JOINT PLANNING BOARD
TOWNSHIP OF RIVER VALE
COUNTY OF BERGEN

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

Wednesday, May 29, 2019
Community Center
628 Rivervale Road
River Vale, New Jersey 07675
Commencing 7:45 p.m.

B E F O R E:

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

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

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CHAIRMAN LIPPERT: Good evening, everyone. Welcome to the Wednesday, May 29th, 2019 meeting of the River Vale Joint Planning Board.

Let's start our meeting with the Salute to the Flag, please.

(Flag Salute)

MR. LEIBMAN: This meeting is being held in accordance with the Open Public Meetings Act, State of New Jersey.

This is a special meeting. This meeting was advertised in the newspaper and posted in a prominent place in Borough Hall, the township.

CHAIRMAN LIPPERT: Roll call.

MS. KOKOWSKI: Mr. Lippert.

CHAIRMAN LIPPERT: Here.

MS. KOKOWSKI: Mr. Lowe.

MR. LOWE: Here.

MS. KOKOWSKI: Mr. Adamo.

Councilman Bromberg.

COUNCILMAN BROMBERG: Here.

MS. KOKOWSKI: Mayor Jasionowski.

MAYOR JASIONOWSKI: Here.

MS. KOKOWSKI: Mr. Fortsch.

VICE CHAIRMAN FORTSCH: Here.

MS. KOKOWSKI: Mr. Wayne.

MR. WAYNE: Here.

MS. KOKOWSKI: Mr. Puccio.

MR. PUCCIO: Here.

MS. KOKOWSKI: Ms. Vaccaro.

Mr. Leibman.

MR. LEIBMAN: Here.

MS. KOKOWSKI: Mr. Statile.

MR. STATILE: Here.

MS. KOKOWSKI: Ms. Reiter.

MS. REITER: Here.

MS. KOKOWSKI: Ms. Haag.

MS. HAAG: Here.

CHAIRMAN LIPPERT: Okay. I understand. Mr. Wolfson is a little delayed in traffic so we'll start with talking about minutes.

(Minutes)

MR. LEIBMAN: I spoke with Mr. Santola before we got started. He advised me as he advised all of us he's an attorney and general counsel to the applicant as well as being a witness and that he was comfortable proceeding in Mr. Wolfson's absence so we can get the application moving along.

I don't have any objection to that. I would just like to confirm that conversation we had on the record.

MR. SANTOLA: Thank you very much.

Yeah, that's confirmed.

And I would like proceed as the applicant's attorney.

MR. LEIBMAN: All right. I think in order to move this along the Board's planner issued a report which I'm sure you guys have. I would like to take our planner's report first before your planner testifies unless you would like to proceed otherwise.

MR. SANTOLA: We're fine with that.

MR. LEIBMAN: Is that okay?

Please raise your right hand. Do you swear the testimony you give will be the truth, the whole truth, nothing but the truth so help you God?

MS. REITER: Yes, I do.

MR. LEIBMAN: State your name and address.

MS. REITER: Caroline Reiter. My professional address is 3 Fir Court in Oakland, New Jersey.

MR. LEIBMAN: Caroline, we have a report you issued dated May 22nd, 2019. I'm sure all the Board Members have had chance to read it, I'm sure members of the public have not, probably did not.

Can you walk us through your report and give us your opinion, please.

MS. REITER: Certainly. So as you indicated, I prepared a report dated May 22nd. The report has some background information as well as, as well as the necessary variances associated with the application.

Everyone I'm sure is very familiar with the subject property. It's known as Block 1201, Lots 5 and 6. It's located on the western side of Rivervale Road north of Piermont in the A(1), what's called the A(1) Residence District presently improved with the Edgewood County Club. And residential golf course development use is permitted within the A(1) zone different. I think that's really important to remember that overall, that this is a residential golf course use. That's the purpose of this.

This Board, many members of this Board were originally on the Planning Board when there were two boards. They were involved in the process of the re-examination report wherein golf courses were discussed and that examination report. Then there was, the subsequent ordinance was adopted and now this is a residential golf course use.

The two uses go together. This isn't just townhouses with an affordable component. It goes hand-in-hand together with the golf course use.

So the general site description I think we have really gone over several times in prior testimony.

The development basically is proposing to subdivide the property into three lots. We'll call them A, B and C. One is the golf course use, one is what we call the townhouse use but that's residential and then Lot C is the affordable housing lot which sometimes in testimony and we've been calling it the COAH lot. COAH stands for the New Jersey Council on Affordable Housing and it's very common to use those two words interchangeably.

So with the submitted plans the applicant proposes the removal of the maintenance building and some of the holes of the existing golf course and construction of both market rate townhomes and quadruplex units and a building with 24 affordable rental units on Lot C which is what we've been calling the COAH building.

The clubhouse, club amenities, 18 holes of the golf course associated with that will remain on Lot A as well as maintenance buildings.

Entrance and exits have been discussed, et cetera.

The report goes into the bedroom distribution. I think it's all pretty clear.

The affordable units will meet, it appears, what's called the bedroom distribution requirements of UHAC, Uniform Housing Affordability Control. That dictates various things with affordable housing one of which is bedroom distribution, in other words a number of one, two and three-bedroom affordable units.

UHAC is important to be met because in the future at some point when these units are built and when all the towns go a little bit farther along with their affordable housing processes the township will want to take credit for these affordable units and their conformance to UHAC is important and will be a requirement for the township to take credit and utilize these, these units towards the fulfillment of their affordable housing obligation.

The next part of my report goes into what's called the zoning review wherein I list what I believe to be the variances associated with this, with the development application.

To be clear the variances are all bulk variances known as C-1 or C(2). The applicant will have the burden of proof to show us that. I do not believe there are any use, sometimes referred to as a D Variance, associated with this. This is a permitted use. A residential golf course use is permitted.

So the variances that I have identified in my report.

The first two associated with the residential golf course development use with the ordinance that permitted residential golf course development have to do with height of the accessory structures.

Maintenance Building A is proposed at one-story -- excuse me, is proposed at two-stories, 33 foot 6 inches whereas one-story and 25 foot maximum is what is permitted.

Environmental storage, Building B, is permitted, is proposed at 25 foot 8 inches and 25 foot is what is maximum permitted. So that's an 8 inch discrepancy.

Signage, there are, I believe there are four signs proposed and the ordinance permits two signs and they're proposing four.

In addition, we've identified two variances from other sections of the land use ordinance of the township. One has to do with fence height. The applicant is proposing in the front yard area, front yard setback area 5 foot high fencing with some decorative embellishments that actually will reach 6 feet at certain points and the 3 foot is the maximum that's permitted in the front yard area.

In addition the size of accessory structures,

there is a section in the ordinance that, that permits a maximum of 600 square foot building and the two accessory buildings are, are exceeding that, that size.

The report then goes on to discuss C(1) and a C(2) variance as well as the negative criteria and what I believe to be the required proofs for, for the variances that the applicant's planner will, I'm sure, provide testimony to.

There is discussion of the Master Plan and the reexamination report, the 2016. As I indicated it was done by, I believe it was done before we had one Board, the township, I think that, at the time was a two board process.

I'm seeing some of the, I'm trying to remember who was on which Board and I don't really remember anymore. I know Mr. Lippert was part of it.

But, anyways, there was a re-examination report adopted in 2016, the end of 2016. The report does recognize that golf courses in the State have come under pressure for sale and development and in an effort to continue the golf course use at the Country Club there was inclusion of the golf course residential regulations within the zone district.

The 2005 Master Plan also has a goal of sporting

the continuation of the township's golf courses which is also important and I think appropriate to mention.

The report concludes with various general comments, some comments about the bulk table, landscape buffering, setbacks, bulk regulations with respect to the A(1) zone district.

There is a comment about the number of accessory structures. I believe the Board engineer at the last meeting had prepared a report that indicated that a previous application and approval at the County Club at that time in 2009, the number of accessory structures was identified and approved as part of that July 2009 approval. I think that's an important concept as we, as there has been discussion about accessory structures.

And the rest of it I feel is generalized comments about golf courses and things like that. I could go through them one-by-one if you like or we could see what comes up in terms of the applicant's testimony and during cross-examination.

CHAIRMAN LIPPERT: I think now that Mr. Wolfson is here I would like to hear from the applicant's planner and you can feel free to add to your testimony as, as needed.

And all the Board Members and the public will

have a chance to ask Ms. Reiter questions.

Good evening, Mr. Wolfson.

MR. WOLFSON: Good evening, Mr. Chairman. My apologies for being late. There was a little car fire on the Parkway.

Peter Wolfson, Day Pitney for continuation of the application.

I don't know how much introduction there was given prior to your planner's starting. So just, you all recall the matter, hearing on the matter started January 16th and we have subsequently had hearings on February 28, March 28, April 4, April 30 and May 15th with it being carried to this evening's agenda.

At the previous hearing you heard testimony from Ms. Galvin, our engineer, describing the changes that were made to the site plan and subdivision plan and limited testimony from Mr. Arzberger relating to the revision of the height and design of the COAH building and the maintenance building.

As was discussed at the last hearing, we have one remaining witness. As you indicated, Mr. Chairman, that's our planner, Christine Cofone. She's here with me tonight and I would like to call her forward now.

MR. LEIBMAN: Please raise your right

hand.

Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

THE WITNESS: Yes, I do.

MR. LEIBMAN: State your name, spell your name and your business address.

THE WITNESS: Yes. Good evening, chairman and members of the Board, Christine Nazzaro-Cofone, C O F O N E, business address, 125 Half Mile Road, Suite 200, Red Bank, New Jersey, 07701. DIRECT EXAMINATION BY MR. WOLFSON:

Q Christine, could you provide a brief background of your educational and professional experience and licensures?

A Yes. Good evening. I'm a licensed professional planner in the State of New Jersey. I've been practicing for about 23 or 24 years. I have not testified here in River Vale but I have been qualified as an expert witness before over 400 planning boards and zoning boards in the State of New Jersey.

I'm an affordable housing Special Master in, I would say, 20 different districts. I'm the current principal and owner of the Cofone Consulting Group where I have had my own firm for about 10 years now,

just over 10 years in April.

I also teach planning and zoning courses for the Rutgers Township for Government Services and I was an Associate Professor at Monmouth University where I taught special topics in a real estate course.

In addition to that, my firm doesn't do a whole lot of municipal work but we are the appointed planners for the Casino Development Authority in Atlantic City, Sea Bright and a few other municipalities. But by and large, my business practice is appearing on behalf of applicants before planning and zoning boards throughout the State.

MR. WOLFSON: We ask she be accepted as an expert in the area of professional planning.

CHAIRMAN LIPPERT: Ms. Cofone's credentials are accepted and she is accepted as an expert in the area of planning.

THE WITNESS: Thank you.

Q Before you talk about the variances just for context, there was a review letter from the Board engineer dated December 17, 2018 that identified three variances, accessory building height, fence height and number of signs. Then, as your Board planner just indicated, in reviewing her May 22, 2019 letter, one additional variance was identified and that is the

building size for accessory structures.

Additionally, the Board received a letter from Mr. Van Eck dated December 20, 2018 in which he raised a number of issues. Out of an abundance of caution we plan to address five of the issues he raises just in the event that they were to be somehow considered variances and then for the remaining issues raised in that letter Ms. Cofone will explain why they don't require variance relief.

So with that said, I would like to turn it over to you, Christine.

A Yes. So I did have the opportunity to review all of those letters, the two letters from your engineer's office as well as I believe I reviewed two letters from Mr. Van Eck's office.

In addition to that, in preparing for the case, I reviewed the application submission documents. I reviewed the, what's known as the east/west report that Ms. Shirley Bishop prepared in conjunction with her report to the judge for the Fairness hearing that was just heard in this application. Because, as I'm sure this Board well knows, this site and this property is an important part of your affordable housing plan and the settlement on the, the settlement agreement. So I had an opportunity to review those

documents in addition to, like I said, to all of the application submission documents. So we did have an opportunity to also go through with your planner the variance relief.

So the one thing that I will say is just, you know, having set the stage for the application, in River Vale having reviewed your affordable housing plan, you did hear what's called a vacant land adjustment because you have limited ability to create opportunities for additional affordable housing.

So you were assigned a number. I think it was in excess of 300 for your, for your affordable housing obligation.

What you did is a vacant land adjustment and you got that number down to 77 units, your realistic development potential for 77 units.

This project that's pending before the Board this evening is actually responsible for contributing to about 62 percent of your RDP because you will have 24 units created from here and then this project is contributing to another project that will realize another 24 units. So that's important, significant from a planning point of view because your realistic development potential is what your settlement essentially was predicated on for the affordable

housing so I think it's important to recognize that is something that's already been adjudicated. I understand you already had your Fairness hearing and that went relatively smoothly.

There were no issues or challenges at the Fairness Hearing. So that's excellent. You're on your way. So that's great. Congratulations on getting that far in the affordable housing process.

So with that, I'll turn to the bulk variance relief that we are acknowledging that we do require in conjunction with this application.

And the first would be the two variances for the heights on the number of stories on the two maintenance buildings which are identified as Maintenance Building A and Environmental Storage Building B.

The ordinance that was put in place restricts accessory structures to 25 feet. So the one building, the one environmental storage building is, and that's Building B, is proposed to be 25 point, 25.8 inches. So could we comply? We could, of course. You can always squish the roof down and make it comply.

But in this particular instance we are choosing to ask for a C(2) variance. And your planner did an excellent job of outlining the variance relief. And I

intend to argue that the variance relief required in conjunction with this application would be most appropriately granted under the C(2) statutory criteria.

So in the absence of any hardship where there's no real hardship, the Board can still grant this variance under the C(2) statutory criteria if you find that one or more purposes of the Municipal Land Use Law would be advanced.

So I think, certainly with respect to the environmental storage building at 25.8 inches when you have a situation where you could otherwise comply but you think it's a better zoning alternative to ask for some reasonable relief and not comply, that really, I think, is a textbook C(2) case. And I think the Board can rely on Criteria I, a desirable visual environment given the fact that we can have a nicer, nicer roof line.

As far as the maintenance building, we're proposing that at 33 feet 6 inches. I know that there was a lot of discussion on this at prior hearings and why we need that to be at that height. And it was obviously to accommodate the lift. And we're also asking for a variance for the number of stories there because we're at 1 1/2 stories.

And these, the maintenance buildings really need to be in these locations and at that height for a variety of reasons.

We have chose to put them there because they are adjacent to the golf course, they are, have access to frontage for deliveries, et cetera. They are proximate to the retention basin which we will be using for irrigation. The orientation of the building, if you had an opportunity to look at the site plan and you looked behind what we are considering the environmental management center, if you did put that upper --

Do we have this marked in evidence?

MR. SANTOLA: A-3.

THE WITNESS: Okay.

A So referring to A-3 in evidence, the bottom corner of the exhibit is the one where the maintenance buildings are shown so the, where I'm pointing on my highlighter, that one is actually the environmental center building and behind that you'll see a little grey area. That's not an actual building, it's for storage of materials. So you can see our buildings will actually screen some of the outdoor storage and outdoor materials.

And I know this Board is very familiar with the

golf course and there were prior applications in 2009, we are actually culling down the number of accessory buildings on this property. We are removing four and only creating three additional.

And with our accessory structure program that we have here in the maintenance and environmental building we are actually able to take a lot of things that are currently occurring outside and stockpiled outside and move them inside. So to me that is very good planning and consistent with Criteria M of the Land Use Law and efficient use of the land.

The other thing I would point out about the height, the longer of the L-shaped building, that is the one that's 33, 33.8 feet and immediately to the east of that building is the COAH building which is permissible from 50 feet. So from a planning point of view that creates quite a nice step down along Piermont where you have the 50 foot building and then it steps down to a 33 foot building.

So I think as far as visually, it's not going to have a substantial detriment, it's not going to have a negative impact. I'll talk more later in my testimony about the buffer, a very significant buffer, in fact 10 feet greater than what it needs to be.

So you're going to see these building, of

course, but you're going to have a filtered view at best. I think they are certainly architecturally consistent with the character of the area and the height will step down.

As far as the placement goes, they are clearly in the most efficient place and there's definitely a synergy between the golf course and the maintenance buildings.

And as indicated by your planner earlier, it is not an option for us to not keep the 18 hole golf course. You are required in this zone to continue to maintain the 18 hole golf course on the property.

So I think that certainly, when you look at those factors, you look at the character of the area, it's not as if we just put those there for no reason. The existing pump station building, that was the subject of the 2009 application, is proximate to them and the equipment will be located in there.

So I think, if you break it down, look at the access which again you see that coming off of Exhibit A-3, the access, the proximity to the retention basin, the step down of the buildings, the efficiency of having deliveries of materials I think you can come to the conclusion that they are appropriately located and the access height is not going to have a deleterious

impact and I think the Board could rely on the C(2) statutory criteria there with Criteria I of the Land Use Law, a desirable visual environment and Criteria M which talks about an efficient use of the land.

So moving on to the next variance relief is the number of the free-standing signs. So we are permitted to have two free-standing signs on the property and we're proposing a total of four.

While one of the signs will not even be visible, it's sort of an interior marking, the one that you might have referred to as the water feature and there's a portion of it that's greater than 6 feet tall. So I think the signs are, again, a C(2) variance where there's no real hardship as to why we have to have these but I think they certainly -- this is a prominent feature in town, a prominent site in town so having appropriate signage, this is not like a retail stopping center, we want people to be able to make appropriate driving decisions, for deliveries, the guests.

So from a planning point of view, signage has several, several intents or purposes. It has an architectural feature but also has a way finding feature. So here I think the Board can rely on Criteria I, a desirable visual environment.

We tried to mimic the Holiday Farms that has the attractive the brick and then the advertising or identification placards within the sign and I think we're certainly consistent with the character of the area. So I think the Board can rely on Criteria H of the Land Use Law which talks about free flow of traffic as signs will allow for visitors and deliveries to the area to make appropriate driving decisions. And I also think Criteria I, the one sign, sort of the third sign there on Piermont at the intersection creates a sense of place or an identification of the property. And I think from a planning point of view that's the benefit, the signs are attractive and consistent with other signs you would see along that corridor.

So I think that the sign package in its totality can be granted with no substantial detriment to the zone plan.

And when I talk about substantial detriment that is because there is a concept in the law that all planners have to deal with which is called the negative criteria. The negative criteria does not ask you to hold this or any other applicant to a standard such that there be no detriments at all. It's a benefit to the weighing of the granting of the

variance and the totality of the project and the weighing of any negative impacts resulting from the variance and you balance that against the benefits and the positives.

And here with the signage plan I see a lack of negative impact whatsoever. I think the signs are appropriately sized, appropriately scaled. They're attractive and I think they certainly fit in with the character of the area and will allow for proper identification of the property.

The next variance we need is the proposed ornamental fence which is located in the front yard. Now the ordinance has a restriction of fences in the front yard to a total of 3 feet. So currently the existing chain link fence sits in the front yard and is non-conforming because it's built at 6 feet. So you have a current situation where we've got an existing fence there, we're not introducing this into the area, there already is a fence that exists there.

I think, to put it kindly and very nicely, you can make an argument that that existing chain link fence lacks curb appeal. That will be a very nice way to describe the condition and impact of that fence from the street line, it really lacks any curb appeal whatsoever.

So the fence that we are proposing is, it's 5 feet and then 6 feet at the brick piers. So you have an ornamental fence and then we need the variance relief because that portion of the fence, I believe it's, it's wrought iron, the 5 feet, and -- aluminum? Aluminum. Okay.

And then it's brick piers so it's 5 feet for the aluminum and then 6 feet for the brick piers.

And certainly to be consistent again with other fencing that you see in, out on Piermont where you have the fencing and the piers it creates certainly a nice architectural feature along the entire frontage of the property.

And the buffering section actually allows fences in the buffering. So it's not that the fence is not permissible in the buffering and I think certainly the fence is decorative enough to contribute to the intent of the ordinance for buffering the problem, the only real non-conformity with the fence is the height of it as restricted to 3 and we are at 5 and 6 feet respectively for the aluminum and then the piers.

But I think when you look at the fact that we're eliminating a somewhat less than attractive chain link fence in the area I think the Board could also here be guided by the C(2) criteria, that this is a better

zoning alternative and that Criteria I of the Land Use Law is, again, accomplished achieving a desirable visual environment.

The next variance relief that we need is that no accessory building shall occupy an area greater than 600 square feet. I struggled with this one a little bit because this comes from a different section of your ordinance and I have a hard time even finding that this applies to this property. This comes from a totally different section of the ordinance not regulating the A(1) zone and I believe from a planning point of view that this was meant to make sure that if you have a residential home that you don't have a 1,200 square foot garage type, man cave type of thing on your property that's overpowering the principal structure.

And the reason I think this is when you look at the permitted accessory use list for this zoning district and I'll read them because I know we have a lot to get through, we will be somewhat fast, clubhouse facilities including dining, a lounge, meeting and banquette rooms and catering, a tennis and golf pro shop, swimming pool, tennis clubs, racquet courts and other typical amenities to country clubs, maintenance facilities, caretaker dwellings. That

would be a pretty, make like a tiny house look big, a 600 foot dwelling, gatehouses not to exceed 675 square feet.

So my point in telling the board this is that the ordinance allows, as of right, a number of accessory uses that you could not, you would be incredibly challenged to build in 600 feet. So I just don't think that part of the code is really even applicable to this but if it were, I think certainly the Board could justify it under the C(2) statutory criteria that it is certainly a better zoning alternative to have Maintenance Building A at 16,800 square feet and the environmental maintenance building at 5,700 square feet because the alternative would be better than having many, many, many little tiny 600 square foots because the ordinance does not restrict how many accessory buildings that you could have in this zoning district. So I think this is certainly a better alternative. It allows for the operation of this Class A golf course facility with no substantial detriment.

Like I said, this ordinance contemplates as accessory structures caretaker dwellings, banquette facilities, tennis and golf and pro shops. I have a hard time believing that this order was created

thinking that those buildings would be contained to 600 square feet. It just is not -- I don't think that's a rational conclusion from a planning point of view.

So I think, again, the Board can grant that under the C(2) statutory criteria and Criteria M talking about the efficient use of the land.

Okay. So then there's another section of the ordinance that says no more than three accessory buildings on a lot are permitted.

Q So let me just interrupt. At this point we're moving into a second category of issues?

A Yes.

Q Which were raised and which we're going, out of an abundance of caution --

A Yes.

Q -- to present testimony in support of variances?

A That's what we have put them. These variances were not, we call them the abundance of caution package. And these are the variances I'm going to talk to you about. In an abundance of caution we're going to put just a little bit of testimony on the record that if in fact there were an interpretation that they were required as variances as

has been proffered in some instances, I believe counsel for Holiday Farms, I do not think they are variances, your planner did not recognize them as variances in either one of her two review letters on this application.

So going into the abundance of caution variances that would be the section of the Code that restricts no more than three accessory building lots are permitted.

So I just read to you the accessory buildings that are permissible with the golf course so in addition to that there are a number of accessory buildings permissible with respect to the residential. And, that includes active recreational facilities, clubhouses, swimming pools, tennis courts for the use of residences and guests, facilities intended for the social and recreational needs of residences such as exercise rooms, lounge areas, game and resident meetings rooms, gatehouses. So these are all things that the ordinance recognizes and establishes as permissible accessory uses.

So I don't think that that ordinance was intended to restrict them to three here. But, again, I think the Board could be guided by the fact that a C(2) variance could be granted under the statutory

criteria there.

I would use Criteria G of the Land Use Law. Criteria G of the Land Use Law talks specifically about providing for a variety of uses in appropriate locations. And as these are all enumerated accessory uses I think certainly to have them as accessory if it required additionally more than three accessory buildings that would be appropriate to the zoning ordinance.

The next variance we are asking for in an abundance of caution is that the township COAH lot, the one, the COAH lot, the COAH lot referring back to A-3 in evidence, this is the, the three-story building that has the 24 units.

So it might be a bit hard for you to see but there is actually a heavy dashed line that creates a lot line for this building. So I liken this to almost like if you have a shopping center and you have a pad site on the front of the shopping center sometimes you don't realize those are two different lots, they look like one lot. You have cross access easements. They function together. There's actually a lot line in there.

So it was raised that because our building sits 11 feet off of that line that we need a variance for

that.

But the way the ordinance is crafted and the bulk standards for this section, for this affordable housing overlay zone do not require that setback. That comes from a different section of the ordinance and really what it talks about is mandatory open spaces being 50 feet. We have more than 50 feet to our closest quadplex. So I don't think that that applies.

But I think that, again, if it were interpreted that it does in fact comply the Board could be very comfortable relying on the fact that we more than meet the minimum distance separation of buildings where we exceed the 50 feet. So I think the Board there again can rely on a C(2) variance of providing adequate light, air and open space which is Criteria C of the Land Use Law and you could also rely on Criteria M.

I think you could probably also make an argument for a C(1) hardship here. Because hardship talks about a unique situation impacting a piece of property and the fact that we have created a parcel for just this property even though the site in itself is over 150 acres, I think you could look at that as a unique circumstance impacting this piece of property.

So putting in a C(2), that I think, C(2)

variance, but throwing it out there I think if challenged I could make an argument for C(1) given the fact that that's a unique lot that sits in front and thus was part of a settlement proposal.

So, again, we put the positive criteria in as C, M and -- C and M for that one, C and M, an efficient use of the land.

Okay. The next one is on impervious coverage. So here, again, there is an argument made that we would be subject to another section of your ordinance that has a 40 percent impervious coverage requirement. But in the affordable housing overlay there is a provision that we have to provide 30 percent landscape or 30 percent open space. So there is a controlling provision in the section of the ordinance that governs this and I believe that that is what's controlling. I don't think you could cherry pick from other sections of the ordinance and say the building coverage from another section applies.

So I think the 30 percent landscaped area is which is what governs this and we certainly comply with that.

There was a lot of testimony as to what goes into that landscaped area and on the point system and we had over 4,000 points in our buffer and we

certainly more than comply with that 30 percent.

CHAIRMAN LIPPERT: There were questions also about how the coverage was calculated and whether it was, with respect to the overall site or on a per lot basis.

Are you going to address that?

Because I want to get an answer to that question.

THE WITNESS: I was not planning on answering that. I don't have those numbers but our engineer is here so maybe she has those numbers.

Yes?

CHAIRMAN LIPPERT: Okay. That question was raised by the public and I promised that we would get an answer.

THE WITNESS: I'm continuing to make that promise and that our engineer will give that answer.

CHAIRMAN LIPPERT: Okay.

A So, again, if that were to be, found to be a required section of the ordinance I think that the Board can certainly rely on Criteria C of the Land Use Law which talks about providing adequate light, air and open space.

When you put in the zoning for this section you talked about a 30 percent landscaped area, you put a

point system for buffering and things that have to go into the buffering and you have what's before you tonight, a plan that far exceeds both the point system that's set up for the buffering and the length of the buffering around this property. And we can get you the numbers on the specific areas if the Board would like to have that information.

The next variance, again in an abundance of caution, is that no proposed accessory building is to be located in the front of, closer to the street line than the principal building.

So, again, if you look at A-3 in evidence and you see we have our COAH building, the existing pump house that was approved back in 2009 technically sits in front of that building although it's compliant with respect to the setbacks.

So the Board can rely again there on M, an efficient use of land and G, a sufficient space in appropriate locations. We certainly wouldn't want to move that building. That would certainly be very inefficient to do that.

MS. REITER: I'm sorry. Your testimony that the pump house is closer than the COAH building? Is that what you said?

THE WITNESS: Well, the testimony is

that -- we don't think that this is a variance but it was identified --

MS. REITER: I appreciate that. Yes.

THE WITNESS: -- that it's in front of it.

So the way the ordinance reads is that no accessory building shall be closer to the street line and the building line of the principal building.

MS. REITER: Okay.

THE WITNESS: So technically --

MS. REITER: I was confused. I'm sorry to interrupt you.

THE WITNESS: That's okay.

And referring to a visual of this is that this is A-3 in evidence. You see the COAH building and the pump house building which is to the immediate east of it which technically sits in front of it.

MS. REITER: Okay.

A The next variance, this is one I consider no good deed goes unpunished. This reads the applicant is required to provide a minimum 25 foot opaque landscape buffer along the public right-of-way of Piermont Avenue.

So we are providing a 25 foot buffer for the entirety of our property. The problem is we have in front of our 25 foot buffer about a 10 foot bike path

so really we have a 35 foot buffer. But if you say it's not opaque because the bike doesn't start from the property line I think was the argument being made is that because we have our buffer and sitting in front of our buffer along our property line is that 10 foot bike path which I think is fabulous having that from planning point of view, and I think when you look at the fact that if we obliterated that bike path we could do that, we could say we'll pull the buffer up closer to Piermont, now you'll have your 25 foot buffer starting from the property line but that's crazy. I can't imagine why you would want to do that. The bike path is beautiful. It's beautiful, there's trees, a great place to have a path along the County Club property. I think there would be absolutely no planning reason why you would want to do that.

So to the extent you're going to interpret the ordinance or anyone would interpret the ordinance that the buffer has to start at the property line I think here is, again, another textbook C(2). That's actually a technical variance. Then we will ask for that so that our 25 foot buffer starts basically in back of that bike path that's running all along A-3 in the front of the golf course on Piermont.

So clearly that one I would rely on the C(2)

criteria and adequate light air and open space and we're actually exceeding the buffer and providing a really neat little bike path along the property in addition to the required buffer.

The next one that was raised would be affordable housing building shall have maximum of three-stories.

Q So now we're going into our third category.

Right?

A Yes. Now we're out of an abundance of caution moving into not requesting and here's why.

Right? Would that be fair?

Q That's perfect.

MS. REITER: I'm sorry. Are these all items that were then raised by opposition counsel?

MR. WOLFSON: Correct. Right.

THE WITNESS: That's exactly right. That's correct.

So we're making sure that our record is clear that in the event someone were to interpret --

CHAIRMAN LIPPERT: Hold on one second.

MALE SPEAKER: Speak into the microphone.

THE WITNESS: Oh, I'm sorry.

MALE SPEAKER: I mean everybody, even the lawyer, you, the Mayor, you know, you can't hear. I

can't hear.

CHAIRMAN LIPPERT: We'll do better.

MALE SPEAKER: Okay. Thank you.

CHAIRMAN LIPPERT: So I think also when you turn and look at the exhibit you should try to pull the mike with you, too, because that's when we really lose you.

THE WITNESS: I will do that. Sorry. Is that better?

CHAIRMAN LIPPERT: Stay close.

THE WITNESS: Okay. I will.

I have never been accused of not being able to be heard but I will stay close to the microphone. I don't struggle with that.

I'm sorry. I apologize. So moving on to our category of variances that we consider not requesting but, yes, the genesis of these to answer your planner's questions was that they were raised by the interested parties' counsel.

So this one is that the affordable building shall not be more than three-stories. We only have three habitable stories and our project architect explained that at length at a prior hearing so we certainly are not requesting that variance and we believe we absolutely comply as we only have three

habitable stories.

The next variance that was raised was that the COAH building must have a side yard setback of at least 20 feet and we propose 10. This one is very easy. We eliminated the lot lines so we adjusted the lot lines and we are absolutely compliant with that now.

So there's no need to request or provide any bootstrap testimony because we comply.

Okay. The next one is the 30 percent of the total site area exclusive of the golf course must be devoted to landscaping.

And, again, there was significant testimony as to what constitutes the landscape area, can the grass count as a landscaped area. And I think that this ordinance absolutely intended for those areas to be grass areas to be counted.

There's a specific section of the ordinance for A(1) that reads, "living ground cover shall provide 100 percent coverage on the ground within 1 year of installation except for mulch or turf which shall provide 100 percent coverage upon installation. So clearly the ordinance contemplated in these buffer areas those types of grassy ground covers that will need to grow. And, in fact, the ordinance gives it a

whole year to grow and it can still be counted as park.

So I think that there is absolutely no way to challenge that our plan is not compliant, your planner does not raise it and never has raised it as a non-conformity. So I think we continue to explain that we are not asking for that variance.

The next one is the compliance with the UHAC breakdown, the 10 percent of all residential units shall be set aside designated as family rental units. The ordinance was very specific it permits a maximum of 24 units, 24 affordable units and we are complying with that and making a monetary contribution for the fractional percentage in addition.

Q The buffer?

A I thought we did that.

Q No.

A A minimum 25 foot opaque landscape buffer -- I did -- okay.

Q You did in a different context.

A Okay. So, again, what we're talking about here again is the 25 foot landscape buffer along A-3 so when you look along A-3 we do have a continuous 25 foot buffer with the non-conformity as alleged, that we have a bike path in front of that which renders

it -- I'm just assuming that they're saying that renders it not opaque and not going from the property line.

Q I think the thrust of the argument was that not every inch of the buffer area had every element that is permitted to be utilized to achieve the buffer.

A Okay.

Q On that basis we had disagreed and put testimony in the record about that.

A Yes. Absolutely. I'm sorry.

So, yes, so there is another section of the ordinance that reads landscape buffers. And how that reads is, buffer shall consist of natural vegetation, earthen berms, evergreens and pine trees, shrubs, deciduous trees, decorative walls, fencing or combinations thereof designed to provide a year round visual screen and separation from the public roads. So that little word 'or' is significant in that it tells the reader and the preparer of the plans is that you can combine these things and still meet the intent of the buffer. It doesn't read the buffer shall consist of all these elements. It says the buffer can have them or a combination of them to get to the intent.

So I think clearly that's very easy. I would never interpret the ordinance any other way to interpret that you have to have all of those.

Sorry. I'm sorry. I skipped over that one part.

UHAC, we talked about that, the compliance.

And then the next one we are not requesting but that was identified was that where it reads that the vehicular and pedestrian access from the residential development shall be directly from Bergen County roads. We are -- there is no intervening public road or public street between the access point and the county road. So it's not as if you leave the county road and have to go on another road and come to our site. You just travel on internal roads so we definitely do not need that.

So that's our interpretation. It was not raised. Again, that was also not raised in either of your planners so we're not requesting that and that's our interpretation of that.

There is another one that they raise as the lot boundary line that connects the front line or the rear line the zoning ordinance further restricts side lot lines as follows, a lot may only have two side lot lines. Here the proposed COAH lot has three or

potentially four lot lines in violation of the zoning ordinance.

So we are relying on the fact that the definition section of the ordinance defines front, side and rear lots. You have one front and two side lot lines and the remainder are rear lot lines and we also eliminated the plan, we've limited that and revised the lot lines to eliminate the jog. So even if you were to interpret the ordinance in conjunction with our, the interested party's interpretation we've eliminated it and we're not -- we don't have the jog any more. So that's not an issue.

And then the next one is --

Q And there's a similar provision under the subdivision ordinance. Since we have a subdivision here it's the same assertion and, again, we've eliminated that with the revision to the lot lines.

Correct?

A Right. So the next two are really that which require side lot lines shall be straight for the full depth of the lot. So, again, with our revision we eliminated any interpretation that those we would not comply.

And then the last one that we are asking, this one I consider sort of double jeopardy sort of a

variance because we're placing the storm water basin on the golf course lot so it can't be accessory to the townhomes. But it's a common basin for both lots.

So in either situation either the basin is going to go on the residential lots and then it will serve the golf course and it won't be on that lot or it's going to go on the golf course lot and serve the residentials. So I don't think that -- because the residential and because the golf course are both required components of this zone I don't think you can interpret the ordinance such that you have an accessory, the basin, for a use that it is not serving because the basin is serving both uses. So I don't think we need that.

I think your planner did not raise it. It, again, was raised by the interested parties so I think the Board can certainly interpret it as the ordinance was intended. Shared services we, of course, would want them to have one more efficient detention basin. And I think because they're both permitted uses in the zone required I think I would never interpret that to need a variance to keep the basin on one of the lots.

Q I think you referred to it but the dual use for this one structure is a positive in your perspective and from a planning perspective?

A It definitely is, yes.

Q The fact that it serves two different lots it couldn't possibly satisfy the technical language?

A It couldn't. That's why I call it the double jeopardy variance. If it sits on the golf course lot now it's serving accessory, serving the residential use it's not serving. If it's on the golf course lot it's now serving the residential so, again, I think it's not, I think it's really a splitting hairs to raise that as a variance. It's not -- it's certainly not a variance in my opinion.

MR. WOLFSON: Thank you.

Mr. Chairman, you asked the question in terms of a breakdown of impervious coverage lot by lot. I find it on Sheet 2 of 61 in the zoning table.

This is last revised 4/11/19 for the golf course. It's 12 percent for the COAH lot, it's 52 percent for the townhomes, townhouse community it's 53 and the overall impervious coverage percentage is 23 percent for the entire site.

CHAIRMAN LIPPERT: So you did provide separate calculations for each lot?

MR. WOLFSON: Yes, sir.

CHAIRMAN LIPPERT: Thank you.

All right. Why don't we start with -- I'm

sorry.

Are you finished with direct here?

MR. WOLFSON: Yes.

CHAIRMAN LIPPERT: Why don't we start with questions from the Board for the planner.

MR. FORTSCH: I continue to have trouble with the location of these maintenance buildings. I think they're going to create noise. They start their engines at 7:00 in the morning.

And how are these people with windows open going to sleep at 7:00 in the morning?

THE WITNESS: The location of the, the location of the accessory buildings are not conforming. The variances that we need are for the height of those structures and I think to the extent that we are bringing a lot of the activities that is occurring on-site inside I think that that's a benefit. So I'm not sure -- they start, I'm sure they start their equipment now at that time and --

MR. FORTSCH: But there's no housing around the maintenance facility. It's in the center of the golf course. They can make all the noise they want and they will not disturb any of it.

Any possibility of leaving it where it is and remodeling those horrible buildings that you have?

MR. WOLFSON: Well, I'm glad that you realize that the, the improvement esthetically that will occur here is as a result of the new buildings.

I think there's extensive testimony in the record in terms of the fact that noise ordinances will be met and that this developer has experience in developing other golf course communities as well as successfully marketing for sale units and that they have considered that issue and they hear your concern but they think that they have addressed it.

MR. FORTSCH: There's also a very large building. You're reducing the golf course by one-third, you're increasing your maintenance facility substantially.

Let's say the golf course goes out of business, what do we do with those two buildings?

They would be in a very odd section.

THE WITNESS: The golf course isn't a required permitted use in the zone so they are required to continue to operate the golf course.

As far as it being a large building, we're actually reducing the number of maintenance buildings on the site. We're limiting four and only putting three back.

And many of the activities that are being housed

in these buildings are currently being housed outside today.

So really I understand your concern and you know it's a golf course, there's going to be maintenance. This is a state of the art golf course. You have to maintain it.

But I think the plan we have put forth before this Board is a solid plan for the maintenance to address the maintenance and I think it's a better condition than what exists on the property today.

MR. FORTSCH: If the golf course goes out of business you can't be required to keep the golf course going.

Right?

If you're not making money you're not going to be in business.

MR. WOLFSON: I think that Christine was just referring to what the ordinance said. But I think Mr. Santola who has been sworn in and has provided supplemental testimony might be helpful to respond to your question.

CHAIRMAN LIPPERT: Sure. Sure.

MR. SANTOLA: I want to jump back, if I could, to the first point you were making. The existing maintenance buildings are here. So if we

left them here we -- they would be surrounded by new residential homes. So I think the impact would be far greater and, again we have had this conversation a number of times, I don't mean to repeat myself, that the design around this was specific to create this environment here and we don't anticipate these engines running here for 20 minutes before anybody moves out.

MR. FORTSCH: But those engines have to go up the perimeter of the left side to access the golf course.

MR. SANTOLA: Correct. We think there will be, there's an access road up here without question. And just like now when we mow around the Hillsdale side and so on we do pass some homes, and we have had this conversation, again I apologize for repeating, we have had issues with the sound ordinance in town and we have met that. And going back long before we owned the club the club had to follow those, those issues.

So, you know, you have raised a number of points that have frankly caused conversation within our office about this whole idea. And the idea of leaving it where it is is just completely off the table because it would impact so many more homes, new homes than it does here.

And, you know, there's also a lot of electrical equipment that's coming out now, similar to electric cars and mowers. So I'm sure as we phase into new equipment we're going to definitely be looking at that as all the golf courses are, and that solves a lot of problems not just within this community but also with the residents that surround the community. So we'll definitely make a representation that we'll investigate those.

To the question of if the golf course closes, first of all these buildings wouldn't be used anymore so the noise issue I think goes away. I don't know what would happen to the golf course so I can't, you know, represent that they --

MR. FORTSCH: We have to have a concern of 20 years from now if there's no golf course those buildings could be an eyesore, could be used for a use that we don't want in that area.

MR. SANTOLA: The eyesore piece we could debate. I don't think they could be used for anything that wouldn't be permitted by the ordinance. Right. So I wouldn't be too worried that they become a bar or a book store or something that nobody wanted because they would need relief.

So I think that gives you some, you know, some

relief.

We can talk about, you know, if you wanted to add restrictions as a condition of what those buildings could or couldn't be used for.

I hate to even talk about the golf course closing. I realize this is a long-term thing. But we're not doing all this because of the golf course but that's hopeful not. But we just don't see, and we do like this location a lot for, for maintenance. There is some negatives as you pointed out but we don't see anywhere better than this particularly because it allows the deliveries to just be able to come in and out in a very short distance without having to traverse a large section of the course which they do now, spill out, whatever, however that works.

So we wanted to keep everything nice and compact right near the exit drive and I think we accomplished that.

CHAIRMAN LIPPERT: Did I understand the planning testimony to be that the variances for the, for these accessory buildings are for size and height?

THE WITNESS: Correct.

CHAIRMAN LIPPERT: And not location?

THE WITNESS: Correct. We meet the setbacks for the accessory buildings.

CHAIRMAN LIPPERT: Okay. Any other questions?

MR. WAYNE: On the fence, how close are the piers and how big are the piers if they're going to be 6 foot high?

THE WITNESS: How wide are they?

MR. WAYNE: Yeah. 2 foot by 2 foot, 2 foot by 1 foot? Are they 8 or 10 feet apart?

THE WITNESS: That question was asked at one of the last hearings. Adam Alexander answered that. I want to say closer to 100 feet, 50 to 100 feet for the spacing in between the piers.

I know I read his testimony today and I can't remember exactly what it was but that was asked at a prior meeting and Mr. Alexander did in fact answer that.

MR. WOLFSON: I think some of the exhibits, A-7 and A-5, are depictions of what it would look like. And in this depiction I see one pier along the span and also one here with the gate opening down there. So that's the bottom.

THE WITNESS: My recollection of reading his testimony today was that it was about, between 50 and a hundred feet for the distance between the piers but I can't be a hundred percent sure but I'm certain

that was asked and answered at a prior meeting.

MR. WAYNE: I don't recall.

THE WITNESS: That was definitely in the record from a prior hearing.

MR. PUCCIO: Are the piers similar to the structure that was built in Montvale?

THE WITNESS: You know, I'm going to ask Mr. Santola to answer that.

Steve.

MR. SANTOLA: Are you talking about the piers between the actual fencing, yes, very similar, the same design.

MR. PUCCIO: Thank you.

THE WITNESS: They're also, sir, not dissimilar to the fencing that's across the street where you have what looks like wrought iron or aluminum posts and then you have the brick pier so it's not dissimilar from that.

CHAIRMAN LIPPERT: Any other questions?

All right. Let's open it up to the public. Questions from the public.

MS. DARSA: Francine Darsa, D A R S A, 23 Holiday Court, River Vale.

The percentages that were just recited for the impervious allowance at, I don't know if it was the

third or the third meeting -- I'm sorry. I forgot your last name.

MS. GALVIN: Galvin.

MS. DARSA: Ms. Galvin stated that the impervious allowance was based on the full number of the entire golf course.

As a resident across the street where we have major issues with flooding, my concern is that why isn't something done to just consider where these townhouses are being proposed?

I mean, anybody can take a number, a percentage for the entire 27 holes and, of course, you're going to come in below the limit. But that's not where the housing is and that's not where all the water is going for the basin.

CHAIRMAN LIPPERT: Is that something you can address?

THE WITNESS: I didn't address it in my direct testimony so I'm not sure if there was a question in there. If it was, it was probably more appropriate for Ms. Galvin.

MS. DARSA: Well, I'm sorry to interrupt you. When I asked Ms. Galvin that question about four weeks ago she said that she was not at liberty to explain, that the planner would be able to do that.

So now I'm confused.

CHAIRMAN LIPPERT: Well, well, I'm not sure what your question is.

MS. DARSA: My question is, the allowable, the impervious allowed, okay, that is critical to the people that are living down stream because these, the basin or basins are going to be accumulating water. Okay.

So when I asked Ms. Galvin about this four weeks ago or whatever, there was no real answer and then --

CHAIRMAN LIPPERT: Wait. Wait. She gave extensive testimony about the runoff and how it would go into the basin.

MS. DARSA: Not, not impervious allowance. That was what I was asking.

And the next person that came up, I'm using her words, she said that the impervious allowance was based not just on 9 holes where the Fairways are proposed to be built but it was based upon the full 27 holes.

And you and I spoke because I wanted to ask a question at the end of that meeting and you said that will be addressed next time.

CHAIRMAN LIPPERT: So we have now gotten a breakdown of the impervious coverage on the per lot

basis and on the overall site.

MS. DARSA: So my question is, the overall --

CHAIRMAN LIPPERT: That's what I thought your question was.

MS. DARSA: So the overall study is saying 23 percent.

CHAIRMAN LIPPERT: Right.

MS. DARSA: But in my standpoint I'm interested in the impervious allowance on the particular site. That's the site that's going to impact the people in the community.

CHAIRMAN LIPPERT: All the water from the entire site is going to drain into the basin not just, not just where the new development is going to take place.

Right?

MS. DARSA: Well my understanding was that the storm drain pipes, 4 inches or whatever in diameter, those are the ones that are channeling the water all the way from Rivervale Road, all the way west into the basin.

CHAIRMAN LIPPERT: All right. So normally because this is way beyond the scope of what the planner testified, I wouldn't engage in this. But I

do want to get an answer to this question so maybe Ms. Galvin can help us with that.

MR. WOLFSON: I'm not sure I understand the question. It seems to be a concern about the effect of the impervious coverage on her property.

We have had extensive discussion and repeated discussion both from our expert as well as the Board's expert about the storm water system, the adequacy of the storm water system, the compliance with the storm water regulations so I would hope that that would be responsive to the concern that I think she's expressing.

MS. DARSA: No, it's not.

In other words you even brought to the attention of the entire meeting twice that it would be addressed at the next meeting.

CHAIRMAN LIPPERT: What would be addressed was the calculations so the calculations have been addressed. And I don't understand how you want to take the runoff from just what's being developed now and not include the runoff from what's also existing because the storm water system is going to service all of it.

MS. DARSA: My understanding, and I may be incorrect, my understanding is that there aren't going

-- maybe I don't understand this, the whole other 18 hole area of the golf course, they're going to have storm pipes that are putting water into that basin, into those basins as well?

CHAIRMAN LIPPERT: Mr. Statile, can you help us with this?

MR. STATILE: Yes. I'll help you. Yes, some water from the golf course is coming into the storm water management system. So this being abated even though it's not really part and parcel to the development, the topography lends itself that they are collecting some of that which would be routed into the pond and used for irrigation and retained actually in the pond.

MS. DARSA: Are these used for -- in other words is it going to be installed?

Are those storm drains going to the pond new when this is being developed?

MR. STATILE: Yes.

MS. DARSA: I don't...

MR. STATILE: Some of the water from -- currently the golf course routes towards the street, right, it all goes down to the stream, to the culvert. Okay. Now you put development on part of the property but still some of the water from the golf course runs

into the development. That's being collected by the applicant and routed to the detention pond.

So actually areas which are not even part of the development are being routed to the retention pond and are being slowed down as well, in addition to the impervious surfaces, River Vale, the driveways, the sidewalks, et cetera. So they're also including some of the water coming from offsite into their area. It's going to the pond as well.

It isn't -- there's no wall around the property that's pushing the water from the golf course around the development. It actually flows into the development. You can't help that.

Do you understand that?

MS. DARSA: No, I do. I do.

MR. STATILE: So, yes, it is piped to their development. Whatever comes on is being picked up, the catch basins, and gets to the big pond at the end. Yes.

MS. DARSA: Okay.

MR. STATILE: Do you understand that, Mr. Chairman?

CHAIRMAN LIPPERT: Yes. I understand it. That's what I understood.

Any other questions for this witness?

THE WITNESS: Mr. Chairman, I have and answer. Mr. Wayne, I have an answer to your question.

So in the transcript from the April 4th meeting Mr. Alexander testified there are piers that are 6 feet high. They are 2-by-2 and they are clad with brick and they are at approximately 150 feet intervals along the fence.

So I hope that answers your questions to the size and spacing of them.

CHAIRMAN LIPPERT: Okay. Other questions for this witness?

Yes, sir.

MR. HEPPER: William Hepper, 497 Piermont Avenue South, River Vale, New Jersey.

I want to talk about the berm. I think a berm is a location of a, or a heighth of earth that could be planted on and that. I would like to know what the heighth of the berm is going to be from where the maintenance building is now to the western end of the property.

CHAIRMAN LIPPERT: I think we had testimony on that.

MR. WOLFSON: There was extensive testimony about the varying heights of the berm, heights of the berm. There was testimony as to where

it was at its lowest point, where it was at its highest point and there was no testimony tonight in terms of the height of the berm.

CHAIRMAN LIPPERT: Yeah. We had a lot of testimony, a lot of discussion on this.

MR. HEPPER: Well, you know, I, I went to the, I went to the town hall and the topographical survey, there is no heighth on it whatsoever on the berm.

CHAIRMAN LIPPERT: But we had a lot of testimony.

MR. HEPPER: Well, can you tell me what the heighth of the berm would be?

CHAIRMAN LIPPERT: Can you get an answer to that question again.

MR. SANTOLA: The first point I think is it varies as learned from the several nights of testimony regarding the berm.

I don't know what area you're speaking of.

MR. HEPPER: Well, from, from where the maintenance, from, from Mark Lane down west of the property, from Mark Lane west. That's correct.

MR. SANTOLA: We -- we'll ask Ms. Galvin to look at it and have a conversation off-line.

CHAIRMAN LIPPERT: Okay. We'll try to get

you an answer.

MR. HEPPER: Well, I, I've seen other properties in Virginia where I have relatives living down there that the berm, berm around some of the properties down there is high enough that you can't see a car through it, 4 or 5 feet high.

CHAIRMAN LIPPERT: Let's let Mr. Statile help us.

MR. STATILE: The berms or the recontouring of the ground really stops probably just west of the maintenance building, actually west of the environmental building, Building B. Because once you get past that you start running into the flood plain of the brook and you can't put fill in the flood plain because then you start to push water around to the peoples' property. So the applicant stayed out the flood plain with any type of fill. So there's no berm or grading changes west of the buildings.

There is landscaping, yes. They can plant evergreens, things like that but they can't start putting up large -- it's also riparian rights as well.

CHAIRMAN LIPPERT: So it will be whatever it is today.

MR. STATILE: There's a couple of, there's a couple of holes there, a green.

MR. HEPPER: You're telling me west of the maintenance building that's the berm?

MR. STATILE: The berm.

MR. VAN ECK: What about from the east of the maintenance building up to Mark Lane?

MR. STATILE: That's only --

MR. HEPPER: What's the height?

On the map that we were looking at down at the town hall, there is no heighth on it. It doesn't even talk about a berm.

MR. WOLFSON: There's extensive testimony in terms of the inclusion of the berm at various heights throughout the entire --

CHAIRMAN LIPPERT: I know that. We're going to try to accommodate -- a member of the public has a question, we'll try to accommodate.

MR. SANTOLA: Also, Mr. Chairman, where there was existing vegetation that was heavy with big trees we couldn't berm for the risk of killing existing trees that we didn't want to kill. I believe some of that was in the area of the front of the COAH building and west of Mark Lane.

CHAIRMAN LIPPERT: Let's try to get an answer to that off-line.

And do you have any other questions?

MR. HEPPER: No. That's it.

CHAIRMAN LIPPERT: Let's see.

MR. HEPPER: Will that be tonight?

CHAIRMAN LIPPERT: We're going to try.

MR. HEPPER: Okay. Thank you.

CHAIRMAN LIPPERT: Anyone else have questions of this witness?

Remember, this witness is professional planner. She gave planning testimony. She did not give engineering testimony. We had a lot of that. Okay.

MS. REITER: I have a couple questions. Do you want me to wait?

CHAIRMAN LIPPERT: Why don't you wait till the public is done.

MS. REITER: Sure.

MS. McKEOWN-ADAMO: K I R A M c K E O W N - A D A M O, 466 White Birch Drive.

Your testimony about the chain link fence on Piermont Avenue is that it lacked curb appeal.

Is that correct?

THE WITNESS: I apologize for answering you with my back to you.

MS. McKEOWN-ADAMO: That's okay.

THE WITNESS: But I have to speak into the microphone so my apologies but, yes, it lacks curb

appeal.

MS. McKEOWN-ADAMO: Are you aware that there's more chain link fence proposed at the management facility seen from Piermont Avenue and at the environmental management center and also by the, in back of the COAH building?

THE WITNESS: There's also existing chain link fencing -- there's discussion on this extensively at the last hearing. We are repairing it in some, some areas but I think on Piermont Avenue --

MS. McKEOWN-ADAMO: I believe this is new chain link fence. I think this is planned on being put around the turf care management facility as well as the environmental management facility for bulk material storage which looks like open storage as well as in back of 25 to 28 and in back of the COAH building.

THE WITNESS: Right. If it's new chain link fencing I doubt it will have the tired and tattered appearance of the chain link fencing that's currently along Piermont Avenue so I would imagine that it would look clean, it would look crisp, it would be in an appropriate location.

Like I said, it will be clean, it won't have that tired and tattered appearance of the fencing

along Piermont Avenue.

MS. McKEOWN-ADAMO: Would it still be seen from the curb?

THE WITNESS: In what place are you talking about specifically?

MS. McKEOWN-ADAMO: Along Piermont Avenue.

THE WITNESS: What fencing though?

MS. McKEOWN-ADAMO: The chain link fence that would be right on Piermont Avenue behind, on the side and in the front yard of the management facility or the front yard of proposed Lot 6.1, Block 1201.

THE WITNESS: It would be essentially behind the decorative fence. So if it's going to be able to be seen it's certainly going to have a filtered view because what I'm looking at the turf care management facility in the buffer area we have a proposed 5 foot high decorative fence that stretches for the entire linear -- there's no portion of Building A, the turf care management facility, that proposed decorative fence does not go in front of.

So if it is proposed there, I think you would have a view of it.

MR. WOLFSON: The fence discussed is an internal fence not the subject of a variance.

CHAIRMAN LIPPERT: Okay.

THE WITNESS: All right. So the fence I believe -- can I see that again?

Right. The interior fence that she's speaking of is behind the 5 foot high decorative fence. So -- and it's behind the buffer we have. So I think if in fact it is visible you would have to, I think you would really have to be interior to the site to see it.

And it's going to be new fencing so I think it's certainly appropriate in its location. It's new fencing. I don't see any negative visual impacts proposed with the fence in the area that you're speaking.

MS. McKEOWN-ADAMO: There's also a wall that's proposed by that chain link fence.

Do we have a height on that one?

MR. WOLFSON: These really are not questions either that she's testified to or that --

MS. McKEOWN-ADAMO: I think it's the structure that would probably --

MR. WOLFSON: -- deal with planning issues and no relief was sought regarding --

MS. McKEOWN-ADAMO: That is relief required from a planning standpoint for a large wall that's built in between the lot lines.

THE WITNESS: It has not been identified in either your, the town planner's review letter and we certainly don't identify it as a variance.

So there are a number of walls that are located but we don't need variance relief for them.

THE WITNESS: So is that a, is that considered a structure on the site which would be in your purview of being a planner?

THE WITNESS: A retaining wall is a structure, of course. But even though it's a structure doesn't mean it needs a variance.

MS. McKEOWN-ADAMO: Is it permitted on the site?

THE WITNESS: Absolutely. Of course. Retaining walls, fences and structures are absolutely permitted on the site.

MS. McKEOWN-ADAMO: So that should go into the square footage calculation for accessory structures?

THE WITNESS: No because it's not a building. There's a difference between a building and structure. In fact the ordinance defines both of those terms so --

MS. McKEOWN-ADAMO: Well, the ordinance actually, I believe, defines in the same definition,

it's accessory use on the structure.

MR. LEIBMAN: Structure is defined in Section 72-1, a combination of materials used to form the construction for occupancy and use, ornamentation, whether stalled on, above, below the surface of a parcel of land where a structure shall also include building or improvement -- building has a separate definition under 1.3-3(b)-11, any structure having a roof supported by arches, columns, piers, walls including air supported structure. This term shall not include recreation vehicles.

Those are the definitions.

MS. McKEOWN-ADAMO: Also could I suggest that under the Municipal Land Use Law the definition of structure means a combination of materials to form a construction for occupancy --

MR. LEIBMAN: No. No.

MS. McKEOWN-ADAMO: -- use or ornamentation.

MR. LEIBMAN: No, you can't. You can't. Because every town has its own definitions for these terms and they can really be mind boggling. You may be referring to Moskowitz's book on land use.

MS. McKEOWN-ADAMO: I'm referring to the Land Use Law definition.

MR. LEIBMAN: Okay. The MLUL? Okay. So every town is entitled to have its own definitions of terms. I have seen literally a swing set get labeled as a structure requiring variance relief but it's not so but different in every town.

MS. McKEOWN-ADAMO: It sounds like our definition does require, it is supported that is a structure.

MR. LEIBMAN: I'm thinking of the dome in Waldwick that people play soccer in.

MS. McKEOWN-ADAMO: That's a structure but this is also supported but it's self-supported. It appears to be. It doesn't look like it's a retaining wall.

MR. LEIBMAN: I don't see what the point of --

MS. McKEOWN-ADAMO: It's just more square footage and the reason is that there's testimony and --

Is your testimony that four buildings or four accessory buildings are being removed and three are being proposed?

THE WITNESS: That's a fact, yes.

MS. McKEOWN-ADAMO: Okay. So the calculation for the old, all of the combined, 10

accessory buildings, existing is 33,579 square feet.

Although only three are being proposed the new square footage will be 43,292 square feet.

So although you're proposing less building you're proposing more square footage.

THE WITNESS: Well, you can't compare the square footage of the building to a structure and that's why the ordinance defines those terms differently because they're not the same. So they don't -- a structure or retaining wall has very different impact on the light, air and open space to an area.

The way the ordinance is set up the buildings apply to --

MS. McKEOWN-ADAMO: Actually, I'm sorry to confuse you.

THE WITNESS: I'm not confused. I'm not confused.

MS. McKEOWN-ADAMO: I didn't put that in that calculation. This is just for the structures that are there and the ones being proposed so there's already an increase in accessory structures or buildings.

CHAIRMAN LIPPERT: So your point is fewer buildings --

MS. McKEOWN-ADAMO: Is more square footage.

CHAIRMAN LIPPERT: More square footage. Okay.

MS. McKEOWN-ADAMO: Okay. Thank you. That's exactly my point.

Along that line of accessory buildings I believe that -- has the golf course had, has the golf course had permission to continue -- to have the structures that are on the site as of 2009?

CHAIRMAN LIPPERT: I don't understand your question.

MS. McKEOWN-ADAMO: I believe they were approved or something.

CHAIRMAN LIPPERT: There was an approval for some accessory structures, yes.

MS. McKEOWN-ADAMO: Okay. So is it -- is it prudent for the Board to continue allowing more accessory structures or more square footage to be taken when the golf course is actually getting smaller?

CHAIRMAN LIPPERT: Can you answer that?

THE WITNESS: Sure. Is it prudent? Not only is it prudent, it's permissible under the ordinance. One of the things that I did earlier in my

testimony was read to the Board the nine plus enumerated accessory uses that are listed in your ordinance as being permissible for a golf course.

The ordinance then goes on to list about five more for accessory uses for residential facilities.

So is it prudent? Absolutely.

Your ordinance allows these things as of right as accessory to a golf course.

MS. McKEOWN-ADAMO: So they're permitted to be used, to be built.

Are they required to be built?

THE WITNESS: The ordinance requires a golf course.

MS. McKEOWN-ADAMO: Are the accessory structures required to be built?

THE WITNESS: No.

MS. McKEOWN-ADAMO: So none of these structures actually have to be built?

THE WITNESS: You have to maintain the golf course so --

MS. McKEOWN-ADAMO: Right. Right. But is there a maintenance facility --

CHAIRMAN LIPPERT: Let me stop the argument. This is becoming a philosophical argument.

I have, if I have a lot for single family use am

I required to build a house on it? No. But that doesn't get us anywhere.

MS. McKEOWN-ADAMO: My argument is that there are already multiple buildings. We don't need to keep building more.

CHAIRMAN LIPPERT: We heard testimony about why they needed these buildings.

MS. McKEOWN-ADAMO: Okay. So are you aware that previous testimony states that where the maintenance facility is it's in a front yard?

THE WITNESS: Technically, yes.

MS. McKEOWN-ADAMO: Okay. Are, according to one report, Ordinance 142-225, are accessory structures allowed, permitted in front yards?

THE WITNESS: They are not permitted to be in front of the building. So the way the ordinance reads is that they have to be behind the principal building.

MS. McKEOWN-ADAMO: Okay.

MR. STATILE: The use here, no. The golf course is not a principal building. It's not like a restaurant or gas station. It's a golf course. So the only principal matter in this is the golf course itself is principal so --

THE WITNESS: It would be almost

impossible to locate the structures on the site and not have them be in front of the principal use.

MR. STATILE: Because no matter where you place it there's a use behind it which is the golf course.

THE WITNESS: And not the condition that exists on the property today that was presumptively dealt with in 2009 when they approved the accessory structures back then as well. So it's not something we're introducing as a condition on this property. It's a condition that prevails and has prevailed on this site for decades.

MS. McKEOWN-ADAMO: As the planner do you generally like to see maintenance buildings in front yards?

THE WITNESS: I think that the maintenance buildings are appropriately located on this site. I think you have had significant operational testimony from Mr. Santola as to why they go there. I put in testimony as to why it makes sense. The access, the proximity to the retention basin, the step down from the COAH building. And less we forget they're just a few feet away, the ordinance allows, as of right, a 50 foot COAH building. So this is not an inappropriate location for buildings or structures and there are

certainly solid operational reasons as to why we are proposing maintenance buildings where they are.

MS. McKEOWN-ADAMO: Thank you.

Are you aware there are other multi-family residences built in River Vale?

THE WITNESS: Yes, I'm aware of that.

MS. McKEOWN-ADAMO: Okay. Are you also aware that those residences also have concrete sidewalks and curbing in front of them?

THE WITNESS: I'm aware of that.

MS. McKEOWN-ADAMO: Okay. Would it be a desirable precedent, as a planner would you agree to put a concrete sidewalk and curbing as opposed to asphalt and no curbing in some area and partial curbing in others?

THE WITNESS: We are trained as planners that there is no such thing as precedent in the Land Use Law. Each case has to rise and fall on its own merits and each case on specific facts. So I don't think that precedence has a place in this or any other application.

MS. McKEOWN-ADAMO: Can we use, if it was used that across the street they have a fence that's similar to the fence that's being put up, could there be an argument made that they also have a concrete

sidewalk and a concrete curb and perhaps that would be the proper use of materials on this site as well?

THE WITNESS: I don't think the Board should consider that in terms of precedent. I think that that's most appropriately considered by the Board in terms of negative criteria.

Negative criteria has two prongs. One is impact on the public good and established character of the area. So I think the Board can consider what's established in the character of the area but I don't think the Board should consider precedent.

MS. McKEOWN-ADAMO: Okay. Would you consider that to be the character of the area to use concrete sidewalks and a concrete curb?

THE WITNESS: The site across the street, I believe, has a sidewalk. I'm not sure if it's concrete.

MS. McKEOWN-ADAMO: It's concrete.

And so does the new COAH housing as well.

Do you agree that the townhouses are also part of the golf course community?

CHAIRMAN LIPPERT: I don't understand the question.

MS. McKEOWN-ADAMO: Okay. Do you agree that we're, we're looking at -- this is being looked

at as one site, as a golf course development with a townhouse development accessory to a -- basically is it one design intent?

THE WITNESS: Well, the golf course is existing so we're eliminating a certain portion, 9 holes of golf course to make way for a residential development that was part of your affordable housing settlement.

I don't know that I understand your question.

MS. McKEOWN-ADAMO: Okay. You know what, I'll move on to a different question.

And this is a planning question so, and there's a reason for it because I have photographs of it for planning purposes.

What are the reasons for accessory buildings or structures to not be on, in front yards from a planning prospective?

THE WITNESS: Generally from a planning perspective?

MS. McKEOWN-ADAMO: Could they be a nuisance?

THE WITNESS: It depends. You know, that's a very broad and vague hypothetical question.

Could they be a nuisance? They could also be very benign so it depends.

I would need to know more about what the structure looked like.

MS. McKEOWN-ADAMO: Could I, could I give to you that there is a tennis court that blows its surface in the wind and then on Rivervale Road from Edgewood Country Club and all along the concrete sidewalk flowing into the catch basins into the storm water system that flows into the stream?

I have photos.

THE WITNESS: That sounds to me, like if that's in fact happening, the fact that it's an accessory structure it would happen no matter where it would happen. I'm not sure of the relevance to that being an accessory structure.

MS. McKEOWN-ADAMO: Well, that's part of the reason why accessory structures don't get put in front yards.

CHAIRMAN LIPPERT: We're not having an argument. You're asking questions.

MR. WOLFSON: Mr. Chairman, if I might.

This issue was raised much earlier in the hearing and that led to, as part of a site inspection and consideration of that and I think that a plan has been proposed that is meant to address that.

CHAIRMAN LIPPERT: Okay.

MS. McKEOWN-ADAMO: Okay. Thank you.

Was it your testimony that the River Vale COAH obligation is only 77 units presently?

THE WITNESS: No.

MS. McKEOWN-ADAMO: Okay. I was confused about that. What was the 77 unit part?

THE WITNESS: It's what's called RDP or realistic development potential.

MS. McKEOWN-ADAMO: What does that actually mean?

THE WITNESS: What that actually means is that you had an obligation, as I understand it, for a prospective need in excess of 300 units. I don't know the exact number. I could look.

So you had a prospective need obligation for the 2015 to the 2025 period that was over 300 units. Because you did a vacant land adjustment here you come up with what's called a realistic development potential, those sites that you think can generally create affordable housing opportunities.

The balance, what's left between your real estate development potential and your prospective need obligations becomes your unmet need. So these are standard terms that are in any municipality doing a vacant land adjustment.

So 77 units is what River Vale's RDP was predicated on in your settlement agreement that was just processed before the court.

MS. McKEOWN-ADAMO: Okay. Thank you.

THE WITNESS: You're welcome.

MS. McKEOWN-ADAMO: So does this development add to that need?

So if these townhouses were built would our COAH obligation be less?

THE WITNESS: Absolutely not.

MS. McKEOWN-ADAMO: Okay.

THE WITNESS: If this development is not built you are not in compliance with your settlement agreement and you are also significantly taking away from the affordable housing that would be created.

MS. McKEOWN-ADAMO: Okay. So the, do the 24 units fulfill the COAH obligation that is present?

THE WITNESS: Partially, yes. Absolutely.

CHAIRMAN LIPPERT: They don't fulfill it. They count towards it.

THE WITNESS: They count towards it.

MAYOR JASIONOWSKI: That's active litigation going on right now between us and the court.

MS. McKEOWN-ADAMO: So that's not decided?

MAYOR JASIONOWSKI: I can tell you the initial number was 500 something. It was down to 300. We're in settlement conversations for less than a hundred.

But what I -- I can't speak about the specifics because we have a closed session this week but all these elements are part of getting that RDP. Right.

So if, if the golf course wasn't developed, let's say, that's all available land for unmet need. So they can argue that we can put 500 units on there, the court can.

MS. McKEOWN-ADAMO: Right.

MAYOR JASIONOWSKI: But that's active litigation but so how much percentage of the total this would be, I know the planner is going off what is public right now, public documents. But we're still in closed session with the attorneys and the judge.

MS. McKEOWN-ADAMO: Okay. Thank you.

CHAIRMAN LIPPERT: I don't mean to cut you short but I do want to take a break. So how much longer do you think you are going to be?

MS. McKEOWN-ADAMO: Probably 30 seconds.

CHAIRMAN LIPPERT: Okay. We can handle that.

MS. McKEOWN-ADAMO: Would it be realistic

to ask the developer to change the dilapidated chain link fence on Rivervale Road so it would be more, it would be more esthetically in line with the development that it's part of?

THE WITNESS: The developer has already agreed to repair any parts of the fences that I believe are dilapidated and I don't think it would be fair to ask them to replace existing fencing all throughout the development. I think that that is something that would be seen as unnecessarily cost generative which there is case law that when you have an inclusionary set-aside development which this is, that you should avoid unnecessarily cost generative features in that type of affordable housing development.

So that would be, as an Affordable Housing Special Master, that's something that I would consider an unnecessarily excessive cost generative feature in the development.

MS. McKEOWN-ADAMO: This wouldn't be in the affordable housing area. This would be on Rivervale Road.

THE WITNESS: Exactly. So I think that's not a reasonable request of this application.

MS. McKEOWN-ADAMO: Okay. Thank you.

CHAIRMAN LIPPERT: Okay. Let's take a 10 minute break.

(A recess is taken at 9:08 - 9:20 p.m.)

CHAIRMAN LIPPERT: Okay. We're back on the record, please.

Can we have a roll call, please.

MS. KOKOWSKI: Mr. Lippert.

CHAIRMAN LIPPERT: I'm here.

MS. KOKOWSKI: Mr. Lowe.

MR. LOWE: Here.

MS. KOKOWSKI: Mr. Adamo.

Councilman Bromberg.

COUNCILMAN BROMBERG: Here.

MS. KOKOWSKI: Mayor Jasionowski.

MAYOR JASIONOWSKI: Here.

MS. KOKOWSKI: Mr. Fortsch.

VICE CHAIRMAN FORTSCH: Here.

MS. KOKOWSKI: Mr. Wayne.

MR. WAYNE: Here.

MS. KOKOWSKI: Mr. Puccio.

MR. PUCCIO: Here.

MS. KOKOWSKI: Ms. Vaccaro.

Mr. Leibman.

MR. LEIBMAN: Here.

MS. KOKOWSKI: Mr. Statile.

MR. STATILE: Here.

MS. KOKOWSKI: Ms. Reiter.

MS. REITER: Here.

MS. KOKOWSKI: Ms. Haag.

MS. HAAG: Here.

CHAIRMAN LIPPERT: Okay. Other questions for this witness?

All right. Did we do Board Members?

MR. LEIBMAN: Yes.

CHAIRMAN LIPPERT: Board Members?

MR. LEIBMAN: Did anybody have questions?

CHAIRMAN LIPPERT: So I just want to take it one at a time.

So no Board Members for the applicant's planner, have questions of the applicant's planner.

Okay. Caroline.

MS. REITER: I just have a couple questions.

THE WITNESS: Sure. Right.

MS. REITER: So to go back to some of the variances I identified in my report, excuse me, specifically with respect to the accessory buildings, the height and the size, just one more time for the record.

If the buildings -- do the buildings need to be

the height and the size proposed in order to accommodate the, whatever is being stored, the equipment, the materials, et cetera.

Is that necessary for that?

THE WITNESS: It is. It's necessary. And the ordinance does not have a prohibition on having the things stored outside so it's really a better zoning alternative to bring them in and to have them in these accessory buildings that we're proposing.

MS. REITER: It's a better for appearance and visual environment and just an improvement all over in general for the property?

THE WITNESS: All of that which is why I believe the Board can rely on Criteria M which talks about efficient use of the land.

MS. REITER: And if it were determined that the 600 square foot size restriction were applicable in this situation which you indicated and I agree it's probably more meant for restricting the size of a garage or a pool cabana or something like that for a house.

But if it were to apply and if the applicant was limited in such a manner it wouldn't be able to store what it needs to store in a 600 square foot building.

THE WITNESS: It would not. It absolutely

would not be able to. You could not have a lift, you could not have the materials and the equipment stored inside so that would be outside so you would have the visual impact of that but you would also not have the ability to create accessory uses that are allowed as of right in the golf course which including a dining, a lounge, a banquette facility, a tennis and golf and pro shops, caretaker dwellings. You're just not able to create those type of things in 600 square feet.

MS. REITER: I think I started off my testimony with this but this is a dual use, correct, that this use works because it's the golf course and the residential component combined. It's not one or the other. It's meant to be a combination and that's the purpose of this, of the zoning ordinance and what's allowed here.

Correct?

THE WITNESS: That's absolutely correct.

MS. REITER: Right. And so in order to have this golf course functioning in the manner that it needs to function these types of accessory structures are required with respect to the height and size as proposed.

THE WITNESS: Yes. The language in the ordinance actually reads a minimum 18 hole regulation

golf course so that is going to require some level of maintenance and the facilities and structures and equipment that goes along with maintaining an 18 hole regulation golf course.

MS. REITER: And with regard to the signage, is it your testimony that the additional, not additional but the combination of signs provides for better circulation and a safer driving environment so that the development can be located more easily?

THE WITNESS: Yes. And that's why I felt the Board could rely on Criteria H of the Land Use Law, that was in my direct testimony that it contributes to the free flow of traffic which is one of the purposes of the Land Use Law since there would be deliveries, visitors to the site, people who would not be familiar with the property because it was a residential property.

So, yes, the additional signage, other than having any feature of a landmark and esthetics, it would also have a way finding component to it as well.

MS. REITER: Right. And, finally, I don't recall testimony with respect to the township's Master Plan documents but it actual is in my report and I did discuss it with respect to the 2016 reexam and in addition I believe I cited a goal of a 2005 Master

Plan which we were not involved in the preparation of.

THE WITNESS: Right. You did site that in your report. You cited that on the 2016 Master Plan reexamination report recognize that golf courses in the State have come under pressure for sale and development which I can speak from my experience is absolutely the case. I have worked on several golf course repositionings and in an effort to continue the golf course use at Edgewood Country Club recognize inclusion of a residential golf course development in the A(1) zone.

In addition, your goal calls for supporting the continuation of the township's three golf courses and the proposed development results in the continued operation of the golf course. So it's certainly consistent with the Master Plan.

I didn't comment on that in my direct. Mostly because this is an as of right zone. The uses there is no unlike other uses that come before the Board and they have to reconcile the omission of the uses from the zone plan and how those uses are implementing the Master Plan here because we are as of right permitted uses in the zone no such reconciliation is required. But certainly, as you raise in your report, this is a planning benefit. These are goals of the

municipality, goals of River Vale that are accomplished by this application.

MS. REITER: That was it.

THE WITNESS: Thank you.

CHAIRMAN LIPPERT: Thank you.

So with that, I think we're done with all of our testimony.

Is that correct?

Mr. Van Eck, you don't have anybody?

MR. VAN ECK: I do have a statement.

CHAIRMAN LIPPERT: You have a statement.

But before we do that, I think what I'd like to do is open up the meeting to the public.

You want to take the statement first? Okay. Come on up.

MR. VAN ECK: Good evening. Jameson Van Eck, Verde, Steinberg & Pontell on behalf of the River Vale Holiday Farms Condominium Association, townhouse section.

We have had an opportunity to have our professionals review the revised plans dated April 11, 2019, as further revised from testimony on May 15th, 2019.

Holiday Farms and its board of trustees are comfortable with those revised plans and, as such, we

are hereby withdrawing our objection to the project.

We did not reach this decision lightly but instead after a thoughtful and deliberate consideration of the facts and law applicable to the situation.

We want to thank the Planning Board and the applicant for making modifications to the original plans to that many of which addressed our concerns and tried to mitigate many of the negative aspects or perceived negative aspects of the project.

In light of these modifications in those revised plans, Holiday Farms does support the applicant in obtaining its approval for this project.

I would also like to take this opportunity to address the public and specifically any of the residents or unit owners within the townhouse section of Holiday Farms. Your participation at these hearings and commitment to attending multiple meetings for hours at a time is an invaluable part of the land use process. Although you may not see it at first, voicing your concerns does have an impact and in this case we were able to bring about many improvements to the project through your participation.

No development is without its critics or without its down sides. It is certainly understandable that

members of the community would want to see the golf course preserved for all 27 holes. In ideal circumstances that may have been something that could have been achieved.

However, here that is not a viable outcome especially in light of River Vale's obligation which is constitutionally mandated to provide for realistic opportunity for affordable housing. This is a very real obligation and can often be an onerous burden on a municipality and its residents. But as citizens, it is our duty to provide this housing.

River Vale's obligation exceeded several hundreds of affordable housing, you heard possibly 500, possibly 300. And, the idea that River Vale could provide all of those would basically mean that all of the undeveloped land and as explained this golf course could be open for full development to try to provide that number of units. Instead what happens is a compromise.

By lining up the property owners and developers, by amending the zoning ordinance, by obtaining court approval and judicial oversight of this process, River Vale is instead only required to build a small fraction of that amount but also allowing taxable revenue to be generated which benefits all of the

residents of the town from the market rate units that accompany affordable housing.

While certainly reasonable people can disagree on the exact number of market rate units that should be provided whether it's throughout the entire town or through this specific piece of property, what the town tried to do was balance the need for affordable housing and the need to protect the need for a builders' remedy lawsuit.

On this specific property, the town, in conjunction with the applicant, came up with a way to provide affordable housing, avoid litigation and preserve 18 of the 27 holes of the golf course from development. It's clearly a compromise but the alternatives for this site could have been worse. They could have been full development of all 27 holes or even a more dense development of the 9 holes at issue here.

I'm saying this not to downplay your concerns or to lessen your participation in this but to try to express the delicate balance that all the parties, including Holiday Farms, had to maintain.

A win today by blocking this development could result in a loss tomorrow and a court ordered development of the entire course.

Instead, through this land use process and with all the publics' participation we were able to get many modifications to this original project all at the expense of the developer.

The applicant, through the revised plans has agreed to increase the intensity of the buffer including the buffer in the area in front of the affordable housing and maintenance building. The applicants, through the revised plan, have reduced the elevation of the affordable housing building by lowering the grade of the property thereby reducing its visual impact on the public. The revised plans -- the revised plans, they can also improve the esthetics of the affordable housing building by breaking it up vertically and horizontally as discussed by their architect. They have also removed the trash enclosure further from Piermont Avenue resulting in a better visual situation for the residents of Holiday Farms and the public.

They also reduced intensity of the lighting in the revised plans so that the height from the maintenance and affordable housing building does not spill over the line into Holiday Farms. And Mr. Santola has also indicated that he will look into insuring at night those lights are at the minimum

level needed to provide security but not any brighter so that there is excessive light pollution in the evenings.

The applicant, through the revised plans and our participation, has also improved the esthetics of the maintenance building through the testimony you heard on May 15th with regard to the change in design of that building and additional landscaping for that building.

There are certainly other improvements. The Board engineer requested a lot of improvements with sidewalks and parking and driveway setbacks and fire improvements and things of that sort.

In this case the planning process worked. If the Board approves this again the outcome is a compromise but that's the way the process should work.

For these reasons I, along with the trustees of the townhouse section, request and encourage that members and unit owners of the townhouse refrain from further objecting to this project.

Again, we did not come to this decision lightly but instead after consideration of all applicable facts and legal circumstances.

As noted, we hereby withdraw our objection.

Thank you.

CHAIRMAN LIPPERT: Thank you, Mr. Van Eck.

So now it's time for members of the public, if you want to make a statement and have any comments now is the time to do it. All I ask is that you limit it to five minutes.

MRS. MUSKA: Is this our only opportunity?

CHAIRMAN LIPPERT: Yes.

MRS. MUSKA: Stephanie Muska. 867 Rivervale Road, River Vale, New Jersey.

I know this all has to be done. I know you have to fulfill the needs of COAH housing.

A problem I have is that someone buys a large piece of property and all of a sudden they can't afford to run that property so they divide it and stick as many houses as you can in one area because they have the COAH housing on it. I know the laws are made that way but that doesn't mean it needs to be that way.

You're, you're taking this area that's in the center of our town and you're filling it so it's going to look different than the rest of the town. There's not -- there are not very many areas in town I think that have such squished together housing. There are a few streets, one street here one street there where the houses are closer but not very many.

So this is going to change the look of the middle of the town. Not just that but it's also going to be an area that's closed off. It's not going to be a welcoming community where River Vale is a welcoming community.

We have a street that was just renamed Candyman Lane because this was an area where that was a man from the community welcoming people to his, where he lived.

This is going to be closed off. This is an area that's going to have a big sign that reads you're not welcome here because we are our own community within your community.

I don't think that's very welcoming to the Township of River Vale because we are a community that cares about each other, that is built on the strength of each other not to close off other people and make this the elite, the golf course, the special community.

I have a problem with the amount of impervious ground.

If you go to each individual home you have rules. You can't cover that much ground because you need to have a place for the water to come up, you need to have all of this.

But in this one area it's okay to ask for extra because we're doing this huge development. That's not right to pass something like that, to have something where the COAH housing.

You have the COAH housing and you're going to stick this area next to the COAH housing because, you know, really, this is the least income part of the community. Let's make them bear the brunt of the sound.

You can move things around. This is not done yet. It's just a drawing. No roads have been dug up. No lines have been put in. Nothing has been done. Things can be changed to make things work where you're within all the variances, where you are allowing for everyone in the community to have a comfortable living situation.

I don't think it's necessary to have something like this.

You have gone from an A(1) where all one acre lots to, I don't even know what this is called, with 50 foot lots. Is it 50 foot wide, 75 foot deep? I don't even know what -- you know, I can't tell. I don't know the exact lot size but it's certainly not one acre lots.

I know it has to be done but it doesn't have to

be done like that. That's it.

CHAIRMAN LIPPERT: Thank you.

Anyone else?

MR. VEDRAL: My name is John Vedral, 128 Terbell Parkway, River Vale, New Jersey.

I have a couple concerns. I know this development is going forward or will probably or probably will go FORWARD --

FEMALE SPEAKER: Speak into the microphone.

CHAIRMAN LIPPERT: Yeah, speak into the microphone.

MR. VEDRAL: I'm sorry. I have a couple concerns. I know, I feel the project is going to go forward but I'm concerned about the intersection of Prospect and Rivervale Road. I think that's been discussed before.

CHAIRMAN LIPPERT: Prospect or Piermont?

MR. VEDRAL: Excuse me, Piermont. That's an old age problem. Piermont and Rivervale Road.

I know it's been discussed and I would hope and I expect that the municipality, the Mayor and the council with push from the County to put a traffic signal there because if it's going to be widened and I just see that it's going to be very dangerous for

pedestrians and dangerous for the crossing guards.

So I would hope that the County will come around and put a traffic signal there.

Regarding the development, I think we're pretty much where we have to meet the requirements. It's a shame that we don't have more people like Holly Schepisi and Robert Auth who are pushing to try to get this under control.

We're stuck right now and I believe that the Mayor and the others have done a good job in trying to limit the, limit the impact of COAH on us but we're stuck with the liberal and this is for the public, we're stuck with a liberal government and liberal courts that are pushing this down our throats.

And, I would hope the next election and this is not, I'm not campaigning for anyone, but I hope the next election people understand what's going on and try to do something about it.

That's all I have to say.

CHAIRMAN LIPPERT: Thank you.

Anyone else?

MS. QUINN: Lisa Quinn, 7 Holiday Court.

I'm pretty much in agreement with everything Stephanie just said. And I'm going to say one thing. I don't know, it's hard to tell what our council

people are -- you're supposed to be working for us. I don't feel that you are working for us. I, I -- a lot of people sitting up there are all smug like this is done but that's the feeling I'm getting and I know a lot of other people have that feeling too.

I feel like when people come up here you're looking at us saying we're wasting our time. You don't have to say it. I can see, I can see it on your faces -- well, some of you.

Also I -- with the COAH housing, obviously all that's, like the pump house that's supposed to be behind it and maintenance building, whatever, obviously that was all stuffed in there because of the COAH building because you don't want to disrupt the flow of the townhouses which you --

I mean, I don't understand why the maintenance building for the golf course is all the way down here when the golf course is up there.

I, I know -- I, I don't think anyone took into consideration that there is another townhouse section across the street with a building behind it. There's another building right next to it, the Hillsdale building. I mean we're all going to be crowded in here.

And you're putting a minimum of 500 more cars on

the roads. We have so much traffic as it is and it's dangerous.

I personally would never cross Piermont at Rivervale Road. I do it from Holiday Farms. I, you know, when I go for a walk, I cross there and nobody stops. The speed limit is 40 which is way too fast.

It's just ruining the character of the whole town. I know it's going to happen.

Another thing why -- I mean, I'm not sure if the COAH has to be on that property but from my understanding you're building COAH housing next to the Community Center. Why can't you just add that to that?

This -- there's a million questions, a million things wrong. It's, it's just ruining the whole character of the town.

Thank you.

MR. DALESSANDRO: My name is James Dalessandro, 40 Holiday Court.

I, I've been to all these meetings and, for instance, today, I didn't hear any testimony or any explanation or any reasoning why the COAH building couldn't be better integrated into the Fairways community as opposed to setoff in what I'll call the southwest corner and it's in its own segregated area.

I heard, heard no explanation why it couldn't be fully integrated within the Fairways community. No explanation as to why it couldn't be put, for instance, in the southeast corner with a driveway leading out to Country Club Road and down onto Rivervale Road.

It seems to me that there are alternatives that could have been proposed by this applicant and nor did I hear any inquiry from the Board in that regard, asking those type questions.

Unlike the previous gentleman, I, I have no objection to the affordable housing unit. Maybe there should have been a second affordable housing unit. I just wanted to see it better integrated into our community, into the Fairways community rather than set off in what I'm calling the southwest corner in its own little segregated, isolated area.

I'm no expert on COAH laws but I would imagine there's probably some guidelines that indicate that these projects should be fully, fully integrated into their towns and into their communities and it should be fully integrated into the Fairways community because that's what's going up across the street.

I heard no -- I went to every meeting. I heard no testimony from this applicant about the impact on

the environment, on Holdrum Brook. I know there's some sort of environmental statement in the record but I heard no testimony about it.

The little bit that I read of it to me was almost ludicrous on its face.

One of the first projects, one of the first paragraphs says there's Canada geese and deer. Well, there's Canada geese and deer on Route 4 and Route 17.

Anybody knows if you live in this community, you live by Holdrum Brook, the brook that's in there.

Just the other day I saw, I don't know what it is. I'm not an ornithologist but there was this white stork looking thing, some sort of heron or something, I don't know. But I see this stuff all the time and I'm not even home.

Turtles, all sorts of things are in that brook. We know there's ducks. I didn't hear a shred of testimony about the impact of putting, I don't know, was it -- I, I forget the acreage of whatever this is going to be in the townhouses and quadplexes, maintenance buildings and everything else.

I heard no testimony about the retention systems maintenance report or maintenance system which, to me, is vital. Once this thing is up, that retention system better work with the down stream neighbors

meaning me, we're floating, not a shred of testimony about it.

I don't know if it's required. I don't know anything about this law. But, it seems to me it's the minimum that an applicant should do is present some testimony on that.

If they want to have the personnel ready in an emergency if that retention dam has to be cleaned out or something, the silt is in there or something, they're going to have the equipment and men available and/or women immediately to rectify it? I don't know, no testimony.

I heard no testimony about, well, the traffic report. I sat through the traffic expert's testimony and it was wonderful, some of the numbers were off, okay.

But it was wonderful about Piermont Road and Rivervale Road but everybody knows we need an extra lane there, you know, for years. It was completely -- it was incomplete as far as I was concerned. I think you just take notice, if any of you live in River Vale, how difficult it is to turn from Cedar Lane onto Piermont during any kind of rush hours or during school with the Hillsdale Meadowbrook School right there. This project --

I mean I'm 80 years old and I could throw the ball from the southwest corner to that intersection with Cedar Lane.

And it wasn't included in the traffic study, I mean I don't understand that and I didn't hear any questioning from the Board about it.

CHAIRMAN LIPPERT: The -- you have reached your five minutes so if you could wrap up now, please.

MR. DALESSANDRO: Let's go another intersection, Ruckman and Piermont is difficult to turn on at all hours. That was not included in the traffic report.

I mean I understand that's Hillsdale and not River Vale. But if you live in River Vale, you use Ruckman, you will use Cedar Lane, there's going to be an impact.

And finally I heard really no testimony or questioning from the Board about the underlying signs, the underlying data that went into the entire retention system report. I mean there was tremendous reliance on Mr. Statile.

With all due respect, you know, I'm sure he's a great engineer but I just, I felt there was far too much deference and I believe members of the Board should be exercising their independent judgment as to

whether the underlying data going into the science of this retention dam was valid.

I don't know that it was. From the little bit that I saw of it there was data from 1952 included in the exhibits. There was some exhibits that I don't think existed, that I couldn't find. I understand that I'm not a scientist but I didn't think that testimony that particular evening was convincing at all.

Thank you.

CHAIRMAN LIPPERT: Anyone else?

MS. McKEOWN-ADAMO: K I R A M c K E O W N - A D A M O, 466 White Birch Drive.

I would like to speak to the fact that there have been many residents in River Vale, especially at Holiday Farms, who you've seen for every meeting frightened that they feel that they're going to be flooded.

I, I agree and I echo the statement of the former gentleman that just spoke. I believe maybe a third party engineer should be hired to find out the impact on the down stream of what this new retention pond is going to be because I don't think that's fair to the residents.

And although the applicant may be satisfying all

the engineering which I'm confident or I hope that they are, I don't -- they're not required to do any calculations for down stream. And I don't want to jeopardize River Vale's participation in the NFIP for FEMA. That would be bad. That would be bad for all of River Vale because whether or not you're on Holdrum Brook it could impact us town wide. That, I think, should be taken into consideration.

I also question the fact that the architect's testimony, although he testified that he signed and sealed the drawings, his last name does not match what was on the signed and sealed drawings that were submitted to the town. And the fact that he testified that no site analysis was done for this project at all makes me, as someone who plans and who is a licensed architect so sad for the profession that he didn't even do his due diligence in my opinion.

I will leave you with what we learned in architecture school was there is always more than one solution to a problem. There is always more than one solution. And that is not a very successful solution in my opinion.

Thank you.

CHAIRMAN LIPPERT: Anyone else?

MS. LIGUORI: Hi, Nancy Liguori, L I G U O

R I, 565 Piermont Avenue.

We have lived here since 1976 and we're very well-acquainted with the water flow on Piermont. There are no storm sewers between the one in Rivervale Road and Piermont and the first storm sewer at Holiday Farms, of the townhouses. And every big rain --

It used to come straight across the street from the golf course. We have police there. It was this deep. They had to guide the cars across. It used to flow like a river. They must have built a berm or something because that stopped.

But now all the water comes right down the south side of Piermont, flows right along, goes down across our neighbors' lawns, down our driveway, under our new porch and onto our neighbor's land. He's got the lowest property in the area.

And I want to know whether the storm sewers will be installed because there's no use putting in a fancy schmancy thing across the street with nice flowers and everything if we're wearing wet suits.

So I think that's crucial.

Because this is going to go through in one form or another but it would be very nice if you could take care of the people across the street who have, whether they're, whether this went through or not, we would

still be getting water down.

So I would like someone to take a look. I know it's a big job but it should have been done a long time ago.

Thank you very much.

MR. STATILE: We have addressed that with the County Planning Board. As a matter of fact, they still have to go through the County Planning Board approval process.

And what this woman has brought up will be captured through that process.

The County Planning Board already, and I prepared them for this question. The issue is it's a county road.

MS. LIGUORI: Thank you. Thanks.

CHAIRMAN LIPPERT: Anyone else?

Okay. Seeing none, let's talk about what our next steps are.

We need a closing. Right?

And I think we would be prepared to vote at the next meeting.

Does that sound right to you, Mr. Leibman?

MR. LEIBMAN: We can certainly do that, yeah.

The testimony is concluded. The public comment

is concluded. So we can proceed that way.

CHAIRMAN LIPPERT: Do Board Members want to weigh in on that?

Is everyone ready to vote tonight? What do you think?

MR. WAYNE: No.

COUNCILMAN BROMBERG: No.

MR. STATILE: How does the Board want to handle plan revision because the plans haven't been made yet?

CHAIRMAN LIPPERT: So we changed our rules.

Right?

We're not going to vote on anything unless we have final, final, final plans.

MR. STATILE: It's up to the Board how they want to do that.

MR. LEIBMAN: The most recent revisions, what has to change from that?

MR. STATILE: My report addressed a lot of that.

MR. LEIBMAN: Your May 14th review?

MR. STATILE: And they have agreed to make the changes.

CHAIRMAN LIPPERT: Well, let's ask the

applicant, how long is it going to take to get that done?

MR. SANTOLA: Mr. Chairman, the changes that we have made to date were significant and addressed pretty much everything. So there is a couple of niggling items that we would ask that we could submit after the vote only because we did submit an enormous package.

CHAIRMAN LIPPERT: It's just that our -- we can waive this but our rules require final, final, final plan before a vote so the Board would have to vote to make an exception to that.

What do you think about that, Mr. Statile? How significant --

MR. STATILE: I guess you could condition that the plans revised before you execute a developer's agreement. The DA is going to follow probably.

MR. LEIBMAN: The other thing you can do, you could direct me to prepare a draft resolution for your approval as soon as it's done. And perhaps the final plans could come in while I'm working on that so that you have it when it's time to vote on the form of resolution. If they come in, I can just insert the revision date into the resolution when I get it. That

way it doesn't slow the process down.

I know the applicant's eager to move forward on this but you should know the town is eager to move forward on this, too. There is a judge applying pressure to bring all of this to conclusion.

Some of the time frames are, I think, frankly absurdly short. So anything that we can do to move it along I think would be appreciated by the Borough.

This is not going to be a short resolution. I'm not going to do it in two weeks. That would be my suggestion if you want to vote, authorize me to draft a resolution and direct the applicant to have the final plans submitted before that.

CHAIRMAN LIPPERT: All right. So when is our next meeting, Marie?

MS. HAAG: Did we get an answer about June 26th?

Is the applicant available for that day?

MR. SANTOLA: What?

MS. HAAG: June 26.

MR. SANTOLA: We are, certainly but just for purposes of the vote, certainly we are.

MS. HAAG: So we have a problem with June 13th.

MR. SANTOLA: We're also available the

June 16th date or 17th.

MR. WOLFSON: 17th.

MR. SANTOLA: Which I think was the first date that was tossed out. We could make that work. We were hesitant because we didn't know where we would be in the case but given where we are now the 17th would also be acceptable.

CHAIRMAN LIPPERT: I wasn't around the 13th the 13th I have down. We had scheduled for the 13th.

MAYOR JASIONOWSKI: The 17th would be better.

MR. LEIBMAN: The 13th gives me two weeks.

MR. WAYNE: The 13th I couldn't make.

MR. LEIBMAN: I tell you I'm not going to.

CHAIRMAN LIPPERT: They're saying we could do the 17th or else the 29th.

Is that right?

MS. HAAG: The 26th.

CHAIRMAN LIPPERT: The 26th.

MR. WAYNE: When is our regular meeting?

MS. HAAG: We have a regular meeting on the 19th.

COUNCILMAN BROMBERG: The 17th would also be like the Mayor said.

CHAIRMAN LIPPERT: What do we have on the 19th?

MS. HAAG: The 19th is our regular meeting. We have three applications.

MR. LEIBMAN: I don't want to be unreasonable but I want 30 days to write the resolution. The law gives me 45. I think faster, I'll tell you. Do it on the 19th.

MR. SANTOLA: Would that be from the vote, Mr. Leibman?

MR. LEIBMAN: I want to give you a date that you know you're going to come here and get a signed resolution. So I'll start working on it as soon as I can but I want to get the transcript from tonight's meeting.

MS. HAAG: The last one as well. We don't have May 15th.

MR. LEIBMAN: Can we do the 26th, June 26th vote on the resolution?

MR. PUCCIO: I have a problem.

MR. LEIBMAN: I don't want to do that, are you guys have done that whole week.

MR. PUCCIO: No.

MAYOR JASIONOWSKI: The 22nd.

MR. LEIBMAN: You know, put it on for the

19th and I'll try and get it done. If I can't, I'll alert everybody and we'll do.

MS. HAAG: So the 19th at our regular meeting?

MR. LEIBMAN: Yeah.

COUNCILMAN BROMBERG: We do have the one meeting in the month of June, June 19th, regular meeting, three applications plus this.

MS. HAAG: Right.

COUNCILMAN BROMBERG: Okay.

CHAIRMAN LIPPERT: We'll do what we can do.

MR. SANTOLA: We certainly appreciate that, Mr. Chairman.

MR. WOLFSON: Just so I'm clear, is the idea that there would be a motion authorizing Mr. Leibman to draft that resolution of approval?

MR. LEIBMAN: That's my suggestion.

CHAIRMAN LIPPERT: Is that the consensus of the Board? We're okay with that?

MR. LEIBMAN: Somebody should make a motion directing me to prepare a resolution of approval for the variances discussed and all the conditions discussed over the course of the hearing. And then I will prepare that for consideration

at the June 19th meeting.

CHAIRMAN LIPPERT: It doesn't mean we're bound to vote that way. I just want to be clear about that.

MR. LEIBMAN: No. You could look at that resolution and say this is wrong, that's wrong, the other thing is wrong. You could say I don't like it, I'm voting against the application.

CHAIRMAN LIPPERT: I'll make that motion. Is there a second?

MR. WAYNE: I'll second it. But can we vote on each variance?

MR. LEIBMAN: I can set it up so that you can vote individually.

MR. WAYNE: Yeah.

CHAIRMAN LIPPERT: I think, actually, that's a good idea.

So we have a motion and a second.

Could we have roll call, please?

MS. KOKOWSKI: Mr. Lippert.

CHAIRMAN LIPPERT: Yes.

MS. KOKOWSKI: Mr. Lowe.

MR. LOWE: Yes.

MS. KOKOWSKI: Councilman Bromberg.

COUNCILMAN BROMBERG: Yes.

MS. KOKOWSKI: Mayor Jasionowski.

MAYOR JASIONOWSKI: Yes.

MS. KOKOWSKI: Mr. Fortsch.

VICE CHAIRMAN FORTSCH: Yes.

MS. KOKOWSKI: Mr. Wayne.

MR. WAYNE: Yes.

MS. KOKOWSKI: Mr. Puccio.

MR. PUCCIO: Yes.

MS. KOKOWSKI: The motion carries.

CHAIRMAN LIPPERT: Is there anything else we got to do? I got to sign a few things for you.

MR. WOLFSON: Thank you very much.

MR. VAN ECK: And thank you.

MR. WOLFSON: I appreciate it.

CHAIRMAN LIPPERT: I'll make a motion to adjourn.

Is there a second.

(The hearing adjourns 10:02 p.m.)

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

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