

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
OF OCTOBER 23, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Meeting Minutes from the Zoning Board Special meeting held on October 23, 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.

Roll Call: Present: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Racenstein,
Mr. Pohlman, Mr. Naveh & Mr. Newman

Absent: Mr. Blecher, Mr. Sacchinelli, Mr. Puzio

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza, 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: (Acting) Paul J. Kittner, Jr.

Pledge of Allegiance is sited.

Commercial Carried Business:

1. Application#2014-10, Barrister Land Development Corp.
41-25 & 41-29 Dunkerhook Road, Block 1702, Lots 5&6
D-1 Use variance as a Health Care Facility is not a permitted use in the R-1-2 Single Family Zone.
D-6 Height variance. Requirement 30' where proposed is 38'
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.
3 Story facility where on 2 ½ Stories are 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 Application.

Fees have been paid and there is proof of service.

Mr. Newman defers to Applicant's Attorney, Mr. Huntington.

Mr. Huntington steps forward, states full name, Russell Huntington, Attorney here on behalf of the Applicant. Notes for the record they did indeed notice for Publication the date of the meeting and noticed Property Owners within 200ft. These proofs have been submitted to Counsel. He wants to insure the Board the 200ft. was measured to include the Borough's adjacent property, so anyone within the proximity received them.

Mr. Huntington continues. Their intention this evening is to introduce the Board and the General public to a revised plan and he will have Bob Milanese testify as to the current status of his proposal and why the changes were made. The Engineer will testify in greater detail concerning the changes. The Traffic Engineer will offer his testimony and if they can, depending on how things go, they will also have testimony from their Professional Planner as to the variance aspects of it.

The current plan of record and latest revision date is August 12, 2014 and the Architectural plan is revised through August 18, 2014. Refers to photo on right and explains it is just a colorized version of the August 12th revisions. The witnesses will be referring to these so he believes it should be marked for Exhibit.

Entered into evidence as Exhibit A-13.

Mr. Huntington calls Mr. Milanese to the podium.

Mr. Newman swears in: Mr. Robert Milanese (Principal Owner of Barrister Corp.)
406 Highland Avenue
Wyckoff, N.J.

Ms. Peck (Assistant Zoning Officer) so notes for the record all the Board Members sitting tonight have listened to the previous tapes and have been certified to vote.

Mr. Newman reminds Mr. Huntington no new testimony is heard after 10p.m.

Mr. Huntington begins his cross. Asks Mr. Milanese to please indicate to the Board in reference to Exhibit A-13 what has changed in this plan since last they examined it.

Mr. Milanese begins his testimony. Refers to the plan to his left which is A-6 was the original submission and to the right is the revised plan, A-13. After listening to the comments from the Board Professionals and their reports, listening to the public and the Board, they decided to go back to the drawing table and try to improve not only the Architectural but also the site plan.

Mr. Milanese states they made some changes, not of which are real significant but he thinks they benefit the overall plan. The biggest change made was they had two points of entry, two porticos and two traffic patterns, (entry way patterns) They removed the one furthest to the North and

centralized one entry to the building. In doing this, they were able to reconfigure the building slightly and were able to move the left or south portion a bit forward so the setbacks in the rear where they had the bump outs, they were 35ft., they are now 40ft. and where in the original plan it was 40ft. is now 45ft. They were also able to get some (inaudible) with the building when they made this move because they picked up some square footage and were able to shorten the width of the building a bit. They picked up a few feet on the north side and on the south side, which was the tightest at 19ft. went to 23ft. The unit count stayed the same (104 Rooms) but the bed count went down to 123.

Mr. Milanese continues. The other benefit of this reconfiguration was; they were able to redesign the refuge area and make it not visible at all to the neighbors and Mr. Missey, the Engineer will testify later as to how it improved the Traffic pattern, especially with the Refuse truck and delivery trucks. As the Professionals pointed out, they had a conflict with the parking and the traffic flow, this is much better within the project.

They did make changes to the Landscaping. He wrote to all the adjacent neighbors to the north, who border the property, refers to Page 4 and the revised landscaping plan. Explains a number of the neighbors were concerned about some very large trees that were quite dangerous and hanging over their homes and he has proposed, subject to Shade Tree's review and the Board's review, to remove a number of these trees. They supplemented the plan with additional landscaping throughout the project, including Shade Tree's Evergreens and more foundation planning when they made the move. Mr. Milanese states they will be looking to the Shade Tree Commission to take a look at this for them and will await their instructions as to what proper procedure would be at this point.

Mr. Milanese moves to the next revision. The height of the building which was reduced to 36ft.8inches versus the 38ft. and last but not least, the "Vander Beck" house. At the last meeting, some kind woman in the audience made a suggestion and the Board asked them to check it through and they did. He is proposing to move the left portion of the "Vander Beck" house which he understands is the most Historic (the oldest section) up to the front of the project. It fit very nicely with the adjustments to their site plan and building. They show it with maintaining the front yard setback to Dunker hook and what they call the rear yard to the neighbor. They are proposing to face it towards the access road and they show sidewalks from the access roads and to the 5 parking spaces to the North which will benefit and be used by this building.

Mr. Milanese states they do not have a specific use for the building but thinks it will be some accessory use to the Healthcare facility, whether it is Administrative or another use. This is still to be determined...his plan with moving the structure is they would first have to rebuild the right side of that section of the home and they will then lift the house off the foundation and after pouring footing, they will put it in place. He has talked with two Contractors that have experience with Historical homes and receiving bids from both.

Mr. Milanese continues. They will then place the house above the footings and rebuild the foundation with the existing stone foundation material and his plan is to restore the exterior of

the home for sure. The inside of the home, he is not sure what they are required to do by code but he will do what he can to restore as much as he can within this code.

Mr. Milanese states this is the highlights of the changes and notes Mr. Missey will be up to go over the Engineering aspects of it or tweak it.

Mr. Newman (Chairman) asks Mr. Huntington (Applicant's Attorney) if it is ok with him, he thinks it would be appropriate after the Board questions for Mr. Milanese, to have Mr. Milanese answer questions from the Public just based on his testimony only.

Mr. Huntington concurs.

Mr. Newman asks if there are any questions from Board Members.

Mr. Seibel (Board Member) clarifies the amount of units and beds. (123 beds) and asks if they will receive paperwork in regards to the new setbacks, rear yard, etc.

Mr. Milanese explains these are all shown on the new plans he has before him.

Mr. Lowenstein (Board Member) refers to the testimony in regards to the right portion of the Historical home. This is the portion to be relocated as the proposal?

Mr. Milanese clarifies it is the left section. What he said about the right portion was; when they separate it they will have to rebuild the right wall of the home since it will be opened up.

Mr. Lowenstein asks if he knows the original construction of each.

Mr. Milanese testifies he has no idea.

Mr. Lowenstein asks if there is any way to salvage the other side in the proposal.

Mr. Milanese replies no. For this use, for this project they cannot fit the whole structure.

Discussion...

Square footage of the portion proposed to be located is approximately a little over 30x30.

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

Mr. Newman swears in the Board Professionals.

Paul J. Kittner Jr. (CME Associates) Board Planner
Mark Kataryniak, (French & Parrello) Board Traffic Engineer
Paul Azzolina, (Azzolina & Feury) Board Engineer

Mr. Newman asks if any of the Professionals have questions for Mr. Milanese.

Mr. Kittner has a question regarding the litigation of Trees. Is it his testimony that he will comply with the mitigation requirements under Section 125-45 (J) of the Ordinance?

Mr. Milanese testifies if it is the requirement, he will do so. He is not familiar with what it says but he is sure the Engineer is familiar with it & will comply.

Mr. Kittner questions Mr. Milanese on the Contractors who are restoring this Historic House. They do have prior experience with this type of work?

Mr. Milanese testifies this is what they told him. Yes. States he would be happy to verify this with the Town Engineer once the work is started.

No further questions.

Mr. Lowenstein (Board Member) has a question. He directs his question to Mr. Azzolina, Board Engineer. He first states he was very impressed by the thoroughness of his October 21st analysis and report but he is surprised he has no questions for the Applicant. Explains...he went through a lot of instances & many different aspects of the application and asking for the applicant to confirm a number of things, will these questions come later?

Mr. Azzolina replies he will ask the Professionals when they testify.

Mr. Newman (Chairman) noting there are no other questions from Board Members opens to Residents living within 200ft. of the Applicant, but before doing so explains and reviews the ground rules of these hearings...He will be opening it for questions for Mr. Milanese about his testimony only this evening. They are not to come up to the Podium to make statements or to introduce testimony, it is only for questions. If anyone introduces testimony or makes a statement, he will ask them to sit down.

Mr. Newman with this said, opens up to Residents living within 200ft. of the Applicant.

Mr. Newman swears in: Jay Morgenstern
42-00 Fox Court

Mr. Morgenstern would like clarification on the new design as to where exactly the Garbage Disposal will be and the pickup.

Mr. Milanese refers to the Board Exhibit. Shows location and notes the compacter will be inside the building so all of the noise will be inside and the Refuse container will be (inaudible)

Mr. Rosenberg (Board Attorney) notes for the record, he believes this would be the N/E corner. He states it is always important for the transcript because when an applicant or someone says; over here...

Mr. Milanese understands and continues. It will be the N/E corner of the parking area which is to the east of the building.

No further questions.

Mr. Newman swears in: Ms. Shelly Wittenberg
15-09 Saddle River Road

Ms. Wittenberg has two questions. She is in the Healthcare business and makes home visits and similar to the Facility, she is questioning if they are planning to do any conferences or having people come, such as Vendors, etc...meetings like this in conference rooms or large rooms other than patient rooms?

Mr. Milanese testifies he cannot answer this at this time because he does not really have a plan at this point for operations..

Ms. Wittenberg moves to her 2nd question. Will there be sufficient parking for Healthcare providers, visitors, vendors. She knows from her own experience when there is no parking, they tend to park on side roads and find a cut through.

Mr. Milanese testifies his understanding is the parking meets the Code and is adequate for the use but this question would be more applicable to Mr. Missey.

No further questions.

Mr. Newman swears in: Ms. Brenda Kaplan
15-27 Landzettel Way

Ms. Kaplan question is with the newly adjusted numbers, can he give a breakdown of how many Residents will be in the Memory Care Unit versus the regular unit?

Mr. Milanese testifies at this time the proposal is 40 Memory Care and the balance of 64 units would be Assisted Living. This is the present plan.

No further questions.

Mr. Newman asks if there are any other questions from residents who live within 200ft.

Mr. Newman swears in: Mr. Simon Friedman
15-08 Landzettel Way

Mr. Friedman has a few questions. Asks Mr. Milanese if he can please indicate where the kitchen will be.

Mr. Milanese explains one will be in the Basement and one will be on the 1st floor.

Mr. Friedman asks if he can please indicate on the Board Exhibit what side.

Mr. Milanese testifies it would not be on this Exhibit. This is the Site plan and we would have to open up the Architectural Drawings, which he will do. He refers to the drawing and explains there are some kitchen facilities in the basement and the main kitchen (points to the rear of the entrance on the West side) to the north of the lettering of said proposed building.

Discussion.....

Mr. Friedman asks what the working hours of the kitchen will be.

Mr. Milanese replies he would suspect they will provide Breakfast, Lunch & Dinner so normal hours for these meals, and the Exhaust goes through the roof if this is what he is wondering about.

Mr. Friedman asks if they can expect to start at 6am until 10pm in the evening.

Mr. Milanese cannot say for sure. He would think that was a little early and a little late.

Discussion continues...

Mr. Milanese discusses approximate times. Breakfast 7-9am/Lunch 12-1pm/Dinner anywhere from 5-6pm.

Mr. Friedman notes one would have to have a couple of hours to prepare breakfast, etc..

Discussion continues...

Mr. Milanese replies he does not know at this time.

Mr. Friedman moves to his next question. Refers to the previous Flooding.

Mr. Newman defers to Mr. Huntington (Applicant's Attorney) to ask if this question would be better answered by their Engineer.

Mr. Huntington concurs with Mr. Newman and notes this question would be more appropriate for Mr. Missey. It has to do with Flood levels.

Mr. Newman explains to Mr. Friedman if he would like to return when Mr. Missey is up, he thinks it would make more sense.

Mr. Friedman understands. No further questions.

Mr. Newman asks if there are any other questions from residents living within 200ft. for Mr. Milanese. Seeing none,

Mr. Newman closes this portion and opens to Members of the General Public for Mr. Milanese based on his testimony.

Mr. Newman swears in: Larry Koplik
6 Reading Terrace

Mr. Koplik asks Mr. Milanese since the entire “Vander Beck House” is considered a Historical structure and is listed this way on the National Logistical Register, is there any way to save the entire house? Is there a way to do a project there that would permit this to happen?

Mr. Milanese testifies with this particular project, it would not fit and stay in the present location. It would make the project impossible. Different types of projects? He would imagine there could be a different use and could keep the house in place but it wouldn't be this use and it wouldn't be single family homes.

Mr. Koplik asks what kind of use he would envision.

Mr. Newman (Chairman) interjects to state he does not think this question is for this hearing. The applicant is seeking a Use variance for this application and he sees no reason for this testimony to be on record.

Mr. Koplik understands and moves to his next question. What is the impediment, if he did move it, the entire building?

Mr. Milanese replies space. It is not possible without substantially reducing the entire building which would make it not feasible to proceed.

Mr. Koplik has no further questions.

Mr. Newman swears in: Ms. Jane Diepeveen
14 Ryder Road

Ms. Diepeveen asks Mr. Milanese if he is planning to turn the house so it no longer faces the South.

Mr. Milanese testifies they thought it would be best if they landscaped the roadway side. The “Vander hook” side and face the front door towards the (inaudible) roadway.

Discussion continues...

Ms. Diepeveen asks if it would be possible to maintain this house facing where it always faced.

Mr. Milanese replies they faced it the way their building would face, but anything is possible.

Ms. Diepeveen moves to her next question. What route will the Garbage trucks take to pick up the garbage?

Mr. Milanese replies Mr. Missey does have a truck route planned in which he will testify to so he will defer this question to him.

No further questions.

Mr. Newman (Chairman) would like to know the reason why Ms. Diepeveen is concerned about the orientation of the house.

Ms. Diepeveen explains as everyone knows, she is the Borough Historian and is very concerned about Historic preservation. All the Dutch houses in Fair Lawn and all over Bergen County face South, the rear walls had no windows, sometimes even the sidewalls had no windows and they faced south to get the worth of the winter Sun and it's bad enough to move a house but to change its orientation is....unfortunate.

Mr. Newman thanks Ms. Diepeveen for this clarification.

Mr. Newman swears in: Mr. Howard Mark
12-23 Ferry Heights

Mr. Mark speaks to Impervious Coverage.

Mr. Newman interjects to state there has been no testimony given regarding run-off. He has to ask a question based on his testimony this evening. If he has a question regarding run-off, he can return when the Engineer comes up to give testimony.

Mr. Mark understands and will wait for the Engineer.

Mr. Newman swears in: Amy Hummerstone
14 Brearly Crescent
Fair Lawn, N.J.

Ms. Hummerstone asks Mr. Milanese if he had considered the feasibility of moving the entire house to the Green Acres property which is adjacent, this way saving the whole house.

Mr. Milanese testifies as she well knows, he offered this before & thanks her for all the information she sent him regarding Green Acres. There was some misinformation at the last meeting. After they redesigned the plan and looked over the paperwork, the Green Acre application looks fairly onerous & time consuming and would have to be made by the Borough and quite frankly, he does not have that much time under his agreement and he has to proceed.

If it could be done in 3 months, his offer still stands but he just does not have the time under the agreement with his contract. Looking at the papers, it looks to be upwards to a year to get this approved by Green Acres based on what he hears on how slowly they move and this is the main reason.

Ms. Hummerstone thanks him and has no further questions.

Mr. Newman swear in: Ms. Christine Panos
36 Cedar Drive
Rochelle Park, N.J.

Ms. Panos has a question regarding the preservation of Trees and putting new ones. Have they done a tree count?

Mr. Milanese notes the trees are located on the plan, and yes, the Engineer has done a Tree plan on Page 4 of the Plans.

Ms. Panos refers to the Dumpster and comments the location is on the side of the river. Does he have any concerns about the trash going into the water?

Mr. Milanese replies no, he does not.

No further questions from Ms. Panos.

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

Ms. Coles asks who will be paying for the move of the house.

Mr. Milanese replies; he will be.

Ms. Coles asks Mr. Milanese after the house is officially moved, who will own the Vander beck house. Will he grant this to the Town or will you own the house?

Mr. Milanese replies the Developer/Owner will own the house, being him right now.

Ms. Coles asks what Experts he plans on bringing in to move the house.

Mr. Milanese states; as he testified to, they did speak to a couple of house movers just to get a budget in place and both of them stated they had experience moving Historical houses, He has not verified this as of yet, but it is a long way away...

Ms. Coles continues...has he reached out to any Contractor who has had expertise in this area of moving Historic homes.

Mr. Milanese reiterates; both said they did.

Ms. Coles moves to her next question. Will the house have the original basement or will it be placed on a basic flat?

Mr. Milanese explains. They intend to pour new footings and rebuilt the existing foundation underneath the old house. Use the old foundation.

Ms. Coles clarifies the old basement will not be moved over.

Mr. Milanese explains they cannot move the basement. It is made of cobblestones and it will break apart but their plan is to take the stones...the way you do this is; you move the house and you leave it up in the air over the footings and you build the foundation underneath. They will be taking the stones from the previous house and reuse them to build the foundation.

Ms. Coles asks if the Naugle House (inaudible) the easement going to be a two-way access.

Mr. Milanese replies yes.

Discussion...

Ms. Coles states on the drawing plans, there is a retaining wall which will butt up against the road itself, what will the impact of the site from the Naugle house to the road be?

Discussion...Mr. Milanese defers to Mr. Missey to answer this question and discuss the structure and the location of the retaining wall.

Ms. Coles continues with her next question referring to the last hearing where a gentleman questioned a Grave site on the site itself.

Mr. Newman (Chairman) asks Ms. Coles if she can direct her questions only to testimony that he gave regarding the revised plans.

Ms. Coles understands and moves to question the drainage system but stops herself to note this question should be saved for the Engineer as well.

Ms. Coles asks Mr. Milanese, in case of an emergency, whether it be a Fire or whatnot within the facility itself, how many ambulances and fire...

Mr. Newman stops Ms. Coles and notes it seems as if she has a list of prepared questions she wanted to key in on this evening, not questions on testimony he has given. He needs her to better direct her questions...all the questions she is asking can be answered at the appropriate time with

the appropriate person so they could move along with the hearing tonight. Please don't go through her list of questions, he will ask her to please ask questions only on what Mr. Milanese has spoken about this evening and this only.

Discussion...Ms. Coles notes she did get to the meeting a little late and did not hear this portion. Apologizes and will wait to ask her questions.

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

Mr. Lang has a couple of questions beginning with the Naugle house and he has heard everyone talking about Historical Registry and such. Asks Mr. Milanese if the whole house is Historical, is he committed to only taking part of it and throwing the other part of it away. Why not just keep a doorknob?

Mr. Newman (Chairman) would like to answer this question to the best of his knowledge and correct him if he is wrong but he thinks the owner of this building is allowed to do whatever he wants with it.

Discussion...Mr. Lang asks what about the power of it being a Historical house.

Mr. Newman replies he does not know if there is anything that prohibits this.

Mr. Rosenberg (Board Attorney) interjects to note, the general law is; on a private dwelling, even if it is designated by the State or the Federal Government, it does not preclude a private individual from doing what they wish with the property unless they agreed to some kind of conservation easement. This is different if it is owned by a Government entity and that Government entity must apply to the State Historic Preservation Office known as Shippo. Generally the rule in Law is that; even if you own a Historic dwelling, unless you have voluntarily agreed to be subject to Conservation Easement/Historic Conservation Easement, you can tear the dwelling down. As he understands it, this is the General Rule.

Discussion continues....

Mr. Lang asks Mr. Milanese if he plans to put parking spaces around the house.

Mr. Newman interjects to state he has already testified there will be 5 spaces...

Mr. Milanese explains where the house will be relocated; they will have a walkway which will have access to these 5 spaces, at least...

Question regarding a Handicap accessible space is asked.

Mr. Milanese testifies whatever the Law is...

Mr. Lang asks if the road that leads the property into Century Road, is perpendicular.

Mr. Milanese states; it's pretty close.

Discussion....

Mr. Lang asks how wide the road is and the reason why he is asking is because it seems like another driveway that has to handle around 60 Employees and trucks for the kitchen. Would it not be wiser if it had an acceleration and a D-acceleration Lane?

Mr. Newman (Chairman) asks Mr. Lang if he can please save this kind of questioning for testimony is given as to the Traffic circulation on site. Mr. Milanese has just given an overview of the site plan...

Discussion...

Mr. Lang notes the reason for this is because at the last meeting, the last person who was speaking was the Traffic person and it was supposed to be open to the Public for questions.

Mr. Milanese testifies he just wouldn't know the answer to this.

Mr. Newman understands what Mr. Lang is saying, but this is a new plan.

Discussion continues....

Mr. Newman clarifies with Mr. Huntington (Applicant's Attorney) if the Traffic Engineer will be up again for testimony....then explains to Mr. Lang, he would have had a valid point if they had the same plans this evening and would have noted the error of procedure. He would have opened it up for questions with the Traffic Engineer, but the Engineer will be testifying on an entirely new plan. Traffic circulation is different and has changed so he asks Mr. Lang to wait until new testimony is given to ask questions.

Mr. Lang concurs. He has one more question on the height. Mr. Milanese stated the height would now be 36'1/2 now...

Mr. Milanese interjects to clarify. It will be 36'8" from the 1st floor elevation to the ridge of the building.

Discussion...

Mr. Newman asks Board Engineer Paul Azzolina, if he can please explain to Mr. Lang how the height is measured in this situation.

Mr. Azzolina explains. The applicant is seeking a variance for the building height. It was presented a couple of different ways on their plan. The Architect's plan shows a dimension of 38ft. which is indicated on the site plan, the Borough Code requires it be measured with the adjoining roadway which is Landzettel Way, the elevation of which he calculates to be approximately 66.67. From this great plane, they are to the midpoint of the slope roof section, 36.83ft., according to his numbers from Landzettel Way to the midpoint of this slope.

Discussion continues....

Mr. Lang notes he would be correct if he were to say; from the middle of the slope which is a meeting slope, there are still more actual feet above this?

Mr. Azzolina replies; he is correct.

Mr. Lang would like to know the actual feet. What will it look like to a resident like himself who live there? Are we 40-45 feet in the air?

Mr. Milanese interjects to note Mr. Azzolina is correct. He stated it improperly. It was to the midpoint of the slope and he does not have this number. He could figure it out....

Discussion continues.....

Mr. Lang asks how many feet higher will this be compared to the highest house in the area.

Mr. Milanese does not know.

Mr. Newman (Chairman) notes the same. No one knows how high the tallest house is in the area, so that would be an in answerable question.

Discussion continues....

Mr. Lang asks if they (the residents) are being deceived in a way.

Mr. Newman states they are not being deceived. They are being given the information according to the rules.

Ms. Peck (Assistance Zoning Officer) states prior to a change in 2010, the residential houses were measured to the mean, which is the half point, so any house build prior to this could be higher than 30ft. The Ordinance was changed to 30ft. to the peak, so the newer houses are somewhat lower than the older houses.

Discussion continues....

Mr. Lang asks why they are not using the same language.

Ms. Peck explains they are a Commercial property and there are different rules for Commercial.

Discussion continues...

Mr. Milanese explains he just did the calculations and it will be approximately 4ft. higher from the midpoint of the slope to the ridge. The actual height will be 40ft. 8 inches. (40'8").

No further questions from Mr. Lang.

Mr. Newman swears in: Ms. Pat Idone
2-14 Kenneth Avenue
Fair Lawn, N.J.

Ms. Idone has two questions. He plans on cutting the house in half, so to speak and moving it. He also stated the two Contractors he has spoken with had done this type of work. What will be the process on finding out if they had actually done this type of work before with Historic homes.

Mr. Milanese testifies it is easily checked on and they are not even near to picking a Contractor yet. He would call and find out what Historical homes were moved by them and they would find out what kind of work was done, how satisfied the owner was, etc...

Ms. Idone continues to her next question. In moving the house, he would be disturbing the ground which is Historic. In every other Historic property that she has been involved in terms of disturbance, there is usually an archeological dig of some sorts to make sure there are not some things underneath the ground that need to be addressed. Are there any plans for this?

Mr. Milanese testifies; if the Board approves the project, he will have plenty of time and if the Borough wants to have a group who knows what to do and dig around the house, they are welcomed to do so.

Ms. Idone moves to her last question. She understands an Owner can do whatever they want to do regardless of it being a Historic home or not, but would like to clarify whether the ownership of the property is based on the Board granting the variance, is it not?

Mr. Milanese explains. Right now the property is owned by the "Vander Platt" Estate. The Estate of Henrietta Vander Platt. He would be a Contract purchaser. If the variance is approved, he will purchase the property.

Discussion continues...

Ms. Idone just to understand asks; the approval of the variance would guarantee the breaking up of the home then. Is this correct?

Mr. Newman (Chairman) explains. No, the approval of the variance would guarantee whatever the agreement is at the time of the granting of the variance and what was discussed and agreed

upon and what is factored into the Resolution. We do not know what any of this is yet so he does not think she can make this statement.

Discussion continues...

Mr. Huntington (Applicant's Attorney) interjects to note it might be just as readily argued that the only way to guarantee that a portion of this home can be saved. In either case it is not proper argument for discussion. The plans should be approved on the validity of its merits or not.

Discussion continues on possibilities...

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

Mr. Newman swears in: Ms. Felice Koplik
6 Reading Terrace
Fair Lawn, N.J.

Ms. Koplik would like to ask with this part of the house removed, the existing topography or where it sits now, slopes off and where it is proposed to be moved is basically flat. How would they accommodate such a change in grade in moving the house?

Mr. Milanese does not recall if there are any basement windows, there may be... but they might lose this or may have to build a window well. The property will be substantially level in this location. There wouldn't be an issue, it just wouldn't be sloped.

Discussion....

Ms. Koplik clarifies with Mr. Milanese that the Architecture would be compromised by moving the house.

Mr. Milanese replies; absolutely.

Discussion continues...

Ms. Koplik continues...also the siding of the house, the views of the River which were original to the 1750 construction? It would be far from the river and that siding would be lost...

No further questions from Ms. Koplik.

Mr. Newman swears in: Mr. Barry Stern
15-16 Landzettel Way
Fair Lawn, N.J.

Mr. Stern asks if Mr. Milanese would get an opinion of Counsel regarding the legalities of the Historic site and what they are allowed to do and not allowed to do.

Mr. Milanese testifies he already has done so.

Discussion...

Mr. Stern asks if he would be willing to get an opinion specifically on this house.

Mr. Milanese explains as Counsel stated, he does concur. As an Attorney of which he is also, he is familiar with this and has had Counsel also advise him.

Discussion continues...

Mr. Stern asks then there is no doubt the integrity of this house will be maintained and he is legally within the Law to do this?

Mr. Huntington (Applicant's Attorney) is asked to comment on this by Mr. Newman.

Mr. Huntington reiterates the house can be torn down at the preference of the Owner and this is where the matter sits and he does not believe there is any doubt whether the owner is private as Counsel stated, whether Mr. Milanese owns this property or someone else, they can take it down.

Discussion continues...

Mr. Stern would like 100% affirmation this could legally be done...

Mr. Newman interjects to state he does not think he will get anymore from an Attorney than a legal opinion.

Discussion continues...Mr. Stern disagrees. It is his humble opinion to say they (Residents here this evening) are entitled to 100% without any doubt. He owned Historic buildings...

Mr. Newman stops Mr. Stern. He is giving testimony that has nothing to do with Mr. Milanese, has nothing to do with his testimony given this evening...He feels his question has been answered and they are running in circles. He has to move on with the meeting...

Mr. Stern has no further questions.

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

Mr. Tuers explains his Great Grandfather built this house....

Mr. Newman explains to Mr. Tuers he needs to ask questions, not give testimony.

Mr. Tuers moves to his question. Mr. Milanese's testimony was he was moving a piece of this house. What is the use going to be with this portion?

Mr. Milanese testifies they have not decided on this yet, but he anticipates it being some sort of accessory use to the Health Care Facility, whether it be an Administrative office, Security, someone who will maintain the site. He does not know as of yet.

Mr. Tuers notes it will no longer be remain as a Historical building. It will be put to another use?

Mr. Milanese testifies yes, although he does not know yet...all he is proposing at this moment is they will move it to this location.

Discussion continues....

Mr. Tuers would like to know what became of the idea of moving the entire building. At the last hearing he was very enthused when this was mentioned...

Mr. Milanese explains. It was brought up by a member of the public if it were possible to move a portion of the building. This portion being the oldest part of the building and the Board asked them to take a look at this as a compromise and they did. It fits and he thinks it is a great idea.

Mr. Tuers feels he was deceived. He was under the impression they were going to move the entire building to another location and it sounded like he was really going to do this.

Mr. Milanese testifies he always made this offer. What he had heard at the last public hearing erroneously was it would not be allowed on the Green Acres property....

Discussion continues....

Mr. Milanese states it could be approved by the Green Acres but the process is long and he does not have the time to do it. He can try, he is still willing to try. He made the offer a number of times to move the house...if it could be accomplished in a short period of time, he still would be happy to do it. This is the application now and he plans to go through with this application.

Discussion continues...

Mr. Milanese states if this could be accomplished in a short period of time before construction, he would still keep his word and move the whole building.

Discussion continues....

Mr. Tuers moves to his next question. Asks if he will be changing the appearance of the house and if it will not be used as a Historical building, will it look the same as it does now?

Mr. Milanese testifies they will be restoring the outside of the building as best as they can. The inside he is not sure about the code, so he is not sure what he could do with the inside.

Mr. Tuers comments the efforts of preservation have been totally lost...

Discussion continues....

Mr. Tuers questions Mr. Milanese regarding the research to bury people on the site.

Mr. Milanese testifies there are people that do investigate and before they start Construction, he would be happy to do this with him. If it is a condition of approval, they will take a look.

Mr. Milanese gives his word if they do get the approval, he will do this and invites Mr. Tuers to be there.

Discussion continues....

Mr. Tuers questions if the building will become a private building and thus not be open to the public as a historical site?

Mr. Milanese states this is the proposal as of current...

No further questions from Mr. Tuers.

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

Mr. Colyer would like clarification on the height of the building, using for example; if he were to walk around the highest point of the building with a stick, how high would the stick be to reach the roof?

Mr. Newman (Chairman) responds to this by stating; this is not how it would be measured.

Discussion...

Mr. Colyer feels it seems deceiving as to the actual imposing structure that will be here....

Mr. Newman would like the Engineer to answer this and also asks anyone who has an interest in this height to please listen.

Mr. Azzolina (Board Engineer) notes as he previously stated, his calculation of the height is less than what is indicated on the drawings. The site plan indicates 38ft. height....explains in detail. Calculates to be 36.67ft. and points out as Mr. Milanese indicated, it is approximately another 4ft. to the rest of the roof structure, being approximately 40.67ft., when viewed from Landzettel Way.

Discussion continues....

Mr. Colyer would still like clarification on how high the building is from its highest point, from the ground at the building.

Mr. Milanese testifies, not knowing exactly where he is standing, the average height to the ridge from the average elevation around the building is approximately 40ft.67ft.

Discussion continues....

Mr. Newman (Chairman) stops Mr. Colyer and states; it is not a flat plain, it is not a one dimensional building. All they can do is give averages and estimates and pick points of reference...

Discussion continues....

Mr. Colyer moves to his next question...speaking square footage wise, the plans were revised to keep a portion of the house on the property. Is there a way to tweak the plan a little more to keep the entire structure in place and use that as part of the facility?

Mr. Milanese testifies it will not be feasible.

Discussion continues...

Mr. Milanese explains if he wanted to cut a 3rd of the building off, they could put the house in its place...

Discussion continues...

Mr. Newman stops Mr. Colyer from statements and asks him to please sit down.

Mr. Walter Tuers (previously sworn) steps back up to the Podium. Asks Mr. Milanese if he would be open to moving the entire home down to the Naugle property if it could be arranged?

Mr. Milanese reiterates the answer would be the same. Timing is the issue and getting it approved is the issue. If it could be approved, he promised he would move the whole house but he does not see this happening. To be clear, this is the application, they don't intend to change it and they will go forward to get approved or denied with this application. If it happens down the road they could do something different before it is too late, he would be happy to do it.

Discussion continues...

Mr. Milanese tells Mr. Tuers who he could speak with regarding Historical Structures.

Mr. Newman swears in: Ms. Kimmy Wei
13-08 River Road
Fair Lawn, N.J.

Ms. Wei states she is a member of the Fair Lawn Green Team. She would like to know why the Town Residents and the Zoning Board that represents them is supposed to be concerned with how quickly the project can be brought to completion.

Mr. Huntington (Applicant's Attorney) objects to this question. He does not feel it is an appropriate subject to a Zoning Board Meeting.

Discussion...

Mr. Huntington does not wish to be argumentative. They are here to present a plan. There are things they have the Legal right to do with the property concerning the house. States Mr, Milanese has worked for months and months in this community as well documented in Newspapers to do what could be done, to be sensitive to these Historical conditions. He feels they are beating this to death and to impugn Mr. Milanese's integrity over this is inappropriate and off the subject matter.

Discussion continues....

Mr. Newman (Chairman) reiterates to Ms. Wei, questions only...

Ms. Wei continues. He states this project risks causing more flooding in a town which already suffers from severe flooding.

Mr. Newman stops Ms. Wei and states she is testifying, does she have a question?

Ms. Wei would like to know why he is willing to create a risk of increased flooding in Fair Lawn.

Mr. Huntington objects to this question. There has been no showing he is willing to increase the risk or there is an increased risk. They have a room full of Engineers here and elsewhere that would be in charge of making sure there were no risks.

Discussion...

Ms. Wei is told by Mr. Newman the Engineers have already spoken to this question.

Ms. Wei moves to her next question. She would like to know if the buffer to the water's edge is being respected.

Mr. Milanese testifies he does not have the answer to this. He would defer this question to his Engineer when he testifies.

No further questions from Ms. Wei.

Mr. Newman swears in: Mr. Eric Bal
14-33 46th Street
North Bergen, N.J.

Mr. Bal is here in the capacity as a member of the N.J. Society of the Sons of the American Revolution. His question concerns the height. He would like to know based on testimony, what is the average height?

Mr. Newman states this already has been answered and it does not have to be answered again.

Discussion...

Mr. Milanese reiterates his prior testimony. The Ordinance provides for this type of structure. They take the average of proposed elevation around the structure, this is the face point and measure it to the midpoint of the ridge and this is the height and as testified a few times, it is 36ft. 8inches.

Discussion continues....

Mr. Bal would like clarification on what the highest measurement is...

Discussion continues...

Mr. Milanese defers this to his Engineers.

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

Mr. Newman calls for a 5minute Recess.
Mr. Newman reopens the Meeting.

Roll Call: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Racenstein, Mr. Pohlman,
Mr. Naveh & Mr. Newman. **Present.**

Mr. Newman (Chairman) states he was speaking with the Board Professionals and Counsel during the break and they may have to clarify some things before proceeding and would like it noted for the record.

Mr. Newman defers to Mr. Kittner (Board Planner)

Mr. Paul Kittner directs the question to the Applicant & states the “Accessory” building, the Historic building they are relocating, they talk about multiple uses. Initially they said it was going to be an accessory use, perhaps an Administrative Office or Guard check of some type. They also talked about working with the Township with discussion regarding using it maybe as a public use or leasing out possibly for a residence...

Mr. Kittner continues. He would like to differentiate for the Board the difference between the use being an accessory use to the Principal structure or principal use versus the other uses...One would require an additional use variance for this.

Mr. Milanese testifies he thinks he did not state this clearly when he said “lease”. He has thought about leasing it to the Borough for the Historic Commission possibly. They are the ones that would like to make use of it. He does not know if it would trigger a variance but they could make it as a condition of approval if so inclined the uses that would be available to the owner.

Discussion continues...

Mr. Milanese clarifies it was not meant to be leased as a “residential” lease.

Mr. Newman notes and clarifies to Mr. Milanese if this was done at any point in the future, there would be other relief granted by this Board in order for that to happen. Other than an “accessory” use, this Board cannot make anything else a “condition of approval” this evening.

Mr. Milanese understands and is perfectly happy with an “accessory use”

Mr. Huntington (Applicant’s Attorney) calls his next witness up to the Podium. Mr. Andrew Missey has been previously sworn and previously qualified.

Mr. Missey under cross testifies he is the Project Engineer and performed the latest revisions to the Maps.

Mr. Huntington refers to A3 & A6-Color renderings and asks Mr. Missey to please explain what has changed and what the perceived benefits or the necessity for the change was.

Clarification is made on A6 & A13 Exhibits.

Mr. Missey (Applicant’s Engineer) begins his testimony addressing the Exhibits and notes Mr. Milanese has already testified to the increase in the setbacks...explains it has been increased 45ft. at the North, comparing A6 to A13. It increased 40ft. to West and 23ft to the South. Most

importantly to the plan is that a single entrance is now proposed with the passenger vehicle circular drive separate and distinct from the main drive aisle.

Mr. Missey continues with the detailed changes. 63 Parking spaces are proposed to serve 104 rooms for Memory Care and Assistant Living Residents. This did not change. What changed was the parking was reduced in quantity and we eliminated the troublesome spot where there were two entries previously and at the N/E side of the building which were problematic for several different reasons. Operationally, the most significant change is the delivery area has been reconfigured and the refuse area has been made more accessible and it continues to remain fully screened from all neighbors because it is in a basement level depression...Mr. Missey notes it has been shifted more to the center of the property, away from the North.

Mr. Missey moves to the drainage portion. Retention and permeable pavement continues to be proposed and they have not reduced the size or the volume of these facilities but the piping and utilities routes have been simplified. Refers to the Sheet 2 of 6, explains how they have been simplified by the adjustments to the Layout. The layout adjustment has decreased the quantity of impervious area on the site. This is another significant advancement...

Mr. Missey refers to Sheet 3 of 6-The Grading plan. The grades to the West and along Borough property and the East have been maintained, but adjustments to the building and the site layout will allow for much more pedestrian (inaudible) for the driveway down to Dunkerhook Road. It is now at a 4% grade. Previously there were in certain areas in excess of 10%. It is much more significantly pedestrian friendly. The sidewalk has been shifted from the Naugle house side of the driveway to the river side of the driveway to afford more river views of the River to the East.

Mr. Missey refers to Sheet 4 of 6-The Landscape Plan. The Landscape plan has been adjusted to the configuration changes he just described. One significant change that should not be minimized is the reduction in the building width and the shifting of the building...they will have a continuous buffer along the easterly side line bordering the Borough's property. They are now able to accommodate several more trees in this area than the prior configuration allowed them to do in this area.

Mr. Missey testifies they have seasonal plantings proposed at the signs. This time of year, he believes they would be Mums. Winter months, Christmas type Cabbage...the tree and shrub counts have increased and locations have been adjusted. They have located all the trees on the property and have been depicted on the rendering of A-13 in significant abundance.

Mr. Missey continues...Mr. Milanese has testified he has met with 3 of the 5 neighbors and a supplemental planting plan has been agreed to. Refers to the Exhibit and notes the location, the N/W corner. There will be many hazardous trees removed but in their place, the supplemental planning plan will replace these trees.

Lastly, Mr. Missey refers to the Tree Mitigation Ordinance. It has been testified to that they will meet with them. They will commence this process formerly with Shade Tree. He does not know how quickly these things go but will work with the Shade Tree Commission throughout the process of the Tree Mitigation plan and the removal plan approved.

Mr. Missey moves to Sheet 5 of 6.-The Lightening Plan. Explains visually looking at A6 & A13, fundamentally they are lightening the same area. The locations have been adjusted but the fixtures size and height and wattage has not changed and they do now have a photo metric analysis from a Lightening Consultant and this will be submitted to the Board Engineer for confirmation they are the same levels of lighting that were shown on the original plan. Mr. Missey explains what a Photo Metric Analysis is for the benefit of the Public to understand.

Mr. Missey lastly moves to Sheet 6 of 6-Erosion Control Plan. This has likewise been adjusted for the configuration changes that he has sited. Explains....

Mr. Missey suggests it may be a good time to address Mr. Azzolina's (Board Engineer) letter. He states he will assume all Board Members do have the October 21, 2014 letter. He will address the Engineer's concerns.

Mr. Missey refers to Page 3 of 17/Item 6C-Height. He would like to discuss what the Plan Zoning Chart states right now is the maximum building height will be 38ft. It has been referenced a couple of different times. The Project Architect has a dimension from the finished floor, the floor level when you walk in the front door through the midpoint of the sloped roof of 36ft. 8inches. When they go about the perimeter of the building getting average grade, a number of average grades, they come up with a proposed average grade around the perimeter of the building of 66.67 or 66.5ft., the difference between these two is their average height between the midpoint elevation and average grade....

Mr. Missey notes they have rounded up to give the assurance they will never exceed the 38ft. The grade is not all flat. It slopes in the middle portion of the property (refers to Exhibit) to the river and as you proceed to the river, it slopes more steeply. As you move north to south, it seems rather flat...but it is in the E/W direction where the slope is.

Mr. Missey continues explaining why they have to take the average grade, referring to the Exhibit where the land starts to slope back to the North/West. More of the building will be exposed back there. They could take the easier way out by just taking the measurement from the midpoint of Landzettel Way, but since they do not have access on Landzettel Way, they opted not to take the safe route....he does not disagree with Mr. Azzolina's way of arriving at the height.

Mr. Missey continues...explains the basement level where the refuse comes out of the building from the compactor inside and where delivery vehicles will off load. At this location, the grade here will be elevation 57.67. A (9ft) basement. The finished floor elevation is 68. It is not a tall basement.

Most of the building perimeter is at 67.50, so it is about 8inches higher than the midpoint.... At this one location (points to exhibit) and notes if you were to look up, this is the one point the building would look taller than what has been described tonight. It is not a general public location.

Mr. Missey (Applicant's Engineer) moves to Page 5 of 17/Item 7. This has to do with a variance that may be required for one additional business identification sign. It is Mr. Azzolina's opinion, if they get a use variance, they will be permitted to have this use on here so they get one sign on the Century Road extension. They have a 2nd sign proposed down on Dunkerhook Road where the driveway connects and it is Mr. Azzolina's opinion they also need a variance for this sign and he does not disagree....

Testimony continues....

Mr. Missey refers to Page 6 of 17. The maximum permitted height for a wall is 6ft. Speaks to the wall at the basement level entry which is 9 and $\frac{3}{4}$. Details this portion...you cannot see 9ft.75ft. from the upper level, what you see is an estate fence to protect you from falling over into the basement level delivery area...

Mr. Missey details the basement level delivery area. Refers to Exhibit and explains they will need a variance for a wall over the 6ft.

Testimony continues...refers to Section 4, same page which talks about Tree removal and replacement. They will prepare the Tree removal plan and as testified to, they will seek approval from the Shade Tree Commission...

Mr. Missey refers to Page 7 of 17/Item 3A. Mr. Azzolina states the potential for any negative impact to the Naugle house could be mitigated if the driveway were to be limited to a one way operation or be an exclusive use to Truck traffic only. He defers to Mr. Troutman (Applicant's Traffic Engineer) as to what the traffic volumes are and what they are projected to be.

Mr. Missey states in his opinion, the Assisted Living and Memory care use of this property is a self-sealing limitation on the quantity of traffic...explains. Very few of the residents would have vehicles that would go back and forth with any type of frequency. It just does not happen in this setting. Maybe in an independent type of setting, but in this case, he does not see this happening. He does not feel there will be traffic issues that will impact the Naugle House.

Mr. Missey moves to Item 3C. Mr. Azzolina recommends road widening on Dunkerhook because there will be an increase in traffic. He explains the property's frontage is over here (refers to Board Exhibit) so the roadway really can't and shouldn't be widened because it goes right into the guide rail...

Mr. Missey refers to Board Exhibit, speaks to the location which belongs to the Borough of Fair Lawn. States the roadway itself is in very good shape, the pavement surface is about 20ft. in width and this is all it needs to be to carry vehicles...they are not going to alter this.

Mr. Missey refers to the sidewalk location at the intersection of Dunkerhook Road and Century Road extension at the S/Easterly corner of the map and the beginning location is to the east of the Naugle house. This is suitable for a sidewalk and curbing. There is ample room there.

Testimony continues....

Mr. Missey is not sure they would want to define the easterly side of Dunkerhook Road by a curb in this location because it would impede the drainage. Explains....

Mr. Missey goes to Page 8 of 17/ Item 4C. He will just say, they will comply with all the required comments in its entirety. Van accessibility parking, they are on the plans but they will make clearer the reference as to where they are for better detail and they will give more detail on the handicap ramps as Mr. Azzolina's has suggested...

Testimony continues...Page 9 of 17/Item 5B. Mr. Azzolina states accurately the retention & permeable pavement systems have not been changed. They will submit a final drainage report. Mr. Azzolina asks further on, in Item 5, they prepare profiles for the Storm drains. They will do this also as part of the final site plan...explains what these profiles do is confirm they do not have conflict with any other utility.

Review is continued, moving to Item 6 of Page 17. Mr. Missey also testifies they will comply with all the comments, including Item 6H which questions certain trees along the driveway can be preserved, particularly two (refers to trees on Board Exhibit) they will confirm in the field the nature of these trees and if they can be preserved and if not, this will be part of the Tree mitigation responsibility...

Mr. Missey reviews Item 7 & 8 on Page 11 of 17. All these questions with respect to the Underground Storage tank on the existing property will be addressed at the time of the sale. He does not believe the heat is on, so the tank is not in use.

Item 8- The Sanitary Sewer Facility. Mr. Missey testifies if there is a site plan approval at this level they will proceed with preparing the treatment works application and seeking the Town's endorsement. They cannot take this step until they know whether the project will go forward.

This is also true with the water....Page 12 of 17/Item 9.

Mr. Missey refers to Page 12 of 17/Item 10. States they have been in contact with Williams since the onset of this project. They staked out where they will like to make the crossing. It was done in May, Williams was out there by June and verified the depth of their pipeline in this vicinity. It is 3ft. deep...they furnished this information to us and they will amend their profile now to address the depth and the clearance requirements that are required from their pipeline. They have been in communication with Williams as expected when there is a pipeline on a property since the onset of this project.

Mr. Huntington (Applicant's Attorney) asks Mr. Missey if there is anything in the report that he disagrees with.

Mr. Missey refers to Page 14 of 17/Items 15, 16 & 17. Speaks to Item 15, which deals with the Emergency Generator and he will work in conjunction with the Project Architect and Mr. Milanese to figure out where this will go. Refers to Exhibit A13 and indicates the refuse area and notes in all likelihood it will go there.

Item 16- Possible overlap & Gore area. This is really a vestige of when they first did the survey for the Estate of Vanderplaat. Explains...when they found monuments on Landzettel Way and compared them to the Deed for the Vanderplaat property, there was an ever so slight overlap. Not to cloud Title to the Vanderplatt property, their Survey & their Deed description honored the filed Map line. Everyone on Landzettel way gets what their due from it having been sub divided out...there is no overlap the way they have approached this.

Mr. Missey moves to the subject of the Gores. He states they have no right to claim a Gore. They can't say they own it because they do not have Title to it. There is really nothing they could do about Gore areas...they do not impact this site plan in anyway.

Mr. Missey refers to Item 17- If they are approved at this level, at this Zoning Board level. They will prepare a Lot Consolidation Plan and a consolidated description for Lots 5 & 6 and this would constitute a Map which would be used by the Borough's Tax Access or and by Mr. Milanese to close on the property, as well as description of record.

Mr. Missey states he has no problems with the plan revisions that Mr. Azzolina has requested.

Mr. Huntington (Applicant's Attorney) asks Mr. Missey when he testified about the former plan, it is his conclusion there is no adverse effects from an Engineering standpoint of view.

Mr. Missey testifies; this is correct and he feels the Plan got even better.

Mr. Huntington asks Mr. Missey what is the grade differential between the River and the Building.

Mr. Missey states if you were to dip your toes into the water at the River's edge, you would be at an elevation of 42 ½ on a normal day.

Mr. Huntington asks him what it would be up adjacent to the building.

Mr. Missey explains it would be elevation 67.50 (refers to Exhibit & location) so it would be 25ft. high.

Mr. Huntington continues his questioning. Asks Mr. Missy in his opinion, does he have any concerns with flooding on this site.

Mr. Missey testifies there is no concern. He reiterates his prior testimony, speaks to the 100 yr. Flood Plan. Explains in detail....

Mr. Huntington refers to the Retaining walls in the vicinity of the Naugle House. Asks Mr. Missey to describe what these walls are and if he foresees any problems associated with this?

Mr. Missey testifies; because the property has a whole slope towards the river in this area (refers to location on Board Exhibit) the westerly side of the right of way will be higher than the S/W

side of the right of way (the Easement) is higher than the N/E side. They have to come with the driveway somewhere in between, so they are proposing retaining walls on the N/E side and the S/W side. The walls will be a maximum of 5ft. in height to the North of the Naugle house and as the roadway continues down the walls will decrease to 3ft. in height and taper down to 0 before reaching the roadway...the walls will be modular block, they will be gravity walls, will not need G-grid tiebacks, etc...speaks to no upset with excavation issues, a small back-hoe could do the job,

Mr. Missey continues...the retaining walls will not impact the current grade of the Naugle House. It will only impact the grades within the easement area itself and he foresees no risk to the Naugle house as a result of this construction.

Mr. Huntington asks Mr. Missey what other Engineering considerations he looked at. There are Upper regulations concerning the River and has he calculated these.

Mr. Missey testifies the DEP is kind enough to tell them what the required buffer is and how it should be depicted on the plan. They did this when they went through the Flood Hazard Area Verification process. This is accurately depicted on A13 (Refers to Board Exhibit Location) as 50ft. from the top of the bank.

Testimony continues....

Discusses the outpour for the drainage...Storm waters...the goal is not to increase the quantity or the volume of run-off for the 100years Storm event and they have met this goal. It is what is required by the Residential Site Improvement standard, which is the governing standing.

Mr. Huntington has no further questions of his witness.

Mr. Newman (Chairman) defers to Mr. Azzolina, asks if he has any questions for Mr. Missey.

Mr. Azzolina (Board Engineer) does have one question regarding the Dunkerhook Road along the easterly limits of the property. The roadway width is 20ft. and this would service this proposed project as well as the front facility. The statement is; 20ft. is adequate there yet they are proposing a 24ft. Drive aisle, to service a single use. It seems to him if they require 24ft. to service just the one use, something wider in the roadway would be required.

Mr. Azzolina refers to testimony where Mr. Missey spoke of constructing some curb and sidewalk in the area. What he is suggesting is they may be able to obtain some more widening in the same location. He is not suggesting the road be widened to 30ft, he is suggesting they should look at it and see what would fit. He thinks there is a need for this.

Mr. Azzolina continues....this also could be something that could possibly be tied into a County review of the application as well and he also looks to Mr. Kataryniak's (Board Traffic Engineer) comments on the matter as well. Mr. Missey had addressed the concerns raised in his report relative to the retaining wall construction adjacent to the Naugle house...

Mr. Missey has presented at this time conceptual designs. He assumes Mr. Missey has done some level of investigation to confirm at this time that Geo-grid would not be required. There are walls that do not required geo-grid...details.

Mr. Missey testifies he has.

Mr. Azzolina continues. He states there are other issues raised in his report that are more of a variance type of discussion that he assumes their Planner will address pertaining to density and coverages, etc....

Mr. Missey testifies he agrees with this although he did say what the numbers were. Probably it would be best to defer this to the Planner.

Mr. Huntington (Applicant's Attorney) interjects to state he may have forgotton to address one subject matter with Mr. Missey. He asks Mr. Missey if he did an investigation as to how the new driveway layout would work as in terms of vehicle, particularly truck movement and access.

Mr. Missey testifies he did. This was part of why they went through this entire exercise of looking at the site plan after the last meeting...what they prepared as an exhibit this evening (puts up an Exhibit)

Exhibit is put into evidence as A-14.

Mr. Missey continues. Explains how it shows the Garbage truck ingress to the refuse area and the egress which is a back out move and then a loop and back to Dunkerhook Road. The Garbage truck can and will easily access the improved refuse area. It also worked for the prior plan but there were questions having to do with that plan regarding grades, etc...

Mr. Missey testifies they have also done this for the single unit delivery truck that is expected to service this facility (Refers to another Exhibit)

Exhibit is marked as A-15. Explains that once again it is a back-up move because trucks off- load in the back. Details this using exhibit.

Testimony continues...

Mr. Missey states they would be a private company. It will not be the DPW or the Sanitation Department to service this site. They do not qualify.

Clarification on the Route the Truck would go.

Testimony continues....

Mr. Azzolina would like another point addressed by Mr. Missey. If he could speak of the pending application that would be required by the DEP for an Individual Flood Hazard Area Permit which would include a review of the Storm Water Management Design as presented on

the plan. They previously obtained certain approvals which are the Letters of Interpretation relative to the present or absence of Wet Lands on the site as well as the Flood Hazard Verification Approval in which they received pending this Board's approval on this application, they would then be required to obtain the Flood Hazard Individual Permit in connection with the proposed outfall at the Saddle River...

Mr. Missey testifies they would make this application within 30 days of receiving a vote of yes or no on this application. Obviously the Flood Hazard Individual Permit is specific to a certain plan and it has to be a plan with this Board's approval. It cannot be a plan that is in flux. The same is true with the treatment works (inaudible) pursuer...also less so but also sort of equally true for the water permit for safe drinking water..

Mr. Azzolina notes Mr. Missey has answered the comments set forth in his report as well as the follow up questions...

Mr. Kataryniak (Board Traffic Engineer) has a couple of questions on the Truck Circulation. Notes he will be looking at those in a little more detail but he refers to one of the comments in his report and also dove tailing on Mr. Azzolina's comments. He would like to see the Truck circulation really extend out to Dunkerhook road so they could get an understanding of any Truck or Car circulation. The appropriate width of the road at the entrance to the driveway along the easterly side of the property.

Mr. Kataryniak asks if this has been looked at yet. There is 20ft. width at this location and he wants to be sure there will be no vehicular conflicts with anyone exiting the site and someone entering the park area.

Mr. Missey clarifies the location referred to in questioning and explains they could do this. The delivery vehicle that exits onto Dunkerhook would obviously require more than 12ft. of the width in the roadway, this is more than half of the pavement width. He does not feel this is an unusual occurrence anywhere in Northern New Jersey.

Testimony continues....

Mr. Missey states there is a Stop sign depicted on the plan...

Mr. Kataryniak notes the circulation improvements made are a vast improvement over the prior plan but still has concerns with the Delivery area. Testimony is necessary regarding the frequency of the deliveries and frequency of Refuse Pick-up. Explains...as the Delivery/Refuse area is configured right now, he scales about 115ft. in length from the rear of the building face to the main drive aisle which is about an 8% down grade...his concern there is having the Delivery trucks back down that area, at this length. Safety is obviously the first and foremost reason for this concern or having the Refuse trucks back up at this length is the primary concern. A potential nuisance concern with beeping (back up beeping) at delivery times. He would like some testimony on the delivery time frequencies is appropriate.

Mr. Kataryniak also refers to the relocation of the sidewalk to the North easterly side of the drive aisle which will now require a Pedestrian Crossing at the entrance to the service area. There now may be a potential conflict with pedestrian crossing on site with backing service vehicles in this area. Can this be improved in any way or looked at to eliminate the backing up requirement.

Mr. Missey (Applicant's Engineer) testifies he does not know how. He feels this was the best plan to put forth to the Board. It hides the refuse area, hides the basement entry level area and accomplishes what he has asked them to accomplish which was to have a sidewalk down to Dunkerhook road at a mile grade....in this instance, they have done all they could. One vehicle or another will have to back out of this refuse area. It is not an unusual occurrence to have a dedicated service area. It happens with much more frequency at Hospitals because they are much larger.

Mr. Missey testifies there is not enough room to provide a turn-around down at the bottom and cutting the distance down, they really can't make up the grade in any less distance.

Mr. Kataryniak asks Mr. Missey if he could commit to some operational requirements that would require a secondary spotter.

Mr. Missey testifies he cannot do this. He is the Site Engineer.

Discussion continues....

Mr. Missey notes he thinks the Operator would accept any reasonable conditions set forth by the Board or its Professionals. The fact that there is going to be an interior Compactor greatly reduces the number of visits by the Waste Hauler. What is occurring inside the building already reduces the activity outside.

Mr. Huntington (Applicant's Attorney) asks Mr. Missey if he has any personal knowledge of what this would mean in terms of numbers or is this information obtained elsewhere.

Mr. Missey replies in Hoboken, all the buildings done by them have interior compactors. It makes sense when building a 6 story building. It makes even more sense with a 12story building.

Frequency of pick-ups in Hoboken for a 200 unit apartment building is 2X a week with the Compactors in place...

Testimony continues....

Mr. Newman (Chairman) asks if Mr. Kataryniak has any recommendations on frequency or set-up operations. It sounds like they would be agreeable to putting a "Condition of Approval" so...

Mr. Kataryniak (Board Traffic Engineer) states he agrees with the 2X a week pick-up with refuse. He feels this is probably a reasonable estimate as to what is expected here. He has not heard testimony on the frequency of Food deliveries. Obviously there is a Full Service Kitchen Facility here, which is not at a Hoboken apartment building.

Mr. Kataryniak in his opinion thinks the reasonable restriction that could be placed is; the Operator provide some sort of secondary personal on site when these vehicles are backing up at the site at delivery time just to be sure there will be no conflicts with Pedestrians would be an appropriate recommendation for site safety.

Mr. Kataryniak also recommends some reasonable time restriction on deliveries. He thinks no earlier than a certain hour and no later than a certain hour just to avoid the nuisance factor of the backup alarms on trucks because of the use variance in a residential zone so introducing the noise impact, although relatively minor is something that should be addressed to some degree here.

Mr. Newman (Chairman) asks the Applicant if he would be willing to restrict deliveries to normal business hours, 9am to 5pm?

Mr. Milanese (Principal Owner & Applicant) replies that it does not look like they will finish this evening, he thinks all the suggestions are reasonable but does not know what is proper. He would like to get back to the Board and investigate a little.

Mr. Newman agrees.

Mr. Azzolina (Board Engineer) has one other follow up question on the Waste issue not addressed in his report. Asks if there will be any Medical waste to be generated at this facility? If so, this is another type of pick up that will be required.

Mr. Missey (Applicant's Engineer) states he does not know. He really cannot answer this. He defers to Mr. Milanese.

Mr. Milanese states his Planner & Traffic Engineer will be addressing all of these issues.

Mr. Kittner (Board Planner) notes the bulk of the questions will be reserved for their Planner but he does have two questions for the Engineer. Refers to the 1st meeting where they talked about providing minimum safe lightening in the rear of the building. He does not see this depicted on the Lightening plan?

Mr. Missey testifies the Security Lighting at the rear of the building, at the Entries, would be on the final building plans.

Mr. Kittner also questions the plan on restricting people from leaving the building and there are walkways within the gated area. He thought they discussed providing some type of lighting to the walkways to provide safety.

Mr. Missey (Applicant's Engineer) testifies he recalls some discussion on whether they may have bowered lighting out there but as of this date, they have not implemented this because they

really have not made a decision as to whether it is something to encourage, for people to walk in this area after dark.

Mr. Kittner (Board Planner) opens to the Board to encourage or not encourage, there is a walkway in the fenced area, if they are able to access it, for the Board to consider requiring the applicants to provide minimum safety lighting to the back of the building.

Mr. Newman (Chairman) defers to Mr. Missey and states he thinks this is a reasonable request. Even if the facility is not going to let residents out there into the walkway, someone will be walking on it at some point of time.

Mr. Missey testifies they will show the bowered lighting as he spoke of earlier.

Mr. Kittner would also like to ask Mr. Missey about Pedestrian activity from the building to Century Road. It does not appear the plan has any kind of a sidewalk, for example. It does appear there is room for a sidewalk, but does not show on the plan.

Mr. Missey testifies they are proposing the sidewalk lead from these 5 spaces (points to location on Exhibit) that Mr. Milanese spoke of earlier, out to the sidewalk along Century which exists. Their expectation is from this location (points to location) you would walk through this sidewalk to the parking area. There is no sidewalk proposed around the perimeter of this area. They thought it would be better to keep it green...

Testimony continues....

Mr. Newman (Chairman) clarifies for the record, there is no pedestrian access other than walking to the parking lot.

Mr. Missey testifies, not at this time, but if the Board wants to see a sidewalk there, they will get one in.

Mr. Huntington (Applicant's Attorney) has a question for Mr. Missey. The portion of the parking lot that he is speaking having people walk through is not the main though fare in and out of the building?

Mr. Missey testifies, it is not. In fact, this is why they directed the sidewalk over towards these 5 spaces...one way circulation for Century Road....

Discussion....

Mr. Huntington asks Mr. Missey if the area of the parking lot that is proposed for Pedestrians to travel through would have these pedestrians passing only 16 automobiles.

Mr. Missey replies; in total.

Discussion continues.....

Mr. Huntington for clarification asks Mr. Missey; there is a main direct through fare to and from the rest of the spots on the site.

Mr. Missey replies yes, this is clear to the east of where they are proposing a pedestrian walkway.

Discussion...

Mr. Kittner (Board Planner) states he will leave it up to the Board. He would like to remind them it is an Assisted Living and elderly people don't always have the best of their faculties, etc...

Discussion continues....

Mr. Missey testifies they will try to do this.

Mr. Kittner has no other questions at this time.

Mr. Newman calls for a short recess.

Mr. Newman calls to reopen the meeting.

ROLL CALL: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Racenstein, Mr. Polman,
Mr. Naveh & Mr. Newman, **Present.**

Mr. Naveh (Board Member) would like to ask a question of Mr. Missey. On all his notes on the revised site plan states the Healthcare Facility will have 104 Units and 126 Beds. He would like to clarify because he heard testimony it was actually 123 beds?

Mr. Missey testifies it is 123 beds.

Mr. Racenstein (Board Member) has a question regarding the Truck deliveries. They back up when they go to the back of the building, or go forward when driving to the rear of the building?

Mr. Missey testifies, using exhibit, refuse would probably be, the driver going down and backing out, and the delivery would likely be the driver backing down and driving forward on his way out.

Discussion continues.....

Mr. Racenstein would like to know how wide is the turn when the driver backs out to turn around.

Mr. Missey testifies it is approximately 120ft. within the site. No trucks will back out. All trucks will go out forward.

Mr. Gil (Board Member) would just like to comment on Mr. Azzolina's point regarding the width of Dunkerhook Road. Due to the amount of traffic, pedestrian traffic that is there, he does appreciate the fact they have decided to put in a sidewalk but he does also think there should be a concern with the width of the road as well and thinks looking into this going forward would be a very good thing for the project.

Mr. Missey acknowledges this loud and clear.

Mr. Lowenstein (Board Member) clarifies Mr. Missey is an Engineer.

Mr. Missey replies, Site Engineer.

Mr. Lowenstein has questions concerning circulation. He has heard him address some of these but there may be another professional, a Traffic Engineer who may be better suited to respond to some of his other questions?

Mr. Missey replies, he thinks so. Mr. Troutman is in the audience who will testify next.

Mr. Lowenstein notes he has a number of questions based on Mr. Azzolina's 17 page report of October 21st. Calls attention to Page 4 of 17/Density. Is the Planner going to speak to this because he heard no testimony on this?

Mr. Missey testifies the Density as expressed in the Zoning Chart states 29.7 on the August 12th plan, but on the prior plan he testified to, it said 29.2. They picked this up but Mr. Price will testify to what the impacts of all this is. I just stated the numbers of the coverage's.

Mr. Lowenstein states he will reserve his question and also another with regards to reviewing certain aspects of the application.

Mr. Lowenstein refers to Page 5 of 17/ Bulk variance. He also heard no testimony. Will someone else be available to testify?

Mr. Missey testifies yes. To tell them the justifications for these variances, it will be the Planner.

Mr. Lowenstein notes he did not hear any testimony in regards to the impervious coverage proposal...

Mr. Missey testifies it is accurately stated in Mr. Azzolina's letter and in the Zoning Chart it is shown to be 46.3% and the open space is likewise shown to be 53.7%. In both cases they do not comply with the Ordinance requirements so they need to seek a variance.

Mr. Lowenstein so notes this and has a series of questions but will address this with the Planner when he/she testifies.

Mr. Lowenstein moves to Page 6 of 17/ Tree Removal & Replacement and sub-sections thereafter...do they have a count? Refers to Mr. Azzolina report that approximately 97 mature

trees shall be removed from Lots 5 & 6 and 3 trees from the Borough property on Lot 10. Do they have the specific locations and identifications as to which Trees they are?

Mr. Missey addresses this question by stating; they do. He does not have them with him because the Tree Mitigation Plan requirements in accordance with the Ordinance are significant. Rather than go through the labor before they presented the Board with the plan tonight, they did get the information, they do know where all the trees are & he believes the number is accurate.

Discussion continues.....

Mr. Lowenstein has concerns regarding the Tree removal...

Mr. Missey reiterates he will prepare the plans and submit it to the Shade Tree Commission but he has not done this as of yet.

Discussion...

Mr. Azzolina (Board Engineer) explains the Tree removals are shown on the Landscape plan. It is a very busy plan so it is hard to read...perhaps Mr. Missey can show the plan to the Board and generally show where the removals would be.

Discussion continues...

Mr. Missey reiterates with all the information they have now regarding the tree removals locations, etc. they will submit their application to the Shade Tree Commission for review. They could not do this before.

Mr. Lowenstein moves to Pg. 10/Section 6-Site grading and retaining wall/subsection E. He feels the recommendation from Mr. Azzolina is a wise one in regards to the use of light Duty equipment or hand tools to the greatest extent practicable...he did hear Mr. Missey testify as to the use of a back-hoe. Is a Bob-cat less intrusive and less vibration causing than a back-hoe?

Mr. Missey testifies he does not think so. A Bob-cat cannot put a retaining wall in because it can't excavate for the block or two that will be below grade and the leveler pad. There is some excavation required...it does not need to be a track-hoe and can be a back-hoe.

Discussion continues....

Mr. Missey notes he cannot testify as to the exact horsepower but it will not be the biggest machine on the job itself.

Mr. Lowenstein asks if they will use the least intrusive means necessary. Would this be a fair statement?

Mr. Missey testifies yes it is.

Mr. Huntington (Applicant's Attorney) interjects to state they would accept this as a condition.

Mr. Lowenstein refers to Pg. 11/Point 7-Environmental Impact. There is reference to an underground storage tank, or possibly more than one. Is this on Lot 6?

Mr. Milanese (Principal Owner of Barrister) would like to speak to this. He explains there are two old Fuel Storage tanks. One is in the basement (above ground) in the Vander Beck house, which is a 275 Gallon, and there is an underground tank to the left, or west side of the Vander Beck house which is a 550 Gallon tank. They received permission from the present owner and they are removing these on Friday....in compliance with all the State, Federal. They have all the permits. They are also testing the soil, etc...

Mr. Lowenstein moves to Pg. 12/Point 10- Williams Transco Pipe Line. Can they please explain what the initials RCP (in caps) mean?

Mr. Azzolina explains, reinforced concrete pipe.

Discussion continues....

Mr. Lowenstein is concerned about this pipe (RCP) and how it states; shall cross that easement/the Williams Transco Gas pipe and discharge to the Saddle River...what discharge?

Mr. Azzolina explains it would be the release of water from their Storm Drain System. A portion of it bypasses their retention systemthis is primarily what the DEP will be looking at as part of their individual permit. They will confirmed the volume is controlled with the appropriate rift raff at the base of the pipes so the embankment does not erode....

Discussion continues....

Mr. Lowenstein questions if this water is treated, not treated.

Discussion continues...

Mr. Azzolina explains in detail the steps the Applicant must follow through with...

Mr. Lowenstein moves to his next question. Pg. 14/Point 16-Possible overlap in Gore area? He is not familiar with this word in this context. Can he please explain?

Mr. Missey (Applicant's Engineer) explains in detail....states the current survey honors the sub-division line for the Dunkerhook Estate and makes no claim to the Gore area at this location...

No further questions from Mr. Lowenstein.

Mr. Gil (Board Member) refers to the last meeting where the Fire Department reviewed the application. They went and stated everything was good but make some reference to some hook-ups that may make it easier for them. Has this been addressed in this plan?

Mr. Missey testifies they will do what the Fire Department asks them to do, which is to make the FD connection as accessible as possible...if they think the most accessible location is at the S/Easterly corner, this is where they will put it...if they think the entrance area or somewhere remote from the building, this is where they will put it....

Mr. Seibel (Board Member) has a question. Will trucks be able to come in over the easement? Will trucks be able to go out over the easement?

Mr. Missey testifies yes to both questions.

Mr. Seibel discusses the potential of a truck coming in off of Century Road while a truck is coming out from making a delivery...

Mr. Missey does state the potential is there but he feels once they (the Board) hears Mr. Troutman's testimony as to the frequency, they will get a better feel for what the likelihood of this would be...

Mr. Seibel discusses the ingress & egress of the Century Road Extension. Clarifies there is only one way in and one way out...

Mr. Seibel moves to discussion regarding Dunkerhook Road. Asks if a truck would be able to go out this way onto Century Rd.

Mr. Missey states yes.

Mr. Seibel states; they will not be able to make a left turn, correct?

Mr. Missey testifies they could make a left turn onto Century Road.

Discussion.....

Mr. Missey is asked by Mr. Seibel if he found this site was complex to work with.

Mr. Missey explains he does not know if it is complex but as with most waterfront sites, there are implications to this. One being slope....there are complications from slope. Speaks to Transco Pipelines that are all over the County. They run pretty strong in Bergen County.

Mr. Missey explains what is a little different about this property is its configuration. The fact the street that is the closest, Landzettel Way does not offer driveway access is very different...very unusual. Explains.

Discussion continues...

Mr. Seibel speaks to the topography issues, he sees shape issues, the slope, and traffic from Dunkerhook, the easement, etc. There is a lot going on here.

Discussion continues....

Mr. Missey reviews & reiterates the positive changes to the plan...

Discussion continues....

Mr. Seibel asks what the percentage of unusable land is...

Mr. Missey testifies roughly 20%.

Mr. Huntington (Applicant's Attorney) interjects to speak to the term unusable. With requirements for buffers and open space & green areas, setbacks and side yards, there is always non-usable space all over the site.

No further questions from Mr. Seibel.

Mr. Newman opens for questions to Residents living within 200ft. of the Applicant.

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

Mr. Wigod refers to the flooding and notes it is a major concern, especially from the questioning that was done and recent history. There is a frustration amongst the residents being the maps are so old and the recent experience has not been reflected. Are they now going to compare the new plan with the new FEMA maps that were released in August of this year that update these plans that were not reflecting the recent storms we now have?

Mr. Missey testifies no, they are now held to a higher standard. They have to use the DEP Sstudy which has higher flood elevations.

Mr. Wigod asks if this is compared to the new FEMA maps that were released in August.

Mr. Missey states they got their flood hazard area verification in January. Of course it would not address whatever maps were issued, but maps he has looked at did not impact Saddle River at this location.

Discussion...

Mr. Wigod asks Mr. Missey if he could speak to FEMA to see how this impacts the new maps that were released.

Mr. Missey states he will not because what the standard is for them is the DEP Flood Study for the Saddle River which exceeds the FEMA maps and takes precedence.

Mr. Wigod is confused with Mr. Missey's statement. He states it exceeds the FEMA maps, but those are the old FEMA maps and not the new FEMA maps...

Mr. Newman (Chairman) asks Mr. Azzolina (Board Engineer) if he could comment.

Mr. Azzolina explains Mr. Missey stated correctly. The site is (inaudible) by a State Study Waterway, which is the Saddle River. They are bound to use the State Study which typically is more conservative than the FEMA study. The State studies have a multiplier factor built into their Flood flows that are not present in the FEMA study. He is not familiar with the exact Flood elevations depicted on the new FEMA maps as the resident speaks of. They certainly can look at this and see how they compare but the procedure that Mr. Missey has utilized to this point is the correct procedure as required by the State Law.

Mr. Newman asks Mr. Azzolina if he could look at these new FEMA maps.

Mr. Azzolina states he will speak to the Borough Engineer who would have access to these maps and do his best to review them.

Mr. Wigod has another question. In regards to the Sewage. It was represented the Engineering Department reviewed the Sewer department's recommendation. He understands the Sewer Department is not part of the Engineering Dept. It is part of Public Works. Has the Public Works Department been consulted?

Ms. Peck (Assistant Zoning Officer) explains how the Borough Engineer (Ken Garrison) is sent the Site Plan to review all subject matter. He is the one who will acknowledge the Borough has the sufficient capacity to accept the proposed developed sewage (inaudible)....

Discussion continues....

Mr. Azzolina speaks to the subject and question asked by Mr. Wigod. Explains the Applicant's Engineer has prepared a sewer study in which he analyzed the number of homes that go into the line, looked at the flow associated with this facility based on the number of units and came up with a flow, routed it through the pipeline and he believes the conclusion was he was using approximately 8% of the pipe...there is more than sufficient capacity within the lines to accept this project.

Discussion continues....

Mr. Wigod asks Mr. Newman (Chairman) if it would be possible to ask the Department of Public Works if they also issue a statement...

Mr. Newman does not think this would be appropriate. All the appropriate agencies have looked at everything very thoroughly and it sounds like they have way more capacity than necessary.

Discussion continues....

Ms. Peck (Assistant Zoning Officer) interjects to state she believes Ken Garrison (Borough Engineer) did consult with this department. She will check.

Mr. Newman swears in: Brenda Kaplan
15-27 Landzettel Way
Fair Lawn, N.J.

Mr. Newman reminds Ms. Kaplan she is still under Oath.

Ms. Kaplan has a question for Mr. Missey regarding the trucks needing to back up. They are talking about under ideal conditions. There was talk about one of the roads being 20ft. wide and if the truck is 12ft. wide, it would flow a little bit over to the other side. That is under ideal conditions, what about after a snowfall? She is not sure if the roads would be plowed to leave 20ft., now the road is reduced to a single length. Can he comment on this? Also, the idea there will be one delivery at a time is not realistic...there will be multiple deliveries, multiple visitors plus staff all using the same roads.

Mr. Missey comments this is a long question. The first part, he thinks they will study the width. There are no trucks backing down Dunkerhook Road or Century Road. It's all on site. This has to be made clear. All back up movements in the site are in the service area. As far as the activity, he will leave this to the Traffic Engineer to discuss this. He answered one of the Board member's question, and theoretically it is possible for two trucks to come to the site at the same time. As an operator, he does not think this is desirable and he thinks this is who controls it. He will leave this to Mr. Troutman to answer the traffic questions.

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

Mr. Wittenberg asks Mr. Missey if Dunkerhook Road a Town Road or a County Road.

Mr. Missey testifies to his knowledge it is not a County Road.

Mr. Wittenberg asks if this road is a standard size road and if it is undersized.

Mr. Missey testifies it is not a standard size road and it is undersized.

Mr. Wittenberg asks this is where they will have one of the exits, from the property onto the undersized road?

Mr. Missey states yes.

Discussion continues...

Mr. Wittenberg refers to the suggestion of putting a sidewalk along Dunkerhook Road. Would this not make an undersized road more undersized?

He does not think it would make it more undersized.

Discussion continues...

Mr. Missey testifies he is not sure of the question. The sidewalk would be along the Green Acres property but it would be within the right of way. It is beyond the pavement...

Mr. Wittenberg continues his questioning...so new roads according to the standards should have a certain width and a certain amount of room for sidewalks and room for bicycles or a bicycle path?

Mr. Missey testifies new roads do, yes.

Mr. Wittenberg states this does not, even though leading to a park, it does not have any of these items?

Mr. Missey clarifies it is an existing road which used to link Paramus & Fair Lawn until the bridge was taken out...to his knowledge, it has never been there.

Mr. Wittenberg states this is correct, but if the bridge still existed, the road potentially could have been made standard if it were used more frequently instead of just leading to a park?

Mr. Missey testifies he does not know. This is not his testimony.

No further questions.

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

Mr. Cosgrove has a question regarding the ability to allow the large trucks to get in and out and backing up, but what he didn't hear mentioned was Fire Trucks. Fire Trucks are a lot bigger than delivery trucks and garbage trucks...he is very concerned for safety reasons about the ability of a Fire truck getting access to the facility.

Mr. Missey testifies that the Fire Department has already issued a report and has already been in circulation and it did not have any of these concerns because their layout does fit their needs.

Discussion...

Mr. Newman (Chairman) reads out loud the email from Tim Yuskaitis to Ms. Peck dated September 9th, 2014 stating he does not have any issues with any of the plans that were submitted for his review from Barrister Senior Living at Block 1702/Lots 5 & 6

Mr. Marcus thanks Mr. Newman.

Mr. Newman asks if there are any other questions from residents living within 200ft. of the Applicant for Mr. Missey. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for questions for Mr. Missey.

Mr. Newman swears in: Ms. Jane Diepeveen

Mr. Newman states Ms. Diepeveen has been previously sworn.

Ms. Diepeveen would like to know the width of the paved road on the easement on Dunkerhook Road.

Mr. Missey states 24ft.

Ms. Diepeveen asks what the total width of the Easement is.

Mr. Missey states 40ft.

Ms. Diepeveen asks when they move the sidewalk from the Naugle house side of this road to the opposite side, will this make more green area?

Mr. Missey testifies yes.

No further questions.

Mr. Newman swears in: Rita Wittenberg

18-14 Chandler Drive
Fair Lawn, N.J.

Ms. Wittenberg has a question regarding the sidewalk on the West side of Dunkerhook. Is this touching the Naugle House? Is there a space there, if they are not cutting into the road?

Mr. Missey explains it is not touching the Naugle House and yes, there is space there.

Ms. Wittenberg asks a question regarding the height of the building. Since this house is taller than the most of the residential houses in the area, she believes the Fire Department has a truck with a very large ladder that would have to service this building. Would this be able to fit?

Mr. Missey reiterates the memo addressed to the Board by the Fire Department addresses this.

Mr. Newman swears in: (inaudible) Gomez Wei
13-08 E. River Road
Fair Lawn, N.J.

Mr. Gomez states he is speaking as a Fair Lawn Resident. He is presently (inaudible) Youth & College for N.J. & Ramapo Environmental Studies Major. He would like to know if an Environmental Impact study was done on this survey.

Mr. Missey testifies this was done and submitted as part of the initial application.

Discussion continues....

Impervious coverage is discussed. How much is permitted and how much is allowed.

Mr. Missey reviews the impervious with Mr. Gomez Wei.

Mr. Gomez Wei questions how many trees are going to be removed and how many will be replaced. Are they looking to native trees or native plants?

Mr. Missey testifies they are looking to native plants. As he stated earlier, he cannot give an exact number tonight because they will now prepare the Tree removal and Tree mitigation replacement plan in accordance with the Borough's requirement and make the application to the Shade Tree Commission. He will know this number at the next meeting.

No further questions.

Mr. Eric Bal steps forward and states he is still under Oath.

Mr. Bal asks a question regarding the height. Can he state, if he knows the lowest point around the perimeter of the building and the highest ridge point anywhere along the roof?

Mr. Missey notes he did this already, but he will review it again. States it is 49ft. 8inches or 49.7ft. Points to Exhibit and gives the location, standing at the bottom of the compacter, the service area.

Mr. Bal questions the length now of the slightly revised building from end to end.

Mr. Missey testifies he believes the number is 384ft.

Discussion continues...

Mr. Bal questions the greatest width, not including the protrusion that sticks out near the roadway.

Mr. Missey clarifies the location questioned and testifies to approximately 87ft.

Questions continue as to where the compacter will be operating. Where in the building the water treatment machine will be operating, etc..

Mr. Missey gives the location of the compacter in the basement but states he does not know if the building basement will have any water treatment.

Mr. Bal brings attention to the testimony where Storm Water will be treated before it goes into the river....

Mr. Missey clarifies this is not a machine. It is a device, a filtration device. There is no electric power.

Mr. Bal again brings attention to testimony where the Density has gone up from 29.2 to 29.7%. Can he indicate as to what brought this increase?

Mr. Missey replies; dwelling units per acre.

No further questions.

Ms. Kim Wei steps forward. (Previously sworn)

Ms. Wei would like to know why the plan only calls for a 50ft. riparian buffer when an established area for new construction is 300ft.

Mr. Missey explains one of the reasons is this area (points to location on Exhibit) has a 50ft. riparian buffer. It does not flow to drinking water reservoir as the Hackensack River...so its different waterways and different buffers.

Ms. Wei asks if they take out mature trees and put in impervious ground coverage, they definitely would have more runoff that will not be able to penetrate the ground or be retained by trees and he seems concerned about Soil erosion but not concerned as to where this water is going and what the net effect will be on water accumulation during an extreme storm event. Can he speak to this?

Mr. Missey testifies he spoke extensively about this topic at the prior meeting. Mr. Missey reviews again they have a retention system on the site which is the underground water tanks. This was the whole purpose he was here at the last meeting to explain the Storm Water System and this has not been altered.

Mr. Missey reiterates they are reducing quantity of flow off the site by use of the retention system and the permeable pavements systems. The parking areas are permeable pavement.

Testimony continues....permeable pavement has a storage area underneath it and the runoff from the permeable pavement that exceeds what the storage area under can handle is routed to the Retention System (eastern corner of A13)

Testimony continues....they are not increasing the rate of runoff here...etc..

Ms. Wei continues. There are several concerns that were raised by Residents and we were told they would look into this but are they willing to put in writing anything agreed to be done will be done.

Mr. Newman (Chairman) explains. The way things work is, if something is testified to and it is made a term of "Condition of Approval" they have agreed to it in writing and it would have to happen.

Ms. Wei has no further questions.

Ms. Christin Panos steps forward (Previously sworn)

Ms. Panos question is directed to the Board. She is curious if Fair Lawn floods? Does it have issues? She knows other parts of Saddle River flood.

Mr. Newman (Chairman) there are certain parts of Town that do have issues.

Ms. Panos asks if it is related to the Saddle River.

Mr. Newman replies; off the top of his head no, but he is not familiar with this area.

Discussion continues.....

Ms. Panos would just like the Engineer's assurance that this Storage system, the permeable surface with the storage system underneath, this man made system will take the place of what the natural system does?

Mr. Missey testifies for assurance, she could look to both the Borough & the State in this instance. They both have the final say as to what we have done and what needs to be done to meet the Engineering standards to permit the Project to go forward. He feels they have met the standards to move forward with respect to the RSIS...the Board Engineer has concurred and it is now up to the State ultimately. They have to go to the DEP for a permit. There are at least two levels of review.

Ms. Panos has no further questions.

Mr. Newman (Chairman) would like to extend this reassurance and states that everyone, not in just this application, but generally speaking everyone, developers, municipalities, states, everyone has a vested interest to making sure that flooding is not a future issue. This is why Applicants must meet all the standards and the effort of all these standards far exceed whatever will be necessary. Developers would not want to make the investments and then flood...everyone is on the same page as to not wanting to increase flooding issues.

Mr. Howard Marks steps forward. (Previously Sworn)

Mr. Marks refers to the Service road and the history of the flooding, are they not concerned that it may get flooded?

Mr. Missey states not in this instance. This is located 2ft. and 2inches higher than the applicable flood hazard elevation set by the DEP for the State Study. He is not concerned.

Mr. Marks speaks to copies of pictures related to the flooding of the Saddle River on April 16th, 2007. Can he submit these?

Discussion...

Mr. Huntington (Applicant's Attorney) is asked by Mr. Rosenberg (Board Attorney) if he has any objection to this submission.

Mr. Huntington states the proper place to mandate these pictures is the Borough Engineer.

Mr. Marks states he gave a copy to the Borough Engineer.

Mr. Huntington continues to state he thinks it would be incorrect to introduce this into this proceeding just because of procedural rules they are bound by.

Discussion continues....

Mr. Milanese (Principal Owner of Barrister) would like a copy of this.

Pictures are distributed to the Board Professionals for informational purposes.

Mr. Marks has no further questions.

Ms. Pam Coles steps forward (Previously Sworn)

Ms. Coles notes on the previous drawing for the drainage coming down the Easement road, they had drainage only a 3rd of the way down and then no drainage path below the bottom 2/3rds. All this runoff from the bottom 2/3rds is going to go down directly impacting the Naugle House...

Mr. Newman reminds Ms. Coles she is testifying.

Ms. Coles converts the statement into a question. Asks if this drainage or water runoff will directly impact the Naugle House and where else will the remaining water from 2/3rds up the road down be drained off into.

Mr. Missey (Site Engineer for the Applicant) addresses the 1st question and states it will not impact the Naugle House, the grade is away from the Naugle house for the driveway pavement and the 2nd question as to where the runoff from Dunkerhook or where the runoff from the parking area at the bottom goes, is to the Saddle River directly. There are no storm drains at this location.

Ms. Coles continues her questions. There are no storm drains on the lower portion of the Easement road either, correct?

Mr. Missey testifies no there are not because there would be nothing to connect them into at the bottom. If there were something to connect them into, they would capture the runoff and put it into the system.

Mr. Huntington (Applicant's Attorney) interjects testimony to clarify and asks Mr. Missey if all of this has been taken into the calculations for the entire site?

Mr. Missey testifies it has.

Ms. Coles moves to her next question. Given the dynamics of what he had mentioned regarding the Flood area, is there any need being it is a River Bank, in which the Army Corp Engineers would need to be brought in to look at the Banks of the River at any point?

Mr. Missey testifies, no.

Ms. Coles questions if the Refuse portion of the holding area, is this ventilated? It is below grade, on the exterior of the building?

Mr. Missey testifies it is the exterior.

Ms. Coles refers to the Retaining wall on the Naugle Site...

Mr. Missey corrects this statement, testifying it is actually within the easement. It is not on the Naugle site...

Ms. Coles continues. Within the easement, there is not a Retaining wall or a Buffer guard along the road itself, it is just straight pavement, or would there be a guardrail?

Mr. Missey testifies there is a Guard rail on the plan.

Discussion continues....

Mr. Missey states they do not need 2ft. on either side to maintain a Guardrail. Reviews the location in question and states; the Guardrail in this instance will be placed on the Retaining wall behind the sidewalk. (Points to Exhibit)

Ms. Coles refers to the other side and Mr. Missey testifies there is no guard rail necessary over there.

Ms. Coles states this is where the exit is on a slope downward, given a slippery road in December..

Mr. Missey reiterates; there is no Guardrail necessary on the westerly side.

Ms. Coles moves to her next question. Given the Stop sign where the Naugle House is situated, it is only about 8-10ft. from Dunkerhook road itself. Is there a site implication when a right hand turn is needed from the Easement onto Dunkerhook Road?

Mr. Missey testifies no.

Ms. Coles questions the Pipeline. Are there any other (inaudible) regulations that need to come into play here?

Mr. Missey testifies no.

Ms. Coles asks if they have reached out to the Federal Energy Regulation Commission.

Mr. Missey testifies no.

Ms. Coles asks how he would know then there are no further regulations?

Mr. Missey testifies because there are not. He has worked with Williams for years.

Ms. Coles questions if the County will allow a left hand turn to access the site from Century Road.

Mr. Missey testifies they are proposing it will be permissible.

Ms. Coles asks if it has been granted from the County.

Mr. Missey testifies they have not.

Mr. Newman (Chairman) explains to Ms. Coles, they would not receive County approval until they receive approval here first. It is always like this with an Application such as this. County comes later.

Ms. Coles would like to know how many ambulatory transports per day he proposes.

Mr. Missey states he is not the person to answer that.

Mr. Newman (Chairman) would think the Traffic Engineer would answer this.

Ms. Coles has no further questions.

Ms. Felice Koplik steps forward (Previously sworn)

Ms. Koplik asks Mr. Missey if he is aware of the existing Historic Retaining walls, Stone walkways, steps and other site features that are on the North end, directly to the north of the Naugle House & very close to the road, maybe being the road that is cutting across the Naugle site. Are these in danger of damage or removal and is he aware that such features are to be maintained in importance with the requirements of the Bergen County Deed of Historic Preservation?

Mr. Missey testifies he cannot answer any of these questions. He knows there is an easement across the property that was granted by the previous owner. The Borough purchased this property subject to this easement. The Deed into the Borough specifically makes mention of this easement and its limited purposes but all the other things mentioned, he is not aware of any of this.

Discussion continues...

Ms. Koplik speaks to the history...

Mr. Newman reminds Ms. Koplik she is testifying...

Mr. Missey (Site Engineer for the Applicant) does however state; they will check this out.

Ms. Koplik thanks him for this.

Ms. Koplik moves to another question. Who will be maintaining the Underground Tanks?

Mr. Missey testifies the Operator of the facility will have the responsibility for the Storm Water Management and Maintenance plan.

Ms. Koplik asks what type of Maintenance plan is proposed. How often it would be addressed?

Mr. Missey states they do. They have not issued the Maintenance plan as of yet. It will be a requirement when the application is made to the DEP that a Maintenance plan be submitted at that time. If they are successful at this level, the Zoning Board Engineer would at a minimum see the same Maintenance plan before they got out the door. There will be two parties taking a look at this plan as part of the Permitting process.

Discussion continues....

Ms. Koplik asks Mr. Missey if it would be up to the Borough to watch this Maintenance plan. Who will assure the Borough?

Mr. Missey testifies the Operator of the Facility will also have the Maintenance responsibility, along with the Elevators and the Compactor if they are not working, if the Storm Water Management System is not working, or isn't being maintained....

Discussion continues....

Mr. Missey testifies there is a reporting mechanism as part of this Maintenance Plan. Where a Report is sent. Typically an Annual basis but sometimes Semi-Annually. In this instance, it will probably be Annual to the Borough Engineer or his designee and if it is not signed by an Engineer, he is sure this would arouse suspicions...

Discussion continues...

Mr. Missey addresses this concern further by also stating there is the SG3 Construction Permitting that goes along with Erosion Controls approvals. This is a 3rd backstop for maintenance.

Ms. Koplik moves to her next question. Will the Borough, since they own this Naugle House downstream from this site have an obligation to watch over this Reporting Mechanism? Do you feel they would have to be concerned about this since they are spending millions of dollars on this House?

Mr. Missey replies no to both questions.

Ms. Koplik asks if he would know the number of Tanks and the size of the Tanks that are being proposed.

Mr. Missey refers to the plans and states they are depicted on the plan.

Mr. Newman (Chairman) asks Ms. Koplik the reason for this question.

Ms. Koplik replies. Refers to a previous project on the Naugle site, which was before the Board and subsequently before the Planning Board. These questions did come up? Size of tanks, maintenance and if the Historic Site would be in danger...

Discussion continues....

Mr. Missey testifies it is all depicted on the plans and refers to Sheet 4 of 6. There is additional information on Sheet 2 of 6. It is all summarized in the Drainage Calculations.

Ms. Koplik refers to the Retaining Wall, being approximately 10ft. away from the Naugle House. It is about 1-2ft below grade, someone spoke of the type of machinery that would be required based on the proximity to the Naugle House. Wouldn't this wall have to go below the (inaudible) line?

Mr. Missey testifies it does not. Not with the type of wall they are proposing to use.

Discussion....

Mr. Missey reviews the type of materials being used...it is not rigid, it has play. Perpendicular to grade...

Discussions continue....

Mr. Missey testifies they have agreed to use the machinery that will be appropriate for the setting.

Ms. Koplik asks Mr. Newman (Chairman) if she will have a chance to ask Mr. Missey further questions at the next meeting.

Mr. Newman replies; if he testifies again and if she had a specific engineering question, he is sure the applicant wouldn't object to her asking him a question.

Mr. Missey states he will be at the next meeting.

No further questions from Ms. Koplik.

Mr. Larry Koplik (Previously sworn) steps to the Podium.

Mr. Koplik refers to the Retaining Walls. Questions the testimony of the movement. These walls will basically move up and down. They have motion?

Mr. Missey explains. No, they don't have motion. It will be a very imperceptible movement. They will not disturb the soil...

Mr. Koplik asks Mr. Missey if it would be possible to reconceive the wall in a manner where it would be more compatible with the appearance of the other Stone walls that are part of the Naugle House.

Mr. Missey explains they would work with him to get the most appropriate appearance.

Discussion.

Mr. Koplik has no further questions.

Mr. Benjamin Lang (previously sworn) steps to the Podium.

Mr. Lang refers to the Emergency Generator. His concern would be the noise, or the decibel level. He understands it would only go on if PSE&G goes out, but will it be bothersome to anyone?

Mr. Missey testifies no.

Mr. Lang refers to the Trucks or cars on Century Road making a Left-hand turn. He was under the impression when the meeting started, Left- hand turns could not be made. He has implied he in his testimony, they have applied to the County to make a Left-hand turn? It is at the end of a curb, the speed limit, 40miles an hour and it is a Double line....there is a need for a light.

Mr. Newman (Chairman) interjects to state; the County will need to determine this.

Mr. Lang understands and directs the question to Mr. Missey asking him if they are requesting a Light?

Mr. Missey (Site Engineer) testifies no they are not asking for a light.

Discussion...

Mr. Lang makes reference to this Road stating there will be more and more accidents because this is the worst intersection on Saddle River Road and Fair Lawn Avenue in the past 3 years...

Mr. Newman interjects to remind Mr. Lang he is testifying and that the County has jurisdiction over this, not them.

Mr. Lang moves to the next question regarding the Trees. He stated 97 mature Trees will be removed. How many total trees are on the property or what percentage of how many trees will be removed?

Mr. Missey does not have this at this time. His testimony was they will have this by the next meeting.

Mr. Lang asks Mr. Missey if and when they do remove these high trees, will they be able to see this high building? Right now, they do not see the Vanderbelt House because of the Tree coverage. Once the trees are removed, will they be able to see the building from the Forest?

Mr. Missey testifies he does not know how to answer this question.

Discussion...

Mr. Missey does not know if he can agree with this characterization. He does not know what vantage point he is speaking of...

Mr. Newman (Chairman) interjects and asks Mr. Missey if it is safe to say; as proposed the entire structure will not be screened by trees and will be visible from different vantage points?

Mr. Missey (Site Engineer) testifies it will be visible from different vantage points, yes.

Discussion continues...it will be visible from Landzettel Way, etc...

No further questions from Mr. Lang.

Mr. Newman closes this portion for Public Comment. If there are any questions for Mr. Missey, they can do it at the next meeting.

Mr. Newman announces the next meeting will be November 20, 2014. Re-notice is required.

Mr. Rosenberg (Board Attorney) makes note to Ms. Peck (Assistant Zoning Officer) of the importance of the Report from the Shade Tree Commission regarding the Tree Mitigation Plan and it being sent to all the Board Members.

Discussion...

**MEETING WILL BE CARRIED TO NOVEMBER 30, 2014
RE-NOTICE IS REQUIRED.**

Adjourn:

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

All Present: AYE

Time: 10:30PM

Respectfully submitted,

Cathy F. Bozza
Zoning Board Clerk

