

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
OF JUNE 26, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Special Meeting Minutes from the Zoning Board Special meeting held on June 26, 2014

Chairman Todd Newman called the Special meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Mr. Newman asks that everyone stand to cite the Pledge of Allegiance. Mr. Seibel leads.

**Roll Call: Present:** Mr. Seibel, Mr. Sacchinelli, Mr. Sina,  
Mr. Racenstein, Mr. Naveh & Mr. Newman

**Absent:** Mr. Gil, Mr. Blecher, Mr. Lowenstein, Mr. Pohlman & Mr. Puzio

Also in attendance were Bruce Rosenberg, Board Attorney; Laura Carucci, Court Reporter; Ann Peck, Assistant Zoning Officer & Cathy Bozza, Zoning Assistant

Board Professionals in Attendance: Board Engineer: Paul Azzolina,  
Board Traffic Engineer: Mark Kataryniak  
Board Planner: Peter Van Den Kooy

**Commercial Application:**

1. Application #2014-10, Barrister Land Development Corporation.  
41-25 & 41-29 Dunkerhook Road, Block 1702, Lots 5 & 6  
D-1 Use variance. A Health Care Facility is not a permitted use in the R-1-2 Single Family Zone. D-6 Height variance- 38' being proposed where 30' is permitted.  
D-6 Density as per Section 125-57.D. (1) (d) Major Site Plan required as per Section 125-65. A. Impervious coverage of 52.2% where 35% is permitted.  
A Three (3) story Facility where only 2 ½ stories is permitted as per Section 125-12  
Schedule of area yard and building requirements. Sign Variance as per Section 125-41  
Any other Variances and/or Waivers that may be required for this Applicaton.

Mr. Russel Huntington (Attorney for Applicant) refers to the last hearing of May 29<sup>th</sup>, 2014 where they left off and how their Engineer Andy Missy would be available for cross examination and if there were any remaining questions from the Board or the Board Professionals and also any questions from the Public.

Mr. Huntington calls Mr. Missey to the Podium.

Mr. Newman begins by asking the Board Professionals if there are any outstanding questions for Mr. Missey.

Mr. Newman swears in: Paul Azzolina, Azzolina & Feury Engineering (Board Engineer)  
Peter Van Den Kooy, CME Associates (Board Planner)  
Mark Katayniak, Perrillo & Associates (Board Traffic Engineer)

The Board Professionals have no questions for Mr. Missey.

Mr. Rosenberg (Board Attorney) interjects just for a procedural matter. At the end of the last meeting, an issue arose as to whether or not the Open Public Meeting's Act had been met with respect to the 1<sup>st</sup> hearing. He discussed the matter with Ms. Peck, (Assistant Zoning Officer) and reviewed the Publications that were made, as well as the posting that were made in accordance with the Open Public Meeting's Act and he has concluded the Act was complied with and he would like to put this on record.

Mr. Newman so notes that no new testimony will be heard after 10:00PM.

Mr. Rosenberg would just like to reiterate to Mr. Huntington there are 6 Members this evening and therefore he does have the right to have a 7 Member Voting Board.

Mr. Huntington states they have elected to proceed.

Mr. Newman swears in: Mr. Andrew Missey (Engineer)  
LaPake Associates  
12 Route 17North  
Paramus, N.J.

Mr. Newman opens the Meeting with questions only for Residents living within 200 ft. of the Applicant.

Mr. Newman swears in: J. Morgenstern  
42-00 Fox Court  
Fair Lawn, N.J.

Mr. Morgenstern begins his questions, starting with the fact he lives on the Northwest corner of the property and Block 70. The question he has pertains to the location of his home to the Development. His property line is 70ft. but the house is approximately 85ft. from the development. His 1<sup>st</sup> question has to do with the Lightening. He believes at the last meeting Mr. Missey's testimony was; they were not planning to put any lights in the rear of the development. Can he review this?

Mr. Missey (Applicant's Engineer) testifies the proposal is; if any Lightening were to go in the back, it would be Pedestrian style lightening, low voltage, about a 2ft. height and would be extinguished after dark.

Mr. Morgenstern's preference would be not to have any lightening at all in the rear since his house is so close to the property. If there had to be lightening, maybe it could be a Security type lightening, that goes on only if there is movement.

Mr. Missey testifies at night, that is all there would be at the doorway in that location.

Mr. Morgenstern moves to his next question, regarding the Trees. He believes Mr. Missey testified to the Trees in the N/W corner not being cut down..?

Mr. Missey states; this is what he did say. It remains his proposal but feels Mr. Milanese (Principal of Barrister Land Development) could address this a little further.

Mr. Morgenstern states it would be his preference that some of the trees on his property line be taken down because they do present a hazard, some are leaning towards his home and if another Storm comes along it could be his home they fall on. He has no problem with trees being taken down and has no issue with the installation of another type of landscaping...

Mr. Morgenstern has a question regarding the location of the Dumpster/Compactor. Where will this be?

Mr. Missey testifies the proposal for the location of these facilities will be in the N/Easterly corner of the site, away from the Residential neighborhood to the North & West.

Mr. Morgenstern asks if the Compactor will be inside or outside.

Mr. Missey states it would most likely be outside but this is still to be determined. There are a number of different products, many of which could be internal to the building and in this instance, the refuse area would solely be Dumpsters.

Mr. Morgenstern asks if the Borough of Fair Lawn will be picking up the Trash or will it be a Private Contractor.

Mr. Missey (Applicant' Engineer) testifies in this instance it will be a Private Contractor because this sort of Facility is not subject to the Municipal Services Reimbursement Act. He met with the

Recycling Coordinator at the DPW, took a tour of the yard and they established that is the criteria under which Fair Lawn would pick up the refuse or a private hauler would do it.

Mr. Morgenstern (Resident) questions the Sewer line. At the last meeting of May 29<sup>th</sup>, he testified the amount of waste water that would be generated per day would be approximately 10,400 gallons. He would like to know why the figure was downgraded when in the Environmental Impact Statement that was issued a month earlier in April, it was approximately 13,800 gallons of Waste water.

Mr. Missey explains. In further analysis of the Waste Water Generation from an Assisted Living and Memory Care Facility revealed there is less waste water than what had been previously projected at the time of the EIS preparation. This was the reason for the difference.

Mr. Morgenstern has a final question. They testified to a fence that would be around the entire property and will it go past his property also?

Mr. Missey testifies it would go past his property.

Mr. Morgenstern has no other questions.

Mr. Newman (Chairman) asks Mr. Azzolina (Board Engineer) if he sees any issue with Light spillage onto adjacent properties.

Mr. Azzolina testifies he does not see any issue pursuant to his review of the Lightening plans provided as part of the application. They have indicated the Lightening intensity out to adjoining properties as being none along the property line so he believes the Resident that has just spoken will not be negatively impacted...refers to Lightening Sheet #5-6.

Mr. Newman asks if there are any Residents within 200ft. of the Applicant with questions for Mr. Missey (Applicant's Engineer)

Mr. Newman swears in: Seymour Wigod  
15-26 Landzettel Way  
Fair Lawn, N.J.

Mr. Wigod begins his questioning. Assuming Mr. Missey knows the history of the Sewer Line going down Landzettel Way and assuming that he knows the intersection of Fox Court and Landzettel, where the sewer line goes flat and assuming he knows the Sewer Department has this line on Monthly maintenance, which they don't always keep because of their schedule...

Mr. Newman reminds Mr. Wigod, questions only at this time.

Mr. Wigod understands and continues with his question.... Assuming Mr. Missey know this, how is he going to protect the Resident's from a Sewer backup they have already experienced if he has looked at the history?

Mr. Missey (Applicant's Engineer) testifies, what they observed when their Study was done in advance of submitting the Data to the Borough Engineer was; it was their determination one of the issues at the upper level of Landzettel Way is there is insufficient flow in the line to produce velocities which wouldn't lead to deposition. With this Project in place, the flow in this Sewer would not significantly increase with respect to its overall capacity but it would assist in maintaining a self-cleansing velocity in the sewer...explains; if you have too large a Sewer and not enough flow the sewer cannot function well because it doesn't have enough flow but in this instance, it would help the situation.

Mr. Wigod speaks of the Sewer line on top of Landzettel Way, and asks Mr. Missey if they have looked at the Sewer line at the location mentioned?

Mr. Missey testifies yes and they have taken grades and submitted the information from Manhole to Manhole to both the Borough Engineer & the Board Engineer in advance of receiving an e-mail from Mr. Garrison (Borough Engineer) confirming there is sufficient capacity there.

Mr. Wigod asks if there is any protection they could give the existing Homeowners who have experienced problems with this sewer line that the Project would not be detrimental to their homes.

Mr. Missey testifies their Project will not be detrimental to the current capacity of the Sewer and he does not think it will be detrimental to your particular residence.

Mr. Wigod has concerns with his wording and the "I don't think" portion of this. They are asking for a variance and he gets a little leery with this wordage.

Mr. Missey (Engineer) reiterates, in his Professional opinion, the Sewer has sufficient capacity and it is also the Professional opinion of the Borough Engineer for this Project.

Mr. Newman (Chairman) asks Mr. Azzolina (Board Engineer) to give an opinion.

Mr. Azzolina explains they are in receipt of and have reviewed the Sewer Analysis that Mr. Missey spoke of. He agrees with the analysis with the result relative to the capacity of the Sewer and position that the increase flow will be beneficial to the functionality of the system. He has spoken with Ken Garrison (Borough Engineer) about the system in general and he did not mention to him any systematic problems the Resident is speaking of. He will certainly follow up with him to inquire as to the frequency of this and perhaps the extenuating circumstances that may be related to this.

Mr. Assolina continues... in general he believes the system will function more efficiently with the additional flow...explains the line in the street is a 10" Main, typically Sanitary Sewers are

8” in diameter so it is oversized and has a very limited number of home connected to it so as Mr. Missey had indicated, there is not enough of flow to push solid material through which could lead to the backup the Resident spoke of. With additional water flow through the lines he suspects incidences of back up would be reduced.

Mr. Wigod appreciates Mr. Azzolina’s input and asks if he could look at the history with the Sewer Department because the Sewer Department was out there recently taking measurements and looking at the line and voiced precautionary words in regards to how flat it is at this location and if there is a backup at this point given the increase flow, it would be more prevalent to go into the homes.

Mr. Newman (Chairman) states to Mr. Wigod (Resident) these comments from the Sewer Department were not an opinion of an Engineer. He just heard (3) independent Engineers stating their opinion, all agreeing on this subject.

Mr. Newman reassures Mr. Wigod that Mr. Azzolina will look at this history with Mr. Garrison, the Borough Engineer and again the Engineers are the ones to look at this and not the employees of the Sewer Department.

Mr. Azzolina so notes for clarification, the Sewer Department is under the purview of Ken Garrison.

Mr. Wigod has no further questions.

Mr. Newman (Chairman) opens again to Residents living within 200ft. of the Applicant for questions for Mr. Missey.

Mr. Newman swears in: Paul Wittenberg  
15-09 Saddle River Road  
Fair Lawn, N.J.

Mr. Wittenberg has a question regarding the Easement on the property. How close will the secondary entrance come to the existing home there, the Naugle House?

Mr. Missey (Applicant’s Engineer) reviews the calculations and testifies it will be no closer than 20ft. and this would be for the Sidewalk construction.

Mr. Wittenberg asks a question regarding a home off Century Road next to the entrance. Will this home be demolished as part of this project?

Mr. Missey states it will be.

Mr. Wittenberg asks if the entrance in off Century Road will be a Driveway or a Road.

Mr. Missey states it will be a Driveway.

Mr. Wittenberg clarifies it would be Private then...

Mr. Wittenberg speaks to the Maps and the reference to the FEMA Flood Map of 1986. Is there a more current one due to the latest storms?

Mr. Missey (Applicant's Engineer) testifies in this instance, the Saddle River is a State delineated stream, so the State Maps take precedence and the State Flood Maps have higher 100year Flood Hazard Area design Flood Elevations than the Fema 100year Flood Elevation.

Mr. Wittenberg questions if this property is in a Flood Zone.

Mr. Missey explains a portion of the property along its North Easterly side is. This is along the Saddle River.

Mr. Wittenberg questions the total acreage.

Mr. Missey testifies the total project size is approximately 3 ½ acres.

Mr. Wittenberg asks how many single family homes could be put on 3 ½ acres.

Mr. Missey states he did not make this calculation.

Discussion continues....

Mr. Wittenberg notes the Project is zoned in an R-1-2. Approximately a quarter of an acre.

Mr. Newman (Chairman) asks Mr. Wittenberg what is the question.

Mr. Wittenberg would like to know how many single family homes could be built.

Mr. Newman defers to Mr. Missey (Applicant's Engineer) and asks if he could give an estimate.

Mr. Missey testifies between 12-15 homes depending on the configuration, possibly more.

Discussion continues...

Mr. Wittenberg asks if there is any reason why homes could not be built on this piece of property.

Mr. Missey states no, but there is also no reason why this Project could not be built.

Mr. Wittenberg notes other than it is looking for a variance for the current zoning.

Mr. Missey testifies this property does not present problems for either use.

Mr. Wittenberg has no further questions.

Mr. Newman (Chairman) asks if there are any other Residents living within 200ft. of the Applicant with questions for Mr. Missey.

Mr. Newman swears in: Regina Klaatsch  
42-04 Fox Court  
Fair Lawn, N.J.

Ms. Klaatsch explains she lives directly to the North of the property. Her question is; could this Building be moved a little more to the South because she seems to be sitting on top of it. She believes the property is only 60ft. from her property line.

Mr. Missey (Applicant's Engineer) reviews the calculations. States he believes the dimensions are a 43' from the property line.

Ms. Klaatsch states this is very close and she does not know how much room there is on the South side and if it could be moved, but to her it seems to be on top of her.

Mr. Newman (Chairman) reiterates the question for Mr. Missey. Could it be moved away from the adjacent properties?

Mr. Missey testifies yes. Reviews the Plan and notes they would have to reconfigure the building in some manner to do this but it is possible.

Discussion.

Mr. Missey states they could probably reconfigure the building to be wider and less long.

Ms. Klaatsch also has a question regarding his earlier testimony with the location of the Garbage Disposal. It seems she would be looking at them.

Mr. Missey explains this location would be depressed approximately 8ft. below the grade to the North and also be fenced. The refuse containers and the area itself would not be visible from the adjoining properties.

Ms. Missey has no further questions for Mr. Missey.

Mr. Newman swears in: Maina Fridman  
15-08 Landzettel Way  
Fair Lawn, N.J.

Ms. Fridman's question pertains to the Sewer System which was discussed earlier. Refers to the Sewer Pipe and its 10" in diameter which already had problems considering the low density of street they are located on. There is approximately 2.5 persons per house, there will be so much more usage with the Sewer System that it will possibly make it worse and there will be a major issue. What is their plan in order to assure there will be no problems.

Ms. Fridman's 2<sup>nd</sup> question pertains to the Animals. There is a tremendous amount of animals running in the area. Deer's eating from the Apple Trees, Red Foxes, and Raccoons. Where will the Animals go? She knows they are not interested in the Animals, they are interested in Business, but the Residents are not only getting a building which will be an eyesore but also losing...

Mr. Newman (Chairman) interjects to ask Ms. Fridman to please keep it to questions.

Ms. Fridman understands and continues with her question. Is it possible to somehow accommodate the animals?

Ms. Fridman's last question pertains to the prior testimony at the last meeting. Laws necessary for the Land pertaining to Senior Citizens Homes (Flood Zone) Most of the area is laying on the bank of the River and the bank of the River does not seem permissible to build. Did he count how much Land is actually on Dry Land and not on the Bank?

Mr. Newman (Chairman) addresses Mr. Missey (Applicant's Engineer) and notes to Mr. Missey he could be brief on the 1<sup>st</sup> question because he & Mr. Azzolina (Board Engineer) sufficiently covered the Sewage issue earlier in his testimony unless he had something else to add.

Mr. Missey has nothing further to add regarding the Sewer System. He will answer the other two.

Mr. Missey addresses the 2<sup>nd</sup> question pertaining to the Wild Life & Animals. The answer is no. They will not be able to accommodate Wild Life & Animals with an Assisted Care & Memory Care Residential Facility.

Mr. Missey addresses the 3<sup>rd</sup> question pertaining to the Flood Plan. They do have verification from the New Jersey Department of Environmental Protection they have accurately depicted the Flood Plane line as shown on the Maps that have been submitted. They are not developing that area with the single exception of the one proposal outfall to the Saddle River for their Storm water...this will be the sole disturbance in the Repair ion zone. The rules and regulations of the State of New Jersey significantly limit how much can be disturb in the riparian zone, and they are adhering to the rules.

Mr. Azzolina (Board Engineer) when asked agrees with Mr. Missey's statement relative to the Flood Hazard Area.

Mr. Newman opens to Residents within 200ft. of the Applicant with questions only for Mr. Missey. Seeing none,

Mr. Newman would like to remind everyone before opening to the General Public, this is a time for questions only on testimony given by the Witness. There will be a time for Public comment and they will be able to comment on anything.

Mr. Newman opens to the General Public for this Witness.

Mr. Newman swears in: Jane Diepeveen  
14 Ryder Road  
Fair Lawn, N.J.

Ms. Diepeveen clarifies there will be zero (0) runoff from this property?

Mr. Missey (Applicant's Engineer) testifies this is correct.

Ms. Diepeveen clarifies this will be because of the retention basin and piping?

Mr. Missey states it is all attributable to installing Retention Facilities on the Site.

Ms. Diepeveen questions the pipe and what is it for.

Mr. Missey explains the Pipe is for the areas which cannot due to elevation be directed to the retention facilities.

Discussion....

Ms. Diepeveen questions Erosion Control Plan and the Grading Control Plan. Refers to the N/E side of the Entrance road that leads from Dunkerhook....parallel lines...etc.

Mr. Missey explains the portion she is referring to. (Inaudible) Saddle River, an outfall structure.

Discussion continues between Mr. Missey & Ms. Diepeveen on the clarification of this plan. Grading issues, curb grading to direct water into street during heavy storms. Mr. Missey testifies it will contain all the storms.

Ms. Diepeveen asks Mr. Missey to explain the Erosion Control Plan and how it works.

Mr. Missey testifies it is like any Erosion plan put into effect for a Construction Project. The perimeter of the limit of disturbance is identified on the ground, surveyed, fences installed.

The project limits their dust defied. Surveyors stake out the improvements and as the improvements are installed, the surrounding area is stabilized with Erosion Control measures...

Testimony continues on this topic...

Ms. Diepeveen questions Mr. Missey on the Tree Removal. Asks him if there is going to be a lot of run-off. Is the Retention basin going to be built at the beginning of the Project?

Mr. Missey (Applicant's Engineer) explains. Yes, because it is below grade, it is one of the 1<sup>st</sup> items to be constructed. The run-off during the construction time period is what the purpose of the Erosion Control Plan is for, to reduce the run-off and particularly the sediment run-off from the Construction activity to the surrounding water cores, in this case the River.

Discussion continues.

Ms. Diepeveen refers to the building of the road. How will they protect the Naugle House while the road is under construction?

Mr. Missey does not expect heavy trucks to be going up and down the Road for the purpose of construction. What they expect to see there is activity that would occur primarily from the larger property being used as a staging for construction...

Ms. Diepeveen clarifies with Mr. Missey what he is saying is; they will be using the road/driveway coming off the Century Road extension for Construction purposes.

Mr. Missey answers; yes, this is the plan on the Erosion Control. This is where the Construction entrance is proposed.

Ms. Diepeveen continues with her questioning. Asks Mr. Missey if there will be anything in their construction which in any way will be harmful to the Naugle house which is over 300yrs old.

Mr. Missey testifies; not to his knowledge.

Ms. Diepeveen questions Mr. Missey, asking him when the road is built or during the construction of the road, will it interfere with the soundness of the Naugle House?

Mr. Missey reiterates he does not believe it will. Right now the Naugle House sits closer to Dunkerhook Road which was constructed in the past...

Ms. Diepeveen asks Mr. Missey if Dunkerhook Road is still a County Road.

Mr. Missey replies no.

Ms. Diepeveen asks Mr. Missey if the Century Road Extension is.

Mr. Missey testifies the Century Road Extension as it runs into Dunkerhook and turns into Fair Lawn Road is a County thoroughfare.

Ms. Diepeveen asks if the Plans were sent to the County and if he has heard from them.

Mr. Missey states he dropped them off following the last meeting but has not heard from them.

Ms. Diepeveen asks Mr. Missey if he is aware that Dunkerhook Road has been designated by the State Legislature as a Historic & Scenic Road.

Mr. Missey testifies he was not aware.

Discussion.....

Ms. Diepeveen questions Mr. Missey how they will protect the Scenic Aspect while building this project.

Mr. Missey (Applicant's Engineer) explains to Ms. Diepeveen they would do as little as possible to Dunkerhook Road, with the exception of tying the driveway at the terminus of the Easement that exists. They do not require any utilities from Dunkerhook Road so there is no reason to be digging within the Roadbed.

Ms. Diepeveen asks if there are plans to put Sidewalks along Dunkerhook Road.

Mr. Missey replies not at this time, no. They do not have frontage on Dunkerhook Road with the exception of the easement.

Discussion continues...

Mr. Missey testifies there is nothing to be done on the River Banks, there is no reason.

Ms. Diepeveen has no further questions.

Mr. Newman swears in: Lois D. Horowitz  
25 Godwin Avenue  
Fair Lawn, N.J.

Ms. Horowitz would like to question Mr. Missey on the Road that goes from their property to Dunkerhook. This is an area extremely busy with Children, whether it is a weekend or Holiday. The Children go down with Bicycles, roller skate and when it snows, they have their skis there. It will be a dangerous area for cars to be going up and down or around it. She would like to know how they will protect the Children that use this Park on a daily basis.

Mr. Newman (Chairman) clarifies for the record if she is speaking of Children that are in the County Park.

Ms. Horowitz explains these are children that go down Dunkerhook and going into the County Park with their Bikes and Roller Skates. She wants to know how the Children will be protected.

Mr. Missey (Applicant's Engineer) defers this question to the Project Traffic Engineer. This will give them some idea of the volume of activity expected at the Dunkerhook driveway.

Mr. Missey would just like to mention this is an Assisted Living and Memory Care Facility and its activity level towards Dunkerhook Road and the Driveway would be very limited but as far as a number, he will let the Traffic Engineer explain this in more detail. This is not a Facility that generates a lot of Vehicle Trips.

Discussion continues...

Mr. Newman interjects and notes to Ms. Horowitz this is the best answer to expect from the Engineer. The question she is asking is a question for the Traffic Engineer. After the Traffic Engineer's testimony, if she has not heard a sufficient answer to the question, she can come back up to the Podium and ask the same question of the Traffic Engineer.

Ms. Horowitz understands and moves to her next question.

Ms. Horowitz asks how many Residents are going to be in this facility.

Mr. Missey (Applicant's Engineer) explains there will be 126 Beds which would indicate the population will be the same.

Ms. Horowitz refers to the parking for all the Relatives of the Facility and where are they all going to park. How are they going to accommodate all this?

Parking is discussed.

Mr. Missey explains there will be 67 Spaces.

Ms. Horowitz does not believe this amount of spaces will be enough for 126 Residents who have family coming to visit on weekends and Holidays, etc...

Mr. Missey will defer this question to the Project Planner who will also be testifying later.

Ms. Horowitz has no further questions for Mr. Missey.

Mr. Newman swears in: Walter Weglein  
18 Ramsey Terrace  
Fair Lawn, N.J.

Mr. Weglein has two questions for Mr. Missey. The 1<sup>st</sup> being; do they plan to remove the Vanderbeck, the 1746 house completely?

Mr. Missey answers; he believes this question was testified to by Mr. Milenese at the last hearing. He defers this question to Mr. Milanese.

Mr. Newman swears in: Robert Milanese (Principal of Barrister Land Development)  
406 Highland Ave  
Wyckoff, N.J.

Mr. Milanese begins by explaining as he stated at the last meeting, they made the offer to the Historical Commission in the event this project was approved they would move the Vanderbeck House to the Naugle House property.

Mr. Weglein questions if there is enough of room on that property.

Mr. Milanese testifies yes there is sufficient room. It is quite a large piece of property.

Mr. Weglein's 2<sup>nd</sup> question pertains to Dunkerhook Road. Why do they need an exit onto Dunkerhook Road when there is a main road coming in from Century Road?

Mr. Missey (Applicant's Engineer) explains it is a secondary mean to Ingress & Egress to a Residential Site.

Mr. Weglein asks Mr. Missey if he is aware that Dunkerhook Road is basically a driveway and is a two lane road which leads down to the County Park Parking lot and there are collisions hard to avoid because cars go down the road and opening it up on the side for more traffic would be bedlam. He feels it will be dangerous & crazy to do this.

Discussion...

Mr. Newman interjects to speak with Mr. Weglein and reminds him he is making statements and giving testimony instead of questions.

Mr. Weglein's question is; do they really need this Egress?

Mr. Missey repeats his statement. As a 2<sup>nd</sup> mean of Access to a Residential Facility of this nature, The two ways to get into this facility are important for Emergency Services, the accessibility of the site at all times.

Mr. Weglein has no further question of Mr. Missey.

Mr. Newman asks if there are any other questions from the General Public for Mr. Missey.

Mr. Newman swears in: Carol Marcus  
42-04 Cosgrove Court  
Fair Lawn, N.J.

Ms. Marcus explains her home lies just north of the Proposed Building Site on the Western Bank of the Saddle River. Her question is regarding the River.

Ms. Marcus 1<sup>st</sup> question is; has an analysis been done with regard to the stability. She is not talking about the Flood Zone, she is talking specifically about the stability of the River Bank to ascertain it is a stable bank and will not fall into the River as happened on her property recently again just north of the building site.

Ms. Marcus moves to the 2<sup>nd</sup> question asking if an analysis has been done given the increase coverage of the property on the site in regards to the effect of flooding on properties North & South of the building site right along the River.

Mr. Missey (Applicant's Engineer) answers her 1<sup>st</sup> question by testifying they have **not** analyzed the stability of the Bank in any other location. The water course along their frontage of the Saddle River is already stabilized with a large Riprap.

Mr. Missey moves to her 2<sup>nd</sup> question. Speaks to the impact on flooding. They have analyzed the Impacts on what their run-off will be before and after the project. Explains in detail...

Under proposed conditions, there will be a reduction of run-off to the Saddle River. Explains it would be 6.5 cubic feet per second. The reason for this is because they are taking 51% of their site and a significant portion of the impervious area and directing it to their Retention system on site. They are reducing both the volume and the rate of flow under proposed conditions from what occurs now.

Ms. Marcus has no further questions.

Mr. Newman swears in: Pamela Coles  
13-34 George Street  
Fair Lawn, N.J.

Ms. Coles asks Mr. Missey if he knew two weeks ago, the DEP was here, giving guidelines to the Residents on purchases & buyouts for consistent flooding in these areas, on the Passaic River.

Mr. Missey clarifies they are not on the Passaic River, they are on the Saddle River.

Ms. Coles is aware of this but proceeds with the question if they were aware of this visit.

Mr. Missey states he was not aware of this.

Ms. Coles continues. They are considering purchasing or hopefully there are Applicants who submitted for DEP purposes in Blue Acres on the Passaic River and now you will be building on the other side of Town. What will they do to prevent flooding downstream and the impact of the Residents downstream?

Mr. Missey (Applicant's Engineer) testifies they will reduce both the volume and the rate of run-off from this Project site under the proposed conditions.

Ms. Coles wants to know how they will do this.

Mr. Missey reiterates, by the means of the Retention System he has described.

Ms. Coles would like to know how many gallons the System will hold.

Mr. Missey explains they did not compute in terms of Gallons. They computed it in terms of Cubic Feet.

Discussion continues....

Mr. Missey recites from their Drainage calculations submitted to Mr. Azzolina's Office (Board Engineer)....

Entered into Evidence as Exhibit A11.

**Exhibit A11**-Drainage Calculations per Barrister Senior Living in Fair Lawn.  
Dated March 28, 2014

Mr. Missey testifies to 5 per viable pavement areas.

Drainage area #108 provides 761 cubic feet of Storage volume.  
Drainage area #109 provides 1028 cubic feet of Storage volume.  
Drainage area #110 provides 713 cubic feet  
Drainage area #115 provides 604 cubic feet  
Drainage area #117 provide 1298 cubic feet

In addition, they have a Storm Trap Retention System which will have an open bottom and allow Storm water to infiltrate into the ground and it has a volume of 6015 Cubic feet within 20 box covered type structures but there is no bottom.

Mr. Newman (Chairman) clarifies his calculations bring this to over 10,000 cubic feet.

Ms. Coles asks before moving on to her next question, how many Cubic Feet are in a Gallon.

Mr. Missey (Applicant's Engineer) replies; 7.48

Discussion continues.....

Ms. Coles would like to know the year these calculations were based off of.

Mr. Missey answers the 100year Storm Event, the current NOAA Atlas that is published on the Point precipitation frequency estimate put out by the National Oceanic & Atmospheric Administration. It is updated all the time but there is no Atlas 14...

Ms. Coles continues...refers to a Graph submitted in their report and the Graph seems to be from February, 2004.

Discussion.....

Mr. Missey clarifies what she is looking at is the Water Quality Storm Event, it is not the Run-off.

Ms. Coles is bothered by the fact that some of this information is over 10years old.

Ms. Coles continues with a question regarding the Gas Line. They are going to put a drain at a 90 degree angle within 24inches of the Gas Line. Have you yet heard from the Gas Company and what was their determination?

Mr. Missey testifies they have heard from the Gas Company and their determination was, we should now submit our design to them for the crossing and they have furnished us with their Rules and Regulations for perpendicular crossings. They have frequently crossed Trans Co Facilities throughout Bergen County & Passaic County and as long as they adhere to the Rules & Regulations because they have the Right-of-Way, then the Perpendicular crossing is permissible  
Discussion continues...

Ms. Coles notes the fact they really haven't received an approval from Trans Co then...

Mr. Missey states they do not have an approval from the Board yet so there really isn't a purpose served in finalizing an approval from Trans Co at this time.

Discussion continues....

Ms. Coles refers to the moving of the house. She knows it was proposed to the Fair Lawn Historic Preservation Commission as well as the Borough and asks Mr. Missey if there is any place to move the house if they had to do it tomorrow.

Mr. Missey replies; he does not know.

Ms. Coles notes the implication was; it was going to be moved to the Naugle Property and the Naugle property is 50X100ft which is a little portion. The remainder of it is Green Acres which it is not permissible to have buildings on it.

Mr. Newman (Chairman) interjects and states she is making statements and giving testimony. Questions only...

Ms. Coles states her next question for Mr. Missey is; have they reached out to Green Acres to get permission to move this on to that piece of property?

Mr. Missey testifies to not being involved in any of the discussions, nor any of the testimony involving the Vanderbeck Home so he does not want to involve himself now.

Ms. Coles refers to the Building Parking Lot being right up next to the Green Acres property. Has Green Acres submitted any letters?

Mr. Missey testifies that Mr. Huntington (Applicant's Attorney) noticed all Property Owners within 200ft.

Mr. Huntington (Applicant's Attorney) addresses this question and states the Property is owned by the Borough of Fair Lawn.

Ms. Coles refers to the Parking Spaces. How many employees will it take to maintain a 126 Bed Facility?

Mr. Missey answers he did not speak to any of the Operational...

Mr. Newman (Chairman) believes this would be a question for the Planner. Asks Ms. Coles to wait for the testimony of the Planner and if he doesn't answer it, then she can ask it.

Ms. Coles understands and continues her questions...

Ms. Coles states; since they submitted the application to the County for the County road and the curb age on that road is a dangerous one, when does he think they will hear back from them regarding the use for the Entrance & Access going onto Century Road for approval?

Mr. Missey answers it is really difficult to project when they will finalize...approximately 3 months.

Discussion continues...

Ms. Coles refers to the support on the River Bank noting currently it only supports what is existing now- one (1) singular home. There now will be a massive amount of weight on this property. Are you planning to do a study on the River Bank?

Mr. Missey testifies no. They are not doing any work in the vicinity of the River Bank with the exception of extending the outfall from the Storm Drain System to the Saddle River.

Ms. Coles asks Mr. Missey if he know what River Authority guards the Saddle River. Is it Passaic, Saddle River or Hackensack?

Mr. Missey does not know.

Ms. Coles asks Mr. Missey if he could reach out to them because of all this weight that is proposed to go on this property, just for the safety of the Patients & Clients.

Mr. Newman (Chairman) notes to Ms. Coles that it has been testified to that they are not building anywhere near the River Bank and it is in his Professional opinion (Mr. Missey's) that a Study would not be necessary.

Ms. Coles has no further questions for Mr. Missey.

Mr. Newman swears in: H. Gelfand  
33-05 Rosalie Street  
Fair Lawn, N.J.

Mr. Gelfand has two questions. The 1<sup>st</sup> being, testimony was there would be 40 Large Trees and a unidentified number of small trees that will be removed from the property, the question is what is the difference between Large and Small Trees and can he please have a number?

The 2<sup>nd</sup> question being; the fate of the Vanderbeck House. He believes Mr. Milanese gave sworn testimony tonight and at the last meeting and feels it is a fair question to ask and he would like to have the answer if at all possible.

Mr. Newman (Chairman) states Mr. Milanese testified to...

Mr. Gelfand interjects to say the reality of it is the home cannot be moved onto what is referred to as the Naugle property...his question is what is the ultimate plan?

Mr. Missey chooses not to answer this question.

Mr. Newman (Chairman) would like Mr. Missey to answer the question on the Trees because this was his testimony, was it not?

Mr. Missey (Applicant's Engineer) states it was to some limited extent. They still have to do a Tree Removal and Replacement Plan which will define the Trees that will be removed, classify them according to size, species and elaborate on what will remain.

Mr. Newman asks that Mr. Missey come prepared to the next meeting with this Plan.

Mr. Missey states he will.

Mr. Newman reminds Mr. Missey there is a Tree Ordinance in the Borough that they need to comply with.

Mr. Missey is aware and did read this Ordinance.

Mr. Newman asks if anyone else from the General Public have questions for Mr. Missey.

Mr. Newman swears in: Benjamin Lang  
42-00 Cosgrove Court  
Fair Lawn, N.J.

Mr. Lang has a few questions for Mr. Missey. 1<sup>st</sup>. being; how many total variances are they asking for?

Mr. Missey reviews and testifies to; 4 Bulk Variances and a Use variance. Mr. Missey defers to the Planner to elaborate on the nature of these variances.

Mr. Lang would like him to state what they are or he can state what he has & Mr. Missey can tell him what he is missing....

Review & clarification of variances...

Mr. Newman (Chairman) interjects to read from the Agenda the Variances required.

Mr. Lang clarifies it will be 5 variances in total.

Discussion continues....

Mr. Lang's 2<sup>nd</sup> question is; how many employees will be working?

Mr. Newman (Chairman) interjects and states this type of question should be asked of the Planner but Mr. Missey states it was the Architect who testified to the amount of employees.

Mr. Lang's questions the Traffic and Congestion on Century Road?

Mr. Newman again interjects to state he asks that Mr. Lang defer this question to the Traffic Engineer who will be testifying next.

Discussion.

Mr. Lang clarifies with Mr. Missey his testimony basing his Study on a Flood Map from 1986?

Mr. Missey replies; on a State Flood Study from 1986 which has a Flood Elevation for their design purposes which exceeds the 100yr. FEMA Flood Elevation from a Map issued in 2005.

Discussion continues...

Mr. Newman asks Mr. Missey to please describe what the meaning of a 100yr. Flood Map is.

Mr. Missey explains what the State Flood Study consists of. It is a detailed study of a Water Course in the State of New Jersey that is performed by the NJDEP, so as to determine the extent of Flood Impacts. What the DEP & NJ does is take the 100yr. Storm event and multiple this Storm Event by a flow rate factor of 1.25(25%) more flow within the water course and then determine what the Flood Hazard area designed Flood Elevation would be for that water course. This is the DEP's method in New Jersey. It is more stringent than the FEMA methodology and is what they are required to use in the State of New Jersey.

Mr. Missey continues....in this instance that study from NJDEP using that methodology in 1986 results in a higher Flood Hazard area designed Flood Elevation than what FEMA predicted in 2005.

Mr. Missey explains a 100yr. Flood Event is a Storm that is predicted to have a 1% chance of occurrence in any given year. It has everything to do with what past events have indicated.

Discussion continues.....

Mr. Newman (Chairman) would like to clarify in this particular situation the most current data available to estimate a 100years Flood event is the FEMA 2005 Data?

Mr. Missey states there are other studies funded by the State of New Jersey, not issued and not published that is done from time to time when they revisit the legitimacy of their older State Delineated Flood Mappings.

Mr. Huntington (Applicant's Attorney) asks Mr. Missey to clarify for everyone if they are using the latest and the most correct data for this project?

Mr. Missey (Applicant's Engineer) testifies they are using the latest, most correct and what is required of them. This is why the DEP has issued them a Flood Hazard Area Verification.

Mr. Newman (Chairman) clarifies to drive home the point, he is sure the Public would rather not hear what is required and hear what is most current, so just to reiterate, the 2005 FEMA Study would be the most current published data and the data you are using may be older but is more stringent, so you are superseding the 2005 FEMA Requirements which are the most current published requirements.

Mr. Missey replies; they are.

Mr. Lang (Resident) he will also add that since the 2005 is the most current it most definitely does not include Sandy and he is not sure Floyd occurred within the past 5yrs.

Mr. Newman notes Floyd occurred before 2005 but the point is there is no other published Data this Applicant or another Applicant could use in this situation so they are using what is available and what is required and according to the testimony, the most stringent possible standards they could use.

Mr. Newman defers to Mr. Azzolina (Board Engineer) and asks if he agrees with this.

Mr. Azzolina (Board Engineer) does agree.

Discussion continues....

Mr. Lang refers to Mr. Missey's statement at the last meeting. He stated the property was equivalent to 30 homes worth of water being put into Saddle River, was this correct? Testimony was you came up with a figure based on 30 homes; that it uses a certain amount of Gallons per house, which would equal the 10,400 gallons of water and 20% of this would be put into the Saddle River...

Mr. Newman (Chairman) asks Mr. Lang; what is the question?

Mr. Lang's question is; with the past storms they did have & how close the water did come to his home, by adding 20% more water or the equivalent of 30 home into the Saddle River, how will he not get flooded now?

Mr. Lang also notes the property is 3 ½ acres which should have roughly between 12-14 homes on it is at least half the amount of homes if it was fully built.

Discussion continues....

Mr. Newman (Chairman) thinks he (Mr. Lang) would have to distinguish between how many physical structures could be built in terms of one (1) family homes, which would be one question and then water flow is an entirely different question.

Discussion between Mr. Newman and Mr. Lang continues....

Mr. Missey (Applicant's Engineer) clarifies his testimony. When he spoke of this facility's equivalency with respect to Sewer Flow, is when he used the 30 Single Family Home figure. There is no Sewage from this Project Site that is proposed to be directed to the Saddle River. None.

Mr. Newman (Chairman) interjects to note; as previously testified to by their Board Engineer as well as the Applicant's Engineer that the Sewer System is completely capable of handling the proposed flow from the Project.

Mr. Lang (Resident) states this is the Sewage Flow, what about all the water besides the Retention? Will any water be going into the River?

Mr. Newman (Chairman) again notes; it has been testified to already, that there will be no increase in run-off from the site.

Mr. Missey (Applicant's Engineer) reiterates; there will be no increase in the rate of runoff from this site.

Discussion.....

Mr. Lang questions the 20% of something going into Saddle River....

Mr. Missey clarifies by stating; the question was posed; where was their Storm Water going. 51% of the Storm water from the site goes to the Retention System and 49% will go to the Saddle River...

Mr. Newman asks Mr. Missey how much Storm Water goes to the Saddle River from the site.

Mr. Missey testifies, 100%.

Mr. Lang has no further questions of Mr. Missey.

Mr. Newman swears in: Robert Moss (Green Acres Issues Coordinator for the NJ Chapter of  
The Iroquois)  
Bloomfield, N.J.

Mr. Newman would like to remind Mr. Moss to please keep it to questions only.

Mr. Moss begins his questioning, beginning with asking if there is a specific limit on the length of the vehicles accessing the facility?

Mr. Missey (Applicant's Engineer) is not sure how to answer this question. Clarifies by asking; would this vehicle accommodate a Tractor Trailer? No, it will not. There is no need for a Tractor Trailer to visit this Site. The most frequent deliveries would be Vendor drops, which the Operator would control and the 2<sup>nd</sup> most frequent Truck activity to this site would be the Refuse Pick up and on a day to day basis, the bulk of the trips would be Passenger Automobiles.

Discussion continues...

Mr. Missey testifies Fire Trucks **can** access the Site.

Mr. Moss refers to the “Retaining wall” over by the River and asks would this be the same as the Riprap he referred to in his testimony earlier.

Mr. Missey testifies this would be the “Headwall” where the outfall goes to the Saddle River..

Discussion continues...

Mr. Moss would like to know if there is anything they would call a “Retaining wall” there?

Mr. Missey testifies yes. The Project does propose “Retaining walls” on the site and within the Roadway Easement.

Mr. Moss notes his testimony this evening was; no construction along the river. Refers to a section of the Exhibit, the N/E section shown, where all the “Green” is and states again to Mr. Missey; he thought his testimony was there is no Construction proposed there?

Mr. Missey reiterates there is no Construction proposed in this area.

Mr. Moss again questions a “Retaining wall” in this location discussed. (Refers to same location on Exhibit) right along the River where the slope is steep.

Mr. Missey testifies there is **no** Retaining wall proposed along the River.

Discussion continues on this wall, Mr. Moss keeps referring to the wall as a Retaining wall and Mr. Missey is referring to the wall as Riprap...and its location.

Mr. Moss asks how high the Riprap goes.

Mr. Missey testifies it goes to the “top of the Bank”...

Mr. Moss asks what does this mean. The steep slope up to where the Facility is proposed?

Mr. Missey answers it does not.

Mr. Moss would like Mr. Missey to describe what the “top of the bank” means. Is this the high water point?

Mr. Missey explains it is where you would walk up to the Embankment and decide it would not be a good idea to continue forward but it is stable ground at this level.

Mr. Moss asks; the Riprap is usually under water?

Mr. Missey states no, not at this location it's not.

Mr. Moss cannot understand what Mr. Missey (Applicant's Engineer) is trying to say.

Mr. Newman (Chairman) interjects to explain every waterway, every river has an embankment, the riprap goes to the top of the bank where you would walk up to it physically and stop before entering what would be considered part of the River that may or may not be filled with water at this time...

Discussion continues....

Mr. Moss clarifies; so over the top of the bank is flooding and asks Mr. Missey if there is any other Stone structure that goes up to the level or anywhere, even halfway up to where the Project is proposed?

Mr. Missey testifies no. There is not.

Mr. Moss continues and asks; if he saw stones there (refers to the same location) in a kind of a vertical structure, would this indicate the top of the stones would be the top of the River Bank and beyond this would be a Flood?

Mr. Missey (Applicant's Engineer) does not understand the question.

Mr. Moss notes he has spent enough of time on this question and would just like to be sure the exchange is on record.

Mr. Moss has one other question. There was testimony last time regarding the improvement of access via a Sidewalk. He recalls this was where the Easement was, going down to Dunkerhook Road. Is this a possibility?

Mr. Missey (Applicant's Engineer) testifies this will happen. He will be working with French & Perrilo to discuss how the Driveway grades could be modified to make it more Handicap Accessible. This will happen.

Mr. Moss asks; would this be fully within the Easement **without** an impact to the "Green Acres Land"?

Mr. Missey testifies yes.

Mr. Moss has no further questions for Mr. Missey.

**Mr. Newman calls for a 5 minute Recess.**

**Mr. Newman reopens the Meeting.**

**ROLL CALL: Mr. Seibel, Mr. Sacchinelli, Mr. Sina, Mr. Racenstein, Mr. Naveh & Mr. Newman, PRESENT,**

Mr. Newman (Chairman) speaks to Mr. Huntington (Applicant's Attorney) and notes it was brought to his attention after Mr. Milanese gave his statement last, they never opened to the Public regarding questions after Mr. Milanese's testimony. In all fairness to the Public, when we are done with questions for Mr. Missey, they should open it up for questions for Mr. Milanese based on what he has testified to already.

Mr. Huntington (Applicant's Attorney) agrees and can review again Mr. Milanese's testimony as time allows.

Mr. Newman opens to the General Public for questions for Mr. Missey. (Applicant's Engineer)

Mr. Newman swears in: Mark Colyer  
39-08 Van Duran Ave  
Fair Lawn, N.J.

Mr. Colyer asks Mr. Missey a question regarding the Retention Basin. It seems to be concentrated on the side of the Development, nearest the Naugle House. Will this be saturating the soil and can he assure them the run-off from the site will not harm the Naugle House in any way?

Mr. Missey testifies it is located on this side of the property. Refers to Exhibit, and states it is a significant distance from the Naugle House in addition, the underlying soils are very sandy, they have a moderately rapid percolation rate and these underlying soils will take the run-off from this site which they always have been doing in the past. This will continue. He does not believe, and it is his opinion that the Naugle House will not be saturated. It has not been saturated in the past at its location and it will not in the future.

Mr. Colyer moves to his next question regarding the Roadway going from the Site to Dunkerhook Road. Notes the Road as a downward slope & questions; where their road meets Dunkerhook, is there going to be a Catch basin to absorb any water coming off their road, or is the water going to flow into Dunkerhook into the Bike Path and Parking area?

Mr. Missey testifies they will be catching about 1/3 of the Driveway and directing it back to the onsite system. Below that, there are no Storm Water Facilities in Dunkerhook Road at this time. Run-off flows along the Gutter line down to the River which presently the Gutter line is Riff raft at its terminus.

Mr. Colyer clarifies and asks; so there will be an extra 2/3<sup>rd</sup> of run-off coming off of this site?

Mr. Missey testifies; no, this was not his statement. 2/3<sup>rd</sup>'s of the Driveway will go towards Dunkerhook Road. They will not have an extra 2/3<sup>rd</sup> of run-off. No.

Discussion continues.....

Mr. Colyer feels 2/3<sup>rd</sup>'s of their road is going to be run-off into the Park and he would assume this is a fairly large amount?

Mr. Missey testifies it is not.

Mr. Colyer disagrees.

Mr. Missey continues and notes it should also be pointed out they are captioning in their Storm Water System and diverting from the Park portions of run-off that come from the Borough of Fair Lawn's property and directing them to the River from their Storm Drainage System.

Discussion continues....

Mr. Colyer states he is confused by Mr. Missey's testimony. He has testified there was not going to be any more run-off into the River and then other testimony saying there will be....

Mr. Missey clarifies; what he has said was, there will be less quantity of flow to the Saddle River and this remains his statement.

Discussion continues....

Mr. Newman (Chairman) reminds Mr. Colyer to please keep it to questions.

Mr. Colyer continues with a question regarding the Sewer, noting Residents are concerned with this. Can he assure them this Development will not back up the Sewer and cause problems?

Mr. Missey (Applicant's Engineer) states he believes the Borough Engineer has accessed and determined there is sufficient capacity in the Sewer Line for this Project.

Mr. Newman (Chairman) interjects and states to Mr. Colyer this question has been asked and thoroughly answered already.

Mr. Colyer continues. Can Mr. Missey assure them the Run-off from this Development will not increase Flooding in the area?

Mr. Missey testifies yes.

Mr. Colyer asks if Mr. Missey can assure this Run-off will not harm any Life or Fish in the River.

Mr. Missey testifies yes.

Mr. Colyer speaks to the Chairman, Mr. Newman and asks if it would be possible the Board Engineer could verify they are using the latest maps for Flood Control?

Mr. Newman (Chairman) notes he is sure this has been verified already. Defers to Mr. Azzolina (Board Engineer) for verification.

Mr. Azzolina (Board Engineer) testifies yes. Mr. Missey has testified they have received from the DEP a Flood Hazard Area Verification and the maps are the most recent.

Discussion continues....

Mr. Colyer has no further questions for Mr. Missey.

Mr. Newman asks if there are any other questions for Mr. Missey from the General Public.

Mr. Newman swears in: Walter Tuers  
17 Richmond Avenue  
Ridgewood, N.J.

Mr. Tuers states the Right-of-way concerns him because he is a descendent of the Vanderbecks' and a direct descendent of the Builder of the Naugle House and the Vanderbeck Junior House. He is concerned about the run-off and not only the run-off. This is a Service road you will be running down here. Questions Garbage trucks and such..

Mr. Missey testifies they will not be using this, their expectation would be to use the other access. This is solely a secondary means of ingress & egress to the Residential facility.

Discussion....

Mr. Missey explains the primary means of access would be the Century Road Driveway.

Mr. Tuers wants clarification on this secondary means of access. Who will be using this?

Mr. Missey testifies any number of users. Emergency Services, Residents, people who are not going to walk down the driveway, use something other than their feet.

Discussion continues....

Mr. Tuers feels it does come very close to the Naugle House and asks; how did the Easement come about? Who is it between and when was it made?

Mr. Missey replies; Mr. Milanese could answer this....

Mr. Tuers comments, he thinks the Easement was made some time ago, between Mr. Vanderplatt and someone else, and asks if this is true?

Mr. Newman (Chairman) states he thinks we will have to wait for Mr. Milanese to testify on this.

Mr. Tuers states it comes down to what the use of the Easement is now. If the easement was made between Mr. Vanderplatt's & those times, it was probably for his use, to use as a driveway. Never intended for heavy vehicles.

Mr. Newman asks if his question is the integrity of the easement.

Mr. Tuers replies; his thinking is the easement was used for purposes other than to be used as a Street. The intended purpose of the easement was not to be used as a Roadway for a large building.

Mr. Newman (Chairman) interjects to state; this testimony has not been propered and states; it sounds like he has a concern about the integrity of the easement and whether or not it could support the kind of use they are proposing...is this a fair assessment of what you are saying?

Mr. Tuers replies yes. He assumes everyone has been down to the site and how it comes down very steep and very close to the Naugle House, how it exists and how it will end up, he had concerns with.

Mr. Newman (Chairman) would like to know the answer and asks Mr. Missey if there are any concerns about the integrity of this Easement and whether or not it can support the intended proposed use.

Mr. Missey (Applicant's Engineer) testifies he has no concerns from a Professional point of view.

Discussion continues...

Mr. Newman (Chairman) asks Mr. Azzolina (Board Engineer) if he has any concerns regarding the integrity of this Easement.

Mr. Azzolina refers to his report and states; certain steps should be investigated if the Board were to approve the Application relative to Construction Methodologies using lighter weight equipment and perhaps doing some work by hand if necessary. The Geotechnical Report was not submitted as part of the Application so it is really difficult to tell if there are any impacts with respect to Soil conditions. This is something that would need to be further explored.

Mr. Newman asks Mr. Azzolina, based on these concerns would he recommend that a Geotechnical Report be provided.

Mr. Azzolina testifies yes. It is something that should happen at some point in time relative to the Construction of the Building. He would recommend it also be provided with respect to the Naugle House.

Mr. Newman (Chairman) speaks to Mr. Huntington (Applicant's Attorney) to ask if this could be provided at the next meeting, to which Mr. Huntington replies he is not sure if it could be provided at the next meeting because it may take longer to get this analysis..

Discussion....

Mr. Newman speaks to Mr. Tuers and assures him they will do the type of study necessary to answer the question he asks of them.

Mr. Tuers has another concern. Has there been a search done regarding Gravesites of John Vanderbeck Sr. & his son John? Quite possibly there are others who are most likely buried on the property.

Mr. Tuers explains, it was a custom in those days to bury on the property. There were no graveyards and throughout the County, you find they are buried offsite of the homestead. He is very concerned during this Construction they may dose up his Ancestor's skeletal remains, which did happen in Teaneck with the Zubriski Burial ground. He would like to know there is some protection here.

Mr. Missey testifies and assures Mr. Tuers if any Construction activity under anything remotely similar to what he has been describing, the appropriate steps will be taken at this time to insure those remains would be dealt with respectfully and appropriately by all Parties. He will assure him on this.

Mr. Tuers asks Mr. Missey about a method where a surface penetrating radar or sonar is used to determine what's underground. Would they be willing or has such a walk been conducted around the property.

Mr. Missey testifies similar to the Geotechnical Report, this would be beyond his capability. Some other Consultant would have to be involved to perform a study of this Nature.

Mr. Newman (Chairman) asks Mr. Huntington (Applicant's Attorney) if any concerns such as this been offered by the current property owners.

Mr. Huntington replies they have no knowledge of any concerns of this nature.

Discussion continues...

Mr. Newman asks if the current owners are decedents of the same family.

Mr. Huntington does not know the answer to this.

Mr. Tuers gives a small summary on the history of his father & Mr. Vanderplatt...now the home seems to be in the hands of not a Blood Relative.

Discussion continues.....

Mr. Tuers states it was the custom to bury onsite and he would like to be assured proper precaution can be taken.

Discussion.

Mr. Newman (Chairman) states; if real steps are going to be taken to deal with something of this nature, it would be something we ask of the applicant at the conclusion of the hearings and if and when there is a look to possibly approve this Project.

Discussion continues.....

Mr. Newman reiterates to Mr. Tuers he understands what he is asking but at this point in time in the application, he cannot reasonably ask the Applicant to do this type of study before even an approval. If and when they get to that point, the subject will be brought up. It would be premature right now to do so.

Mr. Tuers would like to bring another point to the attention of the Board or the Borough of Fair Lawn. They are calling it the Jacob Vanderbeck Jr. House, it is not. You would think Jr. is the Son of Senior, but he is not. Jacob Vanderbeck Jr. was the Grandson of Jacob Vanderbeck Sr. the Builder of the Naugle House. Jacob Sr. had one Son, an only child. His name was John, and John was the Father of Jacob Jr., so it was actually the Grandson of Jacob Sr. that they are calling Jacob Jr. and the house was built for the Wedding of John.

Mr. Newman thanks Mr. Tuers for this piece of history and asks if there are any more questions for Mr. Missey from the General Public.

Mr. Newman (Chairman) swears in: Anne Goldberg  
39-25 Knott Terrace  
Fair Lawn, N.J.

Ms. Goldberg states her question pertains to the Buffer zone which would be between the Green Acres site and the Parking. How many feet would there be between this?

Mr. Missey (Applicant's Engineer) replies; 3 feet.

Ms. Goldberg asks; what are the plans in terms of any kind of Plantings?

Mr. Missey explains they have shrubbery proposed in this area and they are also meeting the grade of the Borough of Fair Lawn's property. All along the Easterly boundary, they will plant Trees and disturb no vegetation beyond this property line in this area. This is true throughout the Project site, they are solely working within their Project area or within the Easement confines.

Ms. Goldberg clarifies there will be Trees then?

Mr. Missey reiterates there will be shrubbery, lawn & there is already a significant growth of Bamboo in this area on the Borough's Property.

Ms. Goldberg continues with her questioning. Asks Mr. Missey if a Letter or any correspondence was received by the Fire Marshall or Fire Chief in reference to how the Fire Trucks would get to the back of the property.

Mr. Newman (Chairman) interjects her question to say it would not be a question for Mr. Missey, so he asks Ms. Peck (Assistant Zoning Officer) if she could answer it.

Mr. Newman swears in: Ms. Ann Peck (Assistant Zoning Officer) Borough of Fair Lawn.

Ms. Peck can't recall the comments and is looking for the copy received from the Fire Dept.

Discussion...The Board Members & Mr. Rosenberg (Board Attorney) seem to recall they did receive an acknowledgement from the Fire Marshall.

Mr. Newman (Chairman) finds the copy of the Fire Chief's comments on the Assisted Living Program via e-mail to Ms. Peck dated June 4, 2014 from Tim Yuskaitis and begins to read....

“Upon review, their only concern would be vehicle access in the rear of the building. However they understand, according to the Code, it is not required. The only other issue they would like to address is, the Standpipe & Sprinkler connections be at the easiest access point for their Apparatus due to limited access overall, this is a huge help to them being the Standpipe & Sprinkler require a separate & dedicated piece of Apparatus if a Fire occurs. This is not shown on the plans, but maybe the Developer could be made aware of this and have this done.

This would be a tremendous help to them once the building is complete” signed Tim Yuskaitis, Deputy Chief; Fair Lawn Fire Department.

Ms. Goldberg has no further questions.

Mr. Newman asks if there are any other questions for Mr. Missey from the General Public. Seeing none,

Mr. Newman closes this portion and asks Mr. Huntington to please bring his client to the Podium for additional testimony.

Mr. Newman reminds Mr. Milanese he is still under Oath.

Mr. Huntington (Applicant's Attorney) asks Mr. Milanese to explain to the Board & Members of the Public his relationship with Barrister Land Development Corp. at this Project.

Mr. Milanese begins his testimony by explaining he is the President of Barrister Land Development Corp. They are under Contract to purchase the Vanderplatt property in which the Vanderbeck House is located from the Estate of Henrietta Vanderplatt who are still the Owners of the property.

Mr. Huntington questions Mr. Milanese and asks him in connection to his activities in seeking to develop this Land, has he made any inquires or taken steps to investigate proper disposition or utilization of the Vanderbeck House.

Mr. Milanese testifies yes. This goes back almost a year and a half where they met with the Historical Commission, a number of times to discuss to decide how to save the Vanderbeck House. He first listened and came up with the idea of swapping Land to leave the Vanderbeck and the Naugle House where it is, and they would take the up front Land from the Borough and everyone seemed to like this idea, including the Town Officials, the County and thought it would be a better property for the two Historical Sites to be on the River.

Mr. Milanese continues...explains that Green Acres said no to this idea. They said we had to swap a 9-1 in Land quantity in order to do this. This made it impossible and this was the 1<sup>st</sup> setback. The 2<sup>nd</sup> idea was to try and incorporate the building into the plan and it did not work. It was tried a bunch of different ways. It is not ADA approved and would have to be totally rebuilt, even the Historical left side of the House. It did not make Economic feasibility, as you can see from the 1<sup>st</sup> page of the Plan, the outline of the building would impede the flow of traffic for dual access which they absolutely need for Safety reasons...Mr. Milanese continues and explains the last idea was to move the House and he did volunteer to move the house, misstated and said the Naugle property, not realizing the Naugle house was only on a portion, but the intent was to move it to the Borough Property. He did not, nor does he know whether there are any restrictions from Green Acres that could be problematic. He would have to work with the Historic Commission and the Borough to get this approval and we will see where it goes, but his offer still stands in the event it is approvable.

Mr. Huntington (Applicant's Attorney) asks Mr. Milanese if he also gave considerations to conditions existing at the Naugle House.

Mr. Milanese explains...his 1<sup>st</sup> offer was to help the Town restore the Naugle House assuming they were able to do this Land Swap and/or incorporate the building because he was aware the Town did not have the funds, so he was going to contribute towards and do work, he even looked

into a Certifiable Historical Restorer...but since they couldn't save the Vanderbeck House where it is presently located, we shifted the funds to moving the house.

Mr. Milanese continues. He explains he also spoke to the Borough. He spoke to the Mayor on a couple of occasions and also to the Historical Society and he also volunteered to clean up the property which would be a benefit to his project also...clear Trees, create Paths and work with the Commission to at least make the Property more presentable. There were questions regarding the Buffer and he told them they would help them along the property line and do plantings to lessen the impact of any Parking along this line.

Mr. Huntington has no further questions at this time.

Mr. Newman (Chairman) asks Mr. Milanese to speak about the Easement.

Mr. Milanese testifies, the Easement was secured by a very good Attorney, Stuart Liebman back when he represented a prior Developer. He thinks it was before the Borough bought the Green Acres property. He has read the Easement a number of times. It is definitely a Right-of-way Easement. They will present a copy of the Document at their next meeting (Mr. Rosenberg notes anyone from the Public could see it)

Mr. Milanese explains the purpose for a right-of-way to the Vanderplatt Property.

Discussion continues...

Mr. Milanese ends his statement by saying it's a legal right-of-way in his opinion and what he is proposing is reasonable and necessary.

Mr. Huntington asks Mr. Milanese would it be fair to characterize it as; if you were to be purchasing the property in question, part of this property is the Legal right to have this driveway and the Right-of-way.

Mr. Milanese replies; correct.

Mr. Newman asks Mr. Huntington if there will be further testimony from his client at this time.

Mr. Huntington replies no, not at this time.

Mr. Newman asks if there are any questions for Mr. Milanese from Board Members. Seeing none,

Mr. Newman closes this portion and asks if the Board Professionals have any questions based on Mr. Milanese's testimony.

Mr. Azzolina (Board Engineer) has no questions but a verification. He believes the Attorney involved with the transaction was Ira Levine...

Mr. Milanese thinks Stuart Liebman was representing (he believes) the Owner of the Vanderplatt property.

Discussion....

Mr. Rosenberg (Board Attorney) interjects to state it was Darius Winnikie who represented the Vanderplatt property...

Clarification noted.

Mr. Newman (Chairman) would like to know if the House could be located to any other area on the Site.

Mr. Milanese testifies no. Not with this proposal. They would have to decrease the size of the building to a point where it would not be economically feasible to have an Assisted Living Facility, they would have to take away a considerable amount of parking. They did in the beginning try to get a Parking Easement from the Borough but this was also prohibited by Green Acres.

Discussion...

Mr. Newman would like to clarify and repeats his understanding of the testimony just stated. “In order to relocate the House somewhere else on the Project property, it would no longer be feasible for him to do the Project?”

Mr. Milanese states; correct.

Mr. Newman opens Mr. Milanese to Residents within 200ft. of the Applicant for questions only regarding his testimony tonight or his testimony at the last meeting. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to Members of the General Public.

Mr. Newman reminds the Resident he has been sworn.

H. Gelfand  
33-05 Rosalie Street  
Fair Lawn, N.J.

Mr. Gelfand would like to make a brief comment if he could which speaks to the inability to..

Mr. Newman interjects to state if he could make it a question, to go right ahead.

Mr. Gelfand why is it feasible in Paramus to have on Paramus Road, between Midland & Ridgewood Ave., an Assisted Living Facility that incorporates a Historic House. How is it not feasible in this case? Also, he would like to know when he discovered that you could not move the Vanderbeck House to the Green Acres property. What is his intention then with the House?

Mr. Milanese explains he is not familiar with the Facility, clarifies with the Resident if it's the Sunrise Facility and believes the Historical building is up on the edge of the Road. He does not know the configuration of the property and how many units they have and whether it was easy for them to do it but all he say, based on the location and the condition of the building, particularly the location, it made it not feasible. They tried all different configurations and it just would not work.

Mr. Milanese moves to the 2<sup>nd</sup> question, stating he is not sure they can't move it to the Green Acres property. This is the 1<sup>st</sup> he's heard of it this evening.

Mr. Newman (Chairman) asks Mr. Milanese for clarification and asks; if indeed he finds out that they can't move it to Green Acres, does he have a thought as to what may happen to the house?

Mr. Milanese states; unless the Borough can find another piece of property within close proximity to its present location, it will have to be taken down.

Mr. Newman clarifies his testimony with a question. "So he would be willing to move it elsewhere in the Borough and have discussions with the Borough to see if there is another possibility?"

Mr. Milanese replies, yes. He is all for saving the house but within reason obviously.

Mr. Huntington (Applicant's Attorney) interjects to state; we need to be clear when it is stated, "within the Borough." It is frightfully expensive to move homes over any distance.

Discussion continues.....

Mr. Newman clarifies his own question by noting his only meaning with this question was to say Mr. Milanese is willing to discuss this with the Borough, not to trick him into saying he would move it "within the Borough" anywhere.

Mr. Milanese replies absolutely and Mr. Huntington states they have been working on this for a year and a half.

Mr. Newman asks if there are any other questions for Mr. Milanese.

Mr. Newman reminds the Resident he has been previously sworn.

Robert Moss.

Mr. Moss begins his questioning. If he understood his 1<sup>st</sup> testimony, the first plan was to put both houses in the front of the Lot or towards the street via a Land Swap?

Mr. Milanese explains. No. The Land Swap would have kept the houses where they are. They would have taken the front portion of the Borough property and the front portion of their property and build the building closer to the main road where Assisted Living Facilities would actually better...

Mr. Moss's 2<sup>nd</sup> question is; He also testified that a Parking Lot was not permitted by Green Acres?

Mr. Milanese states; he was told by the Historical Commission they could not have Parking for Commercial use, which Green Acres considered a "Commercial" use on the Green Acres property.

Mr. Moss continues. "Is there any significant difference between putting his facility on what used to be Green Acres land and putting a Historic House there?"

Mr. Milanese does not understand the question...what used to be the Green Acres land?

Mr. Moss states; they have two rejections so far and he is wondering why they would allow a house there to be moved onto the property.

Mr. Milanese is still not following the question or the logic.

Mr. Moss explains. The Land Swap was rejected, which was for putting their proposal closer to Century Road. Parking, not for purposes of Recreation was rejected. He is not clear why they would allow a Historic House to be put on the property.....

Mr. Milanese replies; it seems reasonable to him.

Mr. Moss has no further questions.

Mr. Newman asks if there are any other questions for Mr. Milanese.

Mr. Newman reminds the Resident, she has been previously sworn.

Ms. Jane Diepeveen.

Ms. Diepeveen asks Mr. Milanese if it would be possible to move the House to the frontage of his property on Century Road. It is Level.

Mr. Milanese agrees. It is level and would be a Great spot, except they would not have enough of parking to make the Facility work properly.

Ms. Diepeveen clarifies her location. She is speaking of the Green area. Speaks to Exhibit.

Mr. Missy (Applicant’s Engineer) states; he does not think it would fit.

Discussion...

Mr. Milanese states; not unless she is talking about the Left Historic portion of the House, maybe it would...

Ms. Diepeveen states it would be much less expensive to move the Historic portion of the house.

Mr. Milanese testifies they could look into this but based on his experience looking at this part of the property....maybe.

Ms. Diepeveen asks Mr. Milanese if he has heard that Green Acres may be amenable to allowing the Vanderbeck House on the Borough Green Acres property because of its Historic value.

Mr. Milanese testifies he has not heard this but he has had many discussions with the Historical Commission & the issue never came up so he assumed that....it probably could be done.

Discussion continues...

Ms. Diepeveen clarifies though, if not; it probably could be moved to the frontage, if you just move the Historic portion?

Mr. Milanese replies; he doubts it because of the Roadway. He would have to do some measurements. It’s possible if the Town doesn’t care about setbacks...

Discussion continues....

Mr. Milanese notes the existing home, the way it is configured now, what is called the “new addition” is...does not have a scale but it is probably 80ft+ which would not fit there....

Ms. Diepeveen clarifies she is talking about the Original House.

Mr. Milanese testifies he would have to measure and he would be happy to do this before the next meeting.

Discussion on the portion of the “White House”...

Mr. Newman (Chairman) interjects to ask Mr. Milanese if he could come back to the next meeting with a definite yes, it is possible or a definite no, it is not possible in that area of Land.

Mr. Milanese replies; He will do so.

Ms. Diepeveen would also like the dimensions of the Green area.

Mr. Milanese so notes this and agrees to the request.

Ms. Diepeveen has no further questions.

Mr. Newman moves to the next Resident reminding her she has been previously sworn.

Pamela Coles  
13-34 George Street

Ms. Coles states she knows the “Green Acres” is technically owned by Fair Lawn and run by Fair Lawn but her understanding is it falls under “Green Acres” requirements and regulations. Her question is; if they were going to move it to the Green Acres property, who would be responsible for going to Green Acres to find out what the requirements and regulations would be? Would that be his company or would this be the Borough’s?

Mr. Milanese testifies he would work with the Borough. It’s their property.

Ms. Coles would like to know how long he thinks this would take for any kind of Application to the DEP.

Mr. Milanese notes to Ms. Coles, they have not received an Approval here by any means and they have not talked about the conditions of approval, but he was going to bring up a time period in which the Borough would have a Permit in hand for him to move the house, if they were to move it anywhere following of course an approval...or a preliminary approval.

Mr. Newman (Chairman) states to Ms. Coles he thinks this would be completely up to the Borough.

Discussion continues....

Ms. Coles clarifies with Mr. Milanese that he would give a limitation to the Borough...a reasonable time and asks again; what would be reasonable being she does not know the requirements and how often Green Acres meets and it may be 3-4x a year?

Mr. Milanese testifies somewhere in the neighborhood of 6 months. Explains....  
It takes at least 3-4 months to obtain a Certificate of Need from the Department of Community Affairs which is required for this type of use..

Ms. Coles moves to her next question and asks Mr. Milanese what is the frontage that Ms. Diepeveen had pointed out? What is the length and the width of this piece of property, this Green area?

Mr. Newman (Chairman) notes they have already covered this question. Mr. Milanese is going to be back at the next meeting with the measurements and with an answer.

Mr. Milanese clarifies the measurement. The entire property in this area is 130ft. The Green property is 80ft. approximately 80x80ft.

Ms. Coles has no further questions.

Mr. Newman reminds the Resident he has been previously sworn.

Mark Kolyer  
39-08 Van Duran Ave

Mr. Kolyer refers to the issue of the Secondary Road. Mr. Missey testified this Road will not be the main access. It would be an Auxiliary road...

Mr. Kolyer continues with a question pertaining to his (Mr. Milanese) testimony stating he would have to have this as a dual access for safety reasons...in speaking with the Borough's Recycling Coordinator who had these plans, he said there is no way a Recycling Truck could get into this Road...

Mr. Newman (Chairman) interjects to state; he will not give this as testimony. He will have to ask a question. The Borough's Recycling Coordinator is not here and he cannot testify as to what he said or didn't say about this Site.

Mr. Kolyer replies he is just leading up to his question. Are there any Restrictions as to who could go on this road? Can every employee and every family member go in and out through Dunkerhood Road?

Mr. Milanese testifies yes.

Mr. Kolyer clarifies this and reiterates; they could have tons of Traffic on this Road without restrictions?

Mr. Milanese states he would not characterize any of the Traffic for this type of Facility as being tons of Traffic. It would be very lightly travel use. His Traffic Expert and Planner will testify to this.

Discussion continues....

Mr. Kolyer questions the Green Property and notes the measurement of 80x80ft. The Historic part of the Vanderbeck House is approximately 28'ft.1" X 34ft. 4"...

Mr. Kolyer asks why the entire house can't be moved onto this 80x80 piece of property in front.

Mr. Milanese does not have an answer to either portion at this point in time.

Discussion continues....

Mr. Kolyer clarifies the immediate neighbor to this Development is Green Acres Funds. It is not Borough property, it is Green Acres property technically.

Mr. Newman reminds Mr. Kolyer he is testifying again...

Mr. Kolyer has no further questions.

Mr. Newman asks if there are any other questions for Mr. Milanese. Seeing none.  
Mr. Newman closes this portion.

Mr. Newman asks Counsel to proceed.

Mr. Huntington (Applicant's Attorney) calls his next witness.

Mr. Newman swears in: Jay Troutman, Traffic Engineer (MacDonna & Ray Associates)  
105 Elm Street  
Westfield, N.J.

Mr. Newman certifies Mr. Troutman as an Expert in the Field of Traffic Engineering with no objections from the Board.

Mr. Huntington asks Mr. Troutman to explain to the Board what the scope of his inquiry was.

Mr. Troutman begins his testimony and explains they conducted a fully detailed Traffic Impact Study that was submitted to the Board and reviewed by their Board Professionals. The purpose of the study was to analyze the Traffic Impact of the plan that is before them tonight.

Mr. Troutman continues. The Study consisted of analyzing the existing Traffic & Roadway conditions surrounding the Property. Conducting Traffic Volume Recordings along Dunkerhood Road and Century Road, preparing estimates of traffic that would be generated by this size facility and performing a roadway capacity analysis to verify Roadway capacity for the turning movements that would be in and out of this property.

Mr. Huntington (Applicant's Attorney) questions Mr. Troutman on the steps he has just described, and asks; is it then possible for the Professional to predict what Traffic conditions will be if the Proposed Development is constructed.

Mr. Troutman replies yes. This is exactly what we did in the analysis.

Mr. Huntington would like to mark the Impact Study into evidence.

**Exhibit A12-Traffic Impact Study/Barrister Senior Living dated April 21, 2014**

Mr. Troutman walks through the Analysis, explaining the 1<sup>st</sup> subject he would like to focus on is the proposed Land use and the Traffic patterns it will generate. It is a very well-studied Land use in the Literature of the Institute of Transportation Engineers and is generally as Mr. Missey stated, considered to be a very low traffic generator.

Mr. Troutman continues.... the reason for this is the Residents in these Facilities generally do not drive so the residents actually residing in these facilities do not generate traffic movements on or off the property themselves. A majority of the Traffic at the Facility is the Employee traffic in and out of the site.

Mr. Troutman speaks to the other secondary impacts. Visiting residents at the Facility and Delivery Vehicles. Data published by the Institute of Transportation Engineers suggest this particular facility would generate on a weekday Morning Peak hour, a total of 23 Vehicle movements. A total of 45 Vehicle movements on a weekday Afternoon Peak hour. The other very strong findings about the Traffic patterns in these facilities is they generate these Peak volumes non coincidence with the peak of the Roadway. This is the exact findings in this case as well.

Mr. Troutman testimony continues...

The heaviest hour of Employee's in the morning is 7:00 am which is before the peak of the Roadways. There is an offset pattern of the use peaking before the roadway peaks in the morning. They did their Traffic Volume recordings out here and found the Roadway peaks on a weekday morning from 8am-9am. The same happens in the afternoon, the heaviest volume this site will generate will be at 3:00pm. The heaviest volume on the Roadway and actually the heaviest volume of the entire day out here occurs from 5-6pm on a weekday. The peak impact of the Assisted Living not lining up with the peak of the Roadway Traffic. The Traffic from the

Assisted Living when it is peaking is of very low volume. It does not even meet the definition of a significant increase in Traffic. Less than 100 trips in a peak hour.

Mr. Troutman testifies none the less, they performed an analysis where their Peak was exactly the same as the Roadway peak...even with this, they found there is adequate capacity to process all the turning movements that would be coming in & out of this Site either at the new Driveway along Dunkerhook or the Dunkerhook/Century Road Extension...

Testimony continues...

Mr. Troutman explains the Traffic Engineer's test capacity by calculating what is known as a "Level of Service" which is based on the delay of the vehicles making the turning movements and the "Levels of service" are a Letter grading system that ranges from (A) thru (F). The Letter (A) being the best, and the letter (F) being the worst with higher delays.

Mr. Troutman testifies their finding were; Traffic exiting Dunkerhook onto Century Road Extension is "Level of Service" (B) during both the Weekday morning and Weekday Evening hours. If they were to have their Peak exactly during the Roadway Peak (which it isn't) this "Level of service" would go to Level (C)-still an acceptable level of service...

Mr. Troutman continues. The Traffic Generations Calculations they did for this Site are verified by the NJDOT in their Highway Access Permit System and have been verified by the Board Traffic Consultant, as accurate and he also verified by Industry Research and actual counts at these facilities. He is very confident of the numbers that are being presented.

Mr. Troutman reiterates his testimony. In a weekday morning, peak of the site at 7am, they would have 15 Entering Vehicles and 8 Exiting Vehicles...entering at 1 vehicle every 4minutes. On a Weekday early afternoon, peak during the Shift change around 3pm, they would have 21 Vehicles entering and 24 Vehicles exiting. This does include any visitor and any delivery activity. It is all included in this number.

Mr. Troutman testifies there was a Township review or analysis. They do not take any issues with the Township's Consultant made. They have already prepared a written response to these comments and they will also follow up with Bergen County in terms of their jurisdiction over the access to the property.

Mr. Huntington (Applicant's Attorney) refers to the discussion as to the Quantum of Parking on the site. Can he comment as to whether or not the amount of parking is adequate?

Mr. Troutman testifies that the amount of Parking is more than adequate. Very generous for what is being proposed here. It obviously meets the Township's Ordinance. It also meets Parking standards published by the New Jersey Residential Site Improvement Standards. Again, almost all of the Parking at the Site is Employees. We had testimony last month at the maximum Employees at the site are approximately 20, and there is 67 Parking spaces, so there is plenty of room. Obviously if there are visitors at the same time as the Peak Employee shift, generally the

visitor hours are spread throughout the day...explains 8am-8pm is a typical schedule. There is no real visitor impact when you have this amount of long hours.

Mr. Huntington asks Mr. Troutman if it would be accurate to paraphrase his testimony to say if these approvals that are being sought were granted and the building was constructed, there would be no substantially negative impact to the surrounding Traffic or people's ability to get to this site.

Mr. Troutman replies yes, this would be an accurate statement.

Mr. Huntington has no further questions for his witness.

Mr. Newman asks Mr. Kataryniak (Board Traffic Engineer) if he has any questions for Mr. Troutman.

Mr. Kataryniak begins his questioning. Refers to the written responses in Mr. Troutman's testimony and notes he has not seen them and asks if they have been submitted yet?

Mr. Troutman clarifies it may have been in the last day or two. His response is dated June 24, 2014 so...it's probably en route.

Mr. Kataryniak would like to make a general statement first. He doesn't take exception to anything Mr. Troutman had indicated in terms of his analysis, in terms of what he had stated regarding the typical nature of trip generation to these types of facilities, they are generally low uses and he is in agreement with his testimony as stated. He thinks there are a few things that need to be added to this testimony which he has raised in his report in which he has not seen his response written yet. He will touch base on a couple briefly...

Mr. Kataryniak begins with Trip Generation. If you look at the Institute of Transportation Engineer's Data which is what we use to estimate or calculate the number of trips for any particular use, there is several means of data in there but the statistical data is summarized into formula or average rate. In just looking at the average rates for the weekday evening (pm) use or Peak use of this facility, the rates are almost equal. They differ by 100's of a trip per unit on Saturday's & Sundays...

Mr. Kataryniak continues...Although these Facilities generate low traffic, they generate similar levels of traffic on the weekends that they do in the evenings in a weekday. The Employee base is the majority of this Trip Generation...

Mr. Kataryniak's question to Mr. Troutman is; has he looked at any kind of week-end volumes and can he characterize the traffic on Century Road Extension during a Saturday or Sunday as compared to what has been recorded during the week?

Mr. Troutman (Applicant's Traffic Engineer) testifies yes. He has a couple of comments on this. The Employee loading in the building is significantly reduced on weekends because during the

week there is Administrative functions that are not done on weekends. The weekend tends to be much less active in terms of Employees loading. It really has no impact like the study on a weekday. Visitor traffic is present on weekends but again very spread out over the day, there is no identifiable time you would focus on this.

Testimony continues....

Mr. Troutman states in addition, they did a Traffic Study one lot down (Existing TD Bank) location where they did have to count on a Saturday and Saturday Traffic processed through this intersection was significantly lower than the weekday morning or weekday afternoon.

Testimony continues...

Mr. Kataryniak (Board Traffic Engineer) notes the counts from the TD Studies are somewhat dated, are they not?

Mr. Troutman testifies yes, but it does establish a pattern.

Mr. Kataryniak would recommend the Applicant do a Verification count on a Saturday. He believes the TD Data is 10years old, if not more. He does not have any recent Historical data of Traffic activity on Fair Lawn Ave or Century Road Extension to say one way or another. Whether the background Traffic is significantly higher, lower or different with what was recorded on the weekdays.

Mr. Kataryniak continues. There is presence of the park nearby and one would expect an increase of activity in this area due to the Recreational Aspects on the Weekends compared to the Weekdays, but again he does not know how it compares so again he would just recommend just a verification count to determine the characteristics along that road with the Background characteristics.

Mr. Newman (Chairman) asks Mr. Huntington (Applicant's Attorney) if this could be done.

Mr. Huntington replies; yes.

Mr. Kataryniak moves to his next question regarding the County Park. He asks Mr. Troutman based on the time of year he counted the traffic in April, he would expect the counts to be low due to School & weather. Can he make any projections for increased activity at the Park? Can he speak a little bit about potential impacts if the Traffic on Dunkerhook Road were increased due to full activity at the Park?

Mr. Troutman testifies they did record people going in and out of the park during their weekday morning count, even higher actually on a weekday afternoon they purposely waited as long as they could into the spring so at least there was some Sun and some possibly of people using the Park and catch a count out there. They did count activity in and out of the park. 25 trips in / 13

trips out during a weekday afternoon peak hour and he followed up on June 10, 2014 at 4pm on Tuesday. He counted 9 cars parked at the park. Weekday volumes are higher...

Discussion...

Mr. Kataryniak speaks to the Trip Distribution. Mr. Troutman assumes 50/50 distribution of Traffic to and from the site which based on the proximity of Employment areas and so forth which he does not dispute. He thinks this is a reasonable assumption. They have modeled all of the exiting traffic that would be turning left out of the Site to use Dunkerhook Road and Century Road Extension as opposed to the proposed driveway...he effectively modeled the activity at the site as if left turns were restricted from the proposed main driveway. Can you speak as to why this was done?

Mr. Troutman explains why this was done. There were two reasons. The 1<sup>st</sup> reason was they wanted to put the maximum loading of turning movements that they could at Century Road and Dunkerhook just to sort a sensitivity wise test the capacity.

Secondly...in looking at the site lines/distance for cars to make lefts and judge gaps in traffic, they felt the left turning traffic would gravitate more towards Dunkerhook Road to make these moves...

Mr. Troutman continues. He states Bergen County in their review may say they are not allowed to make left hand turns in & out of the Main Driveway so we wanted to make this analysis.

Mr. Kataryniak asks Mr. Troutman if he analyzed the "Line of Site" at Dunkerhook/Century Road Extension and the proposed driveway. Do you feel there is an adequate "line of site" to make left turns at the proposed site driveway or is it more appropriate at Dunkerhook Rd?

Mr. Troutman testifies the "Site Lines" are better at Dunkerhook/Century Road Extension.

Mr. Kataryniak states based on his observations he would concur with this and he brings this up because there are two issues going on...the closeness of the site driveway to the existing intersection. They are introducing a new driveway which effectively amounts to a new intersection with the proposed driveway. Now there are two intersections. If there are left turns out of both of them, one is established, one is not...it could be problematic especially if the "lines of site" are poor. He believes the "lines of site" are really not standard at all at the proposed driveway location for left turns...

Mr. Kataryniak asks Mr. Troutman if he is correct in saying they do not meet standards.

Mr. Troutman testifies very close.

Mr. Kataryniak states he is of the mindset he thinks the more appropriate location is to have left turns exiting the site at the existing intersection of Century Road & Dunkerhook Road.

Mr. Kataryniak heard testimony there has been no feedback from the County yet and he envisions the County will most likely restrict left turns out of the driveway given the proximity to the existing intersection. It's most likely a dividing island at the driveway to physically restrict left turns...

Mr. Kataryniak continues to state it takes the discussion a little bit away from the prior testimony they have heard this evening and this being; the majority of the Traffic using the site will use the proposed Dunkerhood/Century Road Extension driveway and **not** the driveway along the Easement. He would like to make this point clear because from a Traffic Safety standpoint at the Century Road extension intersections, the more appropriate utilization for Traffic and particularly any traffic destined Eastbound would be to use the roadway along the Easement adjacent to the Naugle House. He thinks there is going to be traffic on this roadway...the construction of this roadway is going to be important and the protection to the Naugle House is going to be important. They heard testimony this evening in regards to volume & proximity to the house. They did not hear anything about safety and he thinks what is driving some of the circulation on site, at least from the driveway standpoint is; safety and visibility at Century Road extension.

Mr. Kataryniak asks Mr. Troutman if he would agree with this assessment.

Mr. Troutman testifies yes.

Mr. Kataryniak moves to Circulation. He asks Mr. Troutman if he evaluated onsite circulation, he does not recall it being addressed at all...

Mr. Troutman (Applicant's Traffic Engineer) replies he did not address it and he feels they should be allowed to do the Vehicle Circulation Plan which will be done and some of the things that were discussed at the last hearing. There will be another version already addressing some of the topics that were discussed with Mr. Missey.

Discussion continues....

Mr. Kataryniak would just like his opinion as to the circulation, particularly at the Refuse Area. He has concerns how it works now or whether it works now at its current configuration.

Mr. Troutman replies they will be changing the plan.

Discussion....

Mr. Kataryniak states lastly, they indicated the parking was more than adequate. Can he give an opinion on what an appropriate number of parking spaces would be here? If he recalls, some of his concerns were how some of the parking spaces were going to create conflicts.

Mr. Troutman testifies they have the flexibility to eliminate some of the less favorite parking spaces.

Mr. Kataryniak asks if he could give a magic number...

Mr. Troutman states no, he does not have a magic number, but he knows he has way more parking than is needed.

Mr. Kataryniak would recommend taking the parking spaces down to 59...

Mr. Troutman (Applicant's Engineer) testifies their SIS would be ½ a space per unit, if you did it on rooms it would be 52, if they did it on beds it would be 63.

Mr. Kataryniak asks if something closer to this 52 or 53 would be more appropriate.

Mr. Troutman testifies this would be fine.

Discussion continues...

Mr. Troutman states they would have to watch the variance situation and if they had to meet the Town Ordinance....

Mr. Kataryniak states he thinks the circulation plans they come up with are really going to drive what they could do with the parking, but he would concur some of this parking could be eliminated.

Mr. Rosenberg (Board Attorney) speaks to Mr. Kataryniak and asks him if this would include possibly the parcel in the front to enlarge the Green area.

Mr. Kataryniak clarifies and states; potentially yes. There are a few spaces he feels are awkward spots when it comes to overall circulation, those are to him the first ones to go, but if they are talking about parking spaces in the neighborhood of ten (10) or more spaces, he thinks this would provide an opportunity at the front yard, closer to Century Road Extension to back some of this parking off, pull away some of these parking spaces...

Discussion.

Mr. Newman (Chairman) asks Mr. Kataryniak; since they are alluding to it, would the potential relocation of the Historic House to this Green patch near the Egress create any "Line of Sight" issues, potentially?

Mr. Kataryniak testifies potentially yes. It would have to be looked at. One of the things he had asked for in his report would be that either Mr. Troutman or Mr. Missey provide the appropriate "Line of Sight" triangles at the proposed driveway on the Plan. These would have to be illustrated on the plan.

Mr. Troutman interjects to state; it is on the plan.

Discussion...

Mr. Newman (Chairman) states if they do come back with any suggestion or proposal to put the house at this location, he would ask that it be done in such a way that we could answer all of the questions that have come up tonight. Let's look at everything if their intention is to put the house there.

Discussion continues...

Mr. Kataryniak (Board Traffic Engineer) has one more request. He would recommend for the Applicant to reach out to the County and find out where they would stand in terms of an initial feedback with the Driveway proposal. Particularly if we are talking about locating all or a portion of the House in very close proximity to this driveway. If we are talking about reconfiguring this driveway to have an Island in it for left turn restrictions, it is going to affect the footprint of this driveway so having an initial gut reaction from the County in terms of how they would feel about this driveway would be appropriate.

Mr. Kataryniak reiterates. At a minimum, contact the County and inquire the status of the review and their initial feedback.

Mr. Newman defers to Mr. Huntington (Applicant's Attorney) and asks him if this is reasonable.

Mr. Huntington agrees.

Mr. Kataryniak has nothing further.

Mr. Newman asks if there are any questions from the Board for Mr. Troutman.

Mr. Racenstein (Board Member) questions the reduction of the Parking spaces. He questions the 3:00pm shift. Roughly there are 20 Employees parking their cars, another 20 Employees trying to arrive for the 2<sup>nd</sup> shift.

Mr. Troutman interjects to state 2<sup>nd</sup> shift is 10 Employees...

Clarification is made on number of Employees.

Mr. Racenstein questions the amount of spaces Visitors will be taking. Refers to another Assisted Living Facility, and notes they have more spaces than 67 spaces and you cannot get a space around 3:00pm...he does not feel there will be enough of spaces at 67.

Mr. Troutman replies; respectfully this would not be accurate. He cannot compare to an Independent Living Facility/ Combination Assisted Living. It doesn't compute.

Mr. Newman (Chairman) interjects to say just because it's a similar use. The volume and number of beds. It could be many, many different things from this proposal compared to that site. Reiterates how both of the Professional Traffic Experts agree that currently, as the proposal stands there are way too many parking spaces for what would be required by Standards and also what would be necessary for the Site function. They both agreed that less would be more adequate.

Discussion continues.....

Mr. Seibel (Board Member) clarifies the 3 Shifts.

7am-3pm  
3pm-11pm  
11pm-7am

Mr. Seibel asks if there are restricted left turns onto Dunkerhook Road, this will force a greater amount of Traffic down the Easement. Would this be correct?

Mr. Troutman testifies, still a very low amount but yes, more of it.

Discussion.....

Mr. Seibel would believe there will be an ample amount of Parking onsite and he would hate to see people parking in the Park Area and walking up the hill..

Mr. Kataryniak (Board Engineer) has a follow up question that may be more for Mr. Milanese than Mr. Troutman. Asks; in the other facilities he has constructed, is it typical or would he consider Vehicle Ownership by Residents or does he discourage it through additional fees somehow.

Mr. Milanese (President of Barrister Development) testifies his limited experience with Assisted Living is no one has cars.

Mr. Kataryniak agrees with this. In applications he has reviewed & both represented, in certain instances where Land was a concern sometimes Applicants have offered to provide Restrictions on Vehicle Ownership for Residents within the Assisted Living Facility. Is this something he may want to consider?

Mr. Milanese feels none of this will be necessary. He thinks what they are leaning towards right now is eliminating the two entrances to the Building. They could move the Northern most entrance further to the South and create more flow for the Garbage trucks, etc. He thinks they will be able to provide more than the minimum.

Discussion continues.....

Mr. Seibel (Board Member) has one more question. If they were able to move the Older building to the front, are they talking about eliminating parking spaces 24/25/26 & 27? What about 28/29 & 30?

Mr. Troutman (Applicant's Traffic Engineer) reviews the plan and testifies they will take a look at this. He thinks there are other ones they would want to look at first.

Mr. Seibel has no further questions.

Mr. Azzolina (Board Engineer) would just like to follow up on the existing Dunkerhook Rd. If the Traffic is going to be forced to use this for eastbound movements, knowing the narrowness of this roadway, which is approximately 20ft. wide along this portion of Dunkerhook Road. Is there any contemplations of off track improvements to improve this roadway?

Mr. Troutman testifies not that he is aware of.

Mr. Azzolina asks if it would be something he would think in his professional opinion be warranted.

Mr. Troutman testifies the recordings he has seen so far out there are of low enough level. He thinks a 22ft wide roadway could function in this situation with this low level of Traffic, even with their site.

Mr. Azzolina asks; even taking into account the County Park Traffic?

Mr. Troutman replies yes.

Mr. Azzolina also realized, based on the statements offered by one of the Residents, this Roadway has been designated in some Historic manner and he would like to investigate this so improvement to this roadway may or may not be possible based on this designation. He recommends the Applicant look into this as well.

Mr. Newman concurs with this as well.

Mr. Newman asks if there are any other questions from the Board Professionals. Seeing none.

Mr. Newman notes the time: 10:15 and states based on how long questioning for the Applicant's Engineer took, he does not think it would be reasonable to start questioning this evening for the Traffic Engineer because he is sure there are a lot of questions and he would not want to cut them off in the middle.

Mr. Newman states they will start their next meeting by opening up to the Public questions for the Traffic Engineer and we will look to set a date for the next meeting...

Ms. Peck (Assistant Zoning Officer) notes they have a date of August 7, 2014.

Mr. Huntington (Applicant's Attorney) states this is a feasible date. The only cautionary note he would make is; not all the things discussed tonight may not be possible to be done by this date.

Discussion.....

Later Dates are discussed...

Discussion continues...

Mr. Newman reiterates for the Public. This Application will be carried to the July 21<sup>st</sup>, 2014 regular Meeting, not to be heard. At that meeting, a date will be set for the next actual hearing. It will be re noticed at that time. Explains...they will show for the next hearing and let us know what date they have agreed to and this date would be noticed appropriately.

Mr. Newman would also like to make mention of what when on with some of the questioning. He would like to make sure that everyone understands they can review any of the Plans for this application and any other application for that matter at any time during regular business hours in the Building Department.

Mr. Newman asks for a motion to Adjourn.

**Adjourn:**

Mr. Seibel makes a motion to adjourn and Mr. Gil seconded the motion.

**VOTE: All Present: AYE**

**Time: 10:30PM**

Respectfully submitted,

Cathy F. Bozza  
Zoning Board Cle

