

**BOROUGH OF PARK RIDGE
ZONING BOARD
DECEMBER 15, 2020
VIRTUAL REGULAR MEETING MINUTES**

The Public Meeting of the Zoning Board of the Borough of Park Ridge was held virtually on the above date.

Chairman Flaherty stated that the meeting was being held in accordance with the Open Public Meetings Act.

Chairman Flaherty asked everyone to stand and recite the Pledge of Allegiance.

Roll Call:

Chairman Jake Flaherty	Present
Vice Chairman Frank Pantaleo	Present
Mr. Steve Clifford	Present
Mr. Mike Curran	Present
Mrs. Jamie DeMartino	Present
Dr. Gregory Perez	Present
Mr. Jeff Rutowski	Present

Also Present:

Board Attorney - Mr. William Rupp	Present
Board Secretary -	

Ms. Tonya Tardibuono	Present
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Mr. Gregory Polyniak -	Present
Board Engineer	
Neglia Engineering	

Brian Intindola -	Present
Board Traffic Engineer	
Neglia Engineering	
9:14 P.M. Arrival	

Joseph Burgis -	Present
Board Planner	
Burgis Associates	

Approval of Minutes

The minutes of November 24, 2020 were approved on a motion from Mr. Pantaleo, seconded by Mr. Clifford, and carried by all members eligible to vote.

CONTINUED APPLICATION

#ZB 20-04

Landmark AR Park Ridge, LLC

1 Sony Drive

Block 301 / Lot 1

Preliminary and final major site plan approval

Use Variance

Various Ancillary variances

Attorney, Mr. Peter Wolfson, from the law firm of Day Pitney was present as the attorney for the applicant. The applicant is Landmark AR Park Ridge, LLC, formally Hornrock Properties.

Paul Phillips, the applicant's Planner from Phillips Price, was sworn in by Attorney Rupp to offer testimony.

Mr. Phillips fielded questions from the Board as well as the following members of the public.

David O'Sullivan – Knoxville, TN

Brian LaRose – 64 Clairmont Drive, Woodcliff Lake

Mr. Nick Verderse, the applicant's Traffic Engineer from Dynamic Traffic, was previously sworn in by Attorney Rupp to offer testimony.

Mr. Verderse fielded questions from the Board as well as the following members of the public.

David O'Sullivan – Knoxville, TN

Brett Skapinetz, the applicant's Engineer from Dynamic Engineering, was previously sworn in by Attorney Rupp to offer testimony.

Mr. Welch fielded questions from the Board as well as the following members of the public.

David O'Sullivan – Knoxville, TN

Brian LaRose – 64 Clairmont Drive, Woodcliff Lake

A Board discussion was had by all members pertaining to the application. Mr. Clifford was not in favor of the application, while all other members were in favor of this application.

The Board instructed Mr. Rupp to draft a resolution to be voted on at the next Zoning Board meeting.

A full transcript of the meeting, as prepared by Ms. Laura Carucci of Hudson Court Reporting is attached to these summary minutes.

Board Discussion

No Board discussion took place

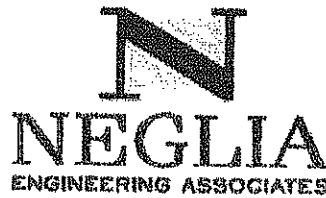
The meeting was adjourned on a motion from Mr. Pantaleo, seconded by Mr. Clifford, and carried by all.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Tonya Tardibuono", written in a cursive style.

Tonya Tardibuono

34 Park Avenue – PO Box 426
LYNDHURST, NEW JERSEY 07071
Tel: 201.939.8805 • Fax: 201.939.0846



200 Central Avenue – Suite 102
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Via: E-mail

April 12, 2019

Revised: November 13, 2020

Ms. Tonya Tardibuono
Zoning Board Secretary
53 Park Avenue
Park Ridge, NJ 07656

RE: Preliminary & Final Site Plan Review
1 Sony Drive
Block 301, Lot 1 (Borough of Park Ridge)
Block 3302, Lot 1 (Borough of Montvale)
Block 204, Lot 2 (Borough of Woodcliff Lake)
Borough of Park Ridge, Bergen County, New Jersey
NEA No.: PKRDSPL19.014

Dear Ms. Tardibuono:

As requested, Neglia Engineering Associates ("NEA") has reviewed the below noted documents in reference to the above referenced project:

Current Submission Documents:

- Memo from the Borough of Park Ridge Zoning Board, prepared by Tonya Tardibuono, Zoning Board Secretary, dated November 13, 2019 regarding updated submission;
- Response letter from Brett Skapinetz, P.E. and Steve Schwartz, P.E. of Dynamic Engineering Consultants, P.C., dated November 8, 2019;
- NJDEP Letter of Interpretation from the NJ Department of Environmental Protection dated November 5, 2015 and subsequent corrections dated May 17, 2018 and June 25, 2018 with associated map plan, prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering;
- Various filed maps regarding on-site easements;
- Signed and Sealed "Stormwater Management Summary", prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering Consultants, P.C., dated July 2018 with latest revision date of November 2019;
- Signed and Sealed "Traffic Impact Study", prepared by Nick Verderese, P.E. and Justin P. Taylor, P.E., P.T.O.E. of Dynamic Engineering Consultants, P.C., dated July 10, 2018 with latest revision date of November 1, 2019;
- Signed and Sealed "Preliminary and Final Site Plan for Hornrock Properties MPR, LLC Proposed Residential Development" consisting of twenty-eight (28) sheets, prepared by Brett W. Skapinetz, P.E., of Dynamic Engineering Consultants, P.C., dated July 10, 2018 with latest revision number 8, dated November 8, 2019;
- Cover letter, prepared by Peter J. Wolfson, Attorney at Law, of Day Pitney, LLP, dated October 26, 2020;
- Signed and Sealed Engineering Plan set consisting of four (4) sheet entitled "Landmark AR Park Ridge, LLC, Building & Pavement Removal Plan, Block 301, Lot 1, Tax Map #3, One Sony Drive, Borough of Park Ridge, Bergen County, New Jersey" prepared by Brett W. Skapinetz, P.E., of Dynamic Engineering Consultants, P.C., dated October 16, 2020, with no revisions; and
- Wetland Delineation Exhibit prepared by Brett W. Skapinetz, P.E., of Dynamic Engineering Consultants, P.C., dated April 10, 2018 and last revised May 16, 2018.



Previous Submission Documents:

- Cover letter to the Park Ridge Planning Board, prepared by Peter J. Wolfson, Esq. of Day Pitney, LLP, dated August 1, 2018;
- Memo from the Borough of Park Ridge Zoning Board, prepared by Tonya Tardibuono, Zoning Board Secretary, dated March 8, 2019 regarding updated submission;
- Cover letter to the Park Ridge Planning Board, prepared by Nicole M. Magdziak, Esq. of Day Pitney, LLP, dated March 7, 2019;
- Completed Park Ridge Site Plan Application with Application Addendum and Ownership Disclosure Statement, prepared by Nicole Magdziak of Day Pitney, LLP, dated August 1, 2018;
- Completed Park Ridge Land Use Office Application of Appeal to the Zoning Board of Adjustment, prepared by Nicole Magdziak of Day Pitney, LLP, dated September 21, 2018;
- Completed Park Ridge Subdivision and Site Plan Review Checklist, undated;
- Letter to Park Ridge Tax Collector requesting certification of taxes paid, prepared by Nicole Magdziak of Day Pitney, LLP, dated July 31, 2018;
- Certified copy of Park Ridge 200' property owners list, prepared by Robert Campora, Borough of Park Ridge Tax Assessor, dated July 10, 2018;
- Certified copy of Woodcliff Lake 200' property owners list, prepared by Robert Campora, Borough of Woodcliff Lake Tax Assessor, dated July 17, 2018;
- Certified copy of Montvale 200' property owners list, prepared by R. Lorraine Hutter, Borough of Montvale Land Use Administrator dated July 11, 2018;
- Cover Letter to Bergen County Planning Board, prepared by Brett W. Skapinetz, P.E., P.P. and Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering Consultants, P.C., dated July 10, 2018;
- *Signed and Sealed "Stormwater Management Summary", prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering Consultants, P.C., dated July 2018 with latest revision date of March 2019; See revised document above;*
- *Signed and Sealed "Stormwater Management Facilities Operation and Maintenance Manual", prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering Consultants, P.C., dated July 2018 with latest revision date of March 2019;*
- *Signed and Sealed "Traffic Impact Study", prepared by Nick Verderese, P.E. and Justin P. Taylor, P.E., P.T.O.E. of Dynamic Engineering Consultants, P.C., dated July 10, 2018 with latest revision date of October 22, 2018; See revised document above;*
- Signed and Sealed "Park Ridge Site Improvement Plans" consisting of one (1) sheet, prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering Consultants, P.C., dated July 30, 2018 with latest revision date of March 6, 2019;
- *Signed and Sealed "Preliminary Site Plan for Hornrock Properties MPR, LLC" consisting of twenty-three (23) sheets, prepared by Brett W. Skapinetz, P.E., of Dynamic Engineering Consultants, P.C., dated July 10, 2018 with latest revision date of June 19, 2019; See revised document above;*
- Signed and Sealed "ALTA/NSPS Land Title Survey Tax Lot 1, Block 301, Tax Lot 1, Block 3302, Tax Lot 2, Block 204, Boroughs of Park Ridge, Montvale, Woodcliff Lake, Bergen County New Jersey" consisting of four (4) sheets, prepared by James J. Heiser, P.L.S. of DPK Consulting, dated June 26, 2018 with no revisions; and



- Copy of "Utility Exhibit Tax Lot 1, Block 301, Tax Lot 1, Block 3302, Tax Lot 2, Block 204, Boroughs of Park Ridge, Montvale, Woodcliff Lake, Bergen County, New Jersey" prepared by James J. Heiser, P.L.S. of DPK Consulting, dated June 26, 2018 with latest revision of July 30, 2018.

1. General Information

The subject property consists of 37.2 acres within the Boroughs of Park Ridge, Montvale and Woodcliff Lake. Specifically, 29.85 acres in Park Ridge, 7.05 acres in Montvale and 0.3 acres in Woodcliff Lake. The subject property is commonly known as 1 Sony Drive and is identified in the respective municipalities as Block 301, Lot 1 in the Borough of Park Ridge, Block 3302, Lot 1 in the Borough of Montvale and Block 204, Lot 2 in the Borough of Woodcliff Lake. The property is currently occupied by the building formerly occupied by Sony and associated driveways, parking areas, landscape areas and stormwater management features. The site is accessed via Sony Drive, to the north of the property. The subject property is bounded on the west by the Garden State Parkway, to the north by Lifetime Fitness (in Montvale) and Brae Boulevard and the Marriott Hotel beyond (in Park Ridge), to the east by the Sartak Holdings and former Hertz multi-story office buildings (in Park Ridge) and to the south by several single family homes (in Woodcliff Lake). The site is situated in the ORL Office Research Laboratory Zone as indicated on current zoning maps of the Borough of Park Ridge. It is noted that the Borough of Park Ridge ordinance only permits one principal use on each lot in the ORL zone whereas; the Applicant is proposing a second use on the overall property. Given that the property is bisected by the municipal boundary between the Borough of Montvale and the Borough of Park Ridge, we defer to the review of Board Planner and Board Attorney on the applicability of this requirement for the parcel.

The Applicant is seeking approval to modify the layout of the parking lot for the former Sony Building within the Park Ridge portion of the parcel to permit driveways, parking areas and landscape areas associated with a proposed multi-family residential building that consists of a 185-unit four (4) story building over podium parking within the Montvale portion of the parcel. Other improvements within the Montvale portion of the parcel include parking areas, driveways, stormwater management facilities, landscaping and lighting. The Applicant has obtained approval for the multi-family residential building from the Borough of Montvale Planning Board.

The original approval for the development of the Sony building was granted by the Borough of Park Ridge Planning Board on September 15, 1980. A subsequent application for the addition of twenty (20) visitor spaces and a truck turn-around area was approved by the Borough of Park Ridge Planning Board for the truck-turn around area only as indicated in a resolution dated April 24, 1985.

The Applicant has submitted a revised Site Plan with significant revisions from the original submissions including a revised building, parking and drainage system layout. Furthermore, the Applicant has revised the plans so that the proposed improvements will be contained within the Montvale portion of the tract with exception of modifications to the existing parking lot within the Park Ridge portion of the tract required to permit the improvements within the Montvale portion of the tract.

The Applicant has submitted a revised Site Plan illustrating that the existing on-site building, parking lots, curb, landscaping, etc. will be razed to the subbase material.



Source: Google Earth imagery. Accessed March 2018. Note: Lot and boundary lines are approximate.

2. Variances/Waivers

- a. Neglia Engineering Associates defers to the Board Planner with respect to variances, waivers, and other elements specifically requiring planning review as it relates to the Borough of Park Ridge Ordinances.

3. Parking and Loading Requirements

- a. This section is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures.

4. Engineering Comments

Engineering Comments:

- a. We request that copies of all information submitted to the Borough of Montvale as well as copies of the Borough of Montvale Planning Board's professionals' reports be provided to the Borough of Park Ridge, so that the impacts of the development and potential changes that are requested can be considered in this review. NEA reserves the right to provide additional comments as they relate to the development impacts in the Borough of Park Ridge. **This comment remains applicable.**
- b. Sheet 1 of the "Park Ridge Site Improvements Plans" prepared by Brett W. Skapinetz, P.E. of Dynamic Engineering, dated July 10, 2018 with latest revision date of March 6, 2019 with latest revision date of November 8, 2019, indicates the required and proposed parking count as 648-598 600 based on "462,000

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149,500 150,000 square feet net floor area" for the building, however, the existing building is indicated as 225,000 square feet. Notes on the plans indicate "Portions of the existing office building to be restricted to non-usable areas. Restricted floor areas to total ~~63,000-75,500~~ 75,000 sf of existing 225,000 sf building." The Applicant shall provide testimony on how the Applicant proposes to restrict the ~~63,000-75,500~~ 75,000 sf portion of the building to be "non-usable". **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures. No further action required.**

- c. The Applicant appears to be constructing improvements within two (2) existing drainage easements along the northern site boundary. Copies of the easement language shall be provided confirming the nature of the easement and the developer's rights to install improvements within same. Additionally, the Applicant should provide testimony regarding such, and the potential impact on the performance and/or perpetual inspection and maintenance of drainage features within this easement. **Copies of the filed maps delineating the easements have been provided. The Applicant shall provide testimony addressing measures to be taken to protect existing drainage infrastructure within on-site easements during the demolition process.**
- d. The submitted information indicates the presence of a single relatively small isolated wetland area near the property boundary between the three (3) Boroughs in the southwest corner of the parcel. However, based on publicly available data provided by the New Jersey Department of Environmental Protection, there appears to be a significantly larger, State-mapped wetlands area on the site, within the limit of disturbance, than that which is currently indicated on the plans. Additionally, the submitted ALTA/NSPS survey labels an "isolated man-made ditch" along the boundary between the Lifetime Fitness and the former Sony parcel, but does not indicate an NJDEP Letter of Interpretation number for same. Copies of a current valid NJDEP Letter of Interpretation shall be provided to our office confirming the absence or presence of all wetlands on the site and within one hundred (150) feet of same. If wetlands or their transition areas are present within the project limits that are to be disturbed, NJDEP permits will be required for same, copies of which shall be provided to our office. Additionally, the Applicant shall provide testimony regarding the discrepancy between the submitted mapping and the State mapping. The Applicant has provided a copy of the NJDEP Letter of Interpretation and two (2) subsequent corrections to the letter that are associated with the site. However, the accompanying map has not been provided. The map is indicated as prepared by Martin F. Tirella, P.L.S. of Partner Engineering and Science, Inc. titled "Wetland Delineation Plan One Sony Drive Block 301 - Lot 1 Block 3302 - Lot 1 & Block 204 - Lot 2, Situated in Boroughs of Park Ridge, Montvale and Woodcliff Lake, Bergen County, New Jersey" and dated February 24, 2015, with no revisions. A copy of this map shall be provided. **This comment has been addressed. No further action is required.**
- e. The Applicant shall revise the plans to depict the appropriate required number of ADA accessible parking spaces for the former Sony building, including appropriate signage, striping and ADA accessibility routes that meet current PROWAG standards. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- f. The submitted ALTA/NSPS Land Title Survey indicates the presence of a shed, large planters to protect the shed and several stockpiles situated within the southwesterly parking area. Pursuant to a site visit, it appears the shed houses road salt and the stockpiles consist of mulch. The Applicant shall provide testimony as to the purpose of same, whether appropriate permits have been obtained for same and whether these items will remain in use. The Applicant has indicated in their response letter and made revisions to the plans indicating that the previously indicated shed, large planters and several stockpiles have been removed from the site. **This comment has been addressed. No further action required**
- g. There are several areas of asphalt and/or curbs around the parking lot as well as concrete bumper blocks around shade tree islands that are missing or in severe disrepair. The Applicant shall revise the plans to indicate these areas to be reconstructed or reinstalled. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- h. The Applicant is proposing to construct a retaining wall approximately two (2) feet west of the identified transition area for the wetlands in the southwest portion of the site. The Applicant shall indicate the proposed

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type of construction for this wall and shall provide a detail for same. Any disturbance within the transition area will require a permit from the NJDEP. The Applicant proposes to raze existing on-site, at-grade buildings and structures in close proximity to wetlands and wetland transition areas. The Applicant shall provide testimony addressing the impacts to these sensitive areas as it relates to the demolition activities on-site and any associated NJDEP Land Use permitting.

- i. Any damage incurred to surrounding public or private property due to construction activity shall be repaired by the Applicant. The Applicant has acknowledged this comment in their response letter. This comment has been addressed. **No further action required.**
- j. The Applicant shall ensure that all disturbed work areas are stabilized. The Applicant shall topsoil, seed, hay, and straw mulch to ensure lawn growth, where appropriate. This comment has been addressed. **No further action required.**
- k. The Applicant shall comply with comments from the Borough Water, Sewer and Electric Department, Fire Official, Fire Department and Police Department. The Applicant shall provide letters of approval from each agency. This comment remains applicable.
- l. The concrete walkway situated in an east-west orientation that leads from the former Sony building west into the parking lot shall be extended to meet the proposed curb within the modified parking area. This comment has been addressed. **No further action required.**
- m. Pursuant to N.J.S.A. 40:55D-35 Building lot to abut street. "No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure." Should the Borough of Park Ridge approve this application, this requirement of the Municipal Land Use Law will not be met. The Applicant shall provide testimony regarding same. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- n. It does not appear that the Applicant is proposing new pavement surfaces for Sony Drive or any portions of the driveway within the former Sony parking lot. The existing condition of the asphalt within Sony Drive and the driveway within the former Sony parking lot is in poor condition that will likely be exacerbated by construction vehicles. The Applicant shall revise the plans to indicate the portions of Sony Drive within the Borough of Park Ridge as well as the portions of the driveway within the former Sony parking lot that lead to the proposed development will be resurfaced with new asphalt. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- o. The Applicant proposes to stockpile Asphalt Millings on-site. We recommend that this material be disposed of, off-site in accordance with applicable standards.
- p. The Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements. The Applicant shall provide testimony addressing on-site soil stability with the removal of the perimeter curb and other improvements that would have collected stormwater runoff. The Applicant is responsible for any on-site and off-site erosion due to on-site demolition activities.

Grading and Drainage Comments:

- a. The development of this parcel and all of the structures thereupon shall meet the requirements of the Americans with Disabilities Act, the New Jersey Barrier Free Code, and their implementing regulations. The Applicant shall provide testimony regarding compliance with same. This comment remains applicable, as required.
- b. The prior approvals associated with the Sony Headquarters required the installation of landscaped berms along the southerly property line to create a visual buffer between the parking areas for the Sony Headquarters and for the single-family residential dwellings to the south. The southerly portion of the parking lot proposed for the multi-family building is proposed to raise the grades approximately two and a half (2.5) feet above existing elevations. We recommend the grading of the southerly parking area be lowered to be installed at or near the



existing elevations to reduce the visual impact of the proposed parking lot. A revision of this nature would also potentially eliminate the need for the retaining wall proposed in the southerly parking lot. Additionally, a note shall be added to the plans indicating that the berms shall not be disturbed. The Applicant has revised the grading of the proposed parking lot to more closely match the existing elevations. A note indicating no disturbance of the existing berms has been provided on the plans. This comment has been addressed. **No further action required.**

- c. The Applicant has prepared Existing and Proposed Drainage Area Maps which do not completely encompass the delineated drainage area. The Applicant shall revise the plans to accurately depict the entire contributory drainage area on the maps. This comment has been addressed. **No further action required.**
- d. The Applicant has provided watershed maps that identify drainage areas (DA-1 and DA-2) differently under existing and proposed conditions. The Applicant shall revise the plans and calculations accordingly to rectify this discrepancy. This comment has been addressed. **No further action required.**
- e. The Applicant proposes to construct a large, above-ground detention basin west of the proposed building. The Applicant proposes to construct the required emergency overflow spillway for this basin, such that it would directly discharge concentrated stormwater onto Block 3302, Lot 2. The Applicant shall provide documentation from the property owner of Block 3302, Lot 2, acknowledging such. Alternatively, the Applicant shall revise the plans and calculations accordingly to relocate the spillway such that it would not have the potential to adversely impact property not owned by the Owner/Applicant.

The Applicant has revised the design of the basin so the location is on the north side of the proposed building. As a result of the change, the location of the emergency overflow spillway for this basin has been revised such that it will directly discharge concentrated stormwater into the man-made rip-rap swale within the Park Ridge portion of the parcel.

The Applicant is now proposing a "Cascading Stormwater Discharge Area" for the emergency spillway. The toe of the cascade area incorporates a local low point that will hold back overflow runoff. The Applicant shall provide calculations verifying drawdown of water in this area within 72 hours to avoid anaerobic conditions, odor and both water quality and mosquito breeding issues. This comment has been addressed via the Applicant's comment response. **No further action required.**

- f. The Applicant indicates in the Stormwater Management Summary that PR-DA2 is not being provided with water quality treatment. In accordance with NJAC 7:8-5.5(d), If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average. Additionally, the Applicant indicates that the existing wet pond east of the proposed development site was previously designed to provide water quality treatment, and will continue to provide the required 80% TSS removal rate. The Applicant shall provide documentation that the existing wet pond meets current NJDEP water quality design standards, and documentation that the existing wet pond is being maintained and operated as designed, accounting for the increase in stormwater runoff volume. The Applicant has revised the design of the proposed stormwater management system; however, the revised design still indicates an area, now identified as PR-DA1, that is not being provided with water quality treatment. **This comment remains applicable.**
- g. The Applicant indicates in the submitted Stormwater Management Report that the hydrograph calculation time interval utilized is five (5) minutes. However, with a time of concentration calculated to be approximately twenty-two (22) minutes, the hydrograph data does not represent the conditions at the actual time of concentration (i.e. calculations are performed at time = 0, 5, 10, 15, 20, and 25 minutes, and so on; and are not calculated at time = 22 minutes). As such, the Applicant shall revise the calculations to incorporate a calculation time interval which accurately calculates the peak flow rate at the actual time of concentration. This comment has been addressed. **No further action required.**
- h. The Applicant has modeled the proposed detention basin with a 24-inch HDPE discharge pipe sloped at 1.5%, whereas the submitted plans indicate this pipe will be sloped at 1.0%. The Applicant shall revise the plans and

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calculations accordingly to rectify this discrepancy. This comment has been addressed. **No further action required.**

- i. The Applicant shall revise the Stormwater Basin Detail to indicate that the sand filter cross-section is to be constructed throughout the entire basin. This comment has been addressed. **No further action is required.**
- j. The Applicant shall revise the Sand Filter System Detail to coincide with the side slopes (walls) proposed on the plans. This comment has been addressed. **No further action is required.**
- k. The Applicant shall revise the plans to indicate that post-construction testing of the sand filter system must be performed on the as-built sand filter, in accordance with the *Construction and Post-Construction Oversight and Permeability Testing*, in Appendix E (Soil Testing Criteria), set forth in the NJDEP Best Management Practices ("BMP") manual. This comment has been addressed via notation on the plans. **No further action required.**
- l. The Applicant proposes to utilize the proposed sand filter/basin as a temporary sediment basin during construction. The excavation for the sand filter bottom should only occur after all construction within its drainage area is completed and the drainage area is stabilized. If construction of the sand filter cannot be delayed, berms should be placed around the perimeter of the sand filter during all phases of construction, diverting all flows away from the filter. The berms should not be removed until all construction within the drainage area is completed and the area is stabilized. Once the excavation is completed, the floor of the sand filter must be deeply tilled with a rotary tiller or disc harrow and smoothed over with a leveling drag, or equivalent grading equipment. Once both the sand filter and its drainage area are stabilized, the infiltration rate of the sand bed must be retested to ensure that the as-built permeability rate is the same as design permeability rate. This comment has been addressed via notation on the plans. **No further action required.**
- m. In accordance with the NJDEP BMP manual and per NJAC 7:8-5.4(a)2.iv, for any infiltration BMP, a groundwater mounding analysis shall be performed to determine the impacts of the infiltrated groundwater on the water table and surrounding areas. This analysis shall account for the immediate adjacency of the proposed building, as well as the slope to the Garden State Parkway, and any other potentially impacted areas. The Applicant has revised the design of the proposed stormwater management system. However, our office has not received a copy of the stormwater management report or a groundwater mounding analysis for same. The Applicant shall provide the aforementioned information that confirms compliance with NJDEP requirements. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- n. The Applicant proposes a forebay within the proposed sand filter which does not appear to impound stormwater. Presently, the forebay appears to be just a riprap area at the inlet, whereas it shall be designed to temporarily store stormwater. The Applicant shall revise the plans to clearly indicate the means of impoundment of the required volume of water within the forebay. Additionally, the storage volume of the forebay shall not be included in the required storage volume for the sand filter. This comment has been addressed. **No further action required.**
- o. The Applicant shall revise the conveyance calculations to incorporate existing flow rates which are to be maintained, including, but not limited to, upstream of proposed Storm Manhole-106 240. Additionally, the Applicant shall revise the conveyance calculations to include the surface drainage area of Inlet-100. Finally, the Applicant shall revise the calculations to incorporate hydraulic junction losses, as applicable. **This comment has been partially addressed. The Applicant has revised the Stormwater Management Calculations to include the existing flow rates upstream of Storm Manhole 240. However, existing upstream flow rates from the existing structure at the terminus of the 48-inch RCP along the northern property line shall also be provided.**
- p. The Applicant shall revise the plans to include a pipe label for the 24-inch pipe between Inlet-306 and Inlet-305. The Applicant has revised the drainage system. This comment is no longer applicable. **No further action is required.**

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- q. The Applicant has indicated in the Stormwater Management Summary that the proposed basin will reach a maximum 100-year storm water surface elevation of 348.36. However, Inlet-303 has a grate elevation of 347.56, which will result in stormwater surcharging from this inlet. Additionally, most of the drainage structures downstream of the basin have a rim or grate elevation below both the 100-year water surface elevation, and even the bottom of the basin. The Applicant shall provide revised conveyance calculations that include hydraulic grade line elevations to demonstrate that no surcharging will occur throughout the site. The Applicant has revised the design of the proposed stormwater management system; however, our office has not received a copy of the stormwater management report for same. The Applicant shall provide design calculations addressing the aforementioned items. The Applicant has provided a copy of the Stormwater Management Report as requested. This comment has been addressed. **No further action required**
- r. The site improvements have been in existence for 30-40 years. Accordingly, we recommend the Applicant be required to provide inspection video and reports of all on-site drainage systems into which the Applicant proposes a connection or the reuse of, and downstream from same, to confirm the condition and adequacy of same for the proposed conveyance of stormwater runoff flows from the site. **This recommendation remains applicable.**
- s. There are several inlets throughout the site that have adjacent areas of sinkholes which are indicative of breaks in the pipe or structures. There are also several inlets that appeared to have settled over time or have areas of asphalt adjacent to same that are lower than the inlet heads causing ponding water. The Applicant shall revise the plans to indicate corrective action for all areas requiring same. **This comment remains applicable.**
- t. Storm Manhole #106 is proposed to be constructed immediately adjacent to a proposed retaining wall. The location of the manhole shall be revised such that the construction of the manhole will not interfere with the construction or performance of the retaining wall or its foundation. The Applicant has revised the drainage system. This comment is no longer applicable. **No further action is required.**
- u. All existing inlet heads throughout the site shall be replaced with N-eco curb pieces in accordance with current NJPDES requirements. Notation indicating the same shall be included within the site plan. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- v. The Applicant is proposing to tie-in the final downstream 24-inch HDPE pipe to an existing drainage structure near the property line between the Lifetime Fitness and the subject parcel. A detailed design of the existing structure and the proposed modification to same shall be provided to confirm that the existing structure is large enough and of adequate structural condition to accommodate the penetration for the new pipe. The Applicant has revised the final downstream pipe to be 36-inch HDPE. The remainder of this comment remains applicable and shall be addressed. **The Applicant has indicated via their comment response letter that this comment is not applicable to the Park Ridge application. Copies of approvals from the Borough of Montvale Planning Board and the Engineer's report for same shall be provided.**
- w. The Applicant is responsible for any negative drainage impacts to adjacent properties due to on-site grading or drainage. Should a negative impact be identified during and/or upon completion of the project, the impact shall be addressed immediately. A note shall be provided on the plan stating the same. **This comment has been addressed. No further action is required.**
- x. Should there be an import or export of soil for the site, the Applicant shall submit a Soil Movement Application to the Borough Engineer in accordance with Borough Ordinance and obtain the required approvals prior to commencing construction. **This comment remains applicable, as required.**
- y. The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Borough of Park Ridge and NEA prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area. The Site Plan Set shall be revised to include notation indicating the same. **This comment remains applicable and shall be addressed prior to import of any material.**

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- z. Pursuant to §84A-9 Stormwater Management: Maintenance and repair, and in accordance with current NJPDES standards, the Applicant shall provide a copy of or prepare a maintenance plan for the existing stormwater management measures. If a maintenance plan exists for the stormwater management measures, copies of records of prior maintenance for the system shall be provided. **This comment remains applicable.**
- aa. The Existing Steep Slopes (Sheet 24) and Proposed Steep Slopes (Sheet 25) shall be revised to indicate the steep slopes within the area northwest of the intersection of Sony Drive and the entrance drive aisle. Additional analysis of compliance with the steep slope ordinance will be performed upon receipt of same. This comment has been addressed. **No further action required.**
- bb. Pursuant to §101-66A. Development in steep slope areas, the maximum allowable disturbed area within Slope Category 1 (15% but less than 20% grade) is 50%. The Applicant is proposing 100% disturbance of a Category 1 Slope in the area of the emergency access drive. The Applicant has correctly identified that the disturbance in the Category 1 area, as a fraction of the subject parcel, does not require a variance. This comment has been addressed. **No further action is required.**
- cc. **The construction note for the drainage structure between Storm Str. #238 and #240 is partially covered by the Legend box and shall be relocated.**
- dd. **The Stormwater Management Report and plans shall be revised for consistency regarding pipe size for the section of pipe between Storm Str. #239 and #240. The report indicates this section of pipe as an 18-inch diameter pipe. However, the plans indicate the 15-inch CMP pipe to remain.**

Utilities

- a. The Applicant shall obtain confirmation from the water purveyor that the water system has capacity to support the proposed development in conjunction with the existing Sony building. **This comment remains applicable. The Applicant has indicated in their comment response letter that the proposed development is serviced by a separate water purveyor than that for the existing building. However, since that the proposed water main for the development conveys through the Borough of Park Ridge, it is pertinent to confirm capacity. Therefore, the Applicant confirm the same.**
- b. The Applicant is proposing to install water and sewer utility improvements within Block 304, Lot 1 within the Borough of Park Ridge. The Applicant shall obtain an easement from the Borough of Park Ridge for same. Mayor and Council approval will be required for same. **This comment remains applicable.**
- c. The Applicant is proposing domestic and fire service via parallel 6" and 8" mains. The mains are proposed to connect to a hot box situated within the Borough of Montvale which will be supplied via a proposed 12" water main that is proposed to traverse via the following path: through the subject parcel, Block 304, Lot 1 (owned by the Borough of Park Ridge), within the Sony Drive Right-of-Way and ultimately tying into the water system within the Borough of Montvale. The Applicant shall provide testimony regarding ownership and maintenance responsibility for the portion of the 12" water main within Block 304, Lot 1 and the Sony Drive Right-of-Way. **This comment remains applicable. The Applicant has indicated testimony regarding this comment will be provided.**
- d. The aforementioned path of utilities through Block 304, Lot 1 passes through a six (6) to seven (7) foot bermed area and will require the removal of several mature trees. We recommend the Applicant relocate the proposed path to avoid deep excavations, disturbance to established vegetated areas and removal of existing mature trees. **This comment remains applicable. The Applicant has indicated testimony regarding this comment will be provided.**
- e. The Applicant shall provide testimony as to ownership and the responsibility maintenance for the sewer lines that are proposed within Block 304, Lot 1 and the portion of the utilities that are proposed within the Sony Drive Right-of-Way. **This comment remains applicable. The Applicant has indicated testimony regarding this comment will be provided.**

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- f. Depending on the Applicant's response as to the entity responsible for ownership and maintenance of the utilities, some form of agreement and easements may be necessary since ownership and maintenance of the utilities may be by entities outside of the Borough of Park Ridge. The Applicant has indicated in their response letter acknowledgement regarding this comment. **No further action is required.**

Traffic Circulation

- a. Based on a review of the submitted Traffic Impact Report, it is evident that the proposed residential development will have an impact on the roadways of the surrounding communities, including, but not limited to Park Ridge. The Applicant has prepared the traffic impact and parking analyses under the scenario that the Sony corporate building will remain entirely unoccupied in perpetuity. However, in light of the fact that future expansion of the site, or reuse (adaptive or otherwise) of the existing building is possible, the Applicant should revise their traffic analyses to calculate the impacts from the subject site if both the proposed residential development and the existing Sony development are utilized concurrently. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements. However, the Traffic Impact Report shall be revised to reflect the most recent site plan and development potential yield within Park Ridge, based upon current zoning for the property.**
- b. We would recommend that the applicant include a scenario with the future re-occupation of the Sony Building as an office use (corporate office) in the context of parking demand and vehicle trip generation. The Applicant has provided a scenario of the Sony Building as an office use (corporate office). However, the Applicant does not include the future re-occupation of the full 225,000 SF Sony Building. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements. However, the Traffic Impact Report shall be revised to reflect the most recent site plan and development potential yield within Park Ridge, based upon current zoning for the property.**
- c. We recommend that a Saturday traffic analysis be included to account for the interaction of the residential use and recent retail projects in the area. This comment has been addressed. **No further action required.**
- d. Based on the vehicle trip generation projection to account for the re-occupation of the Sony Building the following vehicle trips should be included or accounted for:

CO DE	LAND USE DESCRI PTION	MEAS URE (X)	AM PEAK HOUR *	PM PEAK HOUR *	WEEKDAY DAILY TRIPS *	WEEKE ND PEAK HOUR *	WEEKE ND DAILY TRIPS *
710	General Office Building	SQ. FEET	$EXP(0.88*LN(X/1000))+1.06$	$1.10*(X/1000)+65.39$	$EXP(0.97*LN(X/1000))+2.50$	$0.53*(X/1000)$	$2.21*(X/1000)$
		225,000	332	307	2581	133	498

This comment remains applicable. The Applicant does not consider the future re-occupation of the full 225,000 SF Sony Building. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements. However, the Traffic Impact Report shall be revised to reflect the most recent site plan and development potential yield within Park Ridge, based upon current zoning for the property.**

- e. Based on the above, we believe that the future build scenario has not been fully vetted and will be revisited upon submission of the requested topline information. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements. However, the Traffic Impact Report shall be revised to reflect the most recent site plan and development potential yield within Park Ridge, based upon current zoning for the property.**

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- f. The submitted parking analysis indicates that 648-598 600 parking spaces are required for 162,000-149,500 150,000 square foot of the 225,000 square foot former Sony building noting that "Portions of the existing office building to be restricted to non-usable areas. Restricted floor areas to total of 63,000 75,500 75,000 sf of existing 225,000 sf building." Rendering portions of the existing office to be "non-usable" areas does not warrant the reduction of the square footage used to analyze the required parking count since the portions of the building upon which the calculations are based are not proposed to be removed. Since the total building square footage will remain 225,000, the analysis for parking shall be based on same resulting in a required parking count of 900 spaces based on 1 space per 250 square feet. This results in a variance for parking for the former Sony building. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- g. As mentioned above, the Applicant indicates the proposed parking count for the Sony parcel is 648 spaces, however, twenty-six (26) of the 648 spaces are located within the parking areas that are only accessible via the driveway that leads to the multi-family development. Should the useable area of the building restriction noted above be acceptable to the Board, the Applicant shall revise the plans so that these spaces are accessible from the driveways associated with the former Sony parking areas and contiguous with the existing parking spaces that are to remain for the Sony portion of the site. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- h. The Applicant has revised the site plan layout to propose 598 600 parking spaces for the former Sony portion of the site with no parking spaces for the former Sony Building proposed within the parking lots for the proposed development. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- i. The Applicant is proposing to modify the existing parking area in the southwesterly corner of the former Sony parking lot so that a single ingress/egress access point will be provided for 183 parking spaces. Further, the modification will create a dead end aisle for the most westerly drive aisle that contains thirty-three (33) parking spaces. The Applicant shall revise the plans to provide an additional access point for the 183 parking space area as well as eliminating the dead end or providing an appropriate turn-around area for the thirty-three (33) parking spaces.
- The Applicant has modified the site plan layout to address the dead end aisle for the previously proposed thirty-three (33) parking spaces. However, the portion of the comment regarding an additional access point has not been addressed. We note the Applicant is proposing an emergency access driveway along the west side of the former Sony parking area, but it appears this is intended for emergency services vehicles only at this time. NEA recommends the removal of a portion of the grassed island and construction of an additional driveway between the two former Sony parking lots.
- This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- j. As previously mentioned, the submitted ALTA/NSPS Land Title Survey indicates the presence of a salt shed, large concrete planters and several stockpiles situated within the southwesterly parking area. Within the Park Ridge portion of the site, the shed and stockpiles consume eleven (11) parking spaces. We recommend same be removed to increase the parking count for the former Sony portion of the site. This comment has been addressed. **No further action required.**
- k. The Vehicle Circulation plans, sheets 22 and 23 of the Dynamic Engineering site plans indicate that ingress movements for all truck sizes (refuse trucks, single unit trucks and a Montvale ladder truck) must cross over into oncoming traffic as they maneuver from a southbound direction on Sony Drive to a westbound direction into the driveway for the multi-family building and again when maneuvering from a westbound direction to a southbound direction at the first bend in the driveway to the multi-family building. The Applicant shall revise the plans to eliminate this condition. Additionally, vehicle circulation movements for Park Ridge fire apparatus as well as moving trucks shall also be provided on the vehicle circulation plans. The plans shall also be revised

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to show vehicle circulation throughout the site, in the event emergency services vehicles need to gain access to the southerly portions of the parking lot. Finally, testimony shall be provided on the frequency of access for vehicles of each size.

The Applicant has revised the internal driveway to eliminate internal cross over issues, however, the first turn into the site still exhibits the issue of vehicles needing to cross over the centerline to maneuver into and out of the site.

Further, the Applicant shall also provide vehicle circulation through the emergency access driveway. The Applicant has not provided modeling of Park Ridge emergency services vehicles. The Applicant shall provide modeling for same or confirm that the Montvale ladder truck is larger than the largest piece of Park Ridge equipment. We defer to the review of the Park Ridge Fire Department for further comment regarding same. The vehicle overhang for the Montvale Ladder Truck is still depicted as crossing over the centerline within the Borough of Park Ridge. The Applicant shall provide testimony regarding same. All other comments have been addressed.

- l. There are several traffic regulation signs on the site that are missing, do not conform to MUTCD's standard mounting height, or have signs attached to them which are not in compliance with MUTCD standards. All signs shall be repaired and or replaced. The Applicant shall provide a note within the plans indicating all existing signs will be repaired or replaced. This comment has been addressed via notation on the plans. **No further action required.**
- m. The Applicant shall revise the plans to indicate restriping of the parking lot and drive aisles for the portions of striping that are faded. This comment has been addressed via notation on the plans. **No further action required.**
- n. Stop bars and signs shall be provided at the crosswalk in the main drive aisle west of the former Sony building. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- o. We defer to the Board on the recommendation for the Applicant to enter into a Title 39 agreement for enforcement of traffic regulations on the portions of the site located within the Borough of Park Ridge by the Borough of Park Ridge Police Department if one does not already exist. **This comment remains applicable.**
- p. The Applicant is proposing two (2) signs within the Montvale portion of the parcel. One sign is proposed along the Garden State Parkway and a second sign is proposed to be installed on the north side of the access driveway to the proposed development, approximately one hundred sixty (160) feet west of the entrance to the former Sony parcel. It appears this sign will be too far from the entrance to the former Sony parcel to be identified by vehicular traffic on Sony Drive. The Applicant shall consider relocating or adding an additional sign closer to the entrance to the former Sony parcel. **This comment remains applicable. The Applicant has indicated testimony regarding this comment will be provided.**
- q. As previously mentioned, the Applicant proposes a 185-unit Multi-Family apartment. Upon completion of the Multi-Family apartment, the existing former Sony Building office of 225,000 sf will remain of which the 150,000 sf could be re-occupied. The Applicant shall include the full 225,000 square foot of the Sony Building in the build scenario. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements. However, the Traffic Impact Report shall be revised to reflect the most recent site plan and development potential yield within Park Ridge, based upon current zoning for the property.**
- r. The Applicant shall revise Highway Capacity Software (HCS) analysis with the traffic volumes reported on Figure 11 for consistency. **This comment remains applicable.**

Landscaping

- a. As per Section §101-61C(5) Interior Parking Areas Plantings, "Each landscape end island shall include a minimum of two shade trees and three shrubs." The portions of the two (2) end islands within the Borough of Park Ridge do not meet this requirement. The Applicant shall revise the plans to comply with same. The

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Applicant has revised the plans so no portions of proposed end caps are situated within the Borough of Park Ridge. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**

- b. Pursuant to a site inspection, it appears there are several trees within the parking areas to remain that are dead, dying or have been removed. The Applicant shall perform an analysis of the condition of the existing trees on site and revise the plans to provide a schedule of replacement plants for same. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- c. Clear-cutting of trees is defined in the Borough Ordinance as "the removal in any calendar year of more than four trees or 25% of the trees on any lot in the Borough". Trees are defined as "any living woody perennial plant with a trunk having a diameter of at least eight inches when measured at a point that is four feet six inches above the level of the existing grade, or, for a multiple-trunked tree, with the trunk with the largest diameter that, when multiplied by 1.5, is at least eight inches". The Applicant is proposing development within a wooded section west of the existing parking lot as well as removal of several other trees for the proposed development within the Borough of Park Ridge. The Applicant shall provide a tree survey identifying all trees, as defined above, that are proposed to be removed. An application must be submitted to and approved by the Zoning Officer for removal of same. **This comment remains applicable.**
- d. As per Section §101-61B(1) Perimeter Plantings. Parking areas with more than 30 spaces shall provide at least one shade tree within the perimeter of the parking area for every 15 parking spaces whereas the Applicant does not propose shade trees around the portions of the modified parking areas. The Applicant shall revise the plans for compliance or a variance will be required for deviation from same. The Applicant has provided in their comment response a calculation for the existing tree count along the perimeter of the parking area in question. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- e. As per Section §101-63C(2)(b) Where nonresidential uses abut residential uses or zones in the ORL Zone, a one-hundred-foot buffer is required. Whereas, the Applicant does not provide the appropriate buffer. The Applicant shall revise the plans for compliance or a variance will be required for deviation from same. The Applicant has indicated in their comment response letter and via notation on the plans the request for a variance for this proposed condition. **No further action required.**

Lighting

- a. The Applicant shall revise the lighting analysis on Sheet 14 of the plans to include an analysis of the portion of the parking lot impacted by the proposed improvement within the Borough of Park Ridge. The note indicating "Exist. lighting to remain in this area not modeled and/or included in lighting analysis" shall be removed. The analysis shall be provided to confirm that the combination of existing and proposed light levels will provide light levels that meet the minimum, average and uniformity ratio requirements for parking areas, pedestrian areas and access driveways in the Borough of Park Ridge as identified in the Borough Ordinance. **This comment is no longer applicable since the Applicant proposes to raze existing on-site, at-grade buildings and structures and does not propose any additional improvements.**
- b. The Applicant shall confirm that the maximum apex angle of the cone of illumination is 150° for all proposed lights. The Applicant has indicated in their comment response letter compliance with this comment. This comment has been addressed. **No further action required.**
- c. **The Applicant shall provide testimony addressing site safety within the proposed Park Ridge portion of the site, upon completion of demolition activities.**

Final Comments

- a. It is the Applicant's responsibility to determine what, if any, permits are required from outside agencies and internal municipal agencies and departments in order to construct the proposed development. These agencies

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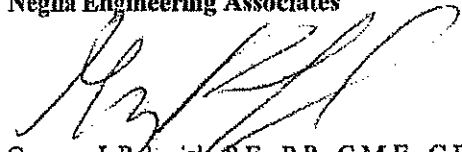
include, but are not limited to Bergen County Planning/Engineering, Bergen County Soil Conservation District, municipal fire / police departments, Park Ridge Water, Park Ridge Electric, BCUA, NJDOT and NJDEP. **This comment remains applicable.**

- b. New and revised materials shall be filed with the Township and shall not be sent directly to the Board's professionals. The Township will forward the application and related materials to the Board's professionals when they are finished with their review. Materials submitted directly to NEA will not be reviewed. **This comment remains applicable, as required.**
- c. Revised reports, plans and exhibits that are to be considered at the hearing should be submitted ten days prior to any future scheduled hearing(s). **This comment remains applicable, as required.**
- d. The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available. **This comment remains applicable, as required.**
- e. NEA recommends that a response letter be submitted that addresses each of the comments noted above. **This comment remains applicable for future submissions.**

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,

Neglia Engineering Associates



Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M.
For the Board Engineer
Borough of Park Ridge

Cc: William Rupp, Esq., Board Attorney *via email*
Joseph H. Burgis, P.P., A.I.C.P., Board Planner *via email*
Landmark AR Park Ridge, LLC, Applicant *via regular mail*, 1 Sony Drive, Suite 3A, Park Ridge, NJ 07656
Peter Wolfson, Esq., Applicant's Attorney *via email*
Brett Skapinetz, P.E., Applicant's Engineer *via email*

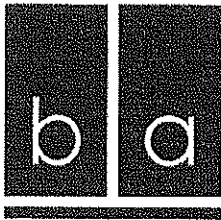
Tonya Tardibuono

From: [REDACTED]
Sent: Tuesday, November 10, 2020 8:49 PM
To: Tonya Tardibuono
Subject: Sony drive

Good morning

I reviewed the demolition plans for 1 Sony drive. The fire department does not have any issues with the plans as submitted.

Chief Lepore



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA

B U R G I S
ASSOCIATES, INC.

MEMORANDUM

To: Park Ridge Zoning Board of Adjustment
From: Joseph Burgis, PP, AICP
Subject: Landmark, LLC
Amended Preliminary and Final Major Site Plan, Use and Bulk Variance Application
Block 301 Lot 1 (Park Ridge)
Block 3302 Lot 1 (Montvale)
Block 204 Lot 2 (Woodcliff Lake)
1 Sony Drive
Date: November 12, 2020
BA#: 3431.08

Introduction

The applicant, Landmark AR Park Ridge, LLC, successor to Hornrock Properties MPR, LLC, has submitted revised plans for preliminary and final major site plan approval including 'c' and 'd' variance relief to develop site improvements at the above referenced lot. The revised plans reflect the Borough of Montvale's approval of their portion of the former Sony tract for multi-family development, various site improvements on the Park Ridge portion of the former Sony tract including circulation and related improvements to accommodate access through Park Ridge on to Sony Drive, and plans to demolish the Sony office building .

We have previously prepared a number of memos on this matter. Our planning review memorandum dated April 10, 2019 provides a complete overview of the development proposal and required variance relief. Memos dated October 11 and November 15, 2019 addressed subsequent modifications to the plan and identified additional variance relief that was needed.

A November 8, 2019 transmittal letter from Dynamic Engineering previously detailed changes made to an updated Site Plan, with the following documents accompanying that letter:

1. Preliminary and Final Site Plan document, first dated July 30, 2018, revised November 8, 2019.
2. Stormwater Management Summary, first dated July 2018, revised November 2019.
3. Traffic Impact Study, first dated July 10, 2018, revised November 1, 2019.
4. Filed Map #7981, dated September 16, 1981.
5. NJDEP Wetlands Letter of Interpretation dated November 5, 2015.

More recently, this office has received the following:

1. A cover letter from Peter Wolfson Esq dated October 26, 2020, with attachments including:
 - a. Application Addendum;
 - b. NJ EDP Freshwater Wetlands LOI Verification, dated November 5, 2015;
 - c. NJ EDP Freshwater Wetlands LOI Verification – Correction, dated May 17, 2018;
 - d. NJ EDP Freshwater Wetlands LOI Verification – Correction, dated June 25, 2018;
 - e. Wetlands Delineation Exhibit by Dynamic Engineering.
2. Plans from Dynamic Engineering, dated October 16, 2020, including:
 - a. Demolition Plan and General Notes;
 - b. Grading, Drainage, and Utility Demolition Plan;
 - c. Soil Erosion and Sediment Control Plan;
 - d. Soil Erosion and Sediment Control Plan and Notes.
3. Traffic Impact Study by Dynamic Traffic, revise November 1, 2019.

Review Comments

The following is offered for the board's consideration:

1. See our previous memos for a description of the property.
2. The submission seeks to modify the proposed activity in Park Ridge by limiting it to driveways to accommodate access to the 185 unit multi-family development to be constructed in the Montvale portion of the former Sony tract.
3. Other than driveway access, it appears that all other improvements on-site in Park Ridge are to be removed. However, there are no plans provided that would indicate how the site will be restored after removal of all of the asphalt and concrete that is on-site. The applicant should address this issue.
4. It is notable that the way the plans are drawn, it appears this results in a number of dead-end parking aisles serving the Montvale portion of the development, with some parking spaces apparently only partially removed.

Further, due to the angle at which the town line bisects the parking lot, many parking spaces in Montvale will clearly need to utilize a portion of the Park Ridge lot for back-up space and circulation, but this is not reflected in the drawings. This must be addressed by the applicant, as it appears this condition will necessitate improvements in Park Ridge to correct these features.

5. The applicant should identify the timing of the demolition, and removal of on-site debris. Issues pertaining to the route of travel for the removal of all material should also be detailed, along with the anticipated number of truck movements.
6. The application continues to require a 'd-1' use variance to permit the proposed access driveway use of the property to serve the adjoining multi-family development in Montvale. While the applicant correctly notes a use variance is required because 'multi-family residential use is not permitted in Park Ridge's ORL Zone", neither is the use of the property as proposed since there is no principle permitted use being proposed for the property.
7. The applicant's zoning table reflects the proposed removal of the Sony building and parking lot, as all yard and coverage factors are shown to be zero, as noted in the accompanying table.

Zoning Indice	ORL Requirement	Existing	Proposed
Min. Lot Area (ac)	10	30	30
Min. Lot Width (ft)	300	1,198	1,198
Min. Lot Frontage (ft)	225	1,352	1,352
Min. Lot Depth (ft)	400	769	769
Min. Front Yd (ft)	100	301	NA
Min. Rear Yd (ft)	100	357	NA
Min. Side Yard (ft)	60	387	NA
Max. Bldg Ht (ft)	40	58.2	NA
Max. Bldg Coverage (%)	20	6	NA
Max. Imprev Coverage(%)	65	29	0.6

In addition to the 'd-1' use variance noted above required of this application, the following additional 'c' variance relief is necessary:

- a. The applicant proposes a zero foot separation between driveways on an adjoining lot where a minimum of 10 feet is required (S.101-23);
- b. The applicant proposes a zero foot separation between parking to the property line where 5 feet is required (S.101-23);

- c. The applicant proposes a zero foot buffer where 100 feet is required for a buffer to adjoining residential development (S.101-63C(2)).
8. Statutory Criteria for Variance Relief. An applicant requesting a "d" variance must demonstrate that special reasons exist for the granting of the variance, and that the granting of such variance will further the purposes of the MLUL (positive criteria). In addition, the applicant must prove that there will be no substantial detriment to the public good and no substantial impairment to the intent of the Master Plan.

The applicant is also seeking variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

- a. Physical Features Test: An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
 - b. Public Benefits Test: An applicant may be granted c(2) variance relief where it can be proved that: 1) the granting of the variance will advance the intent and purpose of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. It is notable that the benefits that may be perceived to accrue from the relief are public benefits rather than a benefit that simply accrues to the property owner.
9. The following comments are from our previous memo on this matter. It is suggested that the applicant address these in testimony, and at a minimum may indicate where certain comments may no longer be applicable:
- a. In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.
 - b. The parking areas on the site have been slightly reconfigured. The multifamily and Sony office parking lots are shown with a number of inter-connections. The applicant should comment on how the office lot in Park Ridge would not be used as an 'overflow' parking area for the adjoining multi-family building.

- c. The number of parking spaces dedicated for use by the Sony building will be 600 according to the latest site plan, an increase of 2 spaces from what was previously proposed (a notation on the site plan sheet incorrectly indicates 598 parking spaces).

According to §101-62B of the Borough's zoning ordinance, a total of 900 spaces, (1 space/225,000 sq ft of gross floor area = 900 spaces) is required. As noted in our previous memo, the site plan table on the plans incorrectly calculates the parking requirement based on a net floor area of 149,500 square feet (General Note #5).

Also noted on the plan is that approximately 75,000 square feet, or a third of the 225,000 square foot building will be restricted as "non-usable areas". However, as noted above, the Borough's parking requirement for 'offices, other than medical or dental' is based on total floor area, not net floor area. Furthermore, the applicant has not provided any floor plans indicating the third of the building area that will be restricted or indicated any mechanism as to how such a requirement could be enforced by the Borough. In addition, we question the extent to which the applicant has the authority to restrict the office occupant's use of the building and/or whether the occupant has agreed to such a stipulation. To date, our office has not received any such agreement.

According to the November 8th correspondence from Dynamic Engineering, further testimony will be provided to address this issue.

Variance relief is required for the parking shortfall.

- d. The impervious coverage on the Park Ridge portion of the site has been increased from the previously proposed 21.4% to 28.7%. This is still well below the zoning ordinance, which permits a maximum impervious coverage of 65% in the ORL Zone. The applicant should identify the areas where the increased impervious coverage occurred, since there isn't any noticeable change in the site's impervious coverage.
- e. Pertaining to the location of parking spaces, as noted in our previous report, §101-62B states the following:

The approving authority shall approve the location of all proposed parking spaces on the site and shall take into consideration the size and topography of the site, visibility from the site to the adjoining street as well as within the parking area, conditions of safety relating to the movement of people and vehicles and the elimination of nuisance factors, including glare, noise, dust and other similar considerations. Off-street parking shall not

be located in a required front yard. No off-street parking area shall be located closer than five feet from any side or rear lot line. These conditions shall apply to all surface and above-grade parking facilities....

Portions of the Sony parking area are proposed to be 3.8 feet from the lot line and municipal boundary shared with the Montvale portion of the site to be developed with multifamily housing, and thus the applicant shall require variance relief.

- f. The applicant indicates the lot is an existing non-compliance feature with the parking area requirement set forth in §101-23, which states that "No driveway shall be located nearer than five feet to any property line measured from the closest edge of the driveway to the property line."
- g. The applicant indicates they comply with the parking area landscape requirement set forth in §101-61 that states: "Parking areas with more than 30 spaces shall provide at least one shade tree within the perimeter of the parking area for every 15 parking spaces."

According to the revised plans, 59 existing trees will remain, thus exceeding the required 40 trees which are mandated for this site.

- h. The application requires variance relief from the parking area landscape requirement set forth in §101-61, which states that "Parking areas with at least five spaces shall be screened from the street with landscaping, including, at a minimum, one evergreen plant for every five spaces in the parking area."

The applicant notes the plan has "existing screening to street is primarily deciduous." This does not address the requirement. Testimony shall be required on this issue.

- i. The applicant has requested variance relief for buffer requirement set forth in §101-63C(2), which provides that "Buffer widths shall be sufficient to accommodate the ultimate growth of any plantings in the buffer, but in any case no less than 10 feet in width."

The proposed buffer according to the Site Plan the buffer will be 3.8 feet in width, and thus will be non-compliant.

- j. The applicant has requested variance relief for buffer requirement set forth in §101-63C(2), which provides that "Where nonresidential uses abut residential uses or zones in the ...ORL Zone, a one-hundred-foot buffer is required".

The proposed buffer is shown to be 3.8 feet.

- k. The applicant does not comply with the buffer requirement set forth in §101-63C(2), which states "At a minimum, the buffer shall include eight shrubs for every 10 linear feet of buffer, one

ornamental tree for every 30 linear feet of buffer, supplemented by ground cover and perennial plantings.”

This is critical in light of the changing nature of adjoining lot in Montvale to a residential use..

- l. The applicant has requested variance relief for buffer requirement set forth in §101-63C(2) regarding “Trees and shrubs used in a buffer shall be spaced to accommodate normal plant growth without overcrowding and to provide a complete visual screen within three years of planting. If necessary to achieve the above intent, double or triple staggered rows of plantings shall be provided”.
- M. The applicant had previously requested variance relief by proposing to disturb 100% of Category 1 (15% to <20%) slopes, variance relief is required should disturbance exceed 50% of Category 1 in accordance with §101-66A. This is not referenced in current plan.
- n. The applicant has confirmed that no additional signage is proposed.
- o. The applicant shall provide details of the development’s anticipated schedule, phasing, staging, deliveries, etc. the access through the Borough. This shall include the extent to which any parking located on the Park Ridge portion of the site will be used for storage, staging or construction vehicles during the development of the multifamily building and site improvements in Montvale.

JHB

Tonya Tardibuono

From: Joseph Madden [REDACTED]
Sent: Tuesday, November 10, 2020 8:40 AM
To: Tonya Tardibuono
Subject: Re: Landmark Review

Tonya,
I reviewed the demo plans and the only recommendation I have is to request that the trucks leaving the site with any debris proceed on the most direct route to the salvage yard or other destination, avoiding as many residential areas as possible. Based on the ongoing construction on Mercedes Dr. in Montvale, it would be good if they could use Sony Dr., Van Riper Lane and Mercedes Dr. to access Grand Ave. to Route 17 as the most direct route. We would also want to make sure all hazardous material is removed and processed properly. Any questions please contact me.

Chief Joe Madden

On Mon, Nov 9, 2020 at 8:56 AM Tonya Tardibuono <ttardibuono@parkridgeboro.com> wrote:

Good Morning,

All reviews for the updated Landmark (Hornrock) application are due on or before this Friday, November 13, 2020. Please let me know asap if you will not have the reviews submitted to me on time. As of now the applicant will be listed on the November 24, 2020 Zoning Board agenda.

Regards,

Tonya Tardibuono

Zoning Officer

Planning & Zoning Boards Secretary

Board of Health Secretary

Borough of Park Ridge

53 Park Avenue

Park Ridge, NJ 07656

201-391-5673

Tonya Tardibuono

From: Bill Beattie
Sent: Friday, November 13, 2020 4:06 PM
To: Tonya Tardibuono
Cc: Paul Longo; Christopher O'Leary; Julie Falkenstern
Subject: Comments on Landmark (Hornrock) application

Tonya:

Paul Longo (Electric Supervisors), Chris O'Leary (Water Supervisor) and I have reviewed the plans for the demolition and site work at 1 Sony Drive.

Our comments are as follows:

- The contractor must coordinate with the Park Ridge Electric and Water Department for the disconnection of the Electric, Water and Sewer Utilities. They can contact me for this coordination.
- The electric and water utilities will not be disconnected until the Borough Fire Official give us the OK to have the services disconnected.
- With respect to the Electric Service, the large facility transformer is located under the walkway by the loading dock. The contractor shall be responsible for removing that transformer from that location and loading it onto a Borough designated transport vehicle prior to the demolition of the building.
- The contractor shall also be responsible for removing the water meter and providing that to the Water Department before demolition.
- The contractor must set up an account with the Park Ridge Water Department for a Hydrant Meter to be used for any water utilized in the demolition/construction process.
- To prevent the potential contamination of the groundwater supply, the contractor must certify that there are no hazardous chemicals (e.g. diesel fuel, etc.) located on the site prior to the demolition.
- There is an existing water main that runs through the property from Brae Boulevard to Wyndemere Drive in Woodcliff Lake. This water main is part of our distribution system and must remain and not be disturbed in the easement.

I would assume that the Borough Engineer will provide any comments related to protecting the stormwater system.

If you have any questions about this, please feel free to contact me.

Bill Beattie
Director of Operations
Borough of Park Ridge
53 Park Ave
Park Ridge, NJ 07656
bbeattie@parkridgboro.com
Office: 201-391-2129

BOROUGH OF PARK RIDGE
ZONING BOARD OF ADJUSTMENT
TUESDAY, DECEMBER 15, 2020
COMMENCING AT 8:00 P.M.

IN THE MATTER OF: :
CASE # 13-01 : TRANSCRIPT OF
LANDMARK AR PARK RIDGE, LLC : PROCEEDINGS
BLOCK 304, LOT 1, ZONE ORL .

B E F O R E:

BOROUGH OF PARK RIDGE ZONING BOARD
THERE BEING PRESENT:

JAKE FLAHERTY, CHAIRMAN

FRANK PANTALEO, VICE CHAIRMAN

MIKE CURRAN, MEMBER

GARY INGALA, MEMBER (ABSENT)

JEFF RUTOWSKI, MEMBER

WILLIAM WALKER, MEMBER (ABSENT)

GREGORY PEREZ, MEMBER

STEVEN CLIFFORD, MEMBER

JAMIE DeMARTINO, MEMBER

HUDSON COURT REPORTING & VIDEO 1-800-310-1769

1 ALSO PRESENT:
2 TONYA TARDIBUONO, BOARD RECORDING SECRETARY
3 GREGORY POLYNIAC, P.E., ENGINEER
4 BRIAN INTINDOLA, P.E., TRAFFIC ENGINEER
5
6

A P P E A R A N C E S:

7
8 WILLIAM F. RUPP, ESQ.
505 Main Street
9 Hackensack, New Jersey 07601
Counsel for the Zoning Board

10
11 PETER WOLFSON, ESQUIRE
DAY PITNEY, LLP
12 One Jefferson Road
Parsippany, New Jersey 07054
13 Pwolfson@daypitney.com
Counsel for the Applicant
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E X H I B I T S

NO. DESCRIPTION IDENT/EVID.
(No Exhibits Marked.)

1 CHAIRMAN FLAHERTY: So we're going to
2 roll right into our application, No. 20-04, Landmark
3 AR Park Ridge, LLC, 1 Sony Drive, Block 301, Lot 1;
4 preliminary and final major site plan approval, use
5 variance and various ancillary variances.
6 Would the applicant please say hello?
7 Mr. Wolfson?
8 MR. WOLFSON: Thank you, Mr. Chairman.
9 Good evening.
10 CHAIRMAN FLAHERTY: Thank you.
11 Good evening.
12 MR. WOLFSON: Peter Wolfson,
13 Mr. Chairman, Board Members, Board Professionals,
14 Peter Wolfson and Dave Pitney here for the
15 continuation of this public hearing from the
16 November 24th meeting.
17 And before we get into it, I'd like to
18 wish everybody a happy and healthy holiday season and
19 2021.
20 As the Chairman indicated, this is the
21 continuation of the site plan and associated variance
22 hearing that we started on the 24th of November.
23 Tonight I will be presenting our expert professional
24 planner, Paul Phillips, to speak to the variance
25 relief that's associated with this application.

1 With that, I would like to call Paul
 2 Phillips.
 3 MR. RUPP: Okay. Mr. Phillips, would
 4 you please raise your right hand.
 5 Do you swear or affirm that the
 6 testimony you're about to give before this board is
 7 the truth, the whole truth and nothing but the truth?
 8 MR. PHILLIPS: I do.
 9 PAUL PHILLIPS, P.P.,
 10 33-41 Newark Street, Hoboken, New Jersey, having
 11 been duly sworn, testifies as follows:
 12 MR. RUPP: Please state your name for
 13 the record, spell your last name and give your
 14 address.
 15 MR. PHILLIPS: The name is Paul
 16 Phillips.
 17 That's spelled P-H-I-L-L-I-P-S.
 18 I am with the firm of Phillips Preiss.
 19 Business address is 33-41 Newark Street, Hoboken, New
 20 Jersey.
 21 DIRECT EXAMINATION
 22 BY MR. WOLFSON:
 23 Q. Good evening, Paul.
 24 Could you share with the board and the
 25 public the benefit of your educational and

1 professional background and qualifications?
 2 A. Yes.
 3 So I am a principal in the firm that I
 4 just cited.
 5 I have been in practice as a planner in
 6 New Jersey for approximately 40 years.
 7 I am a licensed professional planner
 8 here in the state. (Audio Distortion.) I am a
 9 member of the American State of Certified Planners.
 10 I do hold a college (Audio Distortion).
 11 My firm advises numerous municipalities and boards in
 12 New Jersey on planning, redevelopment and affordable
 13 housing matters.
 14 I have been accepted as a expert in my
 15 field in roughly 250 municipalities in the state and
 16 on dozens of occasions in the Superior Court of New
 17 Jersey.
 18 MR. WOLFSON: Mr. Chairman, we would
 19 ask that Paul be accepted as an expert in the area of
 20 planning.
 21 CHAIRMAN FLAHERTY: Thank you.
 22 Yes, the board will accept
 23 Mr. Phillips.
 24 Thank you.
 25 MR. WOLFSON: Thank you, Mr. Chairman.

1 BY MR. WOLFSON:
 2 Q. Paul, you were hired by the applicant
 3 in connection with this application.
 4 What was the scope of your retainer?
 5 A. So I was essentially asked -- the
 6 application generally, but with a particular focus on
 7 the (d)(1) use variance request, and as part of my
 8 due diligence I did a number of things to prepare.
 9 I inspected the subject premises. I
 10 surveyed adjacent uses. I reviewed the Park Ridge
 11 Zoning Ordinance and Master Plan. I reviewed the
 12 plans and resolution of approval from last year which
 13 cover the adjacent lot in Montvale.
 14 I also reviewed the transcripts of
 15 those proceedings. I reviewed the current plans for
 16 development in Park Ridge. I reviewed relevant
 17 documents involving Park Ridge and Montvale's Fair
 18 Share Housing Compliance. And I reviewed the reports
 19 of the board's professionals in this particular
 20 matter.
 21 Q. Thank you very much.
 22 Can you share with us, please, your
 23 conclusions as to the application.
 24 A. Sure.
 25 So just, again, to reiterate, and I

1 know the board obtained a background about the
 2 proposal and the site at the prior meeting, but,
 3 essentially, the application involves a property in
 4 Park Ridge that comprises what had once been the Sony
 5 office headquarters property.
 6 About 30 of the 37 acres of that former
 7 Sony office property is located in Park Ridge. That
 8 would be Block 301, Lot 1, which is the subject of
 9 this application. The remaining seven acres are in
 10 Montvale on its own separate lot.
 11 The surrounding area was described to
 12 some extent at the last meeting, but the immediately
 13 surrounding uses in both Park Ridge and Montvale
 14 would include the Marriott Hotel, the Lifetime
 15 Fitness facility, and a number of other office and
 16 related facilities.
 17 Across the Park Ridge border to the
 18 south are single-family homes which are located in
 19 Woodcliff Lake.
 20 I think of particular importance with
 21 regard to this application, the applicant did obtain
 22 approval from the Montvale Planning Board in August
 23 of 2019 to construct a multifamily inclusionary
 24 housing project on the adjacent lot in Montvale,
 25 which is known as Block 3302, Lot 1.

1 And, again, importantly, that approval
2 was conditioned upon the applicant obtaining approval
3 on the Park Ridge lot to allow access to the public
4 street system.

5 Again, the proposal that the board is
6 considering this evening in Park Ridge, applicant is
7 seeking to essentially construct a driveway on the
8 Park Ridge lot that would provide direct access to
9 the approved multifamily development in Montvale from
10 Sony Drive.

11 The subject property in Park Ridge is
12 located within an ORL zone district, which, as the
13 board is aware, is essentially an office zone.

14 So the use of the lands in Park Ridge
15 for residential access purposes requires a (d)(1) use
16 variance, as multifamily use is not among the
17 permitted uses in the ORL district.

18 The board is certainly aware with the
19 proof requirements for a (d)(1) use variance, an
20 applicant has to satisfy what's known as the positive
21 and negative criteria.

22 With regard to the positive criteria,
23 the applicant must advance special reasons in support
24 of the application and also demonstrate particular
25 site suitability.

1 The negative criteria, an applicant
2 must show that the variance will not cause
3 substantial detriment to the public good or
4 substantial impairment of the zone plan and Zoning
5 Ordinance.

6 And, lastly, in accordance with the
7 Medici decision, an applicant has to sort of
8 reconcile the fact that the underlying -- here the
9 underlying ORL zoning does not contemplate
10 residential use again at this location.

11 So with that preamble, I would like to,
12 sort of, address the special reasons and particular
13 site suitability.

14 And first, again, the subject
15 application involves a property that has for some
16 time, or had for some time, been used in both Park
17 Ridge and Montvale as Sony's corporate headquarters.

18 Sony has obviously vacated the
19 premises. The property has been largely fallow and
20 unproductive for several years now.

21 In fact, as you heard at the last meet
22 ing, the office building will be demolished in short
23 order.

24 By the same token, as part of its
25 affordable housing compliance, Montvale included

1 Block 3302, Lot 1 in its Housing Element and Fair
2 Share Plan as a multifamily inclusionary housing
3 site. It rezoned the property for that use.

4 And as I mentioned, back in August of
5 2019 it received an approval from the Montvale
6 Planning Board consistent with that multifamily
7 residential zoning.

8 So what we have now is we have a split
9 zoning condition. At the same time, without access
10 from the Park Ridge lot, the Montvale lot is
11 effectively unusable, and unusable under its current
12 zoning and approval.

13 So I think the bottom line here from a
14 special reasons standpoint is that given the fallow
15 nature of the Park Ridge lot at the present time, and
16 the fact that it is essentially being taken out of
17 commission for what was historically the office use,
18 the Park Ridge lot is now actually well-situated to
19 provide access to the multifamily inclusionary
20 development in Montvale.

21 And I think this become even more
22 apparent when one considers that Park Ridge now
23 intends to use its lands for multifamily inclusionary
24 development as well, and I will expand on that in a
25 bit.

1 I'd also offer that while the -- this
2 does not rise to the level of an inherently
3 beneficial use, it is clearly in the public interest,
4 in my opinion, to facilitate construction of
5 multifamily housing that does include an affordable
6 housing set-aside, and clearly as a means for a
7 municipality to satisfy its fair share housing
8 obligation, but also add that the courts in New
9 Jersey have held that neighboring municipalities
10 assist one another to provide realistic opportunities
11 for low and moderate income housing.

12 And I would say in that regard that the
13 access condition here has been recognized by sort of
14 all of the relevant parties at this point. And that
15 would include Montvale, Park Ridge, Fair Share
16 Housing Center and the Court. And it is now
17 understood that access to Montvale's inclusionary
18 development will be via the Park Ridge lot.

19 I would lastly indicate that in
20 accordance with COAH second round rules, which were
21 the rules that were not invalidated by the courts,
22 there is a provision which reads that municipalities
23 shall be expected to cooperate with developers of
24 inclusionary developments in granting reasonable
25 variances necessary to construct inclusionary

1 redevelopment, which I think is the case here.

2 So I think in short, given the current
3 circumstances, I believe Block 301, Lot 1 in Park
4 Ridge is actually now particularly suited for
5 providing access to the multifamily inclusionary
6 development in Montvale.

7 And I think that from the special
8 reasons standpoint, that that application would
9 advance several purposes of the Municipal Land Use
10 statute, assuming the (d)(1) variance were granted,
11 and they would be Purpose A, which is essentially to
12 guide development in a matter that promotes the
13 public welfare; Purpose E, which is to promote the
14 establishment of appropriate population densities and
15 concentrations; and, lastly, Purpose G, which is to
16 provide sufficient space and appropriate location for
17 a variety of uses.

18 With regard to the negative criteria,
19 starting with -- it's a two-part test, as the board
20 is aware. Starting with the impact on the public
21 good, I think that clearly the access to the Montvale
22 lot has historically been through the subject lot in
23 Park Ridge.

24 Secondly, I don't see any inherent
25 incompatibility between office and multifamily

1 residential zoning. So I would see no issue with
2 site-generated traffic from the residential portion
3 of the tract in Montvale sharing access to Sony
4 Drive.

5 And this assumes, even assuming the
6 Park Ridge lot were reused for offices, which
7 ultimately is -- this is not going to be the case,
8 and I'll address that in a bit. But the property is
9 zoned for offices as we speak.

10 Third, based on the testimony that the
11 board heard at the last meeting from Mr. Skapinetz
12 and Mr. Verderese, the driveway in Park Ridge is
13 adequate to provide safe ingress and egress to the
14 multifamily development in Montvale. And then you
15 also heard from Mr. Verderese, our traffic engineer,
16 that given the projected trip generation for the
17 multifamily development, there will be no adverse
18 impacts on the adjacent roadway network based on the
19 proposed connection through Park Ridge to Sony Drive.

20 And then, lastly, I think, given the
21 driveway, where the driveway access to Montvale is
22 located on the Park Ridge lot at the extreme border
23 with Montvale, I think this should in no way sort of
24 provide any impediment to the future development on
25 the Park Ridge lot, itself.

1 And then the last part of the test is
2 the zone plan impacts and the issue of reconciliation
3 under Medici. I think several issues, I think, for
4 the board to consider in that regard.

5 First, as I mention, I took a look at
6 your Master Plan documentation, and the land use
7 element of the Master Plan essentially dates back to
8 2009. And the Land Use Plan still designates and
9 advocates the retention of office use and the current
10 ORL designation on this property.

11 But, again, obviously Sony has vacated
12 the property and, in fact, that vacation by Sony was
13 acknowledged in the 2019 Master Plan re-examination
14 report.

15 And, in fact, that report also
16 recommended that a new land use element be prepared.
17 And the re-exam also acknowledged the changes that
18 have occurred in relation to affordable housing
19 mandates that affect Park Ridge.

20 Meanwhile, as you heard at the last
21 meeting, Park Ridge just approved the settlement
22 agreement with Fair Share Housing Center whereby the
23 subject lot will be included in its housing plan as
24 an inclusionary housing site.

25 And as I noted, that agreement also

1 acknowledges the need for Park Ridge to allow access
2 to the Montvale development through its property.

3 I would just sort of add that at least
4 it's my professional opinion, you know, the world of
5 -- the state of zoning and planning changed up in New
6 Jersey in March of 2015 when the Supreme Court
7 effectively transferred the Mount Laurel Affordable
8 Housing Compliance back to the courts.

9 And, obviously, not just Park Ridge,
10 but every municipality has had to sort of find
11 proactive ways and identify ways, and sometimes
12 highly creative ways to meet their fair share
13 obligation.

14 I have been involved both for private
15 clients as well as my municipal clients where former
16 office sites have been converted to inclusionary
17 housing, so this is nothing new to me based on my
18 experience.

19 And I think in recognition that a lot
20 of these sites are not disused and they're actually
21 well-suited for conversion to inclusionary housing
22 that can, again, assist municipalities in meeting
23 their obligations.

24 So long and short on the zone plan
25 impact, the Park Ridge land use element is ten years

1 old. The corporate office user that occupied the
2 lots in both municipalities has left. The building
3 is going to be demolished. And we now have Mount
4 Laurel obligations which has resulted in both
5 Montvale and Park Ridge advocating now multifamily
6 inclusionary housing on the lots in each respective
7 municipality.

8 So I think clearly there are changed
9 circumstance since the adoption of the Master Plan
10 and the office zoning that do provide a legitimate
11 basis to reconcile the granting of the variance,
12 notwithstanding the fact that this property is still
13 located as we speak in the underlying office
14 district.

15 And then lastly, I just want to touch
16 briefly on the (c) variances that were discussed in
17 this Mr. Burgis' report. I think there are three of
18 them, and they relate to setbacks and I think
19 landscaping and buffering. And some are technical in
20 nature since they presume that the office use is
21 going to remain on the Park Ridge lot, which is
22 ultimately is not going to be the case.

23 These are all existing conditions
24 related to the approved office use, with the one
25 exception perhaps being the zero-foot driveway

1 separation requirement, which I think goes hand in
2 hand with the (d) use variance request for the
3 driveway, the proposed driveway that will, you know,
4 now connect the two lots in each municipality.

5 And presumably, there is going to be
6 new inclusionary zoning in place on the Park Ridge
7 lot at some future point consistent with the
8 settlement agreement which will address issues of
9 landscaping, buffering, parking setbacks and the
10 like, which again will have to be addressed by an
11 applicant as part of any formal site plan submission
12 to the Planning Board for any future inclusionary
13 housing on the Park Ridge site.

14 So, Mr. Wolfson, I think I have covered
15 both the (d)(1) and the (c) variances. I would be
16 happy to entertain questions at this point.

17 MR. RUTOWSKI: Mr. Phillips, hi. Jeff
18 Rutowski. Nice to meet you.

19 I had a question: How many stories is
20 the Montvale building complex and how many stories
21 will be the houses or buildings on the Park Ridge
22 property.

23 MR. WOLFSON: Mr. Chairman, if I might,
24 before Paul answers, there were a series of questions
25 at the first session dealing with Montvale

1 development, as well as potential development under
2 the settlement agreement in Park Ridge.

3 And the application that's before the
4 board and that we've made is for the improvements
5 that are necessary to access the Montvale development
6 which has already been approved.

7 So the request is, is that the scope of
8 the questioning be limited to the application that is
9 before the board.

10 CHAIRMAN FLAHERTY: Mr. Phillips
11 indicated some issues with traffic studies that were
12 done. I am not sure if the other expert is available
13 that offered some information last time, but I know
14 there's some questions concerning traffic studies
15 that were done.

16 I just want to point out, I said this
17 at the last meeting, that the four-page drawing set
18 that the board received contained a lot less
19 information than we received many months ago.

20 And that's why I was a little bit
21 confused with how to reconcile what we have in our
22 hands versus what we had received last week in
23 preparation of the meeting.

24 So I appreciate if you could do some
25 follow-up questions relating to traffic, as well as

1 the site improvements.

2 MR. WOLFSON: Well, both witnesses, of
3 course, testified on the 24th and went through
4 questioning from both the board, its experts and the
5 public.

6 We had thought that those experts were
7 closed, but pursuant to the request by the board that
8 we received, we do have both the traffic and our
9 civil engineer available here tonight.

10 Again, in light of the fact that their
11 testimony was closed and cross-examination complete,
12 the request would be that the questioning be
13 different topics, but only within the scope of what
14 they testified to, as well as within the scope of
15 this application.

16 CHAIRMAN FLAHERTY: The issue at hand
17 was that we were told if we want to see the plans
18 that were previously submitted we could go downtown.
19 Because we weren't in chamber, we didn't have access
20 to the previous drawing set that had many pages and
21 many reports.

22 I happen to have a copy of it because I
23 tend to keep important documents. With that being
24 said, I -- there are some questions that weren't
25 fully answered to, I don't think, the board's

1 satisfaction that we might have to readdress. I will
 2 do my best and I will take direction as we proceed
 3 forward through it.
 4 I do actually have the drawing set --
 5 MR. WOLFSON: Well, Mr. Chairman, if I
 6 might just suggest, can we do questions of Paul since
 7 his testimony has just been finished, and if it's the
 8 board's pleasure to reopen the prior witnesses even
 9 though they were closed and cross-examined.
 10 Does that make sense, that
 11 Mr. Phillips --
 12 MR. RUPP: It does make sense, but I
 13 really -- we haven't heard Mr. Rutowski's question
 14 now.
 15 I mean, Jeff, you understand --
 16 MR. RUTOWSKI: Yeah, we can stay with
 17 Mr. Phillips for the time being as a professional
 18 planner and with the changed conditions to reconcile
 19 obligations and such.
 20 I understand that fully and I'm an
 21 advocate of it.
 22 I just want to make sure that things
 23 are done properly. To that point, my question
 24 relating to a multistory building complex in a
 25 low-rise setting right next door is concerning from

1 an aesthetics and a planning perspective. It just
 2 doesn't seem -- I just can't visualize it.
 3 So my question to Mr. Phillips, has he
 4 seen any proposed plans for the redevelopment of the
 5 Park Ridge property?
 6 THE WITNESS: So I have reviewed the
 7 settlement agreement in terms of the number of units
 8 that are contemplated on the Park Ridge property. I
 9 have not reviewed any specific plans that would lead
 10 me to answer your question as to the specific
 11 prototype, where the building is, the height of the
 12 building.
 13 Obviously, in Park Ridge, now that
 14 there is a settlement agreement in place, the next
 15 step would be a fairness hearing and a compliance
 16 hearing and then implementing ordinances would be
 17 adopted. And I think at that point the specifics of
 18 how the number of agreed upon units as part of an
 19 inclusionary development under the Park Ridge lot
 20 would be identified.
 21 MR. RUTOWSKI: Understood.
 22 Have you worked on any projects where
 23 there was a very high structure right next to a bunch
 24 of low-lying buildings for residential purposes?
 25 I am just trying to get a feeling for

1 this. I've been all over the country trying to
 2 visualize, you know, trying to visualize my visits
 3 there with areas that are brand new and I just -- I
 4 can't reconcile that. I wanted to know if you had
 5 worked on any projects where particular --
 6 THE WITNESS: I have. I have,
 7 including in and specifically on projects in towns
 8 that I have advised on planning and affordable
 9 housing matters and also projects where there was
 10 formally an office building where it was converted to
 11 multifamily housing.
 12 In that instance the multifamily
 13 housing was between three and four stories in height.
 14 With the taller structures in particular, it was
 15 three stories above a parking level, and generally
 16 consistent, if I might add, with the heights that
 17 were part of the approval in -- on the Montvale lot.
 18 MR. RUTOWSKI: What town was that in?
 19 You said you had --
 20 THE WITNESS: One in particular would
 21 be in Morris Plains.
 22 MR. RUTOWSKI: Morris Plains.
 23 THE WITNESS: Yes. Johnson Road.
 24 MR. RUTOWSKI: All right, thank you.
 25 There was an indication, I think I

1 heard it, that the setbacks for the Park Ridge
 2 property would -- are either in the agreement that
 3 you had with the town or will be determined later. I
 4 just didn't follow that.
 5 When will the setbacks for -- I guess
 6 at least on the Park Ridge side, when will they be
 7 determined?
 8 THE WITNESS: So, again, the settlement
 9 agreement doesn't get into the weeds with regard to
 10 specific zoning provisions with regard to setbacks,
 11 buffers, you know, potentially the location of the
 12 building and so on. That comes later essentially
 13 when the implementing ordinances are put in place.
 14 So what we know now with regard to Park
 15 Ridge is that there is a settlement agreement for a
 16 certain number of units that are part of an
 17 inclusionary development with a specified set-aside
 18 on the Park Ridge lot. The particulars will all be
 19 worked out when that zoning gets put into place.
 20 MR. RUTOWSKI: The reason why I ask is
 21 the Dynamic Engineering drawings from July 2018,
 22 particularly drawing five and six, show an access
 23 path from the Park Ridge property for emergency
 24 vehicles, I gather, to access the Montvale property,
 25 and there is retaining walls, there is all these

1 things that are shown on the approved drawings, and
2 that's why I am getting confused. Because just a few
3 months ago we had a clear vision as to what things
4 would look like, mostly on Montvale property, but
5 some on the Park Ridge property.

6 So there is no setback that is planned,
7 in my opinion, from what I am seeing on the Dynamic
8 Engineering drawings. What I do see is a big
9 retaining wall that separates the property with a
10 ramp. So is it safe to say there won't be a setback
11 on the Park Ridge property?

12 MR. WOLFSON: Excuse me.

13 The expert has already testified that
14 it's his expectation that the rezoning which is
15 contemplated by the settlement on the Park Ridge site
16 to accommodate the settlement will contain setbacks
17 and other typical zoning provisions.

18 MR. RUPP: Can I ask a question because
19 I might clarify this point.

20 Is it -- am I correct in my
21 understanding that the existing parking lot is being
22 retained for essentially drainage purposes, but that
23 it is not the applicant's intention to utilize that
24 existing parking in connection with any present or
25 future use of the property.

1 MR. WOLFSON: That's correct.

2 THE WITNESS: That's accurate.

3 MR. RUTOWSKI: I have a question.

4 I am not sure if it's related to the
5 planning or maybe the traffic engineering, but there
6 was a discussion on possible school bussing from that
7 Montvale property and it would be determined if it
8 was needed.

9 Is there an area that's set aside for
10 queuing of school busses or kids to gather --

11 MR. WOLFSON: Mr. Chairman, excuse me,
12 and I hate to interrupt you, sir, but that question
13 was discussed at the last hearing and is not within
14 Paul Phillips' scope of testimony or expertise.

15 CHAIRMAN FLAHERTY: You know, I
16 understand that we had a lot of testimony last month
17 and we are very appreciative of the applicant
18 bringing back these experts for the second time. We
19 know it doesn't -- it's not general practice.

20 But I -- as Mr. Rutowski said, there
21 were simply some questions and issues that members of
22 the board were unclear on.

23 And I think that's just what
24 Mr. Rutowski is just trying to clear some things up.
25 I think we need to just let him -- I would like to

1 hear his question before he gets stopped.

2 And I understand your concern that
3 these -- many of these have been addressed before.
4 If that was the case, then I think, Jeff, we
5 understand, we can't expect everything to be answered
6 twice.

7 But if -- Mr. Rutowski, do you have
8 something specific you can ask that you feel was not
9 covered in the first round in November.

10 MR. RUTOWSKI: Well, I am not sure if
11 it's for Mr. Phillips at this point. I think it
12 would relate more back to the site engineer and the
13 traffic engineer at this point.

14 DR. PEREZ: Hi.

15 Greg Perez for Mr. Phillips.

16 Are you aware if there is any other
17 property that you're familiar with that uses a
18 constructed driveway from one town to another for
19 just sole use of residential access?

20 THE WITNESS: I will answer it this
21 way.

22 I am aware of other examples where
23 access was through another property for commercial
24 use comes to mind as opposed to multifamily, but I'm
25 certainly aware of instances where -- particularly

1 where properties are otherwise landlocked, that
2 access does come through another property
3 notwithstanding the fact that that other property may
4 be zoned differently or may be used differently and
5 there may in some cases be even two principal uses on
6 a lot. That's not, essentially, uncommon when you
7 have landlocked or otherwise landlocked properties.

8 DR. PEREZ: So if I was to interpret
9 what you're saying then you really don't have another
10 or you're not familiar with a property from -- for
11 residential access from -- and the driveway basically
12 being constructed solely for the use of residential
13 access.

14 THE WITNESS: I'm aware -- I'd have to
15 jog my memory for multifamily. And I can think of
16 one application that I was involved in which was a
17 multifamily development and actually involved, I
18 think, property in three different towns where the
19 driveway did basically go to a multifamily
20 development in one town go through another town.

21 So there -- I mean, there are examples
22 out there for not only residential but for any use,
23 again, where there are landlocked properties. It's
24 not an unusual condition.

25 DR. PEREZ: It's just not -- it just

1 doesn't seem that it's something that is common.
 2 MR. CLIFFORD: Yep. I agree with that.
 3 DR. PEREZ: Thank you, Mr. Phillips.
 4 THE WITNESS: You're welcome.
 5 CHAIRMAN FLAHERTY: Any other board
 6 members with a question or comment for Mr. Phillips
 7 and his -- regarding his testimony.
 8 How about any of our professionals;
 9 question for Mr. Phillips?
 10 I think you're on mute, Mr. Burgis.
 11 MR. BURGIS: Can you hear me now.
 12 CHAIRMAN FLAHERTY: Yes.
 13 MR. BURGIS: Okay. I lost Mr. Phillips
 14 on the screen.
 15 Oh, there he is now. You moved.
 16 A couple of questions on the issue of
 17 the removal of the office building. And I am not
 18 sure if this question actually should be directed at
 19 you or one of the engineers.
 20 In our report we had raised the
 21 question as to what happens when the building is
 22 going to be removed and what happens to that portion
 23 of the property, how is it going to be treated to
 24 make certain that there is no inappropriate runoff or
 25 what have you.

1 THE WITNESS: Right.
 2 MR. BURGIS: Could you comment on that.
 3 THE WITNESS: Yes.
 4 My comment -- that issue came up to
 5 some extent, as I recall, Joe, at the last meeting.
 6 And I am basically going to defer to Mr. Skapinetz
 7 who is the site engineer.
 8 My recollection is he touched upon
 9 that. Because I think either a board member or a
 10 member of the public asked him about that. And
 11 I think he addressed it, but I believe he's also here
 12 this evening if you require a follow-up.
 13 MR. BURGIS: I do.
 14 I thought I had asked the question, but
 15 my notes don't reflect that fact.
 16 THE WITNESS: But issues -- as you
 17 know, Joe, issues with stormwater and so forth, I
 18 have to defer to the site engineer on that.
 19 MR. BURGIS: Okay.
 20 Could you go back to your comments on
 21 the negative criteria and just provide us with a
 22 little more detail in terms of both the positive --
 23 excuse me, on the negative criteria, both parts of
 24 the -- both prongs of the test.
 25 THE WITNESS: Well, again, let me deal

1 with the zone plan impacts first.
 2 I think the crux of my testimony was
 3 that conditions have clearly changed since the
 4 underlying office zoning was last sanctioned by your
 5 Master Plan.
 6 In fact, your re-examination recognizes
 7 that Sony has left, recognizes that a new land use
 8 element has to be done, and further recognizes that
 9 Park Ridge, you know, at that time, had to continue
 10 to deal with the whole affordable housing situation.
 11 So I think clearly there are changed
 12 circumstances which goes to Medici. And clearly
 13 along those lines, Joe, that if I understand it
 14 correctly, the settlement agreement that Park Ridge
 15 recently entered into with Fair Share Housing Center
 16 contemplates ultimately that the office zone in Park
 17 Ridge will be converted, you know, proposed to -- if
 18 everything goes well at the fairness hearing and
 19 compliance, it's going to be converted to a
 20 multifamily inclusionary housing site, which will
 21 absolutely make the two uses on the Park Ridge lot
 22 and the Montvale lot actually more compatible from an
 23 access standpoint and even less of an unusual
 24 condition.
 25 So I think that's the basis for the

1 zone plan impacts. With regard to the sort of
 2 impacts on the surrounding neighborhood and so forth,
 3 on issues such as traffic, I think you heard from
 4 Mr. Verderese at the last meeting.
 5 From a land use impact standpoint, my
 6 testimony was that I don't -- I didn't see any
 7 inherent incompatibility between multifamily and
 8 office, shared office zoning, sharing an access.
 9 But I think in the end that is going to
 10 be mooted if Park Ridge moves forward with
 11 implementing zoning consistent with the settlement
 12 agreement, which I think even more favorably
 13 addresses the negative criteria here.
 14 MR. BURGIS: Those involved many
 15 fairness hearing and we have seen many complications
 16 arise during the proceedings.
 17 If something were to occur that
 18 diminished the likelihood of the fairness hearing
 19 coming to or proceeding to what appears to be a
 20 resolution of the issue, if it doesn't, does that
 21 change your opinion at all.
 22 THE WITNESS: No.
 23 And I think I prefaced that before I
 24 talked about the Park Ridge settlement agreement by
 25 also having to recognize the underlying office zoning

1 in Park Ridge, because as we speak, that's the zoning
2 in Park Ridge.

3 And, you know, Park Ridge hasn't gone
4 forward with the inclusionary zoning consistent with
5 the settlement agreement.

6 And, yes, you're correct, things can
7 and sometimes happen at the fairness hearing. But
8 even assuming the underlying office zoning stays in
9 place, the applicant is basically not proceeding with
10 the improvements that have been on the property for
11 years. They're being demolished no matter what.

12 And if someone has to come back, the
13 applicant or someone else, to build back under that
14 office zoning, they're basically going to build back
15 to that office zoning. They'll have to build back to
16 it. They probably wouldn't be able to build the same
17 size office building.

18 And, again, I see nothing inherently
19 incompatible with shared access to Sony drive between
20 the Montvale lot which is multifamily and the Park
21 Ridge lot if it were redeveloped at some point,
22 albeit unlikely, for office development in the
23 future.

24 I think those uses are compatible and I
25 think they can share the access. And Mr. Verderese

1 indicated that the -- you know, the roadway network
2 can handle the additional traffic and also that the
3 proposed driveway connection was adequate from a
4 safety standpoint, as well.

5 MR. BURGIS: Has there been a proffer
6 that the Sony building is coming down in a certain
7 timeframe that we're not yet aware of.

8 THE WITNESS: I am going to -- Joe,
9 I'll defer to others with the time specifics, but
10 there is a demolition permit, as I understand it, and
11 the applicant has every intention of demolishing that
12 building consistent with that permit.

13 MR. WOLFSON: Yes, I can confirm that
14 there's a demolition permit that has been made,
15 application has been made and is working towards
16 issuance of a permit.

17 MR. BURGIS: Nothing else.

18 CHAIRMAN FLAHERTY: Anything else,
19 Mr. Burgis.

20 MR. BURGIS: No.

21 CHAIRMAN FLAHERTY: Okay. Thank you.
22 Any of our other professionals or board
23 members, any other questions?

24 DR. PEREZ: No, thank you. Thank you,
25 though.

1 CHAIRMAN FLAHERTY: Would we open this
2 up now to the public for Mr. Phillips; is that our
3 next step.

4 MR. RUPP: Yes.

5 CHAIRMAN FLAHERTY: So let's see if
6 there are members of the public who have a question
7 for Mr. Phillips relative to his testimony.

8 MR. O'SULLIVAN: I do.

9 David O'Sullivan. My address is David
10 O'Sullivan 12612 Bay View Drive, Knoxville,
11 Tennessee.

12 Mr. Phillips, you had testified
13 concerning the negative criteria. You referenced in
14 your testimony about the Master Plan. What is the
15 date of the prior Master Plan that was prepared by
16 Park Ridge?

17 THE WITNESS: So there is a 2000 -- I
18 think it's 2010 Master Plan, and then there was a
19 2009 Master Plan and there was a re-examination done
20 in 2019.

21 MR. O'SULLIVAN: In your testimony you
22 spoke of, with respect to the negative criteria,
23 changed circumstances with respect to the -- I
24 believe you were alluding to the Master Plan and the
25 re-examination.

1 The re-examination, in essence, was
2 completed in 2019, so -- and I think back in 2019
3 when that master re-examination was done, it was
4 anticipated that the OR zone stay in place.

5 So I am just trying to reconcile that
6 negative criteria as far as a changed circumstance
7 with respect to our planning.

8 THE WITNESS: Sure.

9 I'd be happy to expand upon that.

10 So you're correct, the 2009 Master Plan
11 Land Use Element designated the subject property ORL
12 consistent with the zoning that exists today.

13 At the time the re-examination was done
14 in 2019, the Planning Board actually acknowledged in
15 that document that Sony had left the premises, number
16 one.

17 Number two, it further acknowledges
18 that changes had occurred in relation to affordable
19 housing mandates that affected Park Ridge.

20 So I believe they were anticipating
21 that there would be additional land use changes based
22 on compliance with affordable housing, although they
23 were not -- presumably not known at the time. And
24 the document also recommended, for a variety of
25 reasons, that a new Land Use Element be prepared.

1 So to me, in 2019 the Planning Board
2 was clearly cognizant that because of all these
3 changes, not the least of which was Sony vacating the
4 property, and that the town had a deal with an
5 affordable housing situation, that, you know, some
6 changes would be warranted.

7 And again, these are the changed
8 circumstances that have occurred.

9 And the one additional changed
10 circumstance that occurred since that is that Park
11 Ridge has now entered into a settlement agreement as
12 well in terms of its affordable housing compliance
13 that envisions the Park Ridge lot entertaining
14 inclusionary housing, as well.

15 MR. O'SULLIVAN: I appreciate that.

16 In the re-examination plan, did Park
17 Ridge indicate that they had any sort of desire to
18 put an overlay in the in corporate zone or the ORL
19 zone?

20 THE WITNESS: Not at that time.

21 As I mentioned, the issues of
22 affordable housing compliance and how much and where
23 were not part of that document.

24 MR. O'SULLIVAN: Gotcha.

25 Was it recommended in that

1 re-examination plan that the affordable housing be
2 put into downtown and that would be the desired area
3 in which Park Ridge would meet its requirements for
4 affordable housing and not be affordable housing --
5 not be office research zone?

6 THE WITNESS: There may have been -- I
7 know there was times -- there was some discussion in
8 the document about the downtown and it may well would
9 have involved expanding housing opportunities.

10 But, again, that would not have
11 basically, you know, provided closure on the full
12 extent of Park Ridge's affordable housing compliance,
13 which, as I understood, you know, remained to be
14 resolved, and ultimately was recently resolved as
15 part of the settlement agreement.

16 That was not -- it didn't go that far
17 in 2019.

18 MR. O'SULLIVAN: Gotcha. Understood.

19 But would it be fair to state that the
20 re-examination plan dated 2019, though, did not
21 anticipate any affordable housing or residential
22 housing in its OR zone?

23 THE WITNESS: It didn't go that far,
24 that specific, to make that recommendation, other
25 than to acknowledge that changes would have to occur

1 based on the affordable housing mandate.

2 But they did not specifically designate
3 this site at that time.

4 MR. O'SULLIVAN: Gotcha.

5 And, Mr. Rupp, if you wouldn't mind,
6 maybe I could just ask our planning professional
7 Mr. Burgis, I believe Mr. Burgis, you were the one
8 that -- your firm created or prepared that
9 re-examination plan.

10 Was it your anticipation, when that
11 re-examination plan was prepared, that we were going
12 to be putting residential in the corporate park?

13 MR. BURGIS: No.

14 Actually, at that time we had made a
15 determination that we should have -- we should be
16 entitled to what's called a vacant land adjustment,
17 and we had a significantly reduced affordable housing
18 obligation.

19 Fair Share Housing Center and,
20 unfortunately, the special master that was appointed
21 by the court took some issue with that.

22 We had made the study that determined
23 we only had about four acres of vacant, developable
24 property, and we purposely did not include the Sony
25 tract initially because it did have an office

1 building on it. We then adjusted our numbers to
2 include a certain level of development that
3 theoretically could accommodate -- be accommodated on
4 that site solely for the theoretical purpose of
5 making a determination of what our realistic
6 development potential could be, and we were going to
7 place that all around the downtown.

8 The special master, unfortunately, took
9 a very hard line position. At one point was
10 recommending 35 units to the acre on this zoning
11 tract. And this is well after the re-examination
12 report was prepared. And, consequently, that's what
13 basically caused the municipality to seek a
14 settlement.

15 But, no, at the time the re-examination
16 report was prepared, we had never contemplated seeing
17 any residential development anywhere in the ORL zone.

18 MR. O'SULLIVAN: Gotcha. Understood.

19 Well, thank you very much, Mr. Burgis. I appreciate
20 that.

21 MR. BURGIS: You're welcome.

22 CHAIRMAN FLAHERTY: Anyone else in the
23 public, questions for Mr. Phillips?

24 MR. O'SULLIVAN: If I could, Chairman,
25 I just have one other question.

1 CHAIRMAN FLAHERTY: Okay.
 2 MR. O'SULLIVAN: As it pertains,
 3 Mr. Phillips, to density, and, again, I know that
 4 we're not talking about the Park Ridge property per
 5 se here, as it pertains to the Montvale property,
 6 what type of density are we looking at as far as,
 7 just from a planning perspective, the increase from
 8 what is existing now to what's being proposed on the
 9 Montvale property.
 10 MR. WOLFSON: Mr. Chairman, I would ask
 11 that the question be deemed irrelevant to the
 12 application before the board.
 13 CHAIRMAN FLAHERTY: Okay.
 14 MR. O'SULLIVAN: If I could,
 15 Mr. Chairman, maybe I --
 16 CHAIRMAN FLAHERTY: Go ahead.
 17 Again, focusing on the Montvale
 18 application, was there a part of that question that
 19 can be addressed to Mr. Phillips and his testimony
 20 regarding that application, the Montvale application.
 21 MR. WOLFSON: The objection is to any
 22 question regarding the Montvale application unless
 23 there is some clear connection to the limited site
 24 improvements and the use variance that are before the
 25 board tonight.

1 MR. RUTOWSKI: I have a question maybe
 2 to follow up on that.
 3 It's my understanding that the Montvale
 4 property has 357 parking spaces, so is it anticipated
 5 that those cars will be accessing the Park Ridge
 6 property to enter and egress from the Montvale
 7 property?
 8 THE WITNESS: I will take a crack at
 9 that.
 10 So whatever number of vehicles are
 11 utilizing the Montvale development are going to have
 12 to access from Sony Drive through the proposed
 13 connection through Park Ridge. That's the nature of
 14 this -- the application in Park Ridge.
 15 MR. O'SULLIVAN: So if I could,
 16 Mr. Chairman, again, this is David O'Sullivan.
 17 I guess what I want to get at, and
 18 maybe I'll try to be as brief as possible just to get
 19 to my point to satisfy Mr. Wolfson, but I guess my
 20 point is right now currently I believe the Montvale
 21 property is, for all essential purposes, undeveloped.
 22 It's being developed now, and I guess just from a
 23 planning perspective, Mr. Phillips, you know, they're
 24 looking to significantly increase the residential use
 25 on that property.

1 There is obviously some type of
 2 tentative proposed plans for the Park Ridge property.
 3 From a planning perspective, does there
 4 become a point in which the density gets too great in
 5 which we obviously may create a bottleneck where the
 6 curb cut is not changing at all and we're increasing
 7 densities on both properties; one where there was
 8 zero density beforehand. Do you have any concerns
 9 about that?
 10 THE WITNESS: Not if the proposed
 11 roadway connection through Park Ridge can accommodate
 12 the traffic that will be generated into and out of
 13 the site and also the surrounding roadway network via
 14 Sony Drive and adjacent roads can handle the traffic.
 15 And the testimony that I heard from our
 16 traffic engineer, Mr. Verderese, is those issues can
 17 be appropriately and safely addressed.
 18 MR. O'SULLIVAN: Gotcha.
 19 So at this point, not knowing exactly
 20 what may be on the Park Ridge property, you don't
 21 seem to have any exception to the potential density
 22 that may be on the Park Ridge property that may
 23 impact that curb cut there?
 24 THE WITNESS: I do not.
 25 MR. O'SULLIVAN: Thank you very much.

1 CHAIRMAN FLAHERTY: Anyone else,
 2 public?
 3 (No response.)
 4 CHAIRMAN FLAHERTY: Board members or
 5 professionals, for Mr. Phillips?
 6 MR. LaROSE: I have a couple questions.
 7 This is Brian LaRose, 64 Clairmont
 8 Drive in Woodcliff Lake.
 9 And regarding the proposed demolition
 10 of the Park Ridge site, we had touched on this during
 11 the last meeting, but since there seems to be a
 12 permit now, is the demolition just for the building
 13 or will the surrounding terrain be leveled?
 14 Will trees be coming down? What is the
 15 extent of that demolition?
 16 THE WITNESS: So this issue was
 17 addressed by our site engineer at the last meeting
 18 and it also -- he also addressed the issue of
 19 retaining the parking lot in place in order that the
 20 stormwater discharge system wouldn't be changed.
 21 But anything more in particulars go
 22 beyond my expertise and I would defer to the site
 23 engineer.
 24 MR. LaROSE: And I don't know if you
 25 can answer this as a follow-up, but previously there

1 was no demo application or permit on the Park Ridge
 2 side, I believe, for the last meeting.
 3 Is there a plan to demo both sides, the
 4 Montvale side of the property and the Park Ridge side
 5 of the property simultaneously, or is, again, just
 6 the building coming down at this juncture?
 7 THE WITNESS: I'm going to defer to
 8 someone else to answer that question because I can't
 9 give you an answer because I don't know.
 10 MR. WOLFSON: I think part of the
 11 answer is the timing on the various permitting, so I
 12 think that's unknown as we sit here tonight.
 13 MR. LaROSE: Maybe this -- I don't know
 14 if you'd be willing to answer this question or not,
 15 but has a permit been submitted on the Montvale side
 16 to do any demolition in addition to the Park Ridge
 17 side.
 18 MR. WOLFSON: The applicant's been in
 19 discussions with Montvale and is about to submit the
 20 application for Montvale, yeah.
 21 MR. LaROSE: So it -- I don't want to
 22 draw any conclusion, but it seems as though the
 23 entire site is -- they're looking to do the entire
 24 site at the same time.
 25 MR. WOLFSON: I have not discussed that

1 with our client.
 2 MR. LaROSE: All right.
 3 And then, finally, there seems to be
 4 some sizable areas of disturbance based on the
 5 Dynamic Engineering drawings on the Park Ridge side
 6 of the property to accommodate the construction of
 7 the new building on the Montvale side of the
 8 property.
 9 And that includes, again, just judging
 10 by these schematics here, the removal of a
 11 significant portion of trees in the southwest corner
 12 near the wetlands there.
 13 And, again, I am curious, are the trees
 14 on the Park Ridge side going to be coming down in
 15 that area or are they going to be standing or what is
 16 going to remain in that area?
 17 And, again, I don't know if
 18 Mr. Phillips is the person that can answer that
 19 question, but I'd certainly like some more color as
 20 to what to expect in the coming days, given that my
 21 property and my neighbors' property pretty much back
 22 up to this entire site.
 23 THE WITNESS: Yes.
 24 My recollection is that Mr. Skapinetz
 25 addressed that issue in direct response to either

1 board or public or both questions.
 2 And, again, he would be the person to
 3 address those particular issues.
 4 MR. LaROSE: Then I have no further
 5 questions.
 6 Thank you.
 7 CHAIRMAN FLAHERTY: Any other questions
 8 from the public?
 9 MR. O'SULLIVAN: Mr. Chairman, if I
 10 could, this is David O'Sullivan one more time.
 11 Mr. Phillips, with respect to the (c)
 12 variances that are being requested, I believe you
 13 indicated it was for buffer, landscaping and
 14 setbacks, what is being proposed right now as part of
 15 that variance, or is there nothing that's being shown
 16 on the drawings?
 17 I apologize, I don't have the plan in
 18 front of me, so I just wanted to kind of get a sense
 19 as to -- for example, to put a buffer zone, I guess,
 20 between two different uses?
 21 I don't recall exactly what the
 22 existing ordinance says and what is being proposed on
 23 this application.
 24 THE WITNESS: So right now the Park
 25 Ridge Ordinance has a buffer requirement, I think

1 it's 100 feet between a non-residential use to a
 2 residential use.
 3 And so, for example, if the office lot,
 4 the intention was to retain the office lot and
 5 develop it consistent with the current zoning, which
 6 again is likely to change, there would be a buffer
 7 requirement and a variance would be needed.
 8 But as you've heard, the intent here is
 9 basically not to reuse the office lot.
 10 In fact, it's being -- it's being
 11 demolished as we've heard, and, ultimately -- and
 12 I'll defer back to Joe Burgis, but ultimately what
 13 will likely happen is that when zoning is put in
 14 place on the Park Ridge lot, assuming the
 15 municipality goes forward consistent with the
 16 settlement agreement, there will be all kinds of
 17 standards for development of that lot; setbacks,
 18 buffers and so on; which, at that time, that buffer
 19 issue would be addressed.
 20 MR. O'SULLIVAN: Gotcha.
 21 For the time being, though, are you
 22 folks showing on the plan the buffer consistent with
 23 what our current ordinances indicate just in case,
 24 like Mr. Burgis said, something gets complicated,
 25 things get held up or something of that nature?

1 THE WITNESS: If things get held up,
2 unless the office zoning changed, any future
3 applicant on the office lot would be subject to the
4 current ORL zone requirements, and they'd have to
5 abide by them with regard to setbacks, buffers, et
6 cetera.

7 MR. O'SULLIVAN: So would there be
8 something, I guess, Mr. Wolfson stipulated in the
9 resolution indicating this.

10 That if, for some reason, this property
11 is not developed as residential and remains as office
12 research that the existing buffers, landscaping and
13 setbacks would fall into place here.

14 MR. WOLFSON: I didn't stipulate to
15 anything.

16 MR. O'SULLIVAN: I'm asking the
17 question. You know, I would just like to know if
18 there is going to be something proposed in the
19 resolution to that effect.

20 THE WITNESS: I don't draft the
21 resolution.

22 MR. O'SULLIVAN: Okay.

23 Mr. Rupp, would that be something that
24 we could propose in the resolution for this
25 application if it does move forward?

1 MR. RUPP: The board could propose
2 whatever they wish in the resolution and I will ask
3 as scrivener to draft that.

4 I should note that I did inquire as to
5 whether there was any present or future intention to
6 use that parking lot and I believe that the answer
7 was no, there is not, so -- and again, understand
8 that the only reason the parking lot will remain at
9 all is at the request of Park Ridge's engineer that
10 it be retained for temporary drainage purposes.

11 MR. O'SULLIVAN: So, Mr. Phillips, if I
12 could, with respect to not having the Park Ridge
13 portion of the property rezoned, is it your
14 experience that it would be typical for an applicant
15 on an adjacent property to come in looking for
16 variances when the subject property that you're
17 looking for variance doesn't have, in essence, a
18 buffer, landscape, setback rezone completed as of
19 yet.

20 Would you look at this as being
21 premature?

22 MR. WOLFSON: I mean, that's totally
23 speculative. If, for some reason, that the office
24 zoning in Park Ridge were not changed with the
25 settlement agreement and remained office zoning, an

1 applicant would have to come in and either abide by
2 the regulations of the ORL zone or seek relief or
3 some combination of the two. That is the way it
4 works.

5 MR. O'SULLIVAN: Gotcha.

6 MR. WOLFSON: Mr. Chairman, at this
7 point, this resident of Tennessee -- you know, I
8 raised a question as to his standing, and I
9 understand that you want to be expansive in allowing
10 members of the public even if they're from
11 out-of-state to ask questions, but it is relevant
12 under the case law that the scope of his questions be
13 controlled at this point.

14 I find his questions to be repetitive
15 in some instances and not directed towards any of the
16 testimony that Mr. Phillips made directly.

17 CHAIRMAN FLAHERTY: I can understand
18 your frustration.

19 I find some of the questions I wish I
20 had thought of them myself, but I hadn't. So I
21 appreciate questions from the public like this.

22 Is there anyone else from the public
23 with any other questions?

24 (No response.)

25 MR. RUTOWSKI: Mr. Chairman, it's Jeff

1 Rutowski.

2 CHAIRMAN FLAHERTY: Yes, of course.

3 MR. RUTOWSKI: Could the applicant
4 please bring up Dynamic Engineering's drawing No. 6
5 dated July 2018.

6 MR. WOLFSON: I think Tonya's going to
7 have to do that.

8 Thank you, Tonya.

9 MR. RUTOWSKI: Drawing No. 5, overall
10 site plan would suffice, I think.

11 Tonya, if you could zoom into the
12 center of the drawing, please. Just continue to zoom
13 in. I want to address two issues that we heard
14 information on; one being the setback that is
15 proposed or not proposed, and then the access way for
16 emergency vehicles that is required by Montvale to
17 address emergency needs such as fires.

18 So if you go right -- zoom in on the
19 middle, just keep on zooming in right on the border
20 boundary line, if you could. I think this will paint
21 a clear picture as to what is proposed.

22 If you could zoom -- yes, do your best.
23 I appreciate it. Go a little bit east. Just a
24 little further south would help.

25 Okay. You could see in the bottom

1 right-hand corner of the screen, the access road that
 2 we were explained that's going to allow emergency
 3 vehicles to access the Montvale development by fire
 4 equipment. That's my understanding of the testimony
 5 we received. That also bisects the property
 6 boundary, which kind of indicates there's no proposed
 7 buffer in my opinion. And that's where my confusion
 8 is.

9 So if we're hearing that it hasn't been
 10 determined, but the drawings show no buffer, it kind
 11 of means to me that there will not be a buffer.
 12 That's my interpretation.

13 Mr. Phillips, is that safe to assume?

14 THE WITNESS: Well, again, I think you
 15 heard from Mr. Skapinetz at the last meeting about
 16 this secondary emergency access to the Montvale lot.
 17 That can continue to take place, as I understand it,
 18 in the current condition on the Park Ridge lot.
 19 Assuming that Park Ridge moves forward with its
 20 rezoning consistent with the settlement agreement, I
 21 would presume that Park Ridge would take that into
 22 account in terms of whatever standards that go
 23 forward in terms of buffers, setbacks and so forth.

24 But indeed, if that access will
 25 continue to exist, that emergency access, and

1 presumably it would, there would be some --
 2 presumably there would be some exemption, as there
 3 often is, in a buffer area for access or emergency
 4 access. I can't speak for what Park Ridge is going
 5 to do, but presumably they will do something along
 6 those lines.

7 MR. RUTOWSKI: Okay. Thank you.

8 CHAIRMAN FLAHERTY: Mr. Rutowski, any
 9 questions relative to the drawing.

10 MR. RUTOWSKI: No.

11 I do wish to eventually speak with the
 12 other experts. I'll wait to speak with them, just
 13 for follow-up questions.

14 CHAIRMAN FLAHERTY: Okay.

15 Last call, questions for Mr. Phillips.

16 (No response.)

17 CHAIRMAN FLAHERTY: Okay. There being
 18 none, I think we can move on here.

19 Thank you, Mr. Phillips, for your time
 20 and your experience.

21 THE WITNESS: Thank you.

22 MR. WOLFSON: Thank you, Mr. Chairman.

23 As I indicated, we have both Nick
 24 Verderese as well as Brett Skapinetz on the Zoom
 25 tonight.

1 Again, the request is in light of the
 2 fact that there was extensive testimony and full
 3 opportunity for questioning both by the board, its
 4 professionals and the public, that the scope of the
 5 questions be novel and not repetitive and that they
 6 be efficient. So, that's the request.

7 CHAIRMAN FLAHERTY: Right. Thank you.

8 All right. So who's up? Are we just
 9 going to go right into questions?

10 MR. RUTOWSKI: Could we start with the
 11 traffic engineer, Mr. Chairman.

12 CHAIRMAN FLAHERTY: Yes, let's do that.

13 MR. WOLFSON: If we could just note for
 14 the record that both witnesses remain under oath.

15 MR. RUPP: I was just about to say
 16 that.

17 Mr. Verderese, you understand that
 18 you're still under oath.

19 MR. VERDERESE: Yes, I do.

20 NICHOLAS VERDERESE, P.E.

21 245 East main Street, Unit 110, Chester, New
 22 Jersey, having been previously sworn, continues
 23 to testify as follows:

24 MR. RUPP: Okay.

25 CHAIRMAN FLAHERTY: Okay. Questions.

1 MR. RUTOWSKI: Mr. Chairman, I would
 2 like to ask a question or two.

3 CHAIRMAN FLAHERTY: Yes, please.

4 MR. RUTOWSKI: Jeff Rutowski.

5 During the last meeting, there was a
 6 question asked from the public about the level of
 7 service on the network of roadways surrounding the
 8 subject improved site -- the site to be improved.
 9 And there was testimony that I recall, I wrote myself
 10 a note, that it was an anticipated Level of Service
 11 of D.

12 Having reviewed the traffic engineering
 13 report, there are some areas in the southbound
 14 direction in the a.m. part of the day where the level
 15 of service will be a C or a D.

16 So my question is, what is the
 17 anticipated duration for children to egress from the
 18 site to get to the Montvale school system?

19 Let's say the high school. Is there
 20 any way to calculate that?

21 MR. VERDERESE: I don't quite
 22 understand what you mean by duration.

23 MR. RUTOWSKI: Well, in the engineering
 24 report that we received, the level of service for C
 25 and D indicates 20 to 55 seconds per vehicle at

1 intersections that whole time of impact or the time
2 of delay to egress through certain areas.

3 So asked a different way, what would a
4 one-way trip for a school student from exiting the
5 Montvale property, transacting, going over the Park
6 Ridge property, going to the Montvale school high
7 school; what was the -- what is the one-way trip
8 duration for that, based on a level of service of C
9 and D?

10 MR. VERDERESE: So those two things
11 don't actually relate to each other.

12 As far as the C and D level of service,
13 they're at certain movements. So if you looked at
14 the report on page 11, Table 7, there are some
15 movements that are A levels of service, some B, some
16 C, some D.

17 So it matters which direction they'd be
18 traveling. So if someone was leaving the site in the
19 morning to head to school, whether it be on a school
20 bus or in an automobile, they would have free
21 movement out onto Sony Drive. There'd be no stop
22 control if you were continuing northbound, so that's
23 essentially an A level of service.

24 Same thing if they're turning right
25 onto Brae Boulevard. Where the level of service and

1 delays are exiting Lifetime Fitness or coming from
2 Brae Boulevard either making a left turn or a right
3 turn.

4 So in the morning there'd be little to
5 no delays for someone leaving to go to school.

6 In the afternoon, if you're coming from
7 Brae to make a left turn in, for example, so that
8 would be a westbound left, that would be a C level of
9 service of 20 seconds average delay.

10 MR. RUTOWSKI: I did see the report and
11 there was the level of D in the morning, as well, in
12 route towards the Montvale school system, high
13 school, that being, or the elementary school. That's
14 just what caught my attention.

15 So you're saying we -- the duration or
16 the trip on the way to school will not experience a
17 level of service of D.

18 Is that correct?

19 MR. VERDERESE: Correct, yes.

20 MR. RUTOWSKI: Okay.

21 Who's going to perform the maintenance
22 of the roadways on the Park Ridge property? And same
23 for the Montvale property.

24 Who's actually responsible for the
25 roadway maintenance? Or is it a private road, is it

1 a public road at this point?

2 MR. VERDERESE: You're talking the
3 shared driveway between Montvale and Sony Drive?

4 MR. RUTOWSKI: Yeah. And also -- yeah.
5 Primarily that's the area in question, yes.

6 MR. VERDERESE: I don't know exactly,
7 but I would assume the same entity that, you know,
8 that is before you today.

9 MR. RUTOWSKI: So it would be a private
10 roadway.

11 MR. VERDERESE: Correct.

12 Until you got to Sony Drive, it would
13 be private, yes.

14 MR. RUTOWSKI: Understood.

15 And any, let's say, snow plowing and
16 things that needed to be stockpiled from the Montvale
17 property will remain on the Montvale property, it
18 won't be put on the Park Ridge property, correct?

19 MR. VERDERESE: Correct.

20 MR. RUTOWSKI: All right.

21 And that access road, the maintenance
22 of that access grass or the access road from the Park
23 Ridge property to the Montvale property, the one that
24 we just saw the drawing there of, who maintains that?
25 Would that be the Montvale property or is it just the

1 same entity.

2 MR. VERDERESE: I would assume the same
3 entity.

4 MR. RUTOWSKI: I read the traffic
5 report and I just wanted to verify that nothing
6 changed from the report that was dated November 19th
7 -- rather November 2019.

8 And it did indicate that it was going
9 to accommodate -- the Montvale property was going to
10 accommodate 357 parking spaces. That's what I
11 recall. Do you -- is that a correct number of
12 parking spaces for the Montvale property.

13 MR. VERDERESE: 357, yes. 357.

14 MR. RUTOWSKI: Okay.

15 The reason why I'm asking these
16 questions, this gives us a little bit more context as
17 to the amount of cars parked, the amount of cars
18 leaving, to kind of get a feeling as to what might
19 happen in the surrounding area. That's the reason
20 why I'm asking.

21 MR. VERDERESE: You got it.

22 MR. RUTOWSKI: Okay. And that is all
23 the questions I have for the traffic engineer, and I
24 thank you.

25 MR. VERDERESE: You're welcome.

1 CHAIRMAN FLAHERTY: Did we clear or do
2 we know -- you talked about either a bus or a car
3 coming out. I mean, is it -- do we understand
4 whether busses are going to come to the property to
5 pick up students and are they going to turn around in
6 there or turn around in Park Ridge?

7 Do we know anything about that, a
8 school bus?

9 MR. VERDERESE: What I can tell you is
10 any residential projects in the planning stages, that
11 isn't discussed with the school board until, you
12 know, the project is up and, you know, close to
13 running. Then those discussions would be had.

14 The site is designed to accommodate a
15 bus to come onto the property, turn around and exit,
16 so if need be, they could come onto the property.
17 There is plenty of room for a bus to, you know, if
18 one or two busses were on the site even at the same
19 time, to stack and circulate on the property if need
20 be.

21 CHAIRMAN FLAHERTY: Thank you.

22 Other board members, questions for
23 Mr. Verderese?

24 (No response.)

25 CHAIRMAN FLAHERTY: Okay. How about

1 our professionals?

2 Mr. Polyniak?

3 MR. POLYNIK: Chairman, Mr. Verderese,
4 I guess one question we have, could you just discuss
5 pedestrian safety, pedestrian access from Sony Drive
6 through the Park Ridge property to your front door
7 and how someone would access your building from Park
8 Ridge.

9 MR. VERDERESE: Sure.

10 Maybe we can pull up the exhibit that
11 was just up. The overall is fine. I think it was
12 Sheet 5.

13 MS. TARDIBUONO: Did you say Sheet 5.

14 MR. VERDERESE: Correct.

15 MS. TARDIBUONO: Okay.

16 MR. VERDERESE: You can just zoom out
17 from there.

18 That's good there.

19 So we'll orient everyone, north is up
20 on the page. Sony Drive is at the top. So there is
21 sidewalk from the intersection of Sony and the
22 property proposed along the north side of the access
23 roadway we have all just been discussing. Then it
24 continues west and then south along that same
25 driveway as it turns.

1 Then there are a number of access
2 points into the building. There's one near the front
3 then if you continue further west to the main
4 entrance to the building where the circular drop-off
5 area is.

6 MR. POLYNIK: And that walkway
7 satisfied all ADA access requirements for someone
8 utilizing wheelchair or any other equipment.

9 MR. VERDERESE: I'd have to defer that
10 to my site engineer. I'm not familiar with the
11 grading along there so I can't comment on that.

12 MR. POLYNIK: Okay.

13 We'll wait until Mr. Skapinetz provides
14 some additional information.

15 CHAIRMAN FLAHERTY: Thank you,
16 Mr. Polyniak.

17 Any other questions from our
18 professionals?

19 (No response.)

20 CHAIRMAN FLAHERTY: Okay. Questions
21 from the public for Mr. Verderese, the traffic?

22 MR. O'SULLIVAN: Mr. Chairman, this is
23 David O'Sullivan again. I don't know if I have to
24 give my address. I know Mr. Wolfson appreciates
25 that.

1 But I would like to go on the record
2 that I don't appreciate Mr. Wolfson's comments about
3 my relevancy not being local to Park Ridge any
4 longer. I don't think it has any bearing.

5 At the end of the day, he doesn't know
6 what kind of friends, family and people that I do
7 care about that still live in that town. So I would
8 kindly, you know, request that, you know, his
9 constant badgering of my relevance and my questioning
10 and being present or not in the State of New Jersey,
11 you know, stop.

12 But that being said, I would like to
13 ask some quick questions here on the traffic report.
14 When the traffic report was prepared, was it
15 anticipated that the Sony property was being
16 converted to residential on the proposed use?

17 I just want to kind of understand a
18 little bit more, Mr. Verderese, as far as, you know,
19 what you were anticipating when you were coming up
20 with the level of services here.

21 MR. VERDERESE: Yes.

22 So at the last meeting I gave extensive
23 testimony on the traffic study and exactly what was
24 included in there.

25 If the Chairman would like, I could go

1 into it again if you'd like to hear that.
 2 CHAIRMAN FLAHERTY: So let's get --
 3 what is -- specifically, can we get a specific --
 4 MR. O'SULLIVAN: Yeah.
 5 Was it anticipated that the property
 6 was going to be utilized as residential; is that how
 7 you came up with some of the final levels of services
 8 is that the Sony property would be residential, the
 9 Montvale property was going to be residential.
 10 I'm just trying to understand how you
 11 came up with the Level of Service for your particular
 12 report.
 13 MR. VERDERESE: So there were two
 14 different iterations of analysis; one that assumed
 15 office space was going to remain, and a second that
 16 assumed a redevelopment of the Park Ridge parcel to
 17 be residential.
 18 MR. O'SULLIVAN: Understood.
 19 And the date of your report was?
 20 MR. VERDERESE: November 1, 2019.
 21 MR. O'SULLIVAN: Gotcha.
 22 So at that time, in your report what
 23 did you say the peak day and the peak hours were
 24 going to be for?
 25 MR. VERDERESE: The peak hours in the

1 morning are 7:45 a.m.; evening, 5:00 p.m., Saturday,
 2 11:45 a.m.
 3 MR. O'SULLIVAN: Gotcha.
 4 And as far as generating that, did you
 5 actually conduct some car counts out there for this
 6 report.
 7 MR. VERDERESE: Correct.
 8 MR. O'SULLIVAN: Gotcha.
 9 And at the time, how -- what was the
 10 percent vacancy, do you recall, of the Wegmans
 11 shopping center at that time.
 12 MR. VERDERESE: I answered all these
 13 same exact questions.
 14 MR. O'SULLIVAN: I'm just asking you a
 15 question.
 16 MR. VERDERESE: We talked about all the
 17 adjacent developments. I gave extensive testimony on
 18 the traffic study submitted to the board reviewed by
 19 your professionals.
 20 MR. O'SULLIVAN: And the percent
 21 vacancy, there was no occupancy on the Mercedes Benz
 22 property at the time.
 23 Is that correct?
 24 In addition to no -- there was vacancy
 25 on the Mercedes Benz -- the Hertz property was also

1 vacant at the time of this car counts that were being
 2 conducted. And I guess if I could, and you do agree
 3 that they were being vacant --
 4 MR. WOLFSON: Excuse me.
 5 Mr. O'Sullivan, can you let him answer
 6 your question?
 7 MR. O'SULLIVAN: Sure. Sure.
 8 MR. VERDERESE: We included approved
 9 developments throughout the area as part of our
 10 study.
 11 MR. O'SULLIVAN: Gotcha.
 12 So when you were looking and you're
 13 doing car counts, obviously if the Mercedes Benz
 14 property was vacant, the Hertz property was vacant,
 15 would your analysis be, I guess short or maybe not as
 16 comprehensive as one would anticipate it to be, being
 17 that the Hertz property is now -- is once again
 18 50 percent occupied and there's a tremendous
 19 development being proposed on the Montvale portion of
 20 the former Mercedes Benz property?
 21 MR. VERDERESE: Yes.
 22 I could go through my whole testimony
 23 again, 'cause this is going to take me back to the
 24 beginning.
 25 But I talked about complimentary uses

1 having residential here, whether there was other
 2 office, you know, unoccupied space in the area,
 3 that's all well and good. We included all the large
 4 developments in the area as part of our traffic
 5 study.
 6 Any unoccupied space that would be
 7 occupied would just add to background traffic, so the
 8 impact from the project would actually be of lesser
 9 percentage impact if you added all of that other
 10 traffic onto the roadways.
 11 So as far as the impact from the
 12 project, it's still -- it's even just going to be
 13 lower if I added any of that traffic in from any
 14 unoccupied buildings.
 15 We did add Tri-Boro Square, which is a
 16 large development. We added the additional Wegmans
 17 center traffic, as well as the Toll Brothers
 18 residential project. All of those projects are in
 19 the neighboring municipality.
 20 MR. O'SULLIVAN: Understood.
 21 As far as the peak day, did you say the
 22 peak day was going to be Saturday?
 23 MR. WOLFSON: Mr. Chairman, at this
 24 point, as the expert has noted, all of these
 25 questions were directly addressed by extensive direct

1 testimony. And so the questions are repetitive,
2 duplicative and frankly, all --

3 MR. O'SULLIVAN: Mr. Chairman, I have a
4 follow-up if you just give me a few moments here.

5 CHAIRMAN FLAHERTY: I have to say, I do
6 recognize we got a lot of data that's come through
7 last month and this month, and Mr. O'Sullivan, I
8 appreciate the line of questioning, these do sound
9 like we've heard them last month.

10 MR. O'SULLIVAN: All right.

11 Well, I guess my question would be this
12 then, and I'll just go right -- I'll cut right to the
13 chase.

14 With respect to the way the existing
15 corporate park was situated, I guess in my
16 experience, it being corporate, Monday through Friday
17 would be where you'd have the peak volume of traffic.
18 I guess my concern ultimately is this: Is that with
19 the transformation occurring in the corporate park
20 from office research to now residential, in addition
21 to that you have the compounding issue of a Wegmans
22 being there, I guess my concern is overall, I just
23 want to make sure that, you know, the way this was
24 looked at is that we looked at, you know, now all the
25 sudden we're going to have a tremendous amount of

1 traffic and shopping on a Saturday where we have a
2 tremendous number of new residents being moved in.
3 I just want to make sure that the
4 report was reflective of that.

5 MR. VERDERESE: Yes, so Mr. O'Sullivan
6 asked me the exact same question last meeting that I
7 answered, and my answer is in Park Ridge, we did
8 counts a.m., p.m., during the weekday and Saturday.
9 The highest traffic volumes are in the a.m. and the
10 p.m., not on Saturday.

11 MR. O'SULLIVAN: Then I apologize,
12 'cause I thought you said the peak day was going to
13 be Saturday. So I apologize. I thought you had
14 changed your testimony.

15 MR. VERDERESE: No.

16 MR. O'SULLIVAN: And with respect to
17 the recent developments that have been going on along
18 Grand and I guess Mercedes Benz driveway, have you
19 seen any increase in the number of traffic or
20 vehicular accidents.

21 MR. VERDERESE: It's like Groundhog Day
22 here. We had all this same discussion again. It's
23 like I didn't come to the last meeting as far as
24 Mr. O'Sullivan is concerned.

25 MR. O'SULLIVAN: I appreciate your

1 sarcasm, but maybe you can tone it down a little bit.
2 Just answer the question, please.

3 MR. VERDERESE: We talked about Grand
4 Avenue. Grand Avenue isn't even in the municipality
5 that we're here to discuss with. I had that whole
6 discussion with Montvale and we discussed those
7 intersections. They're county intersections being
8 reviewed by the county, as well.

9 MR. O'SULLIVAN: But my question is
10 really pertaining to life safety.

11 Was there an increase in the number of
12 traffic accidents occurring since recent development
13 started increasing; yes or no?

14 MR. VERDERESE: It's of no --

15 MR. O'SULLIVAN: Yes or no.

16 MR. VERDERESE: -- relevance to this
17 project.

18 MR. O'SULLIVAN: I asked you yes or no.

19 MR. WOLFSON: Mr. Chairman, at this
20 point Mr. O'Sullivan is badgering and abusing
21 Mr. Verderese and I would ask that you put a close to
22 the questioning.

23 MR. RUPP: I think it's a valid
24 question if we're talking about life safety. I think
25 it's a valid question.

1 MR. VERDERESE: I haven't heard any --

2 CHAIRMAN FLAHERTY: The questions are
3 valid. Mr. Verderese is a professional.

4 If we're going to ask him a question,
5 let's give him a chance to answer it.

6 If his answer is he said it already,
7 that's his answer. We can't have --

8 MR. VERDERESE: My answer is I didn't
9 review crash data before and after the Wegmans
10 center.

11 CHAIRMAN FLAHERTY: Okay. That's the
12 answer.

13 MR. O'SULLIVAN: That is it.

14 Thank you.

15 CHAIRMAN FLAHERTY: Thank you,
16 Mr. O'Sullivan.

17 MS. DeMARTINO: I have a question.

18 CHAIRMAN FLAHERTY: Yes, please,
19 Ms. DeMartino.

20 MS. DeMARTINO: Hi.

21 So apologies for my lack of background
22 knowledge on traffic studies, so bear with me.

23 But I noticed that before you
24 mentioned -- I did hear you mention this in the last
25 meeting -- that adding in these additional

1 developments is just going to decrease the percentage
2 of the impact of your particular development on the
3 overall traffic.

4 Is that an accurate summary of what you
5 said?

6 MR. VERDERESE: Correct.

7 MS. DeMARTINO: Am I accurately
8 repeating what you said.

9 MR. VERDERESE: Yes.

10 MS. DeMARTINO: Okay.

11 So I was just wondering, is that common
12 -- I kind of want to understand how to interpret that
13 piece of information.

14 Is that common practice when you
15 conduct this type of traffic study to consider the
16 percentage of the total volume that the development
17 is going to contribute as opposed to actual volume,
18 you know? 'Cause I worry -- I understand what you're
19 saying, but I worry -- there is eventually a tipping
20 point.

21 So I guess I wonder when we -- when you
22 look at a traffic study in this kind of context, if
23 it is percentage versus actual that is the most
24 important variable. I don't know if I worded that
25 correctly.

1 MR. VERDERESE: We do analysis based on
2 the actual volumes, but just -- so, you know, a
3 layperson can understand, we talk about percentages
4 just so you can see how large the project is versus
5 how much traffic is on the road.

6 One of the probably the most important
7 thing I talked about at the last meeting is that the
8 project here, this site, even both sites combined,
9 it's a total of -- and I talked about 600-plus units.
10 The trip generation, so the amount of traffic that
11 that residential project is potentially going to
12 generate when an application does come forward for
13 those additional units is very similar within 10 to
14 15 percent of what the existing of former Sony
15 building generated.

16 So what you're going to see coming on
17 and off of this property is very similar to what you
18 saw when the site was fully operational as a
19 corporate headquarters.

20 MS. DeMARTINO: And can I just make
21 sure I understand.

22 When you say that, you mean just this
23 Montvale portion that's already approved of, or do
24 you mean the combination of that plus what eventually
25 will be put on in Park Ridge will be the same as

1 zoning.

2 MR. VERDERESE: The combination. So
3 the whole 600-plus units.

4 MS. DeMARTINO: Okay.

5 I also was just wondering, did your
6 traffic study look at downtown Park Ridge at all or
7 is that outside of, you know, the geographic purview.

8 MR. VERDERESE: It's outside the scope.

9 So the only impact is from the traffic
10 from Montvale. 'Cause the other stuff isn't in front
11 of the board and we'll have to do a separate traffic
12 study when we get there for that.

13 The project generates 60 to 80 peak
14 hour trips; so one vehicle every minute, maybe a
15 little more than one vehicle every minute. That
16 doesn't rise to the level. Typically what we
17 consider significant where we want to look at
18 intersections and see their impact is a 100 trip
19 increase.

20 So the entire project, the 180-plus
21 units, doesn't even rise to the level of what we
22 would consider significant where we would start
23 analyzing off-site intersections; however, Montvale,
24 Park Ridge combined, in review letters, et cetera,
25 had requested us to look at a number of intersections

1 so we did it.

2 But, again, because the numbers are so
3 low here, and you disperse it quickly when you get
4 out because you can take Brae or continue on Sony to
5 go north, the traffic volumes to any one intersection
6 are generally insignificant.

7 MS. DeMARTINO: Okay, thank you.

8 MR. VERDERESE: You're welcome.

9 MR. RUPP: You mentioned 180 units, but
10 there's 300 and something parking spaces, though,
11 right?

12 MR. VERDERESE: Correct.

13 MR. RUPP: So the units are really
14 irrelevant to the number of vehicles that can come
15 and go, right? I mean, it could be --

16 MR. VERDERESE: Units are how you
17 determine how many trips you're going to have, not
18 the number of parking spaces.

19 I could build 1,000 parking spaces, it
20 doesn't mean 1,000 people are going to come on and
21 off of the property. It's just based on historical
22 trends for that type of development.

23 CHAIRMAN FLAHERTY: Okay. I guess, I
24 mean, I'm not familiar with that part of the
25 business, but I can't imagine we would build the

1 spaces -- if 180 units and it's reasonable to think
 2 each unit would have two cars. That would get us up
 3 to about 357 spaces, right? I mean, most --
 4 MR. VERDERESE: Yeah.
 5 I mean, it's required to have
 6 essentially two spaces per unit.
 7 But that doesn't mean during the peak
 8 hour, the one highest hour in the morning and the
 9 afternoon, that all 357 people are coming and going
 10 during one hour. It's some percentage of the total
 11 number of units.
 12 CHAIRMAN FLAHERTY: I understand.
 13 I guess it just -- it seemed to me to
 14 be misleading to say there'd be 180 -- you know, it's
 15 180 units, and I understand that that's what we use,
 16 or that's what you use in the industry to count; it's
 17 180 units, there's 350 cars. I just thought I had to
 18 point that out.
 19 The other is we talk about the number
 20 of cars that come in and out when it was Sony
 21 building versus people living there, residential.
 22 But we didn't have that kind of traffic on the
 23 weekend, though, right?
 24 MR. VERDERESE: Not on the weekend, no.
 25 But, again, as I mentioned before, the

1 weekend volumes in this immediate area are lesser on
 2 the weekend, so there is available capacity on the
 3 weekends.
 4 CHAIRMAN FLAHERTY: Any other board
 5 members with questions.
 6 (No response.)
 7 CHAIRMAN FLAHERTY: Professionals?
 8 (No response.)
 9 CHAIRMAN FLAHERTY: And one more time
 10 to the public, questions for Mr. Verderese.
 11 (No response.)
 12 CHAIRMAN FLAHERTY: Okay. There being
 13 none, we thank you for your time, sir.
 14 MR. VERDERESE: You're welcome.
 15 MR. WOLFSON: Thank you, Mr. Chairman.
 16 Brett Skapinetz is here and available
 17 for questions.
 18 CHAIRMAN FLAHERTY: Okay.
 19 MR. SKAPINETZ: Good evening.
 20 MR. RUPP: Mr. Skapinetz, you
 21 understand you're still under oath.
 22 MR. SKAPINETZ: Yes, I do.
 23 B R E T T S K A P I N E T Z, P.P., P.E.,
 24 Having been previously sworn, continues to
 25 testify as follows:

1 MR. SKAPINETZ: So I was listening.
 2 I think maybe I'll start with
 3 Mr. Polyniak's question related to the sidewalk. I
 4 heard that question last.
 5 And to answer your question, yes, it
 6 will comply with ADA standards when it comes to its
 7 design and layout.
 8 MR. POLYNIK: Thank you.
 9 MR. SKAPINETZ: Welcome.
 10 CHAIRMAN FLAHERTY: Okay.
 11 I think there were a couple of
 12 questions that came up that were deferred to
 13 Mr. Skapinetz, so who would like to go.
 14 MR. RUTOWSKI: Mr. Chairman, if you
 15 don't mind, I'll start. It's Jeff Rutowski.
 16 CHAIRMAN FLAHERTY: Okay.
 17 MR. RUTOWSKI: At the last meeting
 18 there was a discussion of the potential surveying of
 19 the retention base on the Park Ridge property to make
 20 sure it's of the adequate size to accommodate the
 21 runoff and the function as we would hope it would as
 22 per the design.
 23 Is that something that you guys -- that
 24 the developer is looking to do?
 25 To verify that it's the right

1 configuration to accommodate the runoff from both
 2 properties? Are you anticipating to survey the
 3 basin?
 4 MR. SKAPINETZ: We have already
 5 surveyed the basin, but we will certainly -- we took
 6 that comment and noted it and will work with
 7 Mr. Polyniak. We do have plans for the basin as it
 8 was designed and we'll review that with him and do
 9 whatever study necessary to satisfy him.
 10 MR. RUTOWSKI: There was a comment made
 11 about the video inspection of certain pipes, but not
 12 other pipes, and that just confused me, and I was
 13 just trying to -- once again, I didn't have the plans
 14 from many months ago in front of me. I was looking
 15 only at the plans that we were presented.
 16 But those pipes are conveying the water
 17 into the face on Park Ridge and it goes into a
 18 protected stream.
 19 Why weren't we videoing all the pipes?
 20 Was there a reason why we weren't --
 21 MR. SKAPINETZ: Yes, yes.
 22 And the reason was is that we're not
 23 impacting all the pipes. We are impacting some of
 24 them as a result of construction. So in the areas
 25 where we're doing demo there are some storm lines

1 that may be impacted by heavy equipment and we will
2 take a look and make sure that those lines that are
3 being maintained after or post demo are not damaged.

4 There was also concern about the main
5 trunk line or main sewer line that runs from
6 Montvale, collects the stormwater from the Montvale
7 development and runs down to the east into Park Ridge
8 and then to that pond; and that being the main
9 collector from Montvale, it was recommended that that
10 be -- also be TV'd and any repairs be made to that as
11 necessary and we agreed to do so.

12 MR. RUTOWSKI: That's good to hear.
13 That's what I was hoping you were going to say. It
14 just makes sense in my opinion.

15 The one large retention basin that was
16 north of the building, is that still proposed or is
17 there only one retention basin proposed for the
18 Montvale side?

19 MR. SKAPINETZ: No, the large basin --
20 the large basin north of the building is proposed.

21 MR. RUTOWSKI: Okay.
22 And that's where my confusion was,
23 'cause those four sheets don't show the spillway and
24 all those improvements.

25 That's why I asked for you guys to come

1 back.

2 MR. SKAPINETZ: That's right. And I
3 apologize.

4 I know there's some confusion when you
5 were talking about the old plans versus current
6 plans, and it's intended that the current plans are
7 mainly are only for showing the demolition of the
8 site on Park Ridge, the remaining driveway between
9 Park Ridge and Montvale, with, obviously, a few
10 tweaks that will have to be made as a result of us
11 having to address your professionals' comments which
12 was addressed at the last meeting.

13 MR. RUTOWSKI: It's my understanding
14 that there is some new New Jersey green
15 infrastructure stormwater rules that are going into
16 effect in 2021.

17 Will your -- does your design meet
18 those requirements or do you have to change your
19 design to meet those requirements.

20 MR. SKAPINETZ: No, we do not need to
21 change our design.

22 MR. RUTOWSKI: Does it meet those
23 requirements.

24 MR. SKAPINETZ: We -- it will not meet
25 -- for -- well, what portion are you -- for Park

1 Ridge we're doing demo.

2 We're not proposing any new
3 improvements and we're reducing impervious. The
4 coverage is not being increased.

5 So there is no triggering of the rules
6 under this proposal just for simply doing the demo.
7 And Montvale has already been approved in full, so
8 it's ahead of the -- essentially the deadline. It
9 will be put in place next year for those improvements
10 to be in place under the new rules by DEP.

11 MR. RUTOWSKI: So all the features that
12 were on the drainage plans from July 2018, there was
13 -- in that large basin there was equipment, the
14 spillway, there was sediment detention, I believe,
15 devices.

16 Are they still proposed?

17 MR. SKAPINETZ: Yes.

18 MR. RUTOWSKI: Okay.

19 MR. SKAPINETZ: Nothing has changed in
20 the Montvale approval than what has been shown in
21 those overall plans approved by Montvale.

22 MR. RUTOWSKI: Once again, that's where
23 my confusion was.

24 It just -- I was trying to connect the
25 dots of what I looked at many months ago compared to

1 what I had in front of me.

2 MR. SKAPINETZ: Okay.

3 MR. RUTOWSKI: And that's why we're
4 talking tonight so...

5 MR. SKAPINETZ: No problem.

6 MR. RUTOWSKI: So upon the surveying of
7 the retention basin along the Park Ridge property,
8 are you anticipating or will you commit, I should
9 ask, to do any maintenance or dredging of that basin
10 to make sure it functions as designed.

11 MR. SKAPINETZ: We will do what is
12 necessary to ensure that the basin is of a condition
13 as what was approved and what was intended to be
14 built there.

15 My expectation is that there will
16 probably end being some maintenance, some cleaning,
17 which is typical for wet ponds that are -- that this
18 is.

19 MR. RUTOWSKI: Would you do that
20 maintenance of that retention pond, the basin on Park
21 Ridge property as part of the improvements associated
22 with the Montvale property, or would you do that
23 sometime down the line when the improvement to the
24 Park Ridge property begins.

25 MR. SKAPINETZ: No, my -- no, my

1 expectation, and I'm sure Mr. Polyniak will agree
 2 that it will probably end up being done along with
 3 this TV'ing of the lines, you know, along with the
 4 construction of the Montvale piece.
 5 MR. RUTOWSKI: Has any of the
 6 stormwater design changed in your current drawings
 7 compared to your previous drawings as it relates to
 8 the Park Ridge property.
 9 Have any of the inlet locations
 10 changed? Is there any redirection of water that's
 11 different from what was proposed in your July 2018
 12 drawings?
 13 MR. SKAPINETZ: No, there -- well,
 14 about -- with respect to the demo plans, the
 15 four-sheet set that we submitted.
 16 MR. RUTOWSKI: Right.
 17 MR. SKAPINETZ: They're -- as a result
 18 of our last meeting where we discussed how we were
 19 going to keep the paving, keep the curbing, keep the
 20 inlets in place, we agreed to do that, there will be
 21 some modification made, particularly with respect to
 22 that emergency access drive. I will give that as the
 23 example.
 24 We will be showing -- continue to
 25 propose a tie-in to the current parking lot. When we

1 do so, we will likely have to deal with some
 2 potential regarding to basically show that drive or
 3 construct that driveway and connect it to the
 4 existing pavement, but we'll work with Mr. Polyniak
 5 to do so.
 6 But outside of that, will there be an
 7 inlet or two that will also have to be adjusted as
 8 we're going through the demo in certain areas?
 9 Possibly. We'll work that out, again, with
 10 Mr. Polyniak.
 11 MR. RUTOWSKI: So that emergency access
 12 drive that you would need to go on the Park Ridge
 13 property to access the Montvale property, is it
 14 anticipated that that's going to be a straight line
 15 from the Sony Drive entrance along the property line
 16 to that emergency access drive or would you expect
 17 emergency vehicles to meander through the park lot to
 18 the Park Ridge property post development to access or
 19 to get to that access road.
 20 Would it be --
 21 MR. SKAPINETZ: I testified to this at
 22 the last meeting.
 23 Generally speaking, if an emergency
 24 vehicle was going to go utilize that drive and come
 25 from off-site, they would enter into the site, drive

1 straight ahead and drive in, essentially, a clockwise
 2 direction to go around the outer rim or ring of that
 3 parking lot to get to that area and then access the
 4 emergency access drive. That's the intention, under
 5 this scenario of keeping the paving.
 6 MR. RUTOWSKI: I understand.
 7 I am not sure if you heard the one
 8 question from the public earlier about the
 9 coordination of the demolition projects of Montvale
 10 and Park Ridge.
 11 I'm not sure if the person from the
 12 public wants to re-ask his question, but I think it
 13 was a question of coordination.
 14 MR. SKAPINETZ: Right.
 15 In all likelihood, if demo can take
 16 place on both it's ideal, because now you're not
 17 bringing in equipment, you know, in two different
 18 times.
 19 So it's obviously ideal to try and do
 20 it at once and that's what we're trying to do. We
 21 would try to do our best to try and coordinate it so
 22 it would happen in that manner.
 23 MR. RUTOWSKI: Thank you.
 24 Mr. Chairman, I have no further
 25 questions.

1 CHAIRMAN FLAHERTY: Thank you,
 2 Mr. Rutowski.
 3 Any other Board Members with questions
 4 for Mr. Skapinetz?
 5 Other professionals, questions?
 6 MR. POLYNIK: None at this time, thank
 7 you.
 8 MR. INTINDOLA: Mr. Chairman, Brian
 9 Intindola from Neglia on the traffic side, kind of --
 10 CHAIRMAN FLAHERTY: Oh, yeah, Brian,
 11 I'm sorry.
 12 I didn't see you there.
 13 MR. INTINDOLA: That's okay.
 14 I came in just to hear Nick testify.
 15 And, but when you go through the planning process,
 16 and we're not there yet, if we can look to make the
 17 sidewalks as wide as possible for general circulation
 18 so it has the -- what we're finding in COVID, and I
 19 don't know if this is going to be a lasting effect, a
 20 lot of people are walking in your neighborhoods as if
 21 they're working from home.
 22 And if we can make those sidewalks as
 23 pedestrian accessible as possible and conducive to
 24 the occasional stroll, that would be a wonderful
 25 thing for both projects.

1 That's what -- was what's been on my
 2 mind.
 3 Thank you for your time.
 4 MR. RUPP: Mr. Chairman, I just have a
 5 question that I would like to ask Mr. Wolfson.
 6 Is the Montvale site owned by the same
 7 entity as the Park Ridge site where the driveway will
 8 be?
 9 MR. WOLFSON: Different ownership,
 10 common principals.
 11 MR. RUPP: And the reason I ask that
 12 question, a question had been raised about who's
 13 going to maintain that driveway, so I'm -- you know,
 14 is that going to be done by the owner of the Montvale
 15 property or is it going to be done by the owner of
 16 the Park Ridge property.
 17 MR. WOLFSON: There'll be an easement
 18 which will include those responsibilities between the
 19 two lots.
 20 MR. RUPP: Okay. The reason I mention
 21 that, we may want to include that reference in the
 22 resolution or if there's a developer's agreement or
 23 something like that.
 24 That's why I ask. Okay.
 25 The same thing with the drainage

1 piping; somebody needs to be responsible for that,
 2 and I just want to make sure we know who.
 3 MR. WOLFSON: Yes, all common
 4 improvements will be dealt with through such a
 5 document, and I think it's an excellent point.
 6 CHAIRMAN FLAHERTY: Anything else,
 7 Mr. Rupp.
 8 MR. RUPP: No, that's it.
 9 CHAIRMAN FLAHERTY: Okay. So any of
 10 our other professionals, now we've gone through, any
 11 other professionals for Mr. Skapinetz.
 12 Okay. And members of the public,
 13 questions for Mr. Skapinetz relative to his
 14 testimony?
 15 MR. O'SULLIVAN: Mr. Chairman, David
 16 O'Sullivan.
 17 CHAIRMAN FLAHERTY: Yes.
 18 MR. O'SULLIVAN: With respect to the
 19 Montvale portion of the property and where that
 20 connects to the access road, my recollection is that
 21 there is a slope coming from the Montvale property
 22 down to, I guess, where the access road. I don't
 23 know if that -- to be correct or not.
 24 But if it is, is it -- how is
 25 stormwater being handled there?

1 Will stormwater be coming off the
 2 Montvale property down the access road into Park
 3 Ridge?
 4 MR. SKAPINETZ: There is a little bit
 5 that will be going into Park Ridge, yes.
 6 But, within the site. So it's similar
 7 -- it's a similar condition that's happening today
 8 where stormwater runoff within the parking lot in
 9 Montvale sheet flows and runs into the Park Ridge
 10 parking lot, it's collected by inlets and goes into
 11 the piping system.
 12 So there is a small portion that will
 13 happen in -- it will do the same thing under the
 14 proposed or future condition.
 15 MR. O'SULLIVAN: Gotcha.
 16 And with respect to that water, that
 17 water would never go off the property where the curb
 18 cut is.
 19 Is that correct?
 20 MR. SKAPINETZ: That's correct. It's
 21 intercepted before that.
 22 MR. O'SULLIVAN: All right, great.
 23 Thank you.
 24 MR. SKAPINETZ: Welcome.
 25 CHAIRMAN FLAHERTY: Anyone else from

1 the public.
 2 MR. LaROSE: Yes, I have a couple of
 3 questions if you would, please. This is Brian
 4 LaRose, 64 Clairmont Drive in Woodcliff Lake.
 5 CHAIRMAN FLAHERTY: Yes.
 6 MR. LaROSE: We had spoken, I think we
 7 had asked some of these questions last time and this
 8 is more of a follow-up since the situation seems to
 9 be fluid.
 10 But, again, in terms of the demolition
 11 for the Park Ridge site, is it just the building that
 12 is coming down or will there be grading of the
 13 property terrain, trees coming down and things of
 14 that nature in conjunction with the possible or the
 15 removal of the trees on the Montvale side
 16 simultaneously.
 17 MR. SKAPINETZ: It's the former. It's,
 18 essentially, just the building and improvements
 19 around the building that are coming down.
 20 MR. LaROSE: Okay.
 21 MR. SKAPINETZ: So the parking lot will
 22 be maintained in its current condition for the most
 23 part. The one item, the one exception would be if
 24 you look in the parking lot today, you'll see the
 25 dead trees within the islands there.

1 Those will probably be taken out and
2 removed, but that will be all with the exception of
3 Montvale and the improvements that were proposed or
4 approved there.

5 MR. LaROSE: Will the -- specifically
6 the trees on the Montvale side be staying for now
7 during the Park Ridge demolition or will --

8 MR. SKAPINETZ: That's a timing
9 question.

10 So that's really all -- just comes down
11 to whether or not the ability to do both the demo at
12 the same time gets approved.

13 MR. LaROSE: I guess if, in an ideal
14 world for you folks, if you could do it all at once,
15 I'm assuming that you folks would take that
16 opportunity.

17 MR. SKAPINETZ: That's correct.

18 MR. LaROSE: Which brings up my next
19 question. I know there's plans for the Montvale
20 side, but my concern is that if essentially that
21 whole area is leveled, how much time would
22 essentially we have this wide open space with the
23 Parkway there between, you know, the demolition and
24 potential construction.

25 And could you speak a little bit on

1 that, or do you have any information on that?

2 MR. SKAPINETZ: You know, you're
3 talking about the finalization of the improvements in
4 Montvale.

5 MR. LaROSE: Yeah.

6 'Cause I know the project's essentially
7 been approved. My concern is that, you know, the
8 trees get taken down and then we -- they, you know,
9 the site sits open for an extended period of time
10 before any construction takes place and the sound
11 from the Parkway affects pretty much the entire
12 residential neighborhood directly to the south.

13 MR. SKAPINETZ: Well, the intention
14 here is not to start demo and then not build the
15 building, so that -- from a --

16 MR. LaROSE: It would happen fairly
17 quickly.

18 MR. SKAPINETZ: From a general
19 perspective, you know, timing here from the
20 standpoint of demolition to getting the improvements
21 done and even getting in, you know, the landscaping
22 and so forth, you're probably talking within a year
23 or two.

24 Somewhere in that timeframe.

25 MR. LaROSE: Gotcha.

1 MR. SKAPINETZ: Let's say 12 to 18
2 months.

3 MR. LaROSE: And final question, where
4 the emergency access road is being proposed, I'm
5 assuming that you folks will have to demo the trees
6 in that area on the Park Ridge side in order to put
7 that access road in, and does that variance account
8 -- does this variance account for that removal of a
9 substantial portion of trees on the Park Ridge side.

10 MR. SKAPINETZ: No.

11 There's not a substantial portion of
12 trees. That's in the middle of the parking area
13 there, so we're not taking out a substantial amount
14 of trees there.

15 MR. LaROSE: If you look on the
16 schematics there, I don't believe that's accurate.

17 Page 4 of the sheet that Tonya was
18 showing does show a significant area of disturbance
19 located on the Park Ridge side that will be required
20 to accommodate for that access road.

21 And that, again, will require a
22 sizeable amount of trees to be removed on the Park
23 Ridge side. And I'm curious when that would be done,
24 whether it's going to be done during the demo of the
25 building or if the trees are going to stay for now.

1 It's the southwest corner of the property.

2 MR. SKAPINETZ: Yeah, I'm just taking a
3 look just from a reference standpoint there, but --

4 MR. LaROSE: I believe it was page 4 of
5 your demo plan that overlays the land use with the
6 Montvale project over the Park Ridge property line.

7 MR. SKAPINETZ: Right, no.

8 And I'm looking at them side-by-side
9 right now, and again, from a standpoint of trees in
10 Park Ridge to be removed in order to do that
11 emergency access drive, I'm going to say if there's a
12 couple, it's probably the most.

13 MR. LaROSE: There's more -- there's --
14 it's -- that's heavy vegetation in that area. They
15 may not necessarily be mature trees, but it's in a
16 very solid sound buffer, again, and --

17 MR. SKAPINETZ: Right, but if you're
18 looking at the plan that's up right now, the area
19 that we're talking about is the area in the corner
20 that -- the notch off to the left-hand side where it
21 says, "Proposed tree protection fence," in that box;
22 that's where the emergency --

23 MR. LaROSE: But that doesn't exactly
24 fit with the site plans that are being proposed.
25 There is a difference between the area that is being

1 proposed in terms of the -- for instance, page -- the
2 previous -- we had looked at page 5 of the schematics
3 before, it was the prior page on page 4, and if you
4 look at the demolition area here for Park Ridge and
5 that page, the -- there we are, right there -- that
6 area of disturbance is very different than the one
7 proposed on that demolition site plan.

8 MR. SKAPINETZ: No, I'm -- yeah, I
9 understand -- oh, I see what you're saying as far as
10 the limit -- that limit of disturbance line on the
11 set.

12 MR. LaROSE: Yeah. So I mean --

13 MR. SKAPINETZ: Yeah, that is -- that
14 is -- I will say that that is not indicative of where
15 the emergency access drive is.

16 So, we'll basically -- I will state
17 that the amount of disturbance that will take place
18 in that corner will only be needed -- will only be
19 for the purpose of the construction of that emergency
20 access drive and it will not be to the full extent
21 here.

22 I do understand what you're saying, but
23 --

24 MR. LaROSE: Yeah.

25 MR. SKAPINETZ: But I'm looking at it

1 -- I'm looking at it versus the -- the demo plan. I
2 counted the number of spaces and I'm doing the
3 same --

4 MR. LaROSE: Yeah, well, it's six
5 spaces on one sheet.

6 It's 18 spaces on another, so --

7 MR. SKAPINETZ: Right. Correct.

8 Yeah, you're -- you're -- you see the
9 same thing I'm seeing.

10 MR. LaROSE: Yeah.

11 MR. SKAPINETZ: Essentially, on the
12 overall approved sit plan --

13 MR. LaROSE: Yeah.

14 MR. SKAPINETZ: -- it's more about 20
15 parking spaces that are there, which --

16 MR. LaROSE: Yeah.

17 MR. SKAPINETZ: -- which means that
18 limit of disturbance line is much further to the
19 north and not as impactful as what you see in this
20 plan.

21 MR. LaROSE: Got it.

22 So -- so just to the board, I would
23 kindly request that you, you know, get some clarity
24 on to where exactly that -- that line is going to be
25 in terms of the limit of disturbance because it's

1 different on both of these pictures, whether you look
2 at the demolition plan or the previous site plans.

3 It's not -- not the same.

4 That's all the questions I have.

5 Thank you very much.

6 MR. WOLFSON: Mr. Chairman, the
7 testimony has been that we will seek to minimize the
8 disturbance in that area solely to accommodate the
9 emergency access, and Brett certainly would be
10 willing to work with your engineer on that detail, as
11 he will on a number of issues.

12 CHAIRMAN FLAHERTY: Right.

13 MR. LaROSE: Thank you again.

14 CHAIRMAN FLAHERTY: Okay. Thank you.

15 Anyone else from the public, questions?

16 (No response.)

17 CHAIRMAN FLAHERTY: Okay. So we've
18 asked our board members and our professionals and the
19 public. I think we've exhausted all of the
20 questions.

21 And, Mr. Skapinetz, thank you so much
22 for your patience and professionalism.

23 MR. SKAPINETZ: Thank you.

24 MR. WOLFSON: So, Mr. Chairman, that
25 concludes our testimony.

1 With that, if I might, as you -- first
2 of all, thank you to the board, its professionals and
3 the public for its time and attention to this, under
4 difficult circumstances. We truly appreciate it.

5 As we've heard during these two
6 sessions, the site plan before you is of an extremely
7 limited scope. The purpose of the application is to
8 support your neighboring municipality's obligation to
9 provide inclusionary affordable housing.

10 And as you heard Mr. Phillips indicate,
11 there is a mutual obligation between municipalities
12 to support those efforts and they go to justify the
13 variance relief that is before you.

14 The three (c) variances that you heard
15 are technical in nature and they are the result of
16 existing conditions on this integrated tract, as well
17 as the existence of the municipal boundary through
18 the tract.

19 Those are the coincidences that occur
20 on this site and they're not uncommon on other sites,
21 as you heard Mr. Phillips say. And with his
22 testimony, we believe the variances are justified.

23 With that, we respectfully request that
24 the board approve the application as presented.

25 Thank you.

1 CHAIRMAN FLAHERTY: Thank you,
 2 Mr. Wolfson, and your entire team, and the board will
 3 discuss it and get back to you as soon as we can.
 4 MR. WOLFSON: Do I take that to mean
 5 that you're not going to have deliberations and a
 6 vote tonight.
 7 CHAIRMAN FLAHERTY: I'm trying to get
 8 Mr. Rupp's attention here.
 9 MR. RUPP: Yes.
 10 CHAIRMAN FLAHERTY: It's the first time
 11 we've done this, a virtual meeting, where we've had
 12 to go into deliberation and discussion like this, so
 13 it's all new to me.
 14 So I'm looking for a little direction
 15 on this one.
 16 MR. RUPP: Well, the deliberation is
 17 conducted in public, and, therefore, the board can,
 18 in fact, mute everyone else because in all fairness,
 19 the deliberation portion is not an interactive
 20 portion of the meeting, and the board can discuss it
 21 and then make a -- it can either make a determination
 22 tonight in terms of directing a resolution be
 23 prepared, or it could adopt a resolution which will
 24 then be memorialized.
 25 Under the circumstances, you're

1 probably going to want to take a look at a written
 2 resolution before you finalize your decision, but
 3 that's up to the board.
 4 CHAIRMAN FLAHERTY: That's -- I think
 5 I'm speaking for the entire board; that is accurate,
 6 we would like to look at that, yes.
 7 MR. WOLFSON: Mr. Chairman, if I might,
 8 one other thing. I just don't know whether the
 9 public had an opportunity to make comments in
 10 addition to their questions.
 11 CHAIRMAN FLAHERTY: Okay. That's a
 12 good point.
 13 How about members of the public,
 14 comments on the application, comments for the board?
 15 MR. LaROSE: I apologize, I had one
 16 more question that I had forgot to ask.
 17 CHAIRMAN FLAHERTY: Yes, go ahead.
 18 MR. LaROSE: This is Brian LaRose, 64
 19 Clairmont Drive once again.
 20 Regarding the demolition again, is
 21 there a plan to put some sort of fence on the
 22 southern border between the residential area and the
 23 property during the demolition process?
 24 I know there's been a no trespassing
 25 sign that's been put up there, but that's really

1 about all that's been implemented there.
 2 CHAIRMAN FLAHERTY: Fred, are you able
 3 to speak to that?
 4 FRED: Yes, there is not a permanent
 5 fence proposed. There are a couple of temporary
 6 fences that are proposed; one that would be put up to
 7 deal with any protection of trees that are near the
 8 boundary of the building, and then another one to --
 9 is a silt fence, because essentially, you know, that
 10 -- the Woodcliff Lake side or southern end is the
 11 higher point and, you know, grading drops down,
 12 downward towards the building, so we'll be putting in
 13 a silt fence along the perimeter as well.
 14 MR. LaROSE: Now, will that be at the
 15 high point of the property or the low end of the
 16 property because it's --
 17 FRED: It's going to actually be on --
 18 per the soil erosion plan, it's all around the
 19 building.
 20 MR. LaROSE: It's just around the
 21 building. Got it. Okay.
 22 FRED: Okay.
 23 MR. LaROSE: Got it.
 24 Thank you very much.
 25 CHAIRMAN FLAHERTY: Okay. Welcome.

1 Any other questions or comments from
 2 the public?
 3 (No response.)
 4 CHAIRMAN FLAHERTY: Okay. So I think
 5 we've heard from Mr. Rupp what our choices are now.
 6 I think we can go into this discussion mode, right?
 7 Tonya, how do we handle this? Do you -- we're going
 8 to mute other people or is it --
 9 MS. TARDIBUONO: I think everybody is
 10 muted except for the board members, but I will mute
 11 other.
 12 CHAIRMAN FLAHERTY: Okay, good. Good
 13 enough.
 14 Thank you.
 15 Okay. So let's hear some feedback,
 16 board members. What are your thoughts on this
 17 application moving forward?
 18 MR. RUTOWSKI: As we move through the
 19 process and get a resolution, I think we're going to
 20 have to start listing some things, or I would suggest
 21 that we list some things to be included in the
 22 resolution.
 23 Some things come to mind could be what,
 24 you know, we discussed with the video inspection, who
 25 does the maintenance of the access road. I think

1 that's where it belongs.
 2 Bill, is that where it would belong, in
 3 a resolution, or would it belong in another document?
 4 MR. RUPP: I believe it should be
 5 referenced in the resolution. It's going to probably
 6 be in a developer's agreement, too, but I think your
 7 resolution should reference it.
 8 CHAIRMAN FLAHERTY: So these are good
 9 points. Let's go with Mr. Rutowski along his lines
 10 here now, other board members, please, we've had a
 11 lot of testimony for two months here.
 12 I think just the last point that was
 13 just brought up regarding the vegetation and some
 14 clarity around that, that would have to be addressed
 15 in the resolution.
 16 MR. RUPP: Yes.
 17 Again, I realize the plans are --
 18 they're a little bit hard to follow because the plans
 19 showing the demolition don't show the Montvale site
 20 and the previous plans showed essentially a redesign
 21 of the parking lot which isn't being done.
 22 As I'm looking at it, I see that the
 23 access driveway is essentially for the emergency
 24 vehicles is -- is going to enter directly onto an
 25 existing parking lot area, right?

1 So that whole issue about trees I
 2 couldn't follow, because I don't think there are
 3 trees there. I think it's pavement.
 4 Now, I realize it's difficult to follow
 5 'cause the plans don't kind of match up easily, but
 6 it looks as if the access driveway is -- for
 7 emergency vehicles is going to be on the existing
 8 parking lot, right?
 9 So then, as was the testimony, will be
 10 accessed by going all the way around the parking lot.
 11 So...
 12 CHAIRMAN FLAHERTY: Okay. Well, I
 13 guess that -- we're talking about where the actual
 14 application is for, that -- that entrance out, which
 15 is, I understand, the northern part of the property,
 16 right? There is no trees there, we agree. You're
 17 talking about at the bottom where --
 18 MR. RUPP: No, no, I'm talking about
 19 where the -- where that access driveway is shown on
 20 the Montvale plans, as far as I could determine, that
 21 exact location presently is in the parking lot.
 22 Right?
 23 Is in the current parking lot?
 24 MR. LaROSE: I believe that is
 25 incorrect, sir.

1 I apologize for speaking up, but that
 2 is incorrect. If you look at the plans for -- that
 3 were submitted by Dynamic Engineering, that is not
 4 the case. That area is -- is covered with vegetation
 5 as we speak, and then runs into the parking lot.
 6 If you look at the overlay of the
 7 Montvale site plan with the Park Ridge property, you
 8 will see that is the case at present.
 9 MR. RUPP: I'll just reiterate that
 10 that's not how I am reading the plan, so it's --
 11 MR. LaROSE: I live here. I know the
 12 property. I have also looked at the plans, I've
 13 attended the Montvale hearings. I am confident I am
 14 correct.
 15 MR. WOLFSON: Yeah, Mr. Rupp, the
 16 applicant indicated that they would work with the
 17 board's engineer to minimize any disturbance in that
 18 area, whatever the configuration might be there, so
 19 our suggestion would be that a condition to that
 20 effect would be appropriate to address Mr. LaRose's
 21 concern.
 22 MR. LaROSE: Thank you, Mr. Wolfson.
 23 CHAIRMAN FLAHERTY: What other issues
 24 are the board members concerned with that they want
 25 to see addressed in the resolution.

1 MR. RUTOWSKI: So I was just -- Jake, I
 2 was just writing some things down and then I'll pass
 3 the baton.
 4 We were talking about the video
 5 inspection of the piping; the surveying of the Park
 6 Ridge retention basin; the maintenance and possible
 7 reconstruction of the Park Ridge retention basin as
 8 deemed necessary by the engineers. Ownership of
 9 maintenance of who's responsible for the maintenance
 10 of the access road.
 11 MR. CLIFFORD: And, Jeff, I think what
 12 you can add with that is maintenance of the sidewalk
 13 and upkeep pedestrian safety.
 14 DR. PEREZ: And the widening of the
 15 sidewalk that Mr. Polyniak had pointed out.
 16 MR. RUTOWSKI: There was also an issue
 17 of, in last month's testimony, about the lighting in
 18 that area as it relates to the walkways, and I
 19 believe there was also a request on behalf of the
 20 applicant to have some signage moved so that it was
 21 in a more noticeable location or entryway.
 22 I was just curious how everyone felt
 23 about that. I was actually -- it made perfect sense
 24 to me, having been -- looking at the site and seeing
 25 what they were saying. When you're coming down the

1 road, you want to know where you're going, right?
 2 You want to know what's at the end. If we're
 3 approving this access point and this roadway, I think
 4 it should be clearly delineated and signed.

5 MR. BURGIS: I made a comment about the
 6 driveway currently has these cut-outs for the traffic
 7 aisles going to the existing parking lots, and I had
 8 suggested that those be somehow closed off so that
 9 the driveway doesn't, you know, is really limited to
 10 an access to the Montvale site as opposed to general
 11 access to a large parking lot.

12 MR. RUTOWSKI: Bill, is it appropriate,
 13 are we allowed to ask our engineer about something --
 14 well, to be direct, the -- the improvements on the
 15 Montvale property will not meet the green -- New
 16 Jersey green infrastructure stormwater rules that go
 17 into effect.

18 Can I ask our engineer if we could
 19 require that?

20 MR. RUPP: Well, in Montvale you can't
 21 require nothing, so that's an easy answer.

22 MR. RUTOWSKI: I'm sorry, Bill, I
 23 couldn't hear you.

24 MR. RUPP: In Montvale you can't
 25 require anything. All right.

1 MR. RUTOWSKI: Yeah, but some of it
 2 will be proposed -- the water will also be conveyed
 3 to the Park Ridge property, right? It will connect
 4 with our pipes.

5 MR. POLYNIAC: Chairman, just to
 6 address Mr. Rutowski's question, I know the new
 7 regulations and requirements are going to be in
 8 effect and an ordinance needs to be adopted by every
 9 municipality in the state by March 3rd of 2021.

10 I don't believe that ordinance has been
 11 adopted by the governing body of Park Ridge because
 12 they still have time to adopt that ordinance. So it
 13 really isn't in place at this time for the applicant
 14 to address because there is no applicable ordinance
 15 in the borough at this time.

16 MS. DeMARTINO: Can I ask a clarifying
 17 question that might -- might lead to something.

18 I'm not sure. I'm wondering about the
 19 reasoning behind why they're asking -- why the
 20 applicant is asking not to provide a complete visual
 21 screen within three years of plantings?

22 Was that explained, or did I -- did I
 23 miss it? I know a lot of the discussion was around
 24 the other variance, but that was the one that struck
 25 me.

1 CHAIRMAN FLAHERTY: Right, so I --
 2 that's a good catch and I don't know that it was
 3 explained. You know, I guess it depends on who was
 4 looking for an explanation.

5 But if we go back to Mr. Rupp, is that
 6 something that can be put in a resolution that we
 7 would require some kind of -- within three years,
 8 some kind of --

9 MR. RUPP: Well, you may have to speak
 10 to Greg on this, because quite frankly, the
 11 application as originally proposed called for the
 12 removal of all the asphalt, right, of the existing
 13 parking lot, which obviously would have addressed the
 14 buffer and a number of other issues.

15 My understanding is, is that we are the
 16 ones requesting that the pavement be retained, which
 17 obviously, kind of, prevents the landscaping and
 18 buffering, et cetera.

19 So, Greg, I think you need to address
 20 that.

21 MR. POLYNIAC: Correct, Chairman and
 22 Board Members, the reason that we're requesting that
 23 the asphalt and in particular the curbing to remain
 24 is that the seam and current drainage patterns are
 25 maintained across the site as they exist today.

1 We did not want to see the pavement
 2 removed, the curbing removed, which stops the
 3 stormwater runoff from running in directions off-site
 4 and into adjoining properties to create issues within
 5 the basin and as it's discharged into the Borough of
 6 Park Ridge.

7 We wanted to make sure that the site
 8 functions as it exists today and the improvements
 9 that are proposed don't create any deleterious effect
 10 to the basin and as it is discharged off-site.

11 MS. DeMARTINO: I don't know if that's
 12 what I'm talking about.

13 I'm referencing on the letter that was
 14 sent with this application. It says:

15 "The applicant is seeking variance
 16 relief pursuant to N.J.S.A. 40:55(d)70(c)(1)
 17 or (2)."

18 And (1) was the one about the
 19 separation between the driveways, but (2) says that
 20 they would like to permit no buffer where 10 feet is
 21 required to accommodate the ultimate growth of
 22 plantings and 100 feet of buffer is required to
 23 residential uses and to not provide a complete visual
 24 screen within three years of planting, pursuant to
 25 Park Ridge Ordinance, Section 101.63(c)(2).

1 So as I'm reading that, it seems like
 2 they're asking to not have to provide a visual screen
 3 with plantings.
 4 But I might -- I don't recall much
 5 discussion about this, so --
 6 MR. WOLFSON: Mr. Chairman,
 7 Mr. Chairman, may I just briefly speak to that.
 8 That's one of the three (c) variances
 9 that we did speak to. And the reason that the buffer
 10 can't be achieved, especially with the retention of
 11 the existing improvements, is because it's an
 12 integrated situation.
 13 In terms of buffers, generically, I
 14 think as you heard from the planner, our planner,
 15 once the rezoning is considered for the ultimate
 16 development of the Park Ridge site, those kind of
 17 considerations will be considered and incorporated
 18 into the ultimate development of the site.
 19 MS. DeMARTINO: So what -- what is --
 20 what exactly is it that's going to be on -- on the
 21 site that is not there now that requires this
 22 variance, or is it just you need it there because
 23 this is the existing status of the property.
 24 MR. WOLFSON: It's the existing status
 25 of the property; you're exactly right.

1 MS. DeMARTINO: Okay.
 2 MR. WOLFSON: Which is going to remain
 3 the same at the request of your engineer and --
 4 MS. DeMARTINO: Got it.
 5 MR. WOLFSON: -- great idea to help
 6 address stormwater management.
 7 MS. DeMARTINO: Okay.
 8 But, ultimately, as you said, when the
 9 full plans are submitted eventually to whatever board
 10 they go to, then that would be a further discussion
 11 around some kind of -- so we're not deciding -- we're
 12 not saying right now that you guys don't have to put
 13 any kind of visual screen around the property.
 14 That's not what we would -- that's not
 15 what this is saying.
 16 MR. WOLFSON: Nothing about what you're
 17 saying tonight has any bearing on what, ultimately,
 18 will be rezoned and then designed.
 19 MS. DeMARTINO: Got it.
 20 Thank you.
 21 MR. RUPP: And I'll just note that I
 22 had taken some notes and what I'm indicating is that
 23 should the board be inclined to grant those (c)
 24 variances, it's not going to be for the purpose of
 25 permitting future development without any buffer or

1 screening.
 2 It's really -- the whole thing is
 3 really designed to accommodate the existing
 4 improvements which are not being removed for drainage
 5 considerations.
 6 That's really what the intent is.
 7 MS. DeMARTINO: Thank you.
 8 MR. RUTOWSKI: Could we memorialize
 9 that?
 10 Could we memorialize that in the
 11 resolution to show that we're not just dependent upon
 12 what we future -- you know, our future planning with
 13 the applicant for the Park Ridge property, that we
 14 say it's temporary, we'll give you relief; however,
 15 it's expected to be incorporated into the overall
 16 design of the property post the Park Ridge
 17 development.
 18 MR. RUPP: Well, I was going to layout
 19 the circumstances to make sure that we're not talking
 20 about future development for this property that will
 21 allow a parking lot to be right up against the
 22 property line. That's really what the intent here
 23 is.
 24 In other words, they're not using the
 25 parking lot for parking, it's only being essentially,

1 designed for temporary drainage control. Right.
 2 MR. RUTOWSKI: Understood.
 3 So we're going to --
 4 MR. RUPP: -- that would be -- we would
 5 spell that in the the resolution.
 6 MR. RUTOWSKI: Okay.
 7 CHAIRMAN FLAHERTY: So I think in the
 8 big picture the applicant has done, at least in my
 9 opinion, a good job of addressing so many of the
 10 issues that were brought up over the course of these
 11 meetings.
 12 I, personally, would be inclined to
 13 support the application when we can all agree on the
 14 resolution.
 15 If anyone feels different and -- how
 16 about if I get some feedback from each member,
 17 please, how you feel in terms of the overall approval
 18 of the application.
 19 Mr. Curran, what are your thoughts on
 20 that?
 21 MR. CURRAN: I sort of resound your
 22 sentiment right there. I think it was well-presented
 23 and I'm open to it.
 24 CHAIRMAN FLAHERTY: Mr. Clifford, what
 25 do you think.

1 MR. CLIFFORD: I think I appreciate the
2 testimony that was given tonight, but I have some
3 concerns.
4 There just seems to be a lot of moving
5 parts here with what I heard tonight.
6 CHAIRMAN FLAHERTY: Do you want to get
7 any more specific or share anything else.
8 MR. CLIFFORD: I mean, the traffic, the
9 safety; there's just a lot of things that I have
10 concerns about.
11 CHAIRMAN FLAHERTY: Mr. Pantaleo?
12 VICE CHAIRMAN PANTALEO: Mr. Chairman,
13 based on, I think, what was presented before us today
14 and what is actually before us today for decision, I
15 think they did an excellent job and I don't see any
16 problems with what was presented.
17 CHAIRMAN FLAHERTY: Dr. Perez, what are
18 your thoughts?
19 DR. PEREZ: Again, initially I was, you
20 know, looking through this and, you know, again, my
21 earlier question was would we be the only -- the --
22 the thing -- what other issues would be pointing at
23 us if we, you know, say okay, this is a driveway from
24 our town into the other town for sole use of a
25 residential access.

1 carried us here with a lot of your thoughts and
2 questions and at the end of the day, what's your
3 thought.
4 MR. RUTOWSKI: I would like to see what
5 the resolution says, how it's worded, to make sure
6 that we all know what we're going to get out of this,
7 to make sure that everything that we discussed is
8 memorialized.
9 We're working in extraordinary times,
10 and, you know, I brought up at least three times how
11 difficult it was to match the four drawings that we
12 received with the current application compared to
13 what we received months ago.
14 I'm very pleased that the experts came
15 back tonight and I think it gave us all more
16 information to really digest what is proposed.
17 Because as we moved through the last meeting into
18 this one, it just seemed very rapid and say wait a
19 minute, we spent a lot more time on a lot smaller
20 applications.
21 Tonight's meeting was very impactful
22 and useful. I just would like to read the resolution
23 so at that point, I would be able to offer my opinion
24 on the project.
25 CHAIRMAN FLAHERTY: Okay.

1 Yeah, the presentation was, you know,
2 was good. It was fine. You know, looking at this,
3 you know, I -- right now, you know, you look at this
4 and, you know, if you -- if you look at everything
5 and how -- where else can they access this?
6 Where else can they access this
7 property? You look at where -- what other properties
8 or what other ways. And I'm sure their planners and
9 engineers looked through this and said where else can
10 they access this landlocked piece.
11 Yeah, that's not Park Ridge's problem
12 to go ahead and figure that out, it's theirs. I
13 think they did a fine job doing so. Yeah, the whole
14 safety piece is something that -- to be concerned
15 about, but, you know, all in all, taking everything
16 into consideration, I think it would be okay.
17 CHAIRMAN FLAHERTY: Thank you.
18 Ms. DeMartino?
19 MS. DeMARTINO: Yeah, I agree with what
20 Mr. Pantaleo said mostly.
21 CHAIRMAN FLAHERTY: Okay.
22 MS. DeMARTINO: He was echoing my
23 sentiments at this point.
24 CHAIRMAN FLAHERTY: Okay.
25 Mr. Rutowski, you really kind of

1 Mr. Rupp, do you have enough from the
2 board?
3 MR. RUPP: Yes.
4 CHAIRMAN FLAHERTY: You do.
5 MR. WOLFSON: Mr. Chairman, Mr. Rupp,
6 will you be entertaining a motion then to authorize
7 Mr. Rupp to draft a resolution of approval.
8 MR. RUPP: I think that's what the
9 intent of the board is.
10 Again, it's not a memorializing
11 resolution. It's, essentially, a -- it's, kind of,
12 like, an informal polling, which is really what they
13 just did, that, essentially, says, Mr. Rupp, draft a
14 resolution to approve, subject to these various
15 conditions, so...
16 MR. WOLFSON: Okay.
17 CHAIRMAN FLAHERTY: Now, we are on the
18 books, right, we already have our January meeting
19 scheduled for the 19th.
20 Is that right, Tonya?
21 The 19th of January.
22 MS. TARDIBUONO: Yes, that's correct.
23 CHAIRMAN FLAHERTY: All right.
24 So, again, now, you have enough right
25 now, Mr. Rupp; that's what we --

1 MR. RUPP: I have enough to draft a
 2 resolution, yes.
 3 CHAIRMAN FLAHERTY: Mr. Wolfson, do you
 4 have any other questions or anything else you'd like
 5 to state.
 6 MR. WOLFSON: None.
 7 Again, we just appreciate all of the
 8 time and the patience and the attention and, again,
 9 we wish everyone happy and healthy holidays.
 10 CHAIRMAN FLAHERTY: Thank you so much.
 11 Same to you and your team over there.
 12 Thank you.
 13 MR. WOLFSON: Thank you.
 14 CHAIRMAN FLAHERTY: Okay. All right.
 15 We don't have any other approvals or
 16 any other board discussion right now. Can we just
 17 get -- Tonya, is there anything else we need to cover
 18 before we adjourn?
 19 MS. TARDIBUONO: No.
 20 CHAIRMAN FLAHERTY: Okay.
 21 We have a motion to adjourn?
 22 VICE CHAIRMAN PANTALEO: I'll make that
 23 motion, wishing everyone a happy -- safe holiday.
 24 CHAIRMAN FLAHERTY: Thank you,
 25 Mr. Pantaleo, same to you.

1 And a second?
 2 MR. CLIFFORD: I'll second.
 3 Same. Happy holidays to all.
 4 CHAIRMAN FLAHERTY: Thank you.
 5 Same to everybody.
 6 Okay. Thank you so much, everybody.
 7 (Whereupon, the hearing will be
 8 continuing at a future date. Time noted:
 9 10:22 p.m.)
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 2 CERTIFICATE
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 5 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 6 Public of the State of New Jersey, Notary
 7 ID.#50094914, Certified Court Reporter of the State
 8 of New Jersey, and a Registered Professional
 9 Reporter, hereby certify that the foregoing is a
 10 verbatim record of the testimony provided under oath
 11 before any court, referee, board, commission or other
 12 body created by statute of the State of New Jersey.
 13 I am not related to the parties
 14 involved in this action; I have no financial
 15 interest, nor am I related to an agent of or employed
 16 by anyone with a financial interest in the outcome of
 17 this action.
 18 This transcript complies with
 19 regulation 13:43-5.9 of the New Jersey Administrative
 20 Code.
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