

1 BOROUGH OF ELMWOOD PARK
 2 PLANNING BOARD
 3 WEDNESDAY, FEBRUARY 14, 2024
 4 TAKEN PLACE: Municipal Building
 Elmwood Park, New Jersey
 Commencing at 7:30 PM
 5 BEFORE: The Planning Board of
 Elmwood Park
 6 MEMBERS PRESENT:
 7 JEFFREY FREITAG, CHAIRMAN
 8 MAYOR ROBERT COLLETTI
 9 COUNCILWOMAN THERESA SHERIDAN
 10 JOSEPH BENIAMINI, Member
 11 ANTONIO CASTELBUONO, Member
 12 ROMANO INTRIERI, absent
 13 JOSEPH MULLIGAN, Member
 14 NYLES GARVEY, absent
 15 CARL ROBERTS, Member
 16 ROBERT ELDER, Member
 17 ANDREW TISELLANO, Member
 18 ERIC SAIMSON, Member
 19 ALSO PRESENT:
 20 JOHN A. CONTE, JR., ESQ.,
 21 ATTORNEY TO THE BOARD
 22 CARRIE FARETTI, SECRETARY
 23 JOHN CHAYKO, BOARD ENGINEER
 24
 25 MINUTES PREPARED BY:
 BETH CALDERONE
 CERTIFIED COURT REPORTER
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1 plan, and submitted an aerial view of the property
 2 showing the subject property in the lower left hand
 3 side.
 4
 5 Route 46 running east/west and Molar
 6 Boulevard running north and south. Applicant
 7 stipulated to narrowing the entrance and exit
 8 driveway with installing an island with striping,
 9 forcing the traffic to proceed in the right
 10 direction.
 11 DOT controls the jug handle, the
 12 north end of the property is municipal. DOT has
 13 regulations known as Highway Access Management
 14 code, basically telling property owners and other
 15 agencies where highway access will and will not be
 16 permitted. There is no access from the site to the
 17 ramp on Route 46. The only access for this property
 18 ever, to have means of ingress and egress, is where
 19 it already exists. DOT would not permit another
 20 driveway from a safety perspective.
 21 The original site plan that was
 22 considered and prepared by Insite Engineering dated
 23 September 28th of '23, allowed full circulation in
 24 a counterclockwise flow, establishing the northern
 25 parking field as one way. Perpendicular
 parking on the east side of the building and
 exiting out onto Molar Boulevard.
 The new revisions to the plan,
 prepared by Gary Dean Traffic engineer, with a date
 of January 22, 2024, recognizing the concerns of
 the board, Applicant re-angled spaces and created a
 substantial painted/striped area with supplemental
 signage, arrows, forcing the traffic to enter and
 continue to the west, with an angled parking
 orientation. Applicant introduced a proposed
 landscape island that will allow for buffering,
 lighting, and supplemental signage. Do not enter
 signs, creating a safe area along the sidewalk.
 Applicant is restricting the left
 out, but stated restricting the left turn in, where
 it can be entered safely, does a disservice to the
 community, it allows the business to succeed.
 The proposed dispensary is not the
 only single location in the area, having many
 dispensaries located in Garfield, Maywood, Saddle
 Brook, Lodi.
 DOT regulations state a driveway
 cannot be within 100 feet of an intersection with a

1 FEBRUARY 14, 2024
 2 ELMWOOD PARK PLANNING BOARD
 3 MEETING called to ORDER of the
 4 Elmwood Park Planning Board, by Chairman Jeff
 Freitag according to the Open Public Meeting Act,
 5 February 14, 2024 @7:30 PM
 6 *****
 7 FLAG SALUTE
 8 -----
 9 Business C.O. 823-046 John Kapas
 435 River Drive
 10 Block 603, Lot 44
 11 Tenant: Keria Family
 APPLICANT WITHDREW APPLICATION
 WITHOUT PREJUDICE
 APPROVED
 12 -----
 13 P23-005 Ganna Vibes, LLC
 Linda Solanna
 14 1 Route 46 Block 1207, Lot 11
 (RESOLUTION APPROVED AS WRITTEN BY
 UNANIMOUS VOTE)
 15 -----
 16 P23-003
 17 Garden Cannabis Dispensary, LLC
 265 Route 46
 18 Block 1705, Lot 2
 Site Plan
 REQUEST FOR RECONSIDERATION
 19 Reginald Jenkins, Esq., on behalf of
 20 the applicant asking for reconsideration/
 Applicant had been denied due to
 21 concerns of traffic considerations, particularly
 the question of the left turn in and left turn out
 of the driveway.
 22 The applicant is willing to work
 with the board regarding the issues raised in
 23 Boswell Engineering's report. The use is a
 permitted use pursuant to the zoning ordinance, as
 24 well as all applicable regulations with no variance
 requests.
 25 Gary Dean, traffic engineer/planner
 reviewed the application, traffic reports and site

1 light, and it also has to be 12 feet from a common
 2 line, having very little room to work on the
 3 subject site.
 4 The board's preference is to have
 5 right in, right out, and DOT will endorse the
 6 revision. Applicant is required to have 15 spaces,
 7 proposed 23 spaces.
 8 Steve Kochick, Fire Official stated
 9 there are two fire hydrants about 25 feet apart
 10 near the subject corner. There is a hydrant very
 11 close to Route 46 on the southerly end of the
 12 building and then a hydrant on the northern end
 13 that needs to be moved.
 14
 15 NO PUBLIC IN FAVOR OR OPPOSITION
 16
 17 Member Tisellano offers a motion for
 18 reconsideration to approve, with the dividing
 19 island with no left in or left turn out. R. Elder
 20 second the motion.
 21 REVISIONS SHOWN ON EXHIBIT A-2
 ROLL CALL:
 22 MAYOR COLLETTI: Yes.
 23 COUNCILWOMAN SHERIDAN: Yes.
 24 MEMBER BENIAMINI: No.
 25 MEMBER CASTELBUONO: Yes.
 MEMBER ELDER: Yes.
 MEMBER MULLIGAN: No.
 MEMBER TISELLANO: Yes.
 MEMBER SAIMSON: Yes.
 CHAIRMAN FREITAG: Yes.
 APPLICATION APPROVED
 (APPROVED)

 P32-006 ElmPark, LLC
 401-407 Route 46
 Block 1808, Lots 7&9
 Site Plan approval for residential 4
 story apartment building. (DENIED)
 (FULL TRANSCRIPT ATTACHED)
 THE CHAIRMAN: P23-006 ElmPark, LLC,
 401-407 Route 46, Block 1808 Lots 7&9. Site Plan
 approval for Residential Apartment Building.
 Come forward please. Good evening.
 MR. WALENTOWICZ: Good evening
 Chairman Freitag, Mayor, Counselor, Commissioners.
 Henry Walentowicz from the firm
 Celentano, Stadtmauer & Walentowicz, here for the

1 applicant.
2 If I could just summarize very
3 briefly, we have the architect, Yogesh Mistry, for
4 two questions because we changed the plan by
5 lowering the building. I would like him to testify
6 to that.
7 With us also, is an engineer. Mr.
8 Stearns had a pre-paid vacation, so Mr. Harry Tuvel
9 is here in his place, and he is our engineer. He
10 has reviewed the report by your engineer. And, of
11 course, the applicant is here. He also will be
12 answering two questions just about a proposal that
13 he has made to the adjoining neighbors.
14 So with that, if I could call Mr.
15 Mistry. He was sworn and qualified.
16 MR. CONTE: Mr. Walentowicz, just for
17 the record, your appearance.
18 MR. WALENTOWICZ: Yes. Henry
19 Walentowicz, appearing for the applicant.
20 MR. CONTE: Thank you.
21 THE CHAIRMAN: Just for your
22 edification, and everyone else's, you were notified
23 that you could put these up electronically. I know
24 it was short notice, and if in the future needed,
25 you will be prepared to do that?
MR. YOGESH MISTRY: Yeah, I would
have, but, we already had the boards ready.
THE CHAIRMAN: Did you come with the
laptop, and I think you need a USB. And we have
the HDMI.
MS. PARETTI: We have the HDMI, they
need a laptop and USB wifi.
MR. MISTRY: Yes, I have done it at
other locations. And if we had the wires here, we
would just plug it in.
THE CHAIRMAN: Okay, proceed.
YOGESH MISTRY, Architect, previously
sworn, testifies as follows:
MR. CONTE: Mr. Mistry, you were
previously sworn and you remain under oath.
MR. MISTRY: Yes, thank you.
DIRECT EXAMINATION BY MR.
WALENTOWICZ:
Q. Mr. Mistry, there have been
some changes to the plan. Can you summarize those
changes.
A. Yes. I'm referring to the
revised architectural drawings. They are dated
1/29/2024. Essentially, the main change was the
height of the building. We reduced the height by

10 percent. It was 50 feet, we reduced it by five,
it is now 45 feet. That's reflected on the
elevation sheets where everything got reduced. The
unit count, the floor plans, stayed the same. We
just calculated footage from each floor, and it
reduced the entire building.
There are two other things noted on
our plans, they are also reflected on the site
drawings. We moved the bicycle rack. They were in
the way of potentially the fire truck for using
that rear back access. We moved them out of the
way, away from that loading area. Also, the EV
charger. I know there was a question last time was
having the majority or all EV chargers under the
building, and instead of taking them all of them
out, they are out in the open air parking. Except
for one, we had to leave it because of the handicap
stalls under the building because they are the
closest to the entry. We left that. So the balance
of them are outside. And then, the rear area that
we talked about last time, we are providing clear
access, and our site engineer is also going to
talk about the wall that's going to be reduced to
satisfy the fire department's concerns.
MR. WALENTOWICZ: That's all I have
Mr. Chairman.
THE CHAIRMAN: Any change in
parking?
THE WITNESS: No, no change in
parking. The EV count did not impact the parking,
the EV relocation.
THE CHAIRMAN: But, I thought that
was put on the drawing, there was a change. Okay.
So, you are saying no change, so that would be 83
spaces at 1.6.
THE WITNESS: We have 93 parking
spaces.
THE CHAIRMAN: And you had 83 before?
THE WITNESS: Yes. The 83 is what is
required. We always had 93.
THE CHAIRMAN: Okay. And down five
feet.
THE WITNESS: Yes. We reduced the
building height by five feet.
THE CHAIRMAN: Okay. You said
somebody else.
MR. WALENTOWICZ: I wanted to have
also have Mr. Kwapniewski answer a question or two.
MR. CONTE: You are still under oath.
JAN R. KWAPNIEWSKI, previously sworn

1 testifies as follows:
2 DIRECT EXAMINATION BY MR.
3 WALENTOWICZ:
4 Q. Mr. Kwapniewski, at the last
5 meeting there were some concerns about some of the
6 views of the adjoining rear property owner, looking
7 at that this building, correct?
8 A. That's correct.
9 Q. And what proposal are you
10 willing to stipulate to, as a condition in the
11 Resolution, if approved, to address that issue with
12 those neighbors?
13 A. The conversations that we
14 had? Q. Yes.
15 A. Well, I spoke to some of the
16 people that were here at the meeting, and I told
17 them that what I would be able to do for them, is
18 to give them fast-growing evergreens in the rear of
19 their property, tall evergreens to buffer it. Not
20 on our property, but on their property, that they
21 would own it, and they take care of it. And that's
22 the proposal I made to the people that were
23 concerned about the rear views.
24 MAYOR COLLETTI: Can you come closer
25 to the mic, and repeat what you just said?
THE WITNESS: What I had proposed
through the intermediary that were in the audience,
was that anyone that wanted to have, say, a
buffered view, I propose to give them tall
fast-growing evergreens that we would plant in
their backyards, with their permission, of course,
along the rear line.
MR. WALENTOWICZ: I have no further
questions.
THE CHAIRMAN: Okay. Anything else of
anyone?
MR. WALENTOWICZ: Yes, we have an
engineer. I would like to call Harry Tuvel.
THE CHAIRMAN: Yes, for Mr. Stearns,
right?
MR. WALENTOWICZ: Yes. Mr. Tuvel has
not been sworn.
HARRY TUVEL, Engineer, associated
with GP Engineering, being duly sworn by the
Notary, according to law, testifies as follows:
THE CHAIRMAN: And your
qualifications?
THE WITNESS: I am a licensed
professional engineer in the State of New Jersey,
and I have been licensed since 1981. I have

1 testified, it's been a while, but, I have testified
2 before this board and many other boards in Bergen,
3 Passaic and Hudson County.
4 THE CHAIRMAN: Okay. Thank you.
5 You're qualified.
6 DIRECT EXAMINATION BY MR.
7 WALENTOWICZ:
8 Q. Mr. Tuvel, three questions
9 came up from Mr. Kochik, the fire official. And
10 specifically, the three things that we've agreed to
11 change, if you could address those three. The first
12 would be the rear wall.
13 A. Yes. The wall running along
14 the northern side rear of the rear of the property
15 is currently shown as four feet. That will be
16 reduced, per discussions with the fire official, to
17 no more than one foot high. And the grade
18 differential between the properties too, will
19 handle that.
20 Q. The second has to do with the
21 entrance, regarding what he referred to as a
22 rideable, or mountable curb.
23 A. Correct. The fire official, again, spoke
24 about the entrance from Route 46. There is a curb,
25 a curb shown, and in order for fire apparatus to
handle that turn, we would stipulate that that curb
would be what we call a mountable curb, so that the
fire engines can traverse.
Q. And the third issue was regarding a
fire hydrant on Meyers Street. The question was
about an additional fire hydrant, can you address
that?
A. Yes. In addition, the fire official would
like to see a fire hydrant located on Meyer Street,
Meyers Street, however you folks pronounce it.
Q. All right. Now, the only other issue
I have, we received a letter dated today from
Suburban Consulting. Have you had a chance to
review this letter?
A. Yes, I have.
Q. Can you comment on whether or not all
of these items can be adequately addressed to the
satisfaction of the engineering department?
A. Yes. The majority of the comments, most deal
with storm water, with the storm water design, and
storm water issues. And I certainly think that we
could stipulate that, that we would comply with the
planning board engineer's recommendation and his
request for additional information on the storm
water design.

9

1 further, Mr. Chairman.
 2 THE CHAIRMAN: Okay. That's it.
 3 further. MR. WALENTOWICZ: Yes. I have nothing
 4 THE CHAIRMAN: Okay. Mr. Mayor.
 5 MAYOR COLLETTI: Yes. I guess this is
 6 for the engineer. You reduced the height of the
 7 building by five feet. By what means?
 8 MR. TUVEL: I would defer to the
 9 architect on that.
 10 MAYOR COLLETTI: Okay. Use the
 11 microphone please. Thank you.
 12 MR. MISTRY: So we took that five feet
 13 out incrementally on each floor of the building.
 14 THE CHAIRMAN: One foot per floor.
 15 MR. MISTRY: Approximately, yes.
 16 MAYOR COLLETTI: What happens if you
 17 have a person that is living in the building that
 18 is seven foot, two.
 19 MR. MISTRY: No, there is enough room
 20 to accommodate. We're not going to have seven foot
 21 ceilings.
 22 MAYOR COLLETTI: And we have a flat
 23 roof on this building?
 24 MR. MISTRY: Yes, it is a flat roof.
 25 MAYOR COLLETTI: Could this building
 be sunk another five feet?
 MR. MISTRY: Not without compromising
 a floor on the building. We tried to squeeze it as
 much as we can, because, you know, we've taken out
 from each floor, but once we knock off a floor, it
 just wouldn't be practical.
 MAYOR COLLETTI: When we last left,
 though, it was the opinion of the board, that we
 would have liked to see one floor eliminated. And
 what we did was only half of that, not even.
 MR. MISTRY: It was ten percent of the
 overall height. Our client, really, if he had to
 take off a whole floor, and all the units
 associated with, the project just wouldn't be a
 feasible project.
 MAYOR COLLETTI: You know, if the
 parking was to go underground, and I understand
 that's an extra expense to the project, I would
 think it would still work though in terms of the
 years of the project going forward, and the income
 that is produced from that.
 MR. MISTRY: But, I don't think we
 could put the parking underground, you need like a

10

1 long ramp just to get to that point. I mean,
 2 physically, I don't think it would even work there.
 3 MR. TISELLANO: You got that corner
 4 right there?
 5 MR. MISTRY: Excuse me?
 6 MR. TISELLANO: You got the corner
 7 there where the house is being taken down, you got
 8 a lot of space there, you can make a ramp.
 9 MR. MISTRY: To build, to traverse a
 10 car one level down to say, 11, 12 feet, I mean you
 11 have to go like almost 100 feet down a sloped ramp
 12 to get there. During that slope, at that rate, you
 13 can't park anything there. It is the ramp.
 14 THE CHAIRMAN: But if you went down
 15 five feet. You know what percentage would be
 16 required, correct?
 17 MR. MISTRY: I am sorry?
 18 THE CHAIRMAN: To go down five feet,
 19 what's the percentage of the grade?
 20 MR. MISTRY: The grade will still be
 21 the same. There is a certain slope that you want
 22 to maintain for a vehicle to traverse down. But,
 23 the length of that, if you're going down five feet,
 24 maybe it is half of what I said. Maybe it is 50
 25 feet, you got a 50 foot ramp you would need to get
 down.
 THE CHAIRMAN: What I would suggest,
 is 50 feet doable?
 MR. MISTRY: Just looking at it
 quickly, I don't think it is a solution there,
 unless we start losing parking spaces.
 THE CHAIRMAN: Okay. And then I think
 there was another suggestion, and correct me if I
 am wrong, you might want to spread it out a little
 bit, and get more units per floor.
 MR. MISTRY: We had looked at that,
 and it just wasn't, you know, the way the building
 is situated, we could make it a lot wider, but you
 are not really picking up any units. To pick up the
 additional units, I mean, you need a lot bigger
 area. It would have to be built like a donut and
 something in the middle, we can't get units in the
 middle, it would be like a courtyard. So, we did
 look at that option, and it wasn't a practical
 solution.
 THE CHAIRMAN: It would cover too
 much space?
 MR. MISTRY: Yes, yes, beyond where we
 were.
 MAYOR COLLETTI: How many units are

11

1 there per floor?
 2 MR. MISTRY: 18 units on the first.
 3 The second floor, 20. On the third floor 20.
 4 THE CHAIRMAN: 18, 20, and what's the
 5 third floor?
 6 MR. MISTRY: 20. It is 20, 20 and 18.
 7 MAYOR COLLETTI: We were thinking
 8 along the lines of eliminating one floor, or
 9 submerging your parking in grade. That's what we
 10 were thinking about the last time we spoke here.
 11 MR. MISTRY: We just didn't think it
 12 was a viable or practical solution.
 13 THE CHAIRMAN: Just so we have this
 14 clear, I think the question is going to be asked,
 15 and I will open it up to the public after this. The
 16 trees that you're talking about, that are going to
 17 be in the backyards of those homes, how many trees
 18 per home?
 19 MAYOR COLLETTI: And if they think
 20 there's a spot for them too, for those homes.
 21 MR. WALENTOWICZ: I think we would
 22 leave that to the neighbor, as many as they would
 23 request. So if they wanted four trees, six trees,
 24 at our expense, that would be agreeable. And at
 25 least these would be evergreens, as he said, fast
 growing evergreens. There are evergreens that deer
 don't like, I understand, I am not a landscape
 architect.
 THE CHAIRMAN: Deer don't like the
 highway either.
 MR. WALENTOWICZ: So these would be
 evergreens that are green all year, and they would
 not be eaten by deer. And they are pretty thick.
 Evergreens grow that way. Whatever the neighbors
 would want, we will be amenable.
 THE CHAIRMAN: This would shroud the
 visible, but the sun is another story, and you
 know, things like that.
 MR. WALENTOWICZ: Well, as one of the
 objectors said to us at the last meeting, I prefer
 this, than what's there now. So, I think it is an
 esthetic improvement anyway to the neighborhood on
 a number of levels.
 THE CHAIRMAN: Okay. Anyone else have
 any questions on the board?
 MR. BENIAMINI: The last time, we
 talked about, I thought it was eliminating a floor
 so that the people in the back would have at least
 a little bit of sun going into their house. The
 thing is so high, that I don't think they are even

12

1 going to see the sun.
 2 MR. WALENTOWICZ: Well, we did a
 3 shadow study.
 4 MR. MISTRY: We did do a shadow study,
 5 but, really, we are conforming to what is allowed
 6 in this zone. I think we're within the height
 7 limits. And in fact, right now, we reduced it
 8 beyond that. So we reduced it five foot below
 9 what's allowed in the zone.
 10 THE CHAIRMAN: What's in it now,
 11 wasn't always there.
 12 MR. MISTRY: The redevelopment calls
 13 for 50 feet, and we are under that now. We are at
 14 45 feet.
 15 MAYOR COLLETTI: The problem with that
 16 is, if it wasn't in an area with residential right
 17 in back of it, who would care. But, we need to have
 18 a marriage here in consideration with your project
 19 and the residents in the town.
 20 MR. MISTRY: I think that's why we
 21 came back and compromised some distance here, to
 22 bring it down.
 23 MR. TISELLANO: About the height, the
 24 height is fine if it is four feet, and like a
 25 tower, but, you are covering the whole lot,
 practically. Like at least, when the sun moves,
 they might get some sunlight at some point. But,
 some people will never see daylight, never see
 sunlight. I wouldn't want anybody to do that to me.
 MR. CONTE: Mr. Chairman, I just want
 to mention. For the members' edification, that's an
 opinion you stated as far as the light. Okay. So I
 want to be careful --
 MR. TISELLANO: We had the shadow
 study, they showed they wouldn't get any sunlight.
 MR. CONTE: Yes, okay. But, you said
 never. If your response is, they are going to be
 limited to the sun, in conforming with the shadow
 study, then that's different than, they will never
 have sun or a few of the qualifiers you've said. I
 just want to be careful, okay, on the record.
 MR. BENIAMINI: So the evergreens,
 these trees that you are going to put up, if there
 is a front yard, you're going to put them right in
 the front yard?
 MR. MISTRY: No, no, the backyard. The
 people with their backyards facing our building.
 MR. CASTELBUONO: If they want.
 MR. WALENTOWICZ: We would leave that
 open, where they would be able to ask for that.

1 They don't have to ask for it in the beginning, they could ask for that in six months, or a year, or whatever time period is reasonable. So, someone may say, I think I would like to have those evergreens as opposed to saying, well, I don't know yet. We would leave it open-ended for them.

4 THE CHAIRMAN: Okay. Does anyone else have any questions?

5 MR. TISELLANO: Has the sewer and water supply been tested?

6 THE CHAIRMAN: I think there's some tests that have to be done yet, and I think other things regarding the sewerage and water pressure.

7 MR. CHAYKO: Yes. There are still some outstanding information that needs to be provided.

8 THE CHAIRMAN: I think that one of your people was in touch with DPW regarding the seasonal, I think, lowering the pressure.

9 MR. WALENTOWICZ: There is a study that needs to be done, but I think we were told we can't do that for another month, at least.

10 THE CHAIRMAN: Right.

11 MR. WALENTOWICZ: So obviously, that's something that we would have to address and need to meet the proper criteria.

12 THE CHAIRMAN: Okay.

13 MR. CHAYKO: Yes, that is for the water. There is sewer information that needs to be understood, those elevations where you would tie in are attainable.

14 MR. WALENTOWICZ: Correct.

15 MR. CHAYKO: That is what's missing from this plan right now for Henry Street.

16 MR. WALENTOWICZ: Yes. We realize that we have to meet every point before we can get a permit.

17 MR. CHAYKO: Understood. And again, from the board's standpoint, if you can't do that to Henry, you would need to investigate other options, alternatives.

18 MR. WALENTOWICZ: Correct.

19 MR. CHAYKO: You're putting all of your eggs, I understand, it is conceivable it could work that way, but that's the way you're showing it.

20 MR. WALENTOWICZ: Correct.

21 THE CHAIRMAN: Okay, any comments?

22 Come forward to the mic.

23 STEVEN KOCHIK, FIRE OFFICIAL:

24 MR. KOCHIK: I want to say, pretty

1 much the hydrant flow testing, between myself and fire prevention we do go out and witness these flow tests to make sure they are done correctly, and see what numbers are done, that we get from the flow.

2 Scott usually sends out his guys too since we own the hydrants and the water system in town. We don't do them during the winter months. Obviously, because of weather like this outside, unless something is like a dire emergency and if we had good weather outside. But normally, we don't do them in the winter months. We usually start around March 15th, to start again, to see exactly what type of water is up there.

3 THE CHAIRMAN: Thank you. Okay. I would like open this up to the public at 8:00, and if anyone comes up, you could address your questions as needed, and please contain it to about three minutes or so. And whoever is first, come up, you will have to be sworn in, and you will have to give your name and address.

4 LENORE MADRACHIMOV: Lenore Madrachimov, being duly sworn by the Notary according to law testifies as follows:

5 Good evening and thank you for having this meeting again. I just heard that the fire department wanted the wall in the back reduced to one foot. But, there wasn't an explanation given as to why that four foot wall was being reduced to one foot. And if it is reduced to one foot, what's going to happen with the exhaust from cars now penetrating into the neighborhood. That's question one.

6 Question two, the parking. There needs to be two parking spaces per unit. There's no, ifs, ands or buts about it. You can't cut a car in half, 1.6 cars per unit.

7 The other thing is you have to get rid of the loft or the extra room, because people are going to turn them into bedrooms. Regardless they are going to be a bedroom. It is not going to be a sitting room, it is not going to be a TV room. They are going to turn it into another bedroom.

8 Make the other bedrooms bigger, make the kitchen bigger, make more closets, get rid of the loft so they don't have extra room for a bedroom.

9 The other thing, you are reducing the height by five feet. I mean, that's ridiculous. We want it cut down, a whole floor taken off to give the people over there relief. There are no buildings in this area that are five stories high.

1 Our area has had enough. You took the school away, you put 36 condos in. You're reducing the value of our homes in this neighborhood. You are going to have unlimited traffic coming through there. Right now we have, for instance, the Snow King. One side of the street parking. You have 1.6 parking spaces.

2 Where are the other people going to park, except on the streets. Now, if you have to take the alternative street parking and cram them in all on one side, where is everybody going to park? Did anybody take that into consideration? I don't think so. I'm not happy with this so-called compromise.

3 It is not a compromise. It is what they want. It is greed. That's all it is. Plain and simple, it is greed. And the council needs to stand by their residents in the area. There is going to be an impact on the sewer, there is going to be an impact on the water. People start moving in with kids, there is going to be an impact on our school system, the fire, the EMT, the police department.

4 And no doubt about it, there is going to be unlimited truck traffic. Where are these trucks going to park? They have one loading dock. They are going to have Prime, Amazon, USPS, UPS, and all of the other trucks. You get Prime backing in there to make 13 deliveries, and then you have UPS parked outside, where are they going to park? They are going to start parking up Meyers Street, then Stefanic. And now you have Henry Street which has that house on it, that is going to be demolished where they want to put some parking spaces there, but they don't have enough visitor parking spaces for their company that comes. And across from that is Milan Motors. They have their own issues with what's going on. The two-family houses that were just put up there, those people are parking on Stefanic Avenue and Cadmus Avenue now. They have a two-car driveway, two-car garage, and they are parking on the streets now, because there is just not enough room for people to park. You don't have enough parking spaces here for these people, and they are going to start inundating the rest of the neighborhood. And as somebody had said at the last meeting, PSE&G has that unit on Midland Avenue, their workers are parking on Stefanic Avenue, and walking across the street to go to work. I mean, this is what's going to happen. They are going to start taking over the parking spaces for the residents that are already there. And somebody said last time they did a traffic study and there

1 were 22 cars. No way. I waited for ten cars to pass in the morning, and I leave between 7:30, 7:00, between 7:00 and 8:15, I leave, and I had to wait for ten cars to go pass. That's ten cars out of 22 that they said that they studied at peak hour? I don't think so.

2 THE CHAIRMAN: Ten cars in front of you, or ten cars on Route 46.

3 MS. MADRACHIMOV: No, no. I live on Echo. So I am at the stop sign now, wanting to make a left hand turn. There were four cars coming this way, then another two cars came this way, and then after these cars, three other cars came from Cadmus Avenue because they wanted to get on 46. So, I had to wait for ten cars to come out of my little street. Now, you have, how many units?

4 THE CHAIRMAN: 58 units.

5 MS. MADRACHIMOV: And they are going to have to come, if they don't want to go on Route 46, they are going to have to weasel their way through Cherry Hill, and if not going out in the morning, they are going to have to come in that way when they come home at night.

6 Now, these people are banking on these people having no cars. That's absolutely ridiculous. People are going to have cars.

7 THE CHAIRMAN: No cars?

8 MS. MADRACHIMOV: Any time these planners come up and speak before you, they are banking on people not having cars. They are wanting them to use mass transportation.

9 THE CHAIRMAN: I think it is 83 spaces. What do you mean no cars?

10 MR. CONTE: 93 spaces.

11 THE CHAIRMAN: 93, I am sorry.

12 MS. MADRACHIMOV: What they are saying is, the planner's are banking on --

13 THE CHAIRMAN: 1.6 cars per unit.

14 MS. MADRACHIMOV: They are banking on the people who live there not to have cars to drive, or maybe one car. Like the one planner a few times ago we heard --

15 MR. CONTE: Mr. Chairman. That wasn't the testimony in this application.

16 MS. MADRACHIMOV: No.

17 MR. CONTE: Thank you. That is irrelevant with respect to this application.

18 MS. MADRACHIMOV: All I am saying is 1.6 cars, if you have two people driving, it is not enough parking that they are allowing for people.

1 Period.
 2 THE CHAIRMAN: That, I believe, is
 3 standard from one of the planners, engineers or
 4 whatever.
 5 MS. MADRACHIMOV: Well, the standard
 6 needs to be changed, change the law.
 7 THE CHAIRMAN: All of the towns have
 8 standards. Does anyone know about that?
 9 MR. CHAYKO: Well, it is a weighted
 10 average.
 11 THE CHAIRMAN: Okay.
 12 MR. CHAYKO: For that matter.
 13 MR. BENIAMINI: I think she's right
 14 because they were banking on a lot of these people
 15 living in there, are going to work in New York and
 16 taking the bus.
 17 THE CHAIRMAN: That's one of the
 18 considerations.
 19 MR. CONTE: That's where the 1.6 comes
 20 in by averaging out everything.
 21 THE CHAIRMAN: They are still going to
 22 have a car.
 23 MS. MADRACHIMOV: But these people
 24 live here on 46 West. They would have to down from
 25 Molnar Boulevard, cross over Route 46, and pick up
 the bus over there and get to New York. Do you
 actually think they are going to walk, what is it,
 a quarter of a mile, a half of a mile, something
 like that in the rain or the snow, whatever they
 need to do.
 THE CHAIRMAN: You mean because they
 are on the westbound side.
 MS. MADRACHIMOV: Because they are on
 the westbound side. They would have to either go
 one way or the other, and cross over Route 46. They
 would have to go up to 5th Avenue and then cross
 over there and find a bus stop.
 THE CHAIRMAN: Your concern is
 parking.
 MS. MADRACHIMOV: Thank you.
 THE CHAIRMAN: Okay.
 MS. MADRACHIMOV: And the height of
 the building. And why did they lower the wall to
 one foot because the gas fumes are going to be
 going in there now. Thank you.
 THE CHAIRMAN: Okay. Just a question,
 does the engineer have any answers regarding fumes,
 and things like that?
 MR. CONTE: I have six items written
 down here. Mr. Walentowicz, if you want me to go

1 through them, or if you have them written down.
 2 MR. WALENTOWICZ: I think number one,
 3 we lowered the retaining wall because Mr. Kochik
 4 asked us to do that. And in terms of fumes, there's
 5 also a fence there, so I think that certainly will
 6 eliminate any fumes going across to those
 7 properties. And I am sorry, what were the other
 8 issues?
 9 MR. CONTE: The number of parking
 10 spaces.
 11 MR. WALENTOWICZ: Yes, well, we are
 12 required to have 83 according to the redevelopment
 13 plan, and we have 93. In fact, we didn't deviate
 14 from the redevelopment plan at all. This is what
 15 was approved. And this plan has absolutely no
 16 variances, and no waivers. It is consistent with
 17 the ordinance and consistent with the redevelopment
 18 plan.
 19 MR. CONTE: Lofts. Lofts will be
 20 turned into bedrooms.
 21 MR. WALENTOWICZ: Well, obviously
 22 there could be a condition in the Resolution.
 23 That's an enforcement issue, that that cannot
 24 happen. I think, you need a CO in this town, if you
 25 need to register who is going to be living in each
 unit and when there is a transfer of tenants, that
 also has to be a new CO issued and an application
 has to be made who is living there. So, it is an
 enforcement issue and it is certainly something
 that could be a condition that they cannot be used
 as a sleeping area.
 MR. CONTE: You will stipulate to that
 in a Resolution.
 MR. WALENTOWICZ: Absolutely.
 MR. CONTE: If the application was
 approved.
 MR. WALENTOWICZ: Yes.
 MR. CONTE: A request of one story be
 removed, we covered that. The sewer water impact, I
 presume will be subject to any, if there were an
 approval, it would be subject to engineering and
 the appropriate municipal agencies approving sewer,
 water.
 MR. WALENTOWICZ: Yes. Whatever is
 required. Whatever the requirements are, we are
 willing to abide by them. We have to, we have no
 choice, we can't proceed.
 MR. CONTE: Agreed. And the last thing
 was truck parking. We are talking about Amazon, etc
 cetera. Delivery vehicles.

1 MR. WALENTOWICZ: Right. I think we
 2 talked about that at the prior meeting.
 3 MR. MISTRY: Yes. We have a separate
 4 loading zone on the right side of the building
 5 facing Meyers Street. There is a loading zone here.
 6 And if that one is being used at the time, they
 7 could easily pull right into our driveway, or
 8 parallel park in that area at the front door from
 9 there. And most of these delivery trucks are not
 10 here for more than a few minutes. So, I mean, even
 11 if one is busy, the other one has an option to come
 12 right into our parking lot. I can't imagine there
 13 being three or four at once. Two, yes. I could see
 14 two at once. But, there is plenty of space along
 15 this driveway for them to pull in.
 16 THE CHAIRMAN: Okay. Anyone else?
 17 Come forward.
 18 DOM PINNOLA: Dom Pinnola, 5 Henry
 19 Street, being duly sworn by the Notary, according
 20 to law, testifies as follows:
 21 Good evening. So my question is this.
 22 My first comment. I was under the understanding
 23 that they were going to take off a whole floor,
 24 thus reducing the amount of people, which creates
 25 better parking. Now, they only went down five feet.
 I don't think that's acceptable.
 Second, construction times. What
 times would the construction start and end? We're
 coming into the summer months, spring months. What
 are we looking at? And also working on weekends.
 Will they be working on weekends? I work in
 construction and one of the things that we used to
 have when we have a large commercial project, we
 have trucks lined up at 6:00 AM in the morning. Is
 that going to be an issue where at six o'clock in
 the morning we are going to be hearing construction
 trucks waiting to start to work if the hours are
 from 7 to 4 or 7 to 5. That's some stuff that
 needs to be cleared up. That's all I have. Thank
 you.
 MR. WALENTOWICZ: Mr. Chairman,
 regardless of what your ordinance permits, I just
 talked to the applicant and he's willing once
 again, to agree, to be restrained from any
 construction on Saturdays and Sundays.
 THE CHAIRMAN: Okay. There are
 starting times in our ordinance, I am not sure
 exactly what they are, the building department.
 MR. WALENTOWICZ: But even if we're
 permitted to do it on Saturday, he'll stipulate not

1 to do so on a weekend or a holiday.
 2 THE CHAIRMAN: Okay. Thank you. Anyone
 3 else?
 4 ELIZABETH MARUT: Elizabeth Marut, 165
 5 Stefanic, being duly sworn, according to law,
 6 testifies as follows:
 7 The first thing I want to say or ask,
 8 are you related to the project on 46 East in Little
 9 Ferry?
 10 MR. KWAPNIEWSKI: No. I'm related to
 11 my wife, who owns this.
 12 MS. MARUT: Well, do you have anything
 13 to do with that project?
 14 MR. KWAPNIEWSKI: Nothing.
 15 MS. MARUT: Okay. It looks exactly
 16 like that. And it's huge. Just because you can go
 17 that height, doesn't mean you should, and it makes
 18 the entire neighborhood, it is going to be a
 19 fishbowl. Okay. The trees in the backyard, they
 20 are not going to prevent people from looking down
 21 into our backyards for the whole neighborhood
 22 there. When you're going that high, you really get
 23 a big view. It is just too high, too much for that
 24 neighborhood.
 25 If you go down 46, you go quite a
 while when you go West without anything that big.
 When you go East, you have the Life Storage which
 is in Lodi, which is not in a residential, and then
 you don't get anything until where the Little Ferry
 circle was by H-Mart, that's exactly this size, and
 looks exactly like that.
 THE CHAIRMAN: In Saddle Brook too,
 aren't they, but they are below.
 MS. MURAT: That's below, that's not
 on 46, and there is an industrial site, it is not
 in a neighborhood.
 THE CHAIRMAN: Right. I am just saying
 where they are.
 MS. MURAT: Yeah, yeah, yeah. But,
 this is huge. This is like one of the biggest
 buildings for miles. And it is the only one that's
 in a residential area. Why do we need that right
 there, to flood our neighborhood, change the whole
 thing? It is too big and it is too intrusive. I
 mean, yes, one floor would be a much better impact
 on the neighborhood. It would give us less of a
 fishbowl effect change. They are going to have this
 building for years and years. Yes, they are going
 to make money off of it, they don't have to be
 greedy.

1 And what is that noise pollution.
2 What are the decibel readings for what they are
3 going to put on the roof for HVACs? We need to
4 know that because, sound carries. Okay. So I think
5 we need to consider noise pollution.

6 THE CHAIRMAN: You're concerned about
7 noise, with HVAC on the roof.

8 MS. MURAT: I am. Because now, it is
9 going to be even higher than the 45 feet.
10 THE CHAIRMAN: In which is permitted,
11 right.

12 MS. MURAT: It is not going to be
13 noiseless. But how noisy is it going to be? Are
14 they going to spend the extra money to have, you
15 know, to have it not being really noisy and really
16 intrusive.

17 THE CHAIRMAN: Just a little
18 something, and maybe the engineer can explain some
19 more. I was on the zoning board when they did
20 Shop-Rite and that was an application around for a
21 couple of years. But, one of the things there they
22 did with sound, and they complied with it all, is
23 they built parapets around them, which surrounded
24 them, and killed the noise. And that's typically,
25 I believe, in a lot of cases what they do. They
have to comply with all of noise requirements.
That's a requirement.

MS. MURAT: Okay. I mean it is so
close to the houses. The trees, they could build
all of the trees they want, they are going to look
right down into our yards.

MR. WALENTOWICZ: Mr. Mistry.
MR. MISTRY: Yes. I just want to
address the noise thing. We do many buildings like
this multi-family. We're not going to have this big
rooftop units. Each individual apartment will have
its own heating and cooling unit. And on the roof,
there will be a small condenser, but at a
residential scale. And we do have to meet whatever
State regulations are for noise at the property
line. And if we exceed that, we have no problem
with putting additional screening.

THE CHAIRMAN: Okay. Just for my
edification, the common areas and stuff, how are
they air conditioned?

MR. MISTRY: Sometimes we use smaller
type units. Sometimes they are split similar to the
apartments where there is a condenser on the roof,
and then there's a smaller unit in the common area.
THE CHAIRMAN: Okay. So you have each

1 apartment has its own unit.

2 MR. MISTRY: Yes. It is in the
3 apartment itself.

4 THE CHAIRMAN: Okay. You heard that?
5 MS. MARUT: Yes.

6 THE CHAIRMAN: Okay. Anyone else?
7 CHRIS DeCARLO: Chris DeCarlo, 132
8 Stefanic Avenue, being duly sworn by the notary,
9 according to law testifies as follows:

10 So I got some issues. They have not
11 really addressed the whole garbage. I don't think
12 they really compromised by going down five feet. I
13 think it is still ridiculous. Most of those houses
14 on Stefanic are 20 feet tall. They were made for
15 World War II Vets. I mean, we have a little thing
16 of what it is going to look like. I mean, it is
17 going to look crazy. I am losing privacy. I am
18 losing the sun. This is my house by the way. This
19 is my house. I mean, what are they going to do
20 when it snows, when they are plowing the streets?
21 Where are those cars going to go? The garbage will
22 be stinking. I know there's going to be rats. How
23 long is this construction going on? I do
24 construction. I know what construction sites look
25 like. They could say all they want. I do
construction. It is messy, stuff blows. People are
lazy at the end of the day. That building just
don't belong there. Greed it is, it is worse than
greed. It is 50 feet, they want the mass. I don't
even know what I'm going to do. My whole house
losing value, and all of that. I mean, did we talk
about sewerage back ups, and water pressure and all
of that stuff? Did that get approved? And I was
just curious, was that always -- that was a venue
place, but, wasn't it always zoned for residential?
Did that change? I didn't get a letter for that
meeting, for the town, or whatever it was.

THE CHAIRMAN: The redevelopment.
MR. DeCARLO: When they were rezoning.
You guys do have a list. Those are just some of my
issues with this. The biggest one of it all being,
it will stick out like a sore thumb, obviously, you
know. You are ruining a lot of property value. This
is Elmwood Park. Do you guys want it to be East
Paterson again? Keep on building these buildings,
you know. This is like ridiculous. I came from
Rutherford, I came from a good town. Not East
Rutherford, Rutherford, you know. And my wife lived
here her whole life. Now, I am in this town, I
watched you guys progress. I've been living here

1 for eight years, watching you guys do fireworks,
2 things like that, very family things. So I'm like,
3 you know, the town is not that bad. But now this?
4 It is turning into a city and it is unnecessary.

5 It is a family town. I mean that's the image you
6 guys are going for, you want to better the schools
7 and stuff. So I'm just saying from like my family,
8 it is not looking good. I don't want to be there
9 with that behind my house. No privacy. I have a
10 pool behind my house you know, and have five
11 stories of people looking at me. Those are my
12 issues. I just want you guys to think about that.
13 And it is like the whole block. This is life size.
14 Like, you could run a drone up there and let it
15 fly, and you'll see that thing everywhere, that
16 building at that height. And the air conditioner,
17 the individual units, you've been to a hotel
18 before. It is loud, whether it is on the roof or
19 not.

20 THE CHAIRMAN: It is an individual
21 one.

22 MR. DeCARLO: Yes, it is going to be
23 loud, it is like a hotel, they got them.

24 THE CHAIRMAN: No, they are not.

25 MR. DeCARLO: Come one. Well, the
noise doesn't really bother me at this point.

THE CHAIRMAN: I am just saying, they
have a combination in a closet.

MR. DeCARLO: Yeah. I'm already
getting killed with the sun, you know. So those
are some of my issues. Sorry I was late, I missed
the presentation or whatever, but I am here now.
All right.

MR. WALENTOWICZ: Mr. Chairman, can I
ask Mr. DeCarlo where he lives?

MR. DeCARLO: 132 Stefanic, right
there. You don't even know where Stefanic is on
here? This is my backyard. I have to be on the
mailing list.

MR. WALENTOWICZ: Your name is not on
the property list, are you a tenant or an owner.

MR. DeCARLO: No, I am an owner.

THE CHAIRMAN: Regarding the 200 foot
notification, you were never notified?

MR. DeCARLO: No, I wasn't notified
for the zoning. The rezoning.

THE CHAIRMAN: Oh, the redevelopment.

MR. DeCARLO: The redevelopment of the
zoning.

THE CHAIRMAN: How long have you been
living there?

MR. DeCARLO: Eight years. And I was
there when the venue was still going on.

MR. WALENTOWICZ: You raised a
garbage issue. Could we just address that for you.

MR. DeCARLO: Yes.

MR. MISTRY: There was a question on
the trash. There is a trash room, that's an
enclosed room with doors. It can be closed up. It
is not going to smell. It is not going to smell
outside, smell inside, but, it will be a properly
vented and exhausted room. There is going to be a
chute on every floor. If you're an apartment
resident, you go down the hallway where the chute
room is, throw your trash in the chute, and it will
be collected in an enclosed room.

MR. DeCARLO: Like I said, you might
as well change it back to East Paterson. This does
not belong here, it is way too tall. Right over
here, I live right behind that building.

MR. CONTE: Thank you.

THE CHAIRMAN: Thank you.
Councilwoman.

MS. SHERIDAN: I have a question for
Steve. They say that you turned around and told
them instead of a four foot wall, it was going down
to one foot.

MR. KOCHIK: Yes.

MS. SHERIDAN: And then they were
going to put a fence on top of that?

MR. KOCHIK: Yes. That's my
understanding they are putting the fence behind
that retaining wall. It is only going to be one
foot.

MS. SHERIDAN: So what's the
difference between one foot stone wall, versus one
foot stone wall and a fence on top of it, why can't
they have stone through the whole thing?

MR. KOCHIK: Because part of the
retaining wall, it is concrete that comes up, and
then obviously you can't put the fence on the
concrete. You put it right behind it. So, what I
asked them to do, it's in the plan if you look at
the site plan back there, that access area behind
the building, by code, you need 20 feet. They
don't have that. They have 20 feet from the
property line to the building. The State of New
Jersey Uniform Fire Code stipulates the fire
official has the authorization to make that shorter
or make it wider at his or her discretion. What I

1 ended up doing is from the front of that retaining wall to the building, they have 18 feet. So that retaining wall is going to be two foot wide. As long as they keep it at one foot, I am okay with keeping that 18 and then 20 foot to the property line, not 20 foot to the front of the retaining wall, to the building, because you can actually step up on it. It is like one foot high.

5 MS. SHERIDAN: Right. So behind the foot high, you are going to put another fence.

6 MR. KOCHIK: You would have a fence there, correct, on the property line. That is what they are showing us.

7 MS. SHERIDAN: Okay. So what I am asking is, if they are going to have a cement wall and a fence behind it, instead of the fence, why can't we go stone wall for the height of the stone and the fence together, to prevent the fumes.

10 MR. KOCHIK: So then what they would have to do, they would have to back up. If you look at the site plan, the back corner of the building, you'll see that they are showing 20 foot from the point of the building, to the property line. Then right next to it, you see 18 feet. 18 feet from the building to the front of that retaining wall.

13 MS. SHERIDAN: Right.

14 MR. KOCHIK: So that would be from the edge of that retaining wall. So here is your retaining wall here.

15 MS. SHERIDAN: Okay.

16 MR. KOCHIK: All right. So from here to the building is 18 foot. Here is the top of the retaining wall, from this edge to the property line is another two foot. So, for that access roadway, you need a minimum of 20 feet. You don't have that from the front of the wall to the building, you only have 18 feet. So what I am saying, if you only have like a one foot step up, you could still use that as a walkway to get around, and you have that 20 feet. That's why I am okay with doing it that way. Where in terms if it was four foot high, you have 42 inches right here. There is no way to step on top of this and walk around.

22 MS. SHERIDAN: Well, how can we address this problem and give these residents, instead of a fence, a stone wall to prevent the fumes.

24 MR. KOCHIK: I think that's a question for the engineer.

25 MS. SHERIDAN: Thank you Steve.

1 MR. KOCHIK: No problem.

2 MR. CHAYKO: So you're asking a solid wall versus a fence?

3 MR. SHERIDAN: Because the fumes can go through the fence, and that's what these people are worried about, is fumes. Is there any way we could get rid of the fence, and give them a stone wall that they originally wanted.

5 MR. CHAYKO: Based on the size of that wall, and what footing is needed to support that, that may up encroaching further into the property line. That is something they have to look into closer, as opposed to a fence which has maybe a single post and a smaller area. I'm describing a small, concrete or block structure like that will be a bigger foundation to support it.

9 MR. MISTRY: That is going to be a six foot solid fence. It is not like an open picket fence.

11 MS. SHERIDAN: You didn't say it was going to be six foot. You said you were going to have one foot cement and putting a fence behind it.

12 MR. MISTRY: Yes.

13 MS. SHERIDAN: I am talking about, instead of having the fence behind it, why can't they just have the cement?

14 MR. MISTRY: Well, the concern was from the fire official, that it is going to start encroaching. You can't step over on a four foot high wall.

16 MS. SHERIDAN: Right, but even if they redesign it, they could probably have this cement fence.

18 MR. MISTRY: I don't think it is going to -- the wall itself, has some thickness, maybe it is 12 inches.

19 MR. CHAYKO: Maybe you could talk more about the type of fence you are proposing?

20 MR. MISTRY: Well, it is going to be a solid vinyl fence. It doesn't have gaps. So, whether you put a fence or a wall, in terms of fumes, it is going to serve the same purpose.

22 BOARD MEMBER: It is not a chain link.

23 MR. MISTRY: No, no, it is not a chain link. A solid vinyl fence.

24 MR. TISELLANO: This retaining wall, are there different levels?

25 MR. MISTRY: Very minimal difference in grade. It varies from like six inches to like a foot or so. You could almost take that wall out

1 realistically.

2 THE CHAIRMAN: So you are saying if you took the wall out -- what's the reason for the wall, just a variation on elevation?

3 MR. MISTRY: The site engineer has proposed that wall. I think there used to be a wall there previously. There was slight change in grade. Like I said, when I looked at the grading plan, it changed from like six inches to a foot difference.

5 BOARD MEMBER: How long is it?

6 MR. MISTRY: It goes as far as the rear property line.

7 MR. CHAYKO: There is an existing wall, that's what you're describing.

8 MR. MISTRY: Yes, yes.

9 THE CHAIRMAN: Regardless, it is sealed off, per se, sealed.

10 MR. MISTRY: In terms of fumes, it will be a solid vinyl fence, and it will serve the purpose of blocking any headlights or fumes or anything like that.

11 THE CHAIRMAN: Okay. Anyone else? Come forward.

13 FATION STRONI: Fation Stroni, 128 Stefanic Avenue, being duly sworn by the Notary, according to law, testifies as follows.

14 I live behind the building that's going to be built. And the height, it is very close by. A floor removed from it would be an ideal situation to accept the building. And also the congestion that it is going to bring. I'm not sure if you guys drive around Route 46 going West around four o'clock to six or seven, there is always traffic. Morning can be hit or miss. Afternoon, there is always traffic. Driving bumper-to-bumper, most of the time. So assuming that 1.6 spaces for the cars for the apartments is ideal, it will even make it worse. Although you have other buildings similar size or similar to this case, where people that are renters that go there. They have at least one or two cars most of the time. So the local streets will always be congested and we don't have too many streets there. The biggest one is Stefanic, and the one behind it. The rest are very small, so they get congested really quick. The other thing is noise. At least, the houses that are next to it, we are going to be affected a lot. Although they are individual units, they still make noise. If you have one, that's one thing. But when we have how many apartments?

1 THE CHAIRMAN: 58.

2 MR. STRONI: It is going to be a lot of noise, no matter how much you cover it, no matter how much you reduce it. And also the sewer, the water. We had an issue at my house I think about two years ago. A simple back up and it was not a good experience. You mentioned this building goes up, and how many tenants live there, this thing is going to happen and there is not major infrastructure that goes on there. Also, as far as the borderline, why should we build a fence on our land, when they are building such a sizeable building. They could have it on their side.

7 MR. MISTRY: It is on our side.

8 MR. WALENTOWICZ: MR. Kwapniewski.

9 MR. KWAPNIEWSKI: Nothing is on your property. It is on our side. What I offered was to give evergreens, but that would be on your property at our cost and our labor. That's only if you wanted that. We wouldn't infringe upon your property rights or property line.

11 MR. STRONI: Okay. So we've been there for about eight years. I've been there for eight years, and the building that is still there, acting as a catering hall. I am not sure how many people it holds, but every event would cause noise. And the building is pretty small compared to this one. So imagine living next door literally, and having 53 units or 58 units with people, daily activities, it is not going to be a comfortable situation.

16 Now, you mentioned another complex facility on Midland Avenue. That complex is much better because nothing is around them. And also they are much bigger because they can be much higher. Whereas where we are, it is going to be a four floor building is really going to be out of sight. Obviously, this is my opinion, but it is something that makes whoever lives there realize the difference of a four floor building versus the highest that we have is two floors, and that's a big difference. And if this building goes up, we're going to lose the sun. 100 percent, unless we stay on the roof, which is out of sight. Now, when you look at the street, the left hand side is a two floor building house, so towards the end of the day, we don't get any sun, we just get shade. And that's literally a floor higher. And this is three, four floors higher, there's no hopes for sun at least during the winter, when that's probably the most crucial time. So a three floor building would

1 be probably the best idea for the town, and for the
 2 rest of us residents that live around here, and
 also congestion. That's all I have.
 THE CHAIRMAN: Thank you.
 JAMES GOLEMBISKI: James Golembiski,
 20 James Court, being duly sworn by the Notary,
 4 according to law, testifies as follows:
 Nobody in this room, guarantee, wants
 5 this in their backyard. And I mean those four
 people right there that were speaking. I could
 6 guarantee no one in here wants it. Again, I said
 last meeting, it isn't about redevelopment. It is
 7 about overdevelopment. You said you could put
 something in the Resolution. Who is going to
 8 maintain that Resolution? I know the building
 department can't go in there and check and make
 9 sure it is not a bedroom. And I know the fire
 department can't. They got to get a complaint in
 10 order to go in. If a single couple moves in there,
 all of a sudden now they have one or two kids.
 11 There is the loft bedroom, boom. They are not going
 to come and report and say I have two kids. If they
 12 have an elderly mother or father now. A single
 couple, mother and father, boom, they move in.
 13 That's what happens up at the Elmwood. That's why
 they have four, five kids in a two bedroom
 14 apartment. There is no way that it's not going to
 impact the school system and everything. Again,
 15 that's all I have to say. It is not redevelopment,
 it is overdevelopment. And hopefully the Mayor and
 16 Council can relook at that again.
 THE CHAIRMAN: Thank you. Anyone else?
 AUDIENCE MEMBER: One last question.
 THE CHAIRMAN: Keep it brief.
 AUDIENCE MEMBER: So I am not sure
 18 here who addresses this question, but this
 19 building, is this building going to require Section
 8, or is it going to be included for Section 8
 20 renters?
 MR. CONTE: Mr. Walentowicz can answer
 21 the question if he wants.
 MR. WALENTOWICZ: I think that came
 22 up at the last meeting, and I looked at the
 redevelopment plan and it did not require, I mean
 23 the plan did not require any low income units.
 AUDIENCE MEMBER: Required is one
 24 thing, but are you going to house them?
 MR. WALENTOWICZ: I think the rent is
 25 going to be pretty substantial in terms of the
 rental amount. That's what most landlords require.

1 So, I don't think by state law we can say you can't
 2 be a Section 8 tenant. But, your plan does not
 require us to accept any low income tenants.
 THE CHAIRMAN: Section 8 subsidizes
 3 the rent.
 MR. WALENTOWICZ: Correct.
 THE CHAIRMAN: It is not a set aside I
 4 think is the question?
 MR. WALENTOWICZ: Correct.
 AUDIENCE MEMBER: So to follow up on
 6 this, even though the zoning changed, I am not sure
 if it was approved or not.
 THE CHAIRMAN: Okay. The Mayor and
 7 Council approved the redevelopment plan.
 AUDIENCE MEMBER: How is this
 8 affecting the houses around as far as the value
 9 goes?
 MR. CONTE: It is not for this board
 10 to make that determination, we can't.
 AUDIENCE MEMBER: There is no
 11 speculation?
 MR. CONTE: I am sorry?
 AUDIENCE MEMBER: There is no
 12 speculation on the changes of the properties
 13 around.
 MR. CONTE: Right. This board cannot
 14 make that determination.
 AUDIENCE MEMBER: Okay. Can you tell
 15 us when or where we can find out?
 MR. TISELLANO: A realtor.
 MR. CONTE: Yes, I think that's a good
 16 answer, a realtor. Not from this board, that might
 be something you have to inquire into. If your
 17 property values go up --
 AUDIENCE MEMBER: Well, nobody is mad
 18 about that.
 MAYOR COLLETTI: Can I make a
 19 suggestion? We have a tax assessor. He's there, I
 20 believe on Fridays. Call the clerk's office
 tomorrow and find out what days he's in, and he
 21 will gladly assist you in that question.
 AUDIENCE MEMBER: Okay.
 THE CHAIRMAN: You're talking about
 22 your property.
 AUDIENCE MEMBER: Well, obviously I am
 23 concerned about my property, but everybody on that
 24 block is in the same boat as us.
 THE CHAIRMAN: The more taxes that
 25 they pay for that property, less taxes you pay. Not
 to oversimplify it.

1 AUDIENCE MEMBER: Correct. You always
 2 worry for the worst, not the best.
 THE CHAIRMAN: Pardon me?
 AUDIENCE MEMBER: You always worry for
 3 the worst, not the best. That's my concern there
 and everyone else around there. If this building
 4 fit, it is common sense, nobody would be up in arms
 here. They don't need the lawyer for that. They
 5 just follow the paperwork. So the problem is that,
 the challenge here is that, it is not common sense
 6 for us that live there. If this building houses
 less people, and has less impact on the zone right
 7 here, then everybody would accept it. We are here
 to negotiate our space, right, we just can't say no
 8 to them, but we also want our needs to be heard.
 THE CHAIRMAN: Just one thing, and
 9 just correct me if I am wrong. The Mayor made a
 statement at the last meeting that you must
 10 remember, and everybody else should realize,
 something will be built there, whether it is
 11 something else or whatever.
 MAYOR COLLETTI: I want to compliment
 12 him on quoting me correctly. Thank you.
 AUDIENCE MEMBER: Obviously, like I
 13 said, if this building was less impactful from the
 zone, and the neighbors, including myself, we would
 14 not be up in arms. We're not saying, or at least
 I'm not saying, I'm not implying that they cannot
 15 do this, because that's not what I think is right.
 But, what I'm saying that, if it was more common
 16 sense, there's rules and guidelines, right? But
 common sense and rules sometimes are few and far
 17 between. That's all.
 THE CHAIRMAN: Okay. Thank you.
 18 Anyone else? Come on up, please. Actually, the
 woman behind you.
 JAMES GOLEMBISKI: James Golembiski.
 19 Mr. Chairman, I want to know how come my questions
 20 weren't answered.
 MR. CONTE: Did you ask your
 21 questions?
 MR. GOLEMBISKI: I asked who is going
 22 to monitor the Resolution?
 MR. CONTE: Can he come back and
 23 answer the question?
 THE CHAIRMAN: What do you want to
 24 ask?
 MR. GOLEMBISKI: I don't have to
 25 answer it, they should answer it.
 MR. CONTE: What was the question?

1 MR. GOLEMBISKI: The questions was,
 2 who is going to monitor it, the loft will not be
 used as a bedroom. I said, who is going to be
 3 monitoring that resolution, because I know the
 building department and the fire department cannot
 4 just go and knock on the door and see how many
 people are living in there. They have to get a
 5 complaint. Usually, if it is a house or this or
 that, the neighbor calls in and says they have an
 6 illegal basement apartment. That's how they catch
 them. Otherwise, they can't do anything about it.
 7 So, I want to know who is going to monitor that
 resolution, and who is the authority? Like I said,
 8 I'm just getting married, me and my wife moved in,
 two, three years down the road, we have two kids.
 9 Where are we going to put them? Hey, there's the
 loft.
 THE CHAIRMAN: I don't think the
 10 resolution that would be passed, can say that they
 can have X amount of people. I don't even know the
 11 legalities of something like that.
 MR. CONTE: They can't, they cannot
 12 limit. Let me answer the question, Mr. Golembiski.
 It is up to the appropriate agencies in the
 13 Borough. But it is usually based on a complaint.
 But, that's no different from any other development
 14 in the town.
 THE CHAIRMAN: Or any house.
 MR. CONTE: Or any house in the
 15 borough, that's true.
 THE CHAIRMAN: Okay.
 MR. GOLEMBISKI: So again, that is my
 17 thing. Now, you're going to have four, five kids,
 or two, three kids living in a one bedroom with a
 18 loft, and that is going to impact the schools.
 MR. CONTE: We have to presume that
 19 the governing body took that into consideration,
 when they passed this redevelopment plan. This
 20 board didn't. The Zoning Board of Adjustment didn't
 issue a use variance. This is a redevelopment plan,
 21 that permits a building of this type, at this
 height, with this number of parking spaces.
 MR. GOLEMBISKI: I agree. That's why
 23 in my last statement, hopefully the Mayor and
 Council relook at this redevelopment, not
 24 overdevelopment.
 MR. CONTE: Well taken, but a
 different board.
 MR. GOLEMBISKI: I know, I know.
 25 MR. CONTE: I think I answered on your

1 behalf, because the board is bound by the ordinance, the redevelopment plan, and the law. That's what we're bound by. I just want to make sure that the public understands that. The board, to a great extent, is handcuffed here, because the Board didn't make that zone. The board didn't establish that redevelopment area. The board didn't do that. The governing body did it.

2 MR. WALENTOWICZ: That's right. And that's why I think the governing body decision to do that, the fact that there is a redevelopment plan, preempts a lot of issues here.

3 But just to address that, obviously, the land owner, the property owner wants to make sure there is a certain level that's maintained here. He doesn't want it to be over-occupied, like nobody else does. And I am sure you have an ordinance that limits the amount of people per square foot in a particular unit. That allows him to give people a notice. I understand the question. But, the studies, the New Jersey studies have shown, when there is multifamily housing, whether it is a condo, or a rental, yes, there are children born, and most of those people before the children go to school, move out of those units into single family homes.

4 THE CHAIRMAN: These are all one bedrooms?

5 MR. WALENTOWICZ: One and two bedrooms, most are one, correct.

6 THE CHAIRMAN: 660 square feet.

7 MR. GOLEMBISKI: That study wasn't done in Elmwood Park, I guarantee it.

8 THE CHAIRMAN: Which one? What are you talking about?

9 MR. GOLEMBISKI: What he just said. There's a study that, you know, people who have kids, they move out by the time they have them. That study wasn't in Elmwood Park.

10 THE CHAIRMAN: Thank you. Come forward.

11 KAREN BAKER-KURYLLO: Karen Baker-Kuryllo, 29 Henry Street, being duly sworn by the notary, according to law, testifies as follows:

12 My question is actually to the planning board, because I'm sure everyone is familiar with the town. So my question is, with the exception of the new apartment buildings that are on the river, are there any other residential apartment buildings of this nature, four stories

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1 high, within this Borough?

2 THE CHAIRMAN: Planned or otherwise?

3 MS. KURYLLO: Right now, existing.

4 MAYOR COLLETTI: Repeat that one more time?

5 MS. KURYLLO: Are there any other residential buildings of this nature, and this size, four stories, within the Borough, with the exception of the new ones on River Road which we know about. Are there any others within the town itself, because I've drove around and I didn't see any.

6 THE CHAIRMAN: The only height-wise things are the office buildings.

7 MS. KURYLLO: And they aren't even that tall within the town, within a residential part of the town.

8 THE CHAIRMAN: Right.

9 MS. KURYLLO: And on the outskirts on the river, those apartments are beautiful. They are tall, they are nice. They are on the river. They are not impacting a residential neighborhood.

10 MAYOR COLLETTI: The problem here is that we are bordering a residential area, as opposed to a river or a commercial site. But, quoting my words from last meeting, something will be built here.

11 MS. KURYLLO: I have no problem. I think the building will be nice, if it was smaller. That's all. It is clear, I literally drove around the whole town looking. And there are no other neighborhoods impacted by something like this. And I know everyone likes to say that we are on Route 46, we are on a highway, but really, that building, that property, the park is a buffer. We're a neighborhood. We are a neighborhood. We are not on Route 46. We are a neighborhood. So, this building, four stories in a neighborhood, is just out of place, and it affects, especially those people that are on that side of the street. I'm not on that side of the street. It doesn't affect me that much as it affects them, but living in this town my entire life, in that neighborhood, I'm here voicing my concern for them, because it really, really affects them. And I would just hope that there could be some kind of compromise. I understand they tried by taking it down five feet. I know they are trying. I know Jan I've spoken to him. I know he is trying to do stuff to make this a little bit more workable for everybody. But, I don't think it

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1 is ever going to be workable at four stories. That's my opinion, and I believe that's the opinion of the neighbors here. So, maybe something else could be thought up, or talked about. That's all we ask. And we appreciate all of you sitting here and listening to us. I know it is a lot, and I know you guys do this all of the time, but the people here don't. And it is their neighborhood. And the fact that you're listening to all of us and taking it into consideration, is very important, and we do appreciate it. Thank you.

2 TH CHAIRMAN: Thank you. Carl.

3 MR. ROBERTS: I have a question, and this is to our borough attorney. Would it be allowed if we table this until the concerns from the residents were worked on, and also the concerns from the engineer that were not addressed at this present moment, but addressed for another meeting.

4 MR. TISELLANO: I agree with that.

5 MR. CONTE: Certainly can't do it based on the requirements of the engineer, because in the event the board were to act affirmatively, it would be subject to their approval anyway, which could take a month, it could take years, who knows.

6 As far as tabling it, we could table it. But, if the applicant doesn't consent, and it goes passed 45 days, they are going to get approval exactly the way they submitted the application, as is the end.

7 MR. ROBERTS: Okay. The reason I'm asking to table it, at our last meeting, we did have recommendations that they deemed it is not right on their end.

8 MR. CONTE: Yes.

9 MR. ROBERTS: And if they can somehow match what we recommended, then we can move forward with it. But right now, tabling it until they can help fix the concerns this board had at the last meeting that were not addressed tonight.

10 MR. CONTE: If the applicant consents to carrying the matter and wants to try to rework the plans, like they did last month, they can. But the problem the board has, that the redevelopment plan permits everything that they are asking, except for site plan, which they've addressed.

11 MAYOR COLLETTI: We lose our leverage.

12 MR. CONTE: Well, you know, this isn't the Board granting a use variance. This isn't the board coming up with a height requirement for this property. This is a board hearing that they

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1 agree to comply with all of the requirements that the governing body enacted, which is way different than most times that we have applications, but that's just the way it is. If they want to take a minute and talk and see if there's anything else, fine. But, they have no obligation to. The five foot reduction was something that they tried to do to accommodate the Board. I'm sure the public would be much happier if it was an entire floor. That is what everybody said. But, they don't have to do that.

2 MR. TISELLANO: I would suggest a recommendation where possibly they can keep it at four feet, and eliminate the --

3 MR. CONTE: Four stories.

4 MR. TISELLANO: Four stories.

5 Eliminate the parking on the first floor, make that apartments, but make more parking around the building, bringing the building further away from the houses, like 30 feet away from the houses which will eliminate the shadows. Or a taller building. Just because it has to be four stories, it doesn't have to be four stories that high, it could be like a tower four stories with parking around it, which will only give the residents some sun at some point.

6 THE CHAIRMAN: Okay. Anything else?

7 NO RESPONSE.

8 THE CHAIRMAN: At this time we are going to take a ten minute recess. It is 9:00 right now, and come back in ten minutes. And come back please, promptly.

9 RECESS 9:00 PM- 9:10 PM.

10 ROLL CALL BY MS. PARETTI:
(ALL MEMBERS PRESENT)

11 THE CHAIRMAN: Counsel.

12 MR. WALENTOWICZ: Mr. Chairman, during the break, Mr. Dom Pinolla came up to us. He lives nearby, and he asked if we would agree to plant trees on his property. He said, if you agree to do that, I'm fine with this, and we said yes. I just wanted to put that on the record, and it is P-I-N-N-O-L-A.

13 THE CHAIRMAN: Mr. Pinolla, the gentleman with the hat. Okay. And it is on the record. Anything else?

14 MR. WALENTOWICZ: Mr. Chairman, just very briefly. My client has been with this application for more than three years, that's why we don't really want to delay it any further. As

1 your counsel --
 2 years. THE CHAIRMAN: Not with us for three
 3 say with the application. MR. WALENTOWICZ: That's correct. Just
 4 THE CHAIRMAN: Okay.
 5 MR. WALENTOWICZ: But, as Mr. Conte
 6 has stated, I will repeat it just one more time.
 7 We do not have to show special reasons. The use
 8 here has been approved. The type of use, the
 9 dimension of the use, the outline, all of the
 10 factors in this application have been approved.
 11 It's basically preempted. Council rezoned it.
 12 Council did a development plan, the redevelopment
 13 had specifics. We are not exceeding any of those
 14 specifics. In fact, we are going in the other
 15 direction. We've actually modified what we're
 16 allowed to do here. We don't have to show any
 17 benefits or detriments. The positive and negative
 18 criteria are irrelevant because we are conforming
 19 to the redevelopment plan.
 20 There's been a lot of speculation
 21 about this, in terms of what's happened, what may
 22 happen, what could happen. There's been no expert
 23 testimony offered by anybody to back up that
 24 speculation. So the expert testimony is the
 25 redevelopment plan. That's the plan that was
 26 studied, that was done by a group that was hired,
 27 this is what they said should go here, and we're
 28 more than complying with that. So therefore, I'm
 29 asking for an approval, and I'll ask Mr. Conte to
 30 basically confirm what I just said.
 31 MAYOR COLLETTI: Let me interrupt you,
 32 sir.
 33 MR. WALENTOWICZ: Yes.
 34 MAYOR COLLETTI: Now, everything
 35 you're saying is 100 percent, spot on, in terms of
 36 the redevelopment, you're consistent with it. The
 37 only thing you're not consistent with is
 38 consistency with the people living in the
 39 neighborhood. Now, we, at the last meeting, had
 40 said take a floor off, and this would appear much
 41 better to the neighbors and to the board. Now, you
 42 come back with a five foot shrinkage, I don't know
 43 where you pick the five foot up, but that was not
 44 no consideration for what we had at that moment,
 45 but continue.
 46 MR. WALENTOWICZ: Mayor, I have
 47 nothing further. I think the fact that we've
 48 reduced it by ten percent, I think is significant.

1 I think the fact that we are willing to address
 2 other esthetics, put up other trees. As we said the
 3 fence, is not a see through fence, it is a solid
 4 fence.
 5 MAYOR COLLETTI: I don't think those
 6 are the issues. The issue is not the noise, even
 7 though it was brought out here tonight. It is not
 8 even the traffic because at one time when the
 9 Rustic Lodge was there, you had 100 cars in front
 10 of the lot anyhow. That's not the problem. The
 11 problem is where is the overflow of this project
 12 going? It is going to go onto the streets where
 13 these people live, and that's their concern. Just
 14 like you would be concerned if it was happening to
 15 you. I truly believe, if this was less density
 16 here, one floor less, that would be less cars in
 17 the area, I don't think we would be having this
 18 conversation right now.
 19 MR. WALENTOWICZ: We would be
 20 conforming if we had 83 spaces. We have 93 spaces.
 21 I think that more than addresses the parking.
 22 MR. TISELLANO: The issue is not just
 23 the height, the footprint of the building. You can
 24 put four stories, put the footprint smaller and you
 25 would have less of blocking shade for the
 26 neighborhood, and you would have less congestion.
 27 There's other ways you could make a four story
 28 building there, without upsetting some of the
 29 residents.
 30 MR. CASTELBUONO: I have a question
 31 for the architect. Is there anyway you can expand
 32 the footprint of the building? Because I see you
 33 have some area in the parking lot, on that left
 34 corner over there, in front across Route 46. Can
 35 you expand the building on top of those areas that
 36 are there right now?
 37 MR. MISTRY: Well, no. We looked at
 38 various variations for the building and to obtain a
 39 certain number of units here --
 40 MR. CASTELBUONO: -- no, no, no. You
 41 make the footprint bigger. Okay. The area by Route
 42 46, where it goes right there, on the corner, times
 43 two, it might give you the 58 or still give you
 44 whatever you cut from the floors.
 45 MR. MISTRY: Yeah. We did look at it.
 46 I mean, it is just like a weird angle here, trying
 47 to work this out and trying to get dead space in
 48 the middle, is not helping us at all.
 49 MR. CASTELBUONO: Extend the footprint
 50 and cut the height. That's my point.

1 MR. MISTRY: Again, we have tried to
 2 get a certain number of units, and tried to expand
 3 the footprint, it will just not work out.
 4 MR. CASTELBUONO: So you mean you are
 5 going to affect the logistical of the floors.
 6 MR. MISTRY: Yes. Each unit has to
 7 have windows and so forth. You can't just make a
 8 wide footprint. The people in the middle they don't
 9 have any windows. You just can't expand it, and get
 10 the same number of units like that.
 11 MR. CASTELBUONO: What about if you go
 12 all the way to the left?
 13 THE CHAIRMAN: Where that house is.
 14 MR. MISTRY: I mean there is not much
 15 space. You could see how narrow it gets here.
 16 There is not much space left, it starts to get very
 17 narrow. You could barely get a unit, a unit is half
 18 of this dimension. You'll get a hallway and you
 19 will pick up one or two units. I think, if you try
 20 to decrease the mass of it, it gets worse by trying
 21 to expand it.
 22 And I think, to the other gentleman's
 23 point that he is saying, why such a big footprint.
 24 I think that would make it worse if you try to
 25 increase the footprint.
 26 MR. CASTELBUONO: The problem is the
 27 height.
 28 MR. TISELLANO: I have a question. I
 29 see it is 45 feet now and there is still a facade
 30 above the 45 feet.
 31 MR. MISTRY: That's a parapet wall.
 32 MR. TISELLANO: How high is that?
 33 MR. MISTRY: Like two or three feet.
 34 MR. TISELLANO: So it is still about
 35 47 feet high.
 36 MR. MISTRY: The way the building is
 37 measured, from grade to the roof line.
 38 THE CHAIRMAN: I don't think that's
 39 included with the height. That's not considered
 40 part of the height.
 41 MR. WALENTOWICZ: Mr. Chairman, that
 42 could be eliminated.
 43 THE CHAIRMAN: Pardon me?
 44 MR. WALENTOWICZ: That could be
 45 eliminated.
 46 MR. TISELLANO: That facade can be
 47 eliminated. Still 45 feet, instead of 47, 48 feet.
 48 MR. WALENTOWICZ: We have no problem
 49 eliminating that.
 50 THE CHAIRMAN: Pardon me?

1 MR. WALENTOWICZ: That's not a problem
 2 eliminating that.
 3 THE CHAIRMAN: That's not
 4 accomplishing much. I mean, we're including that at
 5 45 feet. You would accept that? That would be
 6 acceptable to everyone?
 7 MR. TISELLANO: Yes.
 8 THE CHAIRMAN: So you are taking the
 9 parapet walls away, above the height of the
 10 building.
 11 MR. WALENTOWICZ: Yes, that would be
 12 acceptable to us. It is not enclosed space.
 13 THE CHAIRMAN: That would make it 45
 14 feet.
 15 MR. WALENTOWICZ: I'll offer to do
 16 whatever I can to appease the neighbors.
 17 THE CHAIRMAN: Yes Carl.
 18 MR. ROBERTS: Question. You said you
 19 have a common area. Is that all of the floors, or
 20 is it just one particular floor?
 21 MR. MISTRY: There is a common area on
 22 the second floor. We're calling it a fitness
 23 center. It is on the second floor, on the end.
 24 There is another sort of common area labeled as
 25 amenity right now, just those two spaces within the
 26 building. But, it would be accessible for all of
 27 the rest of them.
 28 THE CHAIRMAN: Mr. Beniamini.
 29 MR. BENIAMINI: Is it feasible for
 30 some roof parking? And also the other thing I don't
 31 understand, where did you get the 1.6 cars per
 32 unit, who came up with that?
 33 MR. MISTRY: That is written in the
 34 redevelopment plan.
 35 MR. CONTE: The governing body did.
 36 MR. BENIAMINI: How did they come up
 37 with it, do you know the specifics?
 38 MR. MISTRY: That I can't tell you, I
 39 don't know how they came up with it. I've done a
 40 lot of redevelopment work. Some people might have
 41 two cars, and some people might only have one, and
 42 some people might have zero cars. So, they look at
 43 studies, they look at averages, and they felt that
 44 1.6 is good ratio.
 45 MR. CONTE: On River Drive, the
 46 apartments, the parking space requirement 1.4 per
 47 unit. And so they got less parking. This has more.
 48 MR. BENIAMINI: In order to bring it
 49 down, can you consider roof parking and some
 50 underground parking?

41
 1 MR. MISTRY: Roof parking? No, I can't
 2 consider roof parking. You are saying roof parking
 3 on top? If you are saying parking on top, that
 4 would be very difficult to get vehicles to a roof
 5 level. It would be cost prohibitive for a project
 6 of this scale.
 7 MR. BENIAMINI: Then go under the
 8 ground, or drop a floor underground or if you don't
 9 want to drop a whole floor, drop a partial floor
 10 underground. I am having an issue with the height.
 11 I wouldn't want my house facing this building where
 12 I even turn around every morning, having this
 13 freaking wall in front of me.
 14 MR. MISTRY: The building is set back
 15 from our property line, and their houses. The
 16 distance from that rear property line.
 17 MS. SHERIDAN: And there's no way you
 18 could do underground parking there? That you don't
 19 think there can be underground parking? Or you
 20 just won't do underground parking?
 21 MR. MISTRY: Well, we have looked at
 22 it. It is just not a practical solution on this
 23 lot. It takes a lot of physical space to get a ramp
 24 up and to go down. Now, in addition, there is a
 25 floor here, we have an entry lobby that is at
 grade. If you sink that down, you have to sink
 everything down. Whether it is a half level, or a
 full level, how will people get in, how is the
 trash going to work.
 MS. SHERIDAN: It will be the same way
 that hospitals do it and the supermarkets do it. I
 mean, if they can do it, why can't you?
 MR. MISTRY: We are not a hospital or
 a supermarket. We're a residential building.
 MR. BENIAMINI: But that's for you to
 decide how to do it. You're the expert. You have
 engineers and stuff like that. There is a way that
 could be done.
 MR. MISTRY: It is just not for this
 building, in this location and in this spot, it is
 not a practical solution.
 MR. BENIAMINI: I suggest a motion.
 THE CHAIRMAN: Whatever you want to
 do.
 LENORE MADRACHIMOV: I have a comment.
 THE CHAIRMAN: Just this one question,
 there's been plenty of time, and hopefully it is
 not repetitive. Come up and give your name and
 hopefully it is not repetitive of what has already
 been mentioned.

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 1 MS. MADRACHIMOV: I have a couple of
 2 comments.
 3 THE CHAIRMAN: A comment or a
 4 question?
 5 MS. MADRACHIMOV: Well, a question and
 6 a comment. I understand they moved the EV parking
 7 outside the building, which is great, but maybe
 8 Eric can shed some light to everybody on this. What
 9 happens when an EV car, because there is one under
 10 the building, what happens if one of those EV cars
 11 --
 12 THE CHAIRMAN: Eric who?
 13 MR. CONTE: He is not here as a
 14 professional. He is here as a board member. We have
 15 our fire official.
 16 THE CHAIRMAN: He's right there.
 17 MS. MADRACHIMOV: Maybe he could shed
 18 some light what happens to an EV car when it
 19 catches fire? Now, the point being is there is one
 20 unit still under the building. Is there any
 21 protective stuff that goes over that, in case, God
 22 forbid, one of those cars catch on fire?
 23 MR. CONTE: Well, the approval is
 24 subject to the Fire official anyway.
 25 MS. MADRACHIMOV: Then the other
 thing, if they are supposed to have a 20 foot
 right-of-way, why are they only having 18 feet?
 Why aren't they made to have the 20 foot opening
 like they are supposed to. Why is there only 18
 feet? Somebody approved this at 18 feet when it is
 supposed to be 20.
 THE CHAIRMAN: He gave the reason. The
 wall existed. Okay.
 MS. MADRACHIMOV: And that's 18 feet.
 THE CHAIRMAN: So in order to not
 eliminate the wall, but to still have something
 where a fireman can walk on the side, it will allow
 a walkway one foot above. So he had the ability to
 waive it. So what they are going to do, they are
 going to drop it to about a one foot tall, and the
 fence will be beyond that. Two feet beyond that.
 MS. MADRACHIMOV: So that gives it
 the 20 feet.
 THE CHAIRMAN: The maximum width of
 any vehicle on the road in New Jersey, driving down
 the road, I believe is 102 inches -- no, 96 inches,
 it is only eight and a half feet wide. So that is
 even wider than that, they are carrying for fires
 for different things, fire engines.
 MS. MADRACHIMOV: Maybe the fire chief

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 1 can answer the question about a protective area
 2 over the EV unit, under the building, in case of a
 3 fire?
 4 MR. CONTE: Mr. Kochik.
 5 MS. MADRACHIMOV: Do you understand?
 6 MR. KOCHIK: You want to know exactly
 7 what happens if a vehicle catches fire?
 8 BOARD MEMBER: Any vehicle.
 9 MR. CONTE: Any vehicle?
 10 MR. MADRACHIMOV: What are they doing
 11 to protect that area from the building going up?
 12 MR. MISTRY: Basically, it is a
 13 concrete slab, three hour fire rated slab. It will
 14 protect against fire. In addition, there's a
 15 sprinkler's underneath.
 16 MR. KOCHIK: Correct. On top of that
 17 it has to be NFPA 13 sprinkler system, which is a
 18 fully sprinklered system in that building. Same
 19 thing with underneath. To be honest with you, maybe
 20 it's the first place in Elmwood Park that has it,
 21 but it is definitely not the first place in the
 22 State of New Jersey, or even Bergen County, that
 23 has either enclosed or underground EV chargers. It
 24 is common. It is around a lot and you'll see a lot
 25 more in the future. Does that answer your question?
 MS. MADRACHIMOV: Thank you.
 MR. CASTELBUONO: Every floor is a
 concrete slab?
 MR. MISTRY: No, the ground floor is
 concrete.
 MR. CASTELBUONO: Ground floor. So
 this is an open parking space, do you have
 sprinklers over there?
 MR. MISTRY: Yeah, a dry system, those
 in the garage the dry system.
 MR. CASTELBUONO: The dry system.
 Okay.
 THE CHAIRMAN: Okay. Does anyone want
 to make a motion?
 MR. TISELLANO: I would like to make a
 comment before anyone makes a motion. I've been on
 this board for a little over two years, and I'm all
 for new construction, I am all for redevelopment
 and all for more ratables for this town. But never
 have I seen this much outcry against something.
 That's one thing. They are concerned about parking
 in the neighborhood, concerned about shadows over
 their homes. These people will never be able to
 have the right to have solar panels, they won't get
 enough power without the sun.

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 1 THE CHAIRMAN: Wait, wait, wait. Are
 2 you testifying that you know about solar panels
 3 where they can put them up?
 4 MR. TISELLANO: Yeah, I know about
 5 solar panels.
 6 THE CHAIRMAN: And that would limit
 7 them?
 8 MR. TISELLANO: Because they are not
 9 getting enough direct sunlight. If you don't have
 10 enough --
 11 THE CHAIRMAN: I don't believe that's
 12 --
 13 MR. CONTE: There has been no
 14 testimony.
 15 MR. TISELLANO: That's my opinion. I
 16 can make an opinion.
 17 MR. CONTE: The board can hire an
 18 expert with respect to that, and they didn't.
 19 MR. TISELLANO: There is still a big
 20 concern about backup of the sewer supply. Also, at
 21 one point, they were concerned about people
 22 crossing the highway there. And I think that is
 23 still a concern. People will be running across the
 24 highway to grab the bus, instead of walking over to
 25 the end, to the next intersection. The other
 concern is traffic. I go by there four times a
 week at four o'clock, there's a lot of traffic. It
 is not going to get better with a building there.
 THE CHAIRMAN: Okay. Anybody want to
 make a motion?
 MR. CONTE: It will be a motion to
 approve, or a motion do deny. Someone can make a
 motion.
 MAYOR COLLETTI: Motion to deny.
 MR. BENIAMINI: Second.
 THE CHAIRMAN: Roll call.
 ROLL CALL BY MS. PARETTI:
 MR. TISELLANO: A yes vote is to deny.
 MR. CONTE: That's correct.
 MS. PARETTI: Mayor Colletti.
 MAYOR COLLETTI: No, is that the
 correct way in answering this?
 MR. CONTE: If you want the
 application denied, you are voting yes.
 MAYOR COLLETTI: Yes. Thank you.
 MS. PARETTI: Councilwoman Sheridan.
 COUNCILWOMAN SHERIDAN: Yes.
 MR. PARETTI: Mr. Beniamini.
 MR. BENIAMINI: Yes.
 MS. PARETTI: Mr. Castelbuono.

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MR. CASTELBUONO: Yes.
MS. PARETTI: Mr. Elder.
MR. ELDER: Yes.
MS. PARETTI: Mr. Mulligan.
MR. MULLIGAN: Yes.
MS. PARETTI: Mr. Tisellano.
MR. TISELLANO: Yes.
MS. PARETTI: Mr. Saimson.
MR. SAIMSON: Yes.
MS. PARETTI: Mr. Freitag.
MR. FREITAG: No.

MS. PARETTI: Application denied.
APPLICATION DENIED.

NO FURTHER BUSINESS BEFORE THE
PLANNING BOARD, THE MEETING ADJOURNED BY UNANIMOUS
VOTE @11:00 PM