

JOINT PLANNING BOARD
TOWNSHIP OF RIVER VALE
COUNTY OF BERGEN

-----X
THE FAIRWAYS AT EDGEWOOD, LLC:
BLOCK 1201, LOTS 5 & 6 :
Major Site Plan and Major :
Subdivision :
-----X

Thursday, February 28, 2019
Community Center
628 Rivervale Road
River Vale, New Jersey 07675
Commencing 7:30 p.m.

B E F O R E:

- SCOTT LIPPERT, CHAIRMAN
- ROBERT FORTSCH, VICE CHAIRMAN
- ROBERT ADAMO
- MICHAEL BEUKAS
- MARK BROMBERG, COUNCILMAN
- GLEN JASIONOWSKI, MAYOR, absent
- GREGORY LOWE
- JOHN PUCCIO
- SUSAN VACCARO
- PETER WAYNE

- MARC LEIBMAN, ESQ., BOARD ATTORNEY
- CHRISTOPHER STATILE, P.E., BOARD ATTORNEY
- MARIA HAAG, LAND USE ADMINISTRATOR
- SYLVIA KOKOWSKI, BOARD SECRETARY

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1 CHAIRMAN LIPPERT: How's the mike? Are
2 they working? Can everybody hear?

3 Welcome to the special meeting of the River
4 Vale Joint Planning Board for Thursday February 28th,
5 2019. Let's start the meeting, please, with the
6 salute to the flag.

7 So I just wanted to start by announcing that
8 unfortunately the Mayor is ill and he won't be able to
9 be here tonight but he did tell us he's going to
10 listen to the tape, read the transcript so he will be
11 eligible to vote. But, we have to carry on without
12 him for now.

13 Talk about public notice, Marc.

14 MR. LEIBMAN: Sure. This is a special
15 meeting of the Joint Planning Board. Notice of this
16 meeting was published in accordance with the law and
17 purpose of the Open Public Meetings Act of the State
18 of New Jersey.

19 CHAIRMAN LIPPERT: Okay. I just want to
20 go a little bit out of order. I want to start with
21 approval of minutes. Has everyone had a chance to
22 read the minutes of January 16th?

23 COUNCILMAN BROMBERG: Yes.

24 CHAIRMAN LIPPERT: Good. I have to say I
25 thought that they were very thorough.

1 (Approval of Minutes)

2 So that will bring us to the continuation of our
3 application with Fairways at Edgewood, LLC.

4 Mr. Wolfson.

5 MR. WOLFSON: Good evening, Mr. Chairman,
6 Board Members, board professionals, Peter Wolfson from
7 the firm of Day Pitney here for the continuation of
8 the hearing on the preliminary and final major site
9 plan and subdivision.

10 CHAIRMAN LIPPERT: Mr. Wolfson, I want to
11 give Mr. Statile some time to go over some open site
12 plan issues. I just want to get an idea of what you
13 intend to get through tonight, what you intend to
14 present.

15 MR. WOLFSON: Great. So we have Daphne
16 Galvin who was testifying last time. She's the
17 project engineer. She's going to provide her
18 testimony on storm water management at the beginning.
19 She also -- since we were last with you, we supplied a
20 response to Mr. Statile's review letter which included
21 a couple of exhibits attached to it. And, she would
22 be able to speak to that exchange of information as
23 well.

24 CHAIRMAN LIPPERT: Okay.

25 MR. WOLFSON: I also have Karl Pehnke, our

1 traffic engineer, is here.

2 And, finally, we have our landscape architect
3 also.

4 CHAIRMAN LIPPERT: Okay. Very good. I'm
5 going to turn it over to Mr. Statile now so we can
6 discuss open site plan items.

7 MR. STATILE: Thank you, Mr. Chairman.

8 I believe you all have the applicant's
9 engineer's copy of my report and we'll spend a few
10 minutes with the Board. I have 11 items that I want
11 within this. Otherwise, it's pretty much I'm not in
12 disagreement with the comments.

13 First of all what I want to say, as you all
14 know, River Vale is one of the safest or is the safest
15 community in New Jersey and that's thanks to the
16 Mayor, Council President as well as the Mayor and
17 Council and also partially this Board as well because
18 part of safety is do I have good site plan management,
19 site plans, subdivisions, et cetera.

20 The community has built several hundred thousand
21 dollars worth of sidewalks in the last 50 years,
22 several hundred thousand dollars worth.

23 We're building \$700,000 this year in addition.

24 There's a reason for that, safety, public safety.

25 And, that's always at the forefront my firm reviews as

1 well as the Board. I think that's what makes us as
2 safe as we are.

3 In any case, I would like to begin, if you take
4 my report. On Page 4 of my report, No. 3, this got to
5 do with the safety zone that the applicant's engineer
6 testified to, I would like to have, reference the
7 information she brought up at the meeting. She spoke
8 about it.

9 MS. GALVIN: We'll pursue that.

10 MR. STATILE: On Page 5, No. 4, we want
11 the ornamental fence that would be constructed along
12 Piermont Avenue to extend all the way down to the
13 Hillsdale/River Vale border.

14 Remember the entire golf course is under the
15 scrutiny not just the improvement area, the entire
16 course, part and parcel of the site plan review.

17 In this case the existing rusted, you know,
18 chain link fence has holes in it, is dangerous and
19 ineffective.

20 No. 2, the applicant is proposing to put the
21 fence partly down Piermont Avenue and terminating by
22 the affordable housing units, eventually running to
23 the extent of the property to the culvert.

24 The applicant's engineer said she can't do it
25 because it's in a riparian zone, any fence constructed

1 in the riparian zone except in the flood range. Based
2 upon the flood hazard information I got from the FIMA
3 maps, there should be no problem with constructing the
4 fence, the walkways. It also gives us an opportunity
5 to move the fence back off the roadway because River
6 Vale has, Hillsdale has attempted to provide a bikeway
7 to Hillsdale, River Vale possibly to Old Tappan, the
8 County park system.

9 We already got a grant from the State to
10 refurbish our bikeway a number of years ago, several
11 hundred thousand dollars. I continue to look for
12 grants to give us that bike route out-of-town.

13 Also in that vein, we want to have the sidewalks
14 reconstructed and the bike lane reconstructed the full
15 length of Piermont Avenue.

16 The general permits, individual permits by rule,
17 et cetera, that permits you to construct this
18 improvement along the roadway particularly because
19 once it was a sidewalk and recent photographs will
20 show you what I mean. Currently, it is a dangerous
21 walk.

22 It also is not handicapped accessible and should
23 be made that way.

24 FEMALE SPEAKER: Excuse me. Can we have
25 some of the paperwork so we can follow what you're

1 saying?

2 MR. STATILE: I haven't given any
3 paperwork out. The report -- do we have extra copies?
4 We have one extra copy. This is my report where the
5 applicant has written back to me why they will and
6 will not do certain items.

7 We have one copy of that.

8 MR. LEIBMAN: Chris, I don't mean to
9 interrupt. Can you have a sip of that water bottle in
10 front of you because your voice is sounding a little
11 garbled.

12 MR. STATILE: It's DNA. I can't help it.

13 MR. LEIBMAN: Pull the microphone closer
14 to you because I'm having a little bit of a hard time
15 hearing you as the people in the back.

16 FEMALE SPEAKER: Thank you.

17 CHAIRMAN LIPPERT: We're going to have him
18 state what the concern is and then we'll hear what the
19 response is so you'll know exactly what's being --
20 Right now we're talking about a fence along
21 Piermont.

22 MR. WOLFSON: And, Mr. Chairman, if I
23 might, just for the record, this document that we're
24 working off of has been filed through the application
25 more than 10 days in advance of the application of

1 tonight's hearing.

2 MR. STATILE: Yes, it has.

3 I'm passing out to you a photograph. You can
4 give this out. You can mark it if you like. These
5 are photographs that I took of the existing sidewalk
6 on the western property lines.

7 MR. LEIBMAN: Mr. Wolfson, you're talking
8 about this document that was just handed to us?

9 MR. WOLFSON: No. I was referring to our
10 response to Mr. Statile's letter that was placed with
11 the application more than 10 days in advance of
12 tonight.

13 This document, are you going to mark this as a B
14 exhibit?

15 MR. LEIBMAN: I think we should. I don't
16 think we have any B exhibits yet.

17 CHAIRMAN LIPPERT: So this is Mr.
18 Statile's letter of December 17th, 2018 to which the
19 applicant has responded in writing.

20 Correct?

21 MR. WOLFSON: Correct. That's the first
22 document and that's the one we're working off now. I
23 don't know if we have to mark that. I don't know what
24 the Board's practice is. We submitted this to the
25 secretary with the application.

1 MR. LEIBMAN: Just for clarity of the
2 record, I'll mark the December 17th, 2018 letter from
3 Mr. Statile that contains the February 15, 2019
4 responses as B-1.

5 MR. WOLFSON: Well, that's our document.

6 MR. LEIBMAN: That's your document.

7 MR. WOLFSON: Yeah. So that would be --

8 MR. LEIBMAN: What do you want to call it?

9 MR. WOLFSON: I would suggest A-1 with
10 tonight's date.

11 MR. LEIBMAN: A-1, 2/28/19 and I'll mark
12 as B-1 the one sheet of paper that was just handed out
13 and three photographs.

14 MR. STATILE: Mr. Wolfson, it's on the
15 website as well.

16 MR. WOLFSON: Great. Thank you, Mr.
17 Statile.

18 MR. STATILE: Okay. So as you can see in
19 the photographs I told you you're looking easterly
20 along the road, you can see the sidewalk is obviously
21 in disrepair, it's not handicapped accessible and what
22 really makes it difficult you have large trees,
23 fencing and pine trees. So that's how we decided to
24 replace the 7 foot wide pathway here.

25 Now looking to the, to the west towards

1 Hillsdale you can see what remains. There's a
2 sidewalk there. The problems are that water from the
3 roadway goes over the area where people walk. I see
4 remnants of the old asphalt that was there. The other
5 side they're going to be constructing sidewalks in
6 Hillsdale this year, they have a grant, the sidewalks
7 as you're coming from Magnolia Avenue down Hillsdale
8 all the way down. They provide handicapped accessible
9 sidewalks, et cetera. So we would like to meet those
10 together and you can see my reasons why, the sidewalk
11 here.

12 So my answer to that question is yes we'll
13 replace the sidewalks and the fences that are there.

14 That fence has openings in it as well. The
15 applicant can take a document if you want. The board
16 doesn't need a fence for any reason. It's for them,
17 for security.

18 CHAIRMAN LIPPERT: We're going to have the
19 applicant respond.

20 I just want to make sure everybody understands
21 because I had asked some questions at the end of the
22 last hearing and I just got to ask some other
23 questions.

24 Up here we have Board Members who are all
25 residents of River Vale. Someone asked me last time

1 if I lived in the town. Yes, we all have to live in
2 River Vale.

3 We also have two of our professionals up here,
4 Mr. Statile who is the Board's engineer so his duty is
5 to protect the public. We have Mr. Leibman who is the
6 Board's attorney and his duty is also to represent the
7 Board and to protect the public. So that's, that's
8 who these folks are.

9 The rest of the folks with the exception of
10 Maria, who is our secretary, and who is taking notes
11 tonight. It was Mary.

12 MS. KOKOWSKI: No, I'm Sylvia.

13 CHAIRMAN LIPPERT: Sylvia is taking the
14 minutes and Maria is our secretary and we also have
15 our stenographer actually who was hired by the
16 applicant who is creating a stenographic record.

17 So I want everybody to understand that the Board
18 Members are all residents of River Vale. We're
19 appointed to the Board. Our professionals work for
20 the Board.

21 And Mr. Statile, our engineer, is going, as he
22 does in every application, he prepares a review letter
23 from an engineering point of view and he goes item by
24 item through each, through each area of engineering
25 concerns, storm water, landscape, lighting. And, so

1 he has produced his letter.

2 The applicant has responded to the comments and
3 concerns of his letter and now we have some open items
4 and he's going through the open items one at a time.

5 I'll ask him to state them very carefully so we
6 can hear them and then we can see if we can resolve
7 these items with the applicant or not, or if we'll
8 have some open items that the Board will have to
9 resolve in the event we can't come to an agreement.

10 So with that, Chris.

11 MR. STATILE: We have our application to
12 NJ DOT for a grant application for a bike lane. We
13 can see two years ago we had intentions to connecting
14 to River Vale's bikeway with Hillsdale and with the
15 County park system. This is nice for the application
16 so it doesn't really, you know, sort of a
17 pie-in-the-sky. There was actually some information,
18 space to accommodate in the future.

19 MR. LEIBMAN: All right. So we'll mark
20 that as B-2 with today's date, bikeway master plan.

21 And you said that was submitted to the DOT?

22 MR. STATILE: Yes.

23 MR. LEIBMAN: Mr. Statile, Chris, that was
24 submitted to the DOT?

25 MR. STATILE: To the DOT for a grant

1 application, correct.

2 MR. LEIBMAN: They don't have to approve
3 it, do they?

4 MR. STATILE: No. We hope to get the
5 grant money.

6 MR. LEIBMAN: Okay. Do you have any idea
7 when that's going to come out?

8 MR. STATILE: No. Bikeway grants come out
9 when they have the money for it.

10 MR. LEIBMAN: Who submitted it for a
11 grant, Hillsdale or River Vale?

12 MR. STATILE: Hillsdale submitted it.

13 MR. LEIBMAN: Hillsdale.

14 MR. STATILE: Do you want me to keep
15 going?

16 MR. LEIBMAN: What I would like, Mr.
17 Wolfson and his witness to respond item by item so we
18 can really work through it.

19 MR. WOLFSON: I have with me Steve Santola
20 who testified last time. Steve had some input on
21 that.

22 MR. SANTOLA: Most of which we don't
23 object to.

24 I think the first thing is if we do relocate the
25 fence, we don't want to push that so far back that it

1 does damage to the pine trees so we would agree to
2 work with Mr. Statile and get a location for that
3 fence. This is the top photo that you're looking at
4 so that we don't do damage to the existing buffers
5 which I don't think anybody in the room wants to
6 happen. So that's the first one.

7 The second thing is with regard to the curbing
8 and I don't know if Mr. Statile is bringing this up
9 separately or in, as part of this but there was a
10 couple things that were mentioned there.

11 The curbing right along, what's on this photo,
12 is the type of curbing that can be easily done to get
13 the storm water that's on the street into the, into
14 the catch basin that's there. The bigger concern is
15 if we curb in certain areas and our, our landscape
16 architect will testify to this later, we have grave
17 concerns we're going to lose the large trees that are
18 along Piermont that nobody wants to lose. So
19 extending the curb all the way down we think is a
20 tremendous risk. It's not about money or looks or
21 anything else. Nobody wants to lose those trees,
22 especially us. And, I think a lot of the folks are
23 across the street from us.

24 So, again, we would agree to work with Mr.
25 Statile to find strategic places so that we don't get

1 the sidewalk washed out which I think is an excellent
2 point but also we don't do damage on other parts of
3 Piermont Avenue to the existing large trees that I
4 think are, frankly, part of what the town is and part
5 of what the club is.

6 With regard to --

7 CHAIRMAN LIPPERT: Let's have Chris
8 respond to that.

9 MR. STATILE: Yeah. As the Board knows,
10 nobody loves trees more than I do on past
11 applications.

12 I don't disagree with the applicant.
13 However, what we want to do is carry the curbing down
14 to a point perhaps 5 foot, 8 foot before you hit the
15 tree lines. We put up steel tree plating and a plate
16 the acts as a catch to the curbing, goes by the tree,
17 the curbing continues. We have done this in several
18 locations, in Orange Township to save the trees.

19 So, I don't think that's a problem.

20 The problem with an open edge also is that I
21 think the Board knows that that side of Piermont has a
22 hump. We put fencing along the bike trail to keep
23 people riding off the hillside into the roadway there.
24 That open edge isn't good because if it's raining,
25 cars splash water, the water goes into the roots, the

1 trees up on the hillside, that doesn't do the trees
2 any good. The roots are constantly be being washed
3 out by the water on the roadway. Putting curbing
4 would address that. We used it for 20 years in our
5 office successfully.

6 I do not want to lose the trees here. They're
7 old trees. I don't know how long they're going to
8 stay there. Some of them are in rough shape
9 physically. They're not in great shape. So I don't
10 want to lose them but I think that can be accommodated
11 with curbing and tree plates.

12 MR. ADAMO: So, Chris, if those trees did
13 fall down over the next 10 years should the design
14 from Rivervale Road all the way to the culvert, I
15 assume that there would be a planting strip left so
16 that trees could be put back in the future so that
17 it's consistent all the way down?

18 MR. STATILE: There's room between the
19 bike lane edge and the roadway, yes. Trees are going
20 to succumb to old age. They can't live forever. So,
21 yes, they will plant new trees. The township takes
22 the trees out, it's easier to repair so...

23 MR. BEUKAS: Those are County trees?

24 MR. STATILE: The County doesn't own any
25 trees. They don't own sidewalks, they don't own

1 trees.

2 MR. BEUKAS: But for the purpose of
3 pruning, taking down?

4 MR. STATILE: We have to do that. The
5 County does not maintain the trees in Bergen County.
6 Once they touch the first tree, it takes all the trees
7 in Bergen County. We had this discussion recently
8 with Tom Connolly. So we can work out a solution
9 together, work with Daphne on it.

10 CHAIRMAN LIPPERT: Why don't we go through
11 the list, see if we can pare things down, see what we
12 can agree to tonight and things that will remain open.
13 I think Mr. Leibman had a good suggestion. You may
14 want to meet with the applicant and see what you can
15 work out between now and the next meeting.

16 MR. LEIBMAN: Just look at the
17 streetscape. If you need to go to the site with them
18 go to the site and identify curbs stop here, put a
19 metal plate here, over here so when you come back we
20 have something that we know has been vetted by you, is
21 agreeable by them.

22 MR. STATILE: Can do. Can do.

23 The next item is Page 6, Item No. 7, here is
24 where the affordable housing building, the affordable
25 housing building is opposite Holiday Farms.

1 The way the dumpster has been located on the
2 site, you drive down the end of the parking lot,
3 upload and then back up perhaps longer than the length
4 of a football field, back out the parking lot and
5 return to Piermont Avenue. We don't think that's a
6 safe condition keeping in mind that the affordable
7 housing units have children as well as, you know,
8 adults, family, et cetera.

9 We think that the design plan is not adequate.
10 The trash structure, it should be shortest to get the
11 trash off the site. Having a garbage truck backing
12 straight up the length of a football field is trouble,
13 somebody runs out because it's a parking lot, don't
14 forget as well, may or may not see the person.
15 Children don't often listen to beepers. So that's my
16 suggestion.

17 Consistent with that is there's also the
18 dumpster itself, the dumpster enclosure itself. I ask
19 it to be a durable concrete block wall enclosure.
20 Given the nature of this entire development, I think
21 that's appropriate.

22 A couple of post rails and some fencing, it just
23 stays in disrepair. The truck hits a block wall and
24 is unlikely to damage it as well. So that's my
25 suggestion that we have a substantial, decent

1 structure.

2 CHAIRMAN LIPPERT: Is that something you
3 can agree to, Mr. Wolfson?

4 MR. WOLFSON: What we would suggest as
5 part of the field trip, that we examine that and come
6 up with a plan.

7 MR. STATILE: Okay. Very good. Thank
8 you.

9 Item No. 12 on Sheet 7, this is something that
10 I've spent years and years looking at. When I see the
11 mistakes that were made it's irritating. The problem
12 here is that we have, as you see in the photograph, a
13 car parking by the garage and you see the back end
14 overhanging the sidewalk, the trash bins in the
15 roadway. That is a problem that occurs anyplace.

16 Why does that occur? Here is some handouts.
17 Give this to Mr. Wolfson. These are photographs which
18 I also took. They can be solved. It's easy to solve.

19 So I want the Board to kind of get a feel to
20 what this is about.

21 When a person drives up to a garage, the person,
22 you drive right up to the door. Probably not. If you
23 look at these photographs it will give you an example
24 of what happens.

25 On the top photograph is Cherrywood Townhouses

1 in River Vale which was completed two years ago.
2 There you have a 30 foot setback to the building and 7
3 foot grass and sidewalk, 22 1/2 foot parking space.

4 Now look at how all the back of those cars land
5 on the sidewalk, nice and clean, maybe 22 1/2 feet is
6 large, unnecessary but certainly these aren't large
7 cars that are parked off the sidewalk.

8 Now in Montvale, take a look at those. That's a
9 20 foot setback to the garage door. That car is
10 jammed against the door to the front, the sidewalk,
11 parked on the sidewalk. That's only 20 feet. Now the
12 next picture gives you a street view of what that
13 complex looks like. Look down the street, cars down
14 the street, see those cars right at the curb line.
15 That's a 20 foot distance there.

16 That happens because people don't drive up to
17 the garage doors. You drive around, you'll see cars
18 probably 4 and 5 feet away from the door because they
19 want to go out themselves, open the door, whatever the
20 case may be. Some people back up. Okay.

21 The next picture is Ramapo Reserves by my house.
22 That's got a 29 foot setback from the house, the curb,
23 22 1/2 foot parking stall, accommodates a small car.

24 Look at the distance from the front of the car
25 to the garage in that photograph. It's probably 4

1 feet people just don't pull up to the garage.

2 Down below is other areas of development which
3 are not sidewalk. It's a 22 foot setback. Of course
4 this would take a person who got his driver's license
5 from Sears Roebuck. Possibly he was trying to get to
6 his hatchback in his truck and pop it open. That's a
7 pretty good size vehicle. That's a 22 foot size
8 parking stall. You see the pickup truck, same set up.

9 The next one is interesting. These are housing
10 units in Warren. They don't have garages. People
11 don't have to worry about pulling up to garage doors.
12 A 32 foot setback to the roadway, concrete apron,
13 leaving a 23 foot parking space. But see how those
14 cars are 3 or 4 feet off that sidewalk. And the lower
15 picture, that's a view from the other direction.

16 These are all affordable housing units and they
17 don't have garages so drivers don't have a need shy
18 from the garage door.

19 MR. LEIBMAN: Chris, I'm going to mark
20 this exhibit as B-3.

21 And, just for the record, it's four pages as
22 described, 7 photographs.

23 MR. STATILE: What I would like, to
24 include all of the driveway be a minimum of 20 feet
25 from the sidewalk to the front door. The applicant

1 can then amend or change the sidewalk, curb,
2 continuation, 5 foot sidewalk against the curb would
3 be fine.

4 CHAIRMAN LIPPERT: Is there room to do
5 that?

6 MR. STATILE: Yes. The building has to be
7 pushed back a half foot or so. A minimum of 20 foot
8 parking stall is mandated to have garages. You can
9 see in the photographs, just drive around and look.

10 CHAIRMAN LIPPERT: What do they have --
11 what's the dimension now they're proposing?

12 MR. STATILE: I think they're 18 feet. 2
13 foot makes a difference.

14 CHAIRMAN LIPPERT: So you're asking for 2
15 feet?

16 MR. STATILE: Yes. They can gain a foot
17 by moving the sidewalk forward to the curb line and
18 then push it back. It's easy to accommodate, very
19 nice looking streetscape.

20 Let's see what Mr. Wolfson says.

21 MR. WOLFSON: Again, just for the record,
22 we designed this specific point in accordance with the
23 ordinance.

24 Correct?

25 MS. GALVIN: That's correct.

1 MR. WOLFSON: And, of course, with RSIS?

2 MS. GALVIN: Correct.

3 MR. WOLFSON: And you heard the suggestion
4 from Mr. Statile?

5 MS. GALVIN: Yes. We're looking for an
6 extra 2 feet distance.

7 MR. STATILE: Minimum 20 feet.

8 MS. GALVIN: Correct. So right now
9 there's a 2 foot landscape strip between the back of
10 the curb and the face of the sidewalk. We can slide
11 the sidewalk up to the curb, pick up the 2 feet.

12 MR. STATILE: You have a 5 foot sidewalk
13 against the curb.

14 When you move a sidewalk to a curb line because
15 being clipped by a mirror going by you, pick up a foot
16 and you move the building back.

17 MS. GALVIN: With the curb, cross-section
18 of the curb is much wider than the vertical curb.

19 MR. STATILE: 6 inches, 5, 6 inches.

20 MS. GALVIN: Correct.

21 MR. STATILE: 4 foot, 5 foot 6 and 20 foot
22 to the garage doors.

23 MS. GALVIN: So the minimum distance right
24 now to the face of the curb to the garage is 25 1/2
25 feet. That's the tightest location. So we can

1 provide 5 1/2 feet from the face of the curb to the
2 back of the sidewalk and that leaves us with 20 feet
3 for the driveway.

4 MR. STATILE: I don't want to change the
5 configuration of the sidewalk, at least 5 foot against
6 the curb. That's the minimum right now. Someone will
7 get hit by a mirror or truck. Plus, if you look at
8 the pictures, if you look at B-3 --

9 MR. LEIBMAN: Chris, I want to narrow you
10 down because I'm not understanding fully what you're
11 saying.

12 Are you saying if the sidewalk is a foot away
13 from the curb that the sidewalk has to be 5 feet wide?

14 MR. STATILE: The sidewalk is pushed
15 against the curb.

16 MR. LEIBMAN: Touching the curb?

17 MR. STATILE: 5 feet because there's a
18 possibility of a passing vehicle going by, getting
19 struck by a mirror. That's all.

20 MR. LEIBMAN: Can you have a 3 foot wide
21 sidewalk that's a foot off the curb?

22 MR. STATILE: No. 4 foot would be the
23 minimum.

24 MR. LEIBMAN: Why is that?

25 MR. STATILE: Handicap accessibility.

1 MR. LEIBMAN: Does the applicant agree
2 with that?

3 MR. WOLFSON: So, again, keeping in mind
4 that this meets your ordinance and RSIS we will, in
5 some instances we will be able to do exactly what he's
6 proposing. In some instances it sounds like we're 6
7 inches off so we will work to achieve the longest
8 stall we can based on the discussion that occurred
9 here. In some instances, we may be a few inches off
10 or even a foot off. But, again, keeping in mind the
11 points of the ordinance and RSIS, that would be a
12 proposal to resolve that.

13 MR. LEIBMAN: I think the Board wants to
14 make sure that this is a safe, attractive project.

15 MR. ADAMO: Marc, I would say then that we
16 should look at the last page that has the affordable
17 housing units that has a large apron pavement and no
18 grass.

19 MR. LEIBMAN: That looks pretty terrible.

20 MR. ADAMO: It looks awful but that's what
21 the applicant says they'll end up doing.

22 But when you look at the first page where they
23 have the 7 1/2 feet from the face of curb back to the
24 sidewalk, you got a nice 3 foot planting strip. You
25 have room for a garbage can. It's a much nicer

1 looking streetscape and that's in River Vale.

2 MR. STATILE: We don't plant in that strip
3 because of the nature of the tree roots, et cetera.
4 The trees placed in that application, placed in the
5 front of the buildings is nice but gives a place to
6 put the garbage cans. You don't want them on the
7 street.

8 MR. ADAMO: And the recycle.

9 MR. STATILE: For recycles as well, yeah.
10 That's the development.

11 I think 20 is the minimum, period. You really
12 can't -- anything under 20 you're going to have a car
13 tail sticking over the sidewalk. Cars are compact
14 cars, they drive pickup trucks and other vehicles.

15 MR. LEIBMAN: So you'll sit down with the
16 applicant, go through the site and the minutia, locate
17 the areas that the adjustments can be made, identify
18 them. If there's areas that the applicant is unable
19 to do it you'll identify it for us at a subsequent
20 hearing.

21 MR. STATILE: That's sounds fair.

22 MR. LEIBMAN: And the Board can address
23 it.

24 So maybe the applicant can meet this request in
25 most places but not all. We'll get an approved

1 application.

2 MR. STATILE: It's got to be a compelling
3 reason why you can't move the building back a foot.
4 It should not be a large issue for a space factor.

5 MR. LEIBMAN: All right. That being said,
6 the proposal is RSIS compliant and just so every knows
7 what that means, those are State standards that apply
8 in every town in New Jersey and the ordinance applies
9 here and what is proposed meets, could meet it.

10 MR. STATILE: I'm not aware of RSIS
11 providing the sidewalk to the garage. The parking
12 spaces in a Shop-Rite is one thing. The parking space
13 with a garage door is a whole new parking scheme. You
14 cannot compare the two together.

15 You see the evidence right here. I can't stage
16 these vehicles. That's how they park themselves.

17 So 20 foot is really with that garage door issue
18 having some pull back with that. You have some room
19 for the driver to have access to the building.

20 So we'll see. That's fine.

21 MR. LEIBMAN: All right. Good.

22 MR. STATILE: Not too much over here.

23 Page 9, Comment No. 29 which is the Fire
24 Department. The Fire Department asked for a 15 foot
25 wide level platform behind the buildings is

1 reasonable, to put ladders up to the second story.

2 If the applicant is saying they're going to do
3 it, it says practical, it has to be done.

4 This is a golf course, it's flat. They got to
5 put some retaining walls in to get it to work. This
6 is recommended by the Fire Department. They want to
7 get ladders to the second floor. This is fire safety
8 and important to the residents. I don't think that's
9 a difficult thing to do.

10 Do you agree, Mr. Wolfson?

11 MR. WOLFSON: I think that might be on the
12 checklist for the field trip if that's acceptable to
13 the Board and Mr. Statile.

14 CHAIRMAN LIPPERT: Okay.

15 MR. STATILE: Sheet 10, storm water
16 management. I still need more details on the system.
17 The way it's designed should be reversed or as shown
18 on the plans. I have discussed this with the
19 applicant as well. So a little more testimony about
20 that later.

21 MR. WOLFSON: Yes, we will.

22 MR. STATILE: Yeah. I'm sure.

23 We talked about the fencing.

24 On Page 60, Item No. 58, the RSIS does require
25 sidewalks two miles from a school. Obviously, it's a

1 walking issue. We asked the applicant as we ask all
2 applicants in River Vale, if you do not produce
3 sidewalks on-site, make contributions to our sidewalk
4 escrow so it might be used for sidewalks. If the
5 applicant doesn't believe it's necessary then my
6 answer is to put all sidewalks in. I'm very happy at
7 that point. The fact is they don't have -- we only
8 have one side of the street which is good. The State
9 regards both sides of the street to have sidewalks. A
10 contribution which is probably within the cost of the
11 sidewalk will be earmarked to be used by the schools,
12 et cetera. That's the only thing I can tell you
13 there. Minor subdivision applications for two lots,
14 three lots, they make their contributions and built
15 the sidewalks.

16 The applicant can build the sidewalks if he
17 wishes but he can also add that we use the money
18 ourselves to construct sidewalks perhaps on Mark Lane,
19 some other areas where the township needs them.

20 In terms of the applicants before this Board, I
21 think it's only fair that they also do their share.

22 Again, it's safety.

23 MR. ADAMO: Chris, you say eliminate
24 sidewalks from one side or both sides?

25 MR. STATILE: The applicant only shows

1 sidewalks on one side. I have no problem with that.

2 Cherrywood, I think they should be, made a
3 contribution back in the community, use it obviously
4 to construct sidewalks in some other portion. And,
5 money does go into an escrow. You can't use it for
6 any other function.

7 That's my suggestion.

8 CHAIRMAN LIPPERT: Let's see what the
9 applicant says.

10 MR. WOLFSON: So we agree with Mr.
11 Statile's comment that it will work out fine as it did
12 in the other project we have in River Vale where we
13 have sidewalks on one side with internal roads. I
14 also understand that this is the first inclusionary
15 project that this Board has considered and I know that
16 your attorney is aware of the case law that says there
17 should not be cost measures attached to an
18 inclusionary project that's creating affordable
19 housing.

20 So our position remains that it is appropriate,
21 safe. We do need a de minimus waiver from RSIS which
22 we have requested but we don't think it's appropriate
23 for this affordable project to have this payment made.

24 CHAIRMAN LIPPERT: Okay. The Board will
25 take that item up.

1 MR. STATILE: Lastly, on Page 17, Item No.
2 63, this is probably the most important items in this
3 letter.

4 The Board may or may not realize that many golf
5 courses and recreation areas have been converted to
6 residential housing over the past years in New Jersey.
7 Undoubtably because of the pesticides used on golf
8 courses which is fine, there's going to be problems
9 with pesticides in the ground.

10 What I ask occur is this because if you read
11 about Apple Ridge Country Club, water is running off,
12 water is going on the roads to homes, et cetera, that
13 happens, developments do have it. Teaneck, we're
14 working down there for a brand-new turf field, a
15 beautiful field, sure enough, the whole field had to
16 be thrown out. So you never know what you have.

17 In this case the party, the applicant comes
18 before the Board with an LSRP, Licensed Site
19 Remediation Person, show us how they're going to do
20 this. There's a plan, a report that our land use has
21 to work out, the town's LSRP. She can review that as
22 well.

23 We should have it included in the March
24 resolution the exact procedure as to how this is to be
25 handled. We would shadow the person taking the

1 samples, make sure the samples are taken appropriately
2 to the laboratory, the laboratory, chain of custody,
3 the sample, the land included and the Board should
4 know now before the approval what is on that golf
5 course. Here is the reason why.

6 Let's say there is pollution. I have employees
7 that go out there making inspections, the town has
8 employees, there's dust in the air, mud on their
9 boots, et cetera. You're going to have the
10 contractors, the contractors have subcontractors
11 working, all different people on the site with
12 equipment, et cetera. We really don't want any
13 materials tracked off site. We don't want anything to
14 be pulverized into dust, go across the street to other
15 properties, et cetera. So there is a need on the
16 site. There's no problems on the site, great, happy
17 but there has to be a protocol for sampling, sampling
18 for the site. The sampling should be provided to the
19 Board to see what's out there.

20 There has to be a plan prepared by the applicant
21 so we are prepared how is it going to be mitigated,
22 some ways of mitigating it. Mitigations have to be
23 controlled. Apple Ridge, it rained, there's water
24 difficulties being detained, runoff, et cetera. We
25 don't want that to occur here, catch basins, et

1 cetera.

2 So that's my suggestion. The applicant can
3 address this. But this is probably one of the most
4 important concerns during construction that we will
5 have.

6 MR. WOLFSON: So, Mr. Chairman, we,
7 obviously, have pride in our responsibility to meet
8 all regulations and have a safe project and we have
9 retained an LSRP, we have done testing and we will, as
10 a condition of approval, present an analysis to
11 confirm that.

12 MR. STATILE: The other problem here --
13 thank you, Mr. Wolfson, is that we want to look at
14 where the samples were taken. I'm not saying --

15 CHAIRMAN LIPPERT: Wait. Chris, you're
16 having an LSRP take samples? That's a licensed
17 professional.

18 MR. STATILE: Mr. Chairman, as a licensed
19 engineer, an LSRP takes the sample over here, takes
20 the sample over there. It can be -- I'm not saying it
21 can be done purposely but my LSRP, the township says
22 she wants to have someone shadow, at least look at the
23 location where samples are taken representing the
24 locations on the fairways, on the greens, whatever be
25 the case, make sure there's a balance.

1 You don't want a hot box that's got an area
2 that's missed.

3 CHAIRMAN LIPPERT: Do you have any
4 objection to that?

5 MR. WOLFSON: Yes, we do. Just as Mr.
6 Statile points out that he's a licensed engineer, the
7 LSRP is licensed by the State of New Jersey so,
8 frankly, we agree with the Chairman's reaction to the
9 suggestion that anything more than as a condition of
10 approval a report or letter from an LSRP confirming,
11 that is excessive.

12 CHAIRMAN LIPPERT: Okay. The Board will
13 have to decide that one.

14 MR. ADAMO: Can we just clarify?
15 So you're saying that soil samples should be
16 taken on the property prior to construction?

17 MR. STATILE: Prior to, prior to your
18 decision.

19 MR. ADAMO: Prior to the decision.

20 MR. STATILE: The permeability
21 feasibility, if there's issues, there are contaminants
22 on the site, I want to know as well as the LSRP how
23 are you going to deal with that. Are you going to
24 bring in soil --

25 MR. WOLFSON: Excuse me. There are none.

1 We have tested already. The LSRP will certify to it
2 or provide a letter to that effect.

3 MR. STATILE: Is there any reason you
4 can't produce the results?

5 MR. WOLFSON: I already said as a
6 condition of approval we will do that.

7 MR. STATILE: Can you do that before?

8 MR. WOLFSON: To some degree I feel like
9 we're going down the rabbit hole here.

10 The DEP has regulations that set forth the
11 protocol for testing for pollutants or potential
12 pollutants. It has an LSRP licensure program, an LSRP
13 program that sets forth protocol how this is dealt
14 with. This is not consistent with that.

15 So, respectfully, we appreciate Mr. Statile's
16 concern for the health and welfare of the community.
17 We share that. But, we just want to move forward and
18 that's what we'll do.

19 MR. LEIBMAN: I think Mr. Statile is being
20 very cautious because there has been a lot of
21 information in our local newspapers recently about
22 substantial developments on other golf courses that
23 are being developed by reputable builders who came in,
24 presented reputable experts and from what I'm reading
25 there may be or may not be a ton of arsenic in the

1 waterways. So you can do it the lawful way but still
2 not do it the best way.

3 I think Mr. Statile wants to make sure this is
4 getting done the best way possible.

5 MR. STATILE: Similar to their hydrologist
6 who did the storm water management, I'll take it face
7 value. I mean, you can take a development like in New
8 York City, yeah, it's a development, we look at it,
9 review it, make sure it's done properly as well as
10 whatever is the case.

11 MR. LEIBMAN: Is that LSRP's malpractice
12 coverage going to be sufficient to cover contamination
13 runoff that gets found five years from now?

14 I don't want to have to ever answer that
15 question.

16 MR. STATILE: If there's nothing out
17 there, which is fine, the landfill, fine. The public,
18 if anybody wants to see it.

19 CHAIRMAN LIPPERT: So what's the
20 disconnect here? They don't want to provide the
21 actual samples?

22 MR. STATILE: The sample results.

23 MR. WOLFSON: We will supply the LSRP
24 certification that it meets all DEP requirements.

25 CHAIRMAN LIPPERT: Okay. We heard you.

1 MR. LOWE: A question, sample locations.

2 MR. STATILE: What's that?

3 MR. LOWE: You're concern about the sample
4 locations.

5 MR. STATILE: The sample locations.

6 MR. WOLFSON: Respectfully, the LSRP is
7 specifically trained in the proper protocol for
8 sampling, where to take them, how many to take, what
9 depths, that's their expertise. I don't know whether
10 Mr. Statile has specific expertise and certification
11 training as an LSRP does but we hire the requisite
12 professional in accordance with the law.

13 MR. STATILE: In response to that, the
14 township has an LSRP who I spoke to this evening, has
15 extensive experience as well, and what I just told you
16 is exactly what she said we should be doing. So
17 she'll be the one looking at the results. I can't do
18 it but she'll look at it and tell me, Chris, this is
19 fine, the locations are fine. There's nothing to hide
20 here.

21 Lois is licensed as well. She's the township's
22 LSRP. She has a responsibility to the Mayor and
23 Council as well as to the Board and to my office to
24 present, to make sure they're satisfied. All the
25 professionals get to see the report and we hear that

1 as well.

2 CHAIRMAN LIPPERT: The Board is going to
3 have to decide it.

4 MR. BEUKAS: I raise one issue. I think
5 Mr. Statile is raising a legitimate issue. In order
6 for this application to go forward, I don't see a
7 significant burden in just producing the locations of
8 the sampling such that the engineer has a reasonable
9 opportunity to verify those locations and then report
10 back to the Board and provide a reasonable level of
11 assurance that the locations are appropriate.

12 I don't think that that's a significant burden.

13 MR. STATILE: And she may say just take a
14 couple samples here and there's no big danger in that.

15 MR. ADAMO: Chris, does this have to be
16 done over the entire property or just the property
17 that's being built?

18 MR. STATILE: The problem, the property
19 being developed, the State has a protocol, regulations
20 on that so it would be just follow that procedure but,
21 again, the locations of samples is important. You
22 want to make sure it's being done properly, make sure
23 it's done properly.

24 CHAIRMAN LIPPERT: The Board will have to
25 decide whether or not it wants to make that decision

1 if there is an improvement.

2 MR. FORTSCH: Chris, what's the
3 approximate cost of that?

4 MR. STATILE: How much the sampling costs?
5 It could be a couple thousand dollars. I'm not sure,
6 depends what you're testing for.

7 MR. WOLFSON: Again, just to be clear, the
8 sampling has already been done.

9 MR. ADAMO: Chris, what does the term
10 Environmental Impact Statement mean?

11 MR. STATILE: Just what it says, impact to
12 the environment.

13 MR. ADAMO: What triggers the need for
14 that type of report?

15 MR. STATILE: A major site plan
16 application is providing that.

17 MS. VACCARO: Mr. Statile, is it
18 similar -- are there things like historic pesticides
19 like we found at Tice's Farms, at certain developments
20 or condominiums?

21 MR. STATILE: We have found pesticides at
22 other properties in River Vale which include golf
23 courses that were not used as orchards.

24 MS. VACCARO: But it is historic
25 pesticide?

1 MR. STATILE: Historic, yes.

2 MS. VACCARO: Which has to be remediated
3 by digging?

4 MR. STATILE: The applicant would be --

5 MS. VACCARO: So that is a concern.

6 MR. STATILE: That's the only concern I
7 have.

8 MS. VACCARO: That's what I thought. I
9 had it in my notes, too. I thought that's where you
10 were going.

11 MR. STATILE: If it's a clean site the
12 residents across the street will be happy. That's
13 all.

14 Apparently seeing the sampling results, it comes
15 back, my report, it's easy, anybody who looks at the
16 reports, you have to show the cards. I think it's
17 only fair the Board has copies or the LSRP. She
18 doesn't share with anybody else.

19 MS. VACCARO: Thank you.

20 MR. ADAMO: Chris, you said the
21 Environmental Impact Statement is required for a major
22 subdivision.

23 MR. STATILE: Yes.

24 MR. ADAMO: Is this considered a major
25 subdivision?

1 MR. STATILE: Yes, major site plan.

2 MR. ADAMO: Have we received a --

3 MR. STATILE: You do. I have a copy of
4 it, yes.

5 MR. ADAMO: Is it with samples?

6 MR. STATILE: Only for the detention pond,
7 I believe. That's all.

8 MR. ADAMO: It's not required to do the
9 entire property or at least the property in question?

10 MR. STATILE: I have to see. I have to
11 read the ordinance. I'll read that for you and see.

12 CHAIRMAN LIPPERT: All right. So the
13 Board is going to have to decide that one.

14 MR. STATILE: Sorry.

15 CHAIRMAN LIPPERT: Anything else?

16 We're not ready for questions yet. I promise
17 you, you'll get to ask all the questions you want but
18 let Mr. Statile finish his presentation first and let
19 the next witness finish her testimony.

20 MR. STATILE: The applicant's engineer did
21 submit a plan which shows alternate access to Piermont
22 Avenue. It's an exhibit I think you all received.
23 This is fine. So long as, you know, we're able to
24 accommodate ladder trucks, et cetera. That has to be
25 considered. The trucks can back its way around the

1 gate. The gate has to be adequate for the trucks.

2 MR. LEIBMAN: Can we talk about that
3 sketch for a moment, the alternate access sketch dated
4 7/9/2018 on the bottom right hand corner submitted by
5 the applicant?

6 The exhibit I'm looking at shows two shaded kind
7 of roadways connecting to Piermont. One is a bunch of
8 circles on it and the one on the left and the one on
9 the right doesn't.

10 What's the one on the left?

11 MR. STATILE: Circles on it?

12 MR. LEIBMAN: Little circles. Maybe I'm
13 not describing it.

14 MR. STATILE: Over here?

15 MR. LEIBMAN: What's that? That's just
16 a --

17 MR. STATILE: That was the applicant's
18 prior sampling. What you see here, that's the old
19 one.

20 MR. LEIBMAN: So just for clarity of the
21 record then, the roadway that's shown to the left of
22 the buildings that are labeled No. 101 to 104, the
23 roadway that's shown on the left is not proposed, it's
24 a relic from an earlier iteration and the roadway on
25 the right-hand side is what's being proposed.

1 Right, Mr. Statile?

2 MR. STATILE: Yeah. The other -- what
3 they submitted was the green space calculation to show
4 it meets the requirements of the ordinance which it
5 does.

6 MR. LEIBMAN: I want to talk a little bit
7 more about the alternate sketch.

8 MR. STATILE: Okay. Sure.

9 MR. LEIBMAN: Mr. Wolfson, you have seen
10 this, you submitted this and the applicant is
11 agreeable to reworking the site in this fashion?

12 And it looks like the buildings have been
13 reconfigured a little bit to, I guess, pick up a unit
14 from one building on another structure.

15 Is that correct?

16 MS. GALVIN: That is correct.

17 MR. LEIBMAN: Thank you.

18 Mr. Statile, you have reviewed these slight
19 modifications to the site plan and you're okay with
20 those?

21 MR. STATILE: The only thing I would add,
22 we want sidewalks to come down to Mark Lane, the new
23 sidewalks on the main road and continue down Mark Lane
24 so we have continuity.

25 MR. BEUKAS: Chris, is this the secondary

1 means of egress?

2 MR. STATILE: They would be able to leave
3 the site here but not return.

4 MR. LEIBMAN: Is this going to be a
5 two-way access or one-way?

6 MR. STATILE: Day-to-day it's one-way
7 leaving the site but during an emergency the fire
8 trucks enter this.

9 MR. LEIBMAN: So if there's a fire, a fire
10 truck goes where the fire truck wants to go. But for
11 the ordinary person accessing the site, this is an
12 exit only?

13 MR. STATILE: Correct. It tends to dilute
14 the traffic on the road. Half the traffic goes west
15 towards Hillsdale so leave some of the traffic.

16 MR. LEIBMAN: This will meet the concerns
17 the people have about traffic pouring out of the one
18 entry?

19 MR. STATILE: Yes because 70 percent of
20 the traffic volume leaves in this direction.

21 COUNCILMAN BROMBERG: Does that mean the
22 only entrance into the entire facility would be off of
23 Rivervale Road?

24 MR. STATILE: Day-to-day, yes. That's
25 what the applicant is proposing.

1 The Board can ask them to make this two-way.
2 It's fine with me. I prefer this to be a two-way but
3 the problem is that you do end up with making left
4 turns on Piermont Avenue. All of a sudden there's no
5 passing lane there, there's a left --

6 COUNCILMAN BROMBERG: Left turn off of,
7 into?

8 MR. STATILE: You're preceding going to
9 the east, you may want to make a left into here, it
10 gets to be problematic, people stopping.

11 COUNCILMAN BROMBERG: So the traffic is
12 all going to have to go to Rivervale Road, make a left
13 and then stop on Rivervale Road to wait to get into
14 opposing traffic.

15 MR. STATILE: There's a queue lane
16 provided for that. They are providing a lane. That's
17 not an issue there.

18 Here would be problematic and that proposal is
19 right into the lane, add a turn lane.

20 MR. FORTSCH: I think making the left
21 would be very hazardous.

22 MR. STATILE: Make lefts into Mark Lane.

23 CHAIRMAN LIPPERT: Why don't we hear from
24 a traffic expert before we keep going around?

25 COUNCILMAN BROMBERG: I wanted to make

1 sure I understood the diagram.

2 MR. STATILE: Whatever gate is here, ask
3 them if they'll accommodate a fire truck.

4 CHAIRMAN LIPPERT: Have you finished with
5 your comments?

6 MR. STATILE: Yeah. That's all I have,
7 Mr. Chairman.

8 MR. WOLFSON: Mr. Chairman, Mr. Statile
9 had a suggestion relative to the extension of the
10 sidewalk and that's agreeable to the applicant.

11 CHAIRMAN LIPPERT: Very good. Thank you.

12 MR. WAYNE: I have a question on the
13 design of the entrance to the, off of Rivervale Road.
14 You have a gatehouse.

15 Correct?

16 MS. GALVIN: Correct.

17 MR. WAYNE: At the gatehouse it looks like
18 there's a planter.

19 MS. GALVIN: A planter.

20 MR. STATILE: It's a median.

21 MR. WAYNE: On Page 7 of 61 I'm on.

22 MS. GALVIN: Here. Do you see the median?

23 MR. WAYNE: Yeah. The portion is there
24 and the curb line.

25 MS. GALVIN: Correct.

1 MR. WAYNE: Okay. For emergency vehicles
2 or anybody else going to be going into this complex,
3 you're going to have them going to the parking lot of
4 the golf course, turn around and come back to go in?

5 MS. GALVIN: No. Actually, after they
6 pass the gatehouse they would make a left turn
7 immediately into the development.

8 MR. WAYNE: It doesn't show that on this.

9 MR. STATILE: You know, the line, curb
10 lines --

11 MS. GALVIN: It's confusing because of the
12 existing conditions. Yeah.

13 I mean we can clarify that. As you come through
14 the gatehouse, if you're going to make a left hand
15 turn into the development, you would make that turn
16 immediately after you pass the gatehouse.

17 MR. WAYNE: I want to make sure you're not
18 going into the parking lot.

19 MS. GALVIN: The parking lot would be off
20 to the right and this would be a left turn immediately
21 after the gatehouse into the development.

22 MR. WAYNE: Right.

23 MR. STATILE: Ask about the cut back, do
24 you want that cut back?

25 MS. GALVIN: That's correct. The nose of

1 the boulevard area for the main entranceway right here
2 will be cut back to provide better access for the fire
3 trucks.

4 MR. WAYNE: Will you show that?

5 MS. GALVIN: We'll show that on the
6 revised plans, yes.

7 MR. WAYNE: Because you didn't show that
8 entrance. You just showed into, you didn't show it
9 coming past the gatehouse.

10 MS. GALVIN: Okay. I'll take care of
11 that.

12 CHAIRMAN LIPPERT: Okay. Mr. Wolfson, who
13 is your next witness?

14 MR. ADAMO: Wait, Mr. Chairman. At the
15 last meeting we heard testimony and then we opened it
16 up to the public.

17 My recollection is that we didn't have any time
18 to ask questions of their engineer.

19 CHAIRMAN LIPPERT: That's their engineer?

20 MR. ADAMO: Right. Correct.

21 CHAIRMAN LIPPERT: So she's going to give
22 her testimony. When she's done, everybody will ask
23 questions.

24 MR. ADAMO: But didn't she give testimony
25 and then the public asked questions and we didn't get

1 our chance to ask questions?

2 CHAIRMAN LIPPERT: Correct. But I'm
3 saying you will have a chance to ask questions. Let's
4 get her testimony finished and you can ask all the
5 questions.

6 MR. ADAMO: But didn't she finish her
7 testimony in order to open to the public for
8 questions?

9 CHAIRMAN LIPPERT: No. No. She did not
10 finish.

11 COUNCILMAN BROMBERG: I think you wanted
12 to give the public an opportunity that evening to ask
13 questions because of the lot of pent up demand for
14 questions so that you inserted that before she
15 actually finished.

16 MR. ADAMO: Why would they ask questions
17 if her testimony wasn't finished?

18 MR. LEIBMAN: I think the idea is to
19 present an area of testimony and then complete that
20 area of testimony and then she will provide other
21 areas of testimony. So the idea was to --

22 MR. ADAMO: So is the format is going to
23 be she's going to present and then open to the public
24 and then we'll get to ask questions from the beginning
25 of last time?

1 MR. LEIBMAN: You can always ask any
2 question you want any time.

3 MR. ADAMO: Typically we let the expert or
4 the applicant present their testimony and then we ask
5 questions. We changed format.

6 CHAIRMAN LIPPERT: We changed format
7 because we have a very large amount of people from the
8 public and I wanted to make sure they had a chance to
9 ask their questions.

10 MR. WOLFSON: Also, there was another
11 factor, that was the fact that the interested party,
12 an attorney, was concerned that, he said he did not
13 have access to the storm water report.

14 For the record, it appears to be a dispute on
15 that point. In fact, I believe there was testimony or
16 a statement made it was available at the time he came
17 for the application.

18 He has since then obtained a copy of that as
19 well as the traffic report.

20 And I think that was the other reason that she
21 bifurcated her testimony that she was asked to hold
22 off on the storm water until later.

23 CHAIRMAN LIPPERT: So we're going to hear
24 storm water testimony now and that would conclude her
25 testimony?

1 MR. WOLFSON: That's correct.

2 CHAIRMAN LIPPERT: So why don't we do
3 that.

4 MS. GALVIN: Regarding storm water, the
5 project is classified as a major development pursuant
6 to the DEP storm water management regulations.

7 CHAIRMAN LIPPERT: Move the microphone a
8 little closer to you.

9 MS. GALVIN: So the project is classified
10 as a major development pursuant to DEP storm water
11 management regulations and must address three
12 parameters, storm water quantity, storm water quality
13 and storm water recharge.

14 The project is actually exempt from a recharge
15 standard because the site is a previously developed
16 property and is located within the State Planning Area
17 No. 1. And we confirmed this with the State.

18 MR. ADAMO: Excuse me. Which site are you
19 referring to? Which site are you referring to, site
20 A, B or C.

21 MS. GALVIN: B, the development side.

22 MR. ADAMO: So Site A is part of the
23 subdivision?

24 MS. GALVIN: Lot A is the remaining
25 portion of the golf course.

1 MR. ADAMO: Is that part of the storm
2 water analysis?

3 MS. GALVIN: There are some portions of
4 the golf course immediately adjacent to the
5 development area that are part of this analysis just
6 because of the configuration of that.

7 MR. ADAMO: But are we using any of that
8 property to say that we don't need to -- one of my
9 reasons for wanting to ask questions prior to the
10 start of the testimony is we have three parcels, Lot
11 A, B and C.

12 MS. GALVIN: Correct.

13 MR. ADAMO: And that the, I understand you
14 stated at the last meeting we did not have it as one
15 parcel as kind of the way the ordinance was written
16 but because of Attorney General reasons we can't have
17 the main parcel as part of the other parcel.

18 However, we are using some analysis of the
19 entire property in order to give allowances to the
20 property and development. And the reason why I want
21 to ask a question is the reason when we talk about
22 storm water management and major subdivision of three
23 parcels, don't all three parcels because it's a
24 subdivision, don't they fall under the requirements of
25 providing bulk tables, storm water management?

1 Because we're creating three parcels out of one
2 so my question is, why do we not show all the
3 information for all three parcels and just talk about
4 Parcel B and C?

5 MS. GALVIN: From a storm water management
6 standpoint, from a grading standpoint, we can't
7 terminate an analysis by property line. So there's
8 certain portions of the adjoining area to the north
9 and also to the west that are impacted by the
10 development. So the analysis to the storm water
11 management extends, in some areas, beyond the actual
12 proposed property line.

13 There's no, there's no physical improvements on
14 Lot A except for the modification to the parking lot
15 of the country club and the detention ponds which
16 actually do fall on Lot A also.

17 MR. ADAMO: So because they're part of the
18 subdivision application why would Parcel A not be part
19 of the storm water management?

20 MS. GALVIN: Portions of Parcel A impacted
21 by the development are included in the storm water
22 management analysis.

23 MR. ADAMO: But there's no property lines
24 at those demarcations. We're taking, modifying parts
25 of a parcel because we're eventually going to have

1 three lots.

2 MS. GALVIN: Correct.

3 MR. ADAMO: So part of Lot A is being
4 modified. However, we're not hearing -- I know I'm
5 jumping ahead but we didn't ask the questions from
6 before. Part of Lot A is being impacted and if it's
7 being impacted, it's part of a subdivision and when
8 you have a subdivision you're supposed to provide, in
9 my opinion, I could be wrong, maybe it's a question
10 for Mr. Statile, if we're doing things to Lot A why
11 are they not having all the same bulk tables, storm
12 water impacts, line of sight, whatever, all the normal
13 things that a subdivision means when we are making
14 modifications beyond the property line of Parcel A,
15 beyond Parcel B to Parcel A?

16 MS. GALVIN: With respect to things like
17 the bulk table, that information should actually be
18 shown on the subdivision plan. There's a subdivision
19 plat and that information should be shown on the
20 subdivision plat signed by the surveyor. But
21 regarding storm water management design, again, we
22 can't stop the analysis at technically an arbitrary
23 lot line for purposes of storm water design.

24 So we had incorporated the development area, the
25 survey area into the storm water management report and

1 that extends on to Lot A.

2 MR. ADAMO: But don't you have a property
3 line on the north side of Parcel A?

4 MS. GALVIN: Correct. Right there -- the
5 north side of Parcel A, you mean way up here? Yes,
6 that is an existing property line on the north side of
7 Parcel A.

8 MR. ADAMO: And part of Parcel A is being
9 impacted by this project design?

10 MS. GALVIN: Yes.

11 MR. ADAMO: And you are not doing, and
12 your analysis that you're about to tell us does not
13 include that property?

14 MS. GALVIN: The analysis addresses the
15 areas that are impacted by, physically impacted by the
16 development.

17 MR. ADAMO: Chris, is it required, since
18 it's a subdivision and all three parcels make up the
19 total square footage of the application, that all
20 three parcels are all impacted by the subdivision and
21 all three parcels have to have equal analysis?

22 MR. STATILE: From a zoning standpoint,
23 they should. As any other subdivision, two lots, you
24 prescribe the setbacks are for, proposed for each of
25 the lots, yes. Even if the existing lot with an

1 existing house on it, you would still get the zoning
2 data for the house, yes.

3 That's true. We have zoning data for all three.

4 MS. GALVIN: That's correct. I agree with
5 the zoning but the storm water management issue is a
6 little different. We don't do a separate storm water
7 analysis for Lot A, proposed Lot B. It's an overall
8 storm water analysis for the subdivision.

9 MR. STATILE: Is there an issue in that
10 respect for the storm water analysis?

11 MR. ADAMO: Did they do a storm water
12 analysis for all of Lot A?

13 MR. STATILE: No, only for the area that
14 was developed.

15 MR. WOLFSON: And that's appropriate.

16 We have accommodated -- any changes in the
17 development that's occurring on the entire site are
18 included in the storm water management.

19 CHAIRMAN LIPPERT: Is that the standard,
20 Mr. Statile?

21 MR. STATILE: I would say generally, yes.
22 We recently filed an application with DEP for a large
23 site down in Kearny for New Jersey Transit. The DEP
24 has, also, to treat the water that was coming off of
25 the existing pavement, is not being changed.

1 In other words, we have had pavement that was
2 adding to it, fine. Do a hundred percent treatment to
3 this, 50 percent to that. They said it wasn't in the
4 regulation.

5 So you can ask, say if you don't compel, if you
6 want the runoff from existing parking areas to be
7 treated.

8 I believe you are correct, everything from the
9 clubhouse is all going down to the ponds.

10 Correct?

11 MS. GALVIN: That's correct.

12 MR. STATILE: You are treating everything?

13 MS. GALVIN: Yes.

14 MR. LEIBMAN: Can we get some actual
15 testimony now without storm water management and maybe
16 some background for members of the public and maybe
17 perhaps for some Board members who were not around
18 when these State mandated regulations were enacted in
19 New Jersey about 10 years ago.

20 MR. STATILE: Backing up a little bit,
21 what is A, B and C, the public may be confused by it.

22 MR. LEIBMAN: I want the public to hear
23 what the regulations are. Then I want the public to
24 hear what the applicant has done, the applicant has
25 done to meet those regulations.

1 Because the regulations are quite stringent. We
2 had to adopt an ordinance that complied with the State
3 law. I don't think the public generally knows what
4 these regulations are and I'm not so sure that the
5 Board -- a lot of these Board Members are new to me.
6 I don't know if everybody knows these regulations.

7 Can we get that testimony on the record?

8 MR. ADAMO: Marc, there's a reason why I
9 brought this up. When you walk on the sidewalk --

10 MR. LEIBMAN: Okay.

11 MR. ADAMO: -- going north on Rivervale
12 Road, there is an awful lot of green product that is
13 coming off the tennis court. To me, that storm,
14 that's rain water that's washing the tennis court and
15 leaving a whole area of green on the sidewalk that
16 goes into the storm water catch basin.

17 So my reason for asking the question is that,
18 No. 1, there are 180 some odd acres here that is part
19 of the application. Part of the zoning ordinance that
20 you need is a property of a certain size in order to
21 do this.

22 My point here is their analysis, and I know I
23 cut her off but the analysis, in my opinion, should go
24 to the entire property because there is storm water
25 runoff that I have seen and that is effecting the

1 sidewalk, is effecting or could be, I should say,
2 could be effecting catch basins.

3 Therefore, I'm questioning if the storm analysis
4 should be extended to their entire property. That's
5 why I'm asking the question.

6 I'm not trying to badger the witness. I just
7 feel that it's an addition of 180 acres and it should
8 cover all 180 acres.

9 MR. STATILE: If I were you or knew of the
10 situation which you seem to be pointing out, that is a
11 situation that the applicant should be required to
12 address it as part of the overall condition.

13 Certainly if considered hazardous to persons and
14 sidewalk, certainly we don't want it being washed into
15 the storm water system, the water source of Bergen
16 County. So I think that's well-taken. If there's a
17 nuisance, you have to check.

18 MR. WOLFSON: And we'd be happy to do that
19 with your engineer at the time we're out there in the
20 field and see the condition that you're describing.

21 MR. STATILE: I also ask that we clean out
22 the stream of all the dead trees, et cetera along the
23 brook first of all because they're causing flooding.
24 Under the rules, even though it's existing, trees are
25 falling, nonetheless we still want the river to

1 function properly as well.

2 MR. WOLFSON: Storm water.

3 MS. GALVIN: Right.

4 The regulations also require that the storm
5 water designed address to the maximum practical use of
6 non structural strategies outlining the best
7 management practices manual known as BMP. The
8 existing condition, a majority of the development area
9 drains to the west to Holdrum Brook.

10 So here is the development area. The majority
11 of this area drains over to the Holdrum Brook which is
12 off the left side of the exhibits.

13 A small portion over Rivervale Road actually
14 drains in an easterly direction towards Rivervale
15 Road.

16 MR. WOLFSON: Just for the record, you're
17 referring to A-3?

18 MS. GALVIN: Okay. Sorry, A-3. Thank
19 you.

20 The proposed condition, also goals, maintain the
21 general, the general drainage patterns which we have
22 done. We are proposing to redirect a small portion of
23 that northeasterly corner that currently goes to
24 Rivervale Road in a westerly direction to the storm
25 water basin so we can reduce the impact of storm water

1 management issues on Rivervale Road.

2 We're also collecting runoff from Piermont and
3 Rivervale Roads that used to flow uncontrolled to the
4 Holdrum Brook. So portions along River Vale in this
5 area here and along this portion of Piermont that used
6 to run all the way down the side street into River
7 Vale Brook are being now collected into the on-site
8 piping system and directed into the storm water
9 management system, so the existing flow of storm water
10 along Piermont by redirecting portions of it into the
11 project.

12 This also helps reduce the potential for erosion
13 along Piermont Road which is an issue that was
14 discussed before.

15 The proposed storm water management facilities
16 include three basins in the southwest corner of the
17 site, down here to an existing ditch, tributary to the
18 Holdrum Brook. These basins provide water quality and
19 volume reductions as required by the regulations.

20 The largest basin, just shown in blue here, is
21 actually a wet pond and the two smaller basins, the
22 one right here and small basin right there, are
23 actually dry detention basins.

24 Based upon comments from Mr. Statile, we're
25 going to be consolidating two of the basins, the large

1 wet pond and the Basin No. 2 which is a dry pond will
2 be consolidated into a single larger wet pond.

3 That single wet pond will now provide water
4 quality and runoff volume reductions. In addition,
5 one of the key components in the overall storm water
6 management design is that we wanted to use the storm
7 water for irrigation of the golf course. Currently,
8 the idea of the water, irrigation water to the golf
9 course is potable water so the concentrated flow of
10 the site into this wet pond where we can use some of
11 the volume to actually irrigate the existing golf
12 course.

13 MR. STATILE: Is that the one that, so
14 everybody understands, it's sort of a dead end system.

15 Right?

16 Nothing leaves the pond. You fill the pond up,
17 there's no --

18 MS. GALVIN: Yes.

19 MR. STATILE: Normal.

20 MS. GALVIN: In larger storms that's
21 correct.

22 CHAIRMAN LIPPERT: Chris, you got to use
23 the mike.

24 MALE SPEAKER: You got to use the mike.

25 MR. STATILE: You're going to detain a

1 certain amount in the pond?

2 MS. GALVIN: Correct.

3 MR. STATILE: Whatever is over that will
4 be discharged?

5 MS. GALVIN: That's correct. Discharges
6 have to meet the reductions required by the storm
7 water management rules.

8 MR. STATILE: Thank you.

9 MS. GALVIN: The wet pond proposed along
10 the westerly limit of the development area also
11 addresses in the ordinance the residential design
12 guidelines such that that pond serves as an open space
13 amenity and to function for both flood control and
14 groundwater recharge.

15 Now, again, it doesn't directly allow the
16 recharge here. The recharge benefit we get is by
17 reusing that water for irrigation of the existing golf
18 course.

19 Mr. Statile had some comments regarding the wet
20 pond. He requested a splash zone around the edge of
21 the pond to accommodate fluctuating water levels in an
22 area to avoid stagnant water both of which we will
23 provide.

24 We will also provide requested details for the
25 area and other pumping facilities that will be related

1 to the irrigation use for the pond water.

2 The second smaller basin will, will provide also
3 water quality and runoff reduction for the affordable
4 house -- I'm sorry, for the affordable housing units
5 and maintenance area.

6 That small basin is right over here. That will
7 be basin No. 3, and that addresses the storm water
8 management requirements of this area of the site.

9 Based on the grades in this area we are unable
10 to drain this area into the larger pond.

11 We agree to provide additional detail of the
12 revised basins including riprap at the discharge
13 points and fencing as requested by Mr. Statile.

14 In addition, any test pits that are performed
15 within the basin will be witnessed by Mr. Statile's
16 office.

17 The design will result in no increase in the
18 rate of runoff for down stream properties. In fact,
19 there's actually a reduction in rate.

20 Pursuant to the DEP standards, we are required
21 to provide reduction to the 2, the 10 and the 100 year
22 events and we have provided that with the design.

23 Further along Holdrum Brook we get the benefit
24 that some, in some instances the normal water service
25 to the wet pond will be lower than the outlet control

1 structure. That allows for additional volume and
2 space to be available when it rains. So we had
3 actually further reductions in instances where the
4 existing water surface elevation is below the normal
5 outlet structure.

6 So that's just an added benefit that we haven't
7 taken any credit for to further reduce discharges into
8 the brook.

9 As noted, the wet pond will also be used to
10 irrigate the golf course, reduces the amount of
11 potable water needed for irrigation. Reuse of the
12 storm water runoff to irrigate the golf course also
13 provides recharge of the storm water which is
14 technically not required because they are exempt from
15 the recharge requirement.

16 The desire to provide irrigation water and
17 recharge storm water were major factors in the storm
18 water design.

19 As I mentioned previously, we have to address
20 the non structural strategies outlined in the BMP and
21 address it as follows. All the disturbed areas will
22 be permanently stabilized in accordance with the
23 standards of soil erosion and sediment controls of New
24 Jersey. The project will be certified by the local
25 Soil Conservation District to confirm that we met

1 those standards.

2 We have also minimized the impervious surfaces
3 by meeting minimum standards for roadway width,
4 parking stall dimensions and sidewalk widths. We have
5 also proposed sidewalks only on one side of the
6 interior streets to cut the amount of impervious down.

7 We have maintained existing trees and maintain
8 drainage patterns where we can, minimizing soil
9 compaction which we selected native planting and mulch
10 landscape beds to retain moisture in the soil and we
11 are providing Echo catch basins to provide a source of
12 control to prevent debris material from making its way
13 into the stream area.

14 That's it on the storm water.

15 CHAIRMAN LIPPERT: Do the Board Members
16 have questions?

17 MR. FORTSCH: Yes, Mr. Chairman.

18 I'm concerned about the bank erosion. I live
19 upstream from Holdrum Brook and when we had the
20 Peterson Farm project, I started having erosion. I
21 think the people at Holiday Farm have a very stable
22 bank. There should be some assurances that that bank
23 will remain stable.

24 MS. GALVIN: We're actually proposing
25 reduction to peak runoff into the Holdrum Brook where

1 it meets, where it goes under Piermont Road there, we
2 have reduction in the peak rate. We are presently
3 required to provide that under the DEP standards so we
4 don't expect any.

5 MR. FORTSCH: We wouldn't know that until
6 it rains.

7 MS. GALVIN: Based on our analysis, we're
8 reducing, we're reducing the rate of runoff and that's
9 what the requirements are.

10 MR. FORTSCH: I would like to see more
11 assurances.

12 MR. LEIBMAN: Mr. Statile, do you agree
13 with that storm water analysis.

14 MR. STATILE: We have, we have given the
15 applicant our analysis on it. They're going to make
16 revisions to our comments.

17 MR. LEIBMAN: I would agree with the
18 applicant's testimony that the regulations require a
19 decrease in the peak runoff from the site.

20 MR. STATILE: Correct.

21 MR. LEIBMAN: Just so the public
22 understands that means when you disturb this amount of
23 property with this amount of pavement you are required
24 to design a system that reduces the amount of runoff
25 from what currently exists. So you're not allowed in

1 New Jersey to do a project this size without actually
2 making things better from a runoff perspective than
3 they were before.

4 And, I would just note that that has got to be
5 particularly challenging when the site is essentially
6 all grass currently. This is not like an industrial
7 zone getting converted to an apartment building. It's
8 quite a system that's designed.

9 I have a question, if you don't mind, Mr.
10 Chairman.

11 The irrigation is going to be used for the golf
12 course. Is it also going to be used for the
13 condominium project's interior sprinkler system?

14 I think that's a great idea.

15 MS. GALVIN: I think that is a great idea.
16 I don't know yet.

17 MR. STATILE: We are concerned with
18 respect to adding runoff from the streets, the
19 clubhouse, the pavers, et cetera, that contain oils
20 and other materials. We, we ask the applicant not to
21 irrigate areas within the 300 foot riparian area.
22 When you get to the riparian zones, you know, we don't
23 want to flush it out, irrigate, work its way out of
24 the pollutants and start pumping water out of it, it's
25 going to contain, you know, et cetera, to the riparian

1 buffer. So we ask to zone it that way.

2 MR. LEIBMAN: Okay. No further questions.

3 MR. PUCCIO: I have a question based on
4 the storm water management basin. It sounds like
5 there's going to be a significant amount of piping
6 encroaching that.

7 MS. GALVIN: Correct.

8 MR. PUCCIO: What size pipe is going to be
9 used for that? The question I ask, not specific for
10 the piping, what's going to prevent any clogging and
11 backing up and into the street?

12 Is there any way to prevent that.

13 MS. GALVIN: To prevent the pipes from
14 clogging the street?

15 MR. PUCCIO: So linear feet, a significant
16 amount of linear feet going to the management basin?

17 MS. GALVIN: Correct. It varies. The
18 smallest diameter is probably 15 inches. The biggest
19 diameter would be, as you get down towards the basin
20 itself, is probably maybe a 24, maybe a little bigger
21 than that. I don't remember the exact sizes.

22 MR. PUCCIO: Not specifically but what is
23 the longest run of that pipe?

24 MS. GALVIN: Several hundred feet. It
25 probably does not exceed 350 to 400 feet, especially

1 because of the geometry of the roadways, the long
2 straight run.

3 MR. PUCCIO: Is there anything that is
4 preventing anything besides water to go in there?

5 MS. GALVIN: Yes. I mentioned earlier
6 that we put special heads on the inlets that prevent
7 debris, paper cups, those kinds of things from getting
8 into the structures because that could eventually land
9 up down in the stream and we're trying to protect the
10 stream.

11 MR. PUCCIO: Thank you.

12 MS. GALVIN: I do want to get back to Mr.
13 Statile's comment about irrigation, limiting using the
14 pond runoff, pond water from being within the 300 foot
15 riparian zone. There is a significant amount of
16 dilution going on. That's how the wet pond provides
17 water quality treatment for the storm water runoff.
18 It dilutes the storm water runoff coming in which is
19 dirty. And, we are well in excess of the requirement
20 for that dilution ratio.

21 We think that it's acceptable with the
22 irrigation pond or that the pond be used for
23 irrigation of any areas of the golf course that the
24 applicant wants to use it for. We don't think there's
25 a concern about using that water in the areas adjacent

1 to the stream. We believe that that's fine.

2 CHAIRMAN LIPPERT: Any other Board
3 Members?

4 MR. ADAMO: What happens in the winter?
5 So we don't irrigate in the winter and like this
6 December we had a lot of rain.

7 And if that pond fills up it then hits the
8 outfall that goes to the river if you're not
9 irrigating to lower the water levels.

10 MS. GALVIN: Correct. So, so from a storm
11 water management standpoint we, we assume that the
12 irrigation volume, it just doesn't count. It's almost
13 as if there's nothing there. Okay. So there's a
14 normal water surface that's maintained in the pond
15 that's typically 4 feet deep. All of the storm water
16 management volume that we need is above that.

17 So we don't lose any volume in, in an instance
18 where there's irrigation not going to be used such as
19 the pond. Okay.

20 MR. ADAMO: We were talking before about
21 the bulk tables and such for Lots A, B and C so Lot A,
22 being the golf course parcel --

23 FEMALE SPEAKER: We can't hear.

24 MR. ADAMO: I don't have a mike. Thank
25 you.

1 So Lot A, do you have the ability to include a
2 number of buildings, setbacks and such for Lot A?

3 And the reason why I ask that is, I didn't look
4 it up so I don't know the answer. I assume you have a
5 number of accessory structures on Lot A.

6 And, is there an ordinance that allows for that
7 many accessory structures?

8 And the reason why I bring it up is, if this
9 project was to go forward, I would want to see that
10 all zoning items are addressed as part of the
11 application.

12 MR. WOLFSON: I would just note that other
13 than the modifications that Daphne spoke about that
14 result from development on the residential parcels
15 there are no changes otherwise on Lot A.

16 So existing conditions would not be a relevant
17 part of this application.

18 MR. ADAMO: So I take an exception to
19 that. In our town and I'm assuming it's across the
20 County and across the State, if somebody owns a piece
21 of property that could be subdivided into two lots,
22 they have their house on one side of the property and
23 they want to subdivide the lot, we do ask that both
24 Lot A and Lot B, Lot 1.1, Lot 1.2, whatever you want
25 to call it, have to meet all current regulations.

1 And I feel that the existing golf course, we'll
2 call it Lot A, you are doing work to that property.
3 You are subdividing it out. You have the detention
4 pond that, that services the new community. That's on
5 Lot A. The COAH housing goes through Lot A to get to
6 storm water discharge. I just think it would be good
7 to know how many structures there are, what those
8 setbacks are, making sure that there's no other issues
9 that require the Planning Board to grant a waiver, a
10 variance.

11 I mean the whole property is currently one owner
12 and it's now being broken into three parcels and all
13 three parcels should meet all zoning regulations.

14 MR. WOLFSON: We'll take note of your
15 comment.

16 MR. ADAMO: Is a tennis court a structure?
17 Is it a building, an accessory structure? What is a
18 tennis court? What does it fall under?

19 MR. WOLFSON: That depends on your
20 definition and I don't have that with me.

21 MR. STATILE: It's interesting because
22 some structures just have to have a purpose. As a
23 use, it's a structure not a building, mind you, but
24 I'll check.

25 MR. ADAMO: Are we allowed to have a

1 tennis court in a front yard?

2 MR. STATILE: No.

3 MR. ADAMO: I would just say that I think
4 that it's important that, I think we have to analyze
5 Lot A as part of the subdivision application because
6 you have a tennis court in a front yard, a tennis
7 court most likely is a structure. And I think that
8 the entire parcel should be analyzed and set back.

9 And, if more variances are needed, I think it
10 should be stated as part of this application.

11 MR. STATILE: For definition of structure,
12 an assembly, a combination of materials forming a
13 construction for occupancy, use or ornamentation.

14 So a paved structure, it's for a use, correct,
15 so it's a structure.

16 I had this issue with Ridgewood many years ago.
17 So, anyway, yes, so it would be considered -- it's not
18 a building but it's a structure.

19 MR. ADAMO: What is the height of the
20 fence along Rivervale Road?

21 MS. GALVIN: The existing fence?

22 MR. ADAMO: Correct.

23 MS. GALVIN: Along Rivervale?

24 MR. ADAMO: Along Rivervale.

25 MS. GALVIN: I think it's 6 feet tall.

1 I'm not sure. It is 6 feet tall along Piermont.

2 MR. ADAMO: Do you know if there was a
3 variance given to that 6 foot high fence?

4 MS. GALVIN: I don't know.

5 MR. ADAMO: That's fair.

6 I just think that if that fence doesn't get
7 changed and even though it's existing but we're doing
8 a subdivision of that property that we have an
9 existing non-conforming fence in a front yard.

10 MR. STATILE: There's opportunity to
11 remedy it. It's possible. If it's in disrepair, you
12 replace things like that.

13 MR. ADAMO: That's right. You know, it's
14 weathered. I wouldn't say it's in disrepair but it's
15 weathered.

16 Is there any -- has there been any talk about
17 changing all the fencing since we're talking about
18 fencing along Lot A and Lot C?

19 Is there any talk of making the entire parcel
20 have the same fence?

21 MS. GALVIN: Are we talking also along the
22 golf course area or just along the roadway?

23 MR. ADAMO: The main roadways and Piermont
24 Road.

25 MS. GALVIN: Actually, the existing fence

1 along Rivervale and all along Piermont is being
2 replaced.

3 MR. ADAMO: What about by that parking
4 lot?

5 MS. GALVIN: The short section right here?

6 MR. ADAMO: What about the section that
7 goes up?

8 MS. GALVIN: Actually, there's an existing
9 fence next to that lot line. The original design had
10 called for a new chain link fence to separate the
11 parking lot from the adjoining residence but the
12 applicant has had conversations with that resident and
13 they requested a solid fence to be constructed to
14 supplement the screen, the screening and the applicant
15 has agreed to do that.

16 MR. WOLFSON: Yeah. I should just state
17 for the record there was discussion at the first
18 hearing, we're in discussions with that neighbor and
19 those discussions have led to an agreement as to what
20 improvements will take place in that buffer area.

21 MR. ADAMO: Is that considered a front
22 yard?

23 MR. WOLFSON: I'm sorry.

24 MR. ADAMO: Is that considered a front
25 yard?

1 MR. WOLFSON: It, again, is an
2 interpretation of your ordinance question. We'll take
3 note of the question.

4 MR. ADAMO: Well, irrespective of the fact
5 that Lot A should be part of the analysis, you are
6 doing disturbance, right, in that area and it's along
7 Rivervale Road and I think the Board has been very
8 clear in direction for many years about 6 foot high
9 solid fences in front yards. So I think that's
10 something that needs to be noted on the record.

11 MS. GALVIN: Okay. Okay. The fence is
12 going to stop short of the front yard setback line so
13 it would not be considered in the front yard anymore.

14 MR. STATILE: The definition of front yard
15 in River Vale is that an unoccupied portion of the
16 lot, tract or parcel of land which fronts upon a
17 public street between the street line and the
18 building.

19 MS. GALVIN: I think the fence stops
20 behind the setback line.

21 MR. STATILE: Regarding fences, what I'll
22 do is, when I make my site visit, because we have had
23 issues with fencing along the top of that golf course,
24 take a look at all the fencing issues. It's not in
25 disrepair. It's all fixed because residents

1 complained about that up there as well as trees
2 falling on it.

3 MR. ADAMO: I would just state if we're
4 doing a subdivision of one parcel into three parcels,
5 if we're going to do any kind of fencing because I
6 know right now a 5 foot fence requires what's on here
7 is a variance, I would ask that you consider taking
8 whatever that fence design is that goes along Piermont
9 and extend it. I know you're extending it somewhat on
10 Rivervale Road, I ask you consider extending it all
11 the way on Rivervale Road to all your property, make
12 the property more consistent.

13 It would be nice to have some improvements to a
14 chain link fence that's not as of right and if we're
15 going to, if we were to grant the variance it would be
16 nice if all the fences were made consistent.

17 CHAIRMAN LIPPERT: Any other questions?

18 MR. ADAMO: Is there any talk about the
19 phasing plan during construction? Most specifically
20 truck -- I, I don't know if we're going to get to
21 truck traffic, I apologize on that. But there is a
22 fair amount of work that's going to occur on Piermont
23 Road and there is a sidewalk there that's heavily used
24 by the residents of River Vale especially on Saturdays
25 and Sundays.

1 What kind of protection will be -- there's
2 homes, new town homes being built very close to that
3 area.

4 Will there be any kind of high fencing,
5 screening?

6 Is there a way to make sure that that sidewalk
7 would be safe to use?

8 MS. GALVIN: During construction I believe
9 that the site will be fenced off with construction
10 fencing to prevent any possibility of anything on the
11 area being disturbed and making its way to the street,
12 to the sidewalk. There will also be silt fence and
13 other soil erosion control measures to prevent any
14 sediment from washing off the site into the road.

15 So there will be physical barriers separating
16 the development site from the roadway.

17 MR. ADAMO: And if the sidewalk gets done
18 then, obviously, it will be closed during that type of
19 construction?

20 MS. GALVIN: Correct.

21 MR. STATILE: I think it's a good point.
22 We're going to have to decide where the construction
23 accessways are going to be and how they're going to be
24 protected.

25 We did this with Cherrywood on Poplar as well.

1 We had our concerns with traffic operations up there
2 and we were successful with no issues up there.

3 MR. WAYNE: At the maintenance area of the
4 golf course, what's the storm water -- is that going
5 to be a separate system?

6 Are they going to have a wash down area that
7 they're going to be treating the water?

8 MS. GALVIN: The architect will discuss
9 that, will provide some testimony regarding what's
10 going to happen in the maintenance facility regarding
11 that issue.

12 MR. ADAMO: Would it be acceptable to
13 provide a drawing that shows how the existing
14 clubhouse and all the new parking work together?

15 Because we are approving, we may approve -- it's
16 up for approval, all this parking that would be there.
17 And right now we're looking at it as kind of a
18 standalone thing and not how it integrates with
19 handicapped access or walkability or lighting or --
20 not lighting. We haven't gotten there.

21 But as part of the planning park here, all this
22 parking which is great, how would it be integrated to
23 see how this whole piece works together?

24 MS. GALVIN: That, that actually is shown
25 on the plans.

1 MR. WOLFSON: We'll work up an exhibit
2 that we think would be responsive.

3 MR. ADAMO: Because it's part of it it
4 would be good to see how it all ties together.

5 MR. WOLFSON: We'll pull out stuff that is
6 in the plans, also make an exhibit. It might be
7 easier to see.

8 MR. STATILE: You have a division line
9 through the parking lot. That's the problem.

10 MR. WOLFSON: Right. The information
11 already exists in the plans but we will make it one
12 exhibit.

13 MR. ADAMO: I know that the design of the
14 building will be by the architect. That's clear. But
15 we are talking about 45 feet of building height which
16 is 13 feet higher than most of the houses in town.
17 We're at 32 feet, I believe 32 feet.

18 Would it be possible to get a couple of cite
19 sections or some sort of 3D of what it's going to look
20 like going up Piermont or coming down Piermont to see
21 what a 45 foot building is going to look like 40 or 50
22 feet from the street?

23 MS. GALVIN: There's going to be some
24 perspective use provided by the architect to that
25 area.

1 MR. ADAMO: And that will represent the
2 topography that's going to be proposed?

3 MS. GALVIN: Yes.

4 MR. STATILE: That is coming down.

5 MR. ADAMO: When that goes down that won't
6 effect, like when you're coming from Rivervale Road
7 and going up Piermont, the grade goes up a little bit,
8 the big trees are there that we were talking about and
9 I know some of those sidewalks are high but we're
10 going to lower the dirt on the opposite side.

11 MS. GALVIN: Actually, Chris was referring
12 to the area specifically surrounding the affordable
13 housing and the maintenance in this area down here not
14 lowering the entire length of Piermont Road, just down
15 in this area right here.

16 MR. ADAMO: So when you move the green
17 cursor over to the right, right around there, I
18 believe we're up a little higher there with the
19 sidewalks.

20 MS. GALVIN: Um-hum.

21 MR. ADAMO: And you're saying that that
22 grade is going to stay roughly the way it is, you're
23 not going down lower there?

24 MS. GALVIN: Correct.

25 MR. ADAMO: That's where I want to see

1 what a 35 foot building looks like.

2 MS. GALVIN: You're talking about a
3 perspective in this area, not down here?

4 MR. ADAMO: I am concerned about the
5 maintenance building and the COAH housing but also the
6 town homes, that's a pretty --

7 MS. GALVIN: We could do a perspective in
8 that area also.

9 MR. LOWE: One question. You mentioned
10 the retention pond, there's dilution from the roadway
11 runoff, road salts.

12 MS. GALVIN: Correct.

13 MR. LOWE: Where does that water diluting
14 it come from?

15 MS. GALVIN: There's a pond in the, in the
16 day-to-day conditions. At any rate, there's a pond
17 there. And the pond is 4 feet deep.

18 MR. LOWE: It's that 4 foot water that's
19 diluting?

20 MS. GALVIN: Correct. So when you get
21 that first flush, that first storm and the storm water
22 runs into the basin, runs into the pond, the existing
23 water volume there dilutes the water that's coming in.

24 MR. LOWE: So there's no additional
25 sources OF fresher water. It's all the storm water

1 runoff.

2 Wouldn't that eventually, that 4 foot of water
3 become contaminated?

4 MS. GALVIN: No because it just dilutes
5 it. That's just the normal process of having that
6 volume.

7 MR. STATILE: There is some fresh water,
8 rooftops, rooftops and lawns also end up in the system
9 as well. It's clean water. This is all combined in
10 our system. So you do get some dilution of all the
11 impervious coverage.

12 MR. ADAMO: I just have one last question,
13 Mr. Chairman.

14 Not recently but on a couple of, an application
15 I can remember when I was on the zoning board, we had
16 our own planning consultant review an application. It
17 was about 25 or 30 units down on Westwood Avenue going
18 towards Old Tappan.

19 Is it advisable on such a large application that
20 we have a planning consultant of our own review
21 whatever planners review, the impact statement, the
22 layout?

23 I know we haven't heard about traffic but is
24 that something that we should be advised?

25 CHAIRMAN LIPPERT: Well, was there a use

1 variance involved in the application you're speaking
2 of?

3 MR. ADAMO: I don't believe so.

4 CHAIRMAN LIPPERT: Why was it before the
5 zoning board then?

6 MR. ADAMO: I don't know. We had a
7 planning consultant. I know Chris's office provided
8 somebody.

9 CHAIRMAN LIPPERT: Normally you would have
10 a planning consultant when a use variance was
11 involved. Here we have some relatively minor bulk
12 variances. It wouldn't be typical practice that we
13 would have a planner review it.

14 Chris has done quite a thorough job.

15 MR. STATILE: With the planning officer's
16 office as well, she does assist in this review.

17 MR. LEIBMAN: Mr. Statile has -- just for
18 the record and the public, what is the name of the
19 planner that works with you?

20 MR. STATILE: Caroline Reiter, R E I T E
21 R.

22 MR. LEIBMAN: And she is the planner for
23 the Township of River Vale?

24 MR. STATILE: And the Board, yes.

25 MR. LEIBMAN: And she has reviewed this

1 application?

2 MR. STATILE: She has, yes.

3 MR. LEIBMAN: You two work rather closely
4 together?

5 MR. STATILE: It's oil and vinegar but,
6 yes, we do work together.

7 MR. LEIBMAN: She has reviewed the
8 application?

9 MR. STATILE: She has, yes.

10 MR. LEIBMAN: And had she identified any
11 variances they would have been included in your
12 report?

13 MR. STATILE: She would pick those up for
14 me.

15 MR. LEIBMAN: All right. Thank you.

16 CHAIRMAN LIPPERT: All right. Let's open
17 it up to questions from the public.

18 Now let me just remind -- you're finished with
19 this witness?

20 MR. WOLFSON: Just if I might -- yes, I'm
21 finished.

22 If I could make a statement I should have
23 probably made earlier.

24 The way that we went through Mr. Statile's
25 letter might not have been clear to the public that we

1 only dealt with things that were to be discussed or
2 open in nature.

3 The applicant agreed to maybe 95 percent of the
4 comments and suggestions that Mr. Statile made. So I
5 don't know that the public would know that but I think
6 it's important contextually before they start their
7 cross.

8 CHAIRMAN LIPPERT: Yes. Mr. Statile had a
9 very, very lengthy letter and a lot of comments and
10 the applicant has agreed to most of them. You heard
11 us discuss the ones that are still open where we're
12 going to have a meeting on-site to discuss those. And
13 then we'll see how we deal with those and we'll report
14 back.

15 If, if Mr. Statile and the applicant can work
16 them out, fine; if not, the Board will have to decide
17 each one of them, how the Board wants to handle it.

18 MR. FORTSCH: One question, Mr. Chairman.
19 Can we attend that meeting on-site?

20 MR. LEIBMAN: I don't think that the Board
21 Members should attend that meeting for a couple
22 different reasons. If too many shows up, it becomes a
23 violation of the Open Public Meetings Act.

24 I think the items that Mr. Statile is capable of
25 being reduced to a written document that will be

1 presented to you. Just so it's clear, I expect to see
2 a plan that shows a curb on Piermont going to go where
3 the metal pieces will go, where there will be more
4 curbing. I expect to see a document that shows where
5 the fence is going to be and where the bikeway and
6 sidewalks are going to be and the dimensions of all
7 those things so the Board can review it and decide
8 what it wants and what it doesn't want.

9 MR. STATILE: You will see a fully revised
10 set of plans.

11 MR. LEIBMAN: I don't think the Board,
12 tell me if I'm wrong, or the members much care where
13 the test pits are dug, soil samples are taken out.
14 That's more of a technical nature and I would expect
15 the Board to rely on you to make sure it's done
16 properly.

17 So that's why I don't think you guys should go
18 but I think the Board Members should take the time if
19 they have it to walk down Piermont and walk down
20 Rivervale Road, go look at the area if you don't drive
21 past it every day. And if you do, go walk it any way
22 because you'll see more on foot than you do driving
23 by.

24 MR. STATILE: For the Board's edification
25 in terms of storm water management, what our office

1 typically does is, Hurricane Irene, we were out that
2 morning looking at sites that were constructed
3 including our own to make sure they were all
4 functioning properly.

5 Cherrywood, the detention pond is still draining
6 out; Mark Lane, the turf field, that's how
7 sophisticated this is as well. So we did go back as
8 close as we can to construction to make sure it's
9 functioning properly.

10 I was concerned, Mr. Puccio was concerned about
11 erosion. We're looking for that as well as the
12 engineer, work it out. If not, have the applicant
13 return back and make modifications during the
14 maintenance period, these aren't working, fix it.

15 CHAIRMAN LIPPERT: All right. I'm going
16 to take a break because I want to give our court
17 reporter a break. I think people, everyone may need a
18 break.

19 But when we come back, we're going to open the
20 meeting to questions from the public of, of the
21 engineering expert. And so everyone will have a
22 chance to come up. We want to limit each person to no
23 more than five minutes and although, you know, we
24 didn't strictly honor that last time.

25 We will allow the members of the public to ask

1 questions of the engineer. This is a time to ask
2 questions. It's not a time to make statements. There
3 will be a whole separate time period where you can
4 make statements.

5 So when we come back, we will adjourn for, let's
6 say, 10 minutes and when we come back we'll open it up
7 to the public.

8 (A recess is taken 9:15 - 9:28 p.m.)

9 CHAIRMAN LIPPERT: All right. To get
10 started, Maria, can you do a roll call now just to
11 note everyone who acknowledges their presence now was
12 here before.

13 MS. HAAG: Chairman Lippert.

14 CHAIRMAN LIPPERT: Present.

15 MS. HAAG: Mr. Lowe.

16 MR. LOWE: Present.

17 MS. HAAG: Mr. Beukas.

18 MR. BEUKAS: Present.

19 MS. HAAG: Mr. Adamo.

20 MR. ADAMO: Here.

21 MS. HAAG: Mr. Bromberg.

22 COUNCILMAN BROMBERG: Here.

23 MS. HAAG: Mayor Jasionowski, absent.

24 Mr. Fortsch.

25 VICE CHAIRMAN FORTSCH: Here.

1 MS. HAAG: Mr. Wayne.
2 MR. WAYNE: Here.
3 MS. HAAG: Mr. Puccio.
4 MR. PUCCIO: Here.
5 MS. HAAG: Ms. Vaccaro.
6 MS. VACCARO: Here.
7 MS. HAAG: Mr. Leibman.
8 MR. LEIBMAN: Here.
9 MS. HAAG: Mr. Statile.
10 MR. STATILE: Here.
11 MS. HAAG: Ms. Haag, here.
12 CHAIRMAN LIPPERT: Okay. So now is the
13 time we're going to ask questions of this witness who
14 gave testimony on engineering matters.
15 So if anyone wants to come up and ask questions,
16 come on up.
17 MR. WAYNE: Storm water also, Mr.
18 Chairman?
19 CHAIRMAN LIPPERT: Yeah. Sure.
20 State your name for the record, please.
21 MS. DARSA: Fran Darsa, 23 Holiday Court
22 at Holiday Farm.
23 MR. LEIBMAN: Yeah. Before we get
24 started, so it's some board's practice to swear in
25 members of the public when they come to ask questions

1 because they sometimes start straying from questions
2 into testimony. I don't like that because then we
3 just have a lot of testimony when we should be having
4 questions so I recommend we not do that.

5 So, just ask questions. If someone starts
6 asking a question and it turns into a two paragraph
7 statement, I'm going interrupt you. I'm not being
8 rude. I'm just trying to maintain the record.

9 MS. DARSA: Am I able to ask a question
10 about the sampling that Mr. Statile was talking about?

11 CHAIRMAN LIPPERT: Sure.

12 MS. DARSA: So my question is, can we get
13 different results in sampling if they're taken at
14 different times of the year?

15 MR. STATILE: For pesticides and other
16 constituents probably not. That doesn't effect it
17 because they're usually at the top 6 inches of the
18 soil, not deep in the soil.

19 MS. DARSA: So if it snows and the samples
20 are taken when there's snow on the ground that should
21 not alter the results?

22 MR. STATILE: No.

23 MS. DARSA: My second question has to do
24 with the wet ponds. If I understood correctly, the
25 pond is going to be 4 feet deep and that the storm

1 water will come in over there.

2 Is that correct?

3 MS. GALVIN: Correct.

4 MS. DARSA: So my question is how much
5 higher capacity can that wet pond hold when it's
6 totally filled?

7 MS. GALVIN: It's just under 5 feet in
8 addition to the 4 feet so it's somewhere around 9 foot
9 total, just under 9 feet total. So 4 foot is the
10 normal depth and an additional 5 feet.

11 MS. DARSA: Is it understood that in the
12 wintertime we're not going to be able to drain that
13 water for purposes of, you know, saturating the golf
14 courses?

15 MS. GALVIN: Yes.

16 MS. DARSA: That's true?

17 MS. GALVIN: Yes, the irrigation.

18 MS. DARSA: Is much less. Okay.

19 So my question is, what happens if we get really
20 bad rains, 2, 3, 4 days of rain and now we've got the
21 water coming up above that 4 foot basin that we have
22 and it's now going to spill over and where, where does
23 it go, into the brook?

24 MS. GALVIN: There's an outlet structure
25 in the pond. Okay. So there's an opening that allows

1 the water to come out of the pond. That opening is
2 set at that normal water surface elevation when the
3 water is 4 feet deep.

4 So as the storm water comes into the pond, okay,
5 and starts to fill up, it's being throttled and going
6 out at a slower rate than is coming in. So the pond
7 continues to fill up but there's an outlet.

8 So it's not that there's just 5 feet of volume
9 available so the storm water comes in and just fills
10 up and there's no way for the water to go out.
11 There's an outlet structure that throttles the flow
12 out the basin.

13 MS. DARSA: I understand that part.

14 To the left of your wet pond, I don't know if
15 you can just point yourself so people in the back can
16 see it, we have a brook over there.

17 MS. GALVIN: The Holdrum Brook.

18 MS. DARSA: That Holdrum Brook feeds into
19 our brook system. We have underground streams. So if
20 you're going to let, my question because I want to
21 make sure it's a question, when that release valve,
22 whether it's an automatic valve or someone controls
23 it, is that excess water now going to go into the
24 stream?

25 MS. GALVIN: Yes.

1 MS. DARSA: Okay. So we're talking about
2 a heavy rain situation. I can -- sometimes I almost
3 thought I've had a lake on the property when I look at
4 my back with, you know, with the situation.

5 So what I'm concerned about is the excess water
6 that would spill over, goes into the brook, comes onto
7 our property, am I correct in assuming that all of
8 this storm water, because now you have a lot of
9 impervious areas, now we have a golf course, the golf
10 course the water can percolate down. I don't know if
11 there's been studies done --

12 Are there underground streams at the golf course
13 just the way they are across the street from our
14 property?

15 MS. GALVIN: I don't know. I don't know
16 if there are underground streams.

17 MS. DARSA: Do you think that's important
18 to find out before all of this is considered?

19 MS. GALVIN: I can, I can respond to your
20 earlier question about the storm water. Okay.

21 So our storm water management design actually
22 requires and results in a reduction in the rate of
23 runoff that is currently leaving our site and getting
24 to the stream.

25 For example, if, if right now there is 10 cubic

1 feet per second leaving the site and getting to the
2 stream, after we develop the site and we put in our
3 storm water management system, there's only seven
4 cubic feet per second leaving the site. So we
5 actually have to reduce the flow to that culvert which
6 is just upstream to your property.

7 MS. DARSA: How is that possible because
8 now all of these perforated pipes are leading to your
9 wet pond.

10 Is that correct?

11 MS. GALVIN: They're not perforated pipes,
12 they're solid pipes.

13 MS. DARSA: Solid?

14 MS. GALVIN: Correct.

15 MS. DARSA: Do they have a screen or
16 something to prevent clogging?

17 MS. GALVIN: Yes, at the surface.

18 MS. DARSA: Yes, at the surface.

19 MS. GALVIN: To keep the debris out.

20 MS. DARSA: So instead of the water
21 percolating down like it does now and some of it, I
22 agree, spill over, now you are directing all that
23 water, you don't have the percolation that you had
24 before because look at the amount of area you have
25 covered with roadways and housing and garages and

1 driveway, now all of that is going to that pond?

2 MS. GALVIN: Correct.

3 MS. DARSA: So when it -- I'm sorry. So
4 when it spills over now it's not going to the brook.
5 Do you follow what I'm saying?

6 They go onto Piermont Road when it spills over
7 but now you're going to be releasing it right into the
8 brook.

9 How could that possibly work for us?

10 MS. GALVIN: It does not go onto Piermont
11 Road. The majority of the site runoff from the area
12 being developed --

13 MS. DARSA: No, no, presently.

14 MS. GALVIN: That's in this general area,
15 the majority of this runoff in the existing conditions
16 from that area lands up in the stream on the upstream
17 side of the crossing Piermont Road, just a small
18 portion of it.

19 In fact, there are portions of the site in the
20 existing condition that do flow to Piermont Road and
21 they run along the edge and eventually into the brook
22 on the upstream side of Piermont Road.

23 So, so all of the runoff from the site is
24 landing up on the upstream side of Piermont Road.

25 MS. DARSA: Okay. But when you release

1 the water from the wet pond it's going to release
2 directly into the stream?

3 MS. GALVIN: That's, that's correct but
4 we're throttling it back so it's released at a rate
5 slower than the rate that exists today.

6 MS. DARSA: Okay. I mean I have some
7 doubts about that. I don't see how that's possible.
8 You're containing it in a pond. Here we have it
9 spread out over, you know, the whole golf course area.
10 It doesn't sound logical to me. But also it's
11 something to consider.

12 MR. LEIBMAN: Is that a question?

13 MS. DARSA: It will be.

14 MR. LEIBMAN: Please ask a question.

15 MS. DARSA: Can studies be done to check
16 underground streams because that's important as well?

17 We get water coming up --

18 MR. LEIBMAN: Ask a question.

19 FEMALE SPEAKER: That was a question she
20 said.

21 MR. LEIBMAN: Ask a question. Do not
22 heckle me.

23 MS. DARSA: Okay. So the question is, can
24 studies be done before any construction is even
25 considered to see what the, you know, the topography

1 under the ground is like in terms of streams not just
2 when the rain comes down?

3 I think that would be prudent, do you?

4 MS. GALVIN: I don't know that it's
5 necessary for this development for that kind of
6 analysis.

7 MR. STATILE: We will be, we will be
8 witnessing their soil testing before construction so
9 we will see whether or not there's groundwater. It
10 isn't a stream necessarily. It could just be
11 groundwater. Groundwater is all under --

12 MS. DARSA: No. No. No. I understand.

13 MR. STATILE: We will see that.

14 MS. DARSA: Because right across the
15 street we have a major issue with underground streams
16 on our property.

17 Okay. Thank you.

18 CHAIRMAN LIPPERT: Come on up.

19 MS. FUTTERMAN: Lisa Futterman. I live at
20 36 Holiday Court in Holiday Farms.

21 Has anyone on the Planning Board or any one of
22 you ever seen the stream that Fran was just talking
23 about after a major rainstorm?

24 MR. LEIBMAN: This is an opportunity to
25 ask the witness questions.

1 MS. FUTTERMAN: I'm asking anybody.

2 MR. LEIBMAN: The questions are for the
3 witness not for the Board.

4 MS. FUTTERMAN: We'd like to know if the
5 Board has ever seen it as well.

6 MR. LEIBMAN: Ask a question.

7 MS. FUTTERMAN: I can't talk about
8 technically all the streams, all the ponds, all of the
9 fancy things but have you ever seen what that pond
10 looks like without 249 units times two or three people
11 and all of your systems, have you seen what that pond
12 looks like after a severe rainstorm or moderate
13 rainstorm?

14 MS. GALVIN: The pond, the existing pond
15 on-site?

16 MS. FUTTERMAN: That feeds out into that,
17 into that brook behind Holiday Farms.

18 MS. GALVIN: No.

19 MS. FUTTERMAN: Okay. Can I respectfully
20 ask that next time there's a moderate rainstorm that
21 you go look and see what happens, how that water rises
22 and potentially floods what goes on which is why a lot
23 of us that live there are as concerned as we are with
24 the water?

25 MS. GALVIN: I don't think it's necessary

1 that I visualize that. Our analysis addresses the
2 requirements that we need to meet and we have done
3 that.

4 MS. FUTTERMAN: I'm not sure so for the
5 Board does anybody, does anybody understand the
6 concerns that we have?

7 CHAIRMAN LIPPERT: I, I think the larger
8 answer is that the law requires them to reduce the
9 amount of runoff from the site and they have designed
10 a system that is going to do that so whatever you have
11 today it's going to be better after this property gets
12 developed and that's, that's really the only answer
13 they can give you.

14 MS. FUTTERMAN: We all have a hard time
15 accepting that.

16 CHAIRMAN LIPPERT: It's science.

17 MS. FUTTERMAN: Science.

18 MR. GARRISON: My name is Mr. Garrison,
19 521 Piermont Avenue.

20 Mr. Chairman and Board Members, I thank you for
21 having this meeting. I, I know you don't like to hear
22 things but I have taken photographs of the things that
23 the two young ladies were just talking about, the
24 Holdrum Brook is behind us, to show what high water is
25 running right now after a heavy rain.

1 MR. WOLFSON: Excuse me. I hate to
2 interrupt.

3 MR. GARRISON: Go ahead.

4 MR. WOLFSON: Are we going to have
5 testimony at this point and exhibits?

6 CHAIRMAN LIPPERT: No. No. You have to
7 ask questions.

8 If you want to enter an exhibit into the record
9 we will take it at the appropriate time which is not
10 now. Now is the time to ask questions.

11 MR. GARRISON: Okay. When would the time
12 to enter this be, tonight at this meeting, afterwards?

13 FEMALE SPEAKER: After it's approved?

14 CHAIRMAN LIPPERT: Excuse me?

15 FEMALE SPEAKER: I said after it's
16 approved, is that the time.

17 MR. LEIBMAN: All right. So --

18 MR. GARRISON: Go ahead.

19 MR. LEIBMAN: I'm going to remind everyone
20 this is a quasi judicial procedure. You would not
21 shout out at a judge if you were sitting in the
22 audience in a courtroom. This Board is entitled to
23 the same respect.

24 All of the people on this Board are volunteer.
25 Nobody gets paid to do it. These are your neighbors.

1 These are people that live in town.

2 We hear the questions coming from the Board.

3 The Board has concerns.

4 Do not shout out from the audience. There is an
5 order to the proceeding just like there is in a
6 courtroom.

7 Now is not the time for testimony from the
8 public. This is the applicant's case. They are
9 presenting their case. They are presenting their
10 evidence. The witnesses are subject to
11 cross-examination by the Board and by the public.

12 If you have questions for the witnesses please
13 ask them. I do not want to discourage you from asking
14 questions.

15 But just like a defendant doesn't get to jump up
16 in a plaintiff's trial, insert their testimony where
17 they feel like, the public does not have the
18 opportunity to do that at this time.

19 The time for that is at the conclusion of the
20 applicant's case. And at that time anyone from the
21 public that wants to testify and offer exhibits so
22 long as they meet the basic rules will be permitted to
23 do so. And the Board wants to hear that testimony and
24 see whatever exhibits there may be. But this is not
25 the time to do that.

1 If you have an exhibit that you want to ask the
2 witness questions about, you are free to do that.
3 Show her the exhibit. Ask her if she's familiar with
4 what it is. If she is, maybe she can answer the
5 question. If not, that's pretty much the end of that.

6 So why don't we start with that?

7 MR. GARRISON: This is the exhibit of the
8 Holdrum Brook behind 521 Piermont Avenue at a time of
9 normal tied, low tide, if you want to call it in four
10 different locations which are mapped out right here.

11 MR. LEIBMAN: Okay. So you're kind of
12 providing testimony. So I'll help you out.

13 Show the exhibit to the witness and to the
14 attorney that's sitting next to her. Put it in front
15 of them.

16 MR. GARRISON: Oh.

17 MR. LEIBMAN: Okay. And then ask the
18 witness if she knows what those pictures are.

19 MR. GARRISON: Well, this would be --

20 MR. WOLFSON: No. No. Ask --

21 MR. GARRISON: I'm asking you.

22 MR. LEIBMAN: The question is, do you know
23 what this is.

24 MR. GARRISON: Do you know what this is?

25 MS. GALVIN: I know some of it. I don't

1 know --

2 MR. WOLFSON: Let me ask a couple
3 questions.

4 You have a board here that has a number of
5 photographs mounted on it.

6 Right?

7 MR. GARRISON: Yes, that's correct.

8 MR. WOLFSON: And, did you take these
9 photos?

10 MR. GARRISON: Yes, I did.

11 MR. WOLFSON: And when were the photos
12 taken?

13 MR. GARRISON: December 16th, roughly,
14 when we had high, heavy rain.

15 CHAIRMAN LIPPERT: You got to swear him.

16 MR. LEIBMAN: Mr. Garrison, raise your
17 right hand. Do you swear the testimony you're about
18 to give is the truth, the whole truth and nothing but
19 the truth?

20 MR. GARRISON: Yes, I do.

21 MR. LEIBMAN: What's your first name?

22 MR. GARRISON: Charles.

23 MR. LEIBMAN: Your address, please.

24 MR. GARRISON: 521 Piermont Avenue.

25 MR. LEIBMAN: Go ahead, Mr. Wolfson.

1 MR. WOLFSON: Those are the only questions
2 I have.

3 So you're going to ask questions about this to
4 the witness?

5 MR. GARRISON: I'm asking --

6 MR. LEIBMAN: Take the microphone.

7 MR. GARRISON: Well, my question really
8 is, is this is an issue we have. You're saying what
9 you're doing is not going to create any other issues
10 of flooding this above the levels that are shown now
11 during normal rain.

12 So now I'll stay away from this and go to
13 questions.

14 I understand you made one pond out of Basin 1
15 and 2. It's now -- is this mike on also?

16 CHAIRMAN LIPPERT: Yes.

17 MR. GARRISON: Basin 1 and 2 have been
18 combined into one large detention pond?

19 MS. GALVIN: That has not been done yet.
20 The revised plans will reflect a single pond.

21 MR. GARRISON: So that is the intention?

22 MS. GALVIN: Correct.

23 MR. GARRISON: Do you know the capacity of
24 that pond above the normal water level that you make
25 reference to?

1 MS. GALVIN: Not at this time.

2 MR. GARRISON: Do you know the elevation
3 of overflow out of that pond which is when the water
4 would start to drain to the wetlands?

5 MS. GALVIN: I expect the elevation to be
6 very similar to what's currently proposed in the pond,
7 the large pond.

8 MR. GARRISON: I want to get back to the
9 point of snow and rain. And in the wintertime when
10 you're not watering the lawns, this water has to reach
11 an overflow I would imagine and the only place it
12 would go is into the wetlands to the west.

13 Is that correct?

14 MS. GALVIN: The overflow goes into the
15 existing ditch which, which drains to the Holdrum
16 Brook, in general, yes.

17 MR. GARRISON: And once it goes through
18 the Holdrum Brook under Piermont Avenue, it comes down
19 behind the town homes and creates a high water level
20 condition, the streams are narrow so there is an
21 increase in velocity.

22 Would that make sense?

23 MS. GALVIN: No.

24 MR. GARRISON: It doesn't?

25 MS. GALVIN: No.

1 MR. GARRISON: Greater volume of water in
2 a narrow space, velocity isn't increasing?

3 MS. GALVIN: They're not, there's not an
4 increase in the volume -- storm water management
5 design is based on the rate of the flow. The rate of
6 the flow would be reduced after the development is
7 constructed.

8 MR. GARRISON: Whatever the water you are
9 putting in is going to effect the neighbor next door
10 which is on the south side of Piermont Avenue.

11 Correct?

12 MS. GALVIN: We don't expect there to be a
13 negative impact on the down stream properties.

14 MR. GARRISON: What's your engineering
15 factors to prove that?

16 MS. GALVIN: The analysis --

17 MR. WOLFSON: Excuse me. Mr. Chairman, we
18 had extensive testimony regarding design. There's now
19 been questions from two members of the public on that
20 design which, from my hearing of it, is repetitive.
21 The answers have been the same.

22 And for the sake of efficiency of the hearing we
23 ask that that be kept in mind as these questions are
24 being asked.

25 MR. GARRISON: All right. Let me just ask

1 a statement on the amount of impervious area that's
2 being created on the developed lot.

3 How many acres is that?

4 MS. GALVIN: The total amount of
5 impervious area being proposed is approximately 23
6 acres which is proposed on Lots B and C which is the
7 residential development and then the maintenance and
8 affordable housing portion.

9 MR. GARRISON: Okay. The majority of
10 which would be on Lot C, the developed area for
11 residences -- Lot B rather?

12 MS. GALVIN: Yes.

13 MR. GARRISON: Probably 95 percent or
14 more?

15 MS. GALVIN: Yes.

16 MR. GARRISON: Do you know how many square
17 feet that equates to of surface area?

18 MS. GALVIN: I can tell you.

19 MR. WOLFSON: Mr. Chairman, she stated
20 what the area is. I don't know that we need to do the
21 math.

22 CHAIRMAN LIPPERT: She gave you in acres
23 why do you need it in feet?

24 MR. GARRISON: I'm going to make an
25 equation here. It comes to just under a million

1 square feet, actually 997 square feet.

2 CHAIRMAN LIPPERT: Now you're testifying.

3 MR. GARRISON: No, it's the facts out of
4 their environmental study, 997 square feet which, a
5 thousand square feet.

6 MR. WOLFSON: Mr. Chairman, respectfully,
7 it's irrelevant. The focus here is questions on the
8 testimony.

9 CHAIRMAN LIPPERT: Let's see where he's
10 going.

11 MR. GARRISON: Yes. That is the
12 equivalent of 20 football fields, professional
13 football fields, the equivalent, blacktop, impervious
14 soil.

15 We live in River Vale. Has anybody been up in
16 Hills parking lot?

17 MR. LEIBMAN: Questions.

18 MR. GARRISON: Yes, sir.

19 How are we to believe that you are disposing of
20 this water so it is not going to overflow and come
21 into our stream?

22 MR. LEIBMAN: You don't have to answer
23 that question. The question is argumentative.

24 Are you calling her a liar?

25 MR. GARRISON: I'm saying unless there's

1 evaporation or percolation.

2 No answer then?

3 MR. LEIBMAN: How are we to believe
4 anybody who swears to tell the truth?

5 Are you testifying truthfully, ma'am?

6 MS. GALVIN: Yes.

7 MR. GARRISON: Thank you.

8 MR. FRIEDHOFF: Lawrence Friedhoff, 525
9 Rivervale Road.

10 CHAIRMAN LIPPERT: Lift the mike up a
11 little bit. Is it possible?

12 MR. FRIEDHOFF: Sure.

13 CHAIRMAN LIPPERT: I'm having trouble
14 hearing you.

15 MR. FRIEDHOFF: Lawrence Friedhoff, 525
16 Rivervale Road.

17 I'm upstream of that Holdrum Brook that you're
18 going to change the water flow to. I really have two
19 questions.

20 One, is anything that you're doing going to
21 change the height of the brook behind where I live?

22 CHAIRMAN LIPPERT: That's a question. Let
23 her answer that.

24 MS. GALVIN: Could, could you show me
25 where you live on the map?

1 MR. FRIEDHOFF: Sure. If you go up
2 Rivervale Road from the golf course property I believe
3 I'm the third lot north of where the golf course
4 property ends.

5 MS. GALVIN: You mean over here?

6 MR. FRIEDHOFF: Yes, up above there. The
7 golf course is west of the place that I live.

8 MS. GALVIN: Okay. Now can you repeat the
9 question?

10 MR. FRIEDHOFF: Yes. So my question is,
11 we have a stream that runs behind our property, that I
12 believe runs into that Holdrum Brook. Maybe it is the
13 Holdrum Brook. I don't know.

14 So will anything that you're doing in this
15 development increase the level of that brook during
16 rainstorms, during snow storms or any time?

17 MS. GALVIN: I believe that's the River
18 Vale Brook on the northeast corner of the property.
19 Holdrum Brook is way over to the west, to the left,
20 the River Vale brook kind of clips the corner of the
21 golf course property so I believe that you're
22 referring to the River Vale Brook.

23 MR. FRIEDHOFF: It could be.

24 MS. GALVIN: We are actually, based on our
25 storm water management design, reducing the amount of

1 flow that's headed to Rivervale Road and down to that
2 brook.

3 MR. FRIEDHOFF: Okay. So then I have a
4 second that's more general and I think maybe
5 underlines, maybe your answer could clarify it for
6 other people as well.

7 There's a certain amount of rain that's going to
8 fall, that's falling on this property now, that same
9 amount of rain is going to fall on the property in the
10 future after this development in whatever form it
11 finally takes is done.

12 Correct?

13 The same amount of water is going to come down
14 before and after?

15 MS. GALVIN: I assume the rainfall is
16 consistent.

17 MR. FRIEDHOFF: Roughly the same. Okay.

18 So I think the question that I don't understand,
19 the thing that I don't understand, maybe other people
20 don't understand is, you're saying you're going to
21 reduce the amount of water going into the brook,
22 you're going to reduce the amount of water going onto
23 Piermont Avenue, you're going to reduce the amount of
24 water going onto Rivervale Road so the same amount is
25 coming down, less is going out to all these other

1 places, where is that difference going to go?

2 MS. GALVIN: The rate of water is not the
3 same as the volume of water. So the rate, which is
4 the basis of the calculation will be reduced to both
5 Rivervale Road and to and River Vale Brook and also to
6 Holdrum Brook. So the rate of runoff would be reduced
7 after development.

8 MR. FRIEDHOFF: So the amount is equal to
9 the rate times the time. The time is going to be the
10 same.

11 So I don't understand how the rate can be
12 different. And I don't think other people can as
13 well.

14 CHAIRMAN LIPPERT: Let him answer that. I
15 want her to answer that.

16 MS. GALVIN: The storm water management
17 design, specifically the large pond along the westerly
18 edge of the design throttles the flow back so that
19 it's discharged at a lower rate than the existing
20 condition.

21 MR. FRIEDHOFF: But that can't be true all
22 the time.

23 Correct?

24 At some point it's got to be more in order to
25 average out to be the same I would think.

1 Is that not correct?

2 I think what you're trying to say is that when
3 there's a lot of rain and a lot of water the retention
4 pond will control the amount that goes into the stream
5 but when there's no rain there maybe more water going
6 into the stream.

7 Is that what you're saying?

8 MS. GALVIN: No.

9 MR. FRIEDHOFF: Oh. As I said, I just
10 don't understand the same amount is coming down and
11 less is going out?

12 CHAIRMAN LIPPERT: I think she's answered
13 your question.

14 MR. STATILE: I think -- I want to just
15 help this applicant -- the idea here is there's going
16 to be more water leaving the site, there's rooftops,
17 driveways, sidewalks, right, and grasses so, yes,
18 there's going to be more water. We're not really
19 hiding water anyplace. It's got to disappear. But
20 the applicant has got to control the release of that
21 water. As she says, the rate of discharge is what is
22 going to be throttled back, for different storms, if I
23 talk about bigger storms, lower storms she has to
24 consider that in the design of the outfall structure.
25 It has to be able to be capable of reducing all of the

1 impacts.

2 It's not easy. Trust me. There is a balance to
3 have it work right. She has to do that. The rules
4 require it. More water leaving the site, no doubt
5 about it. You can't hide that but she has to control
6 that and her design calculations will accept. It
7 looks at what is there now, grass right now, grass all
8 over the calculations, look at the difference and
9 tell, tell the designer you have to store that water.
10 It's going to be running off. The analogy of football
11 is correct but the design calculations knows that
12 there's grassy greens, no trees, we consider that in
13 calculations. If it's one thing, if it's grass, it's
14 the thing long ago established by professionals which
15 we use as a guide.

16 So the Board will understand and the public,
17 there is more water leaving the site but it has to be
18 controlled back so that you can pull back.

19 CHAIRMAN LIPPERT: And you have reviewed
20 the system and you have reviewed the calculations?

21 MR. STATILE: Yes.

22 CHAIRMAN LIPPERT: And you are satisfied
23 and agree with the applicant's engineer that there
24 will be a reduction in runoff?

25 MR. STATILE: Right.

1 COUNCILMAN BROMBERG: Reduction in rate.
2 I'm understanding that, too. The volume coming down
3 from the sky, that's confusing everybody.

4 MR. STATILE: Right.

5 COUNCILMAN BROMBERG: Right now some of it
6 is being absorbed but a lot of it is running off in an
7 uncontrolled rate off the top of the soil into the
8 stream.

9 MR. STATILE: Correct.

10 COUNCILMAN BROMBERG: Because of the
11 gradation, that's where it's going. And what this
12 system is supposed to do, even though there might be
13 less being absorbed into, into the ground because
14 there's no impervious, it's going to control the rate
15 of flow, whatever overflow there might be coming off
16 of this property at a more controlled rate into
17 potentially that stream so there should be less not
18 more but less of an impact over time down stream.

19 Is that what, is that, is that correct from an
20 engineering standpoint?

21 MR. STATILE: Correct.

22 COUNCILMAN BROMBERG: Because that's what
23 people are having trouble --

24 MR. STATILE: The bath tub, the plug is
25 open wide. What we're doing is throttling back that

1 plug. Also, the difference, that has an outflow
2 throttle that holds back the amount of water being
3 discharged so it's coming out as a trickle.

4 COUNCILMAN BROMBERG: So it's allowing it
5 to dissipate down stream before you get the mass that
6 fell from the sky.

7 MR. STATILE: We have to reduce that.
8 It's not even making it equal. We actually have to
9 pull it back for different types of storms. So we
10 look at a range of storms not just a storm. It's
11 difficult to make it balance.

12 And the outlet control structure actually varies
13 with the height of the water in the pond actually
14 because as it goes up there's different shapes.
15 Shapes, weird shapes, all different shapes because the
16 engineer has to do that in order to control the
17 different storms as the elevation water goes up. It's
18 all, you know, basically in calculations. It's a
19 science.

20 Thank you, Mr. Chairman, a science basically.

21 CHAIRMAN LIPPERT: All right. Any other
22 questions for this witness? Yes, ma'am.

23 MS. QUINN: Lisa Quinn, 7 Holiday Court.

24 If this all doesn't work, are you held
25 accountable for potential, like us being under water

1 at Holiday Farms because right now it's bad as it is.

2 You know, not only the stream overflow but the
3 whole like middle section is like a lake.

4 If this gets worse -- we all get water in our
5 basements. If this just aggravates it more are you
6 held accountable for this?

7 MR. WOLFSON: Respectfully, that's a legal
8 question and this witness really isn't in a position
9 to answer that.

10 MR. LEIBMAN: I agree.

11 MS. QUINN: All right. Can I go back to
12 the entrances and exits on Piermont?

13 CHAIRMAN LIPPERT: Yes. Go ahead.

14 MS. QUINN: Okay. As you know, we have
15 the Holiday Farms and Mark Lane.

16 It's been impossible over the last I would say
17 5, 6 years to even make a left out of Holiday Farms.

18 From what I understand the entrance and exit to
19 the COAH building is going to be across from ours?

20 MS. GALVIN: That's correct.

21 MS. QUINN: How is that going to work when
22 we can't even get out?

23 CHAIRMAN LIPPERT: Why don't we save that
24 for the traffic expert? Because we have a whole bunch
25 of traffic testimony.

1 MS. QUINN: All right. Can I ask about
2 the sidewalk thing?

3 MS. GALVIN: Sure.

4 MS. QUINN: Okay. So, so, Robert, you
5 mentioned that especially on the weekends people are
6 walking, there are kids walking to school every single
7 day. What?

8 MR. LEIBMAN: It's a bad joke I said not
9 in August.

10 CHAIRMAN LIPPERT: Don't answer that.

11 MS. QUINN: There are kids walking to
12 school everyday. And we are concerned with safety
13 which everybody agrees on. There is not going to be
14 anywhere for them to go, walking to and from school,
15 during the phase of the construction so they can't
16 walk in the street. That street is so busy as it is,
17 I can't have kids walking in the street.

18 MR. WOLFSON: I think our traffic can
19 speak to that. I'll take note of your question.

20 MS. QUINN: All right.

21 CHAIRMAN LIPPERT: Anyone else? Come on
22 up.

23 MR. VIDRAL: John Vidral, good evening. I
24 live at 128 Terbell Parkway, in River Vale.

25 I have a couple questions. One of them has to

1 do with, I have to presume from testimony that this is
2 going to be a private, gated development.

3 Is that correct?

4 MS. GALVIN: Correct.

5 MR. VIDRAL: Okay. I'm kind of confused
6 with the gates.

7 On the entrance which I believe is off of
8 Rivervale Road, is there going to be 1, 2 or more
9 gates?

10 MS. GALVIN: There's one gatehouse as you
11 enter the site from River Vale. At the gatehouse
12 there's two lanes. The one lane is the left which is
13 taking you to the development, the other to the right
14 is taking you into the golf course.

15 MR. VIDRAL: Okay. So you go through one
16 gate and then you make a left or a right?

17 MS. GALVIN: Yes. I don't know the
18 details of the gating.

19 MR. VIDRAL: Are the gates going -- is the
20 gate going to be manned 24/7?

21 MS. GALVIN: I don't know.

22 MR. WOLFSON: We'll get you that answer.

23 MR. VIDRAL: Okay. Good enough.

24 There was some discussion at the last meeting
25 regarding a large sign, I don't remember the size, but

1 I was wondering if you're coming to a gate and all you
2 have to do is make a left to go into the community or
3 a right to go into the golf course, what do you need a
4 big sign for?

5 MR. WOLFSON: You might be referring to
6 some discussion that took place at the last hearing
7 about a monument sign outside of the gate.

8 MR. VIDRAL: Yes.

9 MR. WOLFSON: Okay. So we have testimony
10 on that later with a different witness.

11 MR. VIDRAL: Okay. I'm sorry.

12 Regarding this is a private community, I was
13 wondering if you were the appropriate person to ask
14 the question, who takes care of the maintenance of the
15 road, maintenance of the sidewalk, snow, salting,
16 garbage collection, things of that nature.

17 CHAIRMAN LIPPERT: That's a legal
18 question.

19 Do you want to answer that, Mr. Wolfson?

20 MR. WOLFSON: There will be an association
21 formed that will have responsibilities for maintenance
22 and the like.

23 MR. VIDRAL: So the township has no
24 responsibility?

25 MR. STATILE: They do. It has

1 responsibilities.

2 CHAIRMAN LIPPERT: Mr. Leibman will
3 answer.

4 MR. LEIBMAN: Chris, answer -- hold on a
5 second. These are important questions and they need
6 to be answered. They are legal questions.

7 Mr. Statile and I have spoken about these.
8 There are certain obligations that fall on the town
9 and there are certain obligations that fall on the
10 condominium association.

11 So there are State laws that say if there's a
12 condominium association that provides services like
13 snow plowing, the town has to reimburse them some
14 portion of that cost.

15 Garbage collection is going to get done by the
16 town not --

17 MR. STATILE: Private haulers.

18 MR. LEIBMAN: A private hauler?

19 MR. STATILE: Yes.

20 MR. LEIBMAN: Lighting is something looked
21 at very closely by Mr. Statile. If there are
22 streetlights, streetlights being a very defined term
23 of art, then the town has to pay for the electricity.
24 If the lights are pushed back from the street then
25 they're not street lights, the association has to pay

1 for them.

2 You can rest assured that Mr. Statile is fully
3 familiar with the minutiae in this area, is actively
4 protecting the tax payers.

5 MR. VIDRAL: The only question, I know Mr.
6 Statile knows this but I don't know it.

7 MR. LEIBMAN: Why don't you fill in some
8 details regarding street lighting?

9 MR. VIDRAL: I expect there would be none
10 because I don't have any street lighting. So there's
11 no reason for them to have any street lighting.

12 MR. LEIBMAN: And fire hydrants are
13 another.

14 MR. VIDRAL: I figure we don't pay for
15 those.

16 MR. LEIBMAN: You would be shocked what
17 the water company charges.

18 MR. VIDRAL: I know the water company. We
19 don't pay for private communities but maybe the law
20 requires that.

21 Regarding the exit, is that also gated?

22 MS. GALVIN: The exit proposed onto
23 Piermont Road?

24 MR. VIDRAL: Yes.

25 MS. GALVIN: Yes.

1 MR. VIDRAL: Okay. And that is -- are
2 these manned? I didn't quite understand.

3 MR. WOLFSON: The exit will not be manned.
4 And you asked the question as to the other gatehouse
5 will be manned 24 hours and we'll get you that answer.

6 MR. SANTOLA: Mr. Chairman, I'm still
7 sworn so those are association decisions. The
8 association may vote to have the guardhouse manned 24
9 hours a day.

10 MR. VIDRAL: The only reason I ask, I'm
11 thinking of emergency, fire, ambulance, whatever, how
12 do they get in?

13 MR. SANTOLA: They blow right through it.
14 These are alarm sensitive so when there's a siren in
15 front of them -- we can get you that answer. That's
16 the specifics on how we spec this but a lot of them
17 are siren sensitive or, heaven forbid, it's a real
18 emergency and it doesn't work, they just blow right
19 through.

20 MR. VIDRAL: Just --

21 MR. SANTOLA: They're not --

22 MR. VIDRAL: Breakaway gates?

23 MR. SANTOLA: They are when a fire truck
24 hits them.

25 MR. VIDRAL: I was just wondering about

1 that.

2 Regarding fencing along, I guess it's Piermont,
3 from what I gather maybe I misunderstood this but
4 isn't Piermont their front yard since it faces a
5 street?

6 MR. STATILE: Yes. It's one of the front
7 yards, yes.

8 MR. VIDRAL: Okay. And don't fence -- are
9 we allowed to have fences in our front yard?

10 MR. STATILE: Yes. A certain height, yes.

11 MR. VIDRAL: Okay. So they'll have to
12 live to that requirement?

13 MR. STATILE: They're seeking a variance
14 from that fence height.

15 MR. VIDRAL: Okay. Okay. Because I
16 wasn't sure whether they could have a fence on the
17 front yard.

18 MR. STATILE: You can.

19 MR. VIDRAL: Regarding impervious
20 coverage, I understood throughout the township that
21 the maximum you could have is 40 percent and it sounds
22 like it's greater than 40 percent in this case.

23 Is that true?

24 MS. GALVIN: The overall impervious
25 coverage for the entire project is less than 40

1 percent, well under 40 percent because of the golf
2 course.

3 MR. VIDRAL: For this particular piece?

4 MR. WOLFSON: We meet the ordinance
5 requirement for impervious coverage.

6 MR. VIDRAL: It just doesn't seem like it.
7 I thought it was only 40 some acres.

8 MR. WOLFSON: We meet the ordinance.

9 MR. VIDRAL: That includes if we require a
10 second sidewalk?

11 MR. STATILE: That's not within the
12 development. Yes, that would be -- you have consider
13 that.

14 MR. VIDRAL: You still meet the 40
15 percent?

16 MS. GALVIN: Yes.

17 MR. VIDRAL: You would? Okay. I'll
18 double check the calculation.

19 Okay. Regarding the construction of the
20 facility, what I'm concerned about, if there's a fire,
21 can it spread? Are there attics in this facility?

22 MR. WOLFSON: The architect will speak to
23 that.

24 MR. VIDRAL: Okay. So I'll wait for the
25 architect to go over that information.

1 Also, we talk about sewers and the runoff.

2 Have we determined that the municipal sewers are
3 adequate to take additional 200 some houses?

4 MS. GALVIN: Mr. Statile has requested
5 that the applicant provide a study of down stream
6 capacity at the connection point and we can provide
7 that study.

8 MR. VIDRAL: I'm talking about waste
9 sewage.

10 MS. GALVIN: That's what I was talking
11 about, sanitary sewer connection in Piermont Road.

12 MR. VIDRAL: The last thing perhaps you
13 can answer, I was wondering why this development has
14 ended up to be 200 some rather than live up to the
15 basic requirement which seems adequate to have to the
16 A-1 requirement of one acre per unit?

17 MR. WOLFSON: I can answer that. And
18 that's because this is an inclusionary set-aside
19 project. It helps the municipality meet its
20 obligation to provide opportunities for low and
21 moderate income.

22 The way that works is that a percentage of the
23 total number of units is affordable and, as a result,
24 you end up with a number of total units based after
25 that.

1 MR. VIDRAL: I guess financially I have a
2 difficulty understanding that, put 35 units in for a
3 million dollars and putting so many units for low
4 income, whatever it's called. Now I would expect you
5 don't have to go to a hundred some units.

6 MR. WOLFSON: It's driven by a function of
7 the town's responsibility in terms of the number of
8 units they need to provide for affordable housing and
9 where they can allocate those in various properties
10 throughout the municipality. The municipality has
11 included this site in its plan to satisfy its
12 affordable obligation and that's what drives the total
13 number of units.

14 MR. VIDRAL: That drives it.

15 MR. WOLFSON: Yes.

16 CHAIRMAN LIPPERT: I think the short
17 answer is the number of units that they're proposing
18 complies with the ordinance.

19 MR. VIDRAL: But they could have put in
20 one acre units and still done the same thing, units on
21 one acre?

22 They weren't required to have 200 some.

23 Is that correct?

24 They chose --

25 CHAIRMAN LIPPERT: They have an

1 inclusionary development. There's a calculation
2 that's involved, depending on how many affordable
3 units they have, looking for how many market unit rate
4 units are there and they comply.

5 MR. VIDRAL: Okay. So it's a matter, they
6 could have put less but they chose to do maximum.

7 Is that correct?

8 MR. WOLFSON: No. We're in compliance.
9 The Chairman pointed out we're in compliance with the
10 ordinance.

11 MR. VIDRAL: I'm confused but I won't go
12 any further than that.

13 MR. STATILE: They can develop the
14 property with single family properties, develop the
15 golf course, put up single family houses. It would be
16 about the same number of housing units as they're
17 proposing townhouses except these are more
18 consolidated versus the entire golf course being
19 covered by single family homes.

20 CHAIRMAN LIPPERT: Yes. That's important.
21 They're only developing 9 holes here. They could
22 develop more. They're not doing that.

23 MR. VIDRAL: They could develop -- they
24 could put none also.

25 MR. LEIBMAN: They could put it on your --

1 MR. VIDRAL: Yeah. I have -- my house
2 conforms to our, our zoning, believe me.

3 CHAIRMAN LIPPERT: So is their project.

4 MR. VIDRAL: No, I don't think so.

5 CHAIRMAN LIPPERT: Yes.

6 MR. VIDRAL: Maybe the way you just
7 revised the zoning it did.

8 CHAIRMAN LIPPERT: That doesn't count.
9 That's not the law.

10 MR. VIDRAL: It was A(1) and I don't know
11 if it's still A(1) but it was A(1) and, you know --

12 CHAIRMAN LIPPERT: You need to understand
13 this didn't happen in a vacuum. There's a requirement
14 for all the municipalities in New Jersey to zone for
15 affordable housing. So River Vale proactively has
16 done that to meet, to meet its obligations and so, so,
17 yes, the zoning was changed in order for River Vale to
18 be able to comply with this affordable housing
19 requirement.

20 MR. VIDRAL: The developer could have
21 said, look, we're complying and we'll still live up to
22 the A(1). So what you're telling me I have difficulty
23 with.

24 CHAIRMAN LIPPERT: Then there wouldn't be
25 any affordable units.

1 MR. VIDRAL: Why?

2 CHAIRMAN LIPPERT: Why?

3 MR. VIDRAL: Couldn't make money?

4 CHAIRMAN LIPPERT: That's our system.

5 That's the way the system works. If you're in
6 business, don't you try to make the most that you can?

7 MR. VIDRAL: I don't try to. I don't get
8 greedy.

9 MR. LEIBMAN: Okay.

10 MR. VIDRAL: Thank you.

11 MR. LEIBMAN: Let's move it along.

12 MR. BEUKAS: Mr. Chairman, can I ask Mr.
13 Statile a question?

14 One of the witnesses I think raised a valid
15 question regarding whatever phase during construction.

16 Have you ever considered or will you make a
17 recommendation to the developer to accommodate the
18 pedestrian traffic for the children going to Holdrum
19 versus going down Piermont to PV or any other location
20 during construction? Because, I think that's a valid
21 safety concern.

22 MR. STATILE: Yes. There's going to be
23 truck traffic in and out of that site so they're going
24 to make provisions for safety, how they can have the
25 driveways, how wide, et cetera.

1 MR. BEUKAS: Specifically sidewalk for
2 pedestrian traffic during construction.

3 MR. STATILE: During construction?

4 MR. BEUKAS: During construction.

5 MR. STATILE: The only sidewalk that would
6 be effected is Piermont where Holdrum was -- the
7 sidewalk is not being touched; a little change they
8 have to make to the sidewalk because it's a walking
9 distance. The minute they cut the sidewalk off they
10 have to provide school buses.

11 They have, they must maintain the walking for
12 the children. If they impede it, they have to provide
13 bussing for the childrens' school.

14 MR. BEUKAS: I think that's what the
15 witness is talking about.

16 MR. STATILE: We will make sure they will
17 maintain it.

18 MR. BEUKAS: Thank you.

19 CHAIRMAN LIPPERT: Anyone else have any
20 questions?

21 FEMALE SPEAKER: Do I get seconds?

22 CHAIRMAN LIPPERT: Let me see if there's
23 anyone else.

24 Is there anyone else who would like to ask a
25 question from the audience?

1 MS. BERLENGI: Jackie Berlengi, 505
2 Piermont Avenue South.

3 My question relates back to the pond, whatever
4 they're called.

5 Since it's so close to Hillsdale border, does
6 Hillsdale have to have any input?

7 CHAIRMAN LIPPERT: No.

8 MS. BERLENGI: I had no idea.

9 CHAIRMAN LIPPERT: In a word, no.

10 MS. BERLENGI: Okay. Perfect.

11 And then I didn't hear all the testimony.

12 Is there fencing around those ponds for safety?

13 MS. GALVIN: There will be. Mr. Statile
14 required fencing to be installed so it will be fenced.

15 MS. BERLENGI: Okay. Thank you. I wasn't
16 sure of that.

17 Thank you.

18 CHAIRMAN LIPPERT: Okay. Yes, sir.

19 Oh, wait. Did you ask questions already?

20 MR. GOLDBLATT: No.

21 CHAIRMAN LIPPERT: Not you.

22 MALE SPEAKER: He hasn't.

23 MR. GOLDBLATT: Brett Goldblatt, 478 White
24 Birch Drive.

25 Just a question, is there any solar power being

1 leveraged by the community?

2 MS. GALVIN: Not that I'm aware of.

3 MR. WOLFSON: We're going to have an
4 architect develop it and he can confirm.

5 MR. GOLDBLATT: An architect or
6 engineering question?

7 MR. WOLFSON: An architect.

8 MR. GOLDBLATT: Okay. Thanks.

9 CHAIRMAN LIPPERT: You know, one shot, one
10 shot.

11 MALE SPEAKER: This is a little different.

12 CHAIRMAN LIPPERT: No. No. We'll be here
13 till I don't know when. So the hour is getting late.

14 Mr. Van Eck has questions. I'm going to let him
15 ask his questions.

16 MR. VAN ECK: I thought there was someone
17 else.

18 CHAIRMAN LIPPERT: Go ahead.

19 MR. VAN ECK: Good evening, Jameson Van
20 Eck, Verde, Steinberg & Pontell on behalf of River
21 Vale Holiday Farm Condominium Association.

22 MR. WOLFSON: Excuse me. Can I just
23 clarify?

24 We had some discussion early on before the first
25 hearing as to who your client was. At that point you

1 wrote a letter saying you represented the five
2 trustees.

3 MR. VAN ECK: I represent the condominium
4 association.

5 MR. WOLFSON: That's contrary to the
6 representation you made previously and we had a
7 discussion that involved Mr. Leibman relative to
8 whether you represent the association where there was
9 a request that you specifically list your clients and
10 that that would dictate or control the process as to
11 how the hearing is to be conducted.

12 MR. VAN ECK: So I don't -- I have always
13 written that I represented River Vale Holiday Farm
14 Association. Under RPC rules, professional conduct
15 for attorneys, 1.13, that I represent the entity, its
16 officers, directors, members and employees so I don't
17 know what other representation I could give.

18 MR. WOLFSON: I believe the number of the
19 people that were, that participated tonight are
20 members of the association that you now say you
21 represent.

22 MR. VAN ECK: They probably are. Yes, if
23 they live within Holiday Court and Piermont South.

24 MR. WOLFSON: Okay. Mr. Chairman, I'll go
25 back and review the earlier discussion and

1 correspondence and come to the Board at the next
2 session.

3 MR. LEIBMAN: I think that's appropriate.

4 If you live in that condominium association and
5 you are paying Mr. Van Eck's legal fees through your
6 monthly assessment he is your lawyer.

7 MR. VAN ECK: That's not true, absolutely
8 not true.

9 So if I represent AT&T, I represent the
10 shareholder? Is that your position? Because that's
11 not the truth, you know, that's not the truth RPC
12 1.13.

13 MR. LEIBMAN: Are you going to keep
14 arguing with me?

15 MR. VAN ECK: Yes. If you make false
16 statements, correct, absolutely. Trying to quiet the
17 public and my representation.

18 MR. LEIBMAN: You interrupted me. I have
19 listened to you. Are you going to listen to me?

20 MR. VAN ECK: Go ahead.

21 MR. LEIBMAN: So if you live in Holiday
22 Farms, you are paying an attorney and you should take
23 the time to sit down with him and make sure that he
24 answers your questions and gets your questions so that
25 he can phrase your questions for you because he will

1 be better at it than you. He is a practiced attorney.
2 He's unafraid of interrupting people with
3 objectionable statements.

4 You should communicate with your attorney and
5 filter your questions through him. You may have ideas
6 that he doesn't have. It will speed this process
7 along.

8 Okay?

9 MR. VAN ECK: Absolutely not, no, because
10 I do not represent them. I'm not their attorney. I
11 put this in the brief before we started as a
12 preliminary issue.

13 MR. LEIBMAN: You are getting paid by
14 them.

15 Correct?

16 MR. VAN ECK: No. I get paid by the River
17 Vale Holiday Farm Association. It's a nonprofit
18 corporation.

19 MR. LEIBMAN: So you represent then none
20 of the people that own the units then?

21 MR. VAN ECK: Correct. That's the law.
22 Correct.

23 MR. LEIBMAN: So you are not their lawyer?

24 MR. VAN ECK: Correct.

25 MR. LEIBMAN: So you are refusing to speak

1 to the people that are paying you through their dues?

2 MR. VAN ECK: For purposes of you telling
3 them they cannot ask questions at a public hearing,
4 yes.

5 MR. LEIBMAN: I am not saying that. I am
6 suggesting that they speak to you since they are the
7 ones that are paying you so that the questions can
8 come through you and in an efficient way. And I
9 suppose what you're saying is that you refuse to speak
10 to the people that are paying you?

11 So --

12 MR. VAN ECK: It's argumentative. Of
13 course they can speak.

14 MR. LEIBMAN: Review those RPCs, Mr. Van
15 Eck, and you can be guided accordingly.

16 MR. VAN ECK: Which RPCs?

17 MR. LEIBMAN: All of them.

18 MR. VAN ECK: You better check. I'm sure
19 I know them better.

20 CHAIRMAN LIPPERT: You know --

21 MR. VAN ECK: I mean it's really --

22 CHAIRMAN LIPPERT: You know, that's
23 obnoxious. You don't need to do that.

24 MR. VAN ECK: No. If you're attacked --

25 CHAIRMAN LIPPERT: Ask your questions.

1 MR. VAN ECK: Okay. Thank you.

2 CROSS-EXAMINATION BY MR. VAN ECK:

3 Q At the beginning of your testimony when
4 you were voir dired, were you accepted as a planning
5 expert as well as an engineering expert?

6 A Yes.

7 Q Okay. And you did offer planning
8 testimony at the first hearing in January?

9 A Yes.

10 Q I want to ask you a few questions about
11 your planning background. I'm not objecting to you
12 being a witness but I think it should be on the
13 record.

14 I assume you are licensed as a planner in the
15 State of New Jersey?

16 A Yes.

17 Q And from what point in time?

18 A Approximately 1990.

19 Q I assume you have never been suspended?

20 A That's correct.

21 Q How many times have you testified as a
22 planner as opposed to as an engineer?

23 A Maybe a dozen times.

24 Q Again, the last five years?

25 A Yes.

1 Q Can you give me an example?

2 A Jersey City.

3 Q Okay. What type of case was that?

4 A Land use application for a mixed use
5 development.

6 Q And you also, did you also give
7 engineering testimony for that application?

8 A Yes.

9 Q Were there any instances where you solely
10 gave planning testimony?

11 A I don't believe so.

12 Q I want to start asking questions about the
13 maintenance buildings.

14 I believe you testified that other than the
15 height of the Building A, Maintenance Building A that
16 the remainder of the maintenance buildings comply with
17 the zoning ordinance.

18 Is that your testimony?

19 A I believe so.

20 Q Would you agree that the township code,
21 the amended A(1) zone says that accessory structures
22 will not have more than one story.

23 Correct?

24 A Correct.

25 Q Do you know how many stories maintenance

1 Building A is?

2 A The architect will respond to questions
3 about the building.

4 Q Okay. So you are not providing any expert
5 testimony on whether the maintenance building complies
6 with that requirement of the zoning ordinance?

7 A Correct.

8 Q There's another provision of the zoning
9 ordinance that, that says that you cannot have more
10 than three accessory structures on a lot.

11 Are you aware of that provision?

12 A No.

13 Q Did you review the zoning ordinance before
14 providing engineering and planning services?

15 A Yes.

16 Q But you do not recall reading a section
17 about accessory structures?

18 A Is that in the amended ordinance to the
19 zone?

20 Q It is a general provision for accessory
21 structure.

22 So you're not familiar with it?

23 A Not the general provision, no.

24 Q Okay. I will read it for you and then I
25 can ask you some questions.

1 Section 142-2.5(c), it says there shall be no
2 more than three accessory buildings per lot.

3 How many accessory structures are there
4 currently on Lot A, the golf course lot?

5 A I don't know.

6 Q Have you reviewed that information, taken
7 a tour of the site?

8 A Yes, I've been on the site. I don't know
9 the exact count of the number of structures.

10 Q Do you know if there's more than three?

11 A I believe there are more than three.

12 Q How many --

13 MR. WOLFSON: Excuse me. Can I just --

14 MR. VAN ECK: Sure.

15 MR. WOLFSON: -- make an observation.

16 And there was some discussion at the beginning
17 of this hearing. Mr. Van Eck is taking certain legal
18 positions as to the interplay between the amended
19 ordinance as well as the general provisions. The
20 applicant has taken a position contrary in many
21 instances that there, that the amended ordinance
22 supersedes any of the general provisions. So that's
23 an open legal issue I would call it.

24 I would just like to state that for the record.

25 How many accessory structures are being removed

1 from Lot A?

2 A I believe the existing accessory
3 structures that are being removed fall right near the
4 lot line that separates proposed Lot A and Lot B so I
5 don't know how many of them are on Lot A.

6 Q How many new accessory structures are
7 being proposed on Lot A?

8 A None.

9 Q Lot A is the golf course lot.
10 Correct?

11 A I'm sorry, the, the maintenance area has
12 two buildings on it so there's two proposed.

13 Q So that's maintenance Building A and
14 maintenance Building B?

15 A Correct.

16 Q Are you also proposing a bulk material
17 storage area in the vicinity of A. And B?

18 A Yes.

19 Q Does that qualify as a structure?

20 A Based on the definition that Mr. Statile
21 provided earlier, yes. So that would be three.

22 Q So there would be three new structures
23 being proposed and there are at least three existing
24 structures on the golf course?

25 A Yes.

1 Q Is the applicant going to be requesting a
2 variance to have more than three accessory structures?

3 MR. WOLFSON: So as we stated at the
4 beginning of the hearing, you've raised a number of
5 issues that you believe require variances. They were
6 not raised as variances in the reports with you
7 initially.

8 We are going to consider those issues and we'll
9 decide before this is over.

10 MR. VAN ECK: Okay.

11 Q Similar question, are you aware of a
12 provision in the zoning ordinance that limits the size
13 of accessory structures to 600 square feet?

14 A Under the general ordinance, correct?

15 Q Yes.

16 MR. WOLFSON: May I, again, sorry to
17 interrupt.

18 Respectfully, Mr. Van Eck is going through
19 seriatim of the number of issues in his long letter
20 that he addressed to the Board at the beginning of the
21 hearing and we have a disagreement in many instances
22 on the right legal answer.

23 We would just confirm that we are considering
24 those and before the hearing is out we will agree or
25 disagree on some or all of them.

1 And, I just would suggest that, given the hour,
2 that we can leave it at that.

3 MR. VAN ECK: So I would like to -- she is
4 testifying as a professional planner so I can
5 certainly ask if she's aware of the provision in the
6 zoning ordinance, her opinion on it.

7 I understand you are saying it is a legal
8 question and that's why I moved on to the actual
9 question, like the maintenance building, I asked about
10 the number and then we can apply later the facts to
11 the law if and when that time is appropriate.

12 MR. WOLFSON: You're asking questions
13 about things disclosed on the plans so they speak for
14 themselves.

15 So, again, for the sake of efficiency, is not to
16 be representative of that which is already in the
17 record, I would respectfully request you not to ask
18 those questions.

19 MR. VAN ECK: I am not aware that the
20 square footage of the buildings are listed on the
21 plans but I would be happy for her to show them to us.

22 MR. WOLFSON: Our architect will be up and
23 he'll be able to testify to the proposed square
24 footages and you will be able to cross-examine him on
25 that.

1 Q So you have no opinion, expert opinion on
2 whether these buildings are at or greater than 600
3 square feet?

4 A No.

5 Q You have no expert opinion on whether a
6 variance is required or not?

7 A No.

8 Q You have no expert opinion on whether this
9 plan complies with the requirement that there not be
10 more than 600 square feet of accessory structures?

11 MR. WOLFSON: I am sorry. Can you repeat
12 the question?

13 MR. VAN ECK: Sure. I'm trying to figure
14 out what her expertise is so we know what she's
15 testifying about.

16 Q So are you, you are agreeing you are not
17 offering any expert testimony on whether this, these
18 accessory buildings comply with the requirements that
19 they be less than 600 square feet?

20 A Correct.

21 Q Did you assist in preparing the
22 subdivision plans?

23 A Yes.

24 Q And how many, under the zoning ordinance
25 how many lots are permitted?

1 A Under the subdivision ordinance?

2 Q Under the, either the subdivision
3 ordinance or amended A(1) ordinance for this
4 development, how many separate building lots are
5 permitted?

6 A I don't know that there was a required
7 number of lots for the subdivision.

8 Q You would agree with me that the amended
9 ordinance says, Exception 144-224(a)1(b) that the golf
10 course shall be held under separate ownership and
11 subdivided from the residential units provided for
12 hearing.

13 Is that a fair statement?

14 A Yes.

15 Q Do you count affordable housing as
16 residential?

17 A Yes.

18 Q Do you see anywhere in the amended
19 ordinance that permits the affordable housing to be on
20 a separate lot?

21 A No.

22 Q Are you aware that a, the COAH building
23 could be part of a condominium association?

24 A A unit could be created for the COAH building.

25 It could be one of many units in the condominium

1 association.

2 Correct?

3 MR. WOLFSON: With respect, I don't
4 understand the relevancy of the question.

5 MR. LEIBMAN: It's a legal question.

6 CHAIRMAN LIPPERT: What's the difference
7 if it were a condominium or a subdivided lot? In the
8 real word, what is the difference?

9 Where are you going with it?

10 MR. VAN ECK: The difference is that they
11 are, they are coming before us that they have a
12 conforming site plan application and I don't believe
13 they do conform to the ordinance.

14 MR. LEIBMAN: Okay.

15 MR. VAN ECK: I can certainly ask
16 questions of people who present testimony if that's a
17 conforming plan, question them on whether it complies.

18 MR. LEIBMAN: I'm not stopping you.

19 MR. WOLFSON: Again, Mr. Van Eck, we
20 indicated that we have received your letter and that
21 we are considering it and before the hearing is over
22 we will express our position to the issues you have
23 raised.

24 So, respectfully, asking the same questions
25 going to the same issues that are already in the

1 record is repetitive.

2 MR. VAN ECK: So my letter is evidence?

3 MR. LEIBMAN: It's in the record.

4 CHAIRMAN LIPPERT: Your letter is in the
5 record. You have made a legal argument. We're going
6 to have to sort out those arguments before we're done.

7 If it turns out, if they haven't applied for all
8 the variances they need, I'm sure their notice
9 captures any and all variances required for this
10 application and the Board will consider them.

11 MR. VAN ECK: As a professional planner, I
12 can ask whether a variance is needed and then whether
13 they established a criteria for the variance.

14 CHAIRMAN LIPPERT: Go ahead.

15 MR. VAN ECK: Which is where I'm going
16 with these questions.

17 CHAIRMAN LIPPERT: So go ahead.

18 MR. VAN ECK: And the bigger issue for
19 what you're saying is you would rather wait and recall
20 all of the witnesses again when you decide whether a
21 variance is needed or not, then I have to have the
22 right at that point to then ask all the questions.

23 I'll do it that way if you're willing to recall
24 the witnesses after you consider my legal arguments.

25 I'm happy to not do it now but I have to do it at some

1 point.

2 MR. WOLFSON: Give me a second.

3 MR. VAN ECK: I don't know what the
4 difference is. If you say no, I still need to ask the
5 questions.

6 MR. WOLFSON: As part the process which
7 I've described a couple times now, we're going to
8 consider the issues you raised and other issues that
9 may come up and you may direct the hearing.

10 We will bring a professional planner, a
11 different witness up to talk to any of those points.

12 MR. VAN ECK: Okay. So Ms. Galvin will
13 not be testifying as a professional planner?

14 MR. WOLFSON: Correct.

15 MR. VAN ECK: For this application?

16 MR. WOLFSON: No. Her testimony is in the
17 record. We will have a professional planner in
18 addition to testifying in support of any variances
19 that may be in the record.

20 MR. VAN ECK: Okay. I still need to
21 develop my questions. Okay.

22 MR. WOLFSON: Respectfully, based on all
23 those circumstances, Mr. Chairman, we think the types
24 of questions that Mr. Van Eck --

25 CHAIRMAN LIPPERT: Let see what his next

1 question is.

2 Go ahead, Mr. Van Eck.

3 MR. VAN ECK: Sure.

4 Q This is easy. I'll move on from this.

5 Let's look at the COAH building and COAH lot.

6 Are you offering any expert opinion on the

7 number of stories of the COAH building?

8 MR. WOLFSON: It's an architectural

9 question. Our architect will testify to that.

10 MR. VAN ECK: So, for the record she is
11 not offering an expert opinion on number of stories,
12 whether this COAH building complies with the
13 ordinance?

14 MR. WOLFSON: She is not offering an
15 opinion as to how many stories the building contains.

16 MR. VAN ECK: Are you offering an expert
17 opinion on whether the COAH building complies with the
18 zoning ordinance?

19 MR. WOLFSON: Either the architect and/or
20 the planner will opine to that.

21 MR. VAN ECK: So the answer is, no, she's
22 not offering an expert opinion. I think the record
23 should just be clear, it will go quicker if she says
24 no, I'm not going to opine on that.

25 A No.

1 Q I appreciate it.

2 Can you identify what bulk standards apply to
3 the COAH lot?

4 Is there a minimum lot area requirement for the
5 COAH lot?

6 MR. WOLFSON: So this goes to the same
7 discussion we had earlier on, the difference of a
8 legal position relative to the interplay of the
9 amended ordinance and the general provisions that you
10 referred to.

11 So, Mr. Chairman, we think it's inappropriate to
12 explore those at this time while those issues are
13 being sorted out.

14 MR. ADAMO: Marc, I apologize for
15 interrupting. I need a clarification of what he keeps
16 repeating.

17 Are we saying we don't know what zoning we're
18 following?

19 Is that what he's saying?

20 MR. LEIBMAN: Candidly, I was reaching for
21 the set of plans while the question was being asked so
22 I didn't hear the question.

23 MR. ADAMO: Okay. And I apologize, sir.
24 I forgot your name but the attorney for the applicant.

25 MR. LEIBMAN: Mr. Wolfson.

1 MR. ADAMO: Mr. Wolfson was mentioning
2 there was some legal proceedings as it relates to how
3 the number of accessory structures, which ordinance
4 we're following. I just need a clarification of
5 what's happening.

6 MR. LEIBMAN: Well, Mr. Van Eck is asking
7 questions and the engineer/planner is answering them.
8 That's what's happening.

9 MR. ADAMO: I think it's the engineer at
10 this point.

11 MR. LEIBMAN: Yeah. So she should answer
12 engineering questions. She's not going to answer the
13 architectural questions.

14 And what Mr. Van Eck is doing is blending
15 questions so that they're really legal, planning,
16 architectural, engineering questions in one question.
17 And that causes consternation on behalf of the
18 witness.

19 MR. ADAMO: I guess what I'm confused
20 about is it's fine if she's not testifying as a
21 planner anymore but why is it that there is a question
22 that they need, it's a legal explanation as to
23 setbacks or --

24 MR. LEIBMAN: That's why I was going for
25 the plans because there's a zoning table on the plans.

1 MR. ADAMO: That don't have any coverage
2 calculations.

3 MR. LEIBMAN: There are a lot of plans so
4 I was in the middle of the page.

5 Mr. Van Eck has a copy of these plans and maybe,
6 if he wanted to move this process along, he would
7 identify the zoning table and ask the questions about
8 it. But he's decided not to proceed in that fashion.

9 And he's allowed to ask the questions, how he
10 would like to ask the questions.

11 MR. ADAMO: I apologize, Marc. I'm still
12 unclear as to why the attorney keeps saying he needs a
13 legal interpretation of the zoning table. That's the
14 part I'm not following.

15 MR. LEIBMAN: Maybe Mr. Wolfson could
16 answer your question. The zoning table is based on
17 the zoning ordinance.

18 CHAIRMAN LIPPERT: Do you want to explain
19 what the disconnect is between the two of you in terms
20 of interpreting the ordinance?

21 MR. WOLFSON: Mr. Van Eck is raising what
22 he believes to be points of relief based upon
23 reference to the general provisions.

24 We take the position that the amending ordinance
25 supersedes the general provisions as to those issues.

1 CHAIRMAN LIPPERT: So he thinks the
2 standards should be what the A. Zone was and you say
3 that that's been superceded by an overlay?

4 MR. WOLFSON: Correct. He selectively
5 takes that position.

6 That being said, Mr. Chairman, in the interests
7 of making progress, I would suggest I will not raise
8 that same point with Mr. Van Eck.

9 MR. LEIBMAN: Finish your questions.

10 MR. VAN ECK: So I am trying to
11 consistently make a point.

12 MR. LEIBMAN: Your overlay zone applies?

13 MR. ADAMO: Overlay zone, standalone by
14 itself.

15 CHAIRMAN LIPPERT: It seems to me the
16 overlay zone would supersede the A Zone. But he's
17 made an architect to the contrary and, ultimately, our
18 attorney is going to have to make a decision on that.

19 MR. VAN ECK: I have made the argument
20 that when the amended A(1) zone does not specifically
21 address an issue like impervious coverage that an
22 ordinance that has not been deleted from the books and
23 applies to the A(1) zone would still apply.

24 So, I'm not saying that the old one always
25 applies. You have to look at both of them when the

1 new ordinance doesn't mention something like front
2 yard setback or rear yard setback from a street or
3 impervious coverage or the number of accessory
4 structures then the general ordinance still applies.

5 Under the specific new ordinance which changes
6 -- under the old ordinance accessory structures
7 couldn't be more than 14 feet. Under the A-1 amended
8 zone, it could be 25 feet.

9 So clearly when your new ordinance speaks to
10 that, I'm not going to argue the 14 feet applies, the
11 25 feet applies. It's when the new ordinance is
12 decided, and those are the points in my letter, when
13 the new ordinance is decided. So those are the issues
14 I'm raising on the basis this is not a conforming
15 plan. They can ask for variances. They can consider
16 that.

17 And, I want testimony. But I'd like to get to
18 testimony from this expert on, certainly on her
19 engineering point of view on those issues. I think
20 it's a fair question to ask an engineer what is the
21 minimum lot size required for the subdivision you
22 created. It's not a legal question because she had to
23 draw that on a map.

24 How did she come to that conclusion?

25 So those are the types of questions I'm trying

1 to ask. I apologize if it's getting confusing.

2 CHAIRMAN LIPPERT: Aren't the answers set
3 forth in the zoning table on the plans what she
4 thought about those things?

5 MR. VAN ECK: I did not see a zoning table
6 for Lot C which is the COAH lot. I mean I'm happy --
7 I think she's, she created a plan, she should show
8 them to us.

9 MR. ADAMO: We don't have bulk tables for
10 Lot A, B and C. That's why I asked this question in
11 the beginning.

12 I feel like we are having an application now, an
13 engineer not a planner jumped ahead, and we still
14 don't have coverage requirements.

15 Look at Lot C, major building, 8 1/2 foot
16 setbacks to the property line.

17 MR. LEIBMAN: It's easy to address. Mr.
18 Statile should have Ms. Reiter prepare extensive plans
19 of what is required.

20 MR. STATILE: Okay.

21 MR. LEIBMAN: That's easy.

22 Q You do have a position on what the minimum
23 lot size is for the lots that were Lot C created?

24 A No.

25 Q Do you have an opinion on the minimum or

1 maximum impervious surface that's allowed on Lot C?

2 A No.

3 Q Do you have an opinion on the required
4 side yard setback for Lot C?

5 A No.

6 Q The same question with rear yard setback
7 for Lot C.

8 A No.

9 Q Do you know, do you have an opinion on the
10 required impervious surface for Lot B, the town house
11 lot?

12 A No.

13 MR. LEIBMAN: Mr. Van Eck, while you were
14 asking the questions I had a close look at my glasses
15 and put my face really close to the paper.

16 On Sheet 261 there is a zoning table but it's
17 not set up as different columns for the different
18 areas and that's probably why it was -- the zone
19 requirements go down the first column and it calls out
20 specifically whether it's accessory building,
21 affordable building or town houses and then sets forth
22 what is permissible and what's provided. So that
23 made, a general look at that may assist you in
24 answering your question. And maybe, when the revised
25 plans come out, we could get a separate table.

1 MR. VAN ECK: The question I will ask,
2 it's hard to read on the copy, was difficult to zoom
3 in on some of the finer text so I can explore getting
4 hard copies.

5 Q But the one question I will ask you about,
6 Sheet 2, the zoning table, would you agree the zoning
7 requirements were based on the amended A(1) ordinance,
8 that's where you derived these various figures?

9 A Yes.

10 Q So it does not address our question of
11 whether the general provisions still apply.

12 Have you reviewed the definition of side lots
13 under the zoning ordinance?

14 A Yes.

15 Q And are you familiar with the portion of
16 the ordinance that says a lot shall only have two side
17 lot lines?

18 A Yes.

19 Q For Lot C, the COAH lot, how many side lot
20 lines are there?

21 A Two.

22 Q So on the left side of the lot it's a
23 straight line from the street to the rear lot line?

24 A I believe it's a straight line, yes.

25 Q Can we take a look at -- pull up your site

1 plan maps. I believe we can look at Sheet 5 of 61.

2 Okay. Looking at the left side of that, do you
3 not see four lot lines -- three lot lines on that
4 side, one piece that comes from the street straight
5 back, then it makes a right turn at 90 degrees?

6 A That's correct.

7 Q Then it makes a left --

8 A No straight turns and goes back up, you're
9 correct.

10 Q So there would be three lot lines on that
11 side?

12 A I would consider that one lot line.
13 There's a jog in the lot line but it's one lot line,
14 consistent, very similar to the lot line on the right
15 side. There might be a jog in it but it doesn't mean
16 it's separate lines.

17 Q Are you aware with, of the provision in
18 the subdivision ordinance that states the following,
19 side lot lines shall be straight for the full depth of
20 the lot.

21 Are you aware of that provision?

22 A Yes.

23 Q You would agree they're not straight?

24 A I would agree they're not straight.

25 Q And is the applicant requesting a variance

1 for that deviation?

2 MR. WOLFSON: We will decide, again,
3 whether we are seeking variances before the hearing is
4 over.

5 MR. VAN ECK: So not at this time?

6 MR. WOLFSON: Not yet.

7 I said this four times. We are in the process
8 of reviewing the issues you have raised and I have
9 said tonight we will have a planner, an additional
10 planner back to address them, what we believe
11 constitutes a variance.

12 Q What was the engineering reason for having
13 a jog in the line?

14 A I don't recall that there was an
15 engineering reason for the jog in the line.

16 Q Was there any reason?

17 A I don't recall.

18 Q Were you the individual responsible for
19 drawing the lot lines?

20 Did someone give you this information or did you
21 prepare it, the size and shape of the lot?

22 A The information was given to me.

23 Q And who was that from?

24 A Probably a combination of the applicant
25 and surveyor who did the subdivision map.

1 Q And you believe they asked you to put a
2 jog and a turn in the left lot line?

3 A I don't recall.

4 MR. WOLFSON: Excuse me. Again,
5 respectfully. We set out the parameters of the bigger
6 picture here and so the, I don't see the relevance in
7 these detailed questions. I don't see the relevance
8 of these detailed questions in that context.

9 CHAIRMAN LIPPERT: Yeah. You know, we're
10 going -- they are going to have planning testimony,
11 we're going to have our own planner's report and we're
12 going to resolve these issues. So, let's move on.

13 MR. VAN ECK: An engineer can tell me why
14 they drew something a certain way and why they
15 designed something a certain way.

16 CHAIRMAN LIPPERT: Why? What difference
17 does that make? That's the way it was drawn.

18 MR. VAN ECK: Because if they ask for a
19 variance they have to establish the positive criteria
20 which is supported by calculations. If there's no
21 reason --

22 CHAIRMAN LIPPERT: Excuse me. I'm
23 talking.

24 If they can't establish a positive criteria,
25 they're not going to get the variance. That's their

1 risk.

2 MR. VAN ECK: I can ask the question and
3 they can refuse to answer.

4 A I believe the configuration of that lot
5 line was tied to the shared driveway between the COAH
6 building and the maintenance building.

7 Q Let me move on to parking.

8 I think you testified 48 spaces are required for
9 the COAH lot?

10 A Correct.

11 Q And is that under the ordinance or under
12 the RSIS or both?

13 A RSIS.

14 Q You would agree you did not apply the
15 separate parking provisions, standards the ordinance,
16 you just relied on the RSIS.

17 Correct?

18 A Correct.

19 Q Would you agree with me that the RSIS
20 requires no guest spaces?

21 Is that true?

22 A Correct.

23 Q Where are those 12 spaces going to be
24 located?

25 A It's a shared parking configuration with a

1 total of 48 spaces.

2 Q Doesn't the RS require that they be
3 delineated as guest spaces?

4 A No.

5 Q So there will not be specific spaces for
6 guest parking?

7 A No.

8 Q Two of the spaces of the 48 required are
9 handicapped spaces.

10 Correct?

11 A I believe so. Yes. Yes.

12 Q Is that permitted under RSIS to use, of
13 the 48 required, to have them be handicapped?

14 A Yes.

15 There's no restriction on the delineation of
16 parking in RSIS.

17 Q Where does the delineation for handicapped
18 come from?

19 A ADA guidelines.

20 Q And how did you determine that two spaces
21 were required.

22 A It's based on the total number of parking
23 spaces in that parking lot.

24 Q I believe in your original testimony you
25 indicated that, in response to Mr. Statile, in order

1 to provide access for people to get to the garbage
2 enclosure that you were going to remove two of the
3 spaces in the front of the building.

4 Q Is that correct?

5 A I believe the testimony was, we were going
6 to provide access aisles in the parking lot in front
7 of the main walkways to the building.

8 Q So the intention is still to have 48
9 spaces?

10 A Yes.

11 Q I believe you also indicated that you were
12 going to make some -- I think you indicated you were
13 going to make, make some changes to the design of the
14 trash enclosure?

15 A Correct.

16 Q I will group this into one big question
17 and save a little time.

18 There are other changes to these plans that
19 you're going to make, correct, to the overall set of
20 site plans?

21 A Correct.

22 Q When can we anticipate that those revised
23 plans will be submitted?

24 MR. WOLFSON: We haven't determined that
25 yet.

1 MR. VAN ECK: And will Miss Galvin be
2 available for testimony on those revised plans?

3 MR. WOLFSON: Depending at what point
4 they're submitted, she may be.

5 CHAIRMAN LIPPERT: So we're going to stop
6 at 11:00 so just keep that in mind.

7 MR. VAN ECK: Let me just ask about the
8 trash enclosure and that will be a good place to
9 break.

10 Q Is there currently any landscaping
11 proposed around the trash enclosure?

12 A Yes.

13 Q Is that shown on your plans, the site
14 plans or is it shown on the landscaping plans?

15 A As shown on the landscaping plans.

16 MR. VAN ECK: Should I direct the
17 questions to --

18 MR. WOLFSON: Yes.

19 MR. VAN ECK: Okay. Thank you.

20 Q Will the trash enclosure be visible from
21 the street?

22 MR. WOLFSON: I think that's a better
23 question for the landscape architect.

24 Q How many dumpsters fit in the trash
25 enclosure?

1 A I don't know.

2 MR. WOLFSON: We'll get you an answer on
3 that.

4 MR. VAN ECK: The follow-up question would
5 be, is it sufficient for that size building.

6 We, obviously, don't want litter coming out onto
7 the street, across the street.

8 I think that's a good place to break.

9 MR. LEIBMAN: Okay. This meeting is going
10 to be adjourned at this time to our next special
11 meeting which is going to be, I think, March 28th.

12 CHAIRMAN LIPPERT: Yes.

13 MR. LEIBMAN: And that will be at 7:30
14 p.m.. What we have to decide is where the meeting is
15 going to take place, Mr. Chairman. I don't know if
16 anybody got a count for the maximum number of people
17 that were in the room tonight. I don't know if any of
18 the police officers that are here are still here, if
19 they made a count.

20 POLICE OFFICER: We did not get a total
21 count.

22 MR. LEIBMAN: You did not get a total
23 count.

24 So we have to decide if we'll have the meeting
25 here or at Borough Hall.

1 MS. HAAG: We had 120 chairs set up. We
2 hold 90 in Council Chambers.

3 MR. PUCCIO: I'm conservative and say
4 let's do it here.

5 MR. ADAMO: I THINK it would be terrible
6 if we turn people away. I think that would be bad.

7 MS. HAAG: I have this reserved.

8 CHAIRMAN LIPPERT: So I think we'll be
9 back here.

10 MS. HAAG: Okay.

11 CHAIRMAN LIPPERT: Just for the record, no
12 further notice.

13 MALE SPEAKER: Mr. Chairman, before you
14 adjourn, this has nothing to do -- this has to do with
15 the ordinance, doesn't require any response from the
16 applicant's.

17 MR. LEIBMAN: No. No. We're still
18 scheduling. Okay. Let us finish doing what we're
19 doing.

20 MALE SPEAKER: I was told by counsel to
21 bring this to the Land Use Administrator and she would
22 distribute it among the proper parties, legal counsel.

23 MR. LEIBMAN: Can we finish the schedule?
24 Let us finish our business here first.

25 Just stay there for a minute.

1 MALE SPEAKER: Okay. Fine. Thank you.

2 MR. LEIBMAN: So this is being carried to
3 March 28th at 7:30 p.m. in this room without any
4 further notice.

5 I would like to schedule out the next month or
6 two of meetings at this time so that the applicant can
7 make arrangements for the witnesses and everyone in
8 the public could make arrangements so they know when
9 this is going to go.

10 Maria, what's our schedule in April?

11 MS. HAAG: Our regular meeting in April is
12 on April 17th.

13 MR. LEIBMAN: Do we have any agenda items
14 at this time?

15 MS. HAAG: We do for March. I don't know
16 if we have anything for April yet.

17 MR. LEIBMAN: So for March we have the one
18 commercial application and what, one residential
19 application?

20 MS. HAAG: Possibly.

21 MR. LEIBMAN: So that will be the March
22 20th meeting. I think we'll get all of that done on
23 that night. I don't think it's going to be that
24 complicated.

25 MS. HAAG: Yeah.

1 MR. LEIBMAN: So, Mr. Chairman, I would
2 suggest that we tentatively schedule this application
3 for the April 17th.

4 MS. HAAG: April 17th.

5 MR. LEIBMAN: To the April 17th regular
6 meeting and then we also schedule a special session in
7 April to move this along.

8 And then we should talk about when a special
9 meeting could be held in April.

10 Do you have any dates?

11 MS. HAAG: Are we going to have it at
12 council chambers? Council chambers is pretty much
13 available unless there's a council meeting.

14 If we were going to have it here, I have April
15 24th and 25th available. It's spring break that week.

16 MR. LEIBMAN: No way.

17 COUNCILMAN BROMBERG: Council meetings are
18 April 8th and April 22nd. So that would leave other
19 Monday nights available if you need council chambers
20 to the best of my knowledge.

21 MS. HAAG: And Tuesday is court.

22 COUNCILMAN BROMBERG: And April 29th, the
23 last Monday in April.

24 MR. LEIBMAN: How about back to the second
25 week in April?

1 CHAIRMAN LIPPERT: I, I won't be -- I'm
2 out-of-town.

3 MR. LEIBMAN: I'm thinking the week of
4 April 8th.

5 COUNCILMAN BROMBERG: There is a council
6 meeting on Monday, April 8th.

7 MS. HAAG: So we could probably do it
8 Wednesday.

9 MR. FORTSCH: I'm out of the town.

10 MR. LEIBMAN: How about Thursday the 11th?

11 CHAIRMAN LIPPERT: I'm out-of-town.

12 MR. LEIBMAN: How about the week before,
13 the week of April 1st?

14 CHAIRMAN LIPPERT: Well, Wednesday the
15 3rd?

16 MR. PUCCIO: No.

17 MR. LEIBMAN: How about April 4th,
18 Thursday April 4th?

19 CHAIRMAN LIPPERT: I could do that.

20 MS. HAAG: I'll confirm that tomorrow.

21 I'll just check the schedule. There shouldn't be any
22 conflict of having Council Chambers.

23 MR. LEIBMAN: Okay. So let me --

24 CHAIRMAN LIPPERT: Mr. Wolfson.

25 MR. WOLFSON: The sentiment that you heard

1 regarding continuing to meet here is a wise one and we
2 would ask that that be considered in terms of
3 scheduling but since we've made the official
4 announcement for the next session, 3/28, I think we'll
5 have time before that to sort that out.

6 CHAIRMAN LIPPERT: You mean for the date
7 for the next meeting?

8 We were going float the 3rd and you tell us.

9 MR. WOLFSON: The 4th and would that be
10 here?

11 CHAIRMAN LIPPERT: Yes.

12 MS. HAAG: The regular meeting is April
13 17th is in Council Chambers so I would have to check
14 the availability for this.

15 MR. LEIBMAN: We need to address that.
16 Hold on.

17 The next time we all meet on this application is
18 going to be March 28th. So on March 28th, when we're
19 in this room, we can decide where we're going to meet
20 on April 4th. We don't have to address that now.

21 MALE SPEAKER: We'll put April 4th in our
22 books?

23 MR. LEIBMAN: April 4th is in the books.
24 I already sent an email to my wife.

25 MR. SANTOLA: Me, too.

1 COUNCILMAN BROMBERG: Two Thursday nights
2 in a row.

3 CHAIRMAN LIPPERT: Maria, send an email to
4 all the Board Members.

5 MS. HAAG: Yes, I will.

6 MR. LEIBMAN: We'll all be back here March
7 28th and we'll confirm the location for the 4th on the
8 28th and then, hopefully, we can move forward on our
9 regular meeting. Okay.

10 MS. HAAG: Our regular Board meeting is
11 March 20th and our special meeting will be on the
12 28th.

13 March 20th is our regular Board meeting. March
14 28th will be our special meeting here.

15 CHAIRMAN LIPPERT: Yes, and then we are
16 shooting for April 4th.

17 MS. HAAG: Okay.

18 MR. WOLFSON: Mr. Chairman, just because
19 we have talked about 14 different dates, this hearing
20 is continued to March 28th at 7:30 in this room
21 without further notice?

22 CHAIRMAN LIPPERT: Correct.

23 MR. LEIBMAN: Mr. Garrison, what do you
24 want to say to us?

25 MR. GARRISON: Yes. Thank you very much.

1 What I have here which should have been
2 distributed to you was a recommendation, Ordinance
3 332-2018, Chapter 142 entitled land use. And it's
4 very simply something, when I read the ordinance I
5 felt might be missed but being a local native here,
6 across the street.

7 MR. LEIBMAN: So your document was
8 forwarded to me for review and consideration and I
9 directed the board secretary to not send it to the
10 board.

11 MR. GARRISON: Could I read it for the
12 record?

13 MR. LEIBMAN: No. Please don't.

14 Ordinances are adopted by the Mayor and Council.
15 This body does not adopt the ordinances.

16 If you have a suggestion for a change in
17 ordinance you should bring it to the meeting of the
18 Mayor and Council and present it to them.

19 If they are interested in pursuing it they will
20 refer it to the Borough Planner, send it to the
21 Planning Board for review and comment and then if they
22 want to adopt it, then the governing body can adopt
23 it.

24 MR. GARRISON: I got instructions from
25 them.

1 MR. LEIBMAN: From who?

2 MR. GARRISON: From the chair lady,
3 chairperson on the council, said to bring it to the
4 land use.

5 MR. LEIBMAN: The council president told
6 you that?

7 MR. GARRISON: Is she the president?

8 COUNCILMAN BROMBERG: That would be me.

9 MR. GARRISON: No. No. The chair lady --
10 no, the chair lady, the councilwoman. What's her
11 name?

12 CHAIRMAN LIPPERT: Denise.

13 COUNCILMAN BROMBERG: Councilwoman Denise
14 Sieg?

15 MR. GARRISON: She's the one I spoke to.
16 She's the one I showed it to. She said take it to the
17 land use and she will distribute it to the Planning
18 Board.

19 COUNCILMAN BROMBERG: If that was true I
20 think, as the Planning Board attorney told you,
21 that --

22 MR. GARRISON: I just want -- am I being
23 ignored? Has anybody read this thing?

24 MR. LEIBMAN: I have.

25 CHAIRMAN LIPPERT: I read it.

1 MR. GARRISON: Does it have validity?

2 CHAIRMAN LIPPERT: I'm sure you think it
3 does.

4 MR. GARRISON: Do you think it does?

5 CHAIRMAN LIPPERT: Do you think it's going
6 to effect this application?

7 MR. GARRISON: Not, not directly, no.
8 It's going to effect construction.

9 MR. LEIBMAN: It won't effect anything.

10 CHAIRMAN LIPPERT: It won't effect
11 anything.

12 MR. GARRISON: Why?

13 CHAIRMAN LIPPERT: The doctrine in the law
14 called time of occasion, called the time of
15 application rule and so the law at the time the
16 application is filed is what applies to this
17 application.

18 COUNCILMAN BROMBERG: You can't go back
19 and change law.

20 MR. GARRISON: This could be entered as a
21 condition of approval.

22 COUNCILMAN BROMBERG: No, it cannot.

23 MR. GARRISON: It could be a --

24 COUNCILMAN BROMBERG: But it's not legal.
25 It's a matter -- we can't change the law.

1 CHAIRMAN LIPPERT: We're done. We're
2 done.

3 MR. LEIBMAN: The meeting is adjourned.

4 MR. WOLFSON: Before I adjourn, Mr.
5 Chairman.

6 MR. GARRISON: We have over 100
7 signatures.

8 MR. WOLFSON: Just for the record, my
9 understanding although I have not seen this document
10 that's being referred to, it's a proposal to amend the
11 ordinance that is the subject to this application.

12 There has been discussion to the time of
13 application rule which has been introduced and I just
14 want it in the record exactly what the gentleman was
15 referring to so, hopefully, that provides clarity.

16 MR. LEIBMAN: We'll get you a copy.

17 MR. WOLFSON: Thank you.

18 (The meeting adjourns at 11:07 p.m.)

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C E R T I F I C A T E

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date herein before set forth.

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

DONNA LYNN J. ARNOLD, C.C.R.
LICENSE NO. XI00991
MY COMMISSION EXPIRES 08/09/19

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