

The Special Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 7:05 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Chair.....	Raymond Hallock
Vice Chair.....	John F. Gallagher
Board Member.....	Scott Chamberlin
Board Member.....	David A. Schroter
Board Member.....	Victor Terraglia
Board Member	Kevin Duffy
Board Member (Alternate #1).....	Daniel Melfi
Zoning Board Attorney.....	James Delia. Esq.
Zoning Board Secretary.....	Joan Hervé
<u>ABSENT:</u>	
Board Member.....	Jack B. De Ritter
Board Member (Alternate #2).....	Nancy Agnello

FLAG SALUTE

Chair, Hallock invited all present to join him in the Pledge of Allegiance.

“Adequate Notice of this meeting has been posted on the Municipal Bulletin Board, published in the legal newspaper of the Borough and a schedule, including date and time, provided to all persons entitled by law to same. “

BILLS:

Chair Hallock entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Terraglia, seconded by Gallagher. On roll call, all voted yes.

Hawthorne Press for Legal Notices: \$81.90

APPROVAL OF MINUTES

Chair Hallock entertained a motion to approve the minutes of the Regular Meeting of January 19th, 2014 moved by Gallagher, seconded by Terraglia. On roll call, all voted yes, with exception of Chamberlin who abstained.

RESOLUTIONS

300 Lincoln Avenue, LLC, 300 Lincoln Avenue

Chairman Hallock entertained a motion to adopted Memorializing Resolution for a car wash, and lubrication business, a non-permitted use, in the B-1 Neighborhood Commercial zone requiring a use and bulk variances. Moved by Gallagher, seconded by Melfi, on roll call, all voted yes with the exception of Terraglia who abstained.

Old Business

Hearing

204 Wagaraw Road, LLC, - Rivergate of Hawthorne, (Block 12, Lot 8 and Block 13.01, Lot 0).

Board Attorney stated at the end of last meeting, Board Member Terraglia asked if there was a potential conflict of interest with the application for 204 Wagaraw Road. Mr. Terraglia is in the brokerage

business as well as is his daughter; however his daughter is a separate company. His daughter was approached more than a year ago by the applicant with respect to a potential deal, which never materialized. The Board Attorney's stated that this does not rise to the level of conflict; however I asked him whether he can knowing those facts he can be a neutral and impartial Board Member on this panel and he stated "yes".

(Transcript attached)

ZONING BOARD OF ADJUSTMENT
BOROUGH OF HAWTHORNE
HAWTHORNE, NEW JERSEY
MONDAY, FEBRUARY 9, 2015
7:00 P.M.

RE: 204 WAGARAW ROAD, LLC.

BOARD MEMBERS:

- RAYMOND G. HALLOCK, Chairman
- JOHN F. GALLAGHER, Vice Chairman
- SCOTT CHAMBERLIN
- KEVIN DUFFY
- DAVID SCHROTER
- DANIEL MELFI
- VICTOR TERRAGLIA
- MICHAEL KELLY, Engineer
- DONNA HOLMQUIST, Planner

PHILIP A. FISHMAN
COURT REPORTING AGENCY
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4 SPEEDWELL AVENUE, SUITE 1440
MORRISTOWN, NEW JERSEY 07960
(973) 285-5331 - FAX - (732) 605-9391

MR. HALLOCK: Counsel, welcome.

MR. D'ARMINIO: Good evening.

I am with the law firm, Price, Meese, Shulman & D'Arminio, I am pitch hitting tonight for Gail Price.

This is a residential retail office mixed use development. The client is 204 Wagaraw, LLC, I hope I said that right, and that happens to be also the address of the development.

This is our third meeting, the first meeting was 12/15/14, we had Mr. Bedrin, the principal, gave a history of the property, general background of the project and details on the plan and some municipal benefits. The next meeting we had two witnesses, our architect, licensed architect, Perry Petrillo, that was 1/19/15. After qualifying him he provided again basic detail of the property itself. Showed you the site plan, the layout perspective of the floor plans and basically presented the design elements and then we started with Mr. Fitamant, to my left, who again was previously sworn. He is our engineer, licensed engineer. We basically introduced the site plan, looked at some of the issues from an engineering

APPEARANCES:

PRICE, MEESE, SHULMAN & D'ARMINIO, ESQS.
BY LOUIS L. D'ARMINIO, ESQ.
Appearing on behalf of the Applicant

WELLS, JAWORSKI & LIEBMAN, ESQS.
BY JAMES J. DELIA, ESQ.
Appearing on behalf of the Board

perspective and was able to talk about the, touch upon some of the site constraints before we ran out of time. If we could, possibly, if we can finish Mr. Fitamant's testimony we anticipate hopefully going through all of the engineering details, respond to any questions raised, respond to your board engineers questions and if we can do that, considering the number of exhibits, that would, I think, be a worthwhile accomplishment for the evening.

I think, to make this go much more smoothly, what I would like to do, I think what Gail started to do as well is we have a list of all the exhibits and we have each of the exhibits marked and attached that are to the power point, rather than having to mark the exhibits over and over again. We anticipate that the exhibits will go in this very way but you could use the checklist as we go through the exhibits, then if you would like to refer to an exhibit I think it would be easier for you to say go to Exhibit A-15 or whatever, A-27, or whatever it is. We marked exhibits A-1 through 18 already. We will probably just go over some of the last ones to go through it and I think

1 that would really help things move along more
2 quickly, if that would be okay with you Mr.
3 Delia and Mr. Chairman. I think that would be
4 helpful.

5 MR. HALLOCK: That's very
6 helpful.

7 Anybody have any problems with that? Okay.
8 Proceed.

9 MR. D'ARMINIO: Mr. Fitamant has
10 been sworn, he is my witness and I don't have a
11 lot to do today, pretty much his show.

12 So you have been previously sworn.

13 THE WITNESS: Yes.

14 Q. Where did we leave off last time. I
15 believe we were, why don't you just first go
16 through the site plan again to refresh
17 everybody's recollection, I think we left off
18 with some of the site constraints and whatever
19 the best exhibit you feel you would like to
20 start with.

21 A. Yes, so we left off with the site
22 constraints. We explained where the site was
23 located, the surrounding uses, the surrounding
24 area, the river constraints, and we were talking
25 about wetlands and the floodplain.

1 Q. That was Exhibit A-18. So the board
2 could flip to that.

3 A. Flip forward to Exhibit A-18 and that's
4 where we stopped and that's where we will
5 continue.

6 So we were talking about the, I started
7 with or ended with discussion of the wetlands
8 and the flood hazard area and this exhibit you
9 can see the wetlands and the flood hazard area
10 overlaid onto the site and the area that's left
11 over is unconstrained in the middle of the site.
12 So we have wetlands along the entire boundary
13 next to the New Jersey Transit Railroad tracks
14 and the floodplain comes up from the river. In
15 a 100-year storm -- that's a hundred year storm
16 event shown there.

17 MR. HALLOCK: Hold on.

18 MR. GALLAGHER: At the last
19 meeting I think I did mention that your over all
20 picture there you are not including the further
21 --

22 THE WITNESS: Lot 10.

23 MR. GALLAGHER: Right.

24 THE WITNESS: Turn to the next
25 slide and now this is Lot 10.

1 MR. GALLAGHER: Okay. Thank you.

2 MR. DELIA: That's 18A?

3 MR. D'ARMINIO: That's 18A.

4 A. So for Lot 10 --

5 MR. D'ARMINIO: We tried to
6 listen to what you had said and we have
7 supplemental subsets, 18A or 37A, B, C, which we
8 tried to fit in some of the answers to your
9 questions as best we can.

10 A. So we provided this exhibit, this shows
11 that on Lot 10 that there are no wetlands
12 constraining this property, there is simply a
13 flood hazard area. Now, the wetlands, we had
14 received an LOI from DEP for Lot 8 for the
15 wetlands delineation and we also received an
16 absence determination for Lot 10. So there are
17 no wetlands on this site but it does contain
18 areas within the flood hazard area.

19 To the next slide.

20 MR. CHAMBERLIN: Before we go on.
21 I have one question on Exhibit A-18.

22 I am looking at this wetlands area and I
23 see the flood hazard limit, which is most of it,
24 and then that one section there, there is the
25 green that says, wetland transition area limit.

1 THE WITNESS: Yes.

2 MR. CHAMBERLIN: I am curious,
3 how come there is no transition area anywhere
4 else, just in that one spot? There is no
5 transition anywhere else on the site. It goes
6 from the wetlands to -- it is. Okay.

7 THE WITNESS: No, the wetlands
8 transition area is actually the wetlands
9 themselves. If you look at the line with the
10 three lines spaced evenly along that line that's
11 the actual wetlands and what's shown on the
12 wetlands there is the transition areas together.
13 So the entire area is encumbered in that area
14 in, I guess you call it pink, I am color-blind.

15 MR. CHAMBERLIN: It looks green
16 on mine.

17 MR. DELIA: Unhatched colored
18 area.

19 THE WITNESS: Unhatched colored
20 area, that would be transition area waiver. So
21 the DEP does allow for a transition area waiver
22 where you can compensate, if you are reducing
23 the buffer in some areas you can get it back in
24 others. So that's the area that is encumbered
25 by what would be the transition area waiver.

1 MR. CHAMBERLIN: You already have
2 the waiver for that?

3 THE WITNESS: No, we don't. We
4 would be submitting that.

5 MR. CHAMBERLIN: Okay.

6 THE WITNESS: Or as a condition
7 of the approval.

8 MR. CHAMBERLIN: What happens if
9 you don't get that waiver, does that mean
10 anything?

11 THE WITNESS: The likelihood of
12 that happening is not, is very slim because of
13 the, just the linear nature of these wetlands.
14 So we feel very confident. We have gotten
15 similar waivers in the past.

16 MR. CHAMBERLIN: Okay.

17 MR. KELLY: If it would change
18 their site plan, if they were to get approval
19 from this board and then they go to get their
20 wetlands approval and don't get that and it
21 changes their plans you would have to come back
22 to the board for approval.

23 MR. CHAMBERLIN: Okay.

24 THE WITNESS: Good question.
25 Thank you for clarifying that. For asking that.

1 playrooms, etc. It's got the pool and meeting
2 rooms, etc., to accommodate combined activities.

3 Building number 5 is a residential building
4 and building number 6 is a residential building.
5 And I think, just to clear up what we had
6 discussed at the last meeting, and that was we
7 envisioned this -- this is our project area. It
8 just happens to be bisected by access, it is a
9 separate lot, it's accessed through New Jersey
10 Transit. You could look at that as an easement
11 or it's not really used for anything other than
12 access to New Jersey Transit. Okay.

13 Q. There is a connection along the road,
14 right?

15 A. It connects at the road, so it is a paved
16 surface for a portion and then there is a gate
17 back here and then it goes back to New Jersey
18 Transit.

19 Q. And we have pedestrian access over a
20 sidewalk that connects 5 and 6?

21 A. Correct. There was discussion about, and
22 I will have an exhibit to show the pedestrian
23 access, but that happens along the sidewalk on
24 Wagaraw. So for the easement, it's to get to
25 each other, they have to get back on the

1 A. So we did Lot 10. No wetlands on that
2 site just flood hazard area.

3 So just getting ourselves settled again
4 with respect to building numbers we have here.
5 This again is Building 1, 2, 3, 4, 5, and 6.
6 And, again, this being the site and its
7 proximity to the New Jersey Transit, less than
8 1300 feet away and it shows the surrounding
9 site. So reiterating, Exhibit A-2, that was
10 shown previously.

11 MR. D'ARMINIO: So the reference
12 to that was A-2. We are not on A-19 yet, right?

13 THE WITNESS: Correct.

14 Q. That was A-2, which I had in front, and
15 then you combined that with the numbering, which
16 is on A-19?

17 A. Correct.

18 So now we flip to A-19, which is the site
19 plan, and this shows Building number 1 with the
20 retail component located to the east. We also
21 have Building number 2, which is a residential
22 building. Building number 3 is a mixed use
23 component, it's got residential as well as some
24 office space. And Building number 4 is
25 residential with some combined activities,

1 sidewalk and simply use that as their path.

2 So in the middle of the residential and
3 mixed use buildings is our parking deck, which
4 is a 13 foot tall structure. It's got parking
5 at grade, a portion of parking below and a
6 portion above grade. Maximum height is 13 feet
7 and as you will see I will show you an exhibit
8 of what that looks like and how it's accessed.

9 So we show rough building dimensions
10 here. That's Building 1, which is 293 feet long
11 along this length, it is 115 foot wide, its
12 widest width is there.

13 Building 2 is 345 feet by 75 feet.

14 Building 3 is about the same, 330 by 75.

15 Building 4 is 150 feet by 75.

16 Building 5 is 43 by 60, and 6 is 43 by
17 93.

18 Q. For the record, make sure you identify
19 it. That's Exhibit 19A that we just discussed,
20 correct?

21 A. Yes.

22 Q. And that was in response to questions of
23 lengths of the building?

24 A. Yes.

25 So the next exhibit --

1 Q. This is Exhibit 19B.

2 A. 19B. So the signage for the site. You
3 had seen in that prior three dimensional exhibit
4 there was a sign on the front at the entrance
5 and that's showing this curved wall. It is
6 basically an architectural feature. It is a
7 curved wall, it blends and matches with the
8 fence along Wagaraw Road. That's showing a
9 dimension distance of 11.5 feet from the curb
10 line. That was a question that was asked and I
11 wanted to clarify. It is 11.5 feet from the
12 curb line.

13 Exhibit A-20. So the Site Plan Vehicular
14 Circulation.

15 This is Lafayette Avenue and this is
16 Wagaraw Road and there is a signalized
17 intersection there and so the vehicles would
18 enter the site, that is the main entrance to the
19 site. There is also an access point here and
20 along Wagaraw, which is a gated entrance and
21 would be normally closed. That's used for what
22 we consider to be emergency purposes. And then
23 there is another entrance to Building number 6
24 located at the eastern most edge of Wagaraw
25 along the frontage. So vehicles would enter the

1 site, if you are going to get a bagel or coffee
2 at the retail you would simply come in, turn
3 into this parking area and that's the area for
4 the residential. If you are continuing to the
5 office you would come to this roundabout, there
6 is parking at the office area for the roundabout
7 and for the residential components. You got
8 your circulation around the parking garage, and
9 I will show a little bit more about the parking
10 garage itself, but this shows there is complete
11 360 degree access all around internally and
12 width access to each one of the buildings and
13 then back here we turn around and go to Building
14 number 4 which has got parking in the lower
15 level. And, again, emergency access out from
16 the site.

17 For Lot 10 we have simply a driveway with
18 head-on stalls on the one side, access to that
19 building. So that's the Vehicular Circulation
20 Plan and then the Pedestrian Circulation Plan
21 shows that from the transit station, as we
22 indicated is up here on the page, you would
23 cross Wagaraw Road at the signalized
24 intersection. You have striped walkways all
25 around this intersection and once you are there

1 you have an entire sidewalk along Wagaraw to
2 access and enter. You can enter at the
3 emergency entrance, there is a gated entrance
4 there as well as pedestrian access and once
5 they're in the site they can navigate around the
6 entire perimeter of the site. There is also a
7 walkway along the wetlands border there and that
8 takes you to a nice walking path to the back of
9 the site. So this is more of the nature walk
10 trail, if you will, and then this is simply to
11 get from your unit to the vehicles and then of
12 course we have the retail component here and we
13 have a sidewalk all around the retail component
14 with a crosswalk and access to the office.
15 Again, all along Wagaraw we have sidewalk and
16 Building 5, if they're parked in this -- their
17 car is located over here they simply come out of
18 the unit and walk along the sidewalk and come in
19 and access their vehicles that way.

20 MR. D'ARMINIO: For the record,
21 that's A-21.

22 MR. HALLOCK: I assume what I
23 have here -- is the green mark going up and down
24 or east to west or north to south, I forget, on
25 Wagaraw Road, that's the sidewalk? The long

1 green line.

2 THE WITNESS: Yes.

3 MR. HALLOCK: And what is where
4 the entrance is, the main entrance, the green
5 lines that come out in a box form, what is that?

6 THE WITNESS: So those are the
7 walkways. The striped walkways.

8 MR. HALLOCK: Striped walkway
9 across the intersection?

10 THE WITNESS: Exactly. You can
11 basically walk around in any direction.

12 Q. There is also a crosswalk to the --

13 A. Yes, there is also a crosswalk to the
14 west on Wagaraw and that also gets you across
15 the street and eventually you have the municipal
16 complex. So access to the pedestrians over
17 there is provided and considered in this plan.

18 MR. MELFI: Would you go back one
19 side, please. For the parking lot, up at the
20 top corner, there's a retaining wall maybe
21 between there and there's a difference in
22 elevation from the track for you to park there?

23 THE WITNESS: I have to go to
24 the grading plan, but there is a very small
25 retaining wall, I believe, right along the

1 head-on stalls.
 2 MR. MELFI: Up over here?
 3 THE WITNESS: No.
 4 MR. MELFI: You are coming from
 5 Wagaraw turning into the parking lot.
 6 THE WITNESS: The retaining wall
 7 would be on this edge here.
 8 MR. MELFI: Right.
 9 MR. HALLOCK: You got dueling
 10 lights here.
 11 Where is the retaining wall again? One
 12 light this time.
 13 THE WITNESS: Right along this
 14 edge here.
 15 MR. HALLOCK: Okay.
 16 THE WITNESS: So the units --
 17 MR. HALLOCK: That's a new
 18 retaining wall?
 19 THE WITNESS: That's a new
 20 retaining wall.
 21 MR. CHAMBERLIN: One question.
 22 All the green on here, other than I see with
 23 the crosswalks, go out on to the main street,
 24 are these sidewalks on the property itself?
 25 Like around the buildings is that all sidewalks?

1 THE WITNESS: No, if you are
 2 coming out of your unit, say for example here at
 3 the bottom of the page, if you are coming out of
 4 that unit and want to get to your vehicle you
 5 come out, walk on this paved surface as you
 6 would any shopping center.
 7 MR. CHAMBERLIN: It's the
 8 roadway?
 9 THE WITNESS: Yeah, it's part of
 10 the roadway.
 11 MR. CHAMBERLIN: Then in back I
 12 see that little exercise trail, that's going to
 13 be gravel or something like that or is that --
 14 THE WITNESS: That would be, we
 15 are considering course pavement is what we're
 16 thinking in that area.
 17 MR. KELLY: At the last meeting
 18 it was mentioned that the parking for the office
 19 could be up on Lot 10 and you mentioned that
 20 there is some parking spaces outside the office
 21 there.
 22 THE WITNESS: Right.
 23 MR. KELLY: So with this
 24 pedestrian circulation the people using the
 25 office are going to be expected to park about

1 six or 700 feet away and traverse that path to
 2 get to and from the office and their cars, is
 3 that what is expected?
 4 THE WITNESS: Yes. There is
 5 also parking along the front here, but that's,
 6 this is parking for the office as well as for
 7 the residential. So it, again, you have to look
 8 at this as a composite project, recognizing that
 9 we have the ability to either park here or here
 10 for the residential and it all depends on the
 11 time of day, etc.
 12 MR. KELLY: I thought the
 13 testimony at the last meeting was that all the
 14 parking for the office would be up on Lot 10, so
 15 anybody using the office would park up there,
 16 you have a crummy day or night like tonight,
 17 people are going to have to walk the length of
 18 two football fields to get to and from their car
 19 and the office, I don't now how realistic that
 20 is.
 21 THE WITNESS: We do have parking
 22 right here but we also have parking here and
 23 that was, that was the testimony, that the
 24 office would park here. I suppose you have to
 25 make concessions on days like today where you

1 actually would park but the maintenance of the
 2 sidewalk, etc., would be done by the applicant.
 3 So it's all on the applicants maintenance plan
 4 to take care of the access to and from the
 5 buildings.
 6 MR. KELLY: And at the last
 7 meeting it was indicated that the parking for
 8 residential Building 5 would be opposite, most
 9 likely maybe not designated but it would be
 10 expected that the people that live in Building 5
 11 would park in the area right outside the retail
 12 space right in that area outside of Building 1.
 13 And, again, I am not sure how all that's going
 14 to work. The retail requires, just based on the
 15 parking calculations, would require about 24
 16 spaces, there is 22 spaces right in that little
 17 area there. So it's just, I don't know, doesn't
 18 seem like parking is adding up.
 19 MR. D'ARMINIO: What we will do
 20 is take a look at that, it is a good point. We
 21 will take a further look at that. We have
 22 traffic testimony too and we also have the
 23 traffic expert also to look at the parking
 24 issues as to whether or not what makes sense,
 25 but that's a good point and we are going to take

1 a look at that for the next meeting.
 2 THE WITNESS: And in connection
 3 with that comment, this is a transit oriented
 4 development, so folks that are here they can
 5 walk to the retail, they can walk to the bus, so
 6 their use of a vehicle is limited in terms of
 7 whether they, you know, they're going to use
 8 mass transit more often than not and I believe
 9 that minimizes the amount of times they're
 10 inconvenienced.

11 MR. D'ARMINIO: We talked about a
 12 couple aspects and reasonable distances, we will
 13 do that.

14 MR. DELIA: All though this is
 15 more for dialogue, let me get you both sworn in,
 16 that way if there are any comments as we
 17 proceed. Both raise your right hands.

18 MICHAEL KELLY, having been duly
 19 sworn under oath.

20 DONNA HOLMQVIST, having been
 21 duly sworn under oath.

22 MR. SCHROTER: How many parking
 23 space are there on Lot 10 and are there enough
 24 to accommodate the residents?

25 THE WITNESS: There are more than

1 enough to accommodate the residents.

2 MR. SCHROTER: For that building?

3 THE WITNESS: Yes, that's why
 4 the overflow from the office was discussed for
 5 the dedicated parking for the most part.

6 MR. SCHROTER: For the most part
 7 anybody that lives in that building on Lot 10
 8 will probably not walk the 600 yards, you are
 9 saying there is adequate parking for that
 10 building with the employee parking?

11 THE WITNESS: Yes.

12 MR. KELLY: That area has 17
 13 spaces and based on the requirements of the RSIS
 14 it required 12 spaces, so it would be five
 15 spaces left over and I think the office requires
 16 six spaces or their testimony was they're only
 17 going to have six employees.

18 A. Okay. Next slide.

19 Exhibit A-22. Now, this is the zoning
 20 table and this shows the various variances that
 21 are being asked for relief from your ordinance.
 22 With respect to the I1, and we have a planner
 23 that will testify, but just to go over briefly.

24 We have a variance for obviously the use too, so
 25 the variance then applied is C and the column to

1 the right, and permitted column is here, I1
 2 industrial and this is what is proposed. So,
 3 again, I am not going to go into much detail but
 4 the variances are listed here. There are
 5 variances with respect to the front yard, side
 6 yard, but I will in the next few slides share
 7 with you in detail some of the variances and why
 8 we have them and how they impact the surrounding
 9 area.

10 MR. HALLOCK: Let me interrupt
 11 you a minute. I think we had a little dialogue
 12 the last meeting concerning about which zone
 13 requirements we are going to. Counsel, I think
 14 Gail indicated that she would research it and
 15 get back and we were going to research it on our
 16 part. There has been no discussion of that yet,
 17 so I don't know if I am inclined to spend a lot
 18 of time on the zoning table. We haven't come to
 19 a conclusion on that. After discussing it in
 20 work session today we kind of thought that this
 21 was a logical place to put it if and when you
 22 brought your planner up to go into that.

23 MR. D'ARMINIO: All we are going
 24 to do is just show where there were points where
 25 at least the setbacks didn't meet and if we

1 could do that I think that this would be helpful
 2 and set the stage. We will not spend a lot of
 3 time on that and we will deal with the planner
 4 at the next meeting. The next meeting I hope
 5 the planner -- or traffic and then our planner.
 6 But I did listen to what was said at the work
 7 session and our position has been, to reiterate,
 8 that it is a mixed use development and I guess
 9 the key is under the Paleo case that if your use
 10 meets the criteria for the grant of a use
 11 variance many of these variances would flow
 12 whether, or what variance, what zone we indeed
 13 had to consider. So I think that's the case law
 14 and obviously you know the case but we will
 15 provide that argument to you. Maybe a brief
 16 letter or something before the next meeting.

17 MR. HALLOCK: Okay.

18 A. So moving to the next slide, A-23.

19 This is the Zoning Table again. We have
 20 two zoning tables because technically we have
 21 two separate lots, all though this is one
 22 homogenous project. Mixed use project.

23 Coming to slide A-24 -- Exhibit A-24.

24 Exhibit A-24 shows the Front Yard Setback
 25 and so this shows that for Building number 5

1 what is required is 25 feet and what we have
2 proposed is 4.1 feet. And the reason for that
3 is there is a jog in the right-of-way along
4 Wagaraw, so that's why that stands out in terms
5 of a setback concern. However, it is consistent
6 in terms of the setback with the remaining
7 buildings that are on the rest of the project.

8 Q. When you reference the location, maybe
9 just for the record, if you have the building
10 number and just the nearest significant feature.
11 For example, that's at the intersection, right?

12 A. Yes, the southeast intersection of
13 Lafayette and Wagaraw.

14 A-25 shows the minimum side yard and this
15 again is the same lot that we talked about at
16 the southeast corner of Lafayette and Wagaraw.
17 And what's required is a 10-foot plus 5 feet for
18 each story in excess of 2. This is a, this is
19 what we propose, 4.1 feet, this is a two story
20 building.

21 Q. What's significant, why would that not be
22 a difficulty?

23 A. The likelihood of building on the access
24 for New Jersey Transit is relatively slim to
25 none, so that shows that while we have that

1 minimal 4.1 foot side yard that does not pose
2 any problems with the adjacent property because
3 they will not be putting a structure there for
4 access.

5 Q. And that access is minimally used by New
6 Jersey Transit anyway?

7 A. That's correct.

8 Next slide, A-26.

9 Exhibit A-26 is what the minimum required
10 parking is, 25 feet and what we propose is 17.6
11 feet, and that's located on the southwest corner
12 of Lafayette and Wagaraw. And that shows,
13 that's in front of the retail, and that's the
14 parking that's for the turn to get back out and
15 that shows 17.6 feet.

16 Q. So that's not for space that's where you
17 would turn to get to back out?

18 A. That's correct.

19 Q. There is compensating vegetation or --

20 A. Yes, so we have a pretty ornate fence
21 shown on Wagaraw, that's got the wrought iron
22 along with the masonry posts every so often
23 along the front. So that's that. And in
24 addition to that the landscaping screens the
25 parking area to a certain height, three feet or

1 so, and then I will show you the landscape plans
2 in more detail.

3 MR. D'ARMINIO: We have several
4 landscape exhibits we will get to later.

5 A. Okay. The next slide is A-27, Minimum
6 Parking Side Setback. This is along the western
7 side next to the industrial use building and
8 that's showing where 10 feet is required and we
9 propose 8 feet. Again, this is not a parking
10 spot but as your ordinance defines even access
11 drives count towards the setback.

12 Q. This is just the roadway that curves into
13 that area?

14 A. Correct. Next slide.

15 Exhibit A-28 shows the Minimum Front
16 Setback. The required is 25 feet and this is
17 Building number 6 which is located on Lot 10.
18 This shows a setback of three feet, where 25
19 feet is required. Again, if you look at the lot
20 line relative to the curb line it's set back
21 significantly. Also what you should notice is
22 the building was turned somewhat on an angle, it
23 somewhat parallels the railroad tracks. So when
24 we put that building on an angle we thought that
25 would be more appropriate to have it on that

1 angle and it's only at that very front corner
2 where we got the front yard setback, but that's
3 how it is measured in the ordinance, closest
4 point of the building.

5 Q. And that actually becomes conforming as
6 you go further down the length of the building,
7 correct?

8 A. Correct.

9 So next slide, A-29, Minimum Side Yard
10 Setback. This is also for the same lot, Lot 10,
11 Building number 6, and you will see the same
12 situation that we had for Building 5 where we
13 are very close to the side yard. We proposed .7
14 feet, required is 10 feet plus 5 feet for every
15 story in excess of 2. So that's very close
16 there, but again nothing that's going to be
17 developed in that access drive so we feel that's

18 --

19 Q. And that access drive is about how -- do
20 you know the width of it? Estimate the width of
21 it.

22 A. It varies, but that appears to be about
23 50 feet. Over 50 feet in width.

24 Q. So it's substantial?

25 A. Yes.

1 **MR. CHAMBERLAIN: I am going to**
2 **assume to build this structure you are going to**
3 **have to get waivers from New Jersey whoever,**
4 **1 that owns that easement, to go on their property**
5 **because obviously if you have to over and dig**
6 **you are going to be on their property to build**
7 **this.**

8 **THE WITNESS: There is a way to**
9 **put shoring, if we encroach on their property we**
10 **would be obligated to get a construction**
11 **easement to accomplish that.**

12 **A. So the next slide is Exhibit A-30 where**
13 **we show Minimum Rear Yard Setback. Again, this**
14 **is Lot 10 where we show Building 6 and if you**
15 **look at the deed configuration of this lot it is**
16 **about, frontage along Wagaraw steps back, jogs**
17 **back in and comes back out again. This is all**
18 **access, non buildable zone for New Jersey**
19 **Transit, just an extra piece of property that**
20 **happens to create this 2.5 foot setback for that**
21 **building.**

22 **Q. And we have a separate exhibit, just a**
23 **colorized version to show more graphically as we**
24 **go through these.**

25 **A. So Exhibit A-31 shows the Minimum Front,**

1 **Rear and Side Yard Setback. This is front yard**
2 **setback, 25 feet is required, 23 feet is**
3 **proposed. That point there. The rear setback,**
4 **25 feet is required and 2.5 feet is proposed.**
5 **And for the side, 10 feet is required .4 feet is**
6 **proposed, and that's that retaining wall we**
7 **discussed earlier.**

8 **Next Exhibit, A-32. So this is the**
9 **Parking Plan. Again, you asked about how many**
10 **spaces and there is 17 spaces on Lot 10. We got**
11 **214 spaces for the parking deck and then the**
12 **remainder of Lot 8 has 243 spaces at grade.**

13 **Next slide, Exhibit A-33 shows by**
14 **building the breakdown of 32 tandem spaces.**
15 **There was a question the last meeting, or**
16 **perhaps, it was a report from Boswell regarding**
17 **the size of the tandem spots and we have shown**
18 **11.5 by 36.5 feet long. That led to the**
19 **question, what is the aisle width, and it is 24**
20 **feet along this edge and the tandem are 11 and a**
21 **half by 36 and a half for Building 1 and 2. And**
22 **then for the parking deck we got spaces, tandem**
23 **spaces, 9 by 38, and the rest of the building is**
24 **consistent tandem spaces. All these are tandem**
25 **spaces, 11 and a half by 36 and a half feet.**

1 **Q. When you mentioned the width of the**
2 **driveway drive aisle width you are talking about**
3 **circumventing the parking deck?**

4 **A. Correct.**

5 **Q. And that was 24 feet?**

6 **A. Correct.**

7 **Q. And what's required?**

8 **A. Minimum 25-foot.**

9 **So in the summary then for the next**
10 **slide, A-34.**

11 **Exhibit A-34 we show in total, and if you**
12 **look at Lot 8 and Lot 10 all the various uses we**
13 **have the breakdown based on bedrooms and RSIS**
14 **requirements, a total of 492 spaces are**
15 **required. 492 spaces are required and 474**
16 **spaces are provided. So we are very close to**
17 **what is required and that is compliant with**
18 **RSIS. That's not even taking into account the**
19 **fact that this site is a transit oriented**
20 **development site and that usage, as you will**
21 **hear further testimony from the traffic engineer**
22 **and planner, that there is other projects**
23 **similar in nature that have much, much less**
24 **parking than what we're proposing here today.**

25 **MR. CHAMBERLIN: They're the same**

1 **proximity to transit, these other ones? The**
2 **station is close but not that close.**

3 **THE WITNESS: Correct.**

4 **MR. CHAMBERLIN: You are saying**
5 **the ones you are talking about that are the same**
6 **distance away roughly?**

7 **THE WITNESS: Yes, and you will**
8 **be hearing that testimony in more detail.**

9 **MR. CHAMBERLIN: Okay.**

10 **A. So the parking structure and upper and**
11 **lower deck. So the parking structure that is in**
12 **the middle of the development, that has the**
13 **residential buildings surrounding the parking**
14 **deck, and the entrance to the parking deck, this**
15 **is from as you enter from Lafayette and Wagaraw**
16 **and come down, this portion here goes down, so**
17 **this starts to go down below grade. This**
18 **portion here is at grade. So you walk out the**
19 **residential unit, you can park -- this is all at**
20 **grade, there is no retaining walls. Access is**
21 **relatively flat, 2 percent or thereabouts. So**
22 **that's all accessible at grade. The upper level**
23 **of the parking deck, if you need to go to the**
24 **upper level you drive around either this way and**
25 **go around or to this side and you would enter**

1 right here. On the upper portion you would
2 enter here, this ramps up and then you turn
3 right and then you would park here. You have
4 tandem spaces for parking over here and you turn
5 to get out and exit the same as you get in. So.

6 The next slide --

7 MR. DELIA: What's the clearance
8 on that? The under clearance.

9 THE WITNESS: The under
10 clearance is, let's see, eight feet.

11 Q. When you said, circumvent, that
12 circumvents either clockwise or
13 counterclockwise?

14 A. Correct.

15 Exhibit A-36. So this now shows a three
16 dimensional. This is entering from, as I
17 mentioned you drive around and go up and you got
18 tree planters up on the roof of the deck and you
19 will see more, I will show a little more, but
20 this is basically the view from the west looking
21 east of the parking deck. Again, this is at
22 grade, this whole section is parking down below
23 at grade and then parking up top above that
24 portion of the deck.

25 Q. Go back to A-35 and show that

1 orientation. You are looking at the --

2 A. Yes, basically standing here looking that
3 way.

4 Q. But aren't you going to the upper level,
5 you are on the right?

6 A. I'm sorry, on the right side.

7 Q. You are looking -- so that's on Exhibit
8 A-35, it matches the graphics on the right hand
9 side?

10 A. Correct.

11 MR. CHAMBERLIN: You can make
12 that turn? That's a sharp turn, that's okay?
13 Michael, you got to make that hairy
14 right-hand turn.

15 THE WITNESS: Yeah, we got --

16 MR. CHAMBERLIN: You have a
17 turning radius? It looks like it might be
18 difficult to navigate.

19 THE WITNESS: We got a turning
20 radius and, I don't believe we have an exhibit,
21 but I will make sure we have that with us.

22 MR. D'ARMINIO: Have Mr. Disario
23 deal with that turning radius.

24 THE WITNESS: Circulation for
25 the upper deck.

1 MR. HALLOCK: Go back to the
2 picture of the deck. So in terms of parking on
3 the ramp going up.

4 THE WITNESS: There will be
5 parking on the ramp going up, yes.

6 MR. HALLOCK: People parking on
7 the upper deck, is there a staircase to get
8 down?

9 THE WITNESS: So this is a
10 staircase here and there is a staircase there.

11 MR. HALLOCK: Fine. Thank you.

12 A. So then the next slide --

13 MR. SCHROTER: A-35 for a minute
14 here. The red line, what is the width, the
15 travel width coming up and down the ramp?

16 THE WITNESS: 24 feet.

17 MR. SCHROTER: Every area is 24
18 feet?

19 THE WITNESS: Yes.

20 MR. CHAMBERLIN: 24 feet, I am
21 looking at this top deck here, you get yourself
22 to the right hand picture you come all the way
23 around and there is, you can't find a spot so
24 now you come to the end there, is a person able,
25 if all those spots are taken, somebody able to

1 back up their car and turn themselves around?

2 MR. SCHROTER: Is that wide
3 enough for two-way traffic?

4 MR. KELLY: It is wide enough for
5 two-way traffic. With respect to turning
6 around, it is tight, it is not going to be a
7 three point turn, it is going to be a many more
8 point turn, unless you are bashing into the
9 cars. But also we have a concern with having
10 dead-end parking spaces like that, people are
11 going to go down the aisle, it is going to be
12 full and they're going to have to back out.

13 MR. CHAMBERLIN: My wife would
14 get there and cry.

15 MR. KELLY: Or cry, yes.

16 MR. HALLOCK: Is that your
17 testimony?

18 MR. KELLY: But then also going
19 down the lower level where you are going at the
20 decline, if somebody gets to the end of that it
21 is a dead-end also, right?

22 THE WITNESS: Yes.

23 MR. KELLY: So do you anticipate
24 having any signage, maybe at the entrance,
25 saying lower level full?

1 THE WITNESS: Yes, this area
2 would be controlled parking for the residence
3 and so having dead ends in the parking garages
4 is not an uncommon feature. So folks that are
5 familiar with that will be able to navigate
6 there. We will make sure that we have
7 orientation to allow the folks that use these
8 units and park here to make sure they have a
9 clear understanding what the limitations are and
10 how to navigate.

11 MR. HALLOCK: This is going to be
12 covered by your traffic expert, right?

13 THE WITNESS: Yes.

14 MR. HALLOCK: The configuration
15 here, I assume Michael will have the traffic
16 engineer from, what's his name?

17 MR. KELLY: Yeah.

18 MR. HALLOCK: He will be looking
19 at it.

20 MR. KELLY: He has looked at it
21 and his comments are in my report. If the board
22 would like I can have him at the meeting also.

23 MR. HALLOCK: I think at the time
24 your applicant has his --

25 MR. D'ARMINIO: We anticipate the

1 next meeting he would be our first witness.

2 MR. HALLOCK: And we would have
3 our expert here.

4 MR. KELLY: Sounds good.

5 And I will wait for testimony where you're
6 going to explain how this being a transit type
7 situation is going to not require as many
8 parking spaces. I would have a concern if this,
9 I should say not have a concern, if you had
10 ample parking on site and you had a few dead
11 ends in the parking garage so be it, but I will
12 be interested in hearing the testimony from your
13 guy explaining that there is ample parking on
14 site because you do require 492 spaces and you
15 are at 457 and you are going to have a lot
16 situation --

17 THE WITNESS: 472.

18 MR. KELLY: 472.

19 MR. D'ARMINIO: We are pretty
20 close right there, but what we will do is we are
21 going to take a look at that Mr. Kelly, we will
22 look at it in terms of signage and we will look
23 at generally taking your comments into
24 consideration and look in terms of circulation
25 too.

1 THE WITNESS: 474 spaces, I am
2 sorry.

3 MR. D'ARMINIO: We have two more.

4 MR. KELLY: All right. I will
5 recount them.

6 **A. Back to slide A-36. So this is giving a
7 visual looking east and we will skip to the next
8 slide. This is A-37, this is the visual looking
9 west. So now as you come in from Wagaraw and
10 you pass the roundabout and enter, this is the
11 entrance to get to the lower level, so this
12 lower level goes down below grade approximately
13 ten feet. It parallels the surface that you see
14 here and it's the same setup except it is going
15 down, parking on both sides and a ramp. And you
16 can see clearly here the stairs for that takes
17 you down from the upper level down to the lower
18 level and you see the open structure here and
19 the facade of this building is going to match
20 the architectural facade of the surrounding
21 buildings. So it is going to all be a cohesive
22 architectural pattern.**

23 **MR. CHAMBERLIN: Before we move
24 on, I have a question. I wasn't at the last
25 meeting but I did read the transcript and I know**

1 **there was talk about that parking, lower parking
2 area, you are going down?**

3 THE WITNESS: Correct.

4 MR. CHAMBERLIN: There was
5 questions about whether that was going to flood,
6 I assume.

7 THE WITNESS: It will not flood
8 because the surrounding area is higher than the
9 flood elevation and this is a concrete structure
10 that's going to be water tight. Groundwater
11 won't --

12 MR. CHAMBERLIN: I seen
13 groundwater seep through concrete.

14 THE WITNESS: We can't be
15 constructing --

16 MR. CHAMBERLIN: We had those bad
17 structures and Wagaraw Road is under water.

18 THE WITNESS: This will be
19 designed to be water tight so that water will
20 not enter the structure.

21 MR. CHAMBERLIN: Okay.

22 THE WITNESS: And surrounding,
23 again the lip if you will, is above the
24 floodplain.

25 MR. CHAMBERLIN: Mr. Kelly, you

1 think that's possible?
2 MR. KELLY: It's possible, they
3 may need a sump pump or something at the low
4 point but it's feasible.

5 MR. HALLOCK: I think Mr.
6 Chamberlin made a good point, I want to make
7 sure Mr. Kelly that we look at all aspects of
8 that because with the height of parking on the
9 premises any flooding that would, besides the
10 flooding bed, reduces the number of parking
11 spaces during this time would aggravate the
12 situation.

13 MR. KELLY: Yup. I think it
14 might be Exhibit 18 which shows the flood hazard
15 area.

16 MR. D'ARMINIO: Can you go back
17 to 18.

18 THE WITNESS: Yeah, so this is
19 the flood hazard area. The flood elevation,
20 flood hazard elevation is elevation 46. The
21 first floor elevation of these buildings is 47,
22 so at worst these areas are subject to an
23 inundation of less than a foot.

24 MR. HALLOCK: I wasn't worried
25 too much -- the flood is one thing, but I am

1 occasionally in a parking lot that, as an
2 example, I hate to use it all the time, the old
3 A&P parking lot on Glenn Rock -- on Lincoln
4 Avenue. When it rains heavy the drainage there
5 is so terrible from the property in is like
6 seven or eight parking spaces in front of the
7 cleaners that is constantly wasted. You are
8 waiting for water to get out and it takes a day
9 to clear out. I am saying parking is tight, I
10 want to make sure the upper level has proper
11 drainage from the building so that we don't have
12 that. If you have not considered that I would
13 like you to take a look at it. Make sure
14 everything is appropriate.

15 THE WITNESS: We certainly have
16 taken all that into consideration. Again, this
17 is a 100 year or one percent storm event, this
18 is the worst case that we would expect very
19 infrequently, all though seems like the 100-year
20 storm happens more often than once every 100
21 years.

22 MR. KELLY: Now, for Building 4
23 what is the elevation, the lowest elevation of
24 that parking area?

25 THE WITNESS: Now, for that

1 parking area that is below the flood hazard
2 area. So once when we get our, both our DEP
3 permits they will climb in and have a say as to
4 what they want, what they might want to mitigate
5 that. Again, the majority of this site is
6 accessible, is marked above the floodplain,
7 above the flood hazard area and this is minimal
8 inundation. What is this 12 spots in Building
9 number 4 that would be subject to flooding and
10 in the event of a flood, we are in the Passaic
11 River basin where we know days in advance, at
12 least 24 hours to two days in advance before a
13 flood event is likely in which case we would
14 have an emergency action plan on site that would
15 be part of the maintenance, to move those
16 vehicles in the event of a 100-year storm event.

17 MR. KELLY: What's the lowest
18 elevation in that parking area?

19 Can you tell how many feet of
20 water we can expect if it hit 46?

21 THE WITNESS: We are at 47 with
22 the first floor, probably ten feet down, so
23 about elevation 9 feet. Elevation 38 plus or
24 minus.

25 MR. KELLY: You could have 8 feet

1 of water?

2 THE WITNESS: 8 feet of water,
3 yeah. Not something you are going to leave your
4 vehicle in a 100-year flood event.

5 MR. KELLY: You wouldn't do it
6 twice.

7 The upper area out by Wagaraw Road, what's
8 the elevation in that area?

9 THE WITNESS: In this area?

10 MR. KELLY: In that parking area.

11 THE WITNESS: In this parking
12 area?

13 MR. KELLY: Yeah.

14 THE WITNESS: I have to look at
15 the detail. Can you go to the grading plan.

16 Q. Jumping ahead to A-43.

17 A. **Jumping ahead to Exhibit A-43.**

18 **I don't know if you can zoom in. I**
19 **believe we are just below 46. This is the 46**
20 **contour so --**

21 **MR. KELLY: Same situation as the**
22 **other area?**

23 THE WITNESS: Right on the edge.

24 MR. KELLY: Less than a foot or
25 so?

1 THE WITNESS: Yeah.

2 MR. D'ARMINIO: He has the
3 number.

4 THE WITNESS: Right up here Adam.
5 Pan over a little bit. So we got 47 right there
6 at the entrance. We got 47 along here. So we
7 got 47, so this is the area that we are filling
8 in, existing spot grades are 44, so we are
9 filling in three feet there, so that's currently
10 in the flood hazard area, that would be
11 modified.

12 MR. KELLY: That would be part of
13 the DEP application for the flood hazard
14 approval?

15 THE WITNESS: Correct.

16 MR. KELLY: Thank you.

17 MR. SCHROTER: Is the water table
18 on this piece of property something that should
19 be looked at because it's so close to the river?
20 If we are digging down.

21 THE WITNESS: We have
22 information from geotechnical reports on this
23 site where the water table is down 30 feet.

24 MR. SCHROTER: It's down that
25 far?

1 THE WITNESS: Yes. Of course in
2 a flood event --

3 MR. SCHROTER: I am talking about
4 normal. What about -- without heavy rains.

5 **A. So back to Exhibit A-37.**

6 **Q. That was the last exhibit.**

7 **A. That's the last exhibit we were looking**
8 **at and that shows the parking structure, again**
9 **there was a conversation about whether this**
10 **structure would be watertight and it would be**
11 **and it would not flood because of the**
12 **watertightness of the structure as well as the**
13 **geometry and surrounding topography being above**
14 **the flood elevation.**

15 **Next exhibit, A-38. So here's a few**
16 **elevations of the parking structure and as you**
17 **see here these are trees that are planted all**
18 **around the parking structure. We got some**
19 **mature height trees shown here. We got -- all**
20 **around the perimeter we got English ivy and I**
21 **will show you details of that. So when you look**
22 **at this building it is very, looking out from**
23 **the units as opposed if you are looking at a**
24 **parking structure, we really softened the look.**
25 **It is architecturally appealing, matches the**

1 **building and it has got a lot of landscape**
2 **features and elements. I sort of called it a**
3 **Chia Pet, not quite, but it will have a lot**
4 **blooming along the perimeter and trees along the**
5 **top and we will get into the details on the**
6 **subsequent exhibit.**

7 **Q. As you did point out you can see through**
8 **the deck, it is just really a deck, correct?**

9 **A. Correct.**

10 **Q. And really can't be seen from the road,**
11 **the building?**

12 **A. Absolutely, this is setback and again,**
13 **surrounded by the residential buildings.**

14 **Q. It's surrounded by the buildings and all**
15 **their finishes -- again, we also finished that**
16 **as well?**

17 **A. Yes.**

18 **It's attractive for the residents that**
19 **live there so when they're looking out the**
20 **windows in the parking lot this is what they**
21 **see.**

22 **Exhibit A-39 shows some more detail,**
23 **autumn brill serviceberry, south elevation**
24 **detail. Culomnar ginko, as well as Red Japanese**
25 **maples, and as you see here once you got closer**

1 **you see the block work and the English ivy**
2 **hanging over and the architectural elements of**
3 **the stairwell. That's a very attractive looking**
4 **structure.**

5 **Q. So the idea is that ivy is to take over**
6 **the brick as well?**

7 **A. Yes.**

8 **So this is the parking, Exhibit A-40,**
9 **Parking Structure North Elevation.**

10 **We are looking again at hardy English ivy**
11 **along the top perimeter, red Japanese maple and**
12 **this shows the vehicles and the height of the**
13 **people relative to the deck. So very attractive**
14 **look.**

15 **Q. That's decorative grasses as well there?**

16 **A. Yes.**

17 **Q. And we are planning on the deck such that**
18 **would survive, the tree would survive and be**
19 **supported by the deck?**

20 **A. Yes. They will be irrigated.**

21 **So Exhibit A-41 shows the Parking**
22 **Structure East Elevation Detail. Again, this is**
23 **the location where there is a through shot, you**
24 **look right through the building and see trees**
25 **and again English ivy, grasses down below and**

1 that's what you see when you look.

2 Q. That's parking and the stairway access as
3 well, both columns going up?

4 A. Correct.

5 Exhibit A-42 shows the Parking Structure
6 West Elevation Detail. So this shows the ramp
7 going up, parking on either side. Shows the
8 light fixtures. As you go up the parking deck
9 this shows various trees and you can see it
10 really softens up the look. Wherever there is
11 structural elements you can see that the trees
12 soften that look to make it a very attractive
13 building.

14 Q. As Mr. Petrillo testified best we can
15 with the decorative lighting too?

16 A. Throughout the site.

17 Q. Throughout the site?

18 A. Decorative lighting that matches the
19 Borough street scape requirement.

20 So onto Exhibit A-43, Grading and
21 Drainage Plan. So what we have is basically a
22 ditch along where the wetlands are and we are
23 draining to that ditch and because we are adding
24 impervious coverage we got a detention basin
25 that we have to provide to make sure that the

1 maximum runoff rate is not exceeded. Based on
2 DEP we actually reduce the runoff rate, peak
3 runoff rate. We have a detention basin provided
4 to eliminate that, to reduce those rates.

5 Q. For the record, your red dot is
6 indicating the detention basin being underneath
7 the garage?

8 A. Detention basin is underneath the garage.
9 And it's precast, again precast concrete which
10 is underneath the parking deck, that I am
11 showing here, this is the parking deck and at
12 the same time we have a pipe for an additional
13 storage component here. We need to meet the
14 criteria, we received the stormwater report from
15 Boswell and they refuted our stormwater report,
16 they have some comments and we will comply with
17 all their comments. We take no exception except
18 there is one comment about the runoff number,
19 the curve number, so we have just a slight
20 disagreement and we will have a discussion about
21 that. But none of the outcome of the stormwater
22 is likely to impact any of this layout. If
23 anything the curve number that works would
24 simply increase the volume necessary for
25 storage.

1 Q. And you referenced the piping between our
2 2 building?

3 A. This was shown as, this is an existing 30
4 inch RCP, that was a question in the Boswell
5 report. It was not clear that it was existing
6 so the question was why are you putting a 36
7 inch -- a 30 inch RCP. We did not, it was an
8 existing one, so that's a point of
9 clarification.

10 MR. CHAMBERLIN: Where does that
11 pipe go to? That 30 inch pipe go to.

12 THE WITNESS: So this is an
13 existing pipe, this is in basically a catch
14 basin that exists at this location in the used
15 car lot and so we are simply going to tie-in.
16 Again, we are adding some impervious coverage
17 but we are tying that and retaining it with this
18 system before go out to the outlet structure and
19 the headwall when it goes to the wetlands.

20 Q. And in the used car lot we have a
21 detention basin as well, correct?

22 A. Yes.

23 Q. And you are pointing at the very point
24 near the point of the property?

25 A. Yes.

1 Q. And then what I was getting at is between
2 these two buildings as well -- what are these
3 number buildings?

4 A. This is 1, 2, 3 and 4.

5 Q. So there is another detention?

6 A. There is another.

7 Q. And then underneath the garage is
8 another?

9 A. Correct.

10 Q. And this meets all DEP requirements and
11 will meet Boswell Engineers requirements as
12 well, except for the discussion on the one issue
13 on the pipe?

14 A. Yes, and this system is, besides Boswell
15 review it is subject to NJDEP review as well.

16 MR. CHAMBERLIN: That detention
17 basin underneath the parking structure, I don't
18 know what it is, how it's designed, but don't
19 they have to be maintained or cleaned out from
20 time to time?

21 THE WITNESS: There is access.

22 MR. CHAMBERLIN: There will be?

23 THE WITNESS: There will be
24 access to that, absolutely.

25 MR. CHAMBERLIN: That will be the

1 responsibility of the property owner --

2 THE WITNESS: Yes.

3 MR. CHAMBERLIN: -- to take care
4 of that maintenance?

5 THE WITNESS: Yes.

6 A. So that's Exhibit A-43.

7 Go to the next exhibit, A-44 entitled,
8 Utility Plan. This shows the utility plan that
9 we have off Wagaraw. We have access to water,
10 gas, electric, all the utilities are there,
11 that's not a problem, and then we have from the
12 prior application with the Walmart we have a
13 Will Serve Letter from Passaic Valley Sewage
14 Commission. They had allowed tying into the
15 lines so we will tie into the 30 inch line down
16 here and there was also a review comment from
17 the police chief -- sorry, from the fire chief
18 and the fire chief had made, one of the comments
19 was to relocate a hydrant and we have. We will
20 comply with whatever the fire chief requests in
21 terms of hydrant location.

22 Onto the next exhibit, A-45, which is the
23 Lighting Plan. The lightning plan is going to
24 receive review comments from Boswell on this and
25 we provided additional information, the

1 photometrics as we show here comply with IEEE.
2 We meet the requirements along the streetscape
3 for the street lighting, which is, I believe,
4 Hadco fixtures and then the next exhibit.

5 Q. That was A-45, this is now A-45A.

6 A. A-45A shows the lighting contours and
7 that was at Boswells request that we provide the
8 lighting contours around the site and if there
9 was any comment, any further comment from
10 Boswell we will comply with any recommendations
11 or concerns that they have.

12 And the next exhibit is A-46. This is
13 the Planting Plan Landscape Plan. This is an
14 overview showing around the perimeter of the
15 site. We got an extensive amount of
16 landscaping, we will share with you more detail
17 on the street along Wagaraw. We got an
18 extensive amount of landscaping along the Kohler
19 property and then we have landscaping, as you
20 had seen for the parking deck where we have
21 trees on top and English ivy and we got a fair
22 amount of landscaping all throughout. Again,
23 there had been some review comments from Boswell
24 which we will comply with all the comments.
25 There was some recommendations of different

1 planting varieties and I think that's something
2 that's subjective, our landscape architect felt
3 those colors and patterns was appropriate, so we
4 did respond that we would like to keep those,
5 but if it's the boards preference to modify the
6 plantings we certainly will comply with that.

7 MR. D'ARMINIO: And by the next
8 meeting there could perhaps be a conference
9 call, telephone call with our landscape
10 architect with Boswell and see if we can work
11 out those issues. We want to make sure those
12 issues are worked out before the board approves
13 a plan and provide you with the appropriate
14 revisions if they need to be done.

15 Mr. Kelly, would that be acceptable?

16 MR. KELLY: Yes, that's fine.

17 A. So onto the next exhibit, A-46A.
18 Planting Plan Details. So this is a blowup at
19 the entrance, so this is the signalized
20 intersection.

21 Q. You said that's --

22 A. The signalized intersection, Wagaraw
23 going up and down the page and this is the
24 entrance. Here is the curved wall that I
25 referred to that you see in the exhibit that the

1 architect had provided testimony on. So what
2 you see is just a plethora of plantings,
3 deciduous trees, smaller trees, again we will
4 work with Boswell's office so there were not any
5 specific comments here, so we are showing the
6 amount of landscaping that we put around the
7 parking lot, really attractive landscaping.

8 Q. On 46A, this is -- that's the area we
9 discussed before where the K-turn is and there
10 is a setback variance?

11 A. Yes.

12 Q. And this is the level of detail.

13 You also mentioned there was a fence?

14 A. Yes.

15 Q. And a decorative fence with posts, brick
16 posts all in this area?

17 A. Yes. And if you turn back to the
18 architects exhibit to show you the 3D rendering
19 from this vantage point. I will show you this
20 wall from that rendering. So there is that
21 curved wall, you see the plantings, certainly
22 doesn't look as attractive in the plan view as
23 in the artists rendering. This streetscape is
24 consistent with the Borough's streetscape
25 requirements.

1 Q. And actually that's the name attached to
2 the curved wall with name of the property?

3 A. Exactly, Rivergate. And that was Exhibit

4 --

5 Q. What exhibit number was that?

6 A. A-5. Let's go back to A-46A, Planting
7 Plan Details.

8 And so the detail on the right shows,
9 again, Wagaraw Road and this shows you the
10 continuous pattern that exists. We got
11 deciduous trees, there was a comment before,
12 when we initially submitted we did not put
13 landscaping around the foundation, so we added
14 the landscaping around the foundation as Boswell
15 requested and initially we felt the landscaping
16 with the wall was adequate, however we added
17 landscaping along the foundation, so that's
18 really what that is depicting.

19 Q. So we can zero in, go to the site plan
20 and show exactly where that's a typical section?

21 A. A typical section where what you would
22 see is along this here.

23 Q. Look at A-46, what number building is
24 that?

25 A. If you look at A-46, the Planting Plan,

1 it would be Building number 1.

2 Q. Okay.

3 A. Along Wagaraw.

4 Let's go to Exhibit A-46B, and these are
5 some streetscape details that I believe we have
6 received from Boswell which simply show, this is
7 a Boswell creation, if you will. So this was
8 their's, we intend to comply with the
9 streetscape details of the Borough. That's the
10 purpose of this exhibit.

11 Q. For the record, indicate what that is and
12 that's pavers?

13 A. This shows details of pavers, this shows
14 details of the typical bench, the lighting
15 fixtures, the Hadco lighting fixtures and a
16 typical bollard, and shows the brick pattern and
17 the curbing and the roadway. And the proximity
18 to the roadway.

19 Q. That's all along the main road?

20 A. That's all along Wagaraw Road, yes.

21 This is another feature along the -- this
22 is the Kohler site to the bottom of the page,
23 this is Exhibit A-46C entitled, Sound Wall, and
24 this shows along the property boundary between
25 the proposed mixed use and the Kohler site, the

1 neighbor, that's where we are proposing a sound
2 wall because there was some discussion about the
3 need for some more privacy against that
4 particular neighbor. So we provided this sound
5 wall and this is the sound wall. Right now
6 there is a fence there but this sound wall is
7 actually made to -- the construction is a wood
8 wall with a sound attenuating acoustical
9 treatment in between the panels sandwiched in
10 but the walls look the same on both sides.

11 MR. DELIA: What's the height of
12 the wall?

13 Q. What's the proposed height of the wall?

14 A. We are proposing ten feet, so that would
15 be discussed in terms of a variance. Your
16 ordinance does not permit that.

17 Q. Just to stay on this for a moment. The
18 extent of it was for the length of the -- for
19 that parking lot there. There was a concern
20 that was reflected in the transcript that we
21 wanted to, and also I believe Mr. Schroter you
22 might have mentioned something about it, in
23 terms of providing some additional landscaping.
24 We put additional landscaping along that area,
25 right? We go passed that, it is just at the

1 field but that's the parking lot, as well as to
2 the wall to provide a good buffer and sound,
3 both for sound and for visual aspects as well.

4 MR. CHAMBERLIN: Where is that
5 wall going to go from?

6 THE WITNESS: That wall starts
7 roughly in this area where the trucks are parked
8 all along the east side of the Kohler property.
9 We have that wall extending approximately 460
10 feet along this property line.

11 MR. D'ARMINIO: There is
12 landscaping further along that property line but
13 if you look at the aerial what will match that
14 there is land back there.

15 MR. CHAMBERLIN: Right.

16 MR. BEDRIN: It's \$100,000.

17 A. This is not something that's inexpensive.

18 Q. It's not free?

19 A. It's at a considerable expense to the
20 applicant that we are providing this sound wall.

21 MR. MELFI: Question. You know
22 how high it is from the ground to the top of the
23 exhaust of the truck?

24 THE WITNESS: Approximately ten
25 feet.

1 MR. MELFI: Basically the height
2 of the exhaust and the wall is going to be the
3 same.

4 THE WITNESS: But the truck is
5 stepped back from the property line. They're
6 not parked right up against the wall.

7 MR. MELFI: Point being if the
8 exhaust was six feet tall and the wall was
9 ten-foot high, I can see it killing the sound.
10 Existing it's going to be the same height as the
11 wall, is anybody willing to state how much
12 deadening of sound it would be?

13 THE WITNESS: Well, the exhaust
14 on the box truck is actually underneath.

15 MR. MELFI: I am talking about
16 that trailers mostly parked along the side over
17 there.

18 THE WITNESS: Trailers are not
19 parked on this side. This is box trucks. I am
20 glad you asked that question for clarification,
21 it's at the bottom of the truck.

22 THE PUBLIC: It's not at the
23 bottom of the truck it is stacked.

24 MR. HALLOCK: Listen, we're going
25 to cutoff any comments in the audience. You are

1 not here to testify as yet. You want to do that
2 at the public, after testimony is provided,
3 that's fine. So I suggest that no shout outs
4 here from the audience. Okay. Let's proceed.

5 MR. D'ARMINIO: Just respond to
6 the professionals. I'm sorry.

7 THE WITNESS: We will have -- we
8 will get back to you and we will provide that
9 clarification.

10 MR. KELLY: How far is the wall
11 going to be set off the property line?

12 THE WITNESS: The wall would
13 basically be on the property line or six inches
14 behind the property line.

15 MR. KELLY: So there would be no
16 plantings between the property line and the
17 fence?

18 THE WITNESS: On our property --
19 go back to Exhibit A-46C. There will be.

20 MR. KELLY: Not on the other
21 side?

22 THE WITNESS: We are putting --
23 these are pines, we are putting evergreens along
24 here but not on the other side.

25 MR. KELLY: What's that line that

1 looks like it is just on top of the plantings?

2 THE WITNESS: It may have been a
3 setback from some other criteria.

4 MR. KELLY: So in that view right
5 there you are going to have parking on the
6 neighbors property, you go up to the line with
7 the three dashes, that's the property line, the
8 fence is going to be right there or six inches
9 in, behind that you will have plantings on your
10 side and then your building?

11 THE WITNESS: Correct.

12 MR. HALLOCK: Does this fence
13 require -- what would the maintenance
14 requirement be on that wall?

15 THE WITNESS: Similar to T1-11,
16 if you are familiar with that.

17 MR. HALLOCK: No, I am not
18 familiar with that.

19 THE WITNESS: Maintenance
20 required would be staining every ten to 15
21 years.

22 MR. HALLOCK: How would you stain
23 it if it is right up against the property line?

24 THE WITNESS: From the top.
25 Roll it.

1 MR. HALLOCK: Okay.

2 MR. D'ARMINIO: Or have the
3 neighbor give us permission to do it. That
4 would be nice.

5 **A. So that's Exhibit 46C.**

6 **Onto now, there is -- we have received**
7 **from the, again the fire chief truck circulation**
8 **comments and he indicated that his truck was a**
9 **42 foot box and this is the pattern of a 40 foot**
10 **box and the wheelbase however is the same, so**
11 **this is showing the wheelbase and we will**
12 **provide him an updated exhibit showing how a 42**
13 **foot box really has no significant impact to**
14 **this. So we will provide that updated exhibit.**

15 **Q. So we have to update Exhibit 47 for a 42**
16 **length but the wheelbase is the same, correct?**

17 **A. Correct. So we don't anticipate this**
18 **configuration to change. We have -- right here**
19 **you will notice as you enter there is some**
20 **encroachment and that's going to be a mountable**
21 **curb to accommodate the trucks as well as this**
22 **curb right here, that would be a mountable curb.**
23 **Those are two pinch points, if you will, on the**
24 **site.**

25 **Exhibit A-48 is entitled, Truck**

1 Circulation Garbage Truck, and this shows the
2 garbage truck and how it would enter the site.
3 Q. What's the length of the garbage truck?
4 A. SU40, it is a 40-foot wheel base, so it
5 is similar to the fire truck. But this shows
6 the maneuverability of those trucks throughout
7 the site and it shows the backing in and we got
8 an area for recyclables and refuse and shows how
9 the trucks can successfully pull up, back up and
10 move in and out each one of those locations
11 shown on the right side of this exhibit. So in
12 particular this is showing the truck --

13 Q. Might be helpful if you correlate the
14 two, because I wasn't --

15 A. So let me take you to -- so this is the
16 over all Circulation Plan, this is showing the
17 detail. This is Building 2 right here. This
18 is, so this corner right here is this corner
19 right here. It shows how a truck would turn,
20 come in, load, get back out and leave. This
21 detail here shows you this location over here.

22 Q. What do you mean by this?

23 A. This is Building 3, between Building 3
24 and 4 this is the refuse area. The truck would
25 simply access that and here it shows the

1 maneuverability of the garbage truck between
2 Buildings 3 and 4.

3 Q. And that's A-48?

4 A. That's A-48.

5 So Exhibit A-49 shows the site plan line
6 of the site from Lot 8.

7 There was a question from the engineer as
8 to the line of sight, I believe it was the
9 engineer, and so we provided this exhibit to
10 show that with AASHTO 2004 design speeds 45 MPH
11 posted 40. That if you parked here your line of
12 sight would be 380 feet away, and the traffic
13 engineer will provide further testimony, but
14 this shows we have the line of sight and this is
15 that curved wall that we had seen on a couple
16 pages so far and it is just missing that you are
17 able to see and in this case a vehicle traveling
18 from west to east and a person here would be
19 able to see that. Now, that's typical of an
20 unsignalized intersection or if there was a
21 right on red and that's the purpose of this line
22 of sight, is to show right on red you would be
23 able to see the vehicle at a safe distance.

24 MR. D'ARMINIO: We will have
25 further testimony from our traffic expert on

1 that.

2 A. Exhibit A-50.

3 MR. KELLY: One second. Do you
4 expect the county to allow a right on red?

5 THE WITNESS: Again, this
6 application would be subject to county approval,
7 so if they allow a right on red great. We would
8 expect them to allow a right on red based on the
9 fact that it meets the line of sight criteria.

10 MR. KELLY: Okay.

11 MR. SCHROTER: Go back to the
12 garbage situation. There is no refuse for Lot
13 10? Anybody residing in Lot 10 has to take
14 their garbage to the other end of the property?

15 Q. Do you want to put that up there.

16 A. So Lot 10 is actually not shown on this
17 exhibit -- so there you go.

18 Q. A-45 now.

19 A. Exhibit A-45 is the Lighting Plan. We
20 are using it for reference but this is showing
21 Lot 10 and it is showing that the, I believe we
22 have an exhibit of the truck turns for that, I
23 don't have it in there, would be an area likely
24 right behind the building.

25 MR. TERRAGLIA: That's not shown

1 on this plan?

2 THE WITNESS: We can provide
3 further detail.

4 MR. D'ARMINIO: We need to
5 provide you with a truck circulation garbage
6 plan, A-48B or something. A and B, and that's
7 for Lot 10.

8 THE WITNESS: Correct.

9 A. The other option for garbage removal for
10 that building, would be to have the refuse in
11 the back of the building and then the folks
12 simply bring the garbage out to the curb as is
13 done in the other residential.

14 MR. D'ARMINIO: I believe that
15 was the original testimony but we will take a
16 look.

17 MR. SCHROTER: Would you have
18 garbage --

19 MR. D'ARMINIO: We will take a
20 look at that and get back to you. I believe
21 that was the original testimony.

22 A. Okay.

23 A-50 is the Site Plan Lighting for Lot
24 10. This shows vehicles entering Lot 10 parking
25 area and to the left is adequate line of sight.

1 To the right the line of sight is encumbered by,
 2 this is the trestle train tracks going over
 3 Wagaraw and the end columns and support system
 4 for the trestle does impede the clear visibility
 5 of a vehicle traveling in the westbound
 6 direction. So what you will hear is further
 7 testimony from our traffic engineer whether a
 8 left out, that's the big question, whether a
 9 left out would be permissible. And based on
 10 this, on the fact that there is these columns,
 11 there is not clear 100 percent visibility so we
 12 may have to limit the movement to right in right
 13 out at that particular driveway.

14 MR. D'ARMINIO: We are still
 15 looking at that and talking to our traffic
 16 consultant with regard to that issue.

17 A. A-51 shows the existing monitoring wells.
 18 There was a comment the last meeting regarding
 19 the monitoring wells and whether there was any
 20 on the site and we do have them. This is
 21 showing the monitoring wells on the site and
 22 this is Exhibit A-51, Existing Monitoring Wells,
 23 and the next slide we have is A-52, which shows
 24 the existing monitoring wells with an overlay of
 25 the site plan. So you will see red and blue and

1 the red monitoring wells are those that are to
 2 remain and the blue ones, since they align with
 3 our construction of the buildings and structures
 4 or utilities, those are the wells that would
 5 need to be removed.

6 On the next slide, Exhibit A-53, it shows
 7 the proposed monitoring wells, where the
 8 proposed monitoring wells would be located.

9 Q. We had conversations with the responsible
 10 party and this all has been worked out with
 11 them?

12 A. They're accepting of the proposed plan,
 13 yes.

14 And finally Exhibit A-55 is entitled --

15 Q. What about A-54, that was the No Action
 16 Letter. I have copies of that, and I should --
 17 and I will supply that.

18 A. So Exhibit A-55 shows the Rivergate
 19 property boundaries and just to the point of
 20 clarification this is our Lot 8 and this is our
 21 Lot 10. We are showing the, what we call, the
 22 railroad property or New Jersey Transit Access
 23 and so this is clearly showing the property
 24 limits and the fact that they're bifurcating our
 25 site. We get access from Lot 8 via Lot 10 of

1 the sidewalk so that's how we -- so this is not
 2 our property but again access for the New Jersey
 3 Transit.

4 Q. We want to more clearly show that with a
 5 colorized version of what the area is without
 6 our control. It is sort of connected by the, at
 7 this point, by the sidewalks?

8 A. Correct.

9 Q. We have, I am going to show you A-31 --
 10 excuse me, A-54. Can you look at that and
 11 identify that and we have got copies and we will
 12 integrate that into the CD for presentation for
 13 the board.

14 A. This is a certified mail from Merck to
 15 Mr. Bedrin stating that in September the DEP
 16 adopted regulations that require public
 17 notification. It further goes on to say that
 18 soil cleanup activities have been successfully
 19 completed and on May 23, 2008 NJDEP issued an
 20 entire site unrestricted use no further action
 21 component not to sue, certifying that the
 22 cleanup met their standards. In June 2008 the
 23 property was sold, however Merck remains
 24 responsible for addressing the remaining
 25 groundwater issues and I have indicated in my

1 earlier testimony the groundwater issues are
 2 self attenuating there with ongoing monitoring.
 3 Every time they monitor they're getting closer
 4 to the permissible groundwater standard
 5 promulgated by NJDEP. So anything that we do on
 6 this relative to groundwater will be in
 7 compliance with NJDEP. They will want to -- we
 8 have to work in close coordination with them and
 9 with their requirements.

10 MR. D'ARMINIO: Now, you have
 11 indicated you reviewed the various reports, the
 12 Burgis Associates report, we hope to have a
 13 written response by the next meeting and
 14 probably Mr. McDonough will deal with any of
 15 those questions, if you may, unless you have any
 16 questions of course and other than that we have
 17 reviewed the Boswell letter, you indicated that
 18 already?

19 A. Yes.

20 MR. D'ARMINIO: Any questions
 21 with regard to that Mr. Fitamant is here, but
 22 that is pretty much your testimony for our, at
 23 least affirmative presentation, and we welcome
 24 all your questions.

25 MR. HALLOCK: Questions from the

1 board.

2 MR. TERRAGLIA: Couple questions
3 regarding the ramp, coming down the ramp. The
4 water coming down, were does that wind-up?

5 THE WITNESS: In the drainage
6 system in the ground.

7 MR. TERRAGLIA: The end of the
8 ramp?

9 MR. D'ARMINIO: Indicate where
10 that would be.

11 THE WITNESS: Go to the grading
12 and drainage plan.

13 MR. TERRAGLIA: Very large ramp.

14 THE WITNESS: Exhibit A-43. I
15 don't know if you can see it, if you still have
16 the clarity at that point Adam.

17 So Exhibit A-43, this shows --

18 MR. D'ARMINIO: The ramp going
19 up.

20 THE WITNESS: This the ramp going
21 up. So this is sloping up, we got a floor drain
22 or continuous drain at the bottom of the ramp,
23 so anything that sheet flows off the ramp will
24 be captured there and that ties into the piping
25 network.

1 MR. TERRAGLIA: Another question,
2 any provision for heating it so in the winter it
3 doesn't freeze?

4 THE WITNESS: We did not get to
5 that level of detail. That would be something
6 that the owner would need to consider the
7 maintenance of.

8 MR. TERRAGLIA: It's very steep.

9 THE WITNESS: It's five percent
10 but it would have to be something that the owner
11 would need to consider in terms of maintenance
12 and buy back, the amount of money that's spent
13 on that versus the amount of plowing and salting
14 that we could otherwise eliminate the ice and
15 snow from.

16 MR. TERRAGLIA: Thank you.

17 MR. SCHROTER: You are depicting
18 a left-hand turn when you are heading westerly
19 on Wagaraw Road, and I am not sure why that is
20 added in there showing three lanes when there
21 are two now?

22 THE WITNESS: So we are looking
23 at Exhibit A-49, and your question is the
24 left-turn lane?

25 MR. SCHROTER: Correct. Is that

1 something you need county approval for?

2 THE WITNESS: We will have
3 testimony from our traffic consultant, traffic
4 expert. However, this configuration you are
5 looking at here was the identical configuration
6 used for the prior application on this site and
7 the intensity was much greater than what we're
8 proposing here today that we nonetheless kept
9 the same requirement that the county had
10 approved prior.

11 MR. SCHROTER: Okay.

12 MR. D'ARMINIO: That's going to
13 be a county requirement, we will discuss it at
14 length.

15 MR. HALLOCK: This may not be a
16 question with respect to the application but
17 just curious. The announcement today in the
18 record concerning the Passaic River basin and
19 the flooding, the recommendation by the Core of
20 Engineers is there anything here that you are
21 aware of either the applicant -- well, the
22 applicant consider this if he has any prior
23 testimony, probably contact the applicant, but
24 concerned about whether there is anything
25 proposed in that recommendation? One of the

1 three recommendations, I think they're working
2 on that would interfere with some of the
3 setbacks and the water situations. They're
4 talking about levies and I guess walls on the
5 Passaic River. So I am curious as the owner of
6 the property and engineer, has anyone from the
7 Core of Engineers contacted you that would have
8 a negative effect on this?

9 THE WITNESS: We have not had any
10 contact with the Core but I have been involved
11 with the New Jersey DEP Watershed Management in
12 my area and I can tell you I have seen plans of
13 tunnels and various options that have been
14 considered, and most of that quite honestly is
15 reflecting the upper reaches of the Passaic
16 River, Wayne and areas where --

17 MR. HALLOCK: The map today
18 showed some sections --

19 THE WITNESS: Of a levy or wall
20 here?

21 MR. HALLOCK: Sections in
22 Garfield. They also had the upper Passaic and
23 something around Paterson there was a red line
24 there.

25 THE WITNESS: I am familiar with

1 the lower.

2 MR. HALLOCK: I couldn't figure
3 that out.

4 THE WITNESS: Any levies that
5 are added are, just by the basic nature, are
6 there to contain the water.

7 MR. HALLOCK: I understand that
8 but I was wondering if that build up would back
9 into the property.

10 They haven't contacted you?

11 THE WITNESS: No.

12 MR. HALLOCK: Okay.

13 THE WITNESS: We will take a
14 look at that and see if we can get some feedback
15 by next meeting.

16 MR. D'ARMINIO: We will have
17 something by the next meeting, at least try to
18 contact them and get something for you.

19 MR. DUFFY: Is there fencing
20 around the railroad property at this moment?

21 THE WITNESS: There is a fence
22 at the access point about, I would say at least
23 100 feet in. I think we have a picture -- no, I
24 can tell you it has got to be 60 feet in from
25 the curbed edge of Wagaraw Road.

1 MR. DUFFY: Is that a railroad
2 fence?

3 THE WITNESS: That's on the
4 railroad property and it's a gate, so they don't
5 want folks traveling back there and dumping or
6 doing whatever they do.

7 MR. DUFFY: Does your Lot 10 in
8 that area have a locked gate which borders the
9 right-of-way for the railroad? Do they have
10 exposure to that property without fencing.

11 THE WITNESS: Let's go to that
12 last exhibit, A-55. So you can see here this is
13 a fence and this is a fence and it seems to
14 break away and so this is where the gate is.
15 There is a fence along this edge here, which
16 actually travels all the way and turns and I
17 believe this is right now the used car lot in
18 this area. The fence is on their property and
19 turns, this is based on this survey. I don't
20 know what the conditions are exactly out there
21 today, we can take pictures and share that with
22 you.

23 MR. DUFFY: Is there a fence --
24 do you plan to fence Lot 10?

25 THE WITNESS: No.

1 MR. DUFFY: Or Lot 8?

2 THE WITNESS: No.

3 MR. DUFFY: Historically --

4 THE WITNESS: Lot 8, there would
5 be a fence on Lot 8 along by the Wagaraw
6 frontage.

7 MR. DUFFY: Not along the
8 railroad property?

9 THE WITNESS: Correct.

10 MR. DUFFY: Historically what has
11 that property been used for?

12 THE WITNESS: Which one?

13 MR. DUFFY: The railroad
14 property.

15 THE WITNESS: Simply an access.

16 MR. DUFFY: Do they ever store
17 machinery or supplies there?

18 THE WITNESS: Not to my
19 knowledge. Simply access. If it was storage it
20 would impede any access.

21 MR. HALLOCK: I think that there
22 was testimony they use that access for
23 maintenance.

24 THE WITNESS: Yes.

25 MR. D'ARMINIO: Maybe better if

1 we go to the large aerial and see how it is
2 accessed to the rail line.

3 MR. DUFFY: My concern is your
4 building, I believe, has two and three bedroom
5 units and that would imply you would expect
6 children to be there. Do children have access
7 to the railroad property which maybe dangerous
8 in an area which right now is not residential,
9 has no children, you are putting them right in
10 the face of it. Does the railroad store
11 supplies there? Do they put equipment there
12 when they're repairing the railroad? Is there
13 dangerous areas in that section which would be
14 harmful to children wondering around?

15 THE WITNESS: To my knowledge
16 there is no storage of any materials here, it's
17 simply for maintenance.

18 MR. D'ARMINIO: We are looking at
19 A-2 now.

20 THE WITNESS: We are looking at
21 Exhibit A-2. It is an aerial showing the access
22 points there. So it's no different than the
23 residential units on the other side of the
24 street.

25 MR. DUFFY: I don't doubt that

1 the railroad doesn't store supplies there all
2 the time, but the railroad is going to be
3 repairing track, they're going to have access to
4 that road and may or may not be storing
5 equipment or whatever on that for the repair for
6 a limited period of time, that's my only
7 question. Is there a concern that in a
8 residential area where children are present that
9 will provide an attraction which could cause
10 harm to our residents?

11 THE WITNESS: I will talk to the
12 applicant to discuss whether additional fencing
13 and/or coordination with New Jersey Transit to
14 eliminate and alleviate that concern.

15 MR. KELLY: I have a few
16 questions.

17 From an environmental standpoint, we know
18 you provided testimony that you received a No
19 Further Action Letter for the soil contamination
20 and that there is still some open cases with
21 respect to groundwater contamination and
22 monitoring. During the development of the
23 property who's going to be the LSRP on site, is
24 the applicant going to be there?

25 THE WITNESS: Yes.

1 So you provided testimony on some of the
2 variances and waivers requested, I am on Page 6.
3 For item 11F, that's maximum impervious
4 coverage, maximum permitted is 50 percent and is
5 that correct that you are going to provide lot
6 coverage of 61 percent for Lot 8 and 67 for Lot
7 10?

8 THE WITNESS: I need to
9 double-check my zoning table, but I believe that
10 is correct.

11 MR. KELLY: Okay.

12 MR. D'ARMINIO: Give us a second.

13 MR. KELLY: Okay.

14 THE WITNESS: 61 and 67, yes.

15 MR. KELLY: I wanted that on the
16 record.

17 And then for minimum lot depth, that's an
18 existing condition, I will let your planner
19 testify about that.

20 Minimum sign setback, 30 feet is required,
21 you guys are proposing ten feet. I would like
22 to have that put on the record.

23 THE WITNESS: That's 11.5 from
24 the curb line. That was the curved wall.

25 MR. KELLY: 11.5 from the curb or

1 MR. KELLY: And how about
2 monitoring, is there going to be somebody there
3 also?

4 THE WITNESS: Yes, they have
5 their own as well.

6 MR. KELLY: Would the applicant
7 be willing to provide the Borough with copies of
8 all correspondence that go to and from DEP?

9 THE WITNESS: Yeah, I have no
10 reason to think they wouldn't, sure.

11 MR. D'ARMINIO: Absolutely.

12 MR. KELLY: I would like to go,
13 if it is okay, can I go through my letter and
14 touch on items that may not have been addressed.
15 I don't know if we need to go one by one but --

16 MR. HALLOCK: How many are there
17 one by one?

18 MR. KELLY: A few. I will go
19 through the ones that have not been addressed.

20 MR. HALLOCK: Just the ones that
21 have not been addressed?

22 MR. KELLY: Yes.

23 MR. D'ARMINIO: We are looking at
24 the letter of January 14th?

25 MR. KELLY: Yes.

1 right-of-way?

2 THE WITNESS: Curb. And ten feet
3 is required. However, when you look at the
4 curved wall that's the distance to the curved
5 wall not necessarily to the sign, which is even
6 further distance back so if you were to draw a
7 box around the actual name itself that distance
8 is probably in compliance.

9 MR. KELLY: Can you provide that?

10 THE WITNESS: We can provide
11 that detail.

12 MR. D'ARMINIO: Do you have that
13 detail on the exhibits?

14 THE WITNESS: Not to the
15 lettering.

16 MR. D'ARMINIO: Okay. We will
17 supply that.

18 MR. KELLY: The next items are
19 13A and 13B, that deals with respect to the
20 requirement of the R3 zone and we will address
21 the R3 zone at a different time.

22 On Page 8, minimum number of parking spaces,
23 that's item 13C. I think my report was
24 incorrect, 492 parking spaces should be 480
25 parking spaces required for Lot 8 and you are

1 providing 457 parking spaces just for Lot 8.
2 MR. D'ARMINIO: Can you say that
3 again.

4 MR. KELLY: The number of parking
5 spaces required for Lot 8 is 480 and I believe
6 for Lot 8 457 parking spaces are provided.

7 THE WITNESS: We go to the
8 parking summary table, that would clarify any
9 concerns that you should have. So this shows
10 Lot 8.

11 MR. D'ARMINIO: A-34.

12 THE WITNESS: Exhibit A-34,
13 Parking Summary. This shows that the required
14 number of spaces for residential is 435 and
15 provided 435. Office, 20 spaces, 2 are provided
16 and retail 24 spaces required, 20 provided.
17 That's Lot 8, and then Lot 10 refer to this
18 exhibit and that would provide clarification for
19 both lots. And Lot 10, required is 13 spaces
20 and 17 are provided.

21 MR. KELLY: Okay. Based on my
22 calculation I have 12 required for Lot 10 and 17
23 provided. Okay.

24 For item 13D, that's parking spaces and
25 aisle width. Parking space minimum space

1 required for retail and office is 200 square
2 feet, you guys have 162 square feet and the
3 minimum aisle width required is 25 feet and you
4 guys have 24 feet?

5 THE WITNESS: Correct.

6 MR. KELLY: We are going to
7 revise the development application to reflect
8 all variances and waivers so that can be an
9 attachment to make sure that's included with
10 your development application.

11 For RSIS, we reviewed the number of
12 residential parking spaces provided or required
13 for item 17 and 18, those are just parking
14 breakdowns, and item 19. So I think we have
15 gone through all that.

16 Item 20, you addressed the tandem parking
17 spaces with the board.

18 You addressed item 21 with the parking and
19 pedestrian circulation and upon completion can
20 you certify that the handicapped spaces would be
21 constructed in accordance with ADA requirements?

22 THE WITNESS: Yes.

23 MR. KELLY: Go down to item 23
24 and 24, have been provided.

25 You provided testimony for item 25, that was

1 with respect to the flood hazard area.

2 For 26, you provided testimony on how
3 vehicles access the parking garage.

4 You reviewed item 27, that deals with the
5 dead-end parking, the dead-end aisles in the
6 garage. And previous testimony was provided for
7 the four parking spaces that are to be tandem
8 parking spaces on the upper level. The
9 testimony was that those would be for
10 residential use only?

11 THE WITNESS: Correct.

12 MR. KELLY: For the water and
13 sewer items, will you be able to address those
14 items? They're mainly saying that you have to
15 provide necessary test results and necessary
16 calculations for our review.

17 THE WITNESS: Yes.

18 MR. KELLY: Drainage, item 34, we
19 reviewed the drainage measures and the drainage
20 study provided for the project, we have a number
21 of technical comments which we are reviewing
22 with the applicant and I am confident that they
23 will be able to address those items.

24 With respect to low impact development
25 measures, have you incorporated any low impact

1 measures as part of this design?

2 THE WITNESS: When we make our
3 submission we will provide that level of detail
4 that identify low impact development measures
5 that we can meet with respect to compaction and
6 for quality soils, etc.

7 MR. KELLY: Okay.

8 For lighting, item 35, we request that if
9 this is to be approved that the board or Borough
10 reserve the right to require modification to the
11 lighting for a period up to six months after
12 installation.

13 THE WITNESS: We agree.

14 MR. KELLY: Landscaping, we will
15 work that out with the landscape architect.

16 THE WITNESS: Yes, we agree.

17 MR. KELLY: Can you put on the
18 record who is going to be the responsible party
19 for the maintenance of all landscaping
20 improvements?

21 THE WITNESS: For the record it
22 would be the applicant.

23 MR. KELLY: Okay.

24 Traffic will be addressed when your traffic
25 engineer is here.

1 Retaining walls, the grading plan indicates
2 that you will have walls up to a height of five
3 and a half feet and prior to construction will
4 require retaining wall calculations to be
5 provided.

6 THE WITNESS: We agree to provide
7 those calculations.

8 MR. KELLY: You will have to
9 submit a soil moving application.

10 THE WITNESS: Yes, will do.

11 MR. KELLY: Architectural
12 comments, those were addressed by the project
13 architect.

14 Signage was also previously reviewed.

15 Environmental, I think we have gone through
16 those items.

17 That's all I have at this time.

18 THE WITNESS: Okay.

19 MR. HALLOCK: Questions?

20 MR. GALLAGHER: I have a question
21 as far as the, or adding to the parking, because
22 on the upper deck with the dead-end you stated
23 that's common.

24 THE WITNESS: Yes.

25 MR. GALLAGHER: I have never been

1 in a parking garage that has a dead-end.

2 THE WITNESS: I will take
3 pictures.

4 MR. GALLAGHER: I park in two
5 different parking garages everyday, I never seen
6 a dead-end. In order for you not to make that
7 dead-end you have to sacrifice two or maybe four
8 spaces so people can make a turn?

9 THE WITNESS: If it was not a
10 dead-end I agree.

11 MR. GALLAGHER: Another question
12 that Mr. Hallock raised, if there is a car fire
13 on the upper level how does a fire truck get
14 there?

15 MR. HALLOCK: I didn't raise the
16 question, I asked him.

17 THE WITNESS: That's an excellent
18 question.

19 MR. HALLOCK: I know the chief, I
20 talked to him, he looked at the plans and he put
21 the fire hydrant where he wanted it, so --

22 THE WITNESS: It is 13 feet up,
23 it is not two or three stories. I would think
24 that it is relatively simple but I am not a
25 fireman so --

1 MR. HALLOCK: We had a car fire
2 the distance is only what between a parking
3 space, 24 feet, how wide is the fire truck?

4 MR. CHAMBERLIN: There is no way
5 a fire truck is going to get up there.

6 THE WITNESS: To drive up there,
7 up on the upper deck?

8 MR. HALLOCK: Yeah.

9 THE WITNESS: No, it is not
10 going to make that turn. It is going to fight
11 it from the surrounding grade, which is, like I
12 said, 13 feet lower. At 13 feet lower you got
13 at least a minimum of 20 PSI residual equivalent
14 to 40 feet so you can shoot the water up 40 feet
15 plus, easily. So 13 feet is not --

16 MR. HALLOCK: I will ask the
17 chief again. I see him up at the assisted
18 living where my mother is, so I will see him and
19 ask him if he looked at that deck, that's the
20 only concern we have. He looked at the deck and
21 can he accurately cover it, that's fine.

22 MR. MELFI: Bigger question would
23 be can the deck hold the fire truck?

24 THE WITNESS: We are not driving
25 the fire truck on there.

1 MR. MELFI: I didn't think so.

2 MR. SCHROTER: That's a good
3 question.

4 MR. HALLOCK: You can't get up
5 there, you don't have to worry about holding it.

6 MR. SCHROTER: You get the truck
7 to the top of the ramp you have access there
8 without having to shoot 13 feet. It can at
9 least get to the top of the ramp and stop.

10 MR. HALLOCK: I am not a fireman
11 so --

12 MR. SCHROTER: Something for you
13 to ask the chief.

14 MR. KELLY: I don't know how a
15 fire truck is going to be make that turn.

16 MR. SCHROTER: Not the turn.
17 Getting to the top of the ramp.

18 MR. KELLY: I don't know if
19 they're able to get to the top of the ramp.

20 MR. SCHROTER: Off the street
21 level?

22 MR. KELLY: Yeah.

23 MR. D'ARMINIO: Why don't you
24 touch base with the chief and we will touch base
25 with our people and see what we come up with.

1 MR. HALLOCK: Okay.
 2 Any other questions of the board for what
 3 was testified to here tonight? No questions,
 4 okay.
 5 How many people in the audience, I am
 6 looking at the time frame, this is the only
 7 witness tonight and looking at the fact that
 8 whether we take a break here if there is going
 9 to be a significant amount of questions from the
 10 audience. So I don't want to know your
 11 questions I want to know who would like to
 12 either question or provide testimony tonight.
 13 Okay.
 14 Rayna, you got your whole report done, or
 15 you have questions?
 16 THE PUBLIC: I have questions.
 17 MR. HALLOCK: Fine, let's take a
 18 five-minute break.
 19 (Whereupon, a short recess is taken.)
 20 MR. HALLOCK: I will entertain
 21 questions from the audience. The rules are,
 22 again, if you are asking a question that's fine.
 23 If you are going to provide any kind of
 24 testimony or evidence in this matter you need to
 25 be sworn in and I would just again state the

1 questions right now after each witness are
 2 directed to the witness about anything he or she
 3 testified to in this process. At the conclusion
 4 you can ask any questions at all on any matter
 5 that went on on this application in the process.
 6 So I open it up for either testimony or for
 7 questions.
 8 THE PUBLIC: Dan Deblock,
 9 D-E-B-L-O-C-K, 150 Wagaraw Road. I am the
 10 director of operations for Kohler. I want to
 11 clarify something on the record so I guess I
 12 will need to get sworn in.
 13 MR. HALLOCK: Were you sworn in
 14 before?
 15 THE WITNESS: No, I spoke but
 16 not sworn in.
 17 MR. DELIA: Do you swear the
 18 testimony you are about to give us tonight is
 19 the truth the whole truth and nothing but the
 20 truth.
 21 THE WITNESS: I do.
 22 MR. DELIA: Go ahead.
 23 THE PUBLIC: To clarify, the
 24 trucks which we have been purchasing for the
 25 last couple years now are all stacked. Due to

1 new diesel emission standards you can't fit the
 2 exhaust under the trucks anymore. So our truck
 3 heights now vary between ten and a half to 12
 4 and a half feet. The stacks protrude about
 5 eight to ten inches above.
 6 The question I have is on that building that
 7 runs along our property line, where does the
 8 housing actually start, at what height?
 9 THE WITNESS: First floor.
 10 Ground level.
 11 THE PUBLIC: So parking,
 12 residents and residential above it?
 13 THE WITNESS: There is ground
 14 level on half the building that's facing your
 15 property. The ground level is a residential
 16 unit and three stories up.
 17 MR. D'ARMINIO: There is parking
 18 on the other side?
 19 THE WITNESS: There is tandem
 20 parking underneath the other side at the
 21 foreground level.
 22 MR. D'ARMINIO: Do you want to
 23 show an exhibit.
 24 THE PUBLIC: Again, a concern is
 25 noise. You have residents well above the ten

1 feet so the trucks are higher than that, tractor
 2 trailers that come in and out are 13 feet and it
 3 is traffic in and traffic out.
 4 THE WITNESS: These are diesel
 5 trucks?
 6 THE PUBLIC: Right.
 7 That's all.
 8 MR. HALLOCK: Thank you.
 9 THE PUBLIC: John Parilli, 91
 10 Frederick Avenue. P-A-R-L-I-L-L-I.
 11 MR. DELIA: Address.
 12 THE PUBLIC: 91 Frederick Avenue.
 13 I have a brief statement.
 14 MR. DELIA: Raise your right hand.
 15 Do you swear the testimony you are about to
 16 give tonight would be the truth the whole truth
 17 nothing but the truth.
 18 THE PUBLIC: I do.
 19 MR. DELIA: You are sworn.
 20 THE PUBLIC: I am speaking here
 21 as an official representative of the Hawthorne
 22 Gun Club, we want to go on record --
 23 MR. GALLAGHER: Hawthorne what?
 24 THE PUBLIC: Hawthorne Gun Club.
 25 We want to go on record so the developer and

1 all the parties know that there is an active
2 shooting range on the property adjacent to where
3 the project is planned for. The club uses the
4 range on Sundays throughout the year from nine
5 in the morning until early to mid afternoon and
6 on Wednesday evenings during the warm weather
7 months. The club has been in existence since
8 1948 and is open to all Hawthorne residents who
9 passed the police background check and have
10 obtained their FID firearms identification card.
11 By the way, this would apply to any residents of
12 this development should it be built.

13 The club takes no position on what gets
14 built at 204 Wagaraw. We just don't want any
15 confusion to arise in the future when someone
16 finds they're living next to an active shooting
17 range.

18 If anyone has any questions myself or any
19 other board member of the gun club, our
20 president Robert Martino and I will be happy to
21 answer any of them. Thank you.

22 MR. HALLOCK: Thank you.

23 MR. GALLAGHER: If they go to the
24 site plan, I believe.

25 THE PUBLIC: On A-2.

1 Sunday mornings, we just want to avoid any
2 confusion that comes by that. However you would
3 choose to pass this information along is at your
4 discretion. So that's all I have to say. If
5 anyone has any questions now or in the future
6 they can get in touch.

7 MR. DUFFY: One question. The
8 Hawthorne police force has a shooting range
9 there as well?

10 THE PUBLIC: They do, they
11 utilize the facility. Generally they use this
12 side which is, there is a sand pit here with
13 concrete platforms for standing at the various
14 distances that they have to.

15 MR. DUFFY: When do they use it?

16 THE PUBLIC: At least twice a
17 year for qualification. I don't know when it
18 is, it is usually spring and fall, and at least
19 twice a year and then whenever they choose to
20 come in and practice.

21 MR. DUFFY: So it's random. It
22 could be every night, once every two years?

23 THE PUBLIC: Honestly, I can't
24 speak for the police department. I know they do
25 have to qualify twice a year. But, again, I

1 MR. GALLAGHER: Do you know where
2 you are located?

3 THE PUBLIC: See where the train
4 is on that center diagonal, we are the facility
5 right at the center. That's our clubhouse, our
6 shotgun range, which looks out toward the river
7 and above that right at the top of the photo.

8 THE WITNESS: Would you like to
9 use this?

10 THE PUBLIC: Sure thing.

11 Our facility encompass this area. Up here
12 is our pistol range. 25 yard pistol range.
13 Down here is our clubhouse and our shotgun range
14 where we shoot trap. So this is --

15 MR. GALLAGHER: Which way do you
16 shoot?

17 THE PUBLIC: We shoot towards the
18 river in this direction. And we know for
19 certain that shots travel no further than here.
20 We shoot only steel shots, there is no lead that
21 is fired into the wetlands area.

22 Anyway, this is our facility, we use it
23 every Sunday morning, Wednesday evening and
24 anyone who lives here who doesn't know there is
25 a shooting range and suddenly hears shooting on

1 can't speak for them. We are two completely
2 separate entities.

3 MR. HALLOCK: Thank you.

4 THE PUBLIC: Thank you very much.

5 MR. HALLOCK: Rayna you are up.

6 MR. DELIA: You swear the
7 testimony you are about to give tonight is the
8 truth the whole truth nothing but the truth.

9 THE PUBLIC: Yes.

10 R-A-Y-N-A L-A-I-O-S-A, 89 MINERVA AVENUE,
11 HAWTHORNE.

12 MR. HALLOCK: And what's your
13 title?

14 THE PUBLIC: I am also
15 environmental commission chair, so I am
16 representing them.

17 I have a bachelors of science from Stockton
18 State College and I have a masters of
19 environmental engineering from Stevens
20 Institute.

21 MR. HALLOCK: Rayna has testified
22 before us on a number of occasions.

23 So Counsel, no problems?

24 MR. D'ARMINIO: Yes, no problems.

25 THE PUBLIC: I would like to

1 understand more about the flood hazard. If you
2 can bring up your slide, that would be great.
3 These are parts of the, I guess the exhibit that
4 we got from all the drawings, is this a separate
5 one from the 15 sheets that we received?

6 THE WITNESS: Correct, this is a
7 separate one. We have combined the FEMA maps
8 and actually the flood hazard area that the DEP
9 now recognized.

10 THE PUBLIC: Great.

11 My questions are that of the flood hazard,
12 are you going for individual or general permit
13 for this site?

14 THE WITNESS: General permit.

15 THE PUBLIC: General, okay. Even
16 though the building elevation, and I was
17 noticing some building elevations in your flood
18 hazard at 46, so could you go over the
19 buildings, which is the lowest elevation?

20 THE WITNESS: Sure. So in terms
21 of each building elevation, elevation 47,
22 one-foot above flood hazard elevation. Do you
23 want to see an elevation view of that?

24 THE PUBLIC: No, that's okay.

25 Why wouldn't you go for an individual

1 permit, because you're in the floodplain and you
2 are following the one-foot and there citations,
3 7:13-11.5G, as in goat, that's for buildings and
4 then for the parking, 7:13-11.5P for the
5 parking. Especially that building in the corner
6 by the swimming pool over there.

7 THE WITNESS: Let me tell you
8 what we have.

9 THE PUBLIC: Because they're
10 talking about that parking, I assume your height
11 is greater than six feet, so there is all
12 requirements and explaining that it would be
13 inundated with water.

14 THE WITNESS: Correct.

15 THE PUBLIC: When it does flood
16 and --

17 THE WITNESS: Correct, so I take
18 that back, the flood hazard is an individual
19 permit. Development activity such as fill and
20 cut operations and impervious surfaces are
21 proposed in the flood hazard area which require
22 a flood hazard area individual permit from
23 NJDEP, Department of Land Use Regulations. So
24 that will be required and I apologize.

25 THE PUBLIC: There is a lot of

1 details here, that's why I wanted to get
2 clarification on that.

3 So with that, with the cut in the fill in
4 there and then there is also grading of the
5 wetlands to the right, all the way to the right
6 by the river.

7 THE WITNESS: Grading of the
8 wetlands.

9 THE PUBLIC: That was on the
10 exhibit of the grading.

11 THE WITNESS: We are not cutting
12 or modifying within the wetlands but we are
13 grading the lower portion, what I call the lower
14 portion. This area of the site is being
15 regraded, so right now it is coming up a certain
16 grade. In order for us to provide some fill to
17 have a net zero fill for the basin, net zero
18 fill, we are cutting here but we are filling
19 here. So essentially when we submit our
20 application to DEP we will show that the net
21 fill is equal to zero.

22 THE PUBLIC: Now, I was going to
23 ask you about the permits. So have we had any
24 discussion with the department specifically on
25 the flood hazard permit?

1 THE WITNESS: The flood hazard
2 permit for this application we have not
3 submitted to DEP yet. However, we have
4 experience with DEP on this site from the prior
5 application which was the Walmart application.

6 THE PUBLIC: So you're in the
7 flood hazard and that building, I think the
8 building was over --

9 THE WITNESS: The building was
10 more located here but there was impacts to the
11 flood hazard area.

12 THE PUBLIC: But this project is
13 more substantial because you have two major
14 buildings as well as a swimming pool?

15 THE WITNESS: Correct, there it
16 is more involved.

17 THE PUBLIC: And you have the two
18 buildings up on Wagaraw Road?

19 THE WITNESS: And we have not
20 put this plan together absent the knowledge and
21 the interaction with our natural resources folks
22 that work with Langan Engineering, they have
23 provided input and we are aware of the
24 considerations that go into this, which is why
25 they have done the delineations. They have done

1 the flood hazard area and we filed all that with
2 the DEP so they're on board now, so it is a
3 question of getting feedback from the Borough
4 and then making a solid application with that in
5 mind.

6 THE PUBLIC: Now, based off the
7 DEP data, minor land use permitting for this
8 site, it says something about freshwater
9 wetlands appeal and that DEP received
10 administrative hearing. This was January 2,
11 2013, appeals manager has been assigned August
12 2014. So I was questioning what is the appeal
13 for the freshwater wetlands?

14 THE WITNESS: I am not aware of
15 that appeal. Is there a block number here?

16 THE PUBLIC: Yes, it says, so I
17 was curious, I know the last two activity
18 numbers is the letter of interpretation, so I
19 was curious to see where we were on the permit
20 process?

21 MR. D'ARMINIO: We will follow up
22 on that.

23 THE PUBLIC: Wonderful. Great.
24 I am going to switch gears more to the -- to the
25 stormwater. Trying to understand the stormwater

1 deck. That all goes to a structure here and
2 this detention system then discharges to this
3 headwall that's going to go into the wetlands.
4 That's what this area covers. And then this
5 detention system is tied to this headwall and
6 this area here goes to that portion of the
7 wetlands. So there are basically two separate
8 detention systems and this is another, and this
9 is yet a third and this one also ties to that
10 same location where the wetlands are and
11 headwall exists, that's an existing pipe, so
12 right now you are getting runoff from that used
13 car lot without any treatment and so we are
14 providing -- we are not only providing
15 additional treatment here we are providing
16 additional treatment here because the additional
17 pervious. We are meeting all DEP requirements
18 or will be meeting it once we provide the TSS.

19 MR. D'ARMINIO: I want the record
20 to be clear. He is saying here and here. By
21 the first here you mean the northern detention
22 system?

23 THE WITNESS: So --

24 MR. D'ARMINIO: Not north, that's
25 easterly.

1 flow as well as there is two outfalls that you
2 are discharging into the wetlands.

3 THE WITNESS: Yes, so we have an
4 outfall here.

5 THE PUBLIC: I was trying to
6 understand those two outfalls in your stormwater
7 plan, because I couldn't, I didn't see them in
8 your report. Like what areas of that are going
9 to take the stormwater and discharge it to the
10 wetlands and is there going to be pretreatment
11 before you discharge into the wetlands?

12 THE WITNESS: Yes, we are going
13 to pretreat 80 percent TSS before discharging
14 into the wetlands, which we have -- we have yet
15 to provide that modification. So that was the
16 same question that Boswell had so we are in the
17 process of preparing that, but that's easily
18 attainable. It is a matter of getting the right
19 device in there to provide that.

20 THE PUBLIC: So where are the
21 areas of water that's going to go into the
22 wetlands?

23 THE WITNESS: So the area of
24 water that's going into the wetlands is all of
25 this surface parking as well as the parking

1 THE WITNESS: So the eastern
2 most detention system discharges to the
3 wetlands, that will have water quality and water
4 quantity in compliance with NJDEP and again we
5 will submit those calculations to the NJDEP for
6 approval. As you know, being that we are in the
7 flood hazard area they're going to be reviewing
8 our stormwater management documents. Then the
9 second stormwater management system is located
10 under the garage and basically incorporates the
11 center of the site and that also discharges to
12 the wetlands in the same location that Lot 10,
13 or the eastern most detention system discharges
14 to. And then there is a third portion of the
15 site which is closest to the river, if you will.

16 MR. D'ARMINIO: Between Buildings
17 3 and 4?

18 THE WITNESS: Between Buildings
19 3 and 4. That detention system also discharges
20 to the wetlands and that will have its water
21 quality and quantity constraints as well.

22 THE PUBLIC: When you say,
23 detention, the waters going to sit there and
24 then release or is it going to hold it and then
25 release it?

1 THE WITNESS: It is going to
2 orifices that control the outflow, so that the
3 outflow meets the DEP criteria which is a
4 reduction in the volume. We are obligated for a
5 reduction in the quality.

6 THE PUBLIC: Green
7 infrastructure, this is my favorite topic. I
8 looked at the checklist because of the
9 environmental constraints then I heard tonight
10 testimony that you will provide that. So --

11 THE WITNESS: Low impact
12 development checklist, we will comply with what
13 we can in terms of low impact development which
14 there is an opportunity to minimize the
15 compaction of the material on unpaved areas, we
16 will do that. We provided the green along,
17 certainly as a buffer between the wetlands and
18 development, so pretty much this building here,
19 this building line which is the back of Building
20 3 and the side of Building number 4, anything
21 from this point from the edge of those buildings
22 towards the railroad tracks is less green and
23 that's an opportunity for low impact
24 development.

25 THE PUBLIC: You are going to do

1 like swales going into it, sheet flow?

2 THE WITNESS: We want to make
3 that attractive to the residents that live there
4 so that there is greenery there.

5 THE PUBLIC: Are you planning as
6 part of your application for the wetlands,
7 because there is wetlands transition, you doing
8 an averaging plan?

9 THE WITNESS: Correct.

10 THE PUBLIC: Part of that are you
11 going to restore some of the wetlands so it is
12 beautified?

13 THE WITNESS: We are not
14 modifying the wetlands. We are simply
15 respecting that they exist and the buffers and
16 we are doing some transaction area waivers. The
17 details of that permitting process, again, will
18 be subject to what DEP requires and we will
19 comply with their requirements.

20 THE PUBLIC: I am more interested
21 with the roof drains off these buildings. You
22 got some landscaping on the front of Wagaraw
23 Road and there was, with the sound wall, and
24 then you have vegetation, directing that flow to
25 natural vegetation and existing landscaping that

1 you are proposing instead of putting everything
2 in the pipe underneath the detention out to the
3 wetlands, which gets to the Passaic River, so
4 those are the things that I was looking for.

5 THE WITNESS: And to that
6 statement we have, if you look at these,
7 Building 1 for example, the roof runoff from
8 Building 1 goes to an infiltration pipe so we
9 have some infiltration from the roofs, the roofs
10 are clean water they don't require quality
11 devices, so we discharge them directly and so we
12 are basically infiltrating along this here,
13 along Wagaraw, that's all infiltration. We are
14 doing exactly what you would want to see.

15 THE PUBLIC: I think also with
16 that you mentioned along --

17 THE WITNESS: We did the same
18 thing for Building number 3 -- 2. We are doing
19 the same there. Building number 2, 3 and 4. We
20 are providing infiltration off the roof back to
21 groundwater.

22 THE PUBLIC: And then you have
23 landscaping?

24 THE WITNESS: And landscaping,
25 yup.

1 THE PUBLIC: You are doing native
2 plants to New Jersey?

3 THE WITNESS: We --

4 THE PUBLIC: I am not an expert
5 on the trees or the --

6 THE WITNESS: We take all those
7 things into consideration. Our landscape
8 architect certainly choose drought tolerant
9 species to minimize irrigation.

10 THE PUBLIC: I guess the last
11 point is a concern about the flooding from the
12 Passaic River, especially in the floodplain. So
13 the question is, you have all these detentions
14 and you're putting in detention basins and then
15 you have orifices that release. Considering we
16 had Sandy and had a tremendous amount of
17 flooding and water and the intensity, how is the
18 system going to work as well with the 100-year
19 flood being flooded in this area? Because will
20 this be able to manage, I mean the wetlands is a
21 nice buffer because of absorption of water, but
22 how do you guys look at in like a Sandy type
23 storm that we had two years ago, with the water
24 coming onto the property and flooding and as
25 well as all the storm systems getting backed up.

1 So I am concerned about putting people in harms
2 way and there is discussion about moving cars to
3 hire ground and evacuating, so I was kind of
4 putting the burden on the community that we are
5 going to rescue potential people here. So I am
6 concerned about flooding and I understand about
7 engineering, but it is mother nature and water
8 has a mind of its own, as you can see, we have
9 dealt with it the last several years. So that's
10 really one of the big concerns from the
11 commission, flooding and really looking at
12 stormwater systems and that's why I would prefer
13 as much as we can it be put back into the ground
14 and put into the natural vegetation. I think
15 that's a win win. That's what's going to be
16 pushed from combined sewer and stormwater
17 permits that DEP issued in December for the big
18 towns, like Paterson who's looking at that. So
19 I think we need to look a little bit broader
20 here to address the water issues here. Because
21 I would be concerned for the residents that
22 would be living in those residential areas.

23 THE WITNESS: Right. And you
24 see testimony was provided for the parking under
25 the buildings, there is no harm, no concerns for

1 safety of residents in terms of the living
2 space, it is only these 12 parking spaces where
3 there would be concern. This is, even though
4 this is identified as a flood hazard area in
5 this area when we looked at spot grades they're
6 at elevation 47, so they're technically one-foot
7 above the flood hazard area. So we have
8 improved this intersection here at this
9 location.

10 THE PUBLIC: More that building
11 along the wetlands which encroaches on that.

12 THE WITNESS: This building?

13 THE PUBLIC: Yeah, the big
14 building.

15 THE WITNESS: Again, we cut here
16 --

17 THE PUBLIC: It's a concern.

18 THE WITNESS: Cut here and fill
19 there, and with respect to parking you're
20 absolutely right, certainly don't want cars
21 flooded and you ask DEP to look at that and want
22 to see an action plan and we believe we have an
23 action plan for those minimal amounts of spots,
24 of those parking stalls, to move them to hire
25 ground. And with the advance notice, two days

1 before the river crests, we know when the floods
2 coming, that's well documented. After a big
3 storm event there is usually a one to two day
4 lag for the peak.

5 THE PUBLIC: Okay. That
6 concludes. Thank you.

7 MR. HALLOCK: Thank you.

8 One question that we may have asked before
9 and was determined that we cover it later on,
10 the pool itself and there was a comment made
11 that this pool and the community center that's
12 attached to it is available for the community.
13 The pool, how secure is that going to be again,
14 and what specific security aspects are there so
15 we don't have the use of the pool not by
16 residents of the complex. And what kind of
17 fencing is going around the pool?

18 THE WITNESS: When the pool will
19 be opened to and will be fenced so this will be
20 completely secured. We are obligated by code to
21 comply with code requirements for safety around
22 the pool.

23 MR. HALLOCK: What is that?

24 THE WITNESS: Four-foot tall
25 fence, 48 inches minimum, with self locking

1 latches on the entrance gates.

2 MR. D'ARMINIO: And there is
3 going to be a lifeguard at the pool during the
4 time of operation.

5 MR. HALLOCK: I am thinking more
6 of nighttime activity.

7 MR. D'ARMINIO: But it is locked.

8 MR. HALLOCK: I don't think these
9 people, non residents, would be interested in
10 whether there is a lifeguard.

11 THE WITNESS: Your construction
12 official in town would have the opportunity to
13 make sure that we comply with the codes for
14 safety for pools, and that's certainly
15 everyone's concern. We don't want an accident
16 in our pool. We will comply with the codes.

17 MR. HALLOCK: I will be honest
18 with you, that's not reassuring to me. Okay.
19 Any other questions from the board?
20 Questions from the audience?

21 MR. GALLAGHER: You did show us
22 the DEP report on Lot 8, has there been any
23 testing for Lot 10?

24 THE WITNESS: We have a letter
25 from the DEP for Lot 10 regarding the wetlands

1 or floodplain.
 2 MR. GALLAGHER: The
 3 environmental.
 4 THE WITNESS: It's not part of
 5 the Merck -- it was not part of the Merck
 6 facility.
 7 MR. GALLAGHER: Is that under
 8 contract now?
 9 THE WITNESS: Yes.
 10 MR. GALLAGHER: I think it would
 11 be needed in the contract of sale for that to
 12 have that inspected as it was a used car lot for
 13 many, many years.
 14 THE WITNESS: I believe the
 15 lending institution would require at least an
 16 environmental site assessment, yes.
 17 MR. HALLOCK: No question. Okay.
 18 No other questions?
 19 Any questions again from the audience?
 20 Okay.
 21 If not let's discuss continuation of this
 22 hearing.
 23 What's the pleasure of the board? I have a
 24 feeling we got a continuation, we got the
 25 resolution coming up but the site plan review to

1 23 Central Avenue better known as apartments,
 2 that was which I recused myself on. So that's
 3 going to take some testimony and that's
 4 scheduled for the regular February meeting which
 5 is the fourth Tuesday, because we don't meet on
 6 Presidents Day. We are talking about the Public
 7 Service application, which right now is not
 8 deemed complete but they have been told all
 9 material in by Friday and we are going to have
 10 that on the agenda. I would lean very strongly
 11 that we put the, if the applicant is agreeable
 12 to the applicant here tonight to have the
 13 continuation of that hearing on that night and
 14 move Public Service to the March meeting.
 15 MR. D'ARMINIO: Mr. Chairman,
 16 that would be the February 23rd meeting?
 17 Yes, happy to do that.
 18 MR. HALLOCK: Having said that,
 19 you said the planner and traffic engineer, so
 20 you are splitting time with the McBride
 21 property, I don't know if you are going to get
 22 both of them.
 23 MR. D'ARMINIO: We would put the
 24 traffic engineer first.
 25 MR. HALLOCK: And then the

1 planner.
 2 MR. KELLY: I will confirm with
 3 him to make sure he is available at that
 4 meeting.
 5 MR. HALLOCK: Okay.
 6 MR. KELLY: If for some reason he
 7 is not then we will talk.
 8 MR. HALLOCK: Okay. Text me.
 9 Get together with Jim and get it squared away.
 10 MR. D'ARMINIO: So just --
 11 MR. HALLOCK: Tentatively move
 12 that to next -- tentatively it is going to be
 13 the 23rd of February, continuation of this
 14 hearing.
 15 MR. DELIA: Seven o'clock this
 16 room.
 17 MR. HALLOCK: And it would be the
 18 second thing on the agenda. First thing on the
 19 agenda would be the McBride property, 223
 20 Central Avenue.
 21 MR. HERVE: Pushing PSE&G back to
 22 the March meeting?
 23 MR. HALLOCK: You are going to
 24 have to tell them. Who's telling them that?
 25 MR. D'ARMINIO: Thank you very

1 much for the evening.

Chairman Hallock entertained a motion to carry application 204 Wagaraw Road, Rivergate of Hawthorne to the meeting of February 23rd, 2015 meeting as well as the site plan for 233 Central. Motion by Gallagher, seconded Terraglia, on roll call, all voted yes.

ADJOURNMENT

At 9:48 p.m. Mr. Hallock entertained a motion to adjourn the regular meeting, moved by Terraglia, seconded by Schroter. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT
WILL BE ON

~MONDAY, FEBRUARY 23RD, 2015~

**THE WORK SESSION WILL BEGIN AT 6:45P.M. WITH THE REGULAR
MEETING IMMEDIATELY FOLLOWING**

Respectfully Submitted,
Joan Herve, Secretary

