM 24 Those property lines currently are

09:26PM 25 divided mostly along the building lines. That's

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09:26PM 1 partly where the zero foot setback comes from and

09:26PM 2 that is existing. It just changes a bit as you go

09:26PM 3 towards Sage Road and then, obviously, towards the

09:26PM 4 panhandle where Lot 9.05 is being created, that

09:26PM 5 subdivision line changes at well.

09:26PM 6 So some of the subdivision lines are

09:26PM 7 very substantially similar to the way that they are

09:26PM 8 today.

09:26PM 9 This is located in the B-2 limited

09:27PM 10 business zone. They permit business offices,

09:27PM 11 professional offices, government and corporate

09:27PM 12 offices. I will note that your ordinance defines

09:27PM 13 professional offices as including medical clinics.

09:27PM 14 Other uses that are permitted are

09:27PM 15 laboratory and research facilities, houses of worship

09:27PM 16 and accessory parking. So these uses are permitted,

09:27PM 17 the professional office and potential for medical

09:27PM 18 office space as well.

09:27PM 19 And I'll run through the variances for

09:27PM 20 the record and then go into the proofs to support

09:27PM 21 those variances.

09:27PM 22 So as was mentioned, there are a few

09:27PM 23 setback variances that are deriving from the fact

09:27PM 24 that this is now being proposed to have three

09:27PM 25 separate lots.

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09:27PM 1 Previously when it was just one lot for

09:27PM 2 the whole campus, there actually were no setback

09:27PM 3 variances, keep that in mind. So the -- on Lot 9.03,

09:28PM 4 which is the lower part of the page, the rear yard,

09:28PM 5 which is opposite of Sylvan Avenue, that setback

09:28PM 6 today and proposed to continue with the lot line is

09:28PM 7 zero feet.

09:28PM 8 And, again, that's because this line

09:28PM 9 follows along the buildings. The requirement is

09:28PM 10 53.66 feet. Previously Sylvan Avenue was determined

09:28PM 11 to be the front yard, so we're continuing that

09:28PM 12 determination for this lot.

09:28PM 13 For Lot 9.04, we're taking the

09:28PM 14 narrowest street frontage and considering that the

09:28PM 15 front of this property.

09:28PM 16 So the -- the Johnson side is a side

09:28PM 17 yard. Opposite Sage Road is the rear yard. And also

09:28PM 18 the property line that's along the buildings, that's

09:28PM 19 also a side yard.

09:28PM 20 So in this case, the rear yard setback

09:29PM 21 is 163.37 feet, whereas over here, this new property

09:29PM 22 line that's allowing the panhandle portion of the

09:29PM 23 site to be its own property, that setback is

09:29PM 24 36.08 feet.

09:29PM 25 In addition, the side yard is required

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09:29PM 1 to be 30 feet and it is zero feet at a portion of the

09:29PM 2 building where the lobby here meets the jog in the

09:29PM 3 property line.

09:29PM 4 So there the setback is zero feet and

09:29PM 5 that's what's being requested, but it is

09:29PM 6 substantially similar to what you have today.

09:29PM 7 In terms of off-street parking, it was

09:29PM 8 already testified what the variance request was.

09:29PM 9 Again, we're using the very

09:29PM 10 conservative medical office parking ratio, which is

09:29PM 11 one space per 150 square feet and that parking

09:29PM 12 requirement comes out to 2,541 spaces.

09:30PM 13 The testimony was already provided that

09:30PM 14 1,264 spaces are being provided, 69 of those are for

09:30PM 15 the CNBC site.

09:30PM 16 So, essentially, the operational

09:30PM 17 parking spaces would be 1,195 spaces for this -- for

09:30PM 18 the five buildings to use.

09:30PM 19 In terms of the other variances that

09:30PM 20 are being requested, we have a parking stall size

09:30PM 21 waiver. The minimum requirement is

09:30PM 22 9-foot-by-19-foot.

09:30PM 23 In this case 18 feet is the length of

09:30PM 24 the parking stall being proposed. The drive aisle

09:30PM 25 width requirement is 25 feet as the minimum and

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09:30PM **1** 24 feet is being proposed. Loading spaces, seven
 09:30PM **2** loading spaces are required for the new building,
 09:30PM **3** whereas three are being proposed.
 09:30PM **4** In addition, there is a parking setback
 09:30PM **5** requirement of 5 feet from property lines, whereas --
 09:31PM **6** and I'll actually turn now to the site plan so you
 09:31PM **7** can see the parking setback line here. You'll see
 09:31PM **8** that the parking setback line is zero feet adjacent
 09:31PM **9** to or approximately zero feet adjacent to Lot 9.01
 09:31PM **10** and so we're requesting a setback there and where the
 09:31PM **11** property lines are dividing 9.03 and 9.04, there's
 09:31PM **12** also parking along that property line.
 09:31PM **13** In addition, structured parking is
 09:31PM **14** prohibited by your ordinance, but that is an existing
 09:31PM **15** condition within those four buildings and it's also
 09:31PM **16** proposed underground in the new building.
 09:31PM **17** In terms of rooftop appurtenances, any
 09:31PM **18** rooftop appurtenances that exceed the height
 09:31PM **19** requirement are required to stay within 25 feet
 09:31PM **20** coverage of the rooftop and as was testified
 09:32PM **21** previously, that's 37 percent, but that includes the
 09:32PM **22** entire screen wall area, the actual enclosed areas
 09:32PM **23** were testified as less than 10 percent of the rooftop
 09:32PM **24** coverage.
 09:32PM **25** There was the question about the buffer
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09:32PM **1** width along Johnson Avenue. There is the deed
 09:32PM **2** restricted 100 feet. There is an ordinance
 09:32PM **3** requirement that adjacent to residential land the --
 09:32PM **4** there would be a buffer of 120 feet, but our position
 09:32PM **5** is that the deed restriction does supersede that
 09:32PM **6** ordinance requirement.
 09:32PM **7** If there's another interpretation, we
 09:32PM **8** can go from there, but --
 09:32PM **9** CHAIRMAN PORRINO: Could you repeat
 09:32PM **10** that? I'm sorry.
 09:32PM **11** That last statement on the buffer
 09:32PM **12** ordinance.
 09:32PM **13** THE WITNESS: Sure.
 09:32PM **14** So the buffer ordinance, I actually --
 09:32PM **15** yeah, the buffer ordinance states that in this part
 09:32PM **16** of the Sylvan Avenue corridor, that where land is
 09:33PM **17** adjacent to residential zone, that it be provided the
 09:33PM **18** 120-foot buffer.
 09:33PM **19** BY MR. CAPIZZI:
 09:33PM **20** Q. That's along Johnson, though, correct?
 09:33PM **21** A. Along Johnson Avenue only, because that
 09:33PM **22** is the only part of the site that is adjacent to
 09:33PM **23** residential and in this case we believe that the
 09:33PM **24** 100-foot deed-restricted buffer supersedes that, but,
 09:33PM **25** you know, we're willing to discuss any variances if
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09:33PM **1** there's a different interpretation.
 09:33PM **2** I will proceed now, unless you'd like
 09:33PM **3** to comment on that at the moment.
 09:33PM **4** CHAIRMAN PORRINO: No, go ahead.
 09:33PM **5** THE WITNESS: Okay. So in terms of
 09:33PM **6** justifying these variances, they are all the C type
 09:33PM **7** of variance where none of them are D variances and
 09:33PM **8** C variances as this board, I'm sure, is aware can be
 09:33PM **9** justified as either a C(1) variance, which is also
 09:33PM **10** known as a hardship variance related to some aspect
 09:33PM **11** of the property creating a hardship in complying and
 09:33PM **12** C(2) variance criteria is that the purposes of zoning
 09:33PM **13** are advanced and that the benefits of deviating from
 09:34PM **14** the ordinance requirement substantially outweigh any
 09:34PM **15** potential detriments.
 09:34PM **16** So in this case, I do believe that the
 09:34PM **17** variances all follow under the C(2) category and I'll
 09:34PM **18** now go through them.
 09:34PM **19** In terms of the setbacks, I'm going to
 09:34PM **20** go back to the subdivision plan.
 09:34PM **21** So I think that the setback variances
 09:34PM **22** are all related to the highly irregular shape of all
 09:34PM **23** three properties and the campus as a whole. The
 09:34PM **24** existing property boundaries between 9.03 and 9.04
 09:34PM **25** are substantially similar to what you see as it runs
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09:34PM **1** along the existing buildings.
 09:34PM **2** And so those setbacks are really just
 09:35PM **3** existing and they -- again, this entire property
 09:35PM **4** would function as one campus, so I don't see those
 09:35PM **5** being a major issue in the future.
 09:35PM **6** And actually I do believe that I did
 09:35PM **7** miss a setback variance for 9.05. I'll bring that
 09:35PM **8** other sheet back to show the building in just a
 09:35PM **9** moment.
 09:35PM **10** Let's see, so in terms of the setback
 09:35PM **11** for 9.05, the rear yard was determined to be from
 09:35PM **12** Johnson Avenue -- or the front yard was determined to
 09:35PM **13** be along Johnson Avenue, that's the only frontage and
 09:35PM **14** the rear yard is calculated as 20 percent of lot
 09:35PM **15** depth.
 09:35PM **16** So lot depth was measured approximately
 09:35PM **17** to here. Again, this is a highly irregular lot
 09:35PM **18** shape. It sort of got this panhandle that then comes
 09:36PM **19** out to the street. And 20 percent of that lot depth
 09:36PM **20** is 135.38 feet required where 61.2 feet is proposed
 09:36PM **21** between this property line here along Lot 9.01 an the
 09:36PM **22** proposed building.
 09:36PM **23** So, again, I think that these setbacks
 09:36PM **24** are really related to the very irregular shape of the
 09:36PM **25** site and the individual lots.
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09:36PM 1 Again, there's no really way to avoid
 09:36PM 2 the zero foot setback line where they divide these
 09:36PM 3 two sets of buildings as they are today.
 09:36PM 4 For the southerly building that's being
 09:36PM 5 proposed, it's being proposed right in the middle of
 09:36PM 6 that panhandle section of the property and there are
 09:36PM 7 sizeable setbacks being proposed all around it.
 09:36PM 8 So you have approximately 107 --
 09:36PM 9 100 feet being proposed against the ball field, you
 09:37PM 10 have 61 feet being proposed along the other side at
 09:37PM 11 the southern end and 88 feet approximately against
 09:37PM 12 9.01, Lot 9.01.
 09:37PM 13 So these are all substantial setbacks
 09:37PM 14 and, in fact, if you were to look at the side yard
 09:37PM 15 setback requirement, the requirement is 30 feet and
 09:37PM 16 the combined side yard setback requirement is
 09:37PM 17 60 feet.
 09:37PM 18 So one of these setbacks complies with
 09:37PM 19 your combined side yard setback requirement. I think
 09:37PM 20 that the lot depth because of the shape of the lot is
 09:37PM 21 just misleading in the calculation of what the rear
 09:37PM 22 yard setback is required to be, but certainly these
 09:37PM 23 are sufficient setbacks and I don't think that
 09:37PM 24 there's any substantial detriments and it allows for
 09:37PM 25 a very nice site design where this building is -- the

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09:37PM 1 southern building is right in the middle of that
 09:37PM 2 panhandle.
 09:37PM 3 In terms of the setbacks as well, the
 09:38PM 4 visuals of the building, it's not an excessive
 08:38PM 5 height, it's a permitted height and I don't think
 09:38PM 6 that there would be any visual detriment to the
 09:38PM 7 neighbors, because of the very technical rear yard
 09:38PM 8 setback variance.
 09:38PM 9 In terms of the parking variance, it
 09:38PM 10 was already testified that the -- the utilization
 09:38PM 11 rate of parking today is very low, 1.63 spaces per
 09:38PM 12 1,000 square feet and then our traffic engineer did
 09:38PM 13 estimate out with what the parking demand would be in
 09:38PM 14 the future using the conservative medical clinic
 09:38PM 15 parking ratio and even with that estimate found that
 09:38PM 16 the site would remain well-parked in excess of at
 09:38PM 17 least to meet the demand of the site and in excess of
 09:38PM 18 what is demanded.
 09:38PM 19 So the parking overall is going to
 09:38PM 20 serve the entire campus. We've looked at the parking
 09:39PM 21 as one whole campus and so if there were any changes
 09:39PM 22 in demand over time between the different buildings,
 09:39PM 23 there's certainly other parking that can meet the
 09:39PM 24 needs of the different office spaces on the campus.
 09:39PM 25 Your traffic engineer did testify tonight they he was

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09:39PM 1 very comfortable with the parking as proposed.
 09:39PM 2 So I don't think that there is any
 09:39PM 3 detriment to the parking deficiency.
 09:39PM 4 In fact, that's one of the benefits of
 09:39PM 5 this site from the business perspective is that it is
 09:39PM 6 very well-parked as it's proposed and as it is
 09:39PM 7 existing.
 09:39PM 8 In terms of the loading spaces, seven
 09:39PM 9 are required and three are proposed. This is simply
 09:39PM 10 just related to the operational needs of the new
 09:39PM 11 building. It believes -- you know, that applicant
 09:39PM 12 believes that three loading spaces is all that is
 09:39PM 13 required and there's no need to take up additional
 09:40PM 14 paving area or take away more parking spaces in order
 09:40PM 15 to provide excess loading of seven spaces.
 09:40PM 16 So that is perfectly sufficient and
 09:40PM 17 it's an efficient use of the site to only provide
 09:40PM 18 what's needed.
 09:40PM 19 In terms of the parking stall size and
 09:40PM 20 the drive aisle width, those are both very minor
 09:40PM 21 deviations and they are very typical for commercial
 09:40PM 22 and residential properties to have 24-foot drive
 09:40PM 23 aisles and 18 feet length for a parking stall.
 09:40PM 24 I don't believe that your professionals
 09:40PM 25 had any problem with those. They're really industry

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09:40PM 1 standard dimensions.
 09:40PM 2 As I mentioned, the parking setback is
 09:40PM 3 really a function of where the lot lines are in this
 09:40PM 4 part of the site where the existing buildings are
 09:40PM 5 located and then along Lot 9.01 I don't believe that
 09:40PM 6 there's any detriment to having the parking near the
 09:41PM 7 -- within 5 feet of the property line there. The
 09:41PM 8 adjacent use is also an office campus that's
 09:41PM 9 developed similarly.
 09:41PM 10 So I don't believe that there would be
 09:41PM 11 any detriment providing that variance.
 09:41PM 12 And again, there's a variance related
 09:41PM 13 to structures parking being provided whereas that is
 09:41PM 14 prohibited by your ordinance. All of the existing
 09:41PM 15 buildings have parking beneath the buildings and in
 09:41PM 16 the proposed building parking would be below grade.
 09:41PM 17 I think it's a very efficient use of land. It keeps
 09:41PM 18 the building height compliant and so I don't see any
 09:41PM 19 issues with providing that relief.
 09:41PM 20 As far as parking being provided in the
 09:41PM 21 front yard, that is also a variance as there is
 09:41PM 22 parking being provided in the Sylvan Avenue front
 09:41PM 23 yard. That's both existing and proposed where
 09:41PM 24 existing parking is being provided and then the new
 09:42PM 25 spaces are being provided. I don't believe that that

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09:42PM 1 is a problem.

09:42PM 2 I'm sorry, that was along Sylvan Road I

09:42PM 3 was talking. There is a slight row of spaces that's

09:42PM 4 being provided within the front yard setback, but

09:42PM 5 it's extending an existing row of parking spaces.

09:42PM 6 Along Sage, the Sage Road front yard,

09:42PM 7 the proposed parking is also encroaching in the front

09:42PM 8 yard where this is considered the front yard for

09:42PM 9 Lot 9.04, but I don't believe that there would be

09:42PM 10 substantial detriment. We've already talked about

09:42PM 11 six of those spaces would be removed to allow for

09:42PM 12 more landscaping in that area.

09:42PM 13 And in terms of the coverage of the

09:42PM 14 rooftop appurtenances, there was a diagram shown

09:42PM 15 previously tonight showing that the screen wall

09:42PM 16 surrounding all of the mechanical units is what

09:42PM 17 generates that 37 percent coverage, whereas

09:43PM 18 25 percent is what's permitted, but the actual

09:43PM 19 enclosed spaces of mechanical units would be less

09:43PM 20 than 10 percent and I think that this -- the design

09:43PM 21 that the architect showed tonight is really very

09:43PM 22 aesthetically attractive and it's much better than

09:43PM 23 seeing the mechanical units.

09:43PM 24 So even though the overall area that

09:43PM 25 you would count as exceeding the height on the roof

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09:43PM 1 is 37 percent, I think that it's an improvement, it

09:43PM 2 allows for a uniform look to the rooftop. He talked

09:43PM 3 about the color, finish and texture of that screen

09:43PM 4 wall being very intentionally designed.

09:43PM 5 So I don't see an issue with that

09:43PM 6 variance being granted and because I'm -- we're

09:43PM 7 requesting C(2) variances here, the purposes of the

09:43PM 8 Municipal Land Use Law or purposes of zoning that are

09:43PM 9 being advanced I believe are Purpose A, which is to

09:44PM 10 encourage municipal action to guide the appropriate

09:44PM 11 use or development of all lands in the state, which

09:44PM 12 will promote the public health, safety, morals and

09:44PM 13 general welfare.

09:44PM 14 Again, this is a permitted use and it

09:44PM 15 will redevelop a portion of the site with additional

09:44PM 16 permitted uses.

09:44PM 17 In terms of the other purposes,

09:44PM 18 Purpose C is to provide adequate light, air and open

09:44PM 19 space. We are maintaining the buffer along Johnson

09:44PM 20 Avenue and enhancing it where possible.

09:44PM 21 There's also the adequate setbacks from

09:44PM 22 adjacent properties, so there's light and air.

09:44PM 23 There's no excess building height being proposed.

09:44PM 24 Purpose I is to promote desirable

09:44PM 25 visual environment through the use of creative

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1 development techniques.

2 Again, I think that the screen wall on

3 the rooftop is a creative design to try to hide some

4 of the mechanical units and is a beneficial aspect of

5 the project.

6 And Purpose G is to provide sufficient

7 space in appropriate locations for various uses

8 including commercial uses to meet the needs of all

9 New Jersey citizens and as it was mentioned tonight,

10 there are office tenancing issues throughout the

11 state and the country and here this is a fully

12 occupied campus that could now be further expanded

13 and I think that that's a very positive thing for the

14 economic development of the Borough.

09:45PM 15 In terms of addressing the negative

09:45PM 16 criteria, we have to talk about if there would be any

09:45PM 17 substantial detriments to the public good and I don't

09:45PM 18 believe that there would be.

09:45PM 19 I already touched on these when talking

09:45PM 20 about each of the variances. I don't think that

09:45PM 21 there would be any substantial detriments on the

09:45PM 22 neighbors or the surrounding area. The applicant has

09:45PM 23 put a lot of care into designing this in a way that

09:45PM 24 minimizes any detriments.

09:45PM 25 In terms of the master plan and the

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09:46PM 1 zoning ordinance and would there be any substantial

09:46PM 2 impairments to the planning or zoning efforts of the

09:46PM 3 Borough, I don't believe that there would be.

09:46PM 4 In fact, your master plan designates

09:46PM 5 this section of the Borough for these types of uses

09:46PM 6 and this kind of scale of development. The reexamine

09:46PM 7 of 2019 states that one goal is to reevaluate

09:46PM 8 commercial zoning to ensure that permitted

09:46PM 9 conditional and prohibited uses are relevant and

09:46PM 10 reflect the current demands and business types and

09:46PM 11 definitely this office and medical office use is

09:46PM 12 permitted and it does reflect the business demands

09:46PM 13 and promoted economic development goals of the

09:46PM 14 Borough.

09:46PM 15 MR. CAPIZZI: Thank you, Spach.

09:46PM 16 CHAIRMAN PORRINO: I think it's time we

09:46PM 17 hear from Mr. Mistretta.

09:46PM 18 MR. MISTRETTA: Thank you,

09:46PM 19 Mr. Chairman.

09:46PM 20 I'm going to just quickly go through my

09:46PM 21 letter dated May 1st, 2025. I'm not going page by

09:46PM 22 page. I'm not going to, there's no need to and I can

09:47PM 23 make this a lot quicker, just try and get to the

09:47PM 24 highlights.

09:47PM 25 Ms. Trahan did a great job of going

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09:47PM 1 through and covered almost everything in my letter.
 09:47PM 2 A couple of items I just want to highlight.
 09:47PM 3 I'm starting on page 4, that's where
 09:47PM 4 the zoning and bulk table starts. There's really
 09:47PM 5 nothing to talk about on page 4, it's all conforming.
 09:47PM 6 Page 5, I just want to note for the
 09:47PM 7 record that my report should be amended or it's based
 09:47PM 8 on the old configuration and tonight you have a new
 09:47PM 9 three-lot minor subdivision that creates different
 09:47PM 10 variances. There were, I believe, testimony now that
 09:47PM 11 there's one, two, three, four -- just to be clear, I
 09:47PM 12 think there's four bulk variances, which is slightly
 09:47PM 13 different than earlier testimony from the engineer,
 09:48PM 14 just so we can reconcile that to make sure we have
 09:48PM 15 the right numbers. I agree with the testimony of the
 09:48PM 16 planner that there's four bulk variances required now
 09:48PM 17 because of the way that the three lots are being
 09:48PM 18 created to carve out what's being called that
 09:48PM 19 panhandle, which I understand and we support those
 09:48PM 20 variances. I just want to make sure that the record
 09:48PM 21 is clear, because that's not consistent with page 5
 09:48PM 22 in my report.
 09:48PM 23 Bottom of page 5 is the -- there was
 09:48PM 24 testimony about existing conditions of the parking
 09:48PM 25 and a portion of the property, again, it's down on

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09:48PM 1 the panhandle portion that it's zero foot existing
 09:48PM 2 setback, we agree with that. I just want to be clear
 09:48PM 3 that the variance that the board would be considering
 09:48PM 4 would be at that particular point at zero feet, but
 09:48PM 5 we're not establishing zero-foot setback for parking
 09:48PM 6 throughout the site, if that makes any sense, because
 09:49PM 7 we have a 5-foot setback. There are places where
 09:49PM 8 existing conditions fall below 5 foot and it's
 09:49PM 9 general -- I don't want to be too specific, because I
 09:49PM 10 don't want to be wrong, but that number varies from
 09:49PM 11 five down to zero and I just want to be clear,
 09:49PM 12 instead of granting a variance for zero foot, I think
 09:49PM 13 a more appropriate variance would be where it is less
 09:49PM 14 than 5 foot and it's an existing condition that's
 09:49PM 15 acceptable and then that is maintained, but not
 09:49PM 16 further encroached, if that makes sense.

09:49PM 17 MR. CAPIZZI: Yeah, essentially as the
 09:49PM 18 parking is laid out on the site plan is being
 09:49PM 19 approved.

20 MR. MISTRETTA: Correct.

21 MR. CAPIZZI: We appreciate that.
 22 We're not getting a bulk table approved, it's a plan
 23 set.

24 MR. MISTRETTA: Understood.
 25 That's important.

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09:50PM 1 Top of page 6, there's been a lot of
 09:50PM 2 discussion back and forth on the buffers. The
 09:50PM 3 ordinance says 125 -- 120-foot buffer in this area of
 09:50PM 4 the town along Sylvan adjacent on -- shall be
 09:50PM 5 afforded 120-foot buffer on any adjoining lands, so
 09:50PM 6 it's on this property zoned for business in this
 09:50PM 7 area.

09:50PM 8 Tonight there's also been conversation
 09:50PM 9 about a deed restriction and that's going to be
 09:50PM 10 investigated or researched.

09:50PM 11 Again, I would like -- I did get a copy
 09:50PM 12 of it. Honestly, it was too small, I couldn't read
 09:50PM 13 -- I couldn't read the text.

09:50PM 14 So I did try, but if we can get a full
 09:50PM 15 copy of that, the applicant's attorney has already
 09:50PM 16 testified that it's his opinion that the 100 foot
 09:50PM 17 holds. I would like to at least reserve the right to
 09:50PM 18 read it and understand it.

09:50PM 19 I will point out that as the engineer
 09:51PM 20 testified there is plotted on the drawings 100-foot
 09:51PM 21 buffer across the entire Johnson Avenue frontage.

09:51PM 22 So that's been on the plans from day
 09:51PM 23 one. He has testified that that's consistent with
 09:51PM 24 what this deed description describes.

09:51PM 25 So that would reconcile those two. Is
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09:51PM 1 there enough language in there that makes you feel
 09:51PM 2 comfortable that that holds instead of the 120.

09:51PM 3 CHAIRMAN PORRINO: At the end of the
 09:51PM 4 day, if this board saw it fit to approve this
 09:51PM 5 application, it is what we see before us and a
 09:51PM 6 condition could be, I guess, added that this deed
 09:51PM 7 restriction would be looked at, because for all we
 09:51PM 8 know it could be more restrictive versus less
 09:51PM 9 restrictive. We don't really know.

09:51PM 10 MR. WISS: Exactly.

09:51PM 11 And that's -- absolutely. That's the
 09:51PM 12 question and counsel's represented that's not the
 09:51PM 13 case.

09:51PM 14 So based on that, I think you're
 09:51PM 15 correct in reserving your right both on the attorney
 09:52PM 16 side and the planning side to take a look at that
 09:52PM 17 restriction if that's not the case.

09:52PM 18 MR. MISTRETTA: But what I want the
 09:52PM 19 board members to think about is when you go out
 09:52PM 20 there, again, the physical condition to me is really
 09:52PM 21 important.

09:52PM 22 The property has been fully developed
 09:52PM 23 for a very long time with a 100-foot buffer. That's
 09:52PM 24 all we have out there today. Okay?

09:52PM 25 So if it does turn out that it's 120,
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09:52PM 1 you know, all of those parking spaces that are 100,
 09:52PM 2 between 100- and 120-foot setback would technically
 09:52PM 3 be in a buffer, but they're today, they've been there
 09:52PM 4 for decades. All right.
 09:52PM 5 CHAIRMAN PORRINO: And it's a
 09:52PM 6 nonconforming.
 09:52PM 7 MR. MISTRETTA: I would then, kind of,
 09:52PM 8 put that into a preexisting nonconforming category.
 09:52PM 9 All right?
 09:52PM 10 So that's how I see that 20 foot. So
 09:52PM 11 again, it's based on that built condition along
 09:52PM 12 Johnson Avenue. I think the focus would be, as I get
 09:52PM 13 later on in my report, is to improve upon that
 09:52PM 14 buffer, which I really believe in and we do a lot
 09:53PM 15 from a landscape architecture standpoint of putting
 09:53PM 16 understory vegetation, supplemental vegetation and
 09:53PM 17 that 100-foot could really do -- you know, give us
 09:53PM 18 the best possible buffer that we can get.
 09:53PM 19 MR. CAPIZZI: If I can make one
 09:53PM 20 observation, Mr. Chairman. I had thought of this
 09:53PM 21 earlier this afternoon, but I think the heat is
 09:53PM 22 getting to me a little bit, I forgot to mention it
 23 earlier.
 24 (Laughter.)
 25 MR. CAPIZZI: One could respectfully
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09:53PM 1 argue that the 120-foot buffer requirement does not
 09:53PM 2 apply along Johnson and the reason why I say that is
 09:53PM 3 if you look at the buffer requirements, which is
 09:53PM 4 Section 30-7.10, the portion of 30-7.10, that could
 09:53PM 5 conceivably be applied here reads: Residential lots
 6 -- and I want to enhance lots, it doesn't say
 7 residential zones. Residential lots north of Samford
 8 Drive and south of the municipal boundary with
 9 Tenafly shall be afforded 120-foot buffer upon any
 10 adjoining lands zoned for business uses.
 09:54PM 11 Now, we don't -- there are no
 09:54PM 12 residential lots that adjoin any property line and --
 09:54PM 13 CHAIRMAN PORRINO: You're saying
 09:54PM 14 because there's a street between -- between the
 09:54PM 15 commercial property and the residential property,
 09:54PM 16 therefore, there would be no buffer?
 09:54PM 17 I'm not following.
 09:54PM 18 MR. CAPIZZI: There's no residential
 09:54PM 19 lot that abuts any property line before the board.
 09:54PM 20 If the intention -- and this is why, I
 09:54PM 21 think, the deed restriction came into place, because
 09:54PM 22 the ordinance requirement is not a residential zone
 09:54PM 23 to a business zone and if that was the case, the
 09:54PM 24 buffer would apply, but it's not a buffer -- it's not
 09:54PM 25 a residential zone --
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09:54PM 1 CHAIRMAN PORRINO: I'd like to hear
 09:54PM 2 from our planner.
 09:54PM 3 MR. MISTRETTA: I can just tell you
 09:54PM 4 historically how the town has interpreted that and
 09:54PM 5 has implemented that is it's going to the zone line
 09:54PM 6 between the two.
 09:54PM 7 So you have residential properties to
 09:54PM 8 the west --
 09:55PM 9 CHAIRMAN PORRINO: I would respectfully
 09:55PM 10 disagree with that assumption, because then if that
 09:55PM 11 were the case, applicant can cut down every tree
 09:55PM 12 right to the curb and, you know, and move forward and
 09:55PM 13 I don't think it's in the Borough's -- the planning
 09:55PM 14 board's perspective, you know, it's not the intent of
 09:55PM 15 this ordinance.
 09:55PM 16 MR. CAPIZZI: I would appreciate just a
 09:55PM 17 moment of discussion on -- so first off, the clear
 09:55PM 18 cutting could not occur here along Johnson because of
 09:55PM 19 the deed restriction. I'm submitting to you that my
 09:55PM 20 read of the ordinance is correct and the void in the
 09:55PM 21 ordinance was acknowledged which gave rise to the
 09:55PM 22 deed restriction.
 09:55PM 23 CHAIRMAN PORRINO: I think, because
 09:55PM 24 I've seen these ordinances back in the day and in
 09:55PM 25 another lifetime, that deed restriction predates not
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09:55PM 1 just the existing buffer ordinance, but there was no
 09:55PM 2 buffer ordinance is what I'll proffer back at that
 09:55PM 3 time.
 09:55PM 4 So they tried to create, you know, this
 09:55PM 5 deed restriction so that they couldn't interfere with
 09:55PM 6 it.
 09:55PM 7 So I think it's the reverse, that the
 09:55PM 8 buffer ordinance for sure, as it exists today, did
 09:56PM 9 not exist back in the day when this property was
 09:56PM 10 first developed.
 09:56PM 11 Mr. Collazuol may have been here. I'm
 09:56PM 12 not sure, he was probably still in diapers, but I'm
 09:56PM 13 not sure.
 09:56PM 14 (Laughter.)
 09:56PM 15 MR. CAPIZZI: Understood. It's the
 09:56PM 16 applicant's position -- Ms. Trahan put testimony on
 17 should the board deem it to be a variance, she's got
 18 testimony on the record to that effect.
 19 We submit that it's not because there's
 20 no residential lot that adjoins our property and
 21 that's what the ordinance calls for.
 09:56PM 22 CHAIRMAN PORRINO: A position you
 23 obviously can take.
 24 MR. CAPIZZI: Sure.
 25 CHAIRMAN PORRINO: And at the end of
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1 the day, I'm not sure if it matters. It becomes and
 2 academic conversation.
 3 MR. MISTRETTA: I really think so.
 4 CHAIRMAN PORRINO: You know, unless
 5 there was an appeal and, you know, the attorneys got
 6 involved in it and battled it out, but at the end of
 7 the day I don't think it's a -- it's a factor that we
 8 need to be concerned about as we sit here tonight.
 9 We're going to interpret it -- any of
 10 the board members can jump in. We're going to
 11 interpret that there's 120-foot buffer afforded every
 12 house on Johnson Avenue that is, I'll use the word,
 09:57PM 13 adjoining to or adjacent to a commercial property.
 09:57PM 14 Whether there's a roadway in between or not, I don't
 09:57PM 15 think is a factor, at least in the intent of how that
 09:57PM 16 ordinance was drafted in the first place.
 09:57PM 17 I think if you look back to what was
 09:57PM 18 the intent of the folks that wrote it, they could
 09:57PM 19 have been a little clearer on the language, maybe,
 09:57PM 20 but I think it --
 09:57PM 21 MR. MISTRETTA: Historically how the
 09:57PM 22 town -- how the Borough has interpreted it, has
 09:57PM 23 implemented it, it has gone zone line to zone line.
 09:57PM 24 CHAIRMAN PORRINO: And I've actually
 09:57PM 25 seen litigation on a personal level with regard to
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09:57PM 1 the buffer ordinance in Englewood Cliffs.
 09:57PM 2 Even the judges agreed that there's a
 09:57PM 3 buffer provided to an adjacent property, even if it's
 09:57PM 4 across the street from the commercial property.
 09:57PM 5 MR. MISTRETTA: And there's been
 09:57PM 6 litigation on that also here.
 09:57PM 7 THE WITNESS: Mr. Chairman, may I just
 09:57PM 8 add, because I actually didn't put testimony on the
 09:57PM 9 record, if it were to be determined that the deed
 09:57PM 10 restriction does not supersede the ordinance, I think
 09:57PM 11 a variance could be justified.
 09:57PM 12 Mr. Mistretta already mentioned that
 09:58PM 13 this entire row of parking spaces is existing. The
 09:58PM 14 only new encroachment would be the seven spaces and a
 09:58PM 15 slight extension of the fire lane.
 09:58PM 16 That's a health and safety rational and
 09:58PM 17 the seven spaces are very minor. They're not
 09:58PM 18 adjacent or particularly visible. Right now it's
 09:58PM 19 mostly lawn area, I believe, when I went out to the
 09:58PM 20 site.
 09:58PM 21 So I don't believe that it would be --
 09:58PM 22 provide any detriments and it just helps, you know,
 09:58PM 23 complete this corner of the property.
 09:58PM 24 CHAIRMAN PORRINO: And the trees are
 09:58PM 25 actually rather sparse, right, in that section.
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09:58PM 1 THE WITNESS: Correct.
 09:58PM 2 CHAIRMAN PORRINO: I've looked at it.
 09:58PM 3 I agree with what you just stated.
 09:58PM 4 Okay. I think that cuts through to the
 09:58PM 5 conversation, it is what it is. You know, we all
 09:58PM 6 know what it is and let's move on to the next,
 09:58PM 7 Mr. Mistretta.
 09:58PM 8 MR. MISTRETTA: Just to try and -- my
 09:58PM 9 last comment on the buffers, I promise, is I
 09:58PM 10 referenced this pedestrian and vehicular access.
 09:58PM 11 Again, if it was interpreted that it's
 09:58PM 12 120 feet, there is minor disturbance within that
 09:59PM 13 120 foot, which was just described where there's
 09:59PM 14 minor improvements to the fire lane and I think
 09:59PM 15 there's seven parking spaces being constructed up in
 09:59PM 16 that corner.
 09:59PM 17 So that's why we called out that
 09:59PM 18 particular line in our report.
 09:59PM 19 Going onto the parking, not to -- just
 09:59PM 20 to try and move parking -- through the parking
 09:59PM 21 section very quickly. I'm going to -- six, seven,
 09:59PM 22 eight and nine, I'd like to just put it altogether
 09:59PM 23 into one. We support the parking variance. There's
 09:59PM 24 -- I have four pages on parking.
 09:59PM 25 A lot of it is -- was because I didn't
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09:59PM 1 know how to calculate what the parking requirement
 2 was, because I didn't have the individual uses of all
 3 of the office space out there, because there's
 4 different requirements if it's professional, if it's
 5 medical.
 6 The testimony -- the testimony tonight
 7 was, well, let's assume it's all medical, so they
 8 went to the highest level of requirement and worked
 9 their way back from there.
 10 Either way we strongly support --
 10:00PM 11 support a traffic engineer, we strongly support the
 10:00PM 12 parking variance, and I'll start that with the
 10:00PM 13 original testimony on the first night we were here
 10:00PM 14 from the traffic engineer who I thought he did a
 10:00PM 15 great job of describing the existing conditions of
 10:00PM 16 the site and the substantial amount of, you know,
 10:00PM 17 unused parking throughout the entire site.
 10:00PM 18 I think 30 percent, 37 percent,
 10:00PM 19 whatever that number was, of what's out there today.
 10:00PM 20 So even with the reduction being
 10:00PM 21 requested, it is a substantial number. If we do it
 10:00PM 22 by ordinance, it's a 1346 parking space variance, we
 10:00PM 23 100 percent support it.
 10:00PM 24 I don't need to beat this one to death,
 10:00PM 25 but we also support banking spaces anywhere possible,
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10:00PM 1 to save any existing vegetation, I already brought
 10:00PM 2 that up at the prior meeting, even if it's not the
 10:00PM 3 entire allotment, if it's a smaller number for the
 10:00PM 4 same purpose that the testimony from our traffic
 10:01PM 5 engineer, from the applicant's traffic engineers
 10:01PM 6 we're still overparked when all of the new structures
 10:01PM 7 and improvements are constructed.
 10:01PM 8 They've agreed to -- they'll address
 10:01PM 9 accessible parking. They've agreed testimony on the
 10:01PM 10 record that they're going to address the EV
 10:01PM 11 requirements.
 10:01PM 12 We brought that up in our report,
 10:01PM 13 because that is a tool used to further drive down the
 10:01PM 14 number of parking spaces required on a piece of
 10:01PM 15 property because you are allowed certain credits for
 10:01PM 16 putting in the EV stations and we try -- we put that
 10:01PM 17 in our report to try and encourage that, but we blow
 10:01PM 18 right through.
 10:01PM 19 We go way below that, so I don't have
 10:01PM 20 to be too concerned other than they're going to
 10:01PM 21 address it.
 10:01PM 22 We support the variance for the number
 10:01PM 23 of loading spaces. Three are proposed, seven are
 10:01PM 24 required. There's testimony from the architect and
 10:01PM 25 the planner and the engineer in support of those.

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10:02PM 1 We support the dimensional waiver on
 10:02PM 2 the 9-by-18 parking spaces. We support the aisles
 10:02PM 3 being 24 feet. A lot of that is existing condition
 10:02PM 4 also.
 10:02PM 5 We support the variance for the parking
 10:02PM 6 underneath the building and if there's any variance
 10:02PM 7 out of all of these variances that are -- that we
 10:02PM 8 would say are one of the more major ones is the
 10:02PM 9 location of the parking.
 10:02PM 10 There's testimony that there's parking
 10:02PM 11 within the front yard that's being expanded, a small
 10:02PM 12 amount along Sylvan Avenue and due to the odd
 10:02PM 13 configuration of the three-lot subdivision, the
 10:02PM 14 northern corner of Sage Road, those parking spaces
 10:02PM 15 are within a front yard setback.
 10:02PM 16 All of the variances have been
 10:03PM 17 identified in addition to the rooftop variance for
 10:03PM 18 excessive coverage of the mechanicals and that's,
 10:03PM 19 again, mostly because it's gated and not that it's
 10:03PM 20 all used for mechanicals.
 10:03PM 21 I'm going through my planning review
 22 comments very quickly. I don't need to go through
 23 each one of them. They've agreed to address these or
 24 at least I believe they agreed to address these in
 25 their testimony. A lot of them is just reconciling

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1 the information, because there's been a lot of
 2 testimony tonight about variances and so forth and
 3 Item 2 is just give us the final list of variances
 4 and waivers on the plan so that all the testimony is
 5 consistent and we all know what was approved for the
 6 application.
 10:03PM 7 We've gone through four, five, six,
 10:03PM 8 seven, eight through eleven are all about
 10:04PM 9 landscaping.
 10:04PM 10 Mr. Chairman, you brought up before
 10:04PM 11 about the applicant has identified the trees that are
 10:04PM 12 to be removed.
 10:04PM 13 It would be helpful and I agree with
 10:04PM 14 you that the ones that are to be removed -- you know,
 10:04PM 15 they have identified the trees on their boundary and
 10:04PM 16 topographic survey.
 10:04PM 17 It would be helpful if they identified
 10:04PM 18 those that would be removed on this plan so that post
 10:04PM 19 construction sometimes there's creep and due to
 10:04PM 20 construction blasting, retaining walls, et cetera,
 10:04PM 21 we're trying to obviously keep as many of the trees
 10:04PM 22 as possible.
 10:04PM 23 If they're noted on a plan, there's a
 10:04PM 24 higher chance of survival or at least somebody is
 10:04PM 25 going to make note of it when these plans are

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10:04PM 1 actually given to a contractor out in the field and,
 10:04PM 2 you know, they understand what's supposed to be
 10:04PM 3 maintained and could be disturbed.
 10:04PM 4 So we support that.
 10:04PM 5 There was a lot of testimony -- we
 10:04PM 6 support the reduction of the six spaces on that one
 10:05PM 7 intersection of Johnson and Sage.
 10:05PM 8 Anything, again, that we can save up
 10:05PM 9 there that would keep some of the existing vegetation
 10:05PM 10 and the supplemental vegetation, again, I'm not
 10:05PM 11 concerned about the 120 versus the 100.
 10:05PM 12 I'd rather see the 100 supplemented and
 10:05PM 13 made stronger with some understory vegetation that
 10:05PM 14 would help with the headlights of the vehicles which
 10:05PM 15 would be most disturbing if I lived on Johnson
 10:05PM 16 Avenue.
 10:05PM 17 So I would -- if I lived on Johnson
 10:05PM 18 Avenue, that's what I would want and that would
 10:05PM 19 address my concerns more than whether there's an
 10:05PM 20 extra 20 feet. And I believe they've testified that
 10:05PM 21 they will supplement the landscaping plan based on
 10:05PM 22 the testimony.
 10:05PM 23 I think the architect did a fantastic
 10:05PM 24 job and our board's comments were very helpful with
 10:05PM 25 that.

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10:05PM 1 There's been no application or details
 10:05PM 2 or information on signage. So at least have some
 10:06PM 3 testimony put on the record. I don't know if -- at
 10:06PM 4 least address it. I don't believe there's going to
 10:06PM 5 be any variances, but at least -- or maybe that's
 10:06PM 6 something that's in the future, I'm not really sure,
 10:06PM 7 but at least an idea of signage to some capacity.
 10:06PM 8 MR. CAPIZZI: The operator is going to
 9 be Englewood Health. We don't have their signage
 10 package yet, but certainly when we do, we'll come
 11 back if it requires an application to the planning
 12 board, we'll have to make that.
 13 MR. MISTRETTA: Okay. Thank you.
 14 15 in my report, we asked for the title
 15 report and, well, we asked that so that we can get
 10:06PM 16 the deeds and those restrictions and so forth that
 10:06PM 17 was talked about. They're going to be circulated.
 10:06PM 18 Everybody will take a look at it.
 10:06PM 19 And then finally, the minor subdivision
 10:06PM 20 plan, they said -- the applicant said they're going
 10:06PM 21 to file it by deed.
 10:06PM 22 We would just at least want to see a
 10:06PM 23 map with the cross access easements and utility
 10:07PM 24 easements or at least depicted on the map. That may
 10:07PM 25 not be the drawing that you're filing, but with the
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10:07PM 1 configuration, the three-lot configuration, the
 10:07PM 2 campus has to act as one.
 10:07PM 3 As you've testified to, all vehicular
 10:07PM 4 access, drainage, every pipe is going to cross every
 10:07PM 5 property line.
 10:07PM 6 So I think it's a good idea to have at
 10:07PM 7 least one master map even if it's not the filed map
 10:07PM 8 that is -- that depicts the easements that are going
 10:07PM 9 to be in this bulk -- you know, the set of deeds are
 10:07PM 10 going to be filed.
 10:07PM 11 MR. CAPIZZI: That's fine.
 10:07PM 12 MR. MISTRETTA: That's all I have,
 10:07PM 13 Mr. Chairman.
 10:07PM 14 CHAIRMAN PORRINO: And that would
 10:07PM 15 include, I take it, cross easement language? I don't
 10:07PM 16 know if we have that already.
 10:07PM 17 MR. WISS: No, I think that was
 10:07PM 18 something you were going to circulate.
 10:07PM 19 MR. CAPIZZI: There's an existing cross
 10:07PM 20 easement, deed of easement on the property, which
 10:07PM 21 we're going to modify and certainly that will be
 10:08PM 22 filed simultaneously with the subdivision deed.
 10:08PM 23 So we would submit both of those to the
 10:08PM 24 board for review and comments and approval and then
 10:08PM 25 assuming when they're executed they'll be recorded
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10:08PM 1 simultaneous.
 10:08PM 2 CHAIRMAN PORRINO: Okay.
 10:08PM 3 Does that complete your testimony for
 10:08PM 4 this evening?
 10:08PM 5 MR. CAPIZZI: We don't have any further
 10:08PM 6 direct witnesses, Mr. Chairman.
 10:08PM 7 CHAIRMAN PORRINO: Why don't we open
 10:08PM 8 the meeting up to the public first and then we'll
 10:08PM 9 come back to comments by the board members.
 10:08PM 10 I have a few comments and questions.
 10:08PM 11 Can I have a motion please to open this
 10:08PM 12 to the public?
 10:08PM 13 VICE CHAIRWOMAN O'SHEA: Motion to open
 10:08PM 14 to the public.
 10:08PM 15 MS. CORREA: Second.
 10:08PM 16 CHAIRMAN PORRINO: All in favor?
 10:08PM 17 (Whereupon, all present members respond
 10:08PM 18 in the affirmative.)
 10:08PM 19 CHAIRMAN PORRINO: Anyone from the
 10:08PM 20 public wish to be heard, please come on up, give your
 10:08PM 21 name and street address, please.
 10:08PM 22 (No Response.)
 10:08PM 23 CHAIRMAN PORRINO: Seeing none, hearing
 10:08PM 24 none, motion to close.
 10:08PM 25 VICE CHAIRWOMAN O'SHEA: Motion to
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10:08PM 1 close.
 10:08PM 2 MR. O'SHEA: Second.
 10:08PM 3 CHAIRMAN PORRINO: All in favor?
 10:08PM 4 (Whereupon, all present members respond
 10:08PM 5 in the affirmative.)
 10:08PM 6 CHAIRMAN PORRINO: Okay. I had a
 10:08PM 7 couple of questions first for Mr. Collazuol, please,
 10:08PM 8 and you can -- you know, if you want to answer from
 10:08PM 9 there, it's okay if Cathy can hear you.
 10:08PM 10 Fire hydrants, I noted in, I think it
 10:08PM 11 was Mr. Hoder's letter.
 10:08PM 12 Did we deal with that?
 10:08PM 13 And David's question for you as well
 10:08PM 14 too. Are you concerned about the lack of fire
 10:08PM 15 hydrants?
 10:08PM 16 There should be more hydrants added or
 10:08PM 17 what? I think I --
 10:08PM 18 MR. HODER: Yeah, I think I asked for
 10:09PM 19 one additional hydrant behind the building to the
 10:09PM 20 west, but I would also defer to the fire department,
 10:09PM 21 see what they say.
 10:09PM 22 CHAIRMAN PORRINO: Well, that was in
 10:09PM 23 their report.
 10:09PM 24 Maybe that's where I read it actually.
 10:09PM 25 What was planned, Mr. Collazuol, do you
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1 know?

2 MR. COLLAZUOL: I believe we have one

3 in the front.

4 I'm calling it the front of the

5 building, which is now the rear of the building

10:09PM 6 according to the zoning table.

10:09PM 7 (Laughter.)

10:09PM 8 CHAIRMAN PORRINO: Close to Sylvan or

10:09PM 9 further away from Sylvan.

10:09PM 10 MR. COLLAZUOL: Then we'll add the

10:09PM 11 other hydrant in the back of the building, which is

10:09PM 12 now the front.

10:09PM 13 CHAIRMAN PORRINO: So you're adding

10:09PM 14 another hydrant is the short answer to the story, the

10:09PM 15 question.

10:09PM 16 MR. COLLAZUOL: Yes.

10:09PM 17 CHAIRMAN PORRINO: Okay.

10:09PM 18 Thank you.

10:09PM 19 The retention system that you propose

10:09PM 20 beneath the new parking along Sage, and I think

10:09PM 21 you've got some rock issue there. I mean there's

10:10PM 22 outcrops literally out of the ground there now.

10:10PM 23 The question is if you can move that

10:10PM 24 somewhat further away from Sage to avoid more damage

10:10PM 25 potentially to the root structure of any trees that

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10:10PM 1 are going to survive along Sage Road.

10:10PM 2 It looks like they were sort of in the

10:10PM 3 center of that new parking.

10:10PM 4 MR. COLLAZUOL: Yes.

10:10PM 5 CHAIRMAN PORRINO: If there's a means

10:10PM 6 depending upon topography and rock to nudge that over

10:10PM 7 closer to the center of the campus --

10:10PM 8 MR. COLLAZUOL: Okay. We can look into

10:10PM 9 that.

10:10PM 10 CHAIRMAN PORRINO: -- would be a

10:10PM 11 suggestion to try to avoid any more damage to the

10:10PM 12 root structure of these trees.

10:10PM 13 MR. COLLAZUOL: Yes.

10:10PM 14 CHAIRMAN PORRINO: Thank you.

10:10PM 15 And then, you know, I think we have to

10:10PM 16 have a little more of a conversation about the

10:10PM 17 landscaping, you know, and the buffers.

10:10PM 18 Maybe that's not a good word for

10:10PM 19 tonight, buffers, but the landscaping to be provided.

10:10PM 20 VICE CHAIRWOMAN O'SHEA: Question.

10:10PM 21 CHAIRMAN PORRINO: Mary?

10:10PM 22 VICE CHAIRWOMAN O'SHEA: The parking

10:10PM 23 that's on that little part added in the front of the

10:10PM 24 building by 9W.

10:11PM 25 Yeah, that little piece that comes out.

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10:11PM 1 MS. SCANCARELLA: In front of on Sylvan

10:11PM 2 you're talking about?

10:11PM 3 VICE CHAIRWOMAN O'SHEA: Yeah, right

10:11PM 4 there. Right there.

10:11PM 5 How far from 9W is that?

10:11PM 6 MR. CAPIZZI: It's about 38 feet.

10:11PM 7 VICE CHAIRWOMAN O'SHEA: Thirty-eight

10:11PM 8 feet?

10:11PM 9 MR. CAPIZZI: Correct.

10:11PM 10 VICE CHAIRWOMAN O'SHEA: Okay.

10:11PM 11 The reason I asked, because in that

10:11PM 12 ordinance that you have 6804, Part B talks about the

10:11PM 13 first 40 feet of the front yard adjacent to the

10:11PM 14 street may not be used for parking purposes, but said

10:11PM 15 area only be used for lawn and access drives and

10:11PM 16 deceleration lanes, 40 feet.

10:11PM 17 So I think that it should be 40 feet

10:11PM 18 from 9W.

10:11PM 19 MS. SCANCARELLA: There's preexisting

10:11PM 20 parking.

10:11PM 21 MR. CAPIZZI: We're following the

10:11PM 22 existing curb line.

10:11PM 23 VICE CHAIRWOMAN O'SHEA: Pardon me?

10:11PM 24 MR. CAPIZZI: We're following the

10:11PM 25 existing curb line and the existing stack of stalls

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10:12PM 1 that are already in the field.

10:12PM 2 MR. COLLAZUOL: It's the way it was

10:12PM 3 built.

10:12PM 4 MR. CAPIZZI: And it results from the

10:12PM 5 curvature of the street.

10:12PM 6 VICE CHAIRWOMAN O'SHEA: Okay.

10:12PM 7 It says 40 feet.

10:12PM 8 CHAIRMAN PORRINO: Mr. Hoder, if you

10:12PM 9 could open up your report again.

10:12PM 10 You had talked about augmenting some of

10:12PM 11 the plantings on this property.

10:12PM 12 MR. HODER: Well, that is correct.

10:12PM 13 Talked about additional plantings along Sage

10:12PM 14 especially in the area around Sage and Johnson.

10:12PM 15 We now have a little bit of help with

10:12PM 16 that, because of the six spaces they've said they're

10:12PM 17 going to remove and then we also talked about

10:12PM 18 additional plantings along the ball field and at the

10:12PM 19 front of building, which is really what I think the

10:12PM 20 rear where the new hydrant will be and then moving

10:13PM 21 them closer to the curb line, so that we're not

10:13PM 22 infringing on the existing planting that's there.

10:13PM 23 The whole idea here is to try not to

10:13PM 24 kill too many existing large size trees greater than

10:13PM 25 4 inches, for example, in either of the two

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10:13PM 1 locations.

10:13PM 2 CHAIRMAN HODER: So a question for the

10:13PM 3 applicant and landscape professional is what can be

10:13PM 4 done here to improve?

10:13PM 5 First of all, let's talk about the

10:13PM 6 corner of Sage Road and Johnson which you know is one

10:13PM 7 of my areas of focus here. We have -- you added

10:13PM 8 several new trees from the original plan.

10:14PM 9 MR. CAPIZZI: I'm sorry, Mr. Chairman?

10:14PM 10 CHAIRMAN PORRINO: Yes, so your latest

10:14PM 11 -- you have the latest landscape rendering up?

10:14PM 12 MR. CAPIZZI: Yes.

10:14PM 13 CHAIRMAN PORRINO: Okay. And I'm

10:14PM 14 looking at your -- the plan that was submitted to the

10:14PM 15 board, not the color rendering.

10:14PM 16 So you added several trees labeled

10:14PM 17 PICs, Norway spruces it looks like?

10:15PM 18 MR. DEVITTO: Correct.

10:15PM 19 CHAIRMAN PORRINO: Along the Sage Road

10:15PM 20 as it approaches Johnson.

10:15PM 21 My suggestion is that at least those

10:15PM 22 same trees should be repeated around the Johnson

10:15PM 23 Avenue frontage as well, too, to provide the

10:15PM 24 screening for these residents of your new parking

10:15PM 25 area whether it's 100, 120 feet we won't go there.

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10:15PM 1 This is a question for the applicant. You know, I'm

10:15PM 2 going to be asking for some other things too, but is

10:15PM 3 that something that the applicant would do to improve

10:15PM 4 the viewshed and at the same time we -- the six

10:15PM 5 spaces that are being removed now too.

10:15PM 6 So there's also some area now on the

10:15PM 7 inside closer to the -- within closer to the

10:15PM 8 building, let's call it, away from the curb lines.

10:15PM 9 So I'm requesting there will be

10:15PM 10 additional plantings being created along Johnson

10:16PM 11 Avenue curb line and then also where these six spaces

10:16PM 12 were once proposed.

10:16PM 13 MR. CAPIZZI: How far along Johnson are

10:16PM 14 you referring to, Mr. Chairman?

10:16PM 15 CHAIRMAN PORRINO: Last month I brought

10:16PM 16 up 100 feet. I thought that was a reasonable

10:16PM 17 distance going back along Johnson and along Sage Road

10:16PM 18 to really enhance that corner, the "screening" is the

10:16PM 19 term I'll use.

10:16PM 20 MR. CAPIZZI: Right, so certainly just

10:16PM 21 wrapping the corner there, Mr. Chairman?

10:16PM 22 CHAIRMAN PORRINO: Yeah, 100 feet in

10:16PM 23 both directions with these staggered -- Norway spruce

10:16PM 24 is a tree that you professionals recommend, that's

10:16PM 25 fine.

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10:16PM 1 MR. CAPIZZI: Let me consider the list

10:16PM 2 in total and we'll let you know.

10:16PM 3 CHAIRMAN PORRINO: Okay.

10:16PM 4 And then whatever you would suggest,

10:16PM 5 you're the landscape architect, you know, what you

10:16PM 6 would do on the interior side where those six spaces

10:16PM 7 are would be mixed planting, what would you be

10:16PM 8 thinking about doing in there.

10:16PM 9 MR. DEVITTO: Yeah, so that area, that

10:16PM 10 could be -- you have a bit of more ornamental

10:16PM 11 plantings for the site users themselves, add some

10:16PM 12 flowering shrubs there and then it could also contain

10:16PM 13 additional evergreen trees.

10:16PM 14 CHAIRMAN PORRINO: Interspersed with

10:16PM 15 some evergreens?

10:16PM 16 Yeah, that's what I would suggest as

10:16PM 17 well.

10:17PM 18 You know, then along Sage, you know,

10:17PM 19 there's going to be a very big change in what the

10:17PM 20 folks, the residents are going to see as they come

10:17PM 21 off 9W and come down Sage Road.

10:17PM 22 Mr. Hoder, what did you suggest doing?

10:17PM 23 Did you note anything in specifics?

10:17PM 24 MR. HODER: I didn't really note

10:17PM 25 anything specific, but I mean, there should be -- let

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10:17PM 1 me just pull the plan out.

10:17PM 2 On Sage now there's -- in essence it's

10:17PM 3 a double row of staggered trees, but it's evergreens

10:17PM 4 and I think there might be some deciduous, but not a

10:17PM 5 lot.

10:17PM 6 MALE AUDIENCE MEMBER: Holly.

10:17PM 7 MR. HODER: Holly? And so that plus

10:18PM 8 the existing, as long as they don't take anything

10:18PM 9 out, they're not taking out any of the trees, if they

10:18PM 10 added 15 to 20 trees, evergreens along the whole

10:18PM 11 distance in the areas that are not -- you know, that

10:18PM 12 are a little sparse on their plan, because, you know,

10:18PM 13 these circles are -- they can be as wide as 20 feet.

10:18PM 14 So when they first plant it, they plant

10:18PM 15 it at 6-foot wide and it's going to look pretty --

10:18PM 16 pretty empty. So I would say 20 plants along the

10:18PM 17 whole thing interspersed among the areas that have --

10:18PM 18 some areas only have single, single plants, so double

10:18PM 19 them up there.

10:18PM 20 CHAIRMAN PORRINO: And, again, I'm

10:18PM 21 unfortunately not that optimistic about many of those

10:18PM 22 trees surviving, you know, because of the root

10:18PM 23 structures being damaged, et cetera.

10:18PM 24 Some hopefully will, but I think

10:18PM 25 there's going to be not that many and any kind of

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10:18PM 1 foliage that exists today, you know, in between the
 10:19PM 2 trees, I think --
 10:19PM 3 VICE CHAIRWOMAN O'SHEA: Mr. Chairman,
 10:19PM 4 what about the suggestion that the parking spaces be
 10:19PM 5 banked and not developed at this time?
 10:19PM 6 CHAIRMAN PORRINO: We've posed that
 10:19PM 7 numerous times starting with Mr. Mistretta last month
 10:19PM 8 and they made it clear that they've considered it,
 10:19PM 9 but they don't feel that they can do so, because
 10:19PM 10 they're going to require this parking, not just
 10:19PM 11 during construction, but for the usage of the
 10:19PM 12 building and the campus.
 10:19PM 13 MS. CORREA: What are the hours of
 10:19PM 14 operation?
 10:19PM 15 MR. CAPIZZI: It will be a typical
 10:19PM 16 medical office building.
 10:19PM 17 Again, it's unknown at this time, but
 10:19PM 18 your typical 7 a.m. to 7 p.m. operation.
 10:19PM 19 MS. CORREA: I have another question.
 10:19PM 20 The planner mentioned can be further expanded.
 10:19PM 21 What do you mean by that? Is there a
 10:20PM 22 plan for this property to be further expanded from
 10:20PM 23 what we're talking about today?
 10:20PM 24 MR. CAPIZZI: The only plan you have is
 10:20PM 25 what we're discussing.

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10:21PM 1 see here and I still ask for that 100 feet of, you
 10:21PM 2 know, alternating spruces both along Johnson and
 10:21PM 3 along Sage starting at intersection of those two
 10:21PM 4 streets.
 10:21PM 5 MR. CAPIZZI: Mr. Chairman, I just want
 10:21PM 6 to understand, make sure I correctly understand.
 10:21PM 7 As it pertains to Sage Road, with the
 10:21PM 8 current planting plan we don't have the room to
 10:21PM 9 double the evergreens, but if you're suggesting we
 10:21PM 10 can delete some deciduous and replace evergreens, I
 10:21PM 11 think that's achievable.
 10:21PM 12 CHAIRMAN PORRINO: It looks to me like
 10:21PM 13 there's about 10 right now evergreens. Yeah, about
 10:21PM 14 10 right now excluding this corner.
 10:21PM 15 The corner I consider to be a separate
 10:21PM 16 area. There I feel it's really important to have
 10:22PM 17 alternating trees that are going to be planted close
 10:22PM 18 enough together that it's going to create an
 10:22PM 19 immediate screen, but stepping away, 100 feet away
 10:22PM 20 from the intersection going towards 9W, I count
 10:22PM 21 around 10 evergreens.
 10:22PM 22 If you double that to 20, clearly
 10:22PM 23 you're going to eliminate some of the smaller
 10:22PM 24 plantings accordingly and understood that that's the
 10:22PM 25 case.

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10:20PM 1 The only plan that there is at the
 10:20PM 2 moment is what we're discussing.
 10:20PM 3 MS. CORREA: Okay.
 10:20PM 4 CHAIRMAN PORRINO: So there's no plan
 10:20PM 5 for expansion as it exits. If they every wanted to
 10:20PM 6 do some sort of expansion, they'd have to come before
 10:20PM 7 the board again for an approval.
 10:20PM 8 MS. CORREA: Okay.
 10:20PM 9 CHAIRMAN PORRINO: So getting back to
 10:20PM 10 the landscaping along Sage, I mean, my suggestion
 10:20PM 11 and, Dave, tell me if you agree, if they doubled the
 10:20PM 12 number of evergreens. And, again, I don't remember
 10:20PM 13 what the species were, are they also the spruces?
 10:20PM 14 Let me see.
 10:20PM 15 Yeah, it's still PIC, which would be
 10:20PM 16 the Norway spruces. I would ask that whatever number
 10:20PM 17 you depict along Sage Road, the number of the
 10:20PM 18 evergreens be doubled from what they are -- from
 10:20PM 19 what's depicted.
 10:20PM 20 And that being said, you can be
 10:20PM 21 reducing, you know, quantities, likewise, of the other
 10:21PM 22 items that are here, the smaller plantings and this
 10:21PM 23 is not going to be an evergreen screen, we all know
 10:21PM 24 that, but at least it will provide some protection
 10:21PM 25 and ameliorate the visual change that we're going to

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10:22PM 1 And I think what -- if this board was
 10:22PM 2 considering approving this application and I just put
 10:22PM 3 it out there, we're going to have a list of
 10:22PM 4 conditions as we do on most applications and in this
 10:22PM 5 case we're trying to move this along as quickly as we
 10:22PM 6 can for the applicant. There would have to be some
 10:22PM 7 information and plans provided to this board and to
 10:22PM 8 our professionals, you know, between the time that
 10:22PM 9 this application is approved, whether it's tonight or
 10:22PM 10 not, and our resolution date so that the
 10:22PM 11 professionals can look at it and say, yeah, that was
 10:22PM 12 the intent of what the board was planning. I'll
 10:23PM 13 leave it at that and it's -- you know, it's up to you
 10:23PM 14 and the applicant to concur or to not concur or
 10:23PM 15 whatever.
 10:23PM 16 MR. CAPIZZI: All of your changes
 10:23PM 17 there, Mr. Chairman, are acceptable.
 10:23PM 18 CHAIRMAN PORRINO: And that's me
 10:23PM 19 speaking. You know, we've got a few other people
 10:23PM 20 sitting here today, tonight as well.
 10:23PM 21 Anything else from our professionals
 10:23PM 22 that you think needs to be addressed? Mike? Dave?
 10:23PM 23 Dave?
 10:23PM 24 MR. MISTRETTA: No, I think we covered
 10:23PM 25 it all.

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10:23PM 1 MR. HODER: Yeah, nothing.

10:23PM 2 CHAIRMAN PORRINO: Any questions from

10:23PM 3 the board members of any of the professionals?

10:23PM 4 (No Response.)

10:23PM 5 CHAIRMAN PORRINO: You got the

10:23PM 6 applicants team is here and ours.

10:23PM 7 Comments? Questions?

10:23PM 8 VICE CHAIRWOMAN O'SHEA: One question.

10:23PM 9 CHAIRMAN PORRINO: Mary.

10:23PM 10 VICE CHAIRWOMAN O'SHEA: When we came

10:23PM 11 in last month, I thought we were -- I might be

10:23PM 12 mistaken. I thought we were eliminating a

10:23PM 13 subdivision and putting in one big -- big plan, one

10:24PM 14 property, getting rid of the subdivision and come

10:24PM 15 back tonight we're getting three properties, that was

10:24PM 16 new tonight.

10:24PM 17 CHAIRMAN PORRINO: It was submitted

10:24PM 18 sometime in the past few weeks. They came in with a

10:24PM 19 revised plan, which is, you know, the subdivision

10:24PM 20 plan, yes.

10:24PM 21 VICE CHAIRWOMAN O'SHEA: Because it's

10:24PM 22 -- the lot lines are crazy. Zigzag, you know, it's

10:24PM 23 like a puzzle. All right?

10:24PM 24 And it looks like they're trying to

10:24PM 25 make each square footage of the property even, like

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10:24PM 1 they're dividing it up according to an estate plan.

10:24PM 2 You know, each brother is going to get a third of --

3 (Laughter.)

4 CHAIRMAN PORRINO: That could be the

5 case.

6 VICE CHAIRWOMAN O'SHEA: You know,

7 that's what it seems to me.

8 MALE AUDIENCE MEMBER: There's only two

9 of us.

10 (Laughter.)

11 VICE CHAIRWOMAN O'SHEA: Oh, there's

12 one two?

13 I saw that other guy sitting there.

14 CHAIRMAN PORRINO: He wants to be your

15 brother.

16 (Laughter.)

17 CHAIRMAN PORRINO: So, Mary, you know,

10:25PM 18 I have spoken before about subdivisions of commercial

10:25PM 19 properties rather loudly and succinctly.

10:25PM 20 In this case, the intent and the

10:25PM 21 reasons for it are pretty clear to me. It's for

10:25PM 22 their financing. You know, it just -- it makes the

10:25PM 23 -- it makes it easier --

10:25PM 24 VICE CHAIRWOMAN O'SHEA: Well, that's

10:25PM 25 what Schepisi told us --

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10:25PM 1 CHAIRMAN PORRINO: -- it's segregated.

10:25PM 2 VICE CHAIRWOMAN O'SHEA: -- told the

10:25PM 3 last time --

10:25PM 4 CHAIRMAN PORRINO: Right, that was --

10:25PM 5 VICE CHAIRWOMAN O'SHEA: -- and then

10:25PM 6 they're going to bring new in --

10:25PM 7 CHAIRMAN PORRINO: -- we turned down

10:25PM 8 that application because we knew there was something

10:25PM 9 else that was motivating it.

10:25PM 10 Here you got office buildings, you got

10:25PM 11 another medical building that's proposed on it. I

10:25PM 12 don't suspect that there's any ill intent by granting

10:25PM 13 the subdivision in this case. That's my personal

10:25PM 14 opinion. Okay.

10:25PM 15 MR. CAPIZZI: And, again, Mr. Chairman,

10:25PM 16 just to put Ms. O'Shea further at ease, the

10:25PM 17 subdivision is part and parcel, the site plan

10:25PM 18 application. It's not a separate subdivision

10:25PM 19 application.

10:25PM 20 VICE CHAIRWOMAN O'SHEA: What did you

10:25PM 21 say?

10:25PM 22 MR. CAPIZZI: We're asking for the

10:25PM 23 subdivision and the site plan to be approved.

10:25PM 24 CHAIRMAN PORRINO: We could bifurcate,

10:26PM 25 Counsel, will all due respect, and say no, we don't

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10:26PM 1 want to give you the subdivision. I'm not suggesting

10:26PM 2 we'll do that, but, you know, we have done that

10:26PM 3 before.

10:26PM 4 Okay. Anybody else?

10:26PM 5 (No Response.)

10:26PM 6 CHAIRMAN PORRINO: Any comments from

7 any of the board members?

8 MS. RIZVI: Can I say something?

9 CHAIRMAN PORRINO: Please, yes.

10 MS. RIZVI: We talked a lot about the

11 landscaping, the evergreen.

10:26PM 12 CHAIRMAN PORRINO: Yes.

10:26PM 13 MS. RIZVI: Doubling them, shrubbery.

10:26PM 14 CHAIRMAN PORRINO: Yes.

10:26PM 15 MS. RIZVI: Ornamentals, everything

10:26PM 16 else, but I'd like to know how many trees that are

10:26PM 17 more than 6-inches diameter trunk do we expect that

10:26PM 18 they're going to be damaged or removed or demolished

10:26PM 19 or removed.

10:26PM 20 CHAIRMAN PORRINO: Very good question

10:26PM 21 and one of the conditions if this application is

10:26PM 22 approved will be that they will provide a sheet that

10:26PM 23 will indicate every tree that is being removed for

10:26PM 24 construction purposes, so that the board

10:27PM 25 professionals can look at that and make sure that

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10:27PM 1 they're not taking down anything that doesn't have to
 10:27PM 2 be removed.
 10:27PM 3 We're very sensitive to that,
 10:27PM 4 obviously, all the board members are, as are the
 10:27PM 5 residents.
 10:27PM 6 So that's -- that's what we discussed
 10:27PM 7 tonight and they've agreed to actually denote every
 10:27PM 8 tree that will be removed as part of their
 10:27PM 9 construction plan.
 10:27PM 10 MS. RIZVI: It's more than 6-inches
 11 diameter of a trunk for a tree?
 12 CHAIRMAN PORRINO: Well, it's according
 13 to their -- I don't know what our ordinance reads.
 14 Is it 6 inches? It will be in accordance with our
 15 ordinance.
 16 There's a minimum size.
 17 MR. CAPIZZI: Whatever regulated trees,
 18 the regulated trees will be denoted on the plan.
 19 CHAIRMAN PORRINO: Yeah.
 20 There will be an X through them
 21 basically so that you can look at that and say here's
 22 a tree.
 23 MS. RIZVI: As a member I'd like to
 24 know exactly how many trees --
 25 CHAIRMAN PORRINO: Good point and
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1 you're going to -- you will see it.
 10:27PM 2 MS. RIZVI: We talked about all
 10:27PM 3 construction, maybe demolition or some little here
 10:27PM 4 and there.
 10:27PM 5 CHAIRMAN PORRINO: This what happened
 6 before --
 7 MS. RIZVI: Treat it like we're
 8 breathing human beings. Okay?
 9 CHAIRMAN PORRINO: Understood.
 10 MS. RIZVI: Got to be careful with
 11 that.
 12 CHAIRMAN PORRINO: Of course.
 13 MS. RIZVI: Because of the
 10:28PM 14 environmental climate problems, flooding, whatever,
 10:28PM 15 whatever.
 10:28PM 16 CHAIRMAN PORRINO: Of course.
 10:28PM 17 Listen, we wish there were no trees to
 10:28PM 18 be removed.
 10:28PM 19 MS. RIZVI: Even if you put down the
 10:28PM 20 most beautiful evergreens or ornamental stuff, you
 10:28PM 21 know, if you don't -- they need a lot of water
 10:28PM 22 initially to develop. Okay?
 10:28PM 23 And for the tree takes, like, 30 years,
 10:28PM 24 40 years, whatever it produces oxygen and it removes
 10:28PM 25 the --
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10:28PM 1 CHAIRMAN PORRINO: Your point is taken.
 10:28PM 2 And like I said, they'll be submitting
 10:28PM 3 a revised plan indicating these trees before we adopt
 10:28PM 4 the resolution.
 10:28PM 5 If the application is approved, before
 10:28PM 6 they have their final approval, which is the
 10:28PM 7 resolution, they will be providing these -- this
 8 revised plan for our professionals to look at and
 9 say, yes, this is acceptable.
 10 If they say no, it's not acceptable,
 11 they could theoretically have to come back before the
 12 board again.
 10:29PM 13 Hopefully that's not going to happen.
 10:29PM 14 MS. RIZVI: Because the hints -- the
 10:29PM 15 hint is already given, okay, just now.
 10:29PM 16 CHAIRMAN PORRINO: The what?
 10:29PM 17 MS. RIZVI: The hint is already given
 10:29PM 18 that the trees might be damaged.
 10:29PM 19 CHAIRMAN PORRINO: But this is any
 10:29PM 20 development project you're going to have trees being
 10:29PM 21 removed from the property.
 22 MS. SCANCARELLA: And they notify --
 23 they notify us if there's more additional trees.
 24 CHAIRMAN PORRINO: So I think we've
 25 spent enough time --
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1 MS. RIZVI: Yes, we did.
 2 CHAIRMAN PORRINO: -- in examining this
 10:29PM 3 and asking the applicant to please augment and add
 10:29PM 4 additional trees to replace those that were -- that
 10:29PM 5 had to be removed or damaged.
 10:29PM 6 MS. RIZVI: The 30, 40 years old trees?
 10:29PM 7 CHAIRMAN PORRINO: Your point is taken.
 10:29PM 8 I understand what you're saying.
 10:29PM 9 MS. RIZVI: Okay, fine.
 10:29PM 10 Thanks.
 10:29PM 11 CHAIRMAN PORRINO: Okay. Thank you.
 10:29PM 12 Mary?
 10:29PM 13 VICE CHAIRWOMAN O'SHEA: When the
 10:29PM 14 applicant is going to -- Mr. Capizzi is going to
 10:29PM 15 review that deed restriction with the county and when
 10:30PM 16 he does, he has to ask the guy in the office to pull
 10:30PM 17 the maps that are associated with the deed
 10:30PM 18 restriction, because he'll get them out of a
 10:30PM 19 different file.
 10:30PM 20 CHAIRMAN PORRINO: Understood and
 21 agreed and he's agreed to --
 22 MR. CAPIZZI: We're not doing that,
 23 Mr. Chairman.
 24 CHAIRMAN PORRINO: Well, the board --
 25 MR. CAPIZZI: Whatever is part of the
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1 deed restriction will be read and assessed and
 2 provided to the board.
 10:30PM 3 We're not going to supplement the deed
 10:30PM 4 restriction.
 10:30PM 5 CHAIRMAN PORRINO: She's not saying to
 10:30PM 6 supplement.
 10:30PM 7 MR. WISS: There are maps.
 10:30PM 8 There are maps that are attached, at
 10:30PM 9 least from what we saw, so --
 10:30PM 10 MR. CAPIZZI: If the conservation -- if
 10:30PM 11 the buffer easement, however it may be described on
 10:30PM 12 its title page makes reference to maps that are in
 10:30PM 13 the map room as exhibits, they'll certainly be
 14 provided.
 15 CHAIRMAN PORRINO: And they do, they
 16 do.
 17 I've seen the exhibits myself, so they
 18 do exist.
 10:30PM 19 That's fine.
 10:30PM 20 Okay. Any other questions from board
 10:30PM 21 members of anyone?
 10:30PM 22 (No Response.)
 10:30PM 23 CHAIRMAN PORRINO: And if not, I'll
 10:30PM 24 entertain a motion.
 10:31PM 25 I want to first here a first and a
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10:31PM 1 second. I've got a list of things that -- but first
 10:31PM 2 let's hear a motion, a motion to approve or deny.
 10:31PM 3 And I think it's -- what's the time? It's 10:30.
 10:31PM 4 It's cutoff time pretty much, so, you know, I think
 10:31PM 5 I'm satisfied the applicant has done what we've asked
 10:31PM 6 of them.
 10:31PM 7 Clearly we would have liked to have not
 10:31PM 8 had this impact on Sage Road and on the trees, I
 10:31PM 9 think we all agree on that, but when you weigh the
 10:31PM 10 benefits, I think they've done what they can.
 10:31PM 11 So anyone interested in making a
 10:31PM 12 motion?
 10:31PM 13 MR. KIM: Motion.
 14 CHAIRMAN PORRINO: To?
 15 MS. SCANCARELLA: To?
 16 MR. KIM: Approve.
 17 CHAIRMAN PORRINO: Okay.
 18 Thank you.
 10:31PM 19 Do we have a second?
 10:31PM 20 (No Response.)
 10:32PM 21 CHAIRMAN PORRINO: I'll make the
 10:32PM 22 second.
 10:32PM 23 MS. SCANCARELLA: Okay.
 10:32PM 24 CHAIRMAN PORRINO: Now, we're just
 10:32PM 25 going to hold for a minute.
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10:32PM 1 This is going to take a few moments. I
 10:32PM 2 think it's going to be consistent with what we've
 10:32PM 3 talked about tonight, but I just want to make sure
 10:32PM 4 that we're all on the same page and, Attorney, please
 10:32PM 5 jump in at some point if I trip up here.
 10:32PM 6 So like on every project that we hear,
 10:32PM 7 almost ways there's conditions of approval that will
 10:32PM 8 be reduced to a resolution.
 10:32PM 9 And in this case, some of these items
 10:32PM 10 will be satisfied before the resolution is adopted.
 10:32PM 11 Okay. I'm going to just go right
 10:32PM 12 through it and questions, issues, let me know,
 10:32PM 13 Counselor.
 10:32PM 14 Rooftop will be for only mechanical
 10:32PM 15 use. There will be no public access.
 10:32PM 16 Cross easements for parking will be
 10:33PM 17 provided for review by our professionals, parking and
 10:33PM 18 utilities.
 10:33PM 19 The data for the lighting, dark sky.
 10:33PM 20 What was the other term besides "dark sky"? Dave?
 10:33PM 21 MR. HODER: Give me a second.
 10:33PM 22 Light pollution reduction and dark
 10:33PM 23 sky.
 10:33PM 24 CHAIRMAN PORRINO: There you go.
 10:33PM 25 Will be provided for review by our
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10:33PM 1 engineer?
 10:33PM 2 The lights located along Sage Road that
 10:33PM 3 illuminate the parking, the new parking will be moved
 10:33PM 4 closer to the building.
 5 MR. HODER: As far west as possible.
 6 CHAIRMAN PORRINO: Yeah, so between --
 7 MR. HODER: As far south, south as
 8 possible.
 9 CHAIRMAN PORRINO: South as possible
 10:33PM 10 and that would be, I guess, to the south of the first
 10:33PM 11 line of parking or no.
 10:33PM 12 MR. HODER: No, it would be either in
 10:33PM 13 line with or just off the curb.
 10:34PM 14 CHAIRMAN PORRINO: Between the building
 10:34PM 15 and the --
 10:34PM 16 MR. HODER: No, I -- well, I'm saying
 10:34PM 17 don't take the lights and turn them around and face
 10:34PM 18 them back towards Sage.
 10:34PM 19 CHAIRMAN PORRINO: Right.
 10:34PM 20 MR. HODER: Face them to the building,
 10:34PM 21 so the building gets lit and not Sage.
 10:34PM 22 CHAIRMAN PORRINO: So why don't we
 10:34PM 23 leave it that the lighting plan will be adjusted to
 10:34PM 24 the satisfaction of the board engineer, how is that?
 10:34PM 25 MR. CAPIZZI: That's fine, and we'll
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10:34PM 1 slide it as far as we can without having to add
 10:34PM 2 another pole.
 10:34PM 3 MR. HODER: Right.
 10:34PM 4 CHAIRMAN PORRINO: Okay. The fire lane
 10:34PM 5 will be maintained in its present condition, except
 10:34PM 6 clearly where it's adjacent to parking where it has
 10:34PM 7 to be paved, but the existing gate will be left as is
 10:34PM 8 and it will only be utilized in the event of an
 10:34PM 9 emergency that precludes traffic from going out to
 10:34PM 10 Sylvan Avenue.
 10:34PM 11 And specifically not going to be used
 10:35PM 12 for ingress, egress for emergency vehicles,
 10:35PM 13 ambulances and that sort of thing as part of normal
 10:35PM 14 business.
 10:35PM 15 Fire truck circulation plan is going to
 10:35PM 16 be circulated. I'm sorry for the pun.
 10:35PM 17 Acoustical line will be evaluated and,
 10:35PM 18 Mr. Horner, if you can look at that, because, you
 10:35PM 19 know, some of this equipment will make noise and I
 10:35PM 20 see there's slats in the screening which is great
 10:35PM 21 aesthetically, but it would be good to locate what
 10:35PM 22 items are -- make the most noise and as brought up by
 10:35PM 23 Mr. Kim that an appropriate acoustical line would be
 10:35PM 24 installed.
 10:35PM 25 MR. CAPIZZI: The only thing I would
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10:35PM 1 add, that would certainly be several months away once
 10:35PM 2 we have the mechanical equipment specked.
 10:35PM 3 CHAIRMAN PORRINO: That's during the
 10:35PM 4 permit process.
 10:35PM 5 MR. CAPIZZI: Right.
 10:35PM 6 Typically the building department
 10:35PM 7 handles the -- making sure the sound ordinance are
 10:35PM 8 complied with, but certainly we can --
 10:35PM 9 CHAIRMAN PORRINO: And this would be
 10:35PM 10 above and beyond the sound ordinance.
 10:35PM 11 MR. HODER: Mr. Chairman, why don't we
 10:35PM 12 have some notes added to the plans to cover that.
 10:35PM 13 CHAIRMAN PORRINO: There we go.
 10:35PM 14 MR. CAPIZZI: We'll add sound
 10:35PM 15 attenuation material as necessary to achieve
 10:36PM 16 conformance with the applicable sound regulation.
 10:36PM 17 MR. HODER: That's fine.
 10:36PM 18 MR. WISS: Don't love that.
 10:36PM 19 MR. HODER: Why?
 10:36PM 20 MR. WISS: There's a whole host of
 10:36PM 21 problems with applicable sound attenuation as to what
 10:36PM 22 you're referring to.
 10:36PM 23 MR. CAPIZZI: No, the State of New
 10:36PM 24 Jersey has a DB limit -- limitation at the property
 10:36PM 25 line.
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10:36PM 1 MR. WISS: It does.
 10:36PM 2 MR. HODER: It's usually 70 decibels.
 10:36PM 3 MR. WISS: If you clarify that that's
 10:36PM 4 what you're talking about, I'll feel a lot more
 10:36PM 5 comfortable.
 10:36PM 6 MR. CAPIZZI: Right.
 10:36PM 7 We're talking about the State of New
 10:36PM 8 Jersey -- I don't know the typical -- the sound --
 10:36PM 9 MR. HODER: Unless there's one that's
 10:36PM 10 more stringent in the Borough and I don't know if
 10:36PM 11 there is or not.
 10:36PM 12 CHAIRMAN PORRINO: Are you comfortable
 10:36PM 13 with that --
 10:36PM 14 MR. HODER: Yeah.
 10:36PM 15 CHAIRMAN PORRINO: -- that wording?
 10:36PM 16 MR. HODER: Uh-huh, I've done it
 10:36PM 17 before.
 10:36PM 18 CHAIRMAN PORRINO: Okay. The existing
 10:36PM 19 plantings between the Borough -- Witte Field and your
 10:37PM 20 parking will be maintained.
 10:37PM 21 There's trees and there's, as testified
 10:37PM 22 tonight, hedges 8- or 10-feet tall that will not be
 10:37PM 23 disturbed and any new planting would be planted to
 10:37PM 24 the east of the existing shrubs and trees and I'm
 10:37PM 25 talking about now the property line between the
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10:37PM 1 Borough field, Witte Field and the applicant's
 10:37PM 2 property.
 10:37PM 3 Pedestrian crossings will be addressed
 10:37PM 4 with the ADA ramps as suggested by our traffic
 10:37PM 5 expert, that will be added.
 10:37PM 6 A look back of six months with regard
 10:37PM 7 to the intersection monitoring. Right?
 10:37PM 8 And also on lighting, we talked about
 10:37PM 9 this, I think, last month that the lighting around
 10:37PM 10 the exterior of the building, specifically in the
 10:38PM 11 parking areas would be reduced at night so that --
 10:38PM 12 after business hours so that it's security type
 10:38PM 13 lighting and it will be a little bit less obtrusive
 10:38PM 14 for those that live in the immediate vicinity. We
 10:38PM 15 talked about that last month.
 10:38PM 16 MR. HODER: That can be addressed with
 10:38PM 17 specific notes on the plans.
 10:38PM 18 CHAIRMAN PORRINO: And we ask for a
 10:38PM 19 six-month -- we've done this before on other
 10:38PM 20 applications. We look for a six-month look-back to
 10:38PM 21 see if those levels should be adjusted.
 10:38PM 22 One thing we didn't talk about, which
 10:38PM 23 I'll request and it's in our ordinance is that
 10:38PM 24 there's quite a few dead trees lying in the buffer --
 10:38PM 25 I'm going to call it a buffer here -- that I would
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10:38PM 1 ask that they be removed at some point during the
 10:38PM 2 process of construction here.
 10:38PM 3 I think it's to the benefit of the
 10:38PM 4 applicant as well.
 10:38PM 5 I don't know what contributions are
 10:38PM 6 required in terms of sewer connection permits.
 10:38PM 7 Everything will be as per Borough ordinance, nothing
 10:38PM 8 more, nothing less. There's a sewer fee.
 10:38PM 9 I'm not sure if there's anything else,
 10:38PM 10 Cathy? Application fees?
 10:38PM 11 MS. SCANCARELLA: Well, there's
 10:38PM 12 application fees and then there will be a permit fee
 10:39PM 13 and tree bonding, but that will all be determined at
 10:39PM 14 time of permitting.
 10:39PM 15 CHAIRMAN PORRINO: Okay. This deed
 10:39PM 16 restriction we talk about will be provided to our
 10:39PM 17 attorney for review.
 10:39PM 18 VICE CHAIRWOMAN O'SHEA: Russ?
 10:39PM 19 CHAIRMAN PORRINO: Yes.
 10:39PM 20 VICE CHAIRWOMAN O'SHEA: We have to
 10:39PM 21 have the maintenance of the trees in perpetuity and
 10:39PM 22 dead trees removed with permission and replaced.
 10:39PM 23 CHAIRMAN PORRINO: The trees within the
 10:39PM 24 buffer.
 10:39PM 25 VICE CHAIRWOMAN O'SHEA: Yes.
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10:39PM 1 CHAIRMAN PORRINO: Right.
 10:39PM 2 VICE CHAIRWOMAN O'SHEA: Perpetuity,
 10:39PM 3 but at the cost of the property owner.
 10:39PM 4 CHAIRMAN PORRINO: Yeah, that's
 10:39PM 5 something I'm not sure, Counsel, if you've seen, but
 10:39PM 6 we've been requiring that that on new applications
 10:39PM 7 that when trees die on the applicant's property,
 10:39PM 8 typically there's no guarantee after the first two
 10:39PM 9 years.
 10:39PM 10 We ask that they be maintained in
 10:40PM 11 perpetuity so that if they die, that it would be
 10:40PM 12 replaced at the applicant's cost.
 10:40PM 13 So we've been doing that pretty much in
 10:40PM 14 every commercial application that we have.
 10:40PM 15 MR. CAPIZZI: With reference to the
 10:40PM 16 trees on Mr. DeVitto's plan, correct?
 10:40PM 17 MS. SCANCARELLA: The trees that you
 10:40PM 18 plant.
 10:40PM 19 CHAIRMAN PORRINO: Any trees that are
 10:40PM 20 being planted as part of this application, yes.
 10:40PM 21 MR. CAPIZZI: Understood.
 10:40PM 22 CHAIRMAN PORRINO: And the buffer
 10:40PM 23 ordinance speaks to itself. I think there's
 10:40PM 24 something in the buffer about replacing trees that
 10:40PM 25 die within the buffer.
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10:40PM 1 So we're not saying that doesn't hold
 10:40PM 2 true, it's whatever the ordinance reads.
 10:40PM 3 MR. CAPIZZI: Understood.
 10:40PM 4 CHAIRMAN PORRINO: Fire hydrant we
 10:40PM 5 talked about. You're adding the hydrant as
 10:40PM 6 discussed.
 10:40PM 7 Retention system, we talked about
 10:40PM 8 moving that back from Sage as possible.
 10:40PM 9 The landscaping, to be added and I can
 10:40PM 10 sort of recite it again just to make sure that we're
 10:40PM 11 understanding.
 10:40PM 12 So starting from the intersection of
 10:41PM 13 Sage Road and Johnson Avenue, moving in 100 feet both
 10:41PM 14 along Sage and 100 feet along Johnson Avenue, there
 10:41PM 15 will be a staggered row of evergreens, such that we
 10:41PM 16 should talk about, I guess, the height of those. And
 10:41PM 17 I think you had a height on your schedule.
 10:41PM 18 MR. DEVITTO: Yes, they're proposed 8
 10:41PM 19 to 10 on the plans, but there was a comment for 10 to
 10:41PM 20 12.
 10:41PM 21 CHAIRMAN PORRINO: Yeah, 10 to 12 feet.
 10:41PM 22 So that there is -- the quantity of trees, I'm going
 10:41PM 23 to leave to you, but for 100-foot distance, there
 10:41PM 24 should be a visual screen, you know, effective
 10:41PM 25 basically upon planting.
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10:41PM 1 So whatever that distance is required,
 10:41PM 2 I'll leave that to you.
 10:41PM 3 MR. DEVITTO: Okay.
 10:41PM 4 MR. HODER: Mr. Chairman, those are on
 10:41PM 5 the outside curb at the two streets. They're not --
 10:41PM 6 they're not on the inside curb. So they're closer to
 10:41PM 7 the homes.
 10:41PM 8 CHAIRMAN PORRINO: They would be closer
 10:41PM 9 to the homes, yeah.
 10:41PM 10 MR. HODER: Right. Okay.
 10:42PM 11 CHAIRMAN PORRINO: You know, obviously
 10:42PM 12 outside of the sight distance issues, you know, for
 10:42PM 13 traffic.
 10:42PM 14 MR. HODER: Right.
 10:42PM 15 CHAIRMAN PORRINO: I don't want to
 10:42PM 16 forget Mr. Horner.
 10:42PM 17 And then there would be augmented
 10:42PM 18 plantings, which we talked about on the interior side
 10:42PM 19 of the property as well too where those six spaces
 10:42PM 20 were with several evergreens in there too.
 10:42PM 21 And along Sage Road outside the
 10:42PM 22 100 feet distance from the intersection, starting
 10:42PM 23 from that 100-foot point all the way out towards 9W,
 10:42PM 24 the number of evergreens that are depicted would be
 10:42PM 25 doubled and, if necessary, there would be a reduction
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10:42PM 1 in some of the small plantings to make room for those
 10:42PM 2 evergreens.
 10:42PM 3 There was a request from -- just give
 10:42PM 4 me one second -- that's pretty much, I think what I
 10:42PM 5 have, Counsel.
 10:42PM 6 MR. WISS: I've got per Mr. Kennedy's
 10:43PM 7 testimony, in addition to the fire truck analysis,
 10:43PM 8 there was -- my notes say there was a sight distance
 10:43PM 9 analysis that needs to be provided.
 10:43PM 10 I just want to clarify what that was,
 10:43PM 11 but I believe that has to be provided for review of
 10:43PM 12 professionals. If I use "sight distance analysis,"
 10:43PM 13 is that the right terms?
 10:43PM 14 MR. KENNEDY: Yes.
 10:43PM 15 MR. WISS: Okay. The lights -- my
 10:43PM 16 notes indicate that there is going to be both timers
 10:43PM 17 and dimming lights as a condition of the lighting.
 10:43PM 18 I believe that came up that the lights
 10:43PM 19 that are being installed have both timers and dimmers
 10:43PM 20 on them.
 10:43PM 21 MR. HODER: That is correct.
 10:43PM 22 MR. DEVITTO: That's correct.
 10:43PM 23 MR. WISS: And then the only other
 10:43PM 24 thing I have was, I think you -- because you're
 10:43PM 25 filing it by deed, that there will be, I'll say, an
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10:44PM 1 conforming.
 10:44PM 2 So some of these conditions I would
 10:45PM 3 request to be done before the resolution is adopted
 10:45PM 4 and I know time's a factor here, so, you know, rather
 10:45PM 5 than asking you to come back in next month with
 10:45PM 6 revised plans, we're trying to keep this process as
 10:45PM 7 streamline as we can.
 10:45PM 8 So I would ask if -- some of these
 10:45PM 9 items, obviously, are more during the permit stage,
 10:45PM 10 but a majority of them, I think, are related to the
 10:45PM 11 planning board and the planning board's approval.
 10:45PM 12 MR. CAPIZZI: I think the lighting, the
 10:45PM 13 landscaping, the traffic exhibits, those --
 10:45PM 14 CHAIRMAN PORRINO: Update all of them,
 10:45PM 15 get them in, you know, sooner rather than later so
 10:45PM 16 our professionals can review them and if everything
 10:45PM 17 is in order, you know, we can get it done next month.
 10:45PM 18 I can't guarantee that. It's up to you guys first to
 10:45PM 19 get the information that we need.
 10:45PM 20 MR. CAPIZZI: Understood.
 10:45PM 21 CHAIRMAN PORRINO: Anything else from
 10:45PM 22 our professionals that we didn't cover that we should
 10:45PM 23 be?
 10:45PM 24 MR. HORNER: There was -- if I may,
 10:45PM 25 there was one plan I didn't hear you mention. You
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10:43PM 1 overall document that's provided -- I don't know how
 10:43PM 2 you want to do that -- that basically depicts -- and
 10:44PM 3 this is from I think --
 10:44PM 4 MR. HODER: What you can do is you can
 10:44PM 5 depict the easements that are both the buffer
 10:44PM 6 easements from that deed restriction, as well as any
 10:44PM 7 cross access easements if there's metes and bounds.
 10:44PM 8 MR. CAPIZZI: We'll have a separate
 10:44PM 9 site plan that will be labeled as an easement plan
 10:44PM 10 and have all that denoted there.
 10:44PM 11 MR. WISS: Does that work?
 10:44PM 12 MR. HODER: That's fine.
 10:44PM 13 MR. WISS: Let's see, I think that was
 10:44PM 14 it. Oh, any signage will just be addressed at a
 10:44PM 15 later time before the board.
 10:44PM 16 CHAIRMAN PORRINO: And as usual will be
 10:44PM 17 subject to approvals by state, county, any other --
 10:44PM 18 and the Bergen County Soils, any other governmental
 10:44PM 19 agencies that their approval would be required.
 10:44PM 20 MR. CAPIZZI: The only caveat I have
 10:44PM 21 relative to the signage is if it's conforming with
 10:44PM 22 the ordinance, that we could just prosecute an
 10:44PM 23 application to the building department.
 10:44PM 24 MS. SCANCARELLA: Yup.
 10:44PM 25 CHAIRMAN PORRINO: As long as it's
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10:45PM 1 mentioned the truck circulation for emergency
 10:45PM 2 vehicles.
 10:46PM 3 I also requested a truck circulation
 10:46PM 4 plan for the loading area separately.
 10:46PM 5 MR. CAPIZZI: That's fine.
 10:46PM 6 MR. MISTRETTA: Mr. Chairman, I asked
 10:46PM 7 for just on one of the plans just to have a
 10:46PM 8 comprehensive list of all the variances.
 10:46PM 9 CHAIRMAN PORRINO: Please, because
 10:46PM 10 usually I like to recite them to make it easy for the
 10:46PM 11 attorneys later on. I'm not even going to take a
 10:46PM 12 shot at this one.
 10:46PM 13 (Laughter.)
 10:46PM 14 MR. MISTRETTA: And they also agreed to
 10:46PM 15 address the EV ordinance. I don't know if that needs
 10:46PM 16 to be a condition or they have to --
 10:46PM 17 CHAIRMAN PORRINO: It's just something
 10:46PM 18 that they'll do. It doesn't need to be a condition,
 10:46PM 19 I don't think.
 10:46PM 20 Okay. So there's the motion and a
 10:46PM 21 second.
 10:46PM 22 VICE CHAIRWOMAN O'SHEA: Mr. Chairman,
 10:46PM 23 I'd like to make a motion to postpone the vote until
 10:46PM 24 next month until all these questions are answered,
 10:46PM 25 especially about the easement for the 60 -- 60 foot
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10:46PM 1 on Sage Road.

10:46PM 2 CHAIRMAN PORRINO: Okay. That's in

10:46PM 3 order.

10:46PM 4 You may do so.

10:46PM 5 VICE CHAIRWOMAN O'SHEA: I'm making a

10:46PM 6 motion.

10:46PM 7 So I need a second from somebody.

10:47PM 8 MS. RIZVI: I second it.

10:47PM 9 CHAIRMAN PORRINO: Okay. So we need a

10:47PM 10 roll call vote on postponing the vote on this matter

10:47PM 11 until our next meeting.

12 MR. CAPIZZI: Mr. Chairman, before you

13 take that vote, can we take a quick recess so I can

14 have a conversation with counsel?

15 CHAIRMAN PORRINO: By all means.

16 MR. CAPIZZI: Thank you.

17 (Whereupon, a brief recess is held.)

18 MS. SCANCARELLA: Okay. We're on the

19 record.

10:53PM 20 CHAIRMAN PORRINO: Back on the record.

10:53PM 21 So we had a motion and a second on an

10:53PM 22 approval of the application with multiple conditions.

10:53PM 23 Ms. O'Shea made a motion to table the vote and to

10:53PM 24 carry the matter to the next -- to our next meeting.

10:53PM 25 She has a second.

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10:53PM 1 Counselor, what is the appropriate

10:53PM 2 procedure here? I don't know.

10:53PM 3 MR. WISS: My take is there's been a

10:53PM 4 motion and a second that you haven't voted on yet.

10:53PM 5 The chairman put forward a proposition

6 for approval. There was a motion and a second on

7 that.

8 The Chairman has now read these

9 conditions. So we have to finalize that vote first

10 before we can move onto the next vote.

11 So your motion to table came in the

12 middle of a pending motion.

13 VICE CHAIRWOMAN O'SHEA: But I thought

14 the motion to table can take effect as long as the

15 voting has not begun, which it had not.

16 We were still in a discussion stage and

10:54PM 17 I believe the motion to table is relevant.

10:54PM 18 MR. WISS: Okay. I thought your motion

19 was to carry the matter, right, to the next -- rather

20 than table the vote, it was to carry the matter and

21 to me that's different than what is now occurring.

22 So I don't know if that was your

23 motion, I won't speak for you, but --

24 VICE CHAIRWOMAN O'SHEA: I think it's

25 the same thing.

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1 MR. WISS: Well, it's a little

2 different, because if you're voting to carry --

3 there's a pending motion tonight to vote.

4 Obviously you can vote no, because you

5 want this matter to be carried, but I think that's

6 different than a motion to table the vote because of

7 another motion that you want to have.

8 VICE CHAIRWOMAN O'SHEA: I don't think

9 you're right.

10 MR. O'SHEA: Can you rescind the

11 second, like undo it?

12 MR. WISS: Sure.

13 MR. O'SHEA: Okay. So that would be

14 the Chairman's choice.

15 MR. WISS: Well, I don't --

16 CHAIRMAN PORRINO: There was a motion

17 by --

18 MS. SCANCARELLA: There was a motion

19 made by Mr. Kim to approve it and seconded by you.

20 CHAIRMAN PORRINO: By me?

21 MS. SCANCARELLA: Yes.

22 And then there was the motion by Mary

23 to postpone the vote to next meeting and seconded by

24 Ms. Rizvi.

25 CHAIRMAN PORRINO: I'm not inclined to

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1 remove my second.

2 I think my personal opinion is that

3 we've thoroughly vetted this application and I don't

4 know what positive outcome there would be by waiting

5 a month.

6 Now, the -- we've made many conditions

10:56PM 7 of approval that have to be satisfied before the

10:56PM 8 resolution is going to be adopted.

10:56PM 9 So if, for whatever reason, they

10:56PM 10 haven't provided us the information that we require,

10:56PM 11 we have the right to not adopt the resolution until

10:56PM 12 they accommodate what is our understanding of what

10:56PM 13 this approval should look like with the conditions.

10:56PM 14 So I understand, Mary, that in most

10:56PM 15 occasions we'd like to have everything buttoned, you

10:56PM 16 know, but you have an applicant here that has time

10:56PM 17 constraints, you know, on their side and we try to

10:56PM 18 help the applicants when we can as long as it's not

10:56PM 19 to the detriment to the board or to the residents and

10:56PM 20 I personally don't see there being a detriment.

10:56PM 21 It's a little more difficult for us,

10:56PM 22 maybe, to go through this, you know, and to do it,

10:56PM 23 but, you know, it can be discussed in detail at our

10:56PM 24 -- the meeting when the resolution has been put on

10:56PM 25 paper, which maybe they're going to get it in 30

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1 days, maybe it's going to take longer, I don't know,
2 but there's going to be a process here that's going
3 to be going on first. We'll have to spend some time.
4 We'll make sure that everyone has the resolution.
5 Not the day of the meeting, it's going to have to be
6 before and if that means that it will be carried and
7 the resolution will not be adopted for another 30
8 days, so be it and that's a possibility here.

9 They've got a lot of work to do to get
10 this ready for us to even be able to comment on it.
11 Our professionals have to all look at it. We have to
12 look at it. Our attorney has to be satisfied.

13 So I think in this case I'm
14 comfortable, otherwise I would not be suggesting this
15 path forward.

10:57PM 16 MR. O'SHEA: I have two things.
10:57PM 17 One, with the professionals having all
10:57PM 18 the work that they have to do, I mean, we still have
10:57PM 19 under old business 20 Lynn Drive.

10:57PM 20 We've been carrying them for --
10:57PM 21 CHAIRMAN PORRINO: A long time.

10:57PM 22 MR. O'SHEA: And because they haven't
10:57PM 23 supplied the things that we need to pass the thing
10:57PM 24 and get it off the --

10:57PM 25 CHAIRMAN PORRINO: Go ahead.
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10:58PM 1 up to the applicants to put pencil to paper and get
10:58PM 2 it done.

10:58PM 3 MR. WISS: I'm just trying to resolve
10:58PM 4 your procedural issues, which is what it -- the
10:58PM 5 chicken and egg and at least as I see it, there's a
6 motion and a second that was pending on that.

7 So I'm trying to get through that vote
8 before you move onto a second vote.

9 CHAIRMAN PORRINO: Okay. So we have a
10 motion, we have a second.

11 Any other questions or comments?
12 Because, you know, we can still talk further about it
13 if someone wants to and if not, let's call a vote.

10:59PM 14 MS. SCANCARELLA: We're doing the vote
10:59PM 15 on the approval?

10:59PM 16 CHAIRMAN PORRINO: This is the
10:59PM 17 approval.

10:59PM 18 You have a motion and a second on the
10:59PM 19 approval of the project subject to the conditions
10:59PM 20 that were stated and I'll add one more thing too, if
10:59PM 21 we missed any conditions, the transcripts of the
10:59PM 22 meeting include a lot of information.

10:59PM 23 If there's anything in there that was
10:59PM 24 agreed to by the applicant that we didn't list in our
10:59PM 25 list of conditions, obviously that is part of the

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10:57PM 1 MR. O'SHEA: But I wouldn't want this
10:57PM 2 to turn into the same thing.

10:58PM 3 There's a lot of stuff they need to
10:58PM 4 respond to.

10:58PM 5 CHAIRMAN PORRINO: There's a big
10:58PM 6 difference.

10:58PM 7 MR. O'SHEA: It's different, I know,
10:58PM 8 but -- and I know they want to do it, but --

10:58PM 9 CHAIRMAN PORRINO: Exactly.
10:58PM 10 With that other application was,

10:58PM 11 there's no interest for them to do anything. It's
10:58PM 12 going to cost them time and money. These folks want
10:58PM 13 to get in the ground and start their project.

10:58PM 14 MR. O'SHEA: But there's -- you know,
10:58PM 15 to get a resolution before the next meeting --

10:58PM 16 CHAIRMAN PORRINO: It may not happen.
10:58PM 17 It may not be possible, but it let's them get focused

10:58PM 18 on if they have a vote, they know they have an
10:58PM 19 approval in hand, they can get to work on it.

10:58PM 20 Otherwise they wait 30 days and then
10:58PM 21 they start working on it. You know, so all that can
10:58PM 22 really happen is just the 30 day pass by. You know,
10:58PM 23 and, again, they may not be ready. This may not be
10:58PM 24 on the agenda for a month from now. There's a
10:58PM 25 greater chance that it won't be, but it's going to be

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10:59PM 1 approval process in a condition for approval.

10:59PM 2 That's been agreed upon by the
10:59PM 3 applicant already in testimony.

10:59PM 4 MR. CAPIZZI: Understood, Mr. Chairman.

10:59PM 5 CHAIRMAN PORRINO: So that's one more
10:59PM 6 condition.

10:59PM 7 Cathy, please, roll call.

10:59PM 8 MS. SCANCARELLA: Ms. O'Shea?

10:59PM 9 VICE CHAIRWOMAN O'SHEA: Abstain.

10:59PM 10 MS. SCANCARELLA: Ms. Correa?

10:59PM 11 MS. CORREA: Yes.

10:59PM 12 MS. SCANCARELLA: Mr. Kim?

10:59PM 13 MR. KIM: Yes.

10:59PM 14 MS. SCANCARELLA: Mr. O'Shea?

10:59PM 15 MR. O'SHEA: Yes.

10:59PM 16 MS. SCANCARELLA: Ms. Rizvi?

10:59PM 17 MS. RIZVI: Yes.

10:59PM 18 MS. SCANCARELLA: Mr. Lee?

10:59PM 19 MR. LEE: Yes.

10:59PM 20 MS. SCANCARELLA: Councilwoman Biegacz?

10:59PM 21 COUNCILWOMAN BIEGACZ: Yes.

10:59PM 22 MS. SCANCARELLA: Mr. You?

10:59PM 23 MR. YOU: Yes.

10:59PM 24 MS. SCANCARELLA: Chairman Porrino?

10:59PM 25 CHAIRMAN PORRINO: Yes.

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11:00PM 1 MS. SCANCARELLA: Motion passes.
 11:00PM 2 CHAIRMAN PORRINO: And that's nine.
 11:00PM 3 MS. SCANCARELLA: That's one -- well,
 11:00PM 4 it's one, two, three, four, five, six, seven, eight
 11:00PM 5 yeses, one abstention.
 11:00PM 6 MR. CAPIZZI: Thank you, Mr. Chairman.
 11:00PM 7 Thank you, Members of the Board for
 11:00PM 8 taking time on this.
 11:00PM 9 CHAIRMAN PORRINO: Congratulations,
 11:00PM 10 professionals.
 11:00PM 11 MR. CAPIZZI: Thank you very much.
 11:00PM 12 (Whereupon, this matter is concluded.
 13 Time noted: 11:00 p.m.)

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I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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