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1 A P P E A R A N C E S:
2
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10
11 I N D E X:
12 WITNESS: SWORN:
13 DANIEL LAMOTHE 26
14
15 EXHIBIT: DESCRIPTION: PAGE:
16 A-1 Proof of Service 7
17 A-2 Existing Conditions 28
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21 A-6 Erosion Control Plan 58
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1 comments or questions?
2 MR. PARKER: No, none.
3 CHAIRMAN BODNER: Do you want to make
4 a motion?
5 MR. PARKER: Motion to approve the
6 minutes from 1/12/23.
7 CHAIRMAN BODNER: And second?
8 MR. ROWE: I'll second.
9 CHAIRMAN BODNER: Okay. Roll call.
10 Mr. Thompson.
11 MR. THOMPSON: Yes.
12 CHAIRMAN BODNER: Ms. Belcher.
13 MS. BELCHER: Yes.
14 CHAIRMAN BODNER: Mr. Rowe.
15 MR. ROWE: Yes.
16 CHAIRMAN BODNER: Mr. Parker.
17 MR. PARKER: Yes.
18 CHAIRMAN BODNER: Mr. Zomick.
19 MR. ZOMICK: I wasn't there.
20 CHAIRMAN BODNER: You weren't here
21 and myself, yes. Okay. So we have coming before
22 the Board, there's two applications for Holy Name
23 Hospital, one PB2022-13, Holy Name Hospital; one
24 PB2022-14, Holy Name Real Estate Corp.
25 Wendy, what's your plan?

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1 (Flag salute.)
2 CHAIRMAN BODNER: Adequate notice of
3 this meeting has been provided by adopting of the
4 appropriate resolution listed listing the 2023
5 meeting dates, by adoption of supplemental
6 resolutions modifying and starting time by mailing
7 copy of said resolutions to The Record and the
8 Jewish Standard by filing a copy of with the
9 Township Clerk's Office by posting it on the
10 Municipal Building bulletin board and by directing
11 that this statement be included in the minutes.
12 Roll call. Mr. Thompson.
13 MR. THOMPSON: Yes. Present.
14 CHAIRMAN BODNER: Ms. Belcher.
15 MS. BELCHER: Here.
16 CHAIRMAN BODNER: Mr. Rowe.
17 MR. ROWE: Here.
18 CHAIRMAN BODNER: Mr. Schwartz. Out.
19 Mr. Parker.
20 MR. PARKER: Here.
21 CHAIRMAN BODNER: Mr. Zomick.
22 MR. ZOMICK: Here.
23 CHAIRMAN BODNER: Chair Bodner.
24 Present. The minutes from the January 12th meeting
25 were sent to everybody. Does anybody have any

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1 MS. BERGER: My plan is to start and
2 again with the childcare center application which is
3 PB2022-14, and then if you don't mind, I would like
4 to sit here. I have a little bit of a foot issue.
5 Would that be okay with you?
6 CHAIRMAN BODNER: Only if you holler
7 so we can hear you.
8 MS. BERGER: All right.
9 MR. KELLY: Can you just clarify for
10 the purpose of the record why the Board is starting
11 again?
12 MS. BERGER: Yes. We are here again.
13 For the record, my name is Wendy Berger from the law
14 firm of Cole Schotz. We were here for this
15 application in October. We started our presentation
16 and our hearing in October, and at that hearing,
17 there was a table of the proceedings, and I
18 understand that there was some issues with the tape
19 when people went to listen to it afterwards. Based
20 upon that fact, we're going to start again, the
21 whole presentation. So the record is clear, it's
22 clear for anyone who wants to listen to it, so we
23 are starting our presentation again anew.
24 MR. KELLY: Thank you. So you're
25 going to start with all exhibits, Wendy? You're

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1 going to start all exhibits from day one?
2 MS. BERGER: Everything all over
3 again.
4 MR. KELLY: So the stipulations we'll
5 renew and put on the record again?
6 MS. BERGER: Yes. Yes.
7 MR. KELLY: Okay. Very good. And we
8 also have in addition to Ms. Berger, Mr. Meadow's
9 co-counsel, although he's not present today, he is
10 representing the applicant. We also have Mr. Simon.
11 Do you want to put your appearance on the record?
12 Can we get him a microphone by any chance?
13 MR. SIMON: Awesome. Can you hear
14 me?
15 MR. KELLY: We can.
16 MR. SIMON: I have my own monitor,
17 first time in 32 years. Good evening. My name is
18 Rob Simon. I'm an attorney with Herold Law. I'm
19 here on behalf of certain individuals, and I will
20 read them off for the record. Michael Ackerman, and
21 Rachel Kay, 692 Grange Road, Teaneck. Daniel Bellin
22 and Ashira Loike, 135 Vandelinda Avenue, Teaneck.
23 Rebecca and Shalom Bronstein, 736 Grange Road,
24 Teaneck. Georgina and Yaw Asante, 140 Chadwick
25 Road, Teaneck. And Meryl and Joseph Mark, 166 Norma

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1 Road, Teaneck. Thank you. Good to be here.
2 MR. KELLY: And we understand from
3 the last meeting, there are members of the public
4 that may be attorneys, but are really acting as
5 members of the public, and we will certainly give
6 you your ability to question any of the witness
7 during the course of the hearing. Mr. Simon will go
8 first with any cross examination, and then we'll
9 open just like the last time, to any members of the
10 public for questions.
11 MS. BERGER: May I proceed?
12 CHAIRMAN BODNER: Yes.
13 MS. BERGER: With regard to the
14 application we have submitted to the Planning Board
15 office, the Planning Board Secretary, a copy of the
16 publication and the proof of service. Mr. Kelly,
17 would you like those marked in the record?
18 MR. KELLY: Yes, I would.
19 MS. BERGER: As exhibits. So the
20 proof of publication for the record is January -- is
21 sworn to and subscribed by The Record on
22 January 23rd, but it was -- January 13th, 2023, and
23 the proof of mailing was mailed to -- it was mailed
24 on January 12th, 2023, and the cover letter to the
25 Board Secretary was dated January 13, 2023. Do you

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1 want to mark them all A-1?
2 (Exhibit A-1 is received and marked
3 for Identification.)
4 MR. KELLY: Mark that as A-1. Anyone
5 want to be heard as to service? Seeing none,
6 Mr. Chairman.
7 CHAIRMAN BODNER: Thank you.
8 MR. KELLY: Anyone want to be heard
9 as to notice?
10 CHAIRMAN BODNER: Last call for the
11 public.
12 MR. KELLY: Seeing none
13 Mr. Chairman -- come on, Mr. Rubinstein.
14 MR. RUBINSTEIN: Elan Rubinstein.
15 E-L-A-N; R-U-B-I-N-S-T-E-I-N. Quick question on the
16 notice. It mentioned I believe 83 percent lot
17 coverage; is that accurate?
18 MS. BERGER: That's not on this
19 application. We're talking about the gravel lot?
20 MR. KELLY: The notice. He's asking
21 about notice. Why don't we let Mr. Rubinstein
22 finish and then.
23 MS. BERGER: The question is wrong.
24 MR. KELLY: Well, he should be
25 forwarded through the Chair and if the Chairman

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1 wish --
2 MR. RUBINSTEIN: There is a statement
3 on the notice talking about the variance. I believe
4 it was 83 percent. I could pull it out. I believe
5 it said 83 for lot coverage. I'm asking are they
6 requesting that throughout the course of these
7 applications about the notices that were sent?
8 That's included in the notices.
9 MR. KELLY: Okay. Ms. Berger, you
10 can respond.
11 MS. BERGER: The application we're
12 presenting at this time on the childcare center.
13 That's not part of the application on the childcare
14 center. That's the second application, which we'll
15 get to.
16 CHAIRMAN BODNER: They were both on
17 the agenda so answer the question. You're dealing
18 with that proposal.
19 MS. BERGER: Right. But we're doing
20 one at a time.
21 CHAIRMAN BODNER: I understand that.
22 Answer the question.
23 MS. BERGER: We're not doing the
24 whole thing.
25 CHAIRMAN BODNER: Just answer the

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1 question about the square footage.
 2 MS. BERGER: Yes, that's part of our
 3 proposal.
 4 CHAIRMAN BODNER: For the record
 5 that's the second application.
 6 MR. RUBINSTEIN: I understand that.
 7 CHAIRMAN BODNER: Both of them won't
 8 be on tonight anyway. So if you want to get an
 9 answer, we'll get you an answer. We'll ask the
 10 engineer.
 11 MR. RUBINSTEIN: That's correct. It
 12 says 83 percent on the notice. As long as we're
 13 talking about the notices.
 14 CHAIRMAN BODNER: And what's the
 15 application after, the second?
 16 MR. RUBINSTEIN: The second lot
 17 coverage, 75 percent.
 18 CHAIRMAN BODNER: What application is
 19 that, what's the PB number on notice?
 20 MR. RUBINSTEIN: It doesn't really
 21 have PB numbers on the notices that we received.
 22 MS. BERGER: For the record,
 23 PB2022-13, and you are correct. It says 83 percent
 24 property maximum lot coverage that's for the first
 25 application.

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1 CHAIRMAN BODNER: No, no. That's
 2 okay. It's a parking lot.
 3 MR. RUBINSTEIN: Thank you.
 4 MR. SIMON: So as a clarification
 5 to -- as a clarification and follow up to
 6 Mr. Rubinstein and Ms. Berger, so the overall site
 7 plan for what I'll call the childcare center
 8 application, which is what we're here for does
 9 reference the proposed temporary gravel parking lot
 10 and future staging area, and I'm surmising based on
 11 the interaction between Ms. Berger and
 12 Mr. Rubinstein that the excessive lot coverage is
 13 due to the proposed temporary gravel parking lot and
 14 future staging area.
 15 Is that -- and the reason why I'm raising
 16 it now is that because it's part of the childcare
 17 center application. I guess the question is whether
 18 the coverage variance is going to be addressed
 19 during the childcare center application because if
 20 the childcare center application is granted, and its
 21 granted with the temporary gravel parking lot future
 22 staging area as part of the approved site plan that
 23 in and of itself would presumably trigger the lot
 24 coverage variance so I just --
 25 I'm raising it because I think that there

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1 needs to be some clarification in terms of the
 2 variance relief that is being requested or that's
 3 required I should say by the applicant, vis-a-vis
 4 the two applications given that the applicant is
 5 proceeding first with the childcare center?
 6 MR. KELLY: I think that the notice
 7 in any event either way so the Board has an
 8 understanding from the notice perspective is the
 9 most important thing, how they choose to present it
 10 is fine. They're going again. And I would
 11 anticipate they're going to right into the other
 12 application after they complete this one?
 13 MS. BERGER: Correct.
 14 MR. SIMON: So then, Mr. Kelly, if
 15 that's the case then, is the approval of I'll call
 16 it the first applicant, the childcare application,
 17 is the childcare center application approval
 18 contingent on approval of the second application?
 19 MS. BERGER: No.
 20 MR. KELLY: It's contingent on after
 21 they present their case, and we make a determination
 22 so.
 23 CHAIRMAN BODNER: We have will to
 24 deal with basically the objection. Let's straighten
 25 that out first. The notice you're objecting to,

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1 correct?
 2 MR. SIMON: Yes, because the plans
 3 that were for the childcare application contemplate
 4 the excessive lot coverage. I think there needs to
 5 be some clarification on that.
 6 MS. BERGER: If you look at your
 7 zoning ordinance No. 20-2022, it requires to put the
 8 entire zoning for the whole property, the whole
 9 campus on the plan. So when you look at the plan
 10 and the zoning chart, it has to have all of that
 11 allotted.
 12 They're doing two separate applications,
 13 the first application has to have -- is with regard
 14 to the childcare, that's one application, we brought
 15 two separate applications. The second application
 16 is with regard to the gravel parking lot. They have
 17 two separate parts. But based upon your requirement
 18 of what has to be shown, it's shown on both because
 19 it's required.
 20 MR. SIMON: So you're -- I'm sorry.
 21 So herein lies the problem as they say. The way the
 22 ordinance is set up, there are zoning requirements
 23 that apply to the entire H zone, and there are other
 24 zoning requirements that are specific to H1, H2, H3
 25 and H4. One of the only requirements that is

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1 addressed by the overall H zone is lot coverage or
2 impervious coverage. Because of that, I believe
3 that the variance for lot coverage has to be
4 addressed as part of the daycare center application
5 because if you approve the daycare center
6 application at that moment in time you are now
7 approving the project -- the H project with
8 excessive impervious coverage because it's part of
9 the plan, unless the way the applicant wishes to
10 proceed is that they're going to present the daycare
11 center application in its entirety, and then put it
12 aside and then present the second application for
13 the parking lot and then ask for approval on both.
14 MS. BERGER: I would beg to differ.
15 We have file two separate applications. It was not
16 raised with the applicant that that was needed. We
17 are asking for two votes. We submitted the
18 application as required in the manner afforded by
19 your ordinance because the manner of the ordinance,
20 we have to have everything displaced for the entire
21 application. It doesn't mean that we're doing work
22 on the entire campus, it means we just had to have
23 all of the information for the entire campus so we
24 did that. It also contemplated the development will
25 be done in phases and states that in the ordinance.

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1 So I disagree with what's being raised. I would
2 like to proceed with our application get our
3 testimony in regard to what we are proposing that's
4 part of our application this evening.
5 MR. KELLY: You're certainly going to
6 get the opportunity to present what you want to
7 present this evening. The ordinance I don't believe
8 requires a separate application for each phase. It
9 allows phasing and I think fact that they kind of
10 crisscross so to speak, parking lot information on
11 one plan, vice versa which -- I appreciate your head
12 shaking. You hear what I'm saying. The other point
13 was the parking lot was supposed to be first, and
14 you asked to carry the parking lot because
15 Stonefield's report wasn't going to be accommodating
16 that.
17 MS. BERGER: If I may read something
18 from the ordinance and I'm quoting. This is
19 Ordinance 22-2022. Application requirements. Any
20 application for development for all or any portion
21 of the H zone shall be submitted as the same
22 development or as a separate development application
23 for each phase, for each building and/or improvement
24 within each phase and the nature of the preliminary
25 site plan application. Each -- each such

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1 application shall describe how the proposed
2 development relates to the phasing of the
3 development pursuant to the overall H zone. So
4 we're supposed to describe the whole, and then we
5 can file an application with each phase, which is
6 what we've done.
7 MR. SIMON: I think respectfully that
8 Ms. Berger is conflating two concepts. One concept
9 she's entirely correct about and she's appropriately
10 quoting the ordinance, has to do with submission of
11 a site plan application, and a site plan application
12 can presumably be submitted in phases. What is
13 missing is the fact that as I stated earlier, you
14 have three, four, provision regulations in the
15 ordinance that apply to the entirety of the H zone,
16 lot area, lot coverage, building coverage, parking,
17 there may be more. But those are just off the top
18 of my head, that if you trigger the need for
19 variance approval for one of those four categories
20 as part of your phased approach or full approach as
21 Wendy appropriately stated, that is up to the
22 applicant.
23 But regardless of how you do it, if the
24 application as in this case triggers the need for a
25 lot coverage variance, then keep in mind that the

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1 parking lot is an existing condition. It's not as
2 if there is a grass field and at this moment in time
3 it doesn't trigger any type of variance approval,
4 and under those circumstances actually I would agree
5 without sounding like a zealous advocate, I would
6 actually agree completely with Wendy, if it was a
7 grass area, and it wasn't upon approval going to be
8 impervious coverage, then maybe she's correct
9 because then we wouldn't be getting to the need to
10 trigger that variance. It's an existing condition
11 right now, just like the parking as proposed would
12 be an existing condition in part.
13 So I think that for those reasons,
14 certainly with regard to the lot coverage that
15 Mr. Rubinstein raised, I do think that if the
16 applicant is seeking an approval on the childcare
17 center application as a phased H2 application, then
18 it needs to include that variance relief as
19 requested because it's an existing condition.
20 CHAIRMAN BODNER: To that one point,
21 if this was a permanent condition, you would have an
22 argument. But we know and you know based on the
23 plans that they have applied for down the road,
24 that's just a temporary parking situation. It's not
25 a long-term parking situation. There is going to be

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1 a building there, parking in the building. It's not
 2 like we're approving this as a permanent. Again,
 3 you can find from them what their plan is two years
 4 from now. If you put a time frame, they'll have to
 5 come back to the Board.
 6 MS. BERGER: I think though if I also
 7 may add --
 8 MR. SIMON: Two points. the lot
 9 whether it is temporary parking or something else,
 10 the contemplation is that it's always going to be
 11 coverage. It's always going to be a form of
 12 coverage. And so that's one reason why you have to
 13 address the variance right upfront. Number two.
 14 CHAIRMAN BODNER: That's not true
 15 because I see in the plans they're going to put a
 16 three-story parking garage under a building, which
 17 means that coverage is getting significantly
 18 smaller. The current coverage there everything is
 19 parking.
 20 MR. SIMON: Well, the second point
 21 is -- actually it just begs the second point which
 22 is that the fact that they're asking for variance
 23 relief even for a temporary conditions, first of
 24 all, there is nothing in the ordinance that says
 25 that if you only need something for a certain period

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1 of time, then you know, you don't know need a
 2 variance or it's a lesser standard. A variance is a
 3 variance. They noticed for it. It's a development
 4 application for the purposes of a parking lot.
 5 All I'm saying, I'm not trying to be
 6 argumentative at all, all I'm saying is that under
 7 the ordinance and under the law based on the way
 8 that the governing body determined to draft the
 9 ordinance, if you are -- if you are having lot
 10 coverage requirements apply to the entirety of the H
 11 zone -- and keep in mind, another thing I neglected
 12 to mention, it's my fault, is that the ordinance
 13 does not provide separate requirements for building
 14 coverage and lot coverage and lot area from each of
 15 these four zones.
 16 And I think that's significant because
 17 that's why you needed to in any of those zones, any
 18 of those phased developments trigger a variance for
 19 those categories. It has to be dealt with from that
 20 application. It can't be -- you can't say, Well
 21 we're going to deal with that plan because look what
 22 happens. If you grant the approval for the
 23 childcare, it's at a moment in time when you have
 24 excessive coverage. And you wouldn't be allowed
 25 to -- the applicant wouldn't be allowed to proceed

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1 with their site plan because you have an outstanding
 2 violation that hasn't been cured regardless of
 3 whether it's a back to back application. And
 4 frankly, it's silly.
 5 MR. KELLY: Do you want to negate the
 6 ability to bring it in phases?
 7 MR. SIMON: No. I'm calling that
 8 argument out. Taking your argument which I accept
 9 to the end, I don't think -- possibly phase it, they
 10 can absolutely every zone if they wanted to. The
 11 difference is that the first application, they
 12 didn't even get a coverage variance based on what
 13 they're showing you. Look, if they want to reduce
 14 the coverage so they don't need a variance, that's
 15 better for everybody and I encourage them to do
 16 that. But until that happens it's presenting a
 17 development application for any of the phases, and
 18 the result, if they get an approval based on that
 19 application, if you look at the plan that they got
 20 approved and it says, Wait a second, I have
 21 excessive coverage, that's no good.
 22 MR. KELLY: Is the argument that the
 23 first application that they want to propose, pushes
 24 them over the limit already or only the combination
 25 of the applications?

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1 CHAIRMAN BODNER: That's the hardest
 2 part.
 3 MR. KELLY: Ms. Berger, do you want
 4 to respond?
 5 MS. BERGER: Its clear to me that the
 6 ordinance contemplated phasing. It's written that
 7 way.
 8 MR. KELLY: I don't think he
 9 disagrees with that. He's saying the way you're
 10 doing it triggers another variance.
 11 MS. BERGER: And we don't believe it
 12 triggers another variance. We have included the
 13 coverage that's required for what we're doing in our
 14 project. When we do the next application, that's a
 15 different phrase and a different coverage because of
 16 the requirement to the ordinance. Your zoning
 17 officer reviewed the application. Your planner
 18 reviewed the application. Your engineers reviewed
 19 the application, and none of them have brought that
 20 up as an issue. None of them interpret the
 21 ordinance as Mr. Simon is reading.
 22 MR. SIMON: Look, if they get
 23 approval of the daycare center application, you have
 24 an existing parking lot there right now. What's the
 25 coverage? The coverage is in excess of what's

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1 required in the zone.
 2 MS. BERGER: We have an existing
 3 parking lot.
 4 MR. SIMON: You're doing other
 5 improvements particularly in this case in the H2
 6 zone. It's triggering the total.
 7 MS. BERGER: Just -- just for the
 8 board's edification if I could, the existing gravel
 9 parking lot, the existing gravel parking lot which
 10 is a separate part of the application but as an
 11 existing gravel plot that exists today, and all of
 12 the other improvements at the hospital today, and
 13 coverage proposed by the new childcare center, all
 14 equal 68 percent, and the ordinance allows for
 15 75 percent, so we included the existing gravel
 16 parking lot in that 68-percent coverage.
 17 CHAIRMAN BODNER: Thank you. Are you
 18 happy with that?
 19 MR. SIMON: I don't understand. If
 20 that's the case this and if they get an approval of
 21 the childcare center application and they walk away,
 22 and they don't proceed with the second application,
 23 and their representation is that they're not
 24 exceeding, after the first application.
 25 CHAIRMAN BODNER: Hold on.

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1 Ms. Berger, let me ask you. After the first one,
 2 you'll immediately continue with the second one?
 3 MS. BERGER: Proceed with the
 4 hearing? Yes.
 5 CHAIRMAN BODNER: Okay. That's it.
 6 MR. SIMON: Well, I'm just saying, if
 7 they don't trigger a variance, then a vote is taken
 8 for the childcare center application, then they
 9 don't trigger a variance, it's that simple?
 10 CHAIRMAN BODNER: Exactly.
 11 MR. SIMON: But we just want
 12 verification that in fact if the second --
 13 CHAIRMAN BODNER: Excuse me a second.
 14 I think we are going forward. Wendy, can I assume
 15 that you're not get to a vote tonight?
 16 MS. BERGER: I would assume so.
 17 CHAIRMAN BODNER: Okay. So why don't
 18 we get started and I think we can work this out
 19 between now and next week, okay? So we can sit here
 20 to discuss it for another hour and a half if that's
 21 what you want to do. That's fine, even though I
 22 don't want to. So we'll have the office look at
 23 before the next meeting.
 24 MR. RUBINSTEIN: The initial question
 25 because you asked about the notice, my question is

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1 request for a variance for 83 percent on the notice,
 2 is that accurate, or based on what Ms. Berger said,
 3 there is a mistake? My question really is on the
 4 notice.
 5 MR. KELLY: That's what she's
 6 responded to.
 7 MR. RUBINSTEIN: They're seeking
 8 83 percent?
 9 MR. KELLY: That's what's in the
 10 notice, correct.
 11 MS. BERGER: For the six lots, that
 12 coverage number is for the six lots that are part of
 13 the gravel lot. It's not the overall campus number.
 14 It's the six lots because it's in phases. When we
 15 get to the application, we'll be happy to explain.
 16 MR. RUBINSTEIN: All right.
 17 MS. BERGER: Thank you. The
 18 application this evening is with regard to Holy Name
 19 Medical Center. It's an application for a childcare
 20 center. The childcare center has been existing on
 21 the Holy Name campus for many years. I think it's
 22 over 35 years. It's an existing facility. The plan
 23 is to build a new childcare center on the campus and
 24 relocate the childcare center from the existing
 25 facility on the campus. In order to do so, there

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1 must be a few buildings that are going to be removed
 2 and other site improvements.
 3 The Blocks that are part of this
 4 application are Block 3003, Lot 2, Lot 3, Lot 4.
 5 I'm sorry I'm losing my place here. Lot 4, Lot 8,
 6 through 14, 8 through 14. There are no variances
 7 being requested for this application because the use
 8 is permitted. We comply with height. We comply
 9 with setbacks. All bulk requirements are complied
 10 with. Additionally as part of this application, we
 11 are seeking to make changes to the existing parking
 12 lot on the campus. We are adding parking into that
 13 lot and expanding it. We're also restriping some
 14 spaces, and we're making some site improvements.
 15 One of the major parts of this
 16 application, is that existing driveway that goes
 17 from the rear of the hospital campus out to Grange
 18 Road. As part of this application we're proposing
 19 that that driveway be closed. There will be no
 20 circulation out to Grange Road any longer. The area
 21 will be landscaped. There will be fencing put in
 22 and there are specific requirements that the
 23 fencing, landscaping, where it must go, et cetera,
 24 in the ordinance. We are going to be complying with
 25 those ordinance requirements.

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1 And also the municipality has adopted
 2 ordinance No. 23-2022, that vacated a portion of
 3 Chadwick Road. You'll see that the cul-de-sac that
 4 is going to be created on Chadwick Road is as a
 5 result of that street vacation. It will then
 6 prohibit Chadwick Road being a through street
 7 through Grange Road out to Cedar Lane, and you'll
 8 see the design was based upon that, and based upon
 9 the design staying within the campus and the parking
 10 lot circulation road that was required as part of
 11 the H zone ordinance, and it's required to implement
 12 that in certain phases, and we are doing that
 13 pursuant to the requirements of the ordinance.
 14 So I would like at this time to call my
 15 first witness, and just again, if I didn't mention
 16 it, the childcare facility that exists today and
 17 will be relocated to the new building is only for
 18 employees. I would like to call my first witness
 19 which is the project engineer.
 20 MR. KELLY: Sir, could you state your
 21 name for the record, please?
 22 MR. LAMOTHE: Daniel LaMothe,
 23 L-A-M-O-T-H-E; from Lapatka Associates. 12 Route 17
 24 Paramus, New Jersey.
 25 (The witness is sworn.)

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1 MS. BERGER: Can you share with the
 2 board your background and experience qualifications.
 3 CHAIRMAN BODNER: We already went
 4 through his qualifications.
 5 MS. BERGER: Yes, we're doing this as
 6 if we had him --
 7 CHAIRMAN BODNER: We accept him. You
 8 wanted to do it anyway, fine. As the Chairman, I
 9 accept him.
 10 MS. BERGER: Then as long as he's
 11 accepted.
 12 CHAIRMAN BODNER: He's accepted.
 13 It's over.
 14 MS. BERGER: Mr. Simon?
 15 MR. SIMON: I have no objection.
 16 MS. BERGER: Thank you. I appreciate
 17 that. For the record could you identify what you
 18 have placed on the board so we can mark it for the
 19 record.
 20 MR. KELLY: Before we go through this
 21 exercise, can you turned it little bit so the Board
 22 could see it? In addition to that maybe slide it
 23 back.
 24 MR. SIMON: Can I make a suggestion?
 25 Since the applicant's team is currently the closest

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1 to the exhibit, it may make some sense to maybe put
 2 the exhibit in the middle so the public has a better
 3 view of it.
 4 CHAIRMAN BODNER: The middle where?
 5 MR. KELLY: Just turn it.
 6 CHAIRMAN BODNER: Wendy, we have the
 7 plans here. I would like you to tell us where
 8 you're looking.
 9 MR. KELLY: Can you identify what you
 10 have marked as A-2. You have to identify what that
 11 is.
 12 MR. LAMOTHE: This is Exhibit A-2.
 13 AUDIENCE MEMBER: Excuse me one
 14 second. Can I take a picture so I can see it?
 15 (Exhibit A-2 is received and marked
 16 for Identification.)
 17 MR. KELLY: Just turn it and when you
 18 speak you have to put the microphone either to your
 19 mouth or just leave it in the stand. And if we can
 20 identify what A-2 is.
 21 MR. LAMOTHE: Okay. A-2 is rendered
 22 copy of the existing conditions plan which is the
 23 third sheet in the set of 11 sheets. It's dated
 24 August 19, 2022, and it's been revised through
 25 October 7 -- October 17, 2022. This -- the

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1 differences between this plan and the one that's
 2 been submitted in the set is that it's been colored
 3 in but this has a few layers that have been included
 4 for clarification purposes such as utilities, the
 5 existing grading, but it shows the overall layout of
 6 the existing hospital campus.
 7 What you see here in the rendering, is the
 8 light green color are the landscape areas, the wide
 9 areas of the white tone is the existing parking
 10 garage and parking areas. You'll see the dark
 11 hospital building which is brown tone as well as the
 12 existing structures in and around the campus of the
 13 hospital campus. You'll see that the hospital is
 14 centrally located on the campus. There are also
 15 existing residential dwellings in and around the
 16 west of the hospital. There are a total of three
 17 residential dwellings that front on Chadwick Road
 18 which runs along the northerly side of the hospital
 19 campus.
 20 Along the west side of the campus is
 21 Grange Road, and there is also Norma Court which has
 22 also five additional residential dwellings and
 23 there's one residential dwelling on Grange Road.
 24 There is also a garage and a one-story building that
 25 are located on the westerly side of the hospital and

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1 other existing structures.
 2 CHAIRMAN BODNER: Excuse me, you said
 3 garage, do you mean parking lot?
 4 MR. LAMOTHE: There's a garage in the
 5 parking lot behind the west of the building.
 6 CHAIRMAN BODNER: You're pointing to
 7 a parking lot, that big white thing there.
 8 MR. LAMOTHE: The white and there is
 9 a parking lot in the back in the west. The garage
 10 is in this area here.
 11 MS. BERGER: And that's a building
 12 which is plan to be removed as part of this
 13 application?
 14 MR. LAMOTHE: Yes.
 15 MS. BERGER: So could you just point
 16 out as part of the childcare care application, the
 17 expansion of the parking lot, what building are plan
 18 to be removed?
 19 MR. LAMOTHE: Okay. So what we're
 20 removing, we're removing the three existing
 21 dwellings, and the existing garage that are
 22 currently located on northerly portion of the lot
 23 which are these structures in this area here which
 24 are on the side of Chadwick Road. We're also
 25 proposing to remove one of the dwellings at the end

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1 of Norma Court. The existing residential building
 2 that fronts on Grange Road is going to remain as
 3 well as the other four dwellings. To the top of the
 4 page, we look at the westerly side of this. Grange
 5 Road to the northerly page, you'll see that there's
 6 the Chadwick Road frontage, and then there is also
 7 Cedar Lane in the northeast corner. All along the
 8 bottom of the page or the easterly side is Teaneck
 9 road and to the south is Vandelinda. You'll see
 10 there's many driveway access points all through the
 11 surrounding road system.
 12 We're located in the H zone which has four
 13 subzones in it. The top zone from H1 down to H4, H1
 14 starting on the westerly Grange Road. At the bottom
 15 along Teaneck Road is the H4 subzone. The project
 16 that we're proposing falls within primarily within
 17 the H1 and H2 subdistricts. I guess I'll move to
 18 the proposal.
 19 MR. KELLY: Please identify markings
 20 for the page and the last revision date so we can
 21 keep up with you.
 22 CHAIRMAN BODNER: This is going to be
 23 A-3?
 24 MR. LAMOTHE: Yes.
 25 CHAIRMAN BODNER: Can you just

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1 identify that for the record?
 2 (Exhibit A-3 is received and marked
 3 for Identification.)
 4 MR. LAMOTHE: This exhibit for the
 5 record is A-3. It's the sixth sheet in the sheet
 6 plan set it's entitled the site layout plan that's
 7 also dated August 19, 2022. And last revised
 8 December 27, 2022.
 9 MR. KELLY: I'm sorry I missed. It's
 10 the site layout plan?
 11 MR. LAMOTHE: Site layout, sixth
 12 sheet.
 13 MR. KELLY: Of the set? Great.
 14 Revision date?
 15 MR. LAMOTHE: The last revision date
 16 is December 27, 2022.
 17 MR. KELLY: Thank you.
 18 MR. LAMOTHE: This -- this plan is
 19 Sheet 6, similarly rendered. We've got the green
 20 tones of the landscaped areas. You'll see a
 21 slightly darker different green tone which
 22 represents where the playground is. You'll also see
 23 some yellow tone areas which represent sidewalk,
 24 hearth scape like concrete. You'll see the original
 25 tone again that representing the existing hospital

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1 building at the bottom of the page on the east side
 2 of the parking lot.
 3 The structures you see, the residential
 4 dwellings that I mentioned from the first exhibit
 5 that are going to remain, you'll see the one
 6 dwelling that's at the top of the page that's on
 7 Grange Road. You'll also see the four dwellings
 8 that are going to remain on Norma Court.
 9 As a quick overview of this project, we're
 10 proposing to relocate the existing childcare
 11 facility that's inside of the building of the
 12 hospital building that is for the employees, and
 13 then we're going to construct a new childcare
 14 building that's going on the frontage of Chadwick
 15 Road. We're also proposing to vacate a portion of
 16 Chadwick Road and create a cul-de-sac so that we
 17 eliminate through traffic on Chadwick Road. We're
 18 also proposing to remove the driveway out to Grange
 19 Road.
 20 When we create the cul-de-sac, we're also
 21 going to create a loop road that keeps the
 22 circulation and the traffic within the hospital
 23 campus and eliminates the traffic circulation onto
 24 the neighboring properties. So what that will do is
 25 eliminate and minimize the amount of cross traffic

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1 of people coming to the hospital that park on Grange
 2 Road and the other neighboring residential roads.
 3 It will focus all of the traffic circulation within
 4 the hospital campus. You'll hear more about this
 5 from the traffic engineer. We're also proposing to
 6 reconstruct the parking in the back of the lot to
 7 the west of the hospital to construct 140 new
 8 parking space, which are going to be dedicated to
 9 the doctors and patients of the facility.
 10 The advantage to this whole redevelopment
 11 plan is provide more efficient services for the uses
 12 that are on that westerly portion of the hospital.
 13 The facilities that are in that area of the hospital
 14 are the labor and delivery, physical therapy and the
 15 cancer center. The patients for that facility will
 16 then get additional parking. It will be more
 17 convenient for them to access the hospital site.
 18 For the childcare area of the building, it is
 19 designed fully in the H zone.
 20 MS. BERGER: Could you hold up the
 21 mic a little bit more?
 22 MR. LAMOTHE: The childcare building
 23 is design to fully conform with the H zone criteria,
 24 and it's going to be primarily located in the H1,
 25 which is the westerly most subdistrict and H2 zone,

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1 a small portion is also located in the H3
 2 subdistrict, and that is really just an area that
 3 we're proposing some valet improvements. So the
 4 childcare building is going to be a stand alone
 5 building that is 1,600 square feet. It's two
 6 stories. The only one main entrance to the building
 7 is in the south portion of the building. There is
 8 going to be no main access off of Chadwick Road.
 9 There will be no dropoff or deliveries from Chadwick
 10 Road. Everything will be coming from the internal
 11 circulation of the hospital parking lot.
 12 The focus for the childcare building will
 13 be on the south end of the building on main entrance
 14 on that side. The only access points to Chadwick
 15 that are going to exist is an emergency exit all the
 16 way out to Chadwick Road for the purposes of safety
 17 from the childcare building. We previously had
 18 sidewalk that connected the Chadwick sidewalk system
 19 to the hospital, but we removed that for concerns
 20 that we've heard. There will be a sidewalk that
 21 just goes around Chadwick Road for pedestrians, and
 22 there will be no connection to the hospital at that
 23 point.
 24 MS. BERGER: And those sidewalks and
 25 walkways that was required by the H zone ordinance;

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1 is that correct?
 2 MR. LAMOTHE: That's correct.
 3 MS. BERGER: And just for edification
 4 again, could you just go back and show where the H1
 5 zone line, and where the H2 zone line is and where
 6 the H3 zone line is?
 7 MR. LAMOTHE: So the H2 -- 1's zone
 8 line is on the top of the parking lot, so there's no
 9 parking lot improvements within the H1 zone.
 10 MS. BERGER: So within the H1 zone,
 11 the only thing you propose is to remove the driveway
 12 out to the Grange Road, to landscape that area, and
 13 to put the required fencing in that area; is that
 14 correct?
 15 MR. LAMOTHE: Yes, that is correct.
 16 So within the H1 portion of the zone, there's no
 17 parking lot improvements like you said. We're going
 18 to actually remove the driveway connection to Grange
 19 Road. We're going to propose additional landscaping
 20 and a six-foot solid fence around the perimeter of
 21 the parking area.
 22 MS. BERGER: And the improvements for
 23 the childcare, the childcare center building that's
 24 within the H2 zone; is that correct?
 25 MR. LAMOTHE: Yes. The childcare

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1 building is within the H2 zone, which again starts
 2 at the westerly most portion of the parking lot and
 3 ends close to the hospital. Again, most of the
 4 improvements for the childcare all fall within that
 5 H2 zone.
 6 MR. KELLY: With regard to that area,
 7 can you be more specific about the landscaping being
 8 proposed?
 9 MR. LAMOTHE: Well, we're going to
 10 have a landscape architect who will get into the
 11 details, but what I will say it's a solid evergreen
 12 that will comply with the ordinance requirements.
 13 He'll get into more detail on the landscaping.
 14 MS. BERGER: Yes, Mr. Chair and Board
 15 Members. We do have a specific landscape architect
 16 who will testify with regard to all of the
 17 landscaping and requirements and compliance. With
 18 regard to the -- just so we're clear on that, the
 19 size of the childcare building, the footprint is
 20 8,000 square feet?
 21 MR. LAMOTHE: I'm sorry. I misspoke.
 22 It's 16,000 square feet total.
 23 MS. BERGER: Total?
 24 MR. LAMOTHE: 8,000 per floor.
 25 MS. BERGER: Plus, you have a dark

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1 green area on the plan?
 2 MR. LAMOTHE: So the dark green area
 3 represents the playground area, that's 3,580 square
 4 feet.
 5 MS. BERGER: Just hold up your mic.
 6 MR. LAMOTHE: Sorry. We're going to
 7 put a five-foot-high solid vinyl fence. There is
 8 also no lighting proposed in the area of the
 9 playground. There is also going to be a play
 10 surface that's rubberized surface that complies with
 11 all applicable childcare playground requirements.
 12 In the drainage calculations, we assumed that
 13 surface would be impervious coverage -- let me talk
 14 to the coverage exhibit real quick.
 15 MS. BERGER: And just to be clear,
 16 the building is 16,000, it's not exactly 8,000 per
 17 floor, but total?
 18 MR. LAMOTHE: Just total, correct.
 19 MS. BERGER: 16,000 total, correct?
 20 MR. LAMOTHE: Correct. Does this
 21 need to be marked?
 22 MR. KELLY: Yeah can you identify
 23 what A-4 for the record?
 24 (Exhibit A-4 is received and marked
 25 for Identification.)

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1 MR. LAMOTHE: A-4 is one of one
 2 sheet. It's dated October 5th, 2022, and it's
 3 revised on today, January 26, 2023. And what this
 4 basically is it shows the calculation of the
 5 impervious coverage for the campus which totals
 6 68 percent. You'll see that the revision that has
 7 been made on it, today we realized that we did not
 8 specifically include the playground surface as
 9 impervious so this has been reviewed to include
 10 that.
 11 CHAIRMAN BODNER: Do we have that
 12 page?
 13 MR. LAMOTHE: This is Exhibit 4.
 14 Sheet one of one, proposed site coverage.
 15 MR. KELLY: Stop. You constantly do
 16 this. You speak and then you drop that mic so we
 17 can't hear you. So what is it called?
 18 MR. LAMOTHE: It's called proposed
 19 site coverage exhibit. I believe it's been
 20 submitted, but we have a revision of today that
 21 added in the --
 22 MR. KELLY: So it's not a prior
 23 submission?
 24 MR. LAMOTHE: What's that? This plan
 25 has been revised today so you don't have this plan.

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1 MR. KELLY: Okay.
 2 CHAIRMAN BODNER: Isn't that the
 3 impervious plan here?
 4 MR. LAMOTHE: You probably have
 5 December 27 revised. Just to give further
 6 clarification, this is the one that you have. This
 7 is the December 27th one. It doesn't have the
 8 playground colored in. It was an oversight on our
 9 part.
 10 MS. BERGER: And what is the date of
 11 that, and let's mark that for the record please?
 12 MR. KELLY: Hang on. I don't know
 13 what you're marking.
 14 (Exhibit A-5 is received and marked
 15 for Identification.)
 16 MR. LAMOTHE: So this A-5 is
 17 purported site coverage exhibit dated October 5th,
 18 2022. Last revised December 27th, 2022. And this
 19 is what's been submitted to the Board as part of the
 20 applicant's package.
 21 CHAIRMAN BODNER: What is one of one?
 22 MR. LAMOTHE: Proposed site coverage
 23 exhibit.
 24 CHAIRMAN BODNER: Now, what did you
 25 add?

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1 MR. LAMOTHE: So this was what was
 2 submitted. When we prepared this, we left out what
 3 is -- what is not included as coverage on this
 4 exhibit was the playground surface.
 5 CHAIRMAN BODNER: Okay.
 6 MR. LAMOTHE: So on the plan which we
 7 realized that we left it off, we have now included
 8 it in the exhibit with the revision of date of
 9 today.
 10 MR. KELLY: That's A-4?
 11 MR. LAMOTHE: And that's A-4.
 12 MS. BERGER: And you added that in as
 13 a result of a comment in a memorandum from
 14 Stonefield that mentioned that you left that out so
 15 you brought that exhibit to address that.
 16 MR. LAMOTHE: Yes. It was brought to
 17 our attention in a Stonefield letter, and we
 18 realized the oversight. So what we've added in is
 19 the play surface. Because of the size of the
 20 campus, we're still within the 68-percent coverage
 21 that we've been talking about all night.
 22 So while I have this exhibit out, I just
 23 want to I guess clarify some of the conversation
 24 that we had earlier with regard to the coverages for
 25 the site. So there is a little bit of an

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1 apples-to-oranges kind of comparison going on here
 2 with regard to the phasing. The redevelopment of
 3 the hospital campus contemplates the entire campus
 4 when we calculate the coverage and the requirements
 5 of the H zone, which is the maximum allowed coverage
 6 for the H zone is 75 percent. We're proposing
 7 68 percent. For this exhibit and for this the
 8 childcare, we have the assumption that the gravel
 9 lot is constructed as proposed in the next
 10 application, and we included the coverage for that
 11 parking area.
 12 Part of the reason we're doing it, the
 13 parking lot application is, it's my understanding
 14 that the construction of the temporary gravel
 15 parking lot was for the purposes of a means to deal
 16 with the COVID pandemic. So they had an emergency
 17 application to then install the parking area.
 18 MS. BERGER: So for the purposes of
 19 the testimony this evening, you have included that
 20 gravel parking that's existing today?
 21 MR. LAMOTHE: Yes.
 22 MS. BERGER: In your coverage
 23 calculation?
 24 MR. LAMOTHE: Yes.
 25 MS. BERGER: Okay. So you could you

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1 now go ahead and explain what's proposed for the
 2 childcare center that's being built?
 3 CHAIRMAN BODNER: Before you do that,
 4 it's your testimony that's including all of that
 5 coverage in the parking lot from the next
 6 application, you're still at 68 percent, correct?
 7 MR. LAMOTHE: Yes. So I just want to
 8 point out that that lot coverage is included in the
 9 68 percent. We're looking at the entire campus when
 10 we did the area of the plans. I just wanted to
 11 clarify that.
 12 So again, we are relocating the existing
 13 childcare service that's currently located in the
 14 hospital to this new standalone building. And
 15 again, it's design to fully comply with the new H
 16 zone criteria and again it's located in the H2
 17 subdistrict. It's going to be a 16000-square-foot
 18 building that meets all of the required setbacks, as
 19 well as the side yards. The only main entrance as
 20 we were saying is to the south, and the playground
 21 area is going to be 3,580 square feet, and it's also
 22 going to include a small shed which is a hundred
 23 square feet and approximately nine and a half feet
 24 high, and that's going to be at the northwest corner
 25 of the proposed playground area.

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1 MS. BERGER: What is the purpose of
 2 that shed?
 3 MR. LAMOTHE: That's just for
 4 purposes of the play equipment, and you know,
 5 amenities for the play area, and the teachers to
 6 have storage in the play area.
 7 MS. BERGER: Is the play area
 8 surrounded by any fencing?
 9 MR. LAMOTHE: Yes. So you'll see
 10 that the entire playground area is enclosed with a
 11 five-foot solid vinyl fence. And it will be tied
 12 into the proposed fencing that will be along the
 13 perimeters of the parking area that we're proposing.
 14 MS. BERGER: And that fence that's
 15 proposed around the perimeter of the parking area,
 16 can you just tell the Board how tall that fence is
 17 and the material proposed?
 18 MR. LAMOTHE: It's going to be a five
 19 foot vinyl fence -- 6 feet.
 20 MS. BERGER: Six-foot vinyl fence.
 21 When you say "vinyl fence," is that a board-on-board
 22 fence style.
 23 MR. LAMOTHE: It's a solid.
 24 MS. BERGER: A solid?
 25 MR. LAMOTHE: It's solid. You can't

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1 see through it.
 2 MS. BERGER: Can't see through it.
 3 It's not a chain link fence.
 4 CHAIRMAN BODNER: You're saying it's
 5 going to connect to the parking lot fence. Is that
 6 fence going to come into the parking lot?
 7 MR. LAMOTHE: No. The fence is going
 8 to be enclosed entirely, the playground is going to
 9 be enclosed on both sides.
 10 CHAIRMAN BODNER: Is there a door to
 11 that fence then?
 12 MR. LAMOTHE: There is going to be --
 13 CHAIRMAN BODNER: I'm not talking
 14 about the building. I'm talking about on the fence.
 15 MR. LAMOTHE: On the fence for the
 16 playground, there are gates that will let you out
 17 towards the parking area. That's an emergency exit
 18 out to a sidewalk.
 19 CHAIRMAN BODNER: Okay. God forbid
 20 if something happened, you can't get back to the
 21 building.
 22 MR. LAMOTHE: Yeah, there's two gates
 23 that they can get out.
 24 MR. KELLY: Can I just clarify, five
 25 foot or six feet?

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1 MR. LAMOTHE: Six-foot fence -- I'm
 2 sorry. The playground fence is five foot. The
 3 perimeter fence for the parking area is six.
 4 MS. BERGER: And with regard to any
 5 of the improvements on the site for the childcare
 6 center, is there going to be a location for a
 7 generator or any other equipment?
 8 MR. LAMOTHE: Yes. There is a
 9 proposed generator on the south corner of the
 10 building that's proposed. The utilities, the
 11 service for the building will be out of Chadwick.
 12 MS. BERGER: And with regard to the
 13 entrance, you said the entrance to the facility and
 14 exit other than emergency is through the parking
 15 lot. Just point that out so you can see the main
 16 entrance?
 17 MR. LAMOTHE: You'll see it's a
 18 covered entrance. There is also a bike rack at that
 19 entrance that we're proposing, and then the walkways
 20 that will access to the parking area to the south of
 21 the building.
 22 MS. BERGER: And do you have any
 23 handicapped accessible ramping in that area?
 24 MR. LAMOTHE: There is three ADA
 25 accessible spaces as well as EV accessible space.

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1 In the prior version of the plan, we were proposing
 2 four EV parking spaces to be in the front parking
 3 deck. And we have located three of them in the
 4 front parking deck and proposed one at this
 5 childcare building. So we still have a total of
 6 four EV spaces, and now we're proposing one in the
 7 area of the childcare building.
 8 MS. BERGER: And did you have any
 9 parking proposed for any dropoff for if someone
 10 wanted to just come and drop off their child, park
 11 for five minutes, walk their child in?
 12 MR. LAMOTHE: There's three dedicated
 13 spaces at the south entrance of the building.
 14 MS. BERGER: That's for what?
 15 MR. LAMOTHE: Drop off.
 16 MS. BERGER: And with regard to
 17 services for that building, the services for the
 18 building come through the rear parking lot; is that
 19 correct?
 20 MR. LAMOTHE: Yes. So the services
 21 of the building for the childcare building will
 22 primarily come through the hospital, and they will
 23 be delivered from the hospital to the south entrance
 24 or the main entrance of the building and delivery
 25 for the building will come off of Chadwick.

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1 Everything will basically run through the operations
 2 of the hospital and will be carted back through the
 3 childcare building, including deliveries, deliveries
 4 will be done with a small pickup truck, including
 5 the trash pickup will be serviced through the
 6 hospital maintenance facility to bring it to the
 7 main dumpster area of the hospital.
 8 MS. BERGER: Is there any trash area
 9 for this building?
 10 MR. LAMOTHE: The trash is the
 11 loading space both located on the northwest corner
 12 of the parking -- of the childcare building. It's
 13 12 by 18 loading stall, and then there is an 8 by 12
 14 dumpster in front of that.
 15 MS. BERGER: And with regard to the
 16 childcare building itself, are there any other
 17 improvements on the site for the childcare building?
 18 MR. LAMOTHE: Yes. So we're
 19 proposing the improvements of the parking area to
 20 the south, which is increase of parking of 104
 21 spaces.
 22 MS. BERGER: So you're going to add
 23 improvements and expand 104 parking spaces in that
 24 existing lot area; is that correct?
 25 MR. LAMOTHE: Yes. That's correct.

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1 MS. BERGER: And could you just
 2 explain to the Board and maybe show with your hand
 3 how you would drive up there and circulate through
 4 that lot?
 5 MR. LAMOTHE: Yeah. So the -- part
 6 of the improvements for the lot area is to vacate a
 7 portion of Chadwick Road, so the traffic coming off
 8 of Chadwick Road -- let me go to the existing
 9 conditions just to give you a quick overview.
 10 MS. BERGER: I think that would be
 11 helpful if you show us how it operates now, and then
 12 show us how it's proposed.
 13 MR. LAMOTHE: I'm bringing back up
 14 A-2, which is the existing conditions plan, so you
 15 can kind of see how the circulation of the site, how
 16 it works and how it's going to work in the future.
 17 So traffic coming off of Cedar Lane currently can
 18 drive on Chadwick Road and not access the hospital.
 19 It's through only up to Grange Road, and there is a
 20 two-way drive that comes down Grange Road into the
 21 hospital. There is currently a one-way exit
 22 driveway for the ambulance area. So you currently
 23 you get a lot of traffic flow that cuts through
 24 Chadwick and back up to Grange and then back into
 25 the hospital.

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1 The other point of entrance to this back
2 area is on Vandelinda, and there is a main driveway
3 off of Teaneck Road. Under the proposed conditions
4 portion --
5 CHAIRMAN BODNER: It also doesn't say
6 that you could not go up Chadwick and come into the
7 hospital.
8 MR. LAMOTHE: Say that again. I'm
9 sorry?
10 CHAIRMAN BODNER: Cedar Lane, you can
11 come in and go straight into the hospital.
12 MR. LAMOTHE: Yeah, you can come up
13 to Cedar Lane, and you can come into the front
14 entrance.
15 CHAIRMAN BODNER: Well, you said you
16 can only come in. I was just saying that.
17 MR. LAMOTHE: Yeah, you can also come
18 in the entrance up Chadwick Road, right. So the
19 point of entry, this application wouldn't change any
20 of the point of entries from Teaneck Road. It won't
21 change the movement coming from Cedar Lane off of
22 Chadwick Road to the front parking area. And it
23 isn't changing the access to Vandelinda, but what it
24 is going to do, it's going to eliminate the traffic
25 flow that's coming all the way up to the Grange

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1 Road, and then comes back down in here into that the
2 driveway that connects Grange Road to the hospital.
3 Because that driveway is now going to be removed and
4 traffic coming off of Chadwick will no longer be
5 able to get into that residential -- that portion of
6 the residential neighborhood, Chadwick Road, that
7 comes in off of Cedar Lane is going to come -- come
8 and create a loop road that circulates back through
9 the hospital, so that eliminates that connection to
10 the resident roadways up by Grange Road.
11 CHAIRMAN BODNER: Also, your
12 testimony is that you're closing off that street in
13 the back on the western side that's going to
14 increase --
15 MR. LAMOTHE: I'm sorry?
16 CHAIRMAN BODNER: You're increasing
17 the traffic coming in from the Vandelinda side until
18 the loop road is done and it's closed. You come
19 normally from the western side and enter, that no
20 longer connects in there?
21 MR. LAMOTHE: Primary movements
22 coming off of Chadwick now.
23 CHAIRMAN BODNER: Or they can be
24 coming down Vandelinda and come in through
25 Vandelinda.

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1 MR. LAMOTHE: It can still come into
2 Vandelinda.
3 MS. BERGER: There is a phase of the
4 project --
5 MR. LAMOTHE: Yes. That will be a
6 future phase.
7 CHAIRMAN BODNER: Back to the point I
8 was trying to point out when I made the point, is
9 that it's going to increase in that entrance for the
10 period of time after it closes and until the loop
11 road is done and that's closed.
12 MS. BERGER: Clearly the traffic that
13 is coming from that direction would still use
14 Vandelinda to come in that same direction. Whether
15 it will increase traffic or not, I don't know
16 because now you have an entrance that moves in a
17 quicker, more direct manner. So we'll let the
18 traffic expert talk about that because that would be
19 his opinion.
20 MR. LAMOTHE: The traffic engineer
21 can give more details on the traffic flow, increases
22 or decreases.
23 CHAIRMAN BODNER: I'm just saying
24 from a logical perspective anybody coming from the
25 west down is not going to pass an exit to go on the

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1 other side so.
2 MS. BERGER: Go ahead.
3 MR. LAMOTHE: So back to A-3, you'll
4 see at the bottom or the east side of the page is
5 the loop road is created. It's a two-way drive and
6 it's 24 feet wide that gives access to the dedicated
7 parking lots that we're proposing on the westerly
8 side of the building. The ambulance also was an
9 exit only. It's now going to become an entrance,
10 ingress only and the circulation is going to be at
11 Chadwick Road.
12 As you can also see Chadwick Road
13 creates -- a proposed cul-de-sac created at the
14 ended of the road. This cul-de-sac was created as
15 part of the approved Teaneck Mayor and Council
16 Ordinance 23-2022. There is some standard curb
17 radius of 27 1/2 feet. We're required by RSIS as 40
18 and Teaneck is 40. And the right-of-way radius is
19 35 1/2, and the required RSIS is 48 and Teaneck's
20 standard is 50 feet radius for that. That geometry
21 though has been adopted by ordinance by the Mayor
22 and Council, and we're just utilizing that approved
23 cul-de-sac from that ordinance.
24 MS. BERGER: Now, when I look at your
25 plan for that cul-de-sac at Chadwick, I see a dark

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1 green area --

2 MR. LAMOTHE: Yes.

3 MS. BERGER: Protruding from that

4 cul-de-sac. Could you just explain what that is?

5 MR. LAMOTHE: So the dark green area

6 you see here, represents the emergency fire access

7 for emergency vehicles. It's 12 feet wide, and it

8 allows for a better turning radii for the fire

9 truck. Should an emergency happen and it can access

10 with Chadwick Road. That will only be an entrance

11 for -- only be accessed for emergency vehicles.

12 There will be no common traffic.

13 MS. BERGER: So what we're seeing,

14 emergency vehicles, this is not emergency vehicles

15 meaning a hospital vehicle or ambulance that has to

16 go every day to the hospital. That's emergency

17 meaning another road has closed, and this is the

18 only way you can access it; is that correct?

19 MR. LAMOTHE: Yes. This is the just

20 in case of a fire for one of the residents on

21 Chadwick for the fire truck to be able to traverse

22 from the hospital to this in an emergency situation,

23 not for the ambulances on an everyday situation.

24 MS. BERGER: For the fire?

25 MR. LAMOTHE: Fire, police, whatever

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1 is required for that gated entrance, we will provide

2 that.

3 MS. BERGER: And just for the record,

4 if I could take a second. Plans were referred to

5 the fire department and the police department by

6 your Planning Board Secretary on 9/23/22. Let me

7 just try to see if I could read the name. It's

8 lieutenant -- I am not -- I cannot read the name.

9 CHAIRMAN BODNER: That's good enough

10 for lieutenant.

11 MS. BERGER: Badge 258. Said they

12 had no objections and there was also a referral

13 report issued by another lieutenant from the fire

14 department and he says, comments, on October 24th,

15 2022, the fire department will require the Chadwick

16 Road cul-de-sac to have a gate to provide fire

17 apparatus access from Chadwick Road to the private

18 road from Cedar Lane. The portion of the existing

19 Chadwick Road that will be an entrance to the

20 hospital, the gate in the area of the property line

21 between Lots 8 and 9 on Chadwick Road shall allow

22 access to the driveway into the front or rear of the

23 hospital. The gate shall be large enough to

24 accommodate a 50-foot ladder. The applicant shall

25 provide a traffic engineer's report to verify the

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1 access including a turning radius drawing. All

2 proposed landscaping shall be in the drawing. The

3 fire department shall provide the specs of the

4 ladder truck.

5 CHAIRMAN BODNER: And should the

6 application be approved, you agree to all of that?

7 MS. BERGER: Yes. Do you need those

8 reports marked? I believe it's part of the Board's

9 file, so we can direct you to them.

10 MR. KELLY: It's part of the Board

11 information and you're stipulating you'll comply

12 with any recommendation from police or fire?

13 MS. BERGER: Correct, correct. And

14 we did consult with them in the design.

15 MR. LAMOTHE: Okay. So also as part

16 of the loop road improvements, we are proposing a

17 new valet structure that was at the -- I guess it's

18 just east of the entrance for emergency --

19 MS. BERGER: Can you hold up the mic

20 up a little bit. I'm sorry. I know it's a lot of

21 balancing.

22 MR. LAMOTHE: So we're proposing a

23 new valet structure. It's 8 feet by 24 feet valet

24 structure. It's at the northwest corner of the

25 existing hospital building. We are also proposing a

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1 dropoff lane there, which allows for three to five

2 car stacking. This is basically to improve the

3 valet function that currently exists. We're also

4 proposing to relocate handicapped spaces from the

5 existing park field, to relocate those along the

6 curb that runs along the westerly side of the

7 hospital.

8 MS. BERGER: So you're relocating the

9 handicapped parking closer to the hospital building?

10 MR. LAMOTHE: Yes. Moving the

11 parking spaces that are existing in the parking

12 field, taking them from one side of the driveway

13 basically put them up against the hospital.

14 MS. BERGER: Are there any drainage

15 improvements proposed for that area of the campus?

16 MR. LAMOTHE: Yes. So the site

17 improvements incorporate a whole new drainage system

18 in this area.

19 MS. BERGER: Could you raise your mic

20 again.

21 MR. LAMOTHE: So the drainage

22 improvements that we're proposing, consists of two

23 infiltration systems as well as permeable paving in

24 the parking lot.

25 MS. BERGER: Do you have a plan that

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1 shows that?

2 MR. LAMOTHE: I do have a grading

3 plan.

4 CHAIRMAN BODNER: Is that something

5 we have in our plans? What page is it?

6 MS. BERGER: Could you just identify

7 the page for the record and the date?

8 MR. KELLY: What's the marking? This

9 is A-6?

10 (Exhibit A-6 is received and marked

11 for Identification.)

12 MR. LAMOTHE: Yes. It's Sheet 8 of

13 11. It's soil erosion and sediment control plan.

14 The date is September 9th, 2022, last revised

15 December 27, 2022.

16 CHAIRMAN BODNER: Okay.

17 MR. LAMOTHE: Let me correct that.

18 (Exhibit A-7 is received and marked

19 for Identification.)

20 MS. BERGER: What number are we

21 marking this? A-7 for the record?

22 MR. LAMOTHE: A-7.

23 MS. BERGER: A-7 is? Could you read

24 for the record the identification box sheet for this

25 plan?

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1 MR. LAMOTHE: This is the grade,

2 drainage and utility plan. Dated September 9 2022

3 and last revised December 27th, 2022.

4 MR. KELLY: Hang on a second. Can we

5 have the witness reclarify what is A-6 and what is

6 A-7?

7 MR. LAMOTHE: Yes. The grading and

8 drainage plan is page 7 of 11. A-7.

9 MS. BERGER: And what was A-6 for the

10 record?

11 MR. LAMOTHE: A-6 was the erosion

12 control plan.

13 MR. KELLY: Last revision date was

14 12/27/22?

15 MR. LAMOTHE: Yes.

16 CHAIRMAN BODNER: Do we need both?

17 MR. LAMOTHE: I'm going to use this

18 one. It shows more clearly the drainage systems.

19 MR. KELLY: Let's identify when he

20 says let's use this one.

21 MR. LAMOTHE: Page 7.

22 CHAIRMAN BODNER: Page 7 of 11. What

23 are you marking it?

24 MR. LAMOTHE: A-7.

25 MS. BERGER: So Dan, we can just see

Page 60

1 the line. So if you could kind of take your pen and

2 just kind of outline area showing where the parking

3 lot is and where the proposed building is because

4 it's difficult to see from this distance.

5 MR. LAMOTHE: Okay. So the parking

6 lot is in the middle of the page. You'll see

7 hashing. The cross-hashing there represents areas

8 that are going to be porous paving. Porous paving

9 is a green infrastructure technique that's preferred

10 by the NJDEP for stormwater management and water

11 quality control, and what it does it allows the

12 water to more or less runoff into the porous paving

13 and infiltrate into the storm and stone and into the

14 ground, and it effectively reduces the impact of

15 impervious coverage. So we have a fair amount of

16 area that is going to be for porous paving to

17 mitigate the impervious coverage in the parking lot.

18 MS. BERGER: And Dan, according to

19 the ordinance, Ordinance 22-2022, you are required

20 to as much as practical to conform with New Jersey

21 DEP stormwater management regulations; is that

22 correct?

23 MR. LAMOTHE: That's correct.

24 MS. BERGER: And so you designed that

25 plan in accordance with that?

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1 MR. LAMOTHE: Yes.

2 CHAIRMAN BODNER: Does this address

3 the neighbor's previous water issues?

4 MS. BERGER: Yes, we'll do that.

5 Explain the design further and then we'll say what

6 it will cover.

7 MR. LAMOTHE: So the way the drainage

8 system is going to work is the site -- the hospital

9 campus has a series of stormwater management pipes,

10 inlets that are existing today, and we are going to

11 connect it to the water from the hospital runoff in

12 the back of the hospital it brings it more or less

13 to the front of the hospital into the drainage

14 system that's in Teaneck Road. So there is a main

15 drainage line that runs from the northerly lot line

16 down at Chadwick and then there is another line that

17 runs actually through the building and then out

18 towards Teaneck Road.

19 The majority of our lot goes to the pipe

20 that goes to the south end of the lot, comes down to

21 Chadwick Road, so there's two main lines that drain

22 this stormwater from this back area of the lot.

23 What we're proposing here is permeable paving as

24 well to mitigate the stormwater runoff. Another

25 thing that we're using is a large infiltration

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1 detention system that's going to be underneath the
 2 parking lot as well, enough size to retain and
 3 detain the water from all of the parking lot area as
 4 well as the building. There is a second system that
 5 we're also proposing that's on the westerly side of
 6 the childcare building that will do the same thing.
 7 It will infiltrate some of the water, detain it and
 8 retain it so that the reduction of the stormwater
 9 runoff from this project area is going to be reduced
 10 by 50 percent for the two years storm; 25 percent
 11 for the ten year storm; and 20 percent for the
 12 hundred year storm.

13 So those are the requirements that we need
 14 to make for DEP. We're also proposing two green
 15 infrastructure stormwater quality treatment units
 16 that are going to treat some of the water that's
 17 comes off of Grange Road, that we're proposing to
 18 improve water quality runoff from the site. There
 19 was some concern about the impact of the residential
 20 properties to the south of -- really the west or the
 21 southwest of the parking lot.

22 CHAIRMAN BODNER: One second.
 23 MR. PARKER: Did you just describe
 24 something as a green road?
 25 MR. LAMOTHE: Excuse me?

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1 MR. PARKER: In part of your
 2 description, did you address something called a
 3 green road?
 4 MR. LAMOTHE: No. Green
 5 infrastructure.
 6 MR. PARKER: Green infrastructure.
 7 Can you just go over that, please?
 8 MR. LAMOTHE: So green infrastructure
 9 is different kinds of stormwater management
 10 techniques that are encouraged by the State of New
 11 Jersey Department of Environmental Protection. They
 12 include such things as porous paving. There is
 13 certain water quality that are designed in a way to
 14 meet a certain criteria that categorizes green
 15 infrastructure. The way that it works is it will
 16 take the stormwater and try to clean it, filter it
 17 and reduce runoff in a more natural way than
 18 traditional filters and detention systems were in
 19 the past.

20 So for instance, the two filters that
 21 we're proposing that are green infrastructure are
 22 more or less they act as a bio-retention. They
 23 actually have plants growing in them. So when the
 24 stormwater enters the water quality treatment unit,
 25 it's replacing the water to plants that are growing

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1 in it, it filters the water through it, and there is
 2 a pipe at the bottom of that cleaner water so when
 3 you have a higher storm, it can overflow. What it
 4 does it tries to utilize the stormwater more or less
 5 by watering plants and more natural measures than
 6 having just a filter that you traditionally would
 7 have had ten years ago.

8 MR. KELLY: Before you go onto the
 9 neighbors, this is a major project from a DEP
 10 perspective requiring all of this?
 11 MR. LAMOTHE: Yes, it is. And just
 12 before I start talking about something else, there
 13 was some comments in the Stonefield report relating
 14 to the drainage calculations. They are technical in
 15 nature. We'll be happy to address those if we need
 16 to make the system larger. We'll do that in order
 17 to address those comments. I just thought I'd put
 18 on the record that we'll satisfy those comments in
 19 the letter.

20 MS. BERGER: And then in order to
 21 design this, did you have any site investigation
 22 done or any testing done?
 23 MR. LAMOTHE: Yes. There were five
 24 soil tests done in the area of the proposed
 25 infiltration systems and porous paving, and we

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1 design the system to facilitate the results of those
 2 tests.
 3 MS. BERGER: Are those commonly call
 4 perk tests?
 5 MR. LAMOTHE: Perk tests to test the
 6 quality of the soil and the groundwater. So we have
 7 adjusted the design to meet the soil conditions that
 8 exist now. And to do that, we actually made the
 9 system slightly larger to accommodate that.

10 MS. BERGER: And you believe the
 11 system will be able to accommodate the runoff?
 12 MR. LAMOTHE: Yes, it will.
 13 MS. BERGER: And with regard to this
 14 design, we know we're taking out the driveway that
 15 goes out to Grange Road now, and that is a paved
 16 driveway; is that correct?
 17 MR. LAMOTHE: Yes, the driveway that
 18 goes out to Grange Road is located west of the
 19 parking lot and is currently paved which is going to
 20 be now landscaped.

21 MS. BERGER: And that's a curbed,
 22 paved driveway?
 23 MR. LAMOTHE: Yes.
 24 MS. BERGER: And so right now does
 25 water runoff that driveway into Grange Road?

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1 MR. LAMOTHE: No, actually most of
 2 the driveway coming down the entire site, this small
 3 portion at the very top goes to Grange Road, but
 4 most of it actually drains towards our site, and
 5 we're going to obviously remove that driveway,
 6 eliminate any runoff to Grange Road.
 7 MS. BERGER: And that will be
 8 replaced with landscaping?
 9 MR. LAMOTHE: Yes.
 10 MS. BERGER: And lawn, I would
 11 assume?
 12 MR. LAMOTHE: Yeah. Well, that whole
 13 area is where the green driveway is we're proposing
 14 to basically relandscape that. There is no parking
 15 lot improvements in there, but what this will also
 16 do, some of the water that is currently lawn area
 17 where that parking lot is that's raised towards
 18 Norma Court is actually going to intersect that and
 19 put it into our drainage system, so it's a reduction
 20 of runoff that runs through Norma Court area.
 21 MS. BERGER: So as a result of this,
 22 do you see any increase in runoff from the site onto
 23 Norma Court or Grange Road as a result of this
 24 construction?
 25 MR. LAMOTHE: No. There will be a

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1 reduction to both Grange Road and Norma Court as a
 2 result of this project as well as off the site to
 3 Teaneck Road. There will also be a reduction
 4 because of the proposed drainage system that we're
 5 proposing.
 6 MS. BERGER: With regard to the -- do
 7 you have anything further to add with regard to your
 8 drainage system? I don't want you cut you off.
 9 MR. LAMOTHE: That pretty much
 10 summarizes it.
 11 MS. BERGER: With regard to the
 12 proposed parking lot, do you propose any lighting,
 13 any additional lighting or new lighting in that
 14 area?
 15 MR. LAMOTHE: Yes, we're proposing
 16 new light fixtures for the parking area, we're also
 17 going to --
 18 MS. BERGER: So before -- before --
 19 right now, the driveway out to Grange Road, does
 20 that have light fixtures on it?
 21 MR. KELLY: Yeah. Just before we get
 22 into lighting, Mr. Corak, did you have any questions
 23 with regard to the drainage that maybe you want to
 24 address at this point? Maybe I'm asking the wrong
 25 Stonefield professional, my apologies.

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1 MS. SAVITZ: Good evening. Afton
 2 Savitz, civil engineer. I do have a couple of
 3 questions. You just testified -- you spoke to the
 4 points of interest or locations where the stormwater
 5 is going at the property line. I believe that's in
 6 the Lot 7 portion. Can you tell us how that
 7 drainage area meets the requirements.
 8 MR. LAMOTHE: Well, the Lot 7
 9 portion, we included that to demonstrate how much
 10 water was getting reduced towards that area. The
 11 area of Lot 7, that goes back into the hospital
 12 property and goes into our drainage system that goes
 13 to the line that runs to the south. I can kind of
 14 show you and walk you through that. So I'm going
 15 back to A-2. So in the existing conditions the
 16 water that runs through Norma Court, goes through
 17 the yards and the residential neighborhood in Lot 7
 18 and then from Lot 7, it comes down through a pipe
 19 and comes back into our system.
 20 So when we wanted to demonstrate, although
 21 we recognized that it's still it's part of our
 22 drainage system that runs down towards Teaneck Road,
 23 we want to demonstrate that the impact -- there will
 24 be no negative impact on the Lot 7, that water flows
 25 through the Norma Court. We wanted to make sure

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1 that it's clarified that that water gets reduced
 2 going there, and that we just wanted to show that
 3 there was no impact on Lot 7. Because that area
 4 still drains down in the same line that we're tying
 5 into, we consider it part of the other overall
 6 drainage for our project. That was just like a
 7 separate analysis I wanted to do to show that
 8 there's no impact on Lot 7.
 9 CHAIRMAN BODNER: You had previously
 10 talked about kind of welling of water or something
 11 like, you're going to change?
 12 MS. BERGER: We heard some residents
 13 before talk about possibly having some water. We
 14 wanted to make sure that anything we did would
 15 reduce, not increase water, and that's what he's
 16 testifying to today.
 17 CHAIRMAN BODNER: Thank you.
 18 Anything else?
 19 MS. SAVITZ: No. I think just for
 20 the Board's reference, we'll work with the
 21 applicant. In accordance with the ordinance and the
 22 state requirements, the analysis for stormwater is
 23 taken at the back of the property line, and the
 24 disturbance where the water is going. So the Lot 7
 25 calculations have been conducted. We'll work with

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1 them related to what methods is being used and
2 separately as we seek to add system one and two,
3 they will be analyzed separately going forward just
4 to make sure that's in accordance with the
5 ordinance.

6 MS. BERGER: And we understand we
7 have to comply with the ordinance and your
8 requirements and DEP requirements as well.

9 MS. SAVITZ: And then I don't know if
10 it's relating to the neighboring comment or not, but
11 just elaborate a little bit more analysis of
12 groundwater in your green infiltration system and
13 the impact on the facility?

14 MR. LAMOTHE: So we did --

15 MS. BERGER: Maybe you can just
16 repeat the question so that everyone can hear you.

17 MR. LAMOTHE: As part of the soil
18 analysis and drainage analysis we had to do modeling
19 analysis to demonstrate that the infiltration
20 systems that we're proposing will function properly,
21 in other words the modeling analysis estimates, you
22 know, the impact of the groundwater that was present
23 in the soil tests. The question was the modeling
24 analysis that we showed that the infiltration system
25 that we're proposing will function properly without

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1 impacting on the groundwater. So one of the
2 questions they had was on the second system which
3 was the childcare system, the smaller of the two
4 systems, modeling analysis showed that the bottom of
5 the system would not impact and that the placement
6 of the childcare was at the level where the existing
7 groundwater is so that because of the close
8 proximity to the building to the drainage system it
9 could be impacting the groundwater.

10 What we're proposing to do is fully
11 waterproof the foundation of the building, provide
12 sump pumps to make sure that any impact from
13 groundwater would be mitigated with that.

14 MS. SAVITZ: Thank you.

15 CHAIRMAN BODNER: How much more
16 testimony do you have?

17 MS. BERGER: Just a few more
18 questions.

19 CHAIRMAN BODNER: I was taking a
20 break, that's all. Finish his testimony, and we'll
21 take a break.

22 MS. BERGER: So we were just
23 beginning the lighting if that's okay. And with
24 regard to the lighting, I was asking the question is
25 there lighting today on the driveway that goes out

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1 to Grange Road?

2 MR. LAMOTHE: There were five lights
3 that existing along Grange Road.

4 MS. BERGER: On that driveway?

5 MR. LAMOTHE: On the driveway on
6 Grange Road we have five existing lights that light
7 up the driveway. Two of those are going to be
8 moving. The lights that fall within the area of H1
9 zone are in a landscaped green area here. All of
10 those lights are going to be removed. We are
11 proposing to relocate three of those.

12 The purpose of installing them along the
13 loop road -- currently they have a light program
14 where they have decorative fixtures that, decorative
15 fixtures that they currently use in and around the
16 immediate area of the hospital. So they would like
17 to continue that lighting program along the back of
18 the hospital to the loop road, so they're going to
19 relocate three of the lights along Grange Road and
20 install them along where the loop road is. There
21 are also five of them existing in the area of the
22 ambulance drop off that are also going to remain.

23 They are proposing -- we are proposing
24 nine new LED fixtures that comply with the dark sky
25 requirements for the main parking lot area that

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1 we're proposing. We will require a couple of
2 waivers from the Teaneck ordinance for the -- first
3 of all for the average illumination. Teaneck has a
4 requirement that allows for a maximum 0.5 footcandle
5 maximum requirement. It's really not a realistic
6 standard for current lighting standard. It's
7 substandard to what we provide, and it's contrary to
8 the IES light level recommendation.

9 So we're asking for waivers for that to
10 light this, you know, for safety and purposes of the
11 current design standards. So we're proposing here
12 one footcandles average where they're only allowing
13 half, and we need a waiver for that. We're also
14 going to comply with the dark sky requirement. We
15 proposed LED fixtures that we're adding, but for the
16 lights that we're going to relocating and the lights
17 we're locating on Grange Road we'll be relocating in
18 and around the loop road, we're requesting a waiver
19 for the dark sky requirements on that. Again, it's
20 really for the purpose of maintaining the lighting
21 program that currently exists in and around the
22 hospital. So we would like to have that waiver.

23 CHAIRMAN BODNER: So for your
24 testimony, the light will no effect in the back
25 areas and the houses with the waivers.

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1 MR. LAMOTHE: Yeah. That was
 2 actually my next statement would be that the area
 3 that we're going to relocating was existing light
 4 fixture in the area, again, in and around the
 5 hospital. Where it's proposed, it doesn't impact on
 6 the neighbors.
 7 CHAIRMAN BODNER: Isn't that parking
 8 lot close to their properties?
 9 MR. LAMOTHE: Yes, the lights that
 10 we're proposing in the main parking area are going
 11 to be dimmable. The dimmable lights we are
 12 proposing have a lot of functions. They have light
 13 control and they have dimmable features where the
 14 light could be brighter or not as bright. You can
 15 actually adjust the light intensities.
 16 MS. BERGER: We were suggesting
 17 Mr. Chair, that there be, if the Board chooses to
 18 approve it, that there would be some condition in
 19 the resolution that after a certain amount of time
 20 that they're in operation that we do a review by
 21 your professionals to see if they should be dimmed
 22 any more or any less. We have no problem with that.
 23 CHAIRMAN BODNER: Is that okay with
 24 you guys?
 25 MR. MELFI: Yeah.

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1 MR. LAMOTHE: We spoke with
 2 Stonefield prior to today's meeting, and we made our
 3 recommendation for probational six-month review of
 4 the lights.
 5 MR. KELLY: So you stipulate that
 6 they're adjustable, and after six month we'll
 7 undertake a review, and you'll comply with the
 8 recommendations of the engineer?
 9 MS. BERGER: Yes. And just to
 10 clarify to be clear, the new lights are adjustable.
 11 The lights that are being located, I think it's the
 12 three fixtures if I'm not mistaken, I might have the
 13 number wrong, Dan, it's three fixtures being
 14 relocated?
 15 MR. LAMOTHE: Yeah. We're relocating
 16 the -- I think it's six fixtures. We're relocating
 17 six existing lights total.
 18 CHAIRMAN BODNER: Are those dimmable
 19 as well or not?
 20 MS. BERGER: Those are the existing
 21 lights that we want to relocate in the area. I
 22 don't believe those are dimmable.
 23 CHAIRMAN BODNER: Those are the
 24 closest to the building?
 25 MR. LAMOTHE: Yeah. Those are really

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1 just for the area in and around the hospital.
 2 CHAIRMAN BODNER: Go ahead.
 3 MS. TRAHAN: Could you speak to the
 4 building-mounted lights?
 5 MS. BERGER: The architect will be
 6 able to speak about the building-mounted. There are
 7 lights under the eve like when you walk in the door,
 8 the porch of the building, and he'll be able to
 9 speak about those.
 10 MR. KELLY: Is he going to speak to
 11 the overall lighting spillage? That's usually the
 12 engineer.
 13 MS. BERGER: There is no spillage
 14 from it, so it will be easy for him to speak about
 15 it.
 16 MR. KELLY: The childcare building
 17 will have no lights that will be for the purpose of
 18 lighting the parking lot, it will be under canopy
 19 lights, under the doorway?
 20 CHAIRMAN BODNER: There will be no
 21 light spillage in and around the childcare. I'm
 22 assuming that's a building used in the evening,
 23 correct?
 24 MS. BERGER: It's daytime use. But
 25 in the winter when they bring the children in the

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1 morning --
 2 CHAIRMAN BODNER: I know. It's a
 3 little dark, but it's not late. It's not night. So
 4 I'm assuming that you're going to have it set up
 5 where the lights are dim at night?
 6 MS. BERGER: Yeah, exactly.
 7 MR. MELFI: Just to be clear, after
 8 six months we will -- the engineer will go back and
 9 do an on-site survey to clarify that the lighting is
 10 what the lighting is.
 11 CHAIRMAN BODNER: I'll back up on
 12 that. You guys do a survey, you guys will get with
 13 them. If they have a problem with it, then it's
 14 going to come back to the Board if you guys
 15 condition resolve it, then it comes to us.
 16 MS. BERGER: Understood.
 17 CHAIRMAN BODNER: Nothing is
 18 understood. It's on the record.
 19 MR. MELFI: I just want to make sure
 20 we're all saying that there's additional escrow that
 21 we're going to have to put aside because what we
 22 talk about now and what we talk about six months
 23 from now --
 24 MS. BERGER: We appreciate you
 25 clarifying it.

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1 MS. SAVITZ: And any proposed
2 lighting on the building itself, it will be reviewed
3 to make sure that the property line --
4 MS. BERGER: Yes, yes.
5 MS. TRAHAN: Just to confirm, the
6 lighting, the wall-mounted lighting is also dark sky
7 lighting? The lights on the building?
8 MS. BERGER: There is no mounted
9 lighting. Only entrance door lighting, you know,
10 under the canopy, so it's not wall-mounted. It's
11 down lit.
12 CHAIRMAN BODNER: The architect will
13 talk about it?
14 MS. BERGER: The architect will talk
15 about it, but it's lighting to light if you're going
16 to the entrance door or exit doors.
17 CHAIRMAN BODNER: There is a walkway
18 close to the building? That's a walkway I'm
19 assuming?
20 MS. BERGER: No, no.
21 CHAIRMAN BODNER: It's not?
22 MS. BERGER: Clearly as you know it's
23 open during the daytime hours. We don't expect
24 children in the childcare center at other hours so
25 it's not a lit walkway. There's lights on the

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1 driveway but the walkway itself --
2 CHAIRMAN BODNER: There's four sides
3 of the building. There's only going to be lighting
4 on the one side?
5 MR. LAMOTHE: So the walkways around
6 the building there will be lights to light the
7 walkway on the east side of the building, and along
8 the south has all of the parking lot lights.
9 CHAIRMAN BODNER: On the northern and
10 western side, all of the lights on the walkway that
11 are for the emergency egress out to the Chadwick?
12 MR. LAMOTHE: It's not.
13 CHAIRMAN BODNER: There's not?
14 MS. BERGER: I will have the
15 architect address it to make sure it's on the record
16 and it's clear.
17 MR. MELFI: I'm sorry so the walkway
18 going up to Chadwick will not be lit?
19 MR. LAMOTHE: No. There's no
20 proposed lighting on the walkway.
21 MR. MELFI: Okay. But if there's --
22 there should be something there because if there is
23 a problem with daylight saving time going back and
24 forth, I mean if it's grounded lighting just to
25 light the walkway, no?

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1 MS. BERGER: So why don't we review
2 that when we take a break. I know we're going to
3 take a break, and we'll talk about whether we should
4 add one. Thank you for the recommendation. Did you
5 want to take a break now?
6 CHAIRMAN BODNER: Finish.
7 MS. TRAHAN: I -- the only reason I
8 asked for the dark sky is because building lighting
9 is also required to be dark sky compliant, and so I
10 just wanted to know for the purposes of the waiver
11 if that was necessary.
12 MS. BERGER: We'll have the architect
13 address it. And I think there was another question?
14 CHAIRMAN BODNER: She was
15 comfortable. Finish up his testimony.
16 MR. LAMOTHE: So we were also
17 proposing an six-foot solid fence around the
18 perimeter of the project area. That fence will have
19 two gates that will be located one at the Norma
20 Court side and one at the access behind the church.
21 The fence right now is proposed to be a six-foot
22 wood board-on-board fence, but we were looking at
23 making that six-foot one a solid vinyl fence to
24 match with the existing fence.
25 MS. BERGER: So it's not proposed to

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1 be wood fence. We're now changing it to make it a
2 vinyl fence because you have vinyl fence in the area
3 already.
4 MR. LAMOTHE: So currently on the
5 plans, we have a six-foot solid board-on-board wood
6 fence, but we'd like to change it to be more uniform
7 with the existing fencing that's already helping
8 buffer the neighbors on the left side, to make it a
9 six-foot solid vinyl fence to match that fence.
10 It's going to be a white fence. The other thing we
11 were looking to do --
12 CHAIRMAN BODNER: But then six-foot
13 from the current around the parking lot and then it
14 drops to five foot?
15 MR. LAMOTHE: The only five foot is
16 what encloses the playground.
17 CHAIRMAN BODNER: The playground.
18 MS. BERGER: Just point out on the
19 plan the six-foot fence that you're talking about
20 where it begins and where it ends.
21 MR. LAMOTHE: So the six-foot fence
22 is going to start at the corner of what is the
23 five-foot fence for the playground area and
24 encompass the whole parking lot area and tie into an
25 existing fence that at the southwest side of the

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1 site. It's already screening the parking lot to the
 2 south. So we would like to match that white vinyl
 3 fence and carry it all around to tie it to the --
 4 again, we're tying it to the fence.
 5 CHAIRMAN BODNER: And the five foot
 6 around the playground area is shorter?
 7 MS. BERGER: This is the same type of
 8 fence. Yes, it would be. Yes. So your answer was
 9 the five-foot fence is same type of material and the
 10 six-foot fence. It's just a difference of foot
 11 area.
 12 MR. LAMOTHE: It would be just one is
 13 five foot and one is six. The other thing I'm
 14 bringing back up A-2. The other thing that I want
 15 to just go over real quick, there's been some
 16 discussions, there is a one-story building on the
 17 Vandelinda side of the campus. Currently there is a
 18 screened fence that's along the westerly property
 19 line. What we would like to do, it's not shown on
 20 the plans yet, but it's discussions that we've had
 21 to help screen the operations of this building, to
 22 extend that solid six-foot solid vinyl fence that
 23 we're proposing around the perimeter. Extend it
 24 back to help screen the operations in and around
 25 that building.

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1 We will need some relief from the
 2 requirements because that fence is going to be a
 3 six-foot fence in the front yard, and it's also
 4 going to be a solid fence. It's not going to be an
 5 open fence. We're requesting relief to construct
 6 that fence. Again, it's in response to help to
 7 buffer and visually provide a visible screening on
 8 that behind is --
 9 CHAIRMAN BODNER: I'm glad you
 10 brought that up. You're creating visual screening
 11 for what basically is a junkyard, right? It's a
 12 bunch of garbage behind that building. So that is
 13 going to be screened, cleaned out and storage is
 14 going to clean that up and get it out of there? So
 15 where you're proposing the fence behind that?
 16 MR. LAMOTHE: We're going to clean
 17 that up, it will also just help screen any
 18 operations in that area.
 19 CHAIRMAN BODNER: I don't think it's
 20 going to be a problem.
 21 MS. BERGER: One more thing if I
 22 could bring you back to the previous plan if I may.
 23 I lost my count here. A-3. With regard to the
 24 sidewalk on Chadwick Road in yellow, could you --
 25 Chadwick Road, there is a sidewalk around Chadwick

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1 Road, does that connect to the balance of the
 2 hospital campus?
 3 MR. LAMOTHE: There is no connection
 4 to the hospital sidewalk.
 5 MS. BERGER: So that sidewalk is just
 6 what's required by the ordinance to have a sidewalk
 7 around any street; is that correct? And then the
 8 walkway that you have from the proposed childcare
 9 center along the driveway -- driveway, the lower
 10 driveway aisle?
 11 MR. LAMOTHE: Yeah.
 12 MS. BERGER: And that's required by
 13 the ordinance as well?
 14 MR. LAMOTHE: Yes. That's the
 15 sidewalk that's adjacent to Grange Road.
 16 MS. BERGER: And the ordinance
 17 requires that to have those sidewalks adjacent to
 18 the road; is that correct?
 19 MR. LAMOTHE: Yes.
 20 MS. BERGER: And that's why it's
 21 shown there. I have no further questions at this
 22 time.
 23 CHAIRMAN BODNER: All right. It's
 24 10:07. We'll come back at 10:15, 10:20 the latest
 25 okay?

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1 (At this point in the proceeding, a
 2 brief recess is taken.)
 3 CHAIRMAN BODNER: Okay. Mr. Simon.
 4 MS. BERGER: Before Mr. Simon starts,
 5 I just want to clarify one thing.
 6 CHAIRMAN BODNER: Yes, you can if you
 7 get a microphone and talk in the microphone.
 8 MS. BERGER: Okay. With regard to
 9 the last bit of testimony with regard to adding a
 10 fence, I'm going to A-2. On A-2, there's been some
 11 discussions from the residents that asked could you
 12 possibly add a fence, am I correct?
 13 MR. LAMOTHE: Yes.
 14 MS. BERGER: And that's not part of
 15 the application that was submitted, correct?
 16 MR. LAMOTHE: Correct.
 17 MS. BERGER: And the fence I'm
 18 referring to which was around the one story building
 19 right here on the corner on Vandelinda -- I'm sorry
 20 Alvin? Albin. And that fence if the Board would
 21 want us to put it in, you would be putting the same
 22 kind of -- six-foot high, board-on-board fence; is
 23 that correct?
 24 MR. LAMOTHE: Yes.
 25 MR. KELLY: Didn't you say it's going

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1 to be vinyl?

2 MS. BERGER: Yes, vinyl. But it also

3 looks look a board. It's a solid, solid. If the

4 Board would want us and the residents would want us

5 to put it in, that would require a variance to be

6 clear.

7 MR. LAMOTHE: Yes.

8 MS. BERGER: And the variance is

9 because it's in the front yarded setback?

10 MR. LAMOTHE: The height of the fence

11 in front is setback but inside the 15 percent.

12 MS. BERGER: So if the Board chooses

13 we would be happy to put that in; is that correct?

14 MR. LAMOTHE: Correct.

15 CHAIRMAN BODNER: How long is that

16 fence on the street?

17 MR. LAMOTHE: Approximately 80 feet

18 long.

19 MS. BERGER: Could you show us on the

20 plan where that would start?

21 MR. LAMOTHE: We'll start at the

22 existing and come across to in front of the one

23 story building.

24 CHAIRMAN BODNER: And is that from

25 the corner of the property to the street entrance

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1 towards the fence on Albin Street?

2 MS. BERGER: We'll prepare an

3 exhibit, and I'll bring it to the next hearing to

4 show it. I think that would clarify it.

5 MR. MELFI: Just update the zoning

6 table to reflect the deviations.

7 CHAIRMAN BODNER: Mr. Simon, it's

8 your floor.

9 MR. SIMON: Good evening, Dan. Let

10 me start -- I might be jumping around a little bit.

11 Let me start with some clarifications questions. So

12 I'm looking at A-2, and I'm seeing on the eastern

13 side of the exhibit a bunch of -- a couple of

14 single-family homes, a church. On the -- I guess

15 it's the eastern side, you have the former Chadwick

16 Road. Do you see that, what I'm referring to?

17 MR. LAMOTHE: Yes.

18 MR. SIMON: And that is labeled on

19 A-2 existing conditions plan, correct?

20 MR. LAMOTHE: Yes.

21 MR. SIMON: Do those structures

22 currently exist?

23 MR. LAMOTHE: No.

24 MR. SIMON: So they were -- is it

25 fair to say that they are erroneously included in

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1 the existing conditions plan?

2 MR. LAMOTHE: We represent it was

3 prior to the parking lot.

4 MR. SIMON: Prior to what?

5 MR. LAMOTHE: Prior to the existing

6 gravel lot.

7 MR. SIMON: So the gravel is --

8 that's not included in this application, correct?

9 MR. LAMOTHE: Correct.

10 MR. SIMON: So just so the record is

11 clear, on A-2, the structures that are, like I said

12 on the other side of Chadwick Road, Lot 2, Lot 4,

13 Lot 5, those structures presently do not exist,

14 correct?

15 MR. LAMOTHE: Correct.

16 MR. SIMON: And the gravel or the

17 impervious coverage that currently covers those lots

18 as well as Lot 6, is it your testimony that all of

19 that is included in your impervious coverage

20 calculation as it currently exists?

21 MR. LAMOTHE: The proposed coverage

22 shows what it represents, what is current coverage.

23 That exhibit is A-4. This shows proposed impervious

24 coverage.

25 MR. SIMON: When you say the proposed

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1 impervious coverage, I see impervious coverage on

2 Lot 2, on Lot 3, and Lot 6, as well as other lots

3 that are not labeled. That's all existing gravel,

4 correct?

5 MR. LAMOTHE: Yes. This exhibit

6 represents the coverage that exists today.

7 MR. SIMON: As well as the coverage

8 that exists for the balance of the hospital campus,

9 correct?

10 MR. LAMOTHE: Well, the proposed

11 conditions.

12 MR. SIMON: The proposed conditions.

13 And it also includes the impervious surface for the

14 ground area now, correct?

15 MR. LAMOTHE: Yes.

16 MR. SIMON: And that still is it

17 68 percent before, and it's still 68 percent?

18 MR. LAMOTHE: Yes. The impervious

19 play surface is about 400 square feet, and that

20 doesn't affect the percentage.

21 MR. SIMON: So is there any

22 additional impervious coverage that's being proposed

23 other than what we're seeing here on A-4?

24 MR. LAMOTHE: Yes. This represents

25 all of the proposed after the phase one.

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1 MR. SIMON: Does this include phase
 2 two?
 3 MR. LAMOTHE: It includes the gravel
 4 lot.
 5 MR. SIMON: It's the other
 6 application, the other companion application;
 7 correct?
 8 MR. LAMOTHE: Correct.
 9 MR. SIMON: And with regard to the
 10 relief that the applicant is seeking, my
 11 recollection is that I heard you needed relief from
 12 the design standard and the RSIS regarding the
 13 cul-de-sac radius, correct?
 14 MR. LAMOTHE: Yes.
 15 MR. SIMON: And you needed some
 16 lighting waivers as well?
 17 MR. LAMOTHE: Yes.
 18 MR. SIMON: Right. And with regard
 19 to -- do you need any other relief?
 20 MS. BERGER: Could you use the mic?
 21 MR. LAMOTHE: Only what we just
 22 discussed, the fencing.
 23 MR. SIMON: You were talking about
 24 the intersection of Albin and Vandelinda. And as
 25 part of your preparation of these plans, you put

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1 together a zoning table on I guess Sheet 2 of 11,
 2 correct?
 3 MR. LAMOTHE: Yes.
 4 MR. SIMON: And you reviewed the
 5 ordinance that's applicable to this application,
 6 correct?
 7 MR. LAMOTHE: Yes.
 8 MR. SIMON: And in that -- let me ask
 9 you with regard to Lot 7 and Lot 8, that are on the
 10 other side of the Chadwick Road, those two
 11 properties are going to continue to be residential,
 12 correct? Residential structures on them?
 13 MR. LAMOTHE: Yes.
 14 MR. SIMON: Okay. And those two
 15 properties no longer have access to Chadwick Road as
 16 a public right-of-way, correct?
 17 MR. LAMOTHE: Correct. They'll have
 18 the access from the loop road.
 19 MR. SIMON: The loop road they're
 20 going to have access. It's a private driveway in
 21 essence at this point, correct?
 22 MR. LAMOTHE: Correct.
 23 MR. SIMON: So don't those two houses
 24 don't have need to obtain a planning variance from
 25 this Board because they don't abut a public road by

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1 virtue of your application?
 2 MR. LAMOTHE: I would have to defer
 3 to the attorney on that.
 4 MR. SIMON: Okay. But when you put
 5 together your zoning table, you did not take that
 6 into consideration, correct?
 7 MR. LAMOTHE: No.
 8 MR. SIMON: And with regard to --
 9 let's go to the larger version of Sheet 2 of 11. So
 10 I'm referring Mr. Chairman, if you want me to mark
 11 this, it's Sheet 2 of 11, enlarged. It's up to the
 12 board.
 13 MR. KELLY: It's fine.
 14 MR. SIMON: Okay. So the larger
 15 version of Sheet 2 of 11, you show on H1 various
 16 setbacks, correct. You showed a 60-foot side
 17 setback, that encompasses Lots 8, 9 and 11, correct?
 18 MR. LAMOTHE: Correct.
 19 MR. SIMON: You showed a 60-foot
 20 setback to Grange Road that is in the area of the
 21 former driveway?
 22 MR. LAMOTHE: Correct.
 23 MR. SIMON: And you show a 60-foot --
 24 a 60-foot setback, side-yard setback adjacent to the
 25 church on Lot 1, correct?

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1 MR. LAMOTHE: Yes.
 2 MR. SIMON: Let's start with the side
 3 yard setback adjacent to Lot 7. So as a result of
 4 this application, the applicant is proposing to
 5 consolidate approximately ten lots into one,
 6 correct? Approximately?
 7 MR. LAMOTHE: Approximately.
 8 MR. SIMON: As a result of that, the
 9 entire Lot 1.01 exceeds 25 acres as required by
 10 ordinance, correct?
 11 MR. LAMOTHE: Yes.
 12 MR. SIMON: And Lot 1.01 is going to
 13 encompass numerous principle uses, buildings, and
 14 structures, correct?
 15 MR. LAMOTHE: Correct.
 16 MR. SIMON: And with regard to the
 17 buildings that are on Lots 8, 9 and 11 adjacent to
 18 Lot 7, as a result of your lot consolidation, those
 19 three dwellings are currently located all entirely
 20 within the required 60-foot setback that was
 21 promulgated by Ordinance 22-2022 correct, as per
 22 your zoning table?
 23 MR. LAMOTHE: I think that was a lot
 24 consolidation. What's that?
 25 MR. SIMON: Please don't talk to him.

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1 MR. LAMOTHE: I'm sorry.
 2 MR. SIMON: I'll go through it
 3 slowly. So side yard H1 requires 60 feet, right?
 4 And you provided 120. So you agree that the side
 5 yarded setback is 60 feet, correct?
 6 MR. LAMOTHE: Right.
 7 MR. SIMON: So Lots 8, 9 and 11, the
 8 structures that are currently located in those lots
 9 next to Lot 7, are entirely located within that
 10 60-foot setback, correct?
 11 MR. LAMOTHE: Yes.
 12 MR. SIMON: And -- are you aware of
 13 whether as part of your chart on Sheet 2 of 11, is
 14 there any variance relief that is being requested in
 15 connection with those encroachments? You reviewed
 16 the ordinance. Do you believe a variance is
 17 necessary? Look at me. It's yes or no? Or you
 18 don't know?
 19 MR. LAMOTHE: I don't know.
 20 MR. SIMON: Okay. And with regard to
 21 the right side setback in H1, there is a
 22 one-and-a-half-story dwelling adjacent to the Lot 1
 23 church structure that similarly is encroaching
 24 within the 60-foot setback, correct?
 25 MR. LAMOTHE: Correct.

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1 MR. SIMON: Does your chart, zoning
 2 chart, identify that encroachment as requiring
 3 setback relief?
 4 MR. LAMOTHE: No, it doesn't.
 5 MR. SIMON: Okay. And with regard to
 6 the two-story dwelling in the frontage adjacent to
 7 Grange Road that appears to be next to Lots 8 and 9.
 8 I don't see a lot number for that. That's appears
 9 to encroach into the front yard setback on Grange
 10 Road, does it not?
 11 MR. LAMOTHE: Yes.
 12 MR. SIMON: Is there any variance
 13 relief requested in connection with that
 14 encroachment?
 15 MR. LAMOTHE: No.
 16 MR. SIMON: And with regard to the
 17 one-and-a-half-story dwelling that I just identified
 18 that encroaches halfway through next to Lot 1, that
 19 structure appears to encroach over the H1 line into
 20 the H2 line in the corner, correct?
 21 MR. LAMOTHE: Slightly.
 22 MR. SIMON: So if I asked how far is
 23 that one-and-a-half-story dwelling in H1 from H2,
 24 the answer is zero because it actually encroaches
 25 over, correct?

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1 CHAIRMAN BODNER: Excuse me. I want
 2 to ask. You think that the notice requires it?
 3 It's a simple thing because I don't understand the
 4 point you're trying to make here.
 5 MR. SIMON: I'm cross examining the
 6 witness to ascertain whether variances that we
 7 believe should have been called out were not call
 8 out. That's what I'm trying to get to.
 9 CHAIRMAN BODNER: So the point I'm
 10 trying to make to you is just as you determined that
 11 they're not, they can add it to the list. I mean
 12 I'm not spending an hour going through all of this
 13 direct. You think it's an issue. You brought it
 14 up. Let's move on.
 15 MR. SIMON: I think all of these are
 16 needed, absolutely.
 17 MS. BERGER: With regard to --
 18 CHAIRMAN BODNER: Excuse me. Do you
 19 have any comment with regard to that?
 20 MS. BERGER: All I would say the
 21 chart noted all of the variances that this expert
 22 believes were required for this application and --
 23 CHAIRMAN BODNER: Tell me in English.
 24 What expert are you talking about?
 25 MS. BERGER: On the report from your

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1 zoning officer and experts, of all of the variances
 2 that may be required. If they determine there are
 3 existing other variances that are required or notice
 4 provided, then any and all other variances that may
 5 be determined by the Board and its expert as being
 6 required as part of the application, we requested
 7 that, and everyone's review so far, no one has
 8 determined.
 9 CHAIRMAN BODNER: You're an attorney,
 10 and you sent the notice?
 11 MS. BERGER: If it's required, we'll
 12 request it.
 13 MR. KELLY: He's saying it's
 14 required.
 15 CHAIRMAN BODNER: Your witness is
 16 saying it's required?
 17 MS. BERGER: My expert says that
 18 based upon his review so far, it has not been
 19 determined it was required.
 20 MR. KELLY: Has he not determined or
 21 it's not required? It's a big difference. You have
 22 to rely on your experts to flag variances which I
 23 think is the point Mr. Simon is trying to make.
 24 Regardless of Mr. Simon's argument, I think the
 25 point has been made so.

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1 MS. BERGER: If you want, we can
 2 revise the zoning table. He has not considered it.
 3 If you want to zoning table revised, the expert can
 4 do that for the next hearing.
 5 CHAIRMAN BODNER: Mr. Simon, are you
 6 okay with that?
 7 MR. SIMON: It's their application.
 8 CHAIRMAN BODNER: I'm trying to point
 9 stuff out that's all. You brought it up. Let's
 10 move on so. You just want to give a hard time.
 11 MR. SIMON: I'm doing my job. I'm
 12 trying to identify that.
 13 CHAIRMAN BODNER: You won't give me a
 14 straight answer.
 15 MR. SIMON: This applicant should
 16 identify all the variances, exceptions and waiver
 17 relief that they actually need.
 18 CHAIRMAN BODNER: They messed up.
 19 It's not because they chose not to do it. They may
 20 have made a mistake, and you want to point that out,
 21 point that out.
 22 MR. SIMON: I got it. Okay. With
 23 regard to, Dan, you just made a comment that, Oh, it
 24 may be preexisting nonconforming use. What does
 25 that mean?

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1 MR. LAMOTHE: Well, we're not
 2 proposing those structures that exist today.
 3 MR. SIMON: So you're saying -- have
 4 you done any investigation whatsoever to ascertain
 5 whether the setbacks that were formerly there prior
 6 to an amendment of the ordinance, rendered them
 7 preexisting, nonconforming uses?
 8 MS. BERGER: I'm going to object to
 9 the question. It doesn't make sense. The setbacks
 10 were already there, so you're asking him if they
 11 were or weren't. He already said they were there.
 12 MR. SIMON: To establish the legally
 13 valid preexisting nonconforming uses, the witness
 14 needs to establish, the applicant needs to establish
 15 that the use or structure existed at a time when it
 16 was permitted under the ordinance.
 17 Dan, have you done any investigation to
 18 determine one way or another whether these
 19 structures that I pointed out are legally existing
 20 in terms of --
 21 MR. LAMOTHE: I have not analyzed the
 22 zoning of those structures.
 23 MR. SIMON: And with regard to --
 24 let's go to the cul-de-sac, if you can put that
 25 exhibit up there.

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1 Wait. Wait. Wait. Excuse me a second.
 2 Ms. Berger, it's cross examination and you shouldn't
 3 be speaking to your witness during cross
 4 examination.
 5 With regard to the cul-de-sac cull bulb,
 6 for which you require RSIS de minimis exception
 7 relief as well a waiver of the design standards of
 8 the ordinance you acknowledged, correct?
 9 MR. LAMOTHE: Correct.
 10 MR. SIMON: And I think you may have
 11 misspoke or I made a mistake and I'm not reading
 12 this correctly. With regard to the vacating the
 13 Chadwick Road, and the bulb that you're proposing,
 14 it includes an area on the hospital property that is
 15 being used as part of that bulb, correct?
 16 MR. LAMOTHE: The bulb, yes. It's
 17 called a vacation.
 18 MR. SIMON: To have a vacation it's a
 19 municipal road that the municipality determines that
 20 they no longer need the road, and therefore it's a
 21 vacation, correct?
 22 MR. LAMOTHE: Yes.
 23 MR. SIMON: So -- but in addition to
 24 the vacation of the bottom part of Chadwick, as part
 25 of the cul-de-sac design, the hospital has dedicated

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1 the portion of their property, their real property
 2 to that cul-de-sac, Lots 2 or 3 contributed to that,
 3 correct?
 4 MR. LAMOTHE: Right.
 5 MR. SIMON: So is there any reason
 6 since you are proposing new construction, especially
 7 because your proposing new construction, why you
 8 cannot increase the size cul-de-sac bulb or dedicate
 9 additional hospital lands to maybe the cul-de-sac
 10 bulb conforming with the residential site
 11 improvement standards and with the design standards
 12 set forth in the ordinance?
 13 MR. LAMOTHE: We utilized the
 14 cul-de-sac approval from the Mayor and Council
 15 ordinance that was created.
 16 MR. SIMON: I didn't ask you that
 17 question, sir. I asked you is there anything that
 18 prevents from utilizing additional hospital lands so
 19 that they fully conform with the RSIS and design
 20 standards set forth in the ordinance for cul-de-sac
 21 bulbs radius?
 22 MS. BERGER: I object to the
 23 question. The witness has answered the question
 24 already. I understand that Mr. Simon may not like
 25 the answer, but the question has been asked and

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1 answered.

2 MR. KELLY: He can answer that it's

3 complying with the ordinance.

4 MR. SIMON: But the ordinance has

5 nothing to do with lands on the hospital property.

6 It cannot. Whether the -- it's an ordinance for the

7 zone. The sets forth the zoning. It doesn't

8 specifically say what the design is for the street

9 or the cul-de-sac. All the ordinance says is that

10 it's vacated, and they're going to create a

11 cul-de-sac bulb, but I'm asking him as part of the

12 proofs under Section 51B of the municipal land use

13 law and under the RSIS standards, the applicant has

14 the burden of proof to -- to get a design waiver or

15 de minimis exception as the case maybe.

16 Their proof includes the fact that they

17 need to demonstrate and I'll quote it so nobody can

18 accuse me misstating it, 51B, it grants such

19 exceptions from site plan approval that is basically

20 the same standard for RSIS. It maybe -- as maybe

21 reasonable and within the general purpose of the

22 provision of site plan review an approval if the

23 literal enforcement of one or more provisions of the

24 ordinance is impracticable or will exact undue

25 hardship because of a peculiar condition pertaining

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1 to the land in question. I'm asking this witness is

2 it impracticable under the municipal land use law to

3 increase the size of the cul-de-sac bulb on the

4 hospital property?

5 MS. BERGER: I'm going to object.

6 MR. KELLY: It's a different

7 question. The witness can answer.

8 MR. SIMON: What's your objection?

9 Are you objecting to asked and answered?

10 MS. BERGER: I'm going to object

11 because Mr. Simon made a statement as to the

12 interpretation of the ordinance. He had asked this

13 witness a question. This witness has answered the

14 question, that it's designed in accordance with the

15 ordinance. The ordinance attaches a map which shows

16 the cul-de-sac bulb in the ordinance.

17 CHAIRMAN BODNER: Let him finish.

18 MR. KELLY: He asked a specific

19 question reading a statute. And he's asking can you

20 comply with it? It's either he can or he can't or

21 it's impracticable issues. I understand your

22 argument that it may carry the day because the

23 ordinance may either be -- I guess it could be a

24 contradiction of the statute or not. But it does

25 allow for a waiver of it. Let him make his point

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1 and answer the question.

2 MR. SIMON: Again, is there any -- is

3 there any reason that literal enforcement of

4 requirements of the design standards of the

5 ordinance are impracticable? In other words can

6 you -- you can comply, correct?

7 MR. LAMOTHE: We've utilized the

8 cul-de-sac geometry that was approved by the Mayor

9 and Council in that ordinance.

10 MR. SIMON: So do you think that

11 because you're utilizing the words in the

12 ordinance -- strike that.

13 Do you believe that because you're

14 utilizing the design in the ordinance that includes

15 the hospital property, that this Board is obligated

16 to grant you approval for the relief you're seeking

17 and not the municipal land use law and residential

18 site improvement standards?

19 MS. BERGER: I'm going to object.

20 That's a legal conclusion. He's not a lawyer. He's

21 an engineering witness.

22 MR. SIMON: It's perfectly

23 appropriate to probe a witness to ask about

24 whether -- in fact, just so the record is clear,

25 under the resident site improvement standards,

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1 that's N.J.A.C. 5:21-3.1 under Exceptions, it's the

2 same standard. If the literal enforcement of one or

3 more provisions of the standards is impracticable or

4 will exact undue hardship because of peculiar

5 conditions pertaining to the development in

6 question. Same standard. I'm asking him as an

7 engineer whether increasing the cul-de-sac bulb to

8 comply with the ordinance and RSIS is impracticable,

9 yes or no?

10 MR. LAMOTHE: Yes, because what we

11 propose is in conformance with the ordinance.

12 MR. SIMON: You can -- you could

13 redesign your site so to increase the size. You can

14 move the daycare center somewhere else, correct?

15 You could?

16 MR. LAMOTHE: You could redesign.

17 MR. SIMON: And is there any peculiar

18 condition pertaining to the development in question

19 that precludes you from complying with the

20 cul-de-sac bulb standards that I've identified?

21 MR. LAMOTHE: Again, it has been

22 designed in accordance with the ordinance that

23 contemplated the development of the entire lot

24 campus redevelopment.

25 MR. SIMON: Did the ordinance say

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1 anything about seeking de minimis exception from the
2 Planning Board and the RSIS standards or from
3 seeking a design waiver from the Planning Board from
4 the ordinance standards?
5 MR. LAMOTHE: I don't recall.
6 MR. SIMON: With regard to the
7 parking area, it's up here in H2, is there -- are
8 you aware of any breakdown between whether it's
9 physicians, employees, visitors, parents, do you
10 know who is doing an evaluation of what the expected
11 breakdown is to determine how long those people are
12 going remain in those spaces?
13 MR. LAMOTHE: It's going to be for
14 the doctors and patients of the hospital.
15 MR. SIMON: So a doctor may stay
16 longer than a patient, correct, depending on --
17 MS. BERGER: Mr. Simon, this is the
18 not correct witness for those questions. I suggest
19 you save those questions for the traffic expert.
20 MR. SIMON: That's more than fair.
21 So I know that Ms. Berger identified Section 66.6 of
22 the municipal land use law that talks about the fact
23 that floor area is excluded in calculating parking
24 requirements as to floor space, you're aware of
25 that, correct?

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1 MR. LAMOTHE: Say that again.
2 MR. SIMON: That under the municipal
3 land use law, floor area is excluded, floor area of
4 a daycare center is excluded in calculations for
5 parking requirements as to floor space, correct?
6 MR. LAMOTHE: Correct.
7 MR. SIMON: Is there any -- are any
8 of the employees that are going to be walking to the
9 childcare center in terms of park requirement?
10 MS. BERGER: Again, I would suggest
11 you speak to the traffic expert, and he'll be able
12 to address those issues for you.
13 MR. SIMON: Sure. Thank you. The
14 prior childcare area, I thought I heard last time,
15 and I didn't know you were going to do a redo here,
16 is the prior childcare area currently in operation,
17 if you know?
18 MR. LAMOTHE: I believe so.
19 MR. SIMON: And does it comprise
20 approximately 16,000 square feet?
21 MR. KELLY: Mr. Simon, do you have a
22 proffer as to relevance, if any?
23 MR. SIMON: I want to know whether
24 the former one is 8,000 square feet, now 16,000
25 square feet. It's in terms of the intensity of use.

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1 If the intensity of use on the site is increasing,
2 it's a fair questions for a site plan application.
3 MR. KELLY: It's permitted
4 regardless.
5 MR. SIMON: Just because it's
6 permitted, the site plan talks about traffic
7 circulation ingress, egress. I want to know what
8 intensity of use does it have compared to the
9 existing facility. If the witness doesn't know, he
10 doesn't know.
11 MS. BERGER: Just for the record, it
12 is very similar in size.
13 MR. KELLY: With all due respect,
14 you're not a witness.
15 MS. BERGER: Since we're not hearing
16 as to the operation of the facility.
17 MR. KELLY: He's asking about
18 intensification.
19 MR. SIMON: In defense of Wendy, is
20 there going to be an operations witness because if
21 there is --
22 MS. BERGER: No. There is no need
23 for an operations witness. He can ask questions. I
24 don't know if this witness can answer those
25 questions.

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1 MR. SIMON: Are you familiar at all
2 with the current daycare operations at the hospital
3 site?
4 MR. LAMOTHE: No.
5 MR. SIMON: You don't know how many
6 square feet are comprised of that use, correct?
7 MR. LAMOTHE: No.
8 MR. SIMON: You do not know in what
9 location or where that use is, correct?
10 MR. LAMOTHE: The use is currently in
11 the hospital on the south side. I'm not familiar
12 with the operations.
13 MR. SIMON: Do you know anything
14 about the dropoff or pickup associated with that
15 operation, currently?
16 MR. LAMOTHE: Currently, no.
17 MR. SIMON: And you've done no
18 investigation as to dropoff and pickup proposed,
19 correct, for the daycare operation?
20 MR. LAMOTHE: Well, I testified that
21 the operation was for the employees of the hospital,
22 and they're going to utilize the daycare.
23 MR. SIMON: With regard to the
24 sidewalks, the one from the playground area, and the
25 other from the childcare center to Chadwick, are

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1 those two sidewalks required by ordinance or code?
 2 MR. LAMOTHE: Yes, I believe they
 3 are.
 4 MR. SIMON: What do they say about
 5 sidewalks from those locations to Chadwick in terms
 6 of emergency egress?
 7 MR. LAMOTHE: It actually says a
 8 sidewalk. The architect can get more into egress
 9 and all of that.
 10 MR. SIMON: You know for a fact that
 11 the requirement for sidewalks for those locations to
 12 Chadwick?
 13 MR. LAMOTHE: The architect will know
 14 that.
 15 MR. SIMON: With regard to -- are you
 16 familiar with the regulations regarding childcare
 17 center at all?
 18 MR. LAMOTHE: No.
 19 MR. SIMON: I'll wait for the
 20 architect. Traffic person on that. Oh. Oh. With
 21 regard to the lighting waivers that you're seeking,
 22 same question I asked before regarding the
 23 cul-de-sac because it's the same standard, is there
 24 anything about the particular conditions of the
 25 property that precludes you from complying with the

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1 ordinance? The ordinance for the lighting regarding
 2 the footcandles. You can't comply with standard
 3 lighting design that functions properly, you could
 4 not comply with that design. So you're saying that
 5 the ordinance standards is inappropriate?
 6 MR. LAMOTHE: Yes.
 7 MR. SIMON: And do you know how long
 8 that ordinance standard has been on the books as
 9 they say?
 10 MR. LAMOTHE: I do not know.
 11 MR. SIMON: And do you know whether
 12 other applications have complied with that ordinance
 13 standards?
 14 MR. LAMOTHE: I do not know.
 15 MR. SIMON: With regard to the access
 16 to and from Chadwick Road, is there any reason why
 17 you cannot put a fence surrounding the cul-de-sac
 18 bulb with a gate for emergency access like you're
 19 doing for the fire truck?
 20 MS. BERGER: Mr. Simon. Can you just
 21 restart that question. I don't know where you're
 22 starting from and to.
 23 MR. SIMON: That's fair. I'll
 24 rephrase the question. For pedestrian access to and
 25 from Chadwick Road to the childcare center, what is

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1 the reason why you can't put a fence surrounding
 2 that cul-de-sac bulb site to prevent folks from
 3 making those pedestrian movements at dropoff and
 4 pickup?
 5 MR. LAMOTHE: I don't think it's
 6 appropriate.
 7 MR. SIMON: Why not?
 8 MR. LAMOTHE: Well, we don't see a
 9 need for the fence. We don't anticipate pedestrians
 10 walking through. There's no walkway. We don't
 11 foresee having a high traffic volume of pedestrians
 12 walking from Chadwick Road to the hospital areas.
 13 MR. SIMON: Did you say there's no
 14 walkway?
 15 MR. LAMOTHE: There's two sidewalks
 16 that lead from the cul-de-sac to the childcare but
 17 again those are for emergency exit only, okay?
 18 MR. SIMON: But is there anything
 19 that's going to serve as a barrier to preclude
 20 somebody from walking to and from Chadwick Road from
 21 those areas, the two sidewalk areas?
 22 MR. LAMOTHE: From Chadwick to the
 23 play area, you can walk there.
 24 MR. SIMON: They can walk there,
 25 right?

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1 MR. LAMOTHE: There is nothing to
 2 prevent them from doing that, yes.
 3 MR. SIMON: And you're also now
 4 you're installing per the ordinance you're also
 5 installing a sidewalk around the cul-de-sac,
 6 correct?
 7 MR. LAMOTHE: Yes.
 8 MR. SIMON: And what is going to
 9 preclude someone from dropping off a child or
 10 picking up a child utilizing the Chadwick cul-de-sac
 11 bulb?
 12 MR. LAMOTHE: There is no reason for
 13 a child to be dropped off on Chadwick. They're
 14 employees of the hospital. They're going to park in
 15 the parking lot of the hospital. There is no reason
 16 for an employee to have to park on Chadwick Road.
 17 MR. SIMON: And you're not familiar
 18 with the current operation of the childcare, you
 19 don't know whether a caregiver, nanny or parent
 20 maybe dropping off a child as the other partner is
 21 working who will pick them up at the end of the day
 22 or vice versa, correct? You don't know that,
 23 correct?
 24 MR. LAMOTHE: My understanding is
 25 it's for the employees of the hospital.

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1 MR. KELLY: Can you answer the
2 question though?
3 MR. LAMOTHE: No, I'm not familiar
4 with the --
5 MR. KELLY: Say you don't know if you
6 don't know. Unless you know.
7 MR. LAMOTHE: I don't know.
8 MR. SIMON: When were you retained by
9 the hospital to start working on this project?
10 MS. BERGER: I'm going to object. It
11 has no bearing on his testimony.
12 MR. KELLY: It's not relevant to the
13 site plan.
14 MR. SIMON: Excuse me?
15 MR. KELLY: It's not relevant to the
16 site plan applicant, is it?
17 MR. SIMON: I want to know as a
18 foundation when he first was retained.
19 MS. BERGER: I object.
20 MR. KELLY: I think it's an improper
21 question as well.
22 MR. SIMON: And by the way the
23 Chadwick Road cul-de-sac bulb, that area, what zone
24 would that be in?
25 MR. LAMOTHE: What zone is it

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1 currently?
2 MS. BERGER: The Chadwick bulb is
3 adjacent to the H2 zone.
4 MR. SIMON: What zone is the Chadwick
5 Road -- it's a municipal right-of-way, correct?
6 MS. BERGER: Maybe he doesn't
7 understand the question because I'm not
8 understanding it.
9 MR. SIMON: Is Chadwick Road,
10 Chadwick Road the cul-de-sac bulb as your looking at
11 your plan, A-4, who -- what zone is that
12 right-of-way apart of?
13 MS. BERGER: If you know.
14 MR. LAMOTHE: I don't recall.
15 MR. SIMON: Is there anything on your
16 plans that would identify what zone it's located in?
17 MR. LAMOTHE: Maybe.
18 MR. KELLY: Is there a proffer?
19 MR. SIMON: I want to make sure I
20 believe it's a residential zone, and there should be
21 no reason why, A, it should be used at all for
22 hospital property, and B, the ordinance is pretty
23 clear that there should be adequate buffering
24 between residential and nonresidential uses and
25 areas so that's why I'm asking the question. It has

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1 to do with the ordinance.
2 MR. KELLY: Do you know if it's in a
3 residential zone?
4 MR. LAMOTHE: I'm looking right now.
5 Actually it looks like there is an S there. RS
6 zone.
7 MR. SIMON: Is that residential
8 single-family?
9 MR. LAMOTHE: Correct.
10 MS. BERGER: Could you just point on
11 the plan you're asking what zone because it's a bit
12 confusing?
13 MR. SIMON: I asked -- I said
14 Chadwick Road. What zone is Chadwick Road?
15 MS. BERGER: It's a public street.
16 It's a public street. Are you asking him if the
17 public street is zoned? A public street is not
18 zoned. I'll defer to your experts.
19 MR. SIMON: What does the zoning map
20 of the Township of Teaneck, I'm asking the witness
21 is Chadwick Road located within a particular zone,
22 yes or no?
23 MR. LAMOTHE: The lot is adjacent to
24 the RSF zone.
25 MR. SIMON: Do you know whether that

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1 right-of-way is actually located in the RS zone or
2 not? Do you know one way or another?
3 MS. BERGER: If you don't know, you
4 can say "I don't know."
5 MR. LAMOTHE: The RS zone straddles
6 the whole site.
7 MR. SIMON: Okay. That's fair. Are
8 you aware whether in your review of the zoning
9 ordinance you created on your zoning table, whether
10 more than one principal use is permitted on a lot in
11 the H zone?
12 MR. LAMOTHE: I believe there is.
13 MR. SIMON: And do you recall
14 referring specifically -- do you recall referring to
15 a specific section of the ordinance to support your
16 conclusion?
17 MR. LAMOTHE: I don't have the
18 ordinance.
19 MR. SIMON: And you talked about a
20 vinyl fence right around the certain areas, and it's
21 wood and you want to go to vinyl. Did you ever ask
22 the residential neighbors what they prefer between
23 wood and vinyl?
24 MR. LAMOTHE: I did not.
25 MR. SIMON: And with regard to -- you

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1 talked about the dumpster area and, right? Where is
 2 that?
 3 MR. LAMOTHE: It's up in this area.
 4 MR. SIMON: I'm sorry. For the
 5 record the north of H2, in the northwest corner of
 6 the parking lot, correct?
 7 MR. LAMOTHE: Correct.
 8 MR. SIMON: So is there a reason why
 9 you put the dumpster right next to the H1
 10 residential area as opposed to an area internal, not
 11 so close to residences?
 12 Wait a minute. Say what you're referring
 13 to.
 14 MR. LAMOTHE: I'm referring to A-3
 15 which is the site layout plan. The loading area is
 16 located in the northwest corner. It's located there
 17 for the purpose of operations for the childcare.
 18 MR. SIMON: So how far is the
 19 dumpster from that existing dwelling to remain?
 20 MR. LAMOTHE: I have to scale. It's
 21 approximately 20 feet.
 22 MR. SIMON: Twenty feet between the
 23 dumpster and that residents, right?
 24 MR. LAMOTHE: Approximately.
 25 MR. SIMON: And with regard to the

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1 lighting that you're proposing in the parking lot.
 2 Is that lighting going to be able to be seen by the
 3 properties, the residential properties -- I'm sorry,
 4 outside of the hospital property, namely Lot 7, and
 5 across the street from Grange Road?
 6 MR. LAMOTHE: I don't believe so.
 7 MR. SIMON: And what makes you --
 8 what leads you to that conclusion?
 9 MR. LAMOTHE: The lights that we're
 10 proposing, and the buffer screening around the
 11 perimeter of the parking area, and the distance from
 12 the residents.
 13 MR. SIMON: Well, so the fence is
 14 six feet, correct?
 15 MR. LAMOTHE: Right.
 16 MR. SIMON: And the lighting fixtures
 17 are how tall?
 18 MR. LAMOTHE: Approximately, I don't
 19 recall exactly if it's 20 feet.
 20 MR. SIMON: 20 feet. So if you have
 21 a five-foot fence, and you have a 20-foot light
 22 fixture --
 23 MR. LAMOTHE: 16-foot.
 24 MR. SIMON: That's okay. No problem.
 25 How is it that these residential properties are not

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1 going to be able to see a 16-foot light fixtures
 2 that you're showing on Sheet 6 of 11 between the
 3 right-of-way abutting in the H1 zone?
 4 MS. BERGER: I'm going to object to
 5 the question because Mr. Simon is changing the size
 6 of the fence in his question. So are you talking
 7 with regard to what's proposed or what's changing?
 8 MR. KELLY: Well, I think the point
 9 of the question is are the lights going to show.
 10 MS. BERGER: The question was
 11 answered.
 12 MR. KELLY: Well, I think it's a
 13 valid question. Let me finish. The expert can
 14 answer. It's valid question for Board consideration
 15 of impact to the neighbors.
 16 MS. BERGER: But Mr. Simon changed
 17 the size of the fence in his question he said five
 18 foot.
 19 MR. LAMOTHE: It's six feet. That's
 20 what the plan says.
 21 MR. KELLY: It's 16 feet whether it's
 22 five or six, it's going to be over. That's the
 23 substance of the form. So can he answer it or not?
 24 MR. SIMON: I'll rephrase the
 25 question. So what leads you to conclude that -- I'm

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1 sorry, the light poles are 16 feet?
 2 MR. LAMOTHE: 16 feet.
 3 MR. SIMON: So what leads you to
 4 conclude that the neighbors will not be able to see
 5 16-foot at all parking lot lights over the five-foot
 6 fence?
 7 MR. KELLY: Six-foot fence.
 8 MR. SIMON: Six-foot fence.
 9 MR. LAMOTHE: There is also going to
 10 be an evergreen landscaped buffer. That's for the
 11 architect. It will be behind. It will be a 50 feet
 12 buffer between the parking lot and Grange Road. So
 13 you'll have landscaping and distance of a hundred
 14 feet. The other thing is the grade at Grange Road
 15 four or five feet higher than the parking lot grade
 16 which the lights are on.
 17 MR. SIMON: So you talked about the
 18 grade, so across the street to the -- I guess it's
 19 the northwest, at Grange Road how does that --
 20 that's higher, right? So what's the difference in
 21 elevation between the location of the parking lot
 22 lights and the houses on the other side of Grange
 23 Road, do you know?
 24 MR. LAMOTHE: I don't know the
 25 elevation for the houses on the other side.

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1 MR. SIMON: What's the topography
 2 of --
 3 MR. LAMOTHE: I do not know the
 4 topography.
 5 MR. SIMON: So you don't know the
 6 difference in topography. So despite -- so despite
 7 not knowing the difference in the topography, you
 8 still don't think that they're going to be able to
 9 see the lights, correct?
 10 MR. LAMOTHE: Correct.
 11 MR. SIMON: Well, with regard to your
 12 test pits, right, to show the groundwater depth, you
 13 said you did about four or five. Did you do any
 14 closer to the residential properties, because I
 15 didn't see any, to determine what the groundwater
 16 levels are?
 17 MR. LAMOTHE: We did the test pits in
 18 the area of the parking lot.
 19 MR. SIMON: Of the parking lot,
 20 right. Did you do any test pits in the areas of the
 21 residences who own Lot 8, 9, 11. They're the ones
 22 that are closest to the --
 23 MS. BERGER: He said he did not.
 24 MR. SIMON: Now, with regard to
 25 getting to Grange Road, my recollection is I know

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1 we're doing a redo. That there was a stipulation
 2 about signage that was proposed and stipulated
 3 regarding the Chadwick Road or the use of Chadwick
 4 Road. Do you recall what the stipulations were if
 5 you know? One of the things -- these are my
 6 handwritten notes and they may be wrong. I have no
 7 parking or stopping or idling on the cul-de-sac or
 8 close to it. Is that something that the applicant
 9 would agree to a condition approval by the signage?
 10 MS. BERGER: If the municipality --
 11 MR. KELLY: Well, let's -- I recall
 12 that was discussed and stipulated to right along the
 13 fence here. We don't have a complete record, we're
 14 doing a redo. There may be a stipulation.
 15 MS. BERGER: What I was going to say
 16 it's a municipal road. As long as the Board and the
 17 town is fine with it, we will put in whatever sign
 18 is required. I think there was a sign in the corner
 19 of Chadwick and Grange.
 20 MR. KELLY: I'll go along with that.
 21 To make his point, do you stipulate or not?
 22 MS. BERGER: To take you back, there
 23 was a sign that was proposed at the corner of
 24 Chadwick and Grange, something to the effect of no
 25 trucks.

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1 MR. KELLY: No traffic?
 2 MS. BERGER: No truck turn around.
 3 MR. KELLY: So it's on the plan?
 4 MS. BERGER: Correct.
 5 MR. KELLY: So you they stipulated to
 6 it.
 7 MS. BERGER: No parking or stopping,
 8 idling on the cul-de-sac or close to it in terms of
 9 signage.
 10 MR. KELLY: That makes your point.
 11 MR. SIMON: That's not my point I'm
 12 making. My point is no parking, and there should be
 13 a no outlet sign on Chadwick. I did not see it on
 14 the plan.
 15 MR. KELLY: Did do you stipulate to
 16 that? No parking or stopping on Chadwick, and then
 17 other question about the Chadwick. Any others?
 18 MS. BERGER: I mean those are
 19 stipulations, but I don't know any of them have to
 20 do with Chadwick.
 21 MR. KELLY: I'm talking about the
 22 signage.
 23 MR. LAMOTHE: The no outlet sign on
 24 Chadwick.
 25 MR. SIMON: I did not see it on the

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1 plan.
 2 MR. KELLY: So you stipulate to that?
 3 MS. BERGER: Yes.
 4 MR. SIMON: While we're on this
 5 topic, let me just for the benefit of every one,
 6 I'll just rattle off my chicken scratch to see if it
 7 helps everyone. So I have about the lighting
 8 ordinance and, they're reviewing that in six months,
 9 right? And full compliance with stormwater
 10 management ordinance, that includes DEP best
 11 practices, regulations. We talk about overall no
 12 parking on Grange Road during construction and gates
 13 will be lock at all times and figuring out who has
 14 access to those locks. Daycare entrance from the
 15 campus, not on Chadwick. And no entry to the
 16 daycare building from the north side. I mentioned
 17 by the no parking, no stopping, no idling. I think
 18 there was a discussion about all fencing and
 19 landscaping to be completed before -- before the
 20 building and the parking lot is constructed.
 21 Wait. Wait. I have a question on that.
 22 I'm reading verbatim. I have a question mark. I
 23 don't know what that means. You can certainly have
 24 landscaping that separates H1 and H2 and putting a
 25 fence.

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1 MS. BERGER: There is requirement in
 2 the ordinance. The traffic engineer will discuss --
 3 the landscape engineer will discuss the requirements
 4 where certain things have been to put in in the
 5 ordinance, and we have to follow what's required.
 6 We agree to comply with that.
 7 MR. KELLY: We have a stipulation, do
 8 you stipulate to that?
 9 MS. BERGER: We don't have a problem
 10 with that.
 11 MR. KELLY: So that's a yes?
 12 MS. BERGER: Yes.
 13 MR. KELLY: Okay.
 14 MR. SIMON: So in terms of the
 15 questions about the proposed daycare center
 16 regulation compliance, I should talk to the
 17 architect about that?
 18 MS. BERGER: Yes.
 19 MR. SIMON: The residential is about
 20 20 feet west of the playground, did you do any type
 21 of playground noise evaluation for the site?
 22 MR. LAMOTHE: No.
 23 MR. SIMON: It's not typically done
 24 for playgrounds residential areas in your
 25 evaluation, is it?

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1 MS. BERGER: I object to the
 2 question. It's nothing that requires a noise
 3 evaluation.
 4 MR. KELLY: It's noted. He can
 5 answer the question.
 6 MR. SIMON: He can answer the
 7 question. Do you do a noise evaluation?
 8 MR. LAMOTHE: No.
 9 MR. SIMON: And with regard to -- you
 10 know, you talked about that analysis and the water
 11 table, did you do any evaluation as to -- based on
 12 the results that you received how that would impact
 13 basement flooding on adjacent residential
 14 properties? The residential properties that are
 15 part of H1? It won't impact any of the residential
 16 properties?
 17 MR. LAMOTHE: No.
 18 MR. SIMON: So no basement of any of
 19 residences in H1 are going to be impacted?
 20 MR. LAMOTHE: Not from water or
 21 stormwater, none.
 22 MR. SIMON: Regarding the porous
 23 pavement, I think you answer this last time, have
 24 you did you do any evaluation how long that surface
 25 lasts before you have to replace it?

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1 MR. LAMOTHE: It's a new technology.
 2 I don't know how long it lasts, but we have to have
 3 a maintenance program associated with it and have to
 4 abide by it.
 5 MR. SIMON: Have you ever done an
 6 evaluation about oils and other liquids from cars
 7 leaking into the groundwater as a result of the use
 8 of porous pavers?
 9 MR. LAMOTHE: I have no done that,
 10 no.
 11 MR. SIMON: I'm going to wait until
 12 the landscape architect with my tree questions.
 13 I've got a bunch of those. I think what I'm going
 14 to do, Mr. Chairman, is maybe sit down for a couple
 15 of minutes and collect my notes.
 16 CHAIRMAN BODNER: Okay. Thank you.
 17 anyone from the public, a question? And for the
 18 record this is not the time for comments, it's just
 19 questions for the witness.
 20 MS. HIRSCHKORN: Good evening. I
 21 know it's very late but I appreciate you indulging
 22 me with a few additional questions.
 23 CHAIRMAN BODNER: State your name.
 24 MS. HIRSCHKORN: Of course. Ayelet
 25 Hirschhorn.

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1 CHAIRMAN BODNER: Just spell your
 2 last name.
 3 MS. HIRSCHKORN: H-I-R-S-C-H-K-O-R-N.
 4 With regard to the removal of the driveway on Grange
 5 Road, I know that the plan does show that the road
 6 would be landscaped, and there would be an extension
 7 of the existing sidewalk along the Grange Road to
 8 essentially buffer what it is now.
 9 MR. LAMOTHE: There is a new sidewalk
 10 there. That's a replacement for the driveway to go
 11 straight across.
 12 MS. HIRSCHKORN: Okay. And therefore
 13 can you please walk me through how you're going to
 14 ameliorate the drainage on Grange Road now that
 15 there's going to be an additional sidewalk being
 16 built in that area?
 17 MR. LAMOTHE: We're proposing to
 18 remove the driveway and install the sidewalk with a
 19 new curb along Grange Road and then the entirety of
 20 the existing driveway will be removed so there
 21 nothing preventing the stormwater from the area.
 22 MS. HIRSCHKORN: I understand that.
 23 Are you aware that there is an existing drainage
 24 problem on Grange Road as a result, there is a dip
 25 right along that driveway and existing road?

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1 MR. LAMOTHE: I did not analyze
 2 Grange Road's drainage.
 3 MS. HIRSCHKORN: Okay. So I would
 4 ask that the drainage be analyzed because I just
 5 want to point out that -- on the record that there
 6 is an existing -- that there is a dip right at the
 7 edge of that driveway. That driveway causes water
 8 to pool from rainstorms and otherwise, and if there
 9 is not sufficient draining that's going to put be in
 10 when you install that curb, that water is going to
 11 collect on Grange Road and make the problem much
 12 worse than today, and it will not ameliorate the
 13 issue. It will actually exacerbate it. So my
 14 question is what are you going to do to fix that
 15 problem?
 16 MR. KELLY: He said he's going look
 17 into it.
 18 MR. LAMOTHE: We'll look into it.
 19 MS. HIRSCHKORN: Thank you. In terms
 20 of the gate along the childcare center, are they
 21 going to be locked?
 22 MR. LAMOTHE: I think they will be.
 23 MS. HIRSCHKORN: And the entrance
 24 going from the Chadwick Road to the childcare
 25 center, is that going to be locked from the outside?

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1 MR. SIMON: Say that again?
 2 MS. HIRSCHKORN: The back entrance
 3 from the childcare center, so the entrance that
 4 abuts Chadwick Road, is that going to be locked on
 5 the outside, the door leading from the childcare
 6 center?
 7 MS. BERGER: You'll have to ask the
 8 question of the architect as to the mechanism for
 9 the door.
 10 MS. HIRSCHKORN: I'm just asking him
 11 if they're going to be locked from the outside.
 12 MS. BERGER: Well, he didn't design
 13 the building. So the architect can answer the
 14 question.
 15 MS. HIRSCHKORN: Thank you. Did you
 16 analyze or did you listen to any of the hearings
 17 leading up to the ordinance?
 18 MR. LAMOTHE: I did not.
 19 MS. HIRSCHKORN: Are you aware that
 20 there was significant concern from residents for --
 21 for -- as Mr. Simon said, nannies or parents or
 22 entities who will access the childcare center on
 23 Chadwick Road cul-de-sac rather than using the
 24 parking space that was allocated?
 25 MS. BERGER: I'm going to object to

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1 the question. He didn't listen to the tape.
 2 MR. LAMOTHE: I'm not aware.
 3 MS. HIRSCHKORN: Okay. Thank you.
 4 Can you walk me through the sequence of construction
 5 for the childcare center and the Grange Road
 6 driveway?
 7 MR. LAMOTHE: Generally, the
 8 ambulance operation has to remain open, so the first
 9 stage of construction, there will be more detailed
 10 testimony from the engineer, so I'll leave it for
 11 him actually. I'll leave it up to him to describe
 12 that.
 13 MS. HIRSCHKORN: Do you know how long
 14 construction is supposed to last for the space?
 15 MR. LAMOTHE: I do not know.
 16 MS. HIRSCHKORN: Do you know whether
 17 there is going to be any enforcement to ensure that
 18 the gate is going to be lock from the inside?
 19 MS. BERGER: I don't think this is
 20 the proper witness.
 21 MR. KELLY: What do you mean by
 22 enforcement?
 23 MS. HIRSCHKORN: Meaning who is going
 24 to make sure that the doors are not -- that the gate
 25 down by the cul-de-sac and along the fence remain

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1 locked appropriately and not somebody tampered with
 2 them.
 3 MR. KELLY: Do you mean the police?
 4 MS. HIRSCHKORN: The hospital or
 5 police, some security, because that was the concern
 6 of the residents. Is there some sort of regulation?
 7 MS. BERGER: I don't think the
 8 witness can answer that, ma'am, but I'll try to get
 9 you the answer.
 10 MS. HIRSCHKORN: I appreciate that.
 11 Thank you.
 12 CHAIRMAN BODNER: If you don't have
 13 anything else --
 14 MS. HIRSCHKORN: I think there may be
 15 something -- you're going to get to me, Ms. Berger.
 16 But the security in general for the area
 17 particularly in the H2 zone, is there going to be a
 18 security person from the hospital?
 19 MR. KELLY: He's an engineer, he's
 20 not a security expert. It's not a fair question.
 21 MS. HIRSCHKORN: Thank you.
 22 MS. BERGER: Maybe if you have
 23 something that you could tell us about the security,
 24 so if there something --
 25 MR. KELLY: You can reach out to her.

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1 MS. BERGER: You can reach out to
 2 tell us.
 3 MR. KATZ: Hi. My name is Ezra Katz.
 4 I live on Vandelinda Avenue. I have a couple the
 5 questions. One of them was about the fence so can
 6 you point out where the fence along the daycare
 7 center and specifically thinking about Chadwick
 8 Road?
 9 MR. LAMOTHE: So the playground fence
 10 is enclosing the playground. From that there will
 11 be a six-foot solid vinyl fence that goes around the
 12 parking lot.
 13 MR. KATZ: That's on the west side?
 14 Does it go onto Chadwick at all?
 15 MR. LAMOTHE: No, it encloses the
 16 playground. It doesn't go towards Chadwick Road.
 17 MR. KATZ: I know last time, last
 18 meeting there were some discussions about fencing
 19 off that area. It was more of a recommendation but
 20 that was some of the feedback. Was that considered?
 21 MR. LAMOTHE: We did not add a fence
 22 in the front yard.
 23 MR. KATZ: Is there any reason?
 24 MR. LAMOTHE: We just don't think
 25 it's appropriate.

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1 CHAIRMAN BODNER: Okay. You're
 2 asking the engineer, do you want to walk up there
 3 and show him?
 4 MR. KATZ: Along the back of the
 5 building there was a discussion about having this
 6 area fenced off as well.
 7 CHAIRMAN BODNER: So basically what
 8 you're saying from the playground, around the whole
 9 building?
 10 MR. LAMOTHE: Right now the
 11 playground will have fencing.
 12 MS. BERGER: Sir, it's an emergency
 13 exit for children if there was a fire in the
 14 playground or in the school, you wanted them to go
 15 out into a fenced area and not get to the street?
 16 (Cross Talk.)
 17 CHAIRMAN BODNER: That's unnecessary.
 18 Let's relax.
 19 MR. KATZ: I heard earlier there was
 20 some discussion about potentially there would be a
 21 gate that would allow people in and out and to be
 22 discharged there.
 23 MR. KELLY: There is no record of
 24 that discussion. Your recollection is contrary to
 25 my recollection, but if you want to ask the

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1 questions, is it possible to do that, you can
 2 propose that.
 3 MR. KATZ: Is it possible to do that?
 4 MR. LAMOTHE: It's possible to put a
 5 fence. I just don't think it warrants it. I don't
 6 expect pedestrian traffic to walk along Chadwick
 7 into the hospital. I don't think it's needed in.
 8 This is the back of the playground.
 9 CHAIRMAN BODNER: If someone is not
 10 driving their kid to school and have another
 11 resident of the house bringing that child, that is
 12 closer from that direction, they're going to walk
 13 down that street to the end of the cul-de-sac and
 14 come in through the back and walk down the sidewalk
 15 to the front door. That's the question.
 16 MS. BERGER: We don't agree with
 17 that. We don't think someone is going to do that.
 18 That's not --
 19 CHAIRMAN BODNER: You're going to
 20 tell us that they aren't supposed to do that. You
 21 don't have a sign that says No Entry. If you have
 22 kids you're going to drop off the kids.
 23 MS. BERGER: The sign says no
 24 stopping or standing on the street and we're telling
 25 all of the parents --

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1 CHAIRMAN BODNER: Let me be real.
 2 Let's be realists. We're talking today, 2023.
 3 Somebody's house is in the corner one house up.
 4 They're not going to go all around, go all around
 5 and park. It's going to happen. It's just a
 6 reality. I don't necessarily think it's going to be
 7 a problem. It's reality. It's going to happen.
 8 MS. BERGER: What's reality it's a
 9 childcare center for employees. The majority of the
 10 people are working that day bringing their child to
 11 the childcare center, and they're going there and
 12 bringing their children to work. If there's someone
 13 who might have the day off and want to bring their
 14 kid, it's possible. But it's not usually what's
 15 happening. Is it possible for someone to try to
 16 walk through? Anything is possible.
 17 CHAIRMAN BODNER: That's all we're
 18 doing, we're answering that correct. There is a
 19 possibility that a small percentage, it's going to
 20 happen. It's going to happen. That's the reality.
 21 You can't say it's never going to happen. It's
 22 going to happen.
 23 MR. KELLY: So the real question
 24 becomes can you exit to Chadwick from the emergency
 25 exit, so we'll hear from the architect, is it an

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1 emergency exit only to get out to Chadwick?
 2 MR. LAMOTHE: Yes.
 3 CHAIRMAN BODNER: You're not walking
 4 around the building. The question is if someone is
 5 not working on that day and someone wants to drive
 6 their car through the back because they don't want
 7 to walk around the front, they're walking in. Is it
 8 a small amount? I agree with you it's a small
 9 amount. But it's a reality that's all. So just
 10 basically answer. You can come back over here.
 11 MR. KELLY: The volume and the
 12 percentage of people that are coming from there
 13 would be extremely, extremely small and really not
 14 much. What I would say is that we put -- the same
 15 way as we look at the lighting after six month,
 16 after the fact that if the lighting is an issue, at
 17 six months down the road, our department will
 18 address it.
 19 MS. BERGER: Yes.
 20 MR. KELLY: So I would put that in.
 21 So it's not a problem. If it becomes a problem
 22 we'll deal with it, okay?
 23 MR. KATZ: Thank you. I was going to
 24 say a lot of hospital employees do park on the
 25 streets.

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1 CHAIRMAN BODNER: That's another
 2 question. There will be additional parking on
 3 campus when they put in the parking lot.
 4 MR. KATZ: I saw on the plan there
 5 was a transformer at the daycare?
 6 MR. LAMOTHE: At the northeast
 7 corner.
 8 MR. KATZ: Yes.
 9 MR. LAMOTHE: That's the electrical
 10 service for the building.
 11 MR. KATZ: Okay. Do you know
 12 approximately the dimensions?
 13 MR. LAMOTHE: I don't know exactly.
 14 MR. KATZ: Is it surrounded by
 15 fencing or is it exposed?
 16 MR. LAMOTHE: It's landscaped. It's
 17 supposed to be landscaped.
 18 MR. KATZ: Okay. And what is the
 19 reason for that?
 20 MR. LAMOTHE: It's to service the
 21 childcare building.
 22 CHAIRMAN BODNER: Show me where it
 23 is. Point to it.
 24 MR. LAMOTHE: It's on the northeast
 25 corner of the building on the hospital side of the

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1 building.
 2 MR. KATZ: That's the traffic area
 3 side. Why not the other side, I'm just suggesting
 4 it be on the other side where there's much less
 5 traffic wise. And you're walking through?
 6 MS. BERGER: The utilities are over
 7 there, on that side of the building. That's why
 8 it's on that side of the building. The utilities
 9 line up to that side of the building. That's why
 10 the transformer is there. The architect can testify
 11 and can explain more.
 12 CHAIRMAN BODNER: Next. Anybody
 13 else? If you're not prepared don't step up. Let
 14 someone else have a turn.
 15 MR. HIRSCHKORN: Yaron Hirsch Korn.
 16 Y-A-R-O-N; H-I-R-S-C-H-K-O-R-N. So this is really
 17 just one, one point about the fence around the
 18 daycare center. People will park there. Are you
 19 aware that there's currently a sign at Holy Name
 20 Hospital saying no ambulance service can go through?
 21 MR. LAMOTHE: I'm not familiar with
 22 the sign you're speaking of.
 23 MS. BERGER: Okay. I'm going to
 24 object unless you have a question and not a
 25 statement.

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1 MS. HIRSCHKORN: I'm explaining to
 2 him there are actual signs, actual signs at the Holy
 3 Name Hospital saying no ambulances can go through,
 4 particularly Holy Name ambulances. So the signs
 5 alone are not enough. Only a fence could fix it.
 6 So is there any reason why you can't put a fence
 7 there?
 8 MR. KELLY: It was asked and
 9 answered. He said doesn't think it's appropriate.
 10 Your point is well taken.
 11 MR. HIRSCHKORN: Thank you. Are you
 12 aware of the extensive stormwater damage to the
 13 hospital in September of 2021?
 14 MR. LAMOTHE: Excuse me?
 15 MR. HIRSCHKORN: Are you aware of the
 16 extensive stormwater damage to the hospital in
 17 September of 2021?
 18 MR. LAMOTHE: I'm not familiar with
 19 the details of the damage that you're discussing.
 20 We agreed to meet with the engineers --
 21 MR. KELLY: Yes or no?
 22 MR. LAMOTHE: No.
 23 MS. HIRSCHKORN: Are you aware of the
 24 extensive steps taken by the hospital after that
 25 stormwater damage immediately after?

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1 MR. LAMOTHE: I'm not familiar with
 2 the steps.
 3 MR. HIRSCHKORN: Are you aware of the
 4 amount of damage that the hospital incurred?
 5 MR. LAMOTHE: No.
 6 MR. HIRSCHKORN: Are you aware that
 7 it was in excess of \$20 million?
 8 MR. LAMOTHE: No.
 9 CHAIRMAN BODNER: Next question.
 10 MR. HIRSCHKORN: Are you aware of the
 11 gravel parking lot's current operation?
 12 MR. LAMOTHE: No.
 13 MR. HIRSCHKORN: Are you aware if
 14 it's used by the community as well as hospital
 15 employees?
 16 MR. LAMOTHE: I'm not aware.
 17 MS. BERGER: He's not aware. He's
 18 not an operations witness.
 19 MR. HIRSCHKORN: You were talking
 20 about the executive order for the gravel plot.
 21 MR. KELLY: What executive order?
 22 MR. LAMOTHE: The reason it was put
 23 there was because of COVID.
 24 MR. HIRSCHKORN: Yes. Are you
 25 familiar with that?

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1 MR. LAMOTHE: Somewhat familiar.
 2 MR. HIRSCHKORN: Are you aware of the
 3 requirements for landscaping in that executive
 4 order?
 5 MR. LAMOTHE: I'm not. I'm not aware
 6 of that.
 7 MR. HIRSCHKORN: Was there any
 8 stormwater damage done in connection with that?
 9 MS. BERGER: I'm going to object. It
 10 has no bearing on this application.
 11 CHAIRMAN BODNER: He testified to it.
 12 MR. HIRSCHKORN: I know you heard a
 13 lot the questions come up to talk about fencing.
 14 And I assume more people here are going to ask
 15 additional questions. Is there any reason why don't
 16 you stipulate putting a fence there to try to deal
 17 with some of the concerns, may be a co-existing
 18 fence that goes all the around to Cedar Lane?
 19 CHAIRMAN BODNER: Next question, he
 20 said it's not appropriate. You can't keep repeating
 21 the same question.
 22 MR. SCHLUSSEL: I want to clarify --
 23 MS. BERGER: Could you state your
 24 name?
 25 MR. SCHLUSSEL: My name is Mark

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1 Schlüssel S-C-H-L-U-S-S-E-L. I want to clarify, I
 2 thought I heard you stipulate to that fence. Did
 3 you mention the hours of the daycare? Is it a
 4 daytime basic, typical daycare operation?
 5 MR. LAMOTHE: I don't think I
 6 testified to anything about the operations.
 7 MR. KELLY: You're going to have a
 8 witness to talk about the operations?
 9 MS. BERGER: The architect will talk
 10 about it.
 11 MR. SCHLUSSEL: I don't think I
 12 caught that. When the daycare is over and the
 13 children are gone, the staff is gone, I thought
 14 there was a conversation about dimming the lights or
 15 turning off the lights that surround the daycare.
 16 Did I hear that? Are we going to find out?
 17 MS. BERGER: So there was a -- when
 18 we talked about the lights, we said there is a
 19 dimming mechanism on that pole, the existing poles
 20 do not have, and that was so that it could be dimmed
 21 and certain lights can be turned off when they're
 22 not needed. The testimony was it was going to
 23 reviewed by the Board after the operation.
 24 MR. SCHLUSSEL: Is it necessary to
 25 have the light on when you're not operating? Is

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1 that something that you can address?
 2 MS. BERGER: This is a parking lot.
 3 There has to be lights on because there is an
 4 emergency room in the back of the hospital. The
 5 architect will talk about that.
 6 MR. KELLY: He's not asking that. If
 7 it's not needed, if it's after hours, you don't need
 8 to have lights on. Knowing that there are neighbors
 9 that are concerned about this, can you dim them or
 10 turn them off? It seems like a reasonable question.
 11 After hours, not during working hours. Not the
 12 emergency room, just the daycare?
 13 MS. BERGER: The lights won't be on
 14 when the building is not in operation.
 15 MR. KELLY: That answers his
 16 question. I think it was the daycare was what he
 17 was referring to.
 18 MR. SCHLUSSEL: Next we'll have to
 19 identify what the lights were. You mentioned
 20 relocating some lights somewhere else on the campus?
 21 MR. LAMOTHE: Some of the
 22 streetlights we're moving closer to the building.
 23 MR. SCHLUSSEL: Could you just point
 24 out them out on the plan?
 25 MR. LAMOTHE: The lights on the

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1 Grange driveway, they're going to be taken out and
 2 removed and relocated in and around the loop road
 3 closer to the existing building and further away
 4 from you.
 5 MR. SCHLUSSEL: Thank you.
 6 CHAIRMAN BODNER: David.
 7 MR. D. SCHLUSSEL: My name is David
 8 Schlusssel, same spelling as the last one. You
 9 mentioned you were going to move the lights
 10 somewhere else on the campus.
 11 CHAIRMAN BODNER: They're going to
 12 take them out and move them closer to the building.
 13 MR. D. SCHLUSSEL: Could you just
 14 point those out for the record.
 15 MR. LAMOTHE: On the Grange driveway,
 16 they're going to be taken out and relocated in and
 17 around the loop road to provide the lights --
 18 CHAIRMAN BODNER: He's moving them
 19 closer to the building.
 20 MR. LAMOTHE: Farther away.
 21 MR. D. SCHLUSSEL: So when the lights
 22 you're talking about, the ones that are going to be
 23 relocated, when they're taken --
 24 CHAIRMAN BODNER: You asked him and
 25 he said they're far away.

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1 MR. D. SCHLUSSEL: So from my house
 2 six months out of the year you might get some glare
 3 from the lights at the ER. So that's my main
 4 question. The proposed lights are not in the
 5 parking area. And they glow and glow.
 6 MR. LAMOTHE: Are you talking about
 7 dark sky requirements?
 8 CHAIRMAN BODNER: The question is he
 9 lives relatively close to the ER. He's saying
 10 sometimes the ER can cause the glare. Are those the
 11 lights you're talking about?
 12 MR. LAMOTHE: So the lights I'm
 13 talking about are right.
 14 MR. D. SCHLUSSEL: Along the
 15 driveway.
 16 MR. LAMOTHE: The ones that going to
 17 be relocated are along the driveway.
 18 MR. D. SCHLUSSEL: How are you
 19 protecting the local residents from the dark night
 20 or whatever it's called?
 21 MR. LAMOTHE: Impact along the
 22 driveway?
 23 CHAIRMAN BODNER: No towards his
 24 house, the impact?
 25 MR. LAMOTHE: It's our opinion that

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1 they're far enough away that it's not going to
 2 impact the residential neighbors.
 3 MR. D. SCHLUSSEL: Okay. They're not
 4 dimmable?
 5 MR. LAMOTHE: No. They're not.
 6 MR. D. SCHLUSSEL: I imagine they're
 7 going to have an impact?
 8 MR. LAMOTHE: They should not.
 9 MR. D. SCHLUSSEL: I agree, they
 10 should not. Is there something you can show me with
 11 regard --
 12 MS. BERGER: When we come back next
 13 time we'll have an answer. I appreciate your
 14 comments. We will come up with an answer. I don't
 15 want him to guess.
 16 MR. D. SCHLUSSEL: Okay. I
 17 understand there was some questions by Ms. Berger
 18 regarding operations but when you said and I
 19 understand it's not testimony, you're not having a
 20 witness for operations to deal with how things are
 21 actually done at the daycare center. We know people
 22 park on Grange, go to the hospital and I understand
 23 they you hope that they won't do that operationally.
 24 Are the hospital employees going to park in the
 25 back? You have a ton of parking in front and many

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1 of them are actually going in there. It's certainly
 2 conceivable if they chose to go down Chadwick and go
 3 to their job instead of where they actually have
 4 parking. So the question is that, he's saying six
 5 months, I can see the hospital all the time --
 6 MR. KELLY: The point, the point is
 7 the Board can consider to impose as a condition but
 8 the applicant, this gentleman, I don't know how many
 9 times has says he feels it's inappropriate. No
 10 matter how many times you ask the same question,
 11 it's not going to change the answer. It's not lost
 12 on the Board.
 13 MR. D. SCHLUSSEL: I appreciate
 14 you're trying to be helpful. The fence on the side
 15 you already discussed, it's going to have landscape
 16 architect.
 17 MS. BERGER: Yes.
 18 MR. D. SCHLUSSEL: So you are going
 19 to have a landscape engineer, you have an architect
 20 you're not going to have anybody for operations.
 21 Anything else?
 22 MS. BERGER: Traffic engineer and a
 23 planner.
 24 MR. D. SCHLUSSEL: A planner. Okay.
 25 MS. BERGER: But if you have some

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1 questions that you will like us to answer, we can
 2 get you an answer beforehand.
 3 MR. KELLY: Maybe he can't send them.
 4 That's a whole other matter here. He's represented.
 5 MS. BERGER: I'm sorry. I didn't
 6 know. So he's represented by counsel on the other
 7 matter or this matter?
 8 MR. KELLY: For this matter. It's
 9 not a problem. You don't have to argue with her. I
 10 don't want to get involved with the rules of
 11 professional conduct.
 12 MS. BERGER: I didn't know.
 13 CHAIRMAN BODNER: Mr. Simon, any
 14 questions?
 15 MR. SIMON: Just two questions -- one
 16 question. With regard to the stormwater that moves
 17 onto Lot 7 before going I guess that's east, does
 18 the hospital have a drainage easement in its favor
 19 concerning Lot 7?
 20 MR. LAMOTHE: I'm not aware of it.
 21 MR. SIMON: Thank you. Nothing
 22 further.
 23 CHAIRMAN BODNER: All right. Let's
 24 close the public hearing and talk about a couple of
 25 dates. So we're going to carry this and continue on

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1 existing counsel -- existing Board dates plus a
 2 couple of dates location to be determined, counsel
 3 are dealing with it, in March. As to February we're
 4 going to back to the town municipal building so
 5 right now, our next meeting -- the next meeting is
 6 February 9th. So that's going to be at the Council
 7 chambers. So we're going to make a motion to carry
 8 to that meeting. That's a regularly scheduled
 9 meeting. So we're going to go through the dates,
 10 but I want to make a motion to carry. Right now,
 11 the idea is for us to -- I'm asking if you want to
 12 talk, so we're going to carry to the 9th in counsel
 13 chambers, seven o'clock. Then we'll know what's
 14 going on.
 15 MR. KELLY: We're going to republish
 16 the Board's meeting list effectively so that we're
 17 compliant with the Open Public Meetings Act. Are
 18 you going to require the applicant to renotice?
 19 CHAIRMAN BODNER: No. We're going
 20 carry it because of meeting is going to be an hour
 21 earlier. We're going to send out that. Excuse me
 22 if you guys want to talk go into the hallway.
 23 MR. KELLY: Right now I'm talking to
 24 the Board Members. Check February 28, March 8th,
 25 March 23 and March 29, all at seven p.m.

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1 CHAIRMAN BODNER: I'm going to assume
 2 it's good for everything. Anyone who misses a
 3 meeting can listen to the tape for that evening.
 4 MR. ZOMICK: That's if we drop out of
 5 a meeting.
 6 CHAIRMAN BODNER: Only one of us
 7 could drop out of a meeting if we have seven. We
 8 have four members that have recused themselves. So
 9 it's important that we all can be here, and it's
 10 beneficial to listen to the meeting. So the next
 11 meeting is a regularly scheduled meeting. After
 12 that, we'll e-mail back and forth. If only one
 13 person can't make it to the meeting, they can listen
 14 to the meeting.
 15 MR. KELLY: They'll listen to the
 16 tapes and sign the certification.
 17 MS. BELCHER: Is the meeting going on
 18 Zoom?
 19 MR. KELLY: I don't think so.
 20 MS. BELCHER: Part of the public
 21 being able to Zoom in to observe, not necessarily
 22 see, but observe just in the spirit of transparency.
 23 CHAIRMAN BODNER: The answer is no
 24 meetings never have been or never were zoomed.
 25 Other boards are meeting. There was only one last

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1 year.
 2 MR. KELLY: Submit to me any
 3 correspondence to the Board in electronic format.
 4 MS. BERGER: Understood.
 5 CHAIRMAN BODNER: I think we'll do a
 6 motion to close -- motion to carry tonight's
 7 meeting. Motion by Mark. Second by Howard.
 8 MR. KELLY: Does the applicant
 9 stipulate to extend any time necessary for the
 10 Board?
 11 MS. BERGER: Yes.
 12 CHAIRMAN BODNER: Mr. Thompson.
 13 MR. THOMPSON: Yes.
 14 CHAIRMAN BODNER: Ms. Belcher.
 15 MS. BELCHER: Yes.
 16 CHAIRMAN BODNER: Mr. Rowe.
 17 MR. ROWE: Yes.
 18 CHAIRMAN BODNER: Mr. Parker.
 19 MR. PARKER: Yes.
 20 CHAIRMAN BODNER: Mr. Zomnick.
 21 MR. ZOMICK: Yes.
 22 CHAIRMAN BODNER: Myself, yes.
 23 MR. KELLY: So the meeting is carried
 24 to February 9th, without further announcement.
 25 February 9th at seven p.m. in the municipal

1 building. This is your notice. There will be no
2 further publication required for the applicant.
3 There will be no further mailings required of the
4 application. Notice of the meeting tonight will be
5 continued at seven p.m.
6 (Whereupon the proceeding is then
7 concluded at 12:09 a.m.)

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1
2 CERTIFICATION

3
4 I, SHARI CATHEY, CCR, RPR, License No.
5 30XI00234700, and Notary Public of the State of New
6 Jersey, hereby certify that the proceedings herein
7 are from the notes taken by me of a Meeting of the
8 Teaneck Planning Board, held on Thursday, January
9 26, 2023; and that this is a correct transcript of
10 the same.

11
12 

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SHARI CATHEY, CCR, RPR
15 A NOTARY PUBLIC of the
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17 I.D. No. 2283786
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1 A P P E A R A N C E S:

2

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12 WITNESS:

SWORN:

13 DANIEL LAMOTHE

26

14

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1 (Flag salute.)

2 CHAIRMAN BODNER: Adequate notice of
3 this meeting has been provided by adopting of the
4 appropriate resolution listed listing the 2023
5 meeting dates, by adoption of supplemental
6 resolutions modifying and starting time by mailing
7 copy of said resolutions to The Record and the
8 Jewish Standard by filing a copy of with the
9 Township Clerk's Office by posting it on the
10 Municipal Building bulletin board and by directing
11 that this statement be included in the minutes.

12 Roll call. Mr. Thompson.

13 MR. THOMPSON: Yes. Present.

14 CHAIRMAN BODNER: Ms. Belcher.

15 MS. BELCHER: Here.

16 CHAIRMAN BODNER: Mr. Rowe.

17 MR. ROWE: Here.

18 CHAIRMAN BODNER: Mr. Schwartz. Out.

19 Mr. Parker.

20 MR. PARKER: Here.

21 CHAIRMAN BODNER: Mr. Zomick.

22 MR. ZOMICK: Here.

23 CHAIRMAN BODNER: Chair Bodner.

24 Present. The minutes from the January 12th meeting
25 were sent to everybody. Does anybody have any

1 comments or questions?

2 MR. PARKER: No, none.

3 CHAIRMAN BODNER: Do you want to make
4 a motion?

5 MR. PARKER: Motion to approve the
6 minutes from 1/12/23.

7 CHAIRMAN BODNER: And second?

8 MR. ROWE: I'll second.

9 CHAIRMAN BODNER: Okay. Roll call.
10 Mr. Thompson.

11 MR. THOMPSON: Yes.

12 CHAIRMAN BODNER: Ms. Belcher.

13 MS. BELCHER: Yes.

14 CHAIRMAN BODNER: Mr. Rowe.

15 MR. ROWE: Yes.

16 CHAIRMAN BODNER: Mr. Parker.

17 MR. PARKER: Yes.

18 CHAIRMAN BODNER: Mr. Zomick.

19 MR. ZOMICK: I wasn't there.

20 CHAIRMAN BODNER: You weren't here
21 and myself, yes. Okay. So we have coming before
22 the Board, there's two applications for Holy Name
23 Hospital, one PB2022-13, Holy Name Hospital; one
24 PB2022-14, Holy Name Real Estate Corp.

25 Wendy, what's your plan?

1 MS. BERGER: My plan is to start and
2 again with the childcare center application which is
3 PB2022-14, and then if you don't mind, I would like
4 to sit here. I have a little bit of a foot issue.
5 Would that be okay with you?

6 CHAIRMAN BODNER: Only if you holler
7 so we can hear you.

8 MS. BERGER: All right.

9 MR. KELLY: Can you just clarify for
10 the purpose of the record why the Board is starting
11 again?

12 MS. BERGER: Yes. We are here again.
13 For the record, my name is Wendy Berger from the law
14 firm of Cole Schotz. We were here for this
15 application in October. We started our presentation
16 and our hearing in October, and at that hearing,
17 there was a table of the proceedings, and I
18 understand that there was some issues with the tape
19 when people went to listen to it afterwards. Based
20 upon that fact, we're going to start again, the
21 whole presentation. So the record is clear, it's
22 clear for anyone who wants to listen to it, so we
23 are starting our presentation again anew.

24 MR. KELLY: Thank you. So you're
25 going to start with all exhibits, Wendy? You're

1 going to start all exhibits from day one?

2 MS. BERGER: Everything all over
3 again.

4 MR. KELLY: So the stipulations we'll
5 renew and put on the record again?

6 MS. BERGER: Yes. Yes.

7 MR. KELLY: Okay. Very good. And we
8 also have in addition to Ms. Berger, Mr. Meadow's
9 co-counsel, although he's not present today, he is
10 representing the applicant. We also have Mr. Simon.
11 Do you want to put your appearance on the record?
12 Can we get him a microphone by any chance?

13 MR. SIMON: Awesome. Can you hear
14 me?

15 MR. KELLY: We can.

16 MR. SIMON: I have my own monitor,
17 first time in 32 years. Good evening. My name is
18 Rob Simon. I'm an attorney with Herold Law. I'm
19 here on behalf of certain individuals, and I will
20 read them off for the record. Michael Ackerman, and
21 Rachel Kay, 692 Grange Road, Teaneck. Daniel Bellin
22 and Ashira Loike, 135 Vandelinda Avenue, Teaneck.
23 Rebecca and Shalom Bronstein, 736 Grange Road,
24 Teaneck. Georgina and Yaw Asante, 140 Chadwick
25 Road, Teaneck. And Meryl and Joseph Mark, 166 Norma

1 Road, Teaneck. Thank you. Good to be here.

2 MR. KELLY: And we understand from
3 the last meeting, there are members of the public
4 that may be attorneys, but are really acting as
5 members of the public, and we will certainly give
6 you your ability to question any of the witness
7 during the course of the hearing. Mr. Simon will go
8 first with any cross examination, and then we'll
9 open just like the last time, to any members of the
10 public for questions.

11 MS. BERGER: May I proceed?

12 CHAIRMAN BODNER: Yes.

13 MS. BERGER: With regard to the
14 application we have submitted to the Planning Board
15 office, the Planning Board Secretary, a copy of the
16 publication and the proof of service. Mr. Kelly,
17 would you like those marked in the record?

18 MR. KELLY: Yes, I would.

19 MS. BERGER: As exhibits. So the
20 proof of publication for the record is January -- is
21 sworn to and subscribed by The Record on
22 January 23rd, but it was -- January 13th, 2023, and
23 the proof of mailing was mailed to -- it was mailed
24 on January 12th, 2023, and the cover letter to the
25 Board Secretary was dated January 13, 2023. Do you

1 want to mark them all A-1?

2 (Exhibit A-1 is received and marked
3 for Identification.)

4 MR. KELLY: Mark that as A-1. Anyone
5 want to be heard as to service? Seeing none,
6 Mr. Chairman.

7 CHAIRMAN BODNER: Thank you.

8 MR. KELLY: Anyone want to be heard
9 as to notice?

10 CHAIRMAN BODNER: Last call for the
11 public.

12 MR. KELLY: Seeing none
13 Mr. Chairman -- come on, Mr. Rubinstein.

14 MR. RUBINSTEIN: Elan Rubinstein.
15 E-L-A-N; R-U-B-I-N-S-T-E-I-N. Quick question on the
16 notice. It mentioned I believe 83 percent lot
17 coverage; is that accurate?

18 MS. BERGER: That's not on this
19 application. We're talking about the gravel lot?

20 MR. KELLY: The notice. He's asking
21 about notice. Why don't we let Mr. Rubinstein
22 finish and then.

23 MS. BERGER: The question is wrong.

24 MR. KELLY: Well, he should be
25 forwarded through the Chair and if the Chairman

1 wish --

2 MR. RUBINSTEIN: There is a statement
3 on the notice talking about the variance. I believe
4 it was 83 percent. I could pull it out. I believe
5 it said 83 for lot coverage. I'm asking are they
6 requesting that throughout the course of these
7 applications about the notices that were sent?
8 That's included in the notices.

9 MR. KELLY: Okay. Ms. Berger, you
10 can respond.

11 MS. BERGER: The application we're
12 presenting at this time on the childcare center.
13 That's not part of the application on the childcare
14 center. That's the second application, which we'll
15 get to.

16 CHAIRMAN BODNER: They were both on
17 the agenda so answer the question. You're dealing
18 with that proposal.

19 MS. BERGER: Right. But we're doing
20 one at a time.

21 CHAIRMAN BODNER: I understand that.
22 Answer the question.

23 MS. BERGER: We're not doing the
24 whole thing.

25 CHAIRMAN BODNER: Just answer the

1 question about the square footage.

2 MS. BERGER: Yes, that's part of our
3 proposal.

4 CHAIRMAN BODNER: For the record
5 that's the second application.

6 MR. RUBINSTEIN: I understand that.

7 CHAIRMAN BODNER: Both of them won't
8 be on tonight anyway. So if you want to get an
9 answer, we'll get you an answer. We'll ask the
10 engineer.

11 MR. RUBINSTEIN: That's correct. It
12 says 83 percent on the notice. As long as we're
13 talking about the notices.

14 CHAIRMAN BODNER: And what's the
15 application after, the second?

16 MR. RUBINSTEIN: The second lot
17 coverage, 75 percent.

18 CHAIRMAN BODNER: What application is
19 that, what's the PB number on notice?

20 MR. RUBINSTEIN: It doesn't really
21 have PB numbers on the notices that we received.

22 MS. BERGER: For the record,
23 PB2022-13, and you are correct. It says 83 percent
24 property maximum lot coverage that's for the first
25 application.

1 CHAIRMAN BODNER: No, no. That's
2 okay. It's a parking lot.

3 MR. RUBINSTEIN: Thank you.

4 MR. SIMON: So as a clarification
5 to -- as a clarification and follow up to
6 Mr. Rubinstein and Ms. Berger, so the overall site
7 plan for what I'll call the childcare center
8 application, which is what we're here for does
9 reference the proposed temporary gravel parking lot
10 and future staging area, and I'm surmising based on
11 the interaction between Ms. Berger and
12 Mr. Rubinstein that the excessive lot coverage is
13 due to the proposed temporary gravel parking lot and
14 future staging area.

15 Is that -- and the reason why I'm raising
16 it now is that because it's part of the childcare
17 center application. I guess the question is whether
18 the coverage variance is going to be addressed
19 during the childcare center application because if
20 the childcare center application is granted, and its
21 granted with the temporary gravel parking lot future
22 staging area as part of the approved site plan that
23 in and of itself would presumably trigger the lot
24 coverage variance so I just --

25 I'm raising it because I think that there

1 needs to be some clarification in terms of the
2 variance relief that is being requested or that's
3 required I should say by the applicant, vis-a-vis
4 the two applications given that the applicant is
5 proceeding first with the childcare center?

6 MR. KELLY: I think that the notice
7 in any event either way so the Board has an
8 understanding from the notice perspective is the
9 most important thing, how they choose to present it
10 is fine. They're going again. And I would
11 anticipate they're going to right into the other
12 application after they complete this one?

13 MS. BERGER: Correct.

14 MR. SIMON: So then, Mr. Kelly, if
15 that's the case then, is the approval of I'll call
16 it the first applicant, the childcare application,
17 is the childcare center application approval
18 contingent on approval of the second application?

19 MS. BERGER: No.

20 MR. KELLY: It's contingent on after
21 they present their case, and we make a determination
22 so.

23 CHAIRMAN BODNER: We have will to
24 deal with basically the objection. Let's straighten
25 that out first. The notice you're objecting to,

1 correct?

2 MR. SIMON: Yes, because the plans
3 that were for the childcare application contemplate
4 the excessive lot coverage. I think there needs to
5 be some clarification on that.

6 MS. BERGER: If you look at your
7 zoning ordinance No. 20-2022, it requires to put the
8 entire zoning for the whole property, the whole
9 campus on the plan. So when you look at the plan
10 and the zoning chart, it has to have all of that
11 allotted.

12 They're doing two separate applications,
13 the first application has to have -- is with regard
14 to the childcare, that's one application, we brought
15 two separate applications. The second application
16 is with regard to the gravel parking lot. They have
17 two separate parts. But based upon your requirement
18 of what has to be shown, it's shown on both because
19 it's required.

20 MR. SIMON: So you're -- I'm sorry.
21 So herein lies the problem as they say. The way the
22 ordinance is set up, there are zoning requirements
23 that apply to the entire H zone, and there are other
24 zoning requirements that are specific to H1, H2, H3
25 and H4. One of the only requirements that is

1 addressed by the overall H zone is lot coverage or
2 impervious coverage. Because of that, I believe
3 that the variance for lot coverage has to be
4 addressed as part of the daycare center application
5 because if you approve the daycare center
6 application at that moment in time you are now
7 approving the project -- the H project with
8 excessive impervious coverage because it's part of
9 the plan, unless the way the applicant wishes to
10 proceed is that they're going to present the daycare
11 center application in its entirety, and then put it
12 aside and then present the second application for
13 the parking lot and then ask for approval on both.

14 MS. BERGER: I would beg to differ.
15 We have file two separate applications. It was not
16 raised with the applicant that that was needed. We
17 are asking for two votes. We submitted the
18 application as required in the manner afforded by
19 your ordinance because the manner of the ordinance,
20 we have to have everything displaced for the entire
21 application. It doesn't mean that we're doing work
22 on the entire campus, it means we just had to have
23 all of the information for the entire campus so we
24 did that. It also contemplated the development will
25 be done in phases and states that in the ordinance.

1 So I disagree with what's being raised. I would
2 like to proceed with our application get our
3 testimony in regard to what we are proposing that's
4 part of our application this evening.

5 MR. KELLY: You're certainly going to
6 get the opportunity to present what you want to
7 present this evening. The ordinance I don't believe
8 requires a separate application for each phase. It
9 allows phasing and I think fact that they kind of
10 crisscross so to speak, parking lot information on
11 one plan, vice versa which -- I appreciate your head
12 shaking. You hear what I'm saying. The other point
13 was the parking lot was supposed to be first, and
14 you asked to carry the parking lot because
15 Stonefield's report wasn't going to be accommodating
16 that.

17 MS. BERGER: If I may read something
18 from the ordinance and I'm quoting. This is
19 Ordinance 22-2022. Application requirements. Any
20 application for development for all or any portion
21 of the H zone shall be submitted as the same
22 development or as a separate development application
23 for each phase, for each building and/or improvement
24 within each phase and the nature of the preliminary
25 site plan application. Each -- each such

1 application shall describe how the proposed
2 development relates to the phasing of the
3 development pursuant to the overall H zone. So
4 we're supposed to describe the whole, and then we
5 can file an application with each phase, which is
6 what we've done.

7 MR. SIMON: I think respectfully that
8 Ms. Berger is conflating two concepts. One concept
9 she's entirely correct about and she's appropriately
10 quoting the ordinance, has to do with submission of
11 a site plan application, and a site plan application
12 can presumably be submitted in phases. What is
13 missing is the fact that as I stated earlier, you
14 have three, four, provision regulations in the
15 ordinance that apply to the entirety of the H zone,
16 lot area, lot coverage, building coverage, parking,
17 there may be more. But those are just off the top
18 of my head, that if you trigger the need for
19 variance approval for one of those four categories
20 as part of your phased approach or full approach as
21 Wendy appropriately stated, that is up to the
22 applicant.

23 But regardless of how you do it, if the
24 application as in this case triggers the need for a
25 lot coverage variance, then keep in mind that the

1 parking lot is an existing condition. It's not as
2 if there is a grass field and at this moment in time
3 it doesn't trigger any type of variance approval,
4 and under those circumstances actually I would agree
5 without sounding like a zealous advocate, I would
6 actually agree completely with Wendy, if it was a
7 grass area, and it wasn't upon approval going to be
8 impervious coverage, then maybe she's correct
9 because then we wouldn't be getting to the need to
10 trigger that variance. It's an existing condition
11 right now, just like the parking as proposed would
12 be an existing condition in part.

13 So I think that for those reasons,
14 certainly with regard to the lot coverage that
15 Mr. Rubinstein raised, I do think that if the
16 applicant is seeking an approval on the childcare
17 center application as a phased H2 application, then
18 it needs to include that variance relief as
19 requested because it's an existing condition.

20 CHAIRMAN BODNER: To that one point,
21 if this was a permanent condition, you would have an
22 argument. But we know and you know based on the
23 plans that they have applied for down the road,
24 that's just a temporary parking situation. It's not
25 a long-term parking situation. There is going to be

1 a building there, parking in the building. It's not
2 like we're approving this as a permanent. Again,
3 you can find from them what their plan is two years
4 from now. If you put a time frame, they'll have to
5 come back to the Board.

6 MS. BERGER: I think though if I also
7 may add --

8 MR. SIMON: Two points. the lot
9 whether it is temporary parking or something else,
10 the contemplation is that it's always going to be
11 coverage. It's always going to be a form of
12 coverage. And so that's one reason why you have to
13 address the variance right upfront. Number two.

14 CHAIRMAN BODNER: That's not true
15 because I see in the plans they're going to put a
16 three-story parking garage under a building, which
17 means that coverage is getting significantly
18 smaller. The current coverage there everything is
19 parking.

20 MR. SIMON: Well, the second point
21 is -- actually it just begs the second point which
22 is that the fact that they're asking for variance
23 relief even for a temporary conditions, first of
24 all, there is nothing in the ordinance that says
25 that if you only need something for a certain period

1 of time, then you know, you don't know need a
2 variance or it's a lesser standard. A variance is a
3 variance. They noticed for it. It's a development
4 application for the purposes of a parking lot.

5 All I'm saying, I'm not trying to be
6 argumentative at all, all I'm saying is that under
7 the ordinance and under the law based on the way
8 that the governing body determined to draft the
9 ordinance, if you are -- if you are having lot
10 coverage requirements apply to the entirety of the H
11 zone -- and keep in mind, another thing I neglected
12 to mention, it's my fault, is that the ordinance
13 does not provide separate requirements for building
14 coverage and lot coverage and lot area from each of
15 these four zones.

16 And I think that's significant because
17 that's why you needed to in any of those zones, any
18 of those phased developments trigger a variance for
19 those categories. It has to be dealt with from that
20 application. It can't be -- you can't say, Well
21 we're going to deal with that plan because look what
22 happens. If you grant the approval for the
23 childcare, it's at a moment in time when you have
24 excessive coverage. And you wouldn't be allowed
25 to -- the applicant wouldn't be allowed to proceed

1 with their site plan because you have an outstanding
2 violation that hasn't been cured regardless of
3 whether it's a back to back application. And
4 frankly, it's silly.

5 MR. KELLY: Do you want to negate the
6 ability to bring it in phases?

7 MR. SIMON: No. I'm calling that
8 argument out. Taking your argument which I accept
9 to the end, I don't think -- possibly phase it, they
10 can absolutely every zone if they wanted to. The
11 difference is that the first application, they
12 didn't even get a coverage variance based on what
13 they're showing you. Look, if they want to reduce
14 the coverage so they don't need a variance, that's
15 better for everybody and I encourage them to do
16 that. But until that happens it's presenting a
17 development application for any of the phases, and
18 the result, if they get an approval based on that
19 application, if you look at the plan that they got
20 approved and it says, Wait a second, I have
21 excessive coverage, that's no good.

22 MR. KELLY: Is the argument that the
23 first application that they want to propose, pushes
24 them over the limit already or only the combination
25 of the applications?

1 CHAIRMAN BODNER: That's the hardest
2 part.

3 MR. KELLY: Ms. Berger, do you want
4 to respond?

5 MS. BERGER: Its clear to me that the
6 ordinance contemplated phasing. It's written that
7 way.

8 MR. KELLY: I don't think he
9 disagrees with that. He's saying the way you're
10 doing it triggers another variance.

11 MS. BERGER: And we don't believe it
12 triggers another variance. We have included the
13 coverage that's required for what we're doing in our
14 project. When we do the next application, that's a
15 different phrase and a different coverage because of
16 the requirement to the ordinance. Your zoning
17 officer reviewed the application. Your planner
18 reviewed the application. Your engineers reviewed
19 the application, and none of them have brought that
20 up as an issue. None of them interpret the
21 ordinance as Mr. Simon is reading.

22 MR. SIMON: Look, if they get
23 approval of the daycare center application, you have
24 an existing parking lot there right now. What's the
25 coverage? The coverage is in excess of what's

1 required in the zone.

2 MS. BERGER: We have an existing
3 parking lot.

4 MR. SIMON: You're doing other
5 improvements particularly in this case in the H2
6 zone. It's triggering the total.

7 MS. BERGER: Just -- just for the
8 board's edification if I could, the existing gravel
9 parking lot, the existing gravel parking lot which
10 is a separate part of the application but as an
11 existing gravel plot that exists today, and all of
12 the other improvements at the hospital today, and
13 coverage proposed by the new childcare center, all
14 equal 68 percent, and the ordinance allows for
15 75 percent, so we included the existing gravel
16 parking lot in that 68-percent coverage.

17 CHAIRMAN BODNER: Thank you. Are you
18 happy with that?

19 MR. SIMON: I don't understand. If
20 that's the case this and if they get an approval of
21 the childcare center application and they walk away,
22 and they don't proceed with the second application,
23 and their representation is that they're not
24 exceeding, after the first application.

25 CHAIRMAN BODNER: Hold on.

1 Ms. Berger, let me ask you. After the first one,
2 you'll immediately continue with the second one?

3 MS. BERGER: Proceed with the
4 hearing? Yes.

5 CHAIRMAN BODNER: Okay. That's it.

6 MR. SIMON: Well, I'm just saying, if
7 they don't trigger a variance, then a vote is taken
8 for the childcare center application, then they
9 don't trigger a variance, it's that simple?

10 CHAIRMAN BODNER: Exactly.

11 MR. SIMON: But we just want
12 verification that in fact if the second --

13 CHAIRMAN BODNER: Excuse me a second.
14 I think we are going forward. Wendy, can I assume
15 that you're not get to a vote tonight?

16 MS. BERGER: I would assume so.

17 CHAIRMAN BODNER: Okay. So why don't
18 we get started and I think we can work this out
19 between now and next week, okay? So we can sit here
20 to discuss it for another hour and a half if that's
21 what you want to do. That's fine, even though I
22 don't want to. So we'll have the office look at
23 before the next meeting.

24 MR. RUBINSTEIN: The initial question
25 because you asked about the notice, my question is

1 request for a variance for 83 percent on the notice,
2 is that accurate, or based on what Ms. Berger said,
3 there is a mistake? My question really is on the
4 notice.

5 MR. KELLY: That's what she's
6 responded to.

7 MR. RUBINSTEIN: They're seeking
8 83 percent?

9 MR. KELLY: That's what's in the
10 notice, correct.

11 MS. BERGER: For the six lots, that
12 coverage number is for the six lots that are part of
13 the gravel lot. It's not the overall campus number.
14 It's the six lots because it's in phases. When we
15 get to the application, we'll be happy to explain.

16 MR. RUBINSTEIN: All right.

17 MS. BERGER: Thank you. The
18 application this evening is with regard to Holy Name
19 Medical Center. It's an application for a childcare
20 center. The childcare center has been existing on
21 the Holy Name campus for many years. I think it's
22 over 35 years. It's an existing facility. The plan
23 is to build a new childcare center on the campus and
24 relocate the childcare center from the existing
25 facility on the campus. In order to do so, there

1 must be a few buildings that are going to be removed
2 and other site improvements.

3 The Blocks that are part of this
4 application are Block 3003, Lot 2, Lot 3, Lot 4.
5 I'm sorry I'm losing my place here. Lot 4, Lot 8,
6 through 14, 8 through 14. There are no variances
7 being requested for this application because the use
8 is permitted. We comply with height. We comply
9 with setbacks. All bulk requirements are complied
10 with. Additionally as part of this application, we
11 are seeking to make changes to the existing parking
12 lot on the campus. We are adding parking into that
13 lot and expanding it. We're also restriping some
14 spaces, and we're making some site improvements.

15 One of the major parts of this
16 application, is that existing driveway that goes
17 from the rear of the hospital campus out to Grange
18 Road. As part of this application we're proposing
19 that that driveway be closed. There will be no
20 circulation out to Grange Road any longer. The area
21 will be landscaped. There will be fencing put in
22 and there are specific requirements that the
23 fencing, landscaping, where it must go, et cetera,
24 in the ordinance. We are going to be complying with
25 those ordinance requirements.

1 And also the municipality has adopted
2 ordinance No. 23-2022, that vacated a portion of
3 Chadwick Road. You'll see that the cul-de-sac that
4 is going to be created on Chadwick Road is as a
5 result of that street vacation. It will then
6 prohibit Chadwick Road being a through street
7 through Grange Road out to Cedar Lane, and you'll
8 see the design was based upon that, and based upon
9 the design staying within the campus and the parking
10 lot circulation road that was required as part of
11 the H zone ordinance, and it's required to implement
12 that in certain phases, and we are doing that
13 pursuant to the requirements of the ordinance.

14 So I would like at this time to call my
15 first witness, and just again, if I didn't mention
16 it, the childcare facility that exists today and
17 will be relocated to the new building is only for
18 employees. I would like to call my first witness
19 which is the project engineer.

20 MR. KELLY: Sir, could you state your
21 name for the record, please?

22 MR. LAMOTHE: Daniel LaMothe,
23 L-A-M-O-T-H-E; from Lapatka Associates. 12 Route 17
24 Paramus, New Jersey.

25 (The witness is sworn.)

1 MS. BERGER: Can you share with the
2 board your background and experience qualifications.

3 CHAIRMAN BODNER: We already went
4 through his qualifications.

5 MS. BERGER: Yes, we're doing this as
6 if we had him --

7 CHAIRMAN BODNER: We accept him. You
8 wanted to do it anyway, fine. As the Chairman, I
9 accept him.

10 MS. BERGER: Then as long as he's
11 accepted.

12 CHAIRMAN BODNER: He's accepted.
13 It's over.

14 MS. BERGER: Mr. Simon?

15 MR. SIMON: I have no objection.

16 MS. BERGER: Thank you. I appreciate
17 that. For the record could you identify what you
18 have placed on the board so we can mark it for the
19 record.

20 MR. KELLY: Before we go through this
21 exercise, can you turned it little bit so the Board
22 could see it? In addition to that maybe slide it
23 back.

24 MR. SIMON: Can I make a suggestion?
25 Since the applicant's team is currently the closest

1 to the exhibit, it may make some sense to maybe put
2 the exhibit in the middle so the public has a better
3 view of it.

4 CHAIRMAN BODNER: The middle where?

5 MR. KELLY: Just turn it.

6 CHAIRMAN BODNER: Wendy, we have the
7 plans here. I would like you to tell us where
8 you're looking.

9 MR. KELLY: Can you identify what you
10 have marked as A-2. You have to identify what that
11 is.

12 MR. LAMOTHE: This is Exhibit A-2.

13 AUDIENCE MEMBER: Excuse me one
14 second. Can I take a picture so I can see it?

15 (Exhibit A-2 is received and marked
16 for Identification.)

17 MR. KELLY: Just turn it and when you
18 speak you have to put the microphone either to your
19 mouth or just leave it in the stand. And if we can
20 identify what A-2 is.

21 MR. LAMOTHE: Okay. A-2 is rendered
22 copy of the existing conditions plan which is the
23 third sheet in the set of 11 sheets. It's dated
24 August 19, 2022, and it's been revised through
25 October 7 -- October 17, 2022. This -- the

1 differences between this plan and the one that's
2 been submitted in the set is that it's been colored
3 in but this has a few layers that have been included
4 for clarification purposes such as utilities, the
5 existing grading, but it shows the overall layout of
6 the existing hospital campus.

7 What you see here in the rendering, is the
8 light green color are the landscape areas, the wide
9 areas of the white tone is the existing parking
10 garage and parking areas. You'll see the dark
11 hospital building which is brown tone as well as the
12 existing structures in and around the campus of the
13 hospital campus. You'll see that the hospital is
14 centrally located on the campus. There are also
15 existing residential dwellings in and around the
16 west of the hospital. There are a total of three
17 residential dwellings that front on Chadwick Road
18 which runs along the northerly side of the hospital
19 campus.

20 Along the west side of the campus is
21 Grange Road, and there is also Norma Court which has
22 also five additional residential dwellings and
23 there's one residential dwelling on Grange Road.
24 There is also a garage and a one-story building that
25 are located on the westerly side of the hospital and

1 other existing structures.

2 CHAIRMAN BODNER: Excuse me, you said
3 garage, do you mean parking lot?

4 MR. LAMOTHE: There's a garage in the
5 parking lot behind the west of the building.

6 CHAIRMAN BODNER: You're pointing to
7 a parking lot, that big white thing there.

8 MR. LAMOTHE: The white and there is
9 a parking lot in the back in the west. The garage
10 is in this area here.

11 MS. BERGER: And that's a building
12 which is plan to be removed as part of this
13 application?

14 MR. LAMOTHE: Yes.

15 MS. BERGER: So could you just point
16 out as part of the childcare care application, the
17 expansion of the parking lot, what building are plan
18 to be removed?

19 MR. LAMOTHE: Okay. So what we're
20 removing, we're removing the three existing
21 dwellings, and the existing garage that are
22 currently located on northerly portion of the lot
23 which are these structures in this area here which
24 are on the side of Chadwick Road. We're also
25 proposing to remove one of the dwellings at the end

1 of Norma Court. The existing residential building
2 that fronts on Grange Road is going to remain as
3 well as the other four dwellings. To the top of the
4 page, we look at the westerly side of this. Grange
5 Road to the northerly page, you'll see that there's
6 the Chadwick Road frontage, and then there is also
7 Cedar Lane in the northeast corner. All along the
8 bottom of the page or the easterly side is Teaneck
9 road and to the south is Vandelinda. You'll see
10 there's many driveway access points all through the
11 surrounding road system.

12 We're located in the H zone which has four
13 subzones in it. The top zone from H1 down to H4, H1
14 starting on the westerly Grange Road. At the bottom
15 along Teaneck Road is the H4 subzone. The project
16 that we're proposing falls within primarily within
17 the H1 and H2 subdistricts. I guess I'll move to
18 the proposal.

19 MR. KELLY: Please identify markings
20 for the page and the last revision date so we can
21 keep up with you.

22 CHAIRMAN BODNER: This is going to be
23 A-3?

24 MR. LAMOTHE: Yes.

25 CHAIRMAN BODNER: Can you just

1 identify that for the record?

2 (Exhibit A-3 is received and marked
3 for Identification.)

4 MR. LAMOTHE: This exhibit for the
5 record is A-3. It's the sixth sheet in the sheet
6 plan set it's entitled the site layout plan that's
7 also dated August 19, 2022. And last revised
8 December 27, 2022.

9 MR. KELLY: I'm sorry I missed. It's
10 the site layout plan?

11 MR. LAMOTHE: Site layout, sixth
12 sheet.

13 MR. KELLY: Of the set? Great.
14 Revision date?

15 MR. LAMOTHE: The last revision date
16 is December 27, 2022.

17 MR. KELLY: Thank you.

18 MR. LAMOTHE: This -- this plan is
19 Sheet 6, similarly rendered. We've got the green
20 tones of the landscaped areas. You'll see a
21 slightly darker different green tone which
22 represents where the playground is. You'll also see
23 some yellow tone areas which represent sidewalk,
24 hearth scape like concrete. You'll see the original
25 tone again that representing the existing hospital

1 building at the bottom of the page on the east side
2 of the parking lot.

3 The structures you see, the residential
4 dwellings that I mentioned from the first exhibit
5 that are going to remain, you'll see the one
6 dwelling that's at the top of the page that's on
7 Grange Road. You'll also see the four dwellings
8 that are going to remain on Norma Court.

9 As a quick overview of this project, we're
10 proposing to relocate the existing childcare
11 facility that's inside of the building of the
12 hospital building that is for the employees, and
13 then we're going to construct a new childcare
14 building that's going on the frontage of Chadwick
15 Road. We're also proposing to vacate a portion of
16 Chadwick Road and create a cul-de-sac so that we
17 eliminate through traffic on Chadwick Road. We're
18 also proposing to remove the driveway out to Grange
19 Road.

20 When we create the cul-de-sac, we're also
21 going to create a loop road that keeps the
22 circulation and the traffic within the hospital
23 campus and eliminates the traffic circulation onto
24 the neighboring properties. So what that will do is
25 eliminate and minimize the amount of cross traffic

1 of people coming to the hospital that park on Grange
2 Road and the other neighboring residential roads.
3 It will focus all of the traffic circulation within
4 the hospital campus. You'll hear more about this
5 from the traffic engineer. We're also proposing to
6 reconstruct the parking in the back of the lot to
7 the west of the hospital to construct 140 new
8 parking space, which are going to be dedicated to
9 the doctors and patients of the facility.

10 The advantage to this whole redevelopment
11 plan is provide more efficient services for the uses
12 that are on that westerly portion of the hospital.
13 The facilities that are in that area of the hospital
14 are the labor and delivery, physical therapy and the
15 cancer center. The patients for that facility will
16 then get additional parking. It will be more
17 convenient for them to access the hospital site.
18 For the childcare area of the building, it is
19 designed fully in the H zone.

20 MS. BERGER: Could you hold up the
21 mic a little bit more?

22 MR. LAMOTHE: The childcare building
23 is design to fully conform with the H zone criteria,
24 and it's going to be primarily located in the H1,
25 which is the westerly most subdistrict and H2 zone,

1 a small portion is also located in the H3
2 subdistrict, and that is really just an area that
3 we're proposing some valet improvements. So the
4 childcare building is going to be a stand alone
5 building that is 1,600 square feet. It's two
6 stories. The only one main entrance to the building
7 is in the south portion of the building. There is
8 going to be no main access off of Chadwick Road.
9 There will be no dropoff or deliveries from Chadwick
10 Road. Everything will be coming from the internal
11 circulation of the hospital parking lot.

12 The focus for the childcare building will
13 be on the south end of the building on main entrance
14 on that side. The only access points to Chadwick
15 that are going to exist is an emergency exit all the
16 way out to Chadwick Road for the purposes of safety
17 from the childcare building. We previously had
18 sidewalk that connected the Chadwick sidewalk system
19 to the hospital, but we removed that for concerns
20 that we've heard. There will be a sidewalk that
21 just goes around Chadwick Road for pedestrians, and
22 there will be no connection to the hospital at that
23 point.

24 MS. BERGER: And those sidewalks and
25 walkways that was required by the H zone ordinance;

1 is that correct?

2 MR. LAMOTHE: That's correct.

3 MS. BERGER: And just for edification
4 again, could you just go back and show where the H1
5 zone line, and where the H2 zone line is and where
6 the H3 zone line is?

7 MR. LAMOTHE: So the H2 -- 1's zone
8 line is on the top of the parking lot, so there's no
9 parking lot improvements within the H1 zone.

10 MS. BERGER: So within the H1 zone,
11 the only thing you propose is to remove the driveway
12 out to the Grange Road, to landscape that area, and
13 to put the required fencing in that area; is that
14 correct?

15 MR. LAMOTHE: Yes, that is correct.
16 So within the H1 portion of the zone, there's no
17 parking lot improvements like you said. We're going
18 to actually remove the driveway connection to Grange
19 Road. We're going to propose additional landscaping
20 and a six-foot solid fence around the perimeter of
21 the parking area.

22 MS. BERGER: And the improvements for
23 the childcare, the childcare center building that's
24 within the H2 zone; is that correct?

25 MR. LAMOTHE: Yes. The childcare

1 building is within the H2 zone, which again starts
2 at the westerly most portion of the parking lot and
3 ends close to the hospital. Again, most of the
4 improvements for the childcare all fall within that
5 H2 zone.

6 MR. KELLY: With regard to that area,
7 can you be more specific about the landscaping being
8 proposed?

9 MR. LAMOTHE: Well, we're going to
10 have a landscape architect who will get into the
11 details, but what I will say it's a solid evergreen
12 that will comply with the ordinance requirements.
13 He'll get into more detail on the landscaping.

14 MS. BERGER: Yes, Mr. Chair and Board
15 Members. We do have a specific landscape architect
16 who will testify with regard to all of the
17 landscaping and requirements and compliance. With
18 regard to the -- just so we're clear on that, the
19 size of the childcare building, the footprint is
20 8,000 square feet?

21 MR. LAMOTHE: I'm sorry. I misspoke.
22 It's 16,000 square feet total.

23 MS. BERGER: Total?

24 MR. LAMOTHE: 8,000 per floor.

25 MS. BERGER: Plus, you have a dark

1 green area on the plan?

2 MR. LAMOTHE: So the dark green area
3 represents the playground area, that's 3,580 square
4 feet.

5 MS. BERGER: Just hold up your mic.

6 MR. LAMOTHE: Sorry. We're going to
7 put a five-foot-high solid vinyl fence. There is
8 also no lighting proposed in the area of the
9 playground. There is also going to be a play
10 surface that's rubberized surface that complies with
11 all applicable childcare playground requirements.
12 In the drainage calculations, we assumed that
13 surface would be impervious coverage -- let me talk
14 to the coverage exhibit real quick.

15 MS. BERGER: And just to be clear,
16 the building is 16,000, it's not exactly 8,000 per
17 floor, but total?

18 MR. LAMOTHE: Just total, correct.

19 MS. BERGER: 16,000 total, correct?

20 MR. LAMOTHE: Correct. Does this
21 need to be marked?

22 MR. KELLY: Yeah can you identify
23 what A-4 for the record?

24 (Exhibit A-4 is received and marked
25 for Identification.)

1 MR. LAMOTHE: A-4 is one of one
2 sheet. It's dated October 5th, 2022, and it's
3 revised on today, January 26, 2023. And what this
4 basically is it shows the calculation of the
5 impervious coverage for the campus which totals
6 68 percent. You'll see that the revision that has
7 been made on it, today we realized that we did not
8 specifically include the playground surface as
9 impervious so this has been reviewed to include
10 that.

11 CHAIRMAN BODNER: Do we have that
12 page?

13 MR. LAMOTHE: This is Exhibit 4.
14 Sheet one of one, proposed site coverage.

15 MR. KELLY: Stop. You constantly do
16 this. You speak and then you drop that mic so we
17 can't hear you. So what is it called?

18 MR. LAMOTHE: It's called proposed
19 site coverage exhibit. I believe it's been
20 submitted, but we have a revision of today that
21 added in the --

22 MR. KELLY: So it's not a prior
23 submission?

24 MR. LAMOTHE: What's that? This plan
25 has been revised today so you don't have this plan.

1 MR. KELLY: Okay.

2 CHAIRMAN BODNER: Isn't that the
3 impervious plan here?

4 MR. LAMOTHE: You probably have
5 December 27 revised. Just to give further
6 clarification, this is the one that you have. This
7 is the December 27th one. It doesn't have the
8 playground colored in. It was an oversight on our
9 part.

10 MS. BERGER: And what is the date of
11 that, and let's mark that for the record please?

12 MR. KELLY: Hang on. I don't know
13 what you're marking.

14 (Exhibit A-5 is received and marked
15 for Identification.)

16 MR. LAMOTHE: So this A-5 is
17 purported site coverage exhibit dated October 5th,
18 2022. Last revised December 27th, 2022. And this
19 is what's been submitted to the Board as part of the
20 applicant's package.

21 CHAIRMAN BODNER: What is one of one?

22 MR. LAMOTHE: Proposed site coverage
23 exhibit.

24 CHAIRMAN BODNER: Now, what did you
25 add?

1 MR. LAMOTHE: So this was what was
2 submitted. When we prepared this, we left out what
3 is -- what is not included as coverage on this
4 exhibit was the playground surface.

5 CHAIRMAN BODNER: Okay.

6 MR. LAMOTHE: So on the plan which we
7 realized that we left it off, we have now included
8 it in the exhibit with the revision of date of
9 today.

10 MR. KELLY: That's A-4?

11 MR. LAMOTHE: And that's A-4.

12 MS. BERGER: And you added that in as
13 a result of a comment in a memorandum from
14 Stonefield that mentioned that you left that out so
15 you brought that exhibit to address that.

16 MR. LAMOTHE: Yes. It was brought to
17 our attention in a Stonefield letter, and we
18 realized the oversight. So what we've added in is
19 the play surface. Because of the size of the
20 campus, we're still within the 68-percent coverage
21 that we've been talking about all night.

22 So while I have this exhibit out, I just
23 want to I guess clarify some of the conversation
24 that we had earlier with regard to the coverages for
25 the site. So there is a little bit of an

1 apples-to-oranges kind of comparison going on here
2 with regard to the phasing. The redevelopment of
3 the hospital campus contemplates the entire campus
4 when we calculate the coverage and the requirements
5 of the H zone, which is the maximum allowed coverage
6 for the H zone is 75 percent. We're proposing
7 68 percent. For this exhibit and for this the
8 childcare, we have the assumption that the gravel
9 lot is constructed as proposed in the next
10 application, and we included the coverage for that
11 parking area.

12 Part of the reason we're doing it, the
13 parking lot application is, it's my understanding
14 that the construction of the temporary gravel
15 parking lot was for the purposes of a means to deal
16 with the COVID pandemic. So they had an emergency
17 application to then install the parking area.

18 MS. BERGER: So for the purposes of
19 the testimony this evening, you have included that
20 gravel parking that's existing today?

21 MR. LAMOTHE: Yes.

22 MS. BERGER: In your coverage
23 calculation?

24 MR. LAMOTHE: Yes.

25 MS. BERGER: Okay. So you could you

1 now go ahead and explain what's proposed for the
2 childcare center that's being built?

3 CHAIRMAN BODNER: Before you do that,
4 it's your testimony that's including all of that
5 coverage in the parking lot from the next
6 application, you're still at 68 percent, correct?

7 MR. LAMOTHE: Yes. So I just want to
8 point out that that lot coverage is included in the
9 68 percent. We're looking at the entire campus when
10 we did the area of the plans. I just wanted to
11 clarify that.

12 So again, we are relocating the existing
13 childcare service that's currently located in the
14 hospital to this new standalone building. And
15 again, it's design to fully comply with the new H
16 zone criteria and again it's located in the H2
17 subdistrict. It's going to be a 16000-square-foot
18 building that meets all of the required setbacks, as
19 well as the side yards. The only main entrance as
20 we were saying is to the south, and the playground
21 area is going to be 3,580 square feet, and it's also
22 going to include a small shed which is a hundred
23 square feet and approximately nine and a half feet
24 high, and that's going to be at the northwest corner
25 of the proposed playground area.

1 MS. BERGER: What is the purpose of
2 that shed?

3 MR. LAMOTHE: That's just for
4 purposes of the play equipment, and you know,
5 amenities for the play area, and the teachers to
6 have storage in the play area.

7 MS. BERGER: Is the play area
8 surrounded by any fencing?

9 MR. LAMOTHE: Yes. So you'll see
10 that the entire playground area is enclosed with a
11 five-foot solid vinyl fence. And it will be tied
12 into the proposed fencing that will be along the
13 perimeters of the parking area that we're proposing.

14 MS. BERGER: And that fence that's
15 proposed around the perimeter of the parking area,
16 can you just tell the Board how tall that fence is
17 and the material proposed?

18 MR. LAMOTHE: It's going to be a five
19 foot vinyl fence -- 6 feet.

20 MS. BERGER: Six-foot vinyl fence.
21 When you say "vinyl fence," is that a board-on-board
22 fence style.

23 MR. LAMOTHE: It's a solid.

24 MS. BERGER: A solid?

25 MR. LAMOTHE: It's solid. You can't

1 see through it.

2 MS. BERGER: Can't see through it.

3 It's not a chain link fence.

4 CHAIRMAN BODNER: You're saying it's
5 going to connect to the parking lot fence. Is that
6 fence going to come into the parking lot?

7 MR. LAMOTHE: No. The fence is going
8 to be enclosed entirely, the playground is going to
9 be enclosed on both sides.

10 CHAIRMAN BODNER: Is there a door to
11 that fence then?

12 MR. LAMOTHE: There is going to be --

13 CHAIRMAN BODNER: I'm not talking
14 about the building. I'm talking about on the fence.

15 MR. LAMOTHE: On the fence for the
16 playground, there are gates that will let you out
17 towards the parking area. That's an emergency exit
18 out to a sidewalk.

19 CHAIRMAN BODNER: Okay. God forbid
20 if something happened, you can't get back to the
21 building.

22 MR. LAMOTHE: Yeah, there's two gates
23 that they can get out.

24 MR. KELLY: Can I just clarify, five
25 foot or six feet?

1 MR. LAMOTHE: Six-foot fence -- I'm
2 sorry. The playground fence is five foot. The
3 perimeter fence for the parking area is six.

4 MS. BERGER: And with regard to any
5 of the improvements on the site for the childcare
6 center, is there going to be a location for a
7 generator or any other equipment?

8 MR. LAMOTHE: Yes. There is a
9 proposed generator on the south corner of the
10 building that's proposed. The utilities, the
11 service for the building will be out of Chadwick.

12 MS. BERGER: And with regard to the
13 entrance, you said the entrance to the facility and
14 exit other than emergency is through the parking
15 lot. Just point that out so you can see the main
16 entrance?

17 MR. LAMOTHE: You'll see it's a
18 covered entrance. There is also a bike rack at that
19 entrance that we're proposing, and then the walkways
20 that will access to the parking area to the south of
21 the building.

22 MS. BERGER: And do you have any
23 handicapped accessible ramping in that area?

24 MR. LAMOTHE: There is three ADA
25 accessible spaces as well as EV accessible space.

1 In the prior version of the plan, we were proposing
2 four EV parking spaces to be in the front parking
3 deck. And we have located three of them in the
4 front parking deck and proposed one at this
5 childcare building. So we still have a total of
6 four EV spaces, and now we're proposing one in the
7 area of the childcare building.

8 MS. BERGER: And did you have any
9 parking proposed for any dropoff for if someone
10 wanted to just come and drop off their child, park
11 for five minutes, walk their child in?

12 MR. LAMOTHE: There's three dedicated
13 spaces at the south entrance of the building.

14 MS. BERGER: That's for what?

15 MR. LAMOTHE: Drop off.

16 MS. BERGER: And with regard to
17 services for that building, the services for the
18 building come through the rear parking lot; is that
19 correct?

20 MR. LAMOTHE: Yes. So the services
21 of the building for the childcare building will
22 primarily come through the hospital, and they will
23 be delivered from the hospital to the south entrance
24 or the main entrance of the building and delivery
25 for the building will come off of Chadwick.

1 Everything will basically run through the operations
2 of the hospital and will be carted back through the
3 childcare building, including deliveries, deliveries
4 will be done with a small pickup truck, including
5 the trash pickup will be serviced through the
6 hospital maintenance facility to bring it to the
7 main dumpster area of the hospital.

8 MS. BERGER: Is there any trash area
9 for this building?

10 MR. LAMOTHE: The trash is the
11 loading space both located on the northwest corner
12 of the parking -- of the childcare building. It's
13 12 by 18 loading stall, and then there is an 8 by 12
14 dumpster in front of that.

15 MS. BERGER: And with regard to the
16 childcare building itself, are there any other
17 improvements on the site for the childcare building?

18 MR. LAMOTHE: Yes. So we're
19 proposing the improvements of the parking area to
20 the south, which is increase of parking of 104
21 spaces.

22 MS. BERGER: So you're going to add
23 improvements and expand 104 parking spaces in that
24 existing lot area; is that correct?

25 MR. LAMOTHE: Yes. That's correct.

1 MS. BERGER: And could you just
2 explain to the Board and maybe show with your hand
3 how you would drive up there and circulate through
4 that lot?

5 MR. LAMOTHE: Yeah. So the -- part
6 of the improvements for the lot area is to vacate a
7 portion of Chadwick Road, so the traffic coming off
8 of Chadwick Road -- let me go to the existing
9 conditions just to give you a quick overview.

10 MS. BERGER: I think that would be
11 helpful if you show us how it operates now, and then
12 show us how it's proposed.

13 MR. LAMOTHE: I'm bringing back up
14 A-2, which is the existing conditions plan, so you
15 can kind of see how the circulation of the site, how
16 it works and how it's going to work in the future.
17 So traffic coming off of Cedar Lane currently can
18 drive on Chadwick Road and not access the hospital.
19 It's through only up to Grange Road, and there is a
20 two-way drive that comes down Grange Road into the
21 hospital. There is currently a one-way exit
22 driveway for the ambulance area. So you currently
23 you get a lot of traffic flow that cuts through
24 Chadwick and back up to Grange and then back into
25 the hospital.

1 The other point of entrance to this back
2 area is on Vandelinda, and there is a main driveway
3 off of Teaneck Road. Under the proposed conditions
4 portion --

5 CHAIRMAN BODNER: It also doesn't say
6 that you could not go up Chadwick and come into the
7 hospital.

8 MR. LAMOTHE: Say that again. I'm
9 sorry?

10 CHAIRMAN BODNER: Cedar Lane, you can
11 come in and go straight into the hospital.

12 MR. LAMOTHE: Yeah, you can come up
13 to Cedar Lane, and you can come into the front
14 entrance.

15 CHAIRMAN BODNER: Well, you said you
16 can only come in. I was just saying that.

17 MR. LAMOTHE: Yeah, you can also come
18 in the entrance up Chadwick Road, right. So the
19 point of entry, this application wouldn't change any
20 of the point of entries from Teaneck Road. It won't
21 change the movement coming from Cedar Lane off of
22 Chadwick Road to the front parking area. And it
23 isn't changing the access to Vandelinda, but what it
24 is going to do, it's going to eliminate the traffic
25 flow that's coming all the way up to the Grange

1 Road, and then comes back down in here into that the
2 driveway that connects Grange Road to the hospital.
3 Because that driveway is now going to be removed and
4 traffic coming off of Chadwick will no longer be
5 able to get into that residential -- that portion of
6 the residential neighborhood, Chadwick Road, that
7 comes in off of Cedar Lane is going to come -- come
8 and create a loop road that circulates back through
9 the hospital, so that eliminates that connection to
10 the resident roadways up by Grange Road.

11 CHAIRMAN BODNER: Also, your
12 testimony is that you're closing off that street in
13 the back on the western side that's going to
14 increase --

15 MR. LAMOTHE: I'm sorry?

16 CHAIRMAN BODNER: You're increasing
17 the traffic coming in from the Vandelinde side until
18 the loop road is done and it's closed. You come
19 normally from the western side and enter, that no
20 longer connects in there?

21 MR. LAMOTHE: Primary movements
22 coming off of Chadwick now.

23 CHAIRMAN BODNER: Or they can be
24 coming down Vandelinde and come in through
25 Vandelinde.

1 MR. LAMOTHE: It can still come into
2 Vandelinda.

3 MS. BERGER: There is a phase of the
4 project --

5 MR. LAMOTHE: Yes. That will be a
6 future phase.

7 CHAIRMAN BODNER: Back to the point I
8 was trying to point out when I made the point, is
9 that it's going to increase in that entrance for the
10 period of time after it closes and until the loop
11 road is done and that's closed.

12 MS. BERGER: Clearly the traffic that
13 is coming from that direction would still use
14 Vandelinda to come in that same direction. Whether
15 it will increase traffic or not, I don't know
16 because now you have an entrance that moves in a
17 quicker, more direct manner. So we'll let the
18 traffic expert talk about that because that would be
19 his opinion.

20 MR. LAMOTHE: The traffic engineer
21 can give more details on the traffic flow, increases
22 or decreases.

23 CHAIRMAN BODNER: I'm just saying
24 from a logical perspective anybody coming from the
25 west down is not going to pass an exit to go on the

1 other side so.

2 MS. BERGER: Go ahead.

3 MR. LAMOTHE: So back to A-3, you'll
4 see at the bottom or the east side of the page is
5 the loop road is created. It's a two-way drive and
6 it's 24 feet wide that gives access to the dedicated
7 parking lots that we're proposing on the westerly
8 side of the building. The ambulance also was an
9 exit only. It's now going to become an entrance,
10 ingress only and the circulation is going to be at
11 Chadwick Road.

12 As you can also see Chadwick Road
13 creates -- a proposed cul-de-sac created at the
14 ended of the road. This cul-de-sac was created as
15 part of the approved Teaneck Mayor and Council
16 Ordinance 23-2022. There is some standard curb
17 radius of 27 1/2 feet. We're required by RSIS as 40
18 and Teaneck is 40. And the right-of-way radius is
19 35 1/2, and the required RSIS is 48 and Teaneck's
20 standard is 50 feet radius for that. That geometry
21 though has been adopted by ordinance by the Mayor
22 and Council, and we're just utilizing that approved
23 cul-de-sac from that ordinance.

24 MS. BERGER: Now, when I look at your
25 plan for that cul-de-sac at Chadwick, I see a dark

1 green area --

2 MR. LAMOTHE: Yes.

3 MS. BERGER: Protruding from that
4 cul-de-sac. Could you just explain what that is?

5 MR. LAMOTHE: So the dark green area
6 you see here, represents the emergency fire access
7 for emergency vehicles. It's 12 feet wide, and it
8 allows for a better turning radii for the fire
9 truck. Should an emergency happen and it can access
10 with Chadwick Road. That will only be an entrance
11 for -- only be accessed for emergency vehicles.
12 There will be no common traffic.

13 MS. BERGER: So what we're seeing,
14 emergency vehicles, this is not emergency vehicles
15 meaning a hospital vehicle or ambulance that has to
16 go every day to the hospital. That's emergency
17 meaning another road has closed, and this is the
18 only way you can access it; is that correct?

19 MR. LAMOTHE: Yes. This is the just
20 in case of a fire for one of the residents on
21 Chadwick for the fire truck to be able to traverse
22 from the hospital to this in an emergency situation,
23 not for the ambulances on an everyday situation.

24 MS. BERGER: For the fire?

25 MR. LAMOTHE: Fire, police, whatever

1 is required for that gated entrance, we will provide
2 that.

3 MS. BERGER: And just for the record,
4 if I could take a second. Plans were referred to
5 the fire department and the police department by
6 your Planning Board Secretary on 9/23/22. Let me
7 just try to see if I could read the name. It's
8 lieutenant -- I am not -- I cannot read the name.

9 CHAIRMAN BODNER: That's good enough
10 for lieutenant.

11 MS. BERGER: Badge 258. Said they
12 had no objections and there was also a referral
13 report issued by another lieutenant from the fire
14 department and he says, comments, on October 24th,
15 2022, the fire department will require the Chadwick
16 Road cul-de-sac to have a gate to provide fire
17 apparatus access from Chadwick Road to the private
18 road from Cedar Lane. The portion of the existing
19 Chadwick Road that will be an entrance to the
20 hospital, the gate in the area of the property line
21 between Lots 8 and 9 on Chadwick Road shall allow
22 access to the driveway into the front or rear of the
23 hospital. The gate shall be large enough to
24 accommodate a 50-foot ladder. The applicant shall
25 provide a traffic engineer's report to verify the

1 access including a turning radius drawing. All
2 proposed landscaping shall be in the drawing. The
3 fire department shall provide the specs of the
4 ladder truck.

5 CHAIRMAN BODNER: And should the
6 application be approved, you agree to all of that?

7 MS. BERGER: Yes. Do you need those
8 reports marked? I believe it's part of the Board's
9 file, so we can direct you to them.

10 MR. KELLY: It's part of the Board
11 information and you're stipulating you'll comply
12 with any recommendation from police or fire?

13 MS. BERGER: Correct, correct. And
14 we did consult with them in the design.

15 MR. LAMOTHE: Okay. So also as part
16 of the loop road improvements, we are proposing a
17 new valet structure that was at the -- I guess it's
18 just east of the entrance for emergency --

19 MS. BERGER: Can you hold up the mic
20 up a little bit. I'm sorry. I know it's a lot of
21 balancing.

22 MR. LAMOTHE: So we're proposing a
23 new valet structure. It's 8 feet by 24 feet valet
24 structure. It's at the northwest corner of the
25 existing hospital building. We are also proposing a

1 dropoff lane there, which allows for three to five
2 car stacking. This is basically to improve the
3 valet function that currently exists. We're also
4 proposing to relocate handicapped spaces from the
5 existing park field, to relocate those along the
6 curb that runs along the westerly side of the
7 hospital.

8 MS. BERGER: So you're relocating the
9 handicapped parking closer to the hospital building?

10 MR. LAMOTHE: Yes. Moving the
11 parking spaces that are existing in the parking
12 field, taking them from one side of the driveway
13 basically put them up against the hospital.

14 MS. BERGER: Are there any drainage
15 improvements proposed for that area of the campus?

16 MR. LAMOTHE: Yes. So the site
17 improvements incorporate a whole new drainage system
18 in this area.

19 MS. BERGER: Could you raise your mic
20 again.

21 MR. LAMOTHE: So the drainage
22 improvements that we're proposing, consists of two
23 infiltration systems as well as permeable paving in
24 the parking lot.

25 MS. BERGER: Do you have a plan that

1 shows that?

2 MR. LAMOTHE: I do have a grading
3 plan.

4 CHAIRMAN BODNER: Is that something
5 we have in our plans? What page is it?

6 MS. BERGER: Could you just identify
7 the page for the record and the date?

8 MR. KELLY: What's the marking? This
9 is A-6?

10 (Exhibit A-6 is received and marked
11 for Identification.)

12 MR. LAMOTHE: Yes. It's Sheet 8 of
13 11. It's soil erosion and sediment control plan.
14 The date is September 9th, 2022, last revised
15 December 27, 2022.

16 CHAIRMAN BODNER: Okay.

17 MR. LAMOTHE: Let me correct that.
18 (Exhibit A-7 is received and marked
19 for Identification.)

20 MS. BERGER: What number are we
21 marking this? A-7 for the record?

22 MR. LAMOTHE: A-7.

23 MS. BERGER: A-7 is? Could you read
24 for the record the identification box sheet for this
25 plan?

1 MR. LAMOTHE: This is the grade,
2 drainage and utility plan. Dated September 92022
3 and last revised December 27th, 2022.

4 MR. KELLY: Hang on a second. Can we
5 have the witness reclarify what is A-6 and what is
6 A-7?

7 MR. LAMOTHE: Yes. The grading and
8 drainage plan is page 7 of 11. A-7.

9 MS. BERGER: And what was A-6 for the
10 record?

11 MR. LAMOTHE: A-6 was the erosion
12 control plan.

13 MR. KELLY: Last revision date was
14 12/27/22?

15 MR. LAMOTHE: Yes.

16 CHAIRMAN BODNER: Do we need both?

17 MR. LAMOTHE: I'm going to use this
18 one. It shows more clearly the drainage systems.

19 MR. KELLY: Let's identify when he
20 says let's use this one.

21 MR. LAMOTHE: Page 7.

22 CHAIRMAN BODNER: Page 7 of 11. What
23 are you marking it?

24 MR. LAMOTHE: A-7.

25 MS. BERGER: So Dan, we can just see

1 the line. So if you could kind of take your pen and
2 just kind of outline area showing where the parking
3 lot is and where the proposed building is because
4 it's difficult to see from this distance.

5 MR. LAMOTHE: Okay. So the parking
6 lot is in the middle of the page. You'll see
7 hashing. The cross-hashing there represents areas
8 that are going to be porous paving. Porous paving
9 is a green infrastructure technique that's preferred
10 by the NJDEP for stormwater management and water
11 quality control, and what it does it allows the
12 water to more or less runoff into the porous paving
13 and infiltrate into the storm and stone and into the
14 ground, and it effectively reduces the impact of
15 impervious coverage. So we have a fair amount of
16 area that is going to be for porous paving to
17 mitigate the impervious coverage in the parking lot.

18 MS. BERGER: And Dan, according to
19 the ordinance, Ordinance 22-2022, you are required
20 to as much as practical to conform with New Jersey
21 DEP stormwater management regulations; is that
22 correct?

23 MR. LAMOTHE: That's correct.

24 MS. BERGER: And so you designed that
25 plan in accordance with that?

1 MR. LAMOTHE: Yes.

2 CHAIRMAN BODNER: Does this address
3 the neighbor's previous water issues?

4 MS. BERGER: Yes, we'll do that.
5 Explain the design further and then we'll say what
6 it will cover.

7 MR. LAMOTHE: So the way the drainage
8 system is going to work is the site -- the hospital
9 campus has a series of stormwater management pipes,
10 inlets that are existing today, and we are going to
11 connect it to the water from the hospital runoff in
12 the back of the hospital it brings it more or less
13 to the front of the hospital into the drainage
14 system that's in Teaneck Road. So there is a main
15 drainage line that runs from the northerly lot line
16 down at Chadwick and then there is another line that
17 runs actually through the building and then out
18 towards Teaneck Road.

19 The majority of our lot goes to the pipe
20 that goes to the south end of the lot, comes down to
21 Chadwick Road, so there's two main lines that drain
22 this stormwater from this back area of the lot.
23 What we're proposing here is permeable paving as
24 well to mitigate the stormwater runoff. Another
25 thing that we're using is a large infiltration

1 detention system that's going to be underneath the
2 parking lot as well, enough size to retain and
3 detain the water from all of the parking lot area as
4 well as the building. There is a second system that
5 we're also proposing that's on the westerly side of
6 the childcare building that will do the same thing.
7 It will infiltrate some of the water, detain it and
8 retain it so that the reduction of the stormwater
9 runoff from this project area is going to be reduced
10 by 50 percent for the two years storm; 25 percent
11 for the ten year storm; and 20 percent for the
12 hundred year storm.

13 So those are the requirements that we need
14 to make for DEP. We're also proposing two green
15 infrastructure stormwater quality treatment units
16 that are going to treat some of the water that's
17 comes off of Grange Road, that we're proposing to
18 improve water quality runoff from the site. There
19 was some concern about the impact of the residential
20 properties to the south of -- really the west or the
21 southwest of the parking lot.

22 CHAIRMAN BODNER: One second.

23 MR. PARKER: Did you just describe
24 something as a green road?

25 MR. LAMOTHE: Excuse me?

1 MR. PARKER: In part of your
2 description, did you address something called a
3 green road?

4 MR. LAMOTHE: No. Green
5 infrastructure.

6 MR. PARKER: Green infrastructure.
7 Can you just go over that, please?

8 MR. LAMOTHE: So green infrastructure
9 is different kinds of stormwater management
10 techniques that are encouraged by the State of New
11 Jersey Department of Environmental Protection. They
12 include such things as porous paving. There is
13 certain water quality that are designed in a way to
14 meet a certain criteria that categorizes green
15 infrastructure. The way that it works is it will
16 take the stormwater and try to clean it, filter it
17 and reduce runoff in a more natural way than
18 traditional filters and detention systems were in
19 the past.

20 So for instance, the two filters that
21 we're proposing that are green infrastructure are
22 more or less they act as a bio-retention. They
23 actually have plants growing in them. So when the
24 stormwater enters the water quality treatment unit,
25 it's replacing the water to plants that are growing

1 in it, it filters the water through it, and there is
2 a pipe at the bottom of that cleaner water so when
3 you have a higher storm, it can overflow. What it
4 does it tries to utilize the stormwater more or less
5 by watering plants and more natural measures than
6 having just a filter that you traditionally would
7 have had ten years ago.

8 MR. KELLY: Before you go onto the
9 neighbors, this is a major project from a DEP
10 perspective requiring all of this?

11 MR. LAMOTHE: Yes, it is. And just
12 before I start talking about something else, there
13 was some comments in the Stonefield report relating
14 to the drainage calculations. They are technical in
15 nature. We'll be happy to address those if we need
16 to make the system larger. We'll do that in order
17 to address those comments. I just thought I'd put
18 on the record that we'll satisfy those comments in
19 the letter.

20 MS. BERGER: And then in order to
21 design this, did you have any site investigation
22 done or any testing done?

23 MR. LAMOTHE: Yes. There were five
24 soil tests done in the area of the proposed
25 infiltration systems and porous paving, and we

1 design the system to facilitate the results of those
2 tests.

3 MS. BERGER: Are those commonly call
4 perk tests?

5 MR. LAMOTHE: Perk tests to test the
6 quality of the soil and the groundwater. So we have
7 adjusted the design to meet the soil conditions that
8 exist now. And to do that, we actually made the
9 system slightly larger to accommodate that.

10 MS. BERGER: And you believe the
11 system will be able to accommodate the runoff?

12 MR. LAMOTHE: Yes, it will.

13 MS. BERGER: And with regard to this
14 design, we know we're taking out the driveway that
15 goes out to Grange Road now, and that is a paved
16 driveway; is that correct?

17 MR. LAMOTHE: Yes, the driveway that
18 goes out to Grange Road is located west of the
19 parking lot and is currently paved which is going to
20 be now landscaped.

21 MS. BERGER: And that's a curbed,
22 paved driveway?

23 MR. LAMOTHE: Yes.

24 MS. BERGER: And so right now does
25 water runoff that driveway into Grange Road?

1 MR. LAMOTHE: No, actually most of
2 the driveway coming down the entire site, this small
3 portion at the very top goes to Grange Road, but
4 most of it actually drains towards our site, and
5 we're going to obviously remove that driveway,
6 eliminate any runoff to Grange Road.

7 MS. BERGER: And that will be
8 replaced with landscaping?

9 MR. LAMOTHE: Yes.

10 MS. BERGER: And lawn, I would
11 assume?

12 MR. LAMOTHE: Yeah. Well, that whole
13 area is where the green driveway is we're proposing
14 to basically relandscape that. There is no parking
15 lot improvements in there, but what this will also
16 do, some of the water that is currently lawn area
17 where that parking lot is that's raised towards
18 Norma Court is actually going to intersect that and
19 put it into our drainage system, so it's a reduction
20 of runoff that runs through Norma Court area.

21 MS. BERGER: So as a result of this,
22 do you see any increase in runoff from the site onto
23 Norma Court or Grange Road as a result of this
24 construction?

25 MR. LAMOTHE: No. There will be a

1 reduction to both Grange Road and Norma Court as a
2 result of this project as well as off the site to
3 Teaneck Road. There will also be a reduction
4 because of the proposed drainage system that we're
5 proposing.

6 MS. BERGER: With regard to the -- do
7 you have anything further to add with regard to your
8 drainage system? I don't want you cut you off.

9 MR. LAMOTHE: That pretty much
10 summarizes it.

11 MS. BERGER: With regard to the
12 proposed parking lot, do you propose any lighting,
13 any additional lighting or new lighting in that
14 area?

15 MR. LAMOTHE: Yes, we're proposing
16 new light fixtures for the parking area, we're also
17 going to --

18 MS. BERGER: So before -- before --
19 right now, the driveway out to Grange Road, does
20 that have light fixtures on it?

21 MR. KELLY: Yeah. Just before we get
22 into lighting, Mr. Corak, did you have any questions
23 with regard to the drainage that maybe you want to
24 address at this point? Maybe I'm asking the wrong
25 Stonefield professional, my apologies.

1 MS. SAVITZ: Good evening. Afton
2 Savitz, civil engineer. I do have a couple of
3 questions. You just testified -- you spoke to the
4 points of interest or locations where the stormwater
5 is going at the property line. I believe that's in
6 the Lot 7 portion. Can you tell us how that
7 drainage area meets the requirements.

8 MR. LAMOTHE: Well, the Lot 7
9 portion, we included that to demonstrate how much
10 water was getting reduced towards that area. The
11 area of Lot 7, that goes back into the hospital
12 property and goes into our drainage system that goes
13 to the line that runs to the south. I can kind of
14 show you and walk you through that. So I'm going
15 back to A-2. So in the existing conditions the
16 water that runs through Norma Court, goes through
17 the yards and the residential neighborhood in Lot 7
18 and then from Lot 7, it comes down through a pipe
19 and comes back into our system.

20 So when we wanted to demonstrate, although
21 we recognized that it's still it's part of our
22 drainage system that runs down towards Teaneck Road,
23 we want to demonstrate that the impact -- there will
24 be no negative impact on the Lot 7, that water flows
25 through the Norma Court. We wanted to make sure

1 that it's clarified that that water gets reduced
2 going there, and that we just wanted to show that
3 there was no impact on Lot 7. Because that area
4 still drains down in the same line that we're tying
5 into, we consider it part of the other overall
6 drainage for our project. That was just like a
7 separate analysis I wanted to do to show that
8 there's no impact on Lot 7.

9 CHAIRMAN BODNER: You had previously
10 talked about kind of welling of water or something
11 like, you're going to change?

12 MS. BERGER: We heard some residents
13 before talk about possibly having some water. We
14 wanted to make sure that anything we did would
15 reduce, not increase water, and that's what he's
16 testifying to today.

17 CHAIRMAN BODNER: Thank you.
18 Anything else?

19 MS. SAVITZ: No. I think just for
20 the Board's reference, we'll work with the
21 applicant. In accordance with the ordinance and the
22 state requirements, the analysis for stormwater is
23 taken at the back of the property line, and the
24 disturbance where the water is going. So the Lot 7
25 calculations have been conducted. We'll work with

1 them related to what methods is being used and
2 separately as we seek to add system one and two,
3 they will be analyzed separately going forward just
4 to make sure that's in accordance with the
5 ordinance.

6 MS. BERGER: And we understand we
7 have to comply with the ordinance and your
8 requirements and DEP requirements as well.

9 MS. SAVITZ: And then I don't know if
10 it's relating to the neighboring comment or not, but
11 just elaborate a little bit more analysis of
12 groundwater in your green infiltration system and
13 the impact on the facility?

14 MR. LAMOTHE: So we did --

15 MS. BERGER: Maybe you can just
16 repeat the question so that everyone can hear you.

17 MR. LAMOTHE: As part of the soil
18 analysis and drainage analysis we had to do modeling
19 analysis to demonstrate that the infiltration
20 systems that we're proposing will function properly,
21 in other words the modeling analysis estimates, you
22 know, the impact of the groundwater that was present
23 in the soil tests. The question was the modeling
24 analysis that we showed that the infiltration system
25 that we're proposing will function properly without

1 impacting on the groundwater. So one of the
2 questions they had was on the second system which
3 was the childcare system, the smaller of the two
4 systems, modeling analysis showed that the bottom of
5 the system would not impact and that the placement
6 of the childcare was at the level where the existing
7 groundwater is so that because of the close
8 proximity to the building to the drainage system it
9 could be impacting the groundwater.

10 What we're proposing to do is fully
11 waterproof the foundation of the building, provide
12 sump pumps to make sure that any impact from
13 groundwater would be mitigated with that.

14 MS. SAVITZ: Thank you.

15 CHAIRMAN BODNER: How much more
16 testimony do you have?

17 MS. BERGER: Just a few more
18 questions.

19 CHAIRMAN BODNER: I was taking a
20 break, that's all. Finish his testimony, and we'll
21 take a break.

22 MS. BERGER: So we were just
23 beginning the lighting if that's okay. And with
24 regard to the lighting, I was asking the question is
25 there lighting today on the driveway that goes out

1 to Grange Road?

2 MR. LAMOTHE: There were five lights
3 that existing along Grange Road.

4 MS. BERGER: On that driveway?

5 MR. LAMOTHE: On the driveway on
6 Grange Road we have five existing lights that light
7 up the driveway. Two of those are going to be
8 moving. The lights that fall within the area of H1
9 zone are in a landscaped green area here. All of
10 those lights are going to be removed. We are
11 proposing to relocate three of those.

12 The purpose of installing them along the
13 loop road -- currently they have a light program
14 where they have decorative fixtures that, decorative
15 fixtures that they currently use in and around the
16 immediate area of the hospital. So they would like
17 to continue that lighting program along the back of
18 the hospital to the loop road, so they're going to
19 relocate three of the lights along Grange Road and
20 install them along where the loop road is. There
21 are also five of them existing in the area of the
22 ambulance drop off that are also going to remain.

23 They are proposing -- we are proposing
24 nine new LED fixtures that comply with the dark sky
25 requirements for the main parking lot area that

1 we're proposing. We will require a couple of
2 waivers from the Teaneck ordinance for the -- first
3 of all for the average illumination. Teaneck has a
4 requirement that allows for a maximum 0.5 footcandle
5 maximum requirement. It's really not a realistic
6 standard for current lighting standard. It's
7 substandard to what we provide, and it's contrary to
8 the IES light level recommendation.

9 So we're asking for waivers for that to
10 light this, you know, for safety and purposes of the
11 current design standards. So we're proposing here
12 one footcandles average where they're only allowing
13 half, and we need a waiver for that. We're also
14 going to comply with the dark sky requirement. We
15 proposed LED fixtures that we're adding, but for the
16 lights that we're going to relocating and the lights
17 we're locating on Grange Road we'll be relocating in
18 and around the loop road, we're requesting a waiver
19 for the dark sky requirements on that. Again, it's
20 really for the purpose of maintaining the lighting
21 program that currently exists in and around the
22 hospital. So we would like to have that waiver.

23 CHAIRMAN BODNER: So for your
24 testimony, the light will no effect in the back
25 areas and the houses with the waivers.

1 MR. LAMOTHE: Yeah. That was
2 actually my next statement would be that the area
3 that we're going to relocating was existing light
4 fixture in the area, again, in and around the
5 hospital. Where it's proposed, it doesn't impact on
6 the neighbors.

7 CHAIRMAN BODNER: Isn't that parking
8 lot close to their properties?

9 MR. LAMOTHE: Yes, the lights that
10 we're proposing in the main parking area are going
11 to be dimmable. The dimmable lights we are
12 proposing have a lot of functions. They have light
13 control and they have dimmable features where the
14 light could be brighter or not as bright. You can
15 actually adjust the light intensities.

16 MS. BERGER: We were suggesting
17 Mr. Chair, that there be, if the Board chooses to
18 approve it, that there would be some condition in
19 the resolution that after a certain amount of time
20 that they're in operation that we do a review by
21 your professionals to see if they should be dimmed
22 any more or any less. We have no problem with that.

23 CHAIRMAN BODNER: Is that okay with
24 you guys?

25 MR. MELFI: Yeah.

1 MR. LAMOTHE: We spoke with
2 Stonefield prior to today's meeting, and we made our
3 recommendation for probational six-month review of
4 the lights.

5 MR. KELLY: So you stipulate that
6 they're adjustable, and after six month we'll
7 undertake a review, and you'll comply with the
8 recommendations of the engineer?

9 MS. BERGER: Yes. And just to
10 clarify to be clear, the new lights are adjustable.
11 The lights that are being located, I think it's the
12 three fixtures if I'm not mistaken, I might have the
13 number wrong, Dan, it's three fixtures being
14 relocated?

15 MR. LAMOTHE: Yeah. We're relocating
16 the -- I think it's six fixtures. We're relocating
17 six existing lights total.

18 CHAIRMAN BODNER: Are those dimmable
19 as well or not?

20 MS. BERGER: Those are the existing
21 lights that we want to relocate in the area. I
22 don't believe those are dimmable.

23 CHAIRMAN BODNER: Those are the
24 closest to the building?

25 MR. LAMOTHE: Yeah. Those are really

1 just for the area in and around the hospital.

2 CHAIRMAN BODNER: Go ahead.

3 MS. TRAHAN: Could you speak to the
4 building-mounted lights?

5 MS. BERGER: The architect will be
6 able to speak about the building-mounted. There are
7 lights under the eave like when you walk in the door,
8 the porch of the building, and he'll be able to
9 speak about those.

10 MR. KELLY: Is he going to speak to
11 the overall lighting spillage? That's usually the
12 engineer.

13 MS. BERGER: There is no spillage
14 from it, so it will be easy for him to speak about
15 it.

16 MR. KELLY: The childcare building
17 will have no lights that will be for the purpose of
18 lighting the parking lot, it will be under canopy
19 lights, under the doorway?

20 CHAIRMAN BODNER: There will be no
21 light spillage in and around the childcare. I'm
22 assuming that's a building used in the evening,
23 correct?

24 MS. BERGER: It's daytime use. But
25 in the winter when they bring the children in the

1 morning --

2 CHAIRMAN BODNER: I know. It's a
3 little dark, but it's not late. It's not night. So
4 I'm assuming that you're going to have it set up
5 where the lights are dim at night?

6 MS. BERGER: Yeah, exactly.

7 MR. MELFI: Just to be clear, after
8 six months we will -- the engineer will go back and
9 do an on-site survey to clarify that the lighting is
10 what the lighting is.

11 CHAIRMAN BODNER: I'll back up on
12 that. You guys do a survey, you guys will get with
13 them. If they have a problem with it, then it's
14 going to come back to the Board if you guys
15 condition resolve it, then it comes to us.

16 MS. BERGER: Understood.

17 CHAIRMAN BODNER: Nothing is
18 understood. It's on the record.

19 MR. MELFI: I just want to make sure
20 we're all saying that there's additional escrow that
21 we're going to have to put aside because what we
22 talk about now and what we talk about six months
23 from now --

24 MS. BERGER: We appreciate you
25 clarifying it.

1 MS. SAVITZ: And any proposed
2 lighting on the building itself, it will be reviewed
3 to make sure that the property line --

4 MS. BERGER: Yes, yes.

5 MS. TRAHAN: Just to confirm, the
6 lighting, the wall-mounted lighting is also dark sky
7 lighting? The lights on the building?

8 MS. BERGER: There is no mounted
9 lighting. Only entrance door lighting, you know,
10 under the canopy, so it's not wall-mounted. It's
11 down lit.

12 CHAIRMAN BODNER: The architect will
13 talk about it?

14 MS. BERGER: The architect will talk
15 about it, but it's lighting to light if you're going
16 to the entrance door or exit doors.

17 CHAIRMAN BODNER: There is a walkway
18 close to the building? That's a walkway I'm
19 assuming?

20 MS. BERGER: No, no.

21 CHAIRMAN BODNER: It's not?

22 MS. BERGER: Clearly as you know it's
23 open during the daytime hours. We don't expect
24 children in the childcare center at other hours so
25 it's not a lit walkway. There's lights on the

1 driveway but the walkway itself --

2 CHAIRMAN BODNER: There's four sides
3 of the building. There's only going to be lighting
4 on the one side?

5 MR. LAMOTHE: So the walkways around
6 the building there will be lights to light the
7 walkway on the east side of the building, and along
8 the south has all of the parking lot lights.

9 CHAIRMAN BODNER: On the northern and
10 western side, all of the lights on the walkway that
11 are for the emergency egress out to the Chadwick?

12 MR. LAMOTHE: It's not.

13 CHAIRMAN BODNER: There's not?

14 MS. BERGER: I will have the
15 architect address it to make sure it's on the record
16 and it's clear.

17 MR. MELFI: I'm sorry so the walkway
18 going up to Chadwick will not be lit?

19 MR. LAMOTHE: No. There's no
20 proposed lighting on the walkway.

21 MR. MELFI: Okay. But if there's --
22 there should be something there because if there is
23 a problem with daylight saving time going back and
24 forth, I mean if it's grounded lighting just to
25 light the walkway, no?

1 MS. BERGER: So why don't we review
2 that when we take a break. I know we're going to
3 take a break, and we'll talk about whether we should
4 add one. Thank you for the recommendation. Did you
5 want to take a break now?

6 CHAIRMAN BODNER: Finish.

7 MS. TRAHAN: I -- the only reason I
8 asked for the dark sky is because building lighting
9 is also required to be dark sky compliant, and so I
10 just wanted to know for the purposes of the waiver
11 if that was necessary.

12 MS. BERGER: We'll have the architect
13 address it. And I think there was another question?

14 CHAIRMAN BODNER: She was
15 comfortable. Finish up his testimony.

16 MR. LAMOTHE: So we were also
17 proposing an six-foot solid fence around the
18 perimeter of the project area. That fence will have
19 two gates that will be located one at the Norma
20 Court side and one at the access behind the church.
21 The fence right now is proposed to be a six-foot
22 wood board-on-board fence, but we were looking at
23 making that six-foot one a solid vinyl fence to
24 match with the existing fence.

25 MS. BERGER: So it's not proposed to

1 be wood fence. We're now changing it to make it a
2 vinyl fence because you have vinyl fence in the area
3 already.

4 MR. LAMOTHE: So currently on the
5 plans, we have a six-foot solid board-on-board wood
6 fence, but we'd like to change it to be more uniform
7 with the existing fencing that's already helping
8 buffer the neighbors on the left side, to make it a
9 six-foot solid vinyl fence to match that fence.
10 It's going to be a white fence. The other thing we
11 were looking to do --

12 CHAIRMAN BODNER: But then six-foot
13 from the current around the parking lot and then it
14 drops to five foot?

15 MR. LAMOTHE: The only five foot is
16 what encloses the playground.

17 CHAIRMAN BODNER: The playground.

18 MS. BERGER: Just point out on the
19 plan the six-foot fence that you're talking about
20 where it begins and where it ends.

21 MR. LAMOTHE: So the six-foot fence
22 is going to start at the corner of what is the
23 five-foot fence for the playground area and
24 encompass the whole parking lot area and tie into an
25 existing fence that at the southwest side of the

1 site. It's already screening the parking lot to the
2 south. So we would like to match that white vinyl
3 fence and carry it all around to tie it to the --
4 again, we're tying it to the fence.

5 CHAIRMAN BODNER: And the five foot
6 around the playground area is shorter?

7 MS. BERGER: This is the same type of
8 fence. Yes, it would be. Yes. So your answer was
9 the five-foot fence is same type of material and the
10 six-foot fence. It's just a difference of foot
11 area.

12 MR. LAMOTHE: It would be just one is
13 five foot and one is six. The other thing I'm
14 bringing back up A-2. The other thing that I want
15 to just go over real quick, there's been some
16 discussions, there is a one-story building on the
17 Vandelinda side of the campus. Currently there is a
18 screened fence that's along the westerly property
19 line. What we would like to do, it's not shown on
20 the plans yet, but it's discussions that we've had
21 to help screen the operations of this building, to
22 extend that solid six-foot solid vinyl fence that
23 we're proposing around the perimeter. Extend it
24 back to help screen the operations in and around
25 that building.

1 We will need some relief from the
2 requirements because that fence is going to be a
3 six-foot fence in the front yard, and it's also
4 going to be a solid fence. It's not going to be an
5 open fence. We're requesting relief to construct
6 that fence. Again, it's in response to help to
7 buffer and visually provide a visible screening on
8 that behind is --

9 CHAIRMAN BODNER: I'm glad you
10 brought that up. You're creating visual screening
11 for what basically is a junkyard, right? It's a
12 bunch of garbage behind that building. So that is
13 going to be screened, cleaned out and storage is
14 going to clean that up and get it out of there? So
15 where you're proposing the fence behind that?

16 MR. LAMOTHE: We're going to clean
17 that up, it will also just help screen any
18 operations in that area.

19 CHAIRMAN BODNER: I don't think it's
20 going to be a problem.

21 MS. BERGER: One more thing if I
22 could bring you back to the previous plan if I may.
23 I lost my count here. A-3. With regard to the
24 sidewalk on Chadwick Road in yellow, could you --
25 Chadwick Road, there is a sidewalk around Chadwick

1 Road, does that connect to the balance of the
2 hospital campus?

3 MR. LAMOTHE: There is no connection
4 to the hospital sidewalk.

5 MS. BERGER: So that sidewalk is just
6 what's required by the ordinance to have a sidewalk
7 around any street; is that correct? And then the
8 walkway that you have from the proposed childcare
9 center along the driveway -- driveway, the lower
10 driveway aisle?

11 MR. LAMOTHE: Yeah.

12 MS. BERGER: And that's required by
13 the ordinance as well?

14 MR. LAMOTHE: Yes. That's the
15 sidewalk that's adjacent to Grange Road.

16 MS. BERGER: And the ordinance
17 requires that to have those sidewalks adjacent to
18 the road; is that correct?

19 MR. LAMOTHE: Yes.

20 MS. BERGER: And that's why it's
21 shown there. I have no further questions at this
22 time.

23 CHAIRMAN BODNER: All right. It's
24 10:07. We'll come back at 10:15, 10:20 the latest
25 okay?

1 (At this point in the proceeding, a
2 brief recess is taken.)

3 CHAIRMAN BODNER: Okay. Mr. Simon.

4 MS. BERGER: Before Mr. Simon starts,
5 I just want to clarify one thing.

6 CHAIRMAN BODNER: Yes, you can if you
7 get a microphone and talk in the microphone.

8 MS. BERGER: Okay. With regard to
9 the last bit of testimony with regard to adding a
10 fence, I'm going to A-2. On A-2, there's been some
11 discussions from the residents that asked could you
12 possibly add a fence, am I correct?

13 MR. LAMOTHE: Yes.

14 MS. BERGER: And that's not part of
15 the application that was submitted, correct?

16 MR. LAMOTHE: Correct.

17 MS. BERGER: And the fence I'm
18 referring to which was around the one story building
19 right here on the corner on Vandelinda -- I'm sorry
20 Alvin? Albin. And that fence if the Board would
21 want us to put it in, you would be putting the same
22 kind of -- six-foot high, board-on-board fence; is
23 that correct?

24 MR. LAMOTHE: Yes.

25 MR. KELLY: Didn't you say it's going

1 to be vinyl?

2 MS. BERGER: Yes, vinyl. But it also
3 looks look a board. It's a solid, solid. If the
4 Board would want us and the residents would want us
5 to put it in, that would require a variance to be
6 clear.

7 MR. LAMOTHE: Yes.

8 MS. BERGER: And the variance is
9 because it's in the front yarded setback?

10 MR. LAMOTHE: The height of the fence
11 in front is setback but inside the 15 percent.

12 MS. BERGER: So if the Board chooses
13 we would be happy to put that in; is that correct?

14 MR. LAMOTHE: Correct.

15 CHAIRMAN BODNER: How long is that
16 fence on the street?

17 MR. LAMOTHE: Approximately 80 feet
18 long.

19 MS. BERGER: Could you show us on the
20 plan where that would start?

21 MR. LAMOTHE: We'll start at the
22 existing and come across to in front of the one
23 story building.

24 CHAIRMAN BODNER: And is that from
25 the corner of the property to the street entrance

1 towards the fence on Albin Street?

2 MS. BERGER: We'll prepare an
3 exhibit, and I'll bring it to the next hearing to
4 show it. I think that would clarify it.

5 MR. MELFI: Just update the zoning
6 table to reflect the deviations.

7 CHAIRMAN BODNER: Mr. Simon, it's
8 your floor.

9 MR. SIMON: Good evening, Dan. Let
10 me start -- I might be jumping around a little bit.
11 Let me start with some clarifications questions. So
12 I'm looking at A-2, and I'm seeing on the eastern
13 side of the exhibit a bunch of -- a couple of
14 single-family homes, a church. On the -- I guess
15 it's the eastern side, you have the former Chadwick
16 Road. Do you see that, what I'm referring to?

17 MR. LAMOTHE: Yes.

18 MR. SIMON: And that is labeled on
19 A-2 existing conditions plan, correct?

20 MR. LAMOTHE: Yes.

21 MR. SIMON: Do those structures
22 currently exist?

23 MR. LAMOTHE: No.

24 MR. SIMON: So they were -- is it
25 fair to say that they are erroneously included in

1 the existing conditions plan?

2 MR. LAMOTHE: We represent it was
3 prior to the parking lot.

4 MR. SIMON: Prior to what?

5 MR. LAMOTHE: Prior to the existing
6 gravel lot.

7 MR. SIMON: So the gravel is --
8 that's not included in this application, correct?

9 MR. LAMOTHE: Correct.

10 MR. SIMON: So just so the record is
11 clear, on A-2, the structures that are, like I said
12 on the other side of Chadwick Road, Lot 2, Lot 4,
13 Lot 5, those structures presently do not exist,
14 correct?

15 MR. LAMOTHE: Correct.

16 MR. SIMON: And the gravel or the
17 impervious coverage that currently covers those lots
18 as well as Lot 6, is it your testimony that all of
19 that is included in your impervious coverage
20 calculation as it currently exists?

21 MR. LAMOTHE: The proposed coverage
22 shows what it represents, what is current coverage.
23 That exhibit is A-4. This shows proposed impervious
24 coverage.

25 MR. SIMON: When you say the proposed

1 impervious coverage, I see impervious coverage on
2 Lot 2, on Lot 3, and Lot 6, as well as other lots
3 that are not labeled. That's all existing gravel,
4 correct?

5 MR. LAMOTHE: Yes. This exhibit
6 represents the coverage that exists today.

7 MR. SIMON: As well as the coverage
8 that exists for the balance of the hospital campus,
9 correct?

10 MR. LAMOTHE: Well, the proposed
11 conditions.

12 MR. SIMON: The proposed conditions.
13 And it also includes the impervious surface for the
14 ground area now, correct?

15 MR. LAMOTHE: Yes.

16 MR. SIMON: And that still is it
17 68 percent before, and it's still 68 percent?

18 MR. LAMOTHE: Yes. The impervious
19 play surface is about 400 square feet, and that
20 doesn't affect the percentage.

21 MR. SIMON: So is there any
22 additional impervious coverage that's being proposed
23 other than what we're seeing here on A-4?

24 MR. LAMOTHE: Yes. This represents
25 all of the proposed after the phase one.

1 MR. SIMON: Does this include phase
2 two?

3 MR. LAMOTHE: It includes the gravel
4 lot.

5 MR. SIMON: It's the other
6 application, the other companion application;
7 correct?

8 MR. LAMOTHE: Correct.

9 MR. SIMON: And with regard to the
10 relief that the applicant is seeking, my
11 recollection is that I heard you needed relief from
12 the design standard and the RSIS regarding the
13 cul-de-sac radius, correct?

14 MR. LAMOTHE: Yes.

15 MR. SIMON: And you needed some
16 lighting waivers as well?

17 MR. LAMOTHE: Yes.

18 MR. SIMON: Right. And with regard
19 to -- do you need any other relief?

20 MS. BERGER: Could you use the mic?

21 MR. LAMOTHE: Only what we just
22 discussed, the fencing.

23 MR. SIMON: You were talking about
24 the intersection of Albin and Vandelinda. And as
25 part of your preparation of these plans, you put

1 together a zoning table on I guess Sheet 2 of 11,
2 correct?

3 MR. LAMOTHE: Yes.

4 MR. SIMON: And you reviewed the
5 ordinance that's applicable to this application,
6 correct?

7 MR. LAMOTHE: Yes.

8 MR. SIMON: And in that -- let me ask
9 you with regard to Lot 7 and Lot 8, that are on the
10 other side of the Chadwick Road, those two
11 properties are going to continue to be residential,
12 correct? Residential structures on them?

13 MR. LAMOTHE: Yes.

14 MR. SIMON: Okay. And those two
15 properties no longer have access to Chadwick Road as
16 a public right-of-way, correct?

17 MR. LAMOTHE: Correct. They'll have
18 the access from the loop road.

19 MR. SIMON: The loop road they're
20 going to have access. It's a private driveway in
21 essence at this point, correct?

22 MR. LAMOTHE: Correct.

23 MR. SIMON: So don't those two houses
24 don't have need to obtain a planning variance from
25 this Board because they don't abut a public road by

1 virtue of your application?

2 MR. LAMOTHE: I would have to defer
3 to the attorney on that.

4 MR. SIMON: Okay. But when you put
5 together your zoning table, you did not take that
6 into consideration, correct?

7 MR. LAMOTHE: No.

8 MR. SIMON: And with regard to --
9 let's go to the larger version of Sheet 2 of 11. So
10 I'm referring Mr. Chairman, if you want me to mark
11 this, it's Sheet 2 of 11, enlarged. It's up to the
12 board.

13 MR. KELLY: It's fine.

14 MR. SIMON: Okay. So the larger
15 version of Sheet 2 of 11, you show on H1 various
16 setbacks, correct. You showed a 60-foot side
17 setback, that encompasses Lots 8, 9 and 11, correct?

18 MR. LAMOTHE: Correct.

19 MR. SIMON: You showed a 60-foot
20 setback to Grange Road that is in the area of the
21 former driveway?

22 MR. LAMOTHE: Correct.

23 MR. SIMON: And you show a 60-foot --
24 a 60-foot setback, side-yard setback adjacent to the
25 church on Lot 1, correct?

1 MR. LAMOTHE: Yes.

2 MR. SIMON: Let's start with the side
3 yard setback adjacent to Lot 7. So as a result of
4 this application, the applicant is proposing to
5 consolidate approximately ten lots into one,
6 correct? Approximately?

7 MR. LAMOTHE: Approximately.

8 MR. SIMON: As a result of that, the
9 entire Lot 1.01 exceeds 25 acres as required by
10 ordinance, correct?

11 MR. LAMOTHE: Yes.

12 MR. SIMON: And Lot 1.01 is going to
13 encompass numerous principle uses, buildings, and
14 structures, correct?

15 MR. LAMOTHE: Correct.

16 MR. SIMON: And with regard to the
17 buildings that are on Lots 8, 9 and 11 adjacent to
18 Lot 7, as a result of your lot consolidation, those
19 three dwellings are currently located all entirely
20 within the required 60-foot setback that was
21 promulgated by Ordinance 22-2022 correct, as per
22 your zoning table?

23 MR. LAMOTHE: I think that was a lot
24 consolidation. What's that?

25 MR. SIMON: Please don't talk to him.

1 MR. LAMOTHE: I'm sorry.

2 MR. SIMON: I'll go through it
3 slowly. So side yard H1 requires 60 feet, right?
4 And you provided 120. So you agree that the side
5 yarded setback is 60 feet, correct?

6 MR. LAMOTHE: Right.

7 MR. SIMON: So Lots 8, 9 and 11, the
8 structures that are currently located in those lots
9 next to Lot 7, are entirely located within that
10 60-foot setback, correct?

11 MR. LAMOTHE: Yes.

12 MR. SIMON: And -- are you aware of
13 whether as part of your chart on Sheet 2 of 11, is
14 there any variance relief that is being requested in
15 connection with those encroachments? You reviewed
16 the ordinance. Do you believe a variance is
17 necessary? Look at me. It's yes or no? Or you
18 don't know?

19 MR. LAMOTHE: I don't know.

20 MR. SIMON: Okay. And with regard to
21 the right side setback in H1, there is a
22 one-and-a-half-story dwelling adjacent to the Lot 1
23 church structure that similarly is encroaching
24 within the 60-foot setback, correct?

25 MR. LAMOTHE: Correct.

1 MR. SIMON: Does your chart, zoning
2 chart, identify that encroachment as requiring
3 setback relief?

4 MR. LAMOTHE: No, it doesn't.

5 MR. SIMON: Okay. And with regard to
6 the two-story dwelling in the frontage adjacent to
7 Grange Road that appears to be next to Lots 8 and 9.
8 I don't see a lot number for that. That's appears
9 to encroach into the front yard setback on Grange
10 Road, does it not?

11 MR. LAMOTHE: Yes.

12 MR. SIMON: Is there any variance
13 relief requested in connection with that
14 encroachment?

15 MR. LAMOTHE: No.

16 MR. SIMON: And with regard to the
17 one-and-a-half-story dwelling that I just identified
18 that encroaches halfway through next to Lot 1, that
19 structure appears to encroach over the H1 line into
20 the H2 line in the corner, correct?

21 MR. LAMOTHE: Slightly.

22 MR. SIMON: So if I asked how far is
23 that one-and-a-half-story dwelling in H1 from H2,
24 the answer is zero because it actually encroaches
25 over, correct?

1 CHAIRMAN BODNER: Excuse me. I want
2 to ask. You think that the notice requires it?
3 It's a simple thing because I don't understand the
4 point you're trying to make here.

5 MR. SIMON: I'm cross examining the
6 witness to ascertain whether variances that we
7 believe should have been called out were not call
8 out. That's what I'm trying to get to.

9 CHAIRMAN BODNER: So the point I'm
10 trying to make to you is just as you determined that
11 they're not, they can add it to the list. I mean
12 I'm not spending an hour going through all of this
13 direct. You think it's an issue. You brought it
14 up. Let's move on.

15 MR. SIMON: I think all of these are
16 needed, absolutely.

17 MS. BERGER: With regard to --

18 CHAIRMAN BODNER: Excuse me. Do you
19 have any comment with regard to that?

20 MS. BERGER: All I would say the
21 chart noted all of the variances that this expert
22 believes were required for this application and --

23 CHAIRMAN BODNER: Tell me in English.
24 What expert are you talking about?

25 MS. BERGER: On the report from your

1 zoning officer and experts, of all of the variances
2 that may be required. If they determine there are
3 existing other variances that are required or notice
4 provided, then any and all other variances that may
5 be determined by the Board and its expert as being
6 required as part of the application, we requested
7 that, and everyone's review so far, no one has
8 determined.

9 CHAIRMAN BODNER: You're an attorney,
10 and you sent the notice?

11 MS. BERGER: If it's required, we'll
12 request it.

13 MR. KELLY: He's saying it's
14 required.

15 CHAIRMAN BODNER: Your witness is
16 saying it's required?

17 MS. BERGER: My expert says that
18 based upon his review so far, it has not been
19 determined it was required.

20 MR. KELLY: Has he not determined or
21 it's not required? It's a big difference. You have
22 to rely on your experts to flag variances which I
23 think is the point Mr. Simon is trying to make.
24 Regardless of Mr. Simon's argument, I think the
25 point has been made so.

1 MS. BERGER: If you want, we can
2 revise the zoning table. He has not considered it.
3 If you want to zoning table revised, the expert can
4 do that for the next hearing.

5 CHAIRMAN BODNER: Mr. Simon, are you
6 okay with that?

7 MR. SIMON: It's their application.

8 CHAIRMAN BODNER: I'm trying to point
9 stuff out that's all. You brought it up. Let's
10 move on so. You just want to give a hard time.

11 MR. SIMON: I'm doing my job. I'm
12 trying to identify that.

13 CHAIRMAN BODNER: You won't give me a
14 straight answer.

15 MR. SIMON: This applicant should
16 identify all the variances, exceptions and waiver
17 relief that they actually need.

18 CHAIRMAN BODNER: They messed up.
19 It's not because they chose not to do it. They may
20 have made a mistake, and you want to point that out,
21 point that out.

22 MR. SIMON: I got it. Okay. With
23 regard to, Dan, you just made a comment that, Oh, it
24 may be preexisting nonconforming use. What does
25 that mean?

1 MR. LAMOTHE: Well, we're not
2 proposing those structures that exist today.

3 MR. SIMON: So you're saying -- have
4 you done any investigation whatsoever to ascertain
5 whether the setbacks that were formerly there prior
6 to an amendment of the ordinance, rendered them
7 preexisting, nonconforming uses?

8 MS. BERGER: I'm going to object to
9 the question. It doesn't make sense. The setbacks
10 were already there, so you're asking him if they
11 were or weren't. He already said they were there.

12 MR. SIMON: To establish the legally
13 valid preexisting nonconforming uses, the witness
14 needs to establish, the applicant needs to establish
15 that the use or structure existed at a time when it
16 was permitted under the ordinance.

17 Dan, have you done any investigation to
18 determine one way or another whether these
19 structures that I pointed out are legally existing
20 in terms of --

21 MR. LAMOTHE: I have not analyzed the
22 zoning of those structures.

23 MR. SIMON: And with regard to --
24 let's go to the cul-de-sac, if you can put that
25 exhibit up there.

1 Wait. Wait. Wait. Excuse me a second.
2 Ms. Berger, it's cross examination and you shouldn't
3 be speaking to your witness during cross
4 examination.

5 With regard to the cul-de-sac cull bulb,
6 for which you require RSIS de minimis exception
7 relief as well a waiver of the design standards of
8 the ordinance you acknowledged, correct?

9 MR. LAMOTHE: Correct.

10 MR. SIMON: And I think you may have
11 misspoke or I made a mistake and I'm not reading
12 this correctly. With regard to the vacating the
13 Chadwick Road, and the bulb that you're proposing,
14 it includes an area on the hospital property that is
15 being used as part of that bulb, correct?

16 MR. LAMOTHE: The bulb, yes. It's
17 called a vacation.

18 MR. SIMON: To have a vacation it's a
19 municipal road that the municipality determines that
20 they no longer need the road, and therefore it's a
21 vacation, correct?

22 MR. LAMOTHE: Yes.

23 MR. SIMON: So -- but in addition to
24 the vacation of the bottom part of Chadwick, as part
25 of the cul-de-sac design, the hospital has dedicated

1 the portion of their property, their real property
2 to that cul-de-sac, Lots 2 or 3 contributed to that,
3 correct?

4 MR. LAMOTHE: Right.

5 MR. SIMON: So is there any reason
6 since you are proposing new construction, especially
7 because your proposing new construction, why you
8 cannot increase the size cul-de-sac bulb or dedicate
9 additional hospital lands to maybe the cul-de-sac
10 bulb conforming with the residential site
11 improvement standards and with the design standards
12 set forth in the ordinance?

13 MR. LAMOTHE: We utilized the
14 cul-de-sac approval from the Mayor and Council
15 ordinance that was created.

16 MR. SIMON: I didn't ask you that
17 question, sir. I asked you is there anything that
18 prevents from utilizing additional hospital lands so
19 that they fully conform with the RSIS and design
20 standards set forth in the ordinance for cul-de-sac
21 bulbs radius?

22 MS. BERGER: I object to the
23 question. The witness has answered the question
24 already. I understand that Mr. Simon may not like
25 the answer, but the question has been asked and

1 answered.

2 MR. KELLY: He can answer that it's
3 complying with the ordinance.

4 MR. SIMON: But the ordinance has
5 nothing to do with lands on the hospital property.
6 It cannot. Whether the -- it's an ordinance for the
7 zone. The sets forth the zoning. It doesn't
8 specifically say what the design is for the street
9 or the cul-de-sac. All the ordinance says is that
10 it's vacated, and they're going to create a
11 cul-de-sac bulb, but I'm asking him as part of the
12 proofs under Section 51B of the municipal land use
13 law and under the RSIS standards, the applicant has
14 the burden of proof to -- to get a design waiver or
15 de minimis exception as the case maybe.

16 Their proof includes the fact that they
17 need to demonstrate and I'll quote it so nobody can
18 accuse me misstating it, 51B, it grants such
19 exceptions from site plan approval that is basically
20 the same standard for RSIS. It maybe -- as maybe
21 reasonable and within the general purpose of the
22 provision of site plan review an approval if the
23 literal enforcement of one or more provisions of the
24 ordinance is impracticable or will exact undue
25 hardship because of a peculiar condition pertaining

1 to the land in question. I'm asking this witness is
2 it impracticable under the municipal land use law to
3 increase the size of the cul-de-sac bulb on the
4 hospital property?

5 MS. BERGER: I'm going to object.

6 MR. KELLY: It's a different
7 question. The witness can answer.

8 MR. SIMON: What's your objection?
9 Are you objecting to asked and answered?

10 MS. BERGER: I'm going to object
11 because Mr. Simon made a statement as to the
12 interpretation of the ordinance. He had asked this
13 witness a question. This witness has answered the
14 question, that it's designed in accordance with the
15 ordinance. The ordinance attaches a map which shows
16 the cul-de-sac bulb in the ordinance.

17 CHAIRMAN BODNER: Let him finish.

18 MR. KELLY: He asked a specific
19 question reading a statute. And he's asking can you
20 comply with it? It's either he can or he can't or
21 it's impracticable issues. I understand your
22 argument that it may carry the day because the
23 ordinance may either be -- I guess it could be a
24 contradiction of the statute or not. But it does
25 allow for a waiver of it. Let him make his point

1 and answer the question.

2 MR. SIMON: Again, is there any -- is
3 there any reason that literal enforcement of
4 requirements of the design standards of the
5 ordinance are impracticable? In other words can
6 you -- you can comply, correct?

7 MR. LAMOTHE: We've utilized the
8 cul-de-sac geometry that was approved by the Mayor
9 and Council in that ordinance.

10 MR. SIMON: So do you think that
11 because you're utilizing the words in the
12 ordinance -- strike that.

13 Do you believe that because you're
14 utilizing the design in the ordinance that includes
15 the hospital property, that this Board is obligated
16 to grant you approval for the relief you're seeking
17 and not the municipal land use law and residential
18 site improvement standards?

19 MS. BERGER: I'm going to object.
20 That's a legal conclusion. He's not a lawyer. He's
21 an engineering witness.

22 MR. SIMON: It's perfectly
23 appropriate to probe a witness to ask about
24 whether -- in fact, just so the record is clear,
25 under the resident site improvement standards,

1 that's N.J.A.C. 5:21-3.1 under Exceptions, it's the
2 same standard. If the literal enforcement of one or
3 more provisions of the standards is impracticable or
4 will exact undue hardship because of peculiar
5 conditions pertaining to the development in
6 question. Same standard. I'm asking him as an
7 engineer whether increasing the cul-de-sac bulb to
8 comply with the ordinance and RSIS is impracticable,
9 yes or no?

10 MR. LAMOTHE: Yes, because what we
11 propose is in conformance with the ordinance.

12 MR. SIMON: You can -- you could
13 redesign your site so to increase the size. You can
14 move the daycare center somewhere else, correct?
15 You could?

16 MR. LAMOTHE: You could redesign.

17 MR. SIMON: And is there any peculiar
18 condition pertaining to the development in question
19 that precludes you from complying with the
20 cul-de-sac bulb standards that I've identified?

21 MR. LAMOTHE: Again, it has been
22 designed in accordance with the ordinance that
23 contemplated the development of the entire lot
24 campus redevelopment.

25 MR. SIMON: Did the ordinance say

1 anything about seeking de minimis exception from the
2 Planning Board and the RSIS standards or from
3 seeking a design waiver from the Planning Board from
4 the ordinance standards?

5 MR. LAMOTHE: I don't recall.

6 MR. SIMON: With regard to the
7 parking area, it's up here in H2, is there -- are
8 you aware of any breakdown between whether it's
9 physicians, employees, visitors, parents, do you
10 know who is doing an evaluation of what the expected
11 breakdown is to determine how long those people are
12 going remain in those spaces?

13 MR. LAMOTHE: It's going to be for
14 the doctors and patients of the hospital.

15 MR. SIMON: So a doctor may stay
16 longer than a patient, correct, depending on --

17 MS. BERGER: Mr. Simon, this is the
18 not correct witness for those questions. I suggest
19 you save those questions for the traffic expert.

20 MR. SIMON: That's more than fair.
21 So I know that Ms. Berger identified Section 66.6 of
22 the municipal land use law that talks about the fact
23 that floor area is excluded in calculating parking
24 requirements as to floor space, you're aware of
25 that, correct?

1 MR. LAMOTHE: Say that again.

2 MR. SIMON: That under the municipal
3 land use law, floor area is excluded, floor area of
4 a daycare center is excluded in calculations for
5 parking requirements as to floor space, correct?

6 MR. LAMOTHE: Correct.

7 MR. SIMON: Is there any -- are any
8 of the employees that are going to be walking to the
9 childcare center in terms of park requirement?

10 MS. BERGER: Again, I would suggest
11 you speak to the traffic expert, and he'll be able
12 to address those issues for you.

13 MR. SIMON: Sure. Thank you. The
14 prior childcare area, I thought I heard last time,
15 and I didn't know you were going to do a redo here,
16 is the prior childcare area currently in operation,
17 if you know?

18 MR. LAMOTHE: I believe so.

19 MR. SIMON: And does it comprise
20 approximately 16,000 square feet?

21 MR. KELLY: Mr. Simon, do you have a
22 proffer as to relevance, if any?

23 MR. SIMON: I want to know whether
24 the former one is 8,000 square feet, now 16,000
25 square feet. It's in terms of the intensity of use.

1 If the intensity of use on the site is increasing,
2 it's a fair questions for a site plan application.

3 MR. KELLY: It's permitted
4 regardless.

5 MR. SIMON: Just because it's
6 permitted, the site plan talks about traffic
7 circulation ingress, egress. I want to know what
8 intensity of use does it have compared to the
9 existing facility. If the witness doesn't know, he
10 doesn't know.

11 MS. BERGER: Just for the record, it
12 is very similar in size.

13 MR. KELLY: With all due respect,
14 you're not a witness.

15 MS. BERGER: Since we're not hearing
16 as to the operation of the facility.

17 MR. KELLY: He's asking about
18 intensification.

19 MR. SIMON: In defense of Wendy, is
20 there going to be an operations witness because if
21 there is --

22 MS. BERGER: No. There is no need
23 for an operations witness. He can ask questions. I
24 don't know if this witness can answer those
25 questions.

1 MR. SIMON: Are you familiar at all
2 with the current daycare operations at the hospital
3 site?

4 MR. LAMOTHE: No.

5 MR. SIMON: You don't know how many
6 square feet are comprised of that use, correct?

7 MR. LAMOTHE: No.

8 MR. SIMON: You do not know in what
9 location or where that use is, correct?

10 MR. LAMOTHE: The use is currently in
11 the hospital on the south side. I'm not familiar
12 with the operations.

13 MR. SIMON: Do you know anything
14 about the dropoff or pickup associated with that
15 operation, currently?

16 MR. LAMOTHE: Currently, no.

17 MR. SIMON: And you've done no
18 investigation as to dropoff and pickup proposed,
19 correct, for the daycare operation?

20 MR. LAMOTHE: Well, I testified that
21 the operation was for the employees of the hospital,
22 and they're going to utilize the daycare.

23 MR. SIMON: With regard to the
24 sidewalks, the one from the playground area, and the
25 other from the childcare center to Chadwick, are

1 those two sidewalks required by ordinance or code?

2 MR. LAMOTHE: Yes, I believe they
3 are.

4 MR. SIMON: What do they say about
5 sidewalks from those locations to Chadwick in terms
6 of emergency egress?

7 MR. LAMOTHE: It actually says a
8 sidewalk. The architect can get more into egress
9 and all of that.

10 MR. SIMON: You know for a fact that
11 the requirement for sidewalks for those locations to
12 Chadwick?

13 MR. LAMOTHE: The architect will know
14 that.

15 MR. SIMON: With regard to -- are you
16 familiar with the regulations regarding childcare
17 center at all?

18 MR. LAMOTHE: No.

19 MR. SIMON: I'll wait for the
20 architect. Traffic person on that. Oh. Oh. With
21 regard to the lighting waivers that you're seeking,
22 same question I asked before regarding the
23 cul-de-sac because it's the same standard, is there
24 anything about the particular conditions of the
25 property that precludes you from complying with the

1 ordinance? The ordinance for the lighting regarding
2 the footcandles. You can't comply with standard
3 lighting design that functions properly, you could
4 not comply with that design. So you're saying that
5 the ordinance standards is inappropriate?

6 MR. LAMOTHE: Yes.

7 MR. SIMON: And do you know how long
8 that ordinance standard has been on the books as
9 they say?

10 MR. LAMOTHE: I do not know.

11 MR. SIMON: And do you know whether
12 other applications have complied with that ordinance
13 standards?

14 MR. LAMOTHE: I do not know.

15 MR. SIMON: With regard to the access
16 to and from Chadwick Road, is there any reason why
17 you cannot put a fence surrounding the cul-de-sac
18 bulb with a gate for emergency access like you're
19 doing for the fire truck?

20 MS. BERGER: Mr. Simon. Can you just
21 restart that question. I don't know where you're
22 starting from and to.

23 MR. SIMON: That's fair. I'll
24 rephrase the question. For pedestrian access to and
25 from Chadwick Road to the childcare center, what is

1 the reason why you can't put a fence surrounding
2 that cul-de-sac bulb site to prevent folks from
3 making those pedestrian movements at dropoff and
4 pickup?

5 MR. LAMOTHE: I don't think it's
6 appropriate.

7 MR. SIMON: Why not?

8 MR. LAMOTHE: Well, we don't see a
9 need for the fence. We don't anticipate pedestrians
10 walking through. There's no walkway. We don't
11 foresee having a high traffic volume of pedestrians
12 walking from Chadwick Road to the hospital areas.

13 MR. SIMON: Did you say there's no
14 walkway?

15 MR. LAMOTHE: There's two sidewalks
16 that lead from the cul-de-sac to the childcare but
17 again those are for emergency exit only, okay?

18 MR. SIMON: But is there anything
19 that's going to serve as a barrier to preclude
20 somebody from walking to and from Chadwick Road from
21 those areas, the two sidewalk areas?

22 MR. LAMOTHE: From Chadwick to the
23 play area, you can walk there.

24 MR. SIMON: They can walk there,
25 right?

1 MR. LAMOTHE: There is nothing to
2 prevent them from doing that, yes.

3 MR. SIMON: And you're also now
4 you're installing per the ordinance you're also
5 installing a sidewalk around the cul-de-sac,
6 correct?

7 MR. LAMOTHE: Yes.

8 MR. SIMON: And what is going to
9 preclude someone from dropping off a child or
10 picking up a child utilizing the Chadwick cul-de-sac
11 bulb?

12 MR. LAMOTHE: There is no reason for
13 a child to be dropped off on Chadwick. They're
14 employees of the hospital. They're going to park in
15 the parking lot of the hospital. There is no reason
16 for an employee to have to park on Chadwick Road.

17 MR. SIMON: And you're not familiar
18 with the current operation of the childcare, you
19 don't know whether a caregiver, nanny or parent
20 maybe dropping off a child as the other partner is
21 working who will pick them up at the end of the day
22 or vice versa, correct? You don't know that,
23 correct?

24 MR. LAMOTHE: My understanding is
25 it's for the employees of the hospital.

1 MR. KELLY: Can you answer the
2 question though?

3 MR. LAMOTHE: No, I'm not familiar
4 with the --

5 MR. KELLY: Say you don't know if you
6 don't know. Unless you know.

7 MR. LAMOTHE: I don't know.

8 MR. SIMON: When were you retained by
9 the hospital to start working on this project?

10 MS. BERGER: I'm going to object. It
11 has no bearing on his testimony.

12 MR. KELLY: It's not relevant to the
13 site plan.

14 MR. SIMON: Excuse me?

15 MR. KELLY: It's not relevant to the
16 site plan applicant, is it?

17 MR. SIMON: I want to know as a
18 foundation when he first was retained.

19 MS. BERGER: I object.

20 MR. KELLY: I think it's an improper
21 question as well.

22 MR. SIMON: And by the way the
23 Chadwick Road cul-de-sac bulb, that area, what zone
24 would that be in?

25 MR. LAMOTHE: What zone is it

1 currently?

2 MS. BERGER: The Chadwick bulb is
3 adjacent to the H2 zone.

4 MR. SIMON: What zone is the Chadwick
5 Road -- it's a municipal right-of-way, correct?

6 MS. BERGER: Maybe he doesn't
7 understand the question because I'm not
8 understanding it.

9 MR. SIMON: Is Chadwick Road,
10 Chadwick Road the cul-de-sac bulb as your looking at
11 your plan, A-4, who -- what zone is that
12 right-of-way apart of?

13 MS. BERGER: If you know.

14 MR. LAMOTHE: I don't recall.

15 MR. SIMON: Is there anything on your
16 plans that would identify what zone it's located in?

17 MR. LAMOTHE: Maybe.

18 MR. KELLY: Is there a proffer?

19 MR. SIMON: I want to make sure I
20 believe it's a residential zone, and there should be
21 no reason why, A, it should be used at all for
22 hospital property, and B, the ordinance is pretty
23 clear that there should be adequate buffering
24 between residential and nonresidential uses and
25 areas so that's why I'm asking the question. It has

1 to do with the ordinance.

2 MR. KELLY: Do you know if it's in a
3 residential zone?

4 MR. LAMOTHE: I'm looking right now.
5 Actually it looks like there is an S there. RS
6 zone.

7 MR. SIMON: Is that residential
8 single-family?

9 MR. LAMOTHE: Correct.

10 MS. BERGER: Could you just point on
11 the plan you're asking what zone because it's a bit
12 confusing?

13 MR. SIMON: I asked -- I said
14 Chadwick Road. What zone is Chadwick Road?

15 MS. BERGER: It's a public street.
16 It's a public street. Are you asking him if the
17 public street is zoned? A public street is not
18 zoned. I'll defer to your experts.

19 MR. SIMON: What does the zoning map
20 of the Township of Teaneck, I'm asking the witness
21 is Chadwick Road located within a particular zone,
22 yes or no?

23 MR. LAMOTHE: The lot is adjacent to
24 the RSF zone.

25 MR. SIMON: Do you know whether that

1 right-of-way is actually located in the RS zone or
2 not? Do you know one way or another?

3 MS. BERGER: If you don't know, you
4 can say "I don't know."

5 MR. LAMOTHE: The RS zone straddles
6 the whole site.

7 MR. SIMON: Okay. That's fair. Are
8 you aware whether in your review of the zoning
9 ordinance you created on your zoning table, whether
10 more than one principal use is permitted on a lot in
11 the H zone?

12 MR. LAMOTHE: I believe there is.

13 MR. SIMON: And do you recall
14 referring specifically -- do you recall referring to
15 a specific section of the ordinance to support your
16 conclusion?

17 MR. LAMOTHE: I don't have the
18 ordinance.

19 MR. SIMON: And you talked about a
20 vinyl fence right around the certain areas, and it's
21 wood and you want to go to vinyl. Did you ever ask
22 the residential neighbors what they prefer between
23 wood and vinyl?

24 MR. LAMOTHE: I did not.

25 MR. SIMON: And with regard to -- you

1 talked about the dumpster area and, right? Where is
2 that?

3 MR. LAMOTHE: It's up in this area.

4 MR. SIMON: I'm sorry. For the
5 record the north of H2, in the northwest corner of
6 the parking lot, correct?

7 MR. LAMOTHE: Correct.

8 MR. SIMON: So is there a reason why
9 you put the dumpster right next to the H1
10 residential area as opposed to an area internal, not
11 so close to residences?

12 Wait a minute. Say what you're referring
13 to.

14 MR. LAMOTHE: I'm referring to A-3
15 which is the site layout plan. The loading area is
16 located in the northwest corner. It's located there
17 for the purpose of operations for the childcare.

18 MR. SIMON: So how far is the
19 dumpster from that existing dwelling to remain?

20 MR. LAMOTHE: I have to scale. It's
21 approximately 20 feet.

22 MR. SIMON: Twenty feet between the
23 dumpster and that residents, right?

24 MR. LAMOTHE: Approximately.

25 MR. SIMON: And with regard to the

1 lighting that you're proposing in the parking lot.
2 Is that lighting going to be able to be seen by the
3 properties, the residential properties -- I'm sorry,
4 outside of the hospital property, namely Lot 7, and
5 across the street from Grange Road?

6 MR. LAMOTHE: I don't believe so.

7 MR. SIMON: And what makes you --
8 what leads you to that conclusion?

9 MR. LAMOTHE: The lights that we're
10 proposing, and the buffer screening around the
11 perimeter of the parking area, and the distance from
12 the residents.

13 MR. SIMON: Well, so the fence is
14 six feet, correct?

15 MR. LAMOTHE: Right.

16 MR. SIMON: And the lighting fixtures
17 are how tall?

18 MR. LAMOTHE: Approximately, I don't
19 recall exactly if it's 20 feet.

20 MR. SIMON: 20 feet. So if you have
21 a five-foot fence, and you have a 20-foot light
22 fixture --

23 MR. LAMOTHE: 16-foot.

24 MR. SIMON: That's okay. No problem.
25 How is it that these residential properties are not

1 going to be able to see a 16-foot light fixtures
2 that you're showing on Sheet 6 of 11 between the
3 right-of-way abutting in the H1 zone?

4 MS. BERGER: I'm going to object to
5 the question because Mr. Simon is changing the size
6 of the fence in his question. So are you talking
7 with regard to what's proposed or what's changing?

8 MR. KELLY: Well, I think the point
9 of the question is are the lights going to show.

10 MS. BERGER: The question was
11 answered.

12 MR. KELLY: Well, I think it's a
13 valid question. Let me finish. The expert can
14 answer. It's valid question for Board consideration
15 of impact to the neighbors.

16 MS. BERGER: But Mr. Simon changed
17 the size of the fence in his question he said five
18 foot.

19 MR. LAMOTHE: It's six feet. That's
20 what the plan says.

21 MR. KELLY: It's 16 feet whether it's
22 five or six, it's going to be over. That's the
23 substance of the form. So can he answer it or not?

24 MR. SIMON: I'll rephrase the
25 question. So what leads you to conclude that -- I'm

1 sorry, the light poles are 16 feet?

2 MR. LAMOTHE: 16 feet.

3 MR. SIMON: So what leads you to
4 conclude that the neighbors will not be able to see
5 16-foot at all parking lot lights over the five-foot
6 fence?

7 MR. KELLY: Six-foot fence.

8 MR. SIMON: Six-foot fence.

9 MR. LAMOTHE: There is also going to
10 be an evergreen landscaped buffer. That's for the
11 architect. It will be behind. It will be a 50 feet
12 buffer between the parking lot and Grange Road. So
13 you'll have landscaping and distance of a hundred
14 feet. The other thing is the grade at Grange Road
15 four or five feet higher than the parking lot grade
16 which the lights are on.

17 MR. SIMON: So you talked about the
18 grade, so across the street to the -- I guess it's
19 the northwest, at Grange Road how does that --
20 that's higher, right? So what's the difference in
21 elevation between the location of the parking lot
22 lights and the houses on the other side of Grange
23 Road, do you know?

24 MR. LAMOTHE: I don't know the
25 elevation for the houses on the other side.

1 MR. SIMON: What's the topography
2 of --

3 MR. LAMOTHE: I do not know the
4 topography.

5 MR. SIMON: So you don't know the
6 difference in topography. So despite -- so despite
7 not knowing the difference in the topography, you
8 still don't think that they're going to be able to
9 see the lights, correct?

10 MR. LAMOTHE: Correct.

11 MR. SIMON: Well, with regard to your
12 test pits, right, to show the groundwater depth, you
13 said you did about four or five. Did you do any
14 closer to the residential properties, because I
15 didn't see any, to determine what the groundwater
16 levels are?

17 MR. LAMOTHE: We did the test pits in
18 the area of the parking lot.

19 MR. SIMON: Of the parking lot,
20 right. Did you do any test pits in the areas of the
21 residences who own Lot 8, 9, 11. They're the ones
22 that are closest to the --

23 MS. BERGER: He said he did not.

24 MR. SIMON: Now, with regard to
25 getting to Grange Road, my recollection is I know

1 we're doing a redo. That there was a stipulation
2 about signage that was proposed and stipulated
3 regarding the Chadwick Road or the use of Chadwick
4 Road. Do you recall what the stipulations were if
5 you know? One of the things -- these are my
6 handwritten notes and they may be wrong. I have no
7 parking or stopping or idling on the cul-de-sac or
8 close to it. Is that something that the applicant
9 would agree to a condition approval by the signage?

10 MS. BERGER: If the municipality --

11 MR. KELLY: Well, let's -- I recall
12 that was discussed and stipulated to right along the
13 fence here. We don't have a complete record, we're
14 doing a redo. There may be a stipulation.

15 MS. BERGER: What I was going to say
16 it's a municipal road. As long as the Board and the
17 town is fine with it, we will put in whatever sign
18 is required. I think there was a sign in the corner
19 of Chadwick and Grange.

20 MR. KELLY: I'll go along with that.
21 To make his point, do you stipulate or not?

22 MS. BERGER: To take you back, there
23 was a sign that was proposed at the corner of
24 Chadwick and Grange, something to the effect of no
25 trucks.

1 MR. KELLY: No traffic?

2 MS. BERGER: No truck turn around.

3 MR. KELLY: So it's on the plan?

4 MS. BERGER: Correct.

5 MR. KELLY: So you they stipulated to
6 it.

7 MS. BERGER: No parking or stopping,
8 idling on the cul-de-sac or close to it in terms of
9 signage.

10 MR. KELLY: That makes your point.

11 MR. SIMON: That's not my point I'm
12 making. My point is no parking, and there should be
13 a no outlet sign on Chadwick. I did not see it on
14 the plan.

15 MR. KELLY: Did do you stipulate to
16 that? No parking or stopping on Chadwick, and then
17 other question about the Chadwick. Any others?

18 MS. BERGER: I mean those are
19 stipulations, but I don't know any of them have to
20 do with Chadwick.

21 MR. KELLY: I'm talking about the
22 signage.

23 MR. LAMOTHE: The no outlet sign on
24 Chadwick.

25 MR. SIMON: I did not see it on the

1 plan.

2 MR. KELLY: So you stipulate to that?

3 MS. BERGER: Yes.

4 MR. SIMON: While we're on this
5 topic, let me just for the benefit of every one,
6 I'll just rattle off my chicken scratch to see if it
7 helps everyone. So I have about the lighting
8 ordinance and, they're reviewing that in six months,
9 right? And full compliance with stormwater
10 management ordinance, that includes DEP best
11 practices, regulations. We talk about overall no
12 parking on Grange Road during construction and gates
13 will be lock at all times and figuring out who has
14 access to those locks. Daycare entrance from the
15 campus, not on Chadwick. And no entry to the
16 daycare building from the north side. I mentioned
17 by the no parking, no stopping, no idling. I think
18 there was a discussion about all fencing and
19 landscaping to be completed before -- before the
20 building and the parking lot is constructed.

21 Wait. Wait. I have a question on that.
22 I'm reading verbatim. I have a question mark. I
23 don't know what that means. You can certainly have
24 landscaping that separates H1 and H2 and putting a
25 fence.

1 MS. BERGER: There is requirement in
2 the ordinance. The traffic engineer will discuss --
3 the landscape engineer will discuss the requirements
4 where certain things have been to put in in the
5 ordinance, and we have to follow what's required.
6 We agree to comply with that.

7 MR. KELLY: We have a stipulation, do
8 you stipulate to that?

9 MS. BERGER: We don't have a problem
10 with that.

11 MR. KELLY: So that's a yes?

12 MS. BERGER: Yes.

13 MR. KELLY: Okay.

14 MR. SIMON: So in terms of the
15 questions about the proposed daycare center
16 regulation compliance, I should talk to the
17 architect about that?

18 MS. BERGER: Yes.

19 MR. SIMON: The residential is about
20 20 feet west of the playground, did you do any type
21 of playground noise evaluation for the site?

22 MR. LAMOTHE: No.

23 MR. SIMON: It's not typically done
24 for playgrounds residential areas in your
25 evaluation, is it?

1 MS. BERGER: I object to the
2 question. It's nothing that requires a noise
3 evaluation.

4 MR. KELLY: It's noted. He can
5 answer the question.

6 MR. SIMON: He can answer the
7 question. Do you do a noise evaluation?

8 MR. LAMOTHE: No.

9 MR. SIMON: And with regard to -- you
10 know, you talked about that analysis and the water
11 table, did you do any evaluation as to -- based on
12 the results that you received how that would impact
13 basement flooding on adjacent residential
14 properties? The residential properties that are
15 part of H1? It won't impact any of the residential
16 properties?

17 MR. LAMOTHE: No.

18 MR. SIMON: So no basement of any of
19 residences in H1 are going to be impacted?

20 MR. LAMOTHE: Not from water or
21 stormwater, none.

22 MR. SIMON: Regarding the porous
23 pavement, I think you answer this last time, have
24 you did you do any evaluation how long that surface
25 lasts before you have to replace it?

1 MR. LAMOTHE: It's a new technology.
2 I don't know how long it lasts, but we have to have
3 a maintenance program associated with it and have to
4 abide by it.

5 MR. SIMON: Have you ever done an
6 evaluation about oils and other liquids from cars
7 leaking into the groundwater as a result of the use
8 of porous pavers?

9 MR. LAMOTHE: I have no done that,
10 no.

11 MR. SIMON: I'm going to wait until
12 the landscape architect with my tree questions.
13 I've got a bunch of those. I think what I'm going
14 to do, Mr. Chairman, is maybe sit down for a couple
15 of minutes and collect my notes.

16 CHAIRMAN BODNER: Okay. Thank you.
17 anyone from the public, a question? And for the
18 record this is not the time for comments, it's just
19 questions for the witness.

20 MS. HIRSCHKORN: Good evening. I
21 know it's very late but I appreciate you indulging
22 me with a few additional questions.

23 CHAIRMAN BODNER: State your name.

24 MS. HIRSCHKORN: Of course. Ayelet
25 Hirschhorn.

1 CHAIRMAN BODNER: Just spell your
2 last name.

3 MS. HIRSCHKORN: H-I-R-S-C-H-K-O-R-N.
4 With regard to the removal of the driveway on Grange
5 Road, I know that the plan does show that the road
6 would be landscaped, and there would be an extension
7 of the existing sidewalk along the Grange Road to
8 essentially buffer what it is now.

9 MR. LAMOTHE: There is a new sidewalk
10 there. That's a replacement for the driveway to go
11 straight across.

12 MS. HIRSCHKORN: Okay. And therefore
13 can you please walk me through how you're going to
14 ameliorate the drainage on Grange Road now that
15 there's going to be an additional sidewalk being
16 built in that area?

17 MR. LAMOTHE: We're proposing to
18 remove the driveway and install the sidewalk with a
19 new curb along Grange Road and then the entirety of
20 the existing driveway will be removed so there
21 nothing preventing the stormwater from the area.

22 MS. HIRSCHKORN: I understand that.
23 Are you aware that there is an existing drainage
24 problem on Grange Road as a result, there is a dip
25 right along that driveway and existing road?

1 MR. LAMOTHE: I did not analyze
2 Grange Road's drainage.

3 MS. HIRSCHKORN: Okay. So I would
4 ask that the drainage be analyzed because I just
5 want to point out that -- on the record that there
6 is an existing -- that there is a dip right at the
7 edge of that driveway. That driveway causes water
8 to pool from rainstorms and otherwise, and if there
9 is not sufficient draining that's going to put be in
10 when you install that curb, that water is going to
11 collect on Grange Road and make the problem much
12 worse than today, and it will not ameliorate the
13 issue. It will actually exacerbate it. So my
14 question is what are you going to do to fix that
15 problem?

16 MR. KELLY: He said he's going look
17 into it.

18 MR. LAMOTHE: We'll look into it.

19 MS. HIRSCHKORN: Thank you. In terms
20 of the gate along the childcare center, are they
21 going to be locked?

22 MR. LAMOTHE: I think they will be.

23 MS. HIRSCHKORN: And the entrance
24 going from the Chadwick Road to the childcare
25 center, is that going to be locked from the outside?

1 MR. SIMON: Say that again?

2 MS. HIRSCHKORN: The back entrance
3 from the childcare center, so the entrance that
4 abuts Chadwick Road, is that going to be locked on
5 the outside, the door leading from the childcare
6 center?

7 MS. BERGER: You'll have to ask the
8 question of the architect as to the mechanism for
9 the door.

10 MS. HIRSCHKORN: I'm just asking him
11 if they're going to be locked from the outside.

12 MS. BERGER: Well, he didn't design
13 the building. So the architect can answer the
14 question.

15 MS. HIRSCHKORN: Thank you. Did you
16 analyze or did you listen to any of the hearings
17 leading up to the ordinance?

18 MR. LAMOTHE: I did not.

19 MS. HIRSCHKORN: Are you aware that
20 there was significant concern from residents for --
21 for -- as Mr. Simon said, nannies or parents or
22 entities who will access the childcare center on
23 Chadwick Road cul-de-sac rather than using the
24 parking space that was allocated?

25 MS. BERGER: I'm going to object to

1 the question. He didn't listen to the tape.

2 MR. LAMOTHE: I'm not aware.

3 MS. HIRSCHKORN: Okay. Thank you.

4 Can you walk me through the sequence of construction
5 for the childcare center and the Grange Road
6 driveway?

7 MR. LAMOTHE: Generally, the
8 ambulance operation has to remain open, so the first
9 stage of construction, there will be more detailed
10 testimony from the engineer, so I'll leave it for
11 him actually. I'll leave it up to him to describe
12 that.

13 MS. HIRSCHKORN: Do you know how long
14 construction is supposed to last for the space?

15 MR. LAMOTHE: I do not know.

16 MS. HIRSCHKORN: Do you know whether
17 there is going to be any enforcement to ensure that
18 the gate is going to be lock from the inside?

19 MS. BERGER: I don't think this is
20 the proper witness.

21 MR. KELLY: What do you mean by
22 enforcement?

23 MS. HIRSCHKORN: Meaning who is going
24 to make sure that the doors are not -- that the gate
25 down by the cul-de-sac and along the fence remain

1 locked appropriately and not somebody tampered with
2 them.

3 MR. KELLY: Do you mean the police?

4 MS. HIRSCHKORN: The hospital or
5 police, some security, because that was the concern
6 of the residents. Is there some sort of regulation?

7 MS. BERGER: I don't think the
8 witness can answer that, ma'am, but I'll try to get
9 you the answer.

10 MS. HIRSCHKORN: I appreciate that.
11 Thank you.

12 CHAIRMAN BODNER: If you don't have
13 anything else --

14 MS. HIRSCHKORN: I think there may be
15 something -- you're going to get to me, Ms. Berger.
16 But the security in general for the area
17 particularly in the H2 zone, is there going to be a
18 security person from the hospital?

19 MR. KELLY: He's an engineer, he's
20 not a security expert. It's not a fair question.

21 MS. HIRSCHKORN: Thank you.

22 MS. BERGER: Maybe if you have
23 something that you could tell us about the security,
24 so if there something --

25 MR. KELLY: You can reach out to her.

1 MS. BERGER: You can reach out to
2 tell us.

3 MR. KATZ: Hi. My name is Ezra Katz.
4 I live on Vandelinda Avenue. I have a couple the
5 questions. One of them was about the fence so can
6 you point out where the fence along the daycare
7 center and specifically thinking about Chadwick
8 Road?

9 MR. LAMOTHE: So the playground fence
10 is enclosing the playground. From that there will
11 be a six-foot solid vinyl fence that goes around the
12 parking lot.

13 MR. KATZ: That's on the west side?
14 Does it go onto Chadwick at all?

15 MR. LAMOTHE: No, it encloses the
16 playground. It doesn't go towards Chadwick Road.

17 MR. KATZ: I know last time, last
18 meeting there were some discussions about fencing
19 off that area. It was more of a recommendation but
20 that was some of the feedback. Was that considered?

21 MR. LAMOTHE: We did not add a fence
22 in the front yard.

23 MR. KATZ: Is there any reason?

24 MR. LAMOTHE: We just don't think
25 it's appropriate.

1 CHAIRMAN BODNER: Okay. You're
2 asking the engineer, do you want to walk up there
3 and show him?

4 MR. KATZ: Along the back of the
5 building there was a discussion about having this
6 area fenced off as well.

7 CHAIRMAN BODNER: So basically what
8 you're saying from the playground, around the whole
9 building?

10 MR. LAMOTHE: Right now the
11 playground will have fencing.

12 MS. BERGER: Sir, it's an emergency
13 exit for children if there was a fire in the
14 playground or in the school, you wanted them to go
15 out into a fenced area and not get to the street?

16 (Cross Talk.)

17 CHAIRMAN BODNER: That's unnecessary.
18 Let's relax.

19 MR. KATZ: I heard earlier there was
20 some discussion about potentially there would be a
21 gate that would allow people in and out and to be
22 discharged there.

23 MR. KELLY: There is no record of
24 that discussion. Your recollection is contrary to
25 my recollection, but if you want to ask the

1 questions, is it possible to do that, you can
2 propose that.

3 MR. KATZ: Is it possible to do that?

4 MR. LAMOTHE: It's possible to put a
5 fence. I just don't think it warrants it. I don't
6 expect pedestrian traffic to walk along Chadwick
7 into the hospital. I don't think it's needed in.
8 This is the back of the playground.

9 CHAIRMAN BODNER: If someone is not
10 driving their kid to school and have another
11 resident of the house bringing that child, that is
12 closer from that direction, they're going to walk
13 down that street to the end of the cul-de-sac and
14 come in through the back and walk down the sidewalk
15 to the front door. That's the question.

16 MS. BERGER: We don't agree with
17 that. We don't think someone is going to do that.
18 That's not --

19 CHAIRMAN BODNER: You're going to
20 tell us that they aren't supposed to do that. You
21 don't have a sign that says No Entry. If you have
22 kids you're going to drop off the kids.

23 MS. BERGER: The sign says no
24 stopping or standing on the street and we're telling
25 all of the parents --

1 CHAIRMAN BODNER: Let me be real.
2 Let's be realists. We're talking today, 2023.
3 Somebody's house is in the corner one house up.
4 They're not going to go all around, go all around
5 and park. It's going to happen. It's just a
6 reality. I don't necessarily think it's going to be
7 a problem. It's reality. It's going to happen.

8 MS. BERGER: What's reality it's a
9 childcare center for employees. The majority of the
10 people are working that day bringing their child to
11 the childcare center, and they're going there and
12 bringing their children to work. If there's someone
13 who might have the day off and want to bring their
14 kid, it's possible. But it's not usually what's
15 happening. Is it possible for someone to try to
16 walk through? Anything is possible.

17 CHAIRMAN BODNER: That's all we're
18 doing, we're answering that correct. There is a
19 possibility that a small percentage, it's going to
20 happen. It's going to happen. That's the reality.
21 You can't say it's never going to happen. It's
22 going to happen.

23 MR. KELLY: So the real question
24 becomes can you exit to Chadwick from the emergency
25 exit, so we'll hear from the architect, is it an

1 emergency exit only to get out to Chadwick?

2 MR. LAMOTHE: Yes.

3 CHAIRMAN BODNER: You're not walking
4 around the building. The question is if someone is
5 not working on that day and someone wants to drive
6 their car through the back because they don't want
7 to walk around the front, they're walking in. Is it
8 a small amount? I agree with you it's a small
9 amount. But it's a reality that's all. So just
10 basically answer. You can come back over here.

11 MR. KELLY: The volume and the
12 percentage of people that are coming from there
13 would be extremely, extremely small and really not
14 much. What I would say is that we put -- the same
15 way as we look at the lighting after six month,
16 after the fact that if the lighting is an issue, at
17 six months down the road, our department will
18 address it.

19 MS. BERGER: Yes.

20 MR. KELLY: So I would put that in.
21 So it's not a problem. If it becomes a problem
22 we'll deal with it, okay?

23 MR. KATZ: Thank you. I was going to
24 say a lot of hospital employees do park on the
25 streets.

1 CHAIRMAN BODNER: That's another
2 question. There will be additional parking on
3 campus when they put in the parking lot.

4 MR. KATZ: I saw on the plan there
5 was a transformer at the daycare?

6 MR. LAMOTHE: At the northeast
7 corner.

8 MR. KATZ: Yes.

9 MR. LAMOTHE: That's the electrical
10 service for the building.

11 MR. KATZ: Okay. Do you know
12 approximately the dimensions?

13 MR. LAMOTHE: I don't know exactly.

14 MR. KATZ: Is it surrounded by
15 fencing or is it exposed?

16 MR. LAMOTHE: It's landscaped. It's
17 supposed to be landscaped.

18 MR. KATZ: Okay. And what is the
19 reason for that?

20 MR. LAMOTHE: It's to service the
21 childcare building.

22 CHAIRMAN BODNER: Show me where it
23 is. Point to it.

24 MR. LAMOTHE: It's on the northeast
25 corner of the building on the hospital side of the

1 building.

2 MR. KATZ: That's the traffic area
3 side. Why not the other side, I'm just suggesting
4 it be on the other side where there's much less
5 traffic wise. And you're walking through?

6 MS. BERGER: The utilities are over
7 there, on that side of the building. That's why
8 it's on that side of the building. The utilities
9 line up to that side of the building. That's why
10 the transformer is there. The architect can testify
11 and can explain more.

12 CHAIRMAN BODNER: Next. Anybody
13 else? If you're not prepared don't step up. Let
14 someone else have a turn.

15 MR. HIRSCHKORN: Yaron Hirschhorn.
16 Y-A-R-O-N; H-I-R-S-C-H-K-O-R-N. So this is really
17 just one, one point about the fence around the
18 daycare center. People will park there. Are you
19 aware that there's currently a sign at Holy Name
20 Hospital saying no ambulance service can go through?

21 MR. LAMOTHE: I'm not familiar with
22 the sign you're speaking of.

23 MS. BERGER: Okay. I'm going to
24 object unless you have a question and not a
25 statement.

1 MS. HIRSCHKORN: I'm explaining to
2 him there are actual signs, actual signs at the Holy
3 Name Hospital saying no ambulances can go through,
4 particularly Holy Name ambulances. So the signs
5 alone are not enough. Only a fence could fix it.
6 So is there any reason why you can't put a fence
7 there?

8 MR. KELLY: It was asked and
9 answered. He said doesn't think it's appropriate.
10 Your point is well taken.

11 MR. HIRSCHKORN: Thank you. Are you
12 aware of the extensive stormwater damage to the
13 hospital in September of 2021?

14 MR. LAMOTHE: Excuse me?

15 MR. HIRSCHKORN: Are you aware of the
16 extensive stormwater damage to the hospital in
17 September of 2021?

18 MR. LAMOTHE: I'm not familiar with
19 the details of the damage that you're discussing.
20 We agreed to meet with the engineers --

21 MR. KELLY: Yes or no?

22 MR. LAMOTHE: No.

23 MS. HIRSCHKORN: Are you aware of the
24 extensive steps taken by the hospital after that
25 stormwater damage immediately after?

1 MR. LAMOTHE: I'm not familiar with
2 the steps.

3 MR. HIRSCHKORN: Are you aware of the
4 amount of damage that the hospital incurred?

5 MR. LAMOTHE: No.

6 MR. HIRSCHKORN: Are you aware that
7 it was in excess of \$20 million?

8 MR. LAMOTHE: No.

9 CHAIRMAN BODNER: Next question.

10 MR. HIRSCHKORN: Are you aware of the
11 gravel parking lot's current operation?

12 MR. LAMOTHE: No.

13 MR. HIRSCHKORN: Are you aware if
14 it's used by the community as well as hospital
15 employees?

16 MR. LAMOTHE: I'm not aware.

17 MS. BERGER: He's not aware. He's
18 not an operations witness.

19 MR. HIRSCHKORN: You were talking
20 about the executive order for the gravel plot.

21 MR. KELLY: What executive order?

22 MR. LAMOTHE: The reason it was put
23 there was because of COVID.

24 MR. HIRSCHKORN: Yes. Are you
25 familiar with that?

1 MR. LAMOTHE: Somewhat familiar.

2 MR. HIRSCHKORN: Are you aware of the
3 requirements for landscaping in that executive
4 order?

5 MR. LAMOTHE: I'm not. I'm not aware
6 of that.

7 MR. HIRSCHKORN: Was there any
8 stormwater damage done in connection with that?

9 MS. BERGER: I'm going to object. It
10 has no bearing on this application.

11 CHAIRMAN BODNER: He testified to it.

12 MR. HIRSCHKORN: I know you heard a
13 lot the questions come up to talk about fencing.
14 And I assume more people here are going to ask
15 additional questions. Is there any reason why don't
16 you stipulate putting a fence there to try to deal
17 with some of the concerns, may be a co-existing
18 fence that goes all the around to Cedar Lane?

19 CHAIRMAN BODNER: Next question, he
20 said it's not appropriate. You can't keep repeating
21 the same question.

22 MR. SCHLUSSEL: I want to clarify --

23 MS. BERGER: Could you state your
24 name?

25 MR. SCHLUSSEL: My name is Mark

1 Schlusssel S-C-H-L-U-S-S-E-L. I want to clarify, I
2 thought I heard you stipulate to that fence. Did
3 you mention the hours of the daycare? Is it a
4 daytime basic, typical daycare operation?

5 MR. LAMOTHE: I don't think I
6 testified to anything about the operations.

7 MR. KELLY: You're going to have a
8 witness to talk about the operations?

9 MS. BERGER: The architect will talk
10 about it.

11 MR. SCHLUSSEL: I don't think I
12 caught that. When the daycare is over and the
13 children are gone, the staff is gone, I thought
14 there was a conversation about dimming the lights or
15 turning off the lights that surround the daycare.
16 Did I hear that? Are we going to find out?

17 MS. BERGER: So there was a -- when
18 we talked about the lights, we said there is a
19 dimming mechanism on that pole, the existing poles
20 do not have, and that was so that it could be dimmed
21 and certain lights can be turned off when they're
22 not needed. The testimony was it was going to
23 reviewed by the Board after the operation.

24 MR. SCHLUSSEL: Is it necessary to
25 have the light on when you're not operating? Is

1 that something that you can address?

2 MS. BERGER: This is a parking lot.
3 There has to be lights on because there is an
4 emergency room in the back of the hospital. The
5 architect will talk about that.

6 MR. KELLY: He's not asking that. If
7 it's not needed, if it's after hours, you don't need
8 to have lights on. Knowing that there are neighbors
9 that are concerned about this, can you dim them or
10 turn them off? It seems like a reasonable question.
11 After hours, not during working hours. Not the
12 emergency room, just the daycare?

13 MS. BERGER: The lights won't be on
14 when the building is not in operation.

15 MR. KELLY: That answers his
16 question. I think it was the daycare was what he
17 was referring to.

18 MR. SCHLUSSEL: Next we'll have to
19 identify what the lights were. You mentioned
20 relocating some lights somewhere else on the campus?

21 MR. LAMOTHE: Some of the
22 streetlights we're moving closer to the building.

23 MR. SCHLUSSEL: Could you just point
24 out them out on the plan?

25 MR. LAMOTHE: The lights on the

1 Grange driveway, they're going to be taken out and
2 removed and relocated in and around the loop road
3 closer to the existing building and further away
4 from you.

5 MR. SCHLUSSEL: Thank you.

6 CHAIRMAN BODNER: David.

7 MR. D. SCHLUSSEL: My name is David
8 Schlusssel, same spelling as the last one. You
9 mentioned you were going to move the lights
10 somewhere else on the campus.

11 CHAIRMAN BODNER: They're going to
12 take them out and move them closer to the building.

13 MR. D. SCHLUSSEL: Could you just
14 point those out for the record.

15 MR. LAMOTHE: On the Grange driveway,
16 they're going to be taken out and relocated in and
17 around the loop road to provide the lights --

18 CHAIRMAN BODNER: He's moving them
19 closer to the building.

20 MR. LAMOTHE: Farther away.

21 MR. D. SCHLUSSEL: So when the lights
22 you're talking about, the ones that are going to be
23 relocated, when they're taken --

24 CHAIRMAN BODNER: You asked him and
25 he said they're far away.

1 MR. D. SCHLUSSEL: So from my house
2 six months out of the year you might get some glare
3 from the lights at the ER. So that's my main
4 question. The proposed lights are not in the
5 parking area. And they glow and glow.

6 MR. LAMOTHE: Are you talking about
7 dark sky requirements?

8 CHAIRMAN BODNER: The question is he
9 lives relatively close to the ER. He's saying
10 sometimes the ER can cause the glare. Are those the
11 lights you're talking about?

12 MR. LAMOTHE: So the lights I'm
13 talking about are right.

14 MR. D. SCHLUSSEL: Along the
15 driveway.

16 MR. LAMOTHE: The ones that going to
17 be relocated are along the driveway.

18 MR. D. SCHLUSSEL: How are you
19 protecting the local residents from the dark night
20 or whatever it's called?

21 MR. LAMOTHE: Impact along the
22 driveway?

23 CHAIRMAN BODNER: No towards his
24 house, the impact?

25 MR. LAMOTHE: It's our opinion that

1 they're far enough away that it's not going to
2 impact the residential neighbors.

3 MR. D. SCHLUSSEL: Okay. They're not
4 dimmable?

5 MR. LAMOTHE: No. They're not.

6 MR. D. SCHLUSSEL: I imagine they're
7 going to have an impact?

8 MR. LAMOTHE: They should not.

9 MR. D. SCHLUSSEL: I agree, they
10 should not. Is there something you can show me with
11 regard --

12 MS. BERGER: When we come back next
13 time we'll have an answer. I appreciate your
14 comments. We will come up with an answer. I don't
15 want him to guess.

16 MR. D. SCHLUSSEL: Okay. I
17 understand there was some questions by Ms. Berger
18 regarding operations but when you said and I
19 understand it's not testimony, you're not having a
20 witness for operations to deal with how things are
21 actually done at the daycare center. We know people
22 park on Grange, go to the hospital and I understand
23 they you hope that they won't do that operationally.
24 Are the hospital employees going to park in the
25 back? You have a ton of parking in front and many

1 of them are actually going in there. It's certainly
2 conceivable if they chose to go down Chadwick and go
3 to their job instead of where they actually have
4 parking. So the question is that, he's saying six
5 months, I can see the hospital all the time --

6 MR. KELLY: The point, the point is
7 the Board can consider to impose as a condition but
8 the applicant, this gentleman, I don't know how many
9 times has says he feels it's inappropriate. No
10 matter how many times you ask the same question,
11 it's not going to change the answer. It's not lost
12 on the Board.

13 MR. D. SCHLUSSEL: I appreciate
14 you're trying to be helpful. The fence on the side
15 you already discussed, it's going to have landscape
16 architect.

17 MS. BERGER: Yes.

18 MR. D. SCHLUSSEL: So you are going
19 to have a landscape engineer, you have an architect
20 you're not going to have anybody for operations.
21 Anything else?

22 MS. BERGER: Traffic engineer and a
23 planner.

24 MR. D. SCHLUSSEL: A planner. Okay.

25 MS. BERGER: But if you have some

1 questions that you will like us to answer, we can
2 get you an answer beforehand.

3 MR. KELLY: Maybe he can't send them.
4 That's a whole other matter here. He's represented.

5 MS. BERGER: I'm sorry. I didn't
6 know. So he's represented by counsel on the other
7 matter or this matter?

8 MR. KELLY: For this matter. It's
9 not a problem. You don't have to argue with her. I
10 don't want to get involved with the rules of
11 professional conduct.

12 MS. BERGER: I didn't know.

13 CHAIRMAN BODNER: Mr. Simon, any
14 questions?

15 MR. SIMON: Just two questions -- one
16 question. With regard to the stormwater that moves
17 onto Lot 7 before going I guess that's east, does
18 the hospital have a drainage easement in its favor
19 concerning Lot 7?

20 MR. LAMOTHE: I'm not aware of it.

21 MR. SIMON: Thank you. Nothing
22 further.

23 CHAIRMAN BODNER: All right. Let's
24 close the public hearing and talk about a couple of
25 dates. So we're going to carry this and continue on

1 existing counsel -- existing Board dates plus a
2 couple of dates location to be determined, counsel
3 are dealing with it, in March. As to February we're
4 going to back to the town municipal building so
5 right now, our next meeting -- the next meeting is
6 February 9th. So that's going to be at the Council
7 chambers. So we're going to make a motion to carry
8 to that meeting. That's a regularly scheduled
9 meeting. So we're going to go through the dates,
10 but I want to make a motion to carry. Right now,
11 the idea is for us to -- I'm asking if you want to
12 talk, so we're going to carry to the 9th in counsel
13 chambers, seven o'clock. Then we'll know what's
14 going on.

15 MR. KELLY: We're going to republish
16 the Board's meeting list effectively so that we're
17 compliant with the Open Public Meetings Act. Are
18 you going to require the applicant to renovice?

19 CHAIRMAN BODNER: No. We're going
20 carry it because of meeting is going to be an hour
21 earlier. We're going to send out that. Excuse me
22 if you guys want to talk go into the hallway.

23 MR. KELLY: Right now I'm talking to
24 the Board Members. Check February 28, March 8th,
25 March 23 and March 29, all at seven p.m.

1 CHAIRMAN BODNER: I'm going to assume
2 it's good for everything. Anyone who misses a
3 meeting can listen to the tape for that evening.

4 MR. ZOMICK: That's if we drop out of
5 a meeting.

6 CHAIRMAN BODNER: Only one of us
7 could drop out of a meeting if we have seven. We
8 have four members that have recused themselves. So
9 it's important that we all can be here, and it's
10 beneficial to listen to the meeting. So the next
11 meeting is a regularly scheduled meeting. After
12 that, we'll e-mail back and forth. If only one
13 person can't make it to the meeting, they can listen
14 to the meeting.

15 MR. KELLY: They'll listen to the
16 tapes and sign the certification.

17 MS. BELCHER: Is the meeting going on
18 Zoom?

19 MR. KELLY: I don't think so.

20 MS. BELCHER: Part of the public
21 being able to Zoom in to observe, not necessarily
22 see, but observe just in the spirit of transparency.

23 CHAIRMAN BODNER: The answer is no
24 meetings never have been or never were zoomed.
25 Other boards are meeting. There was only one last

1 year.

2 MR. KELLY: Submit to me any
3 correspondence to the Board in electronic format.

4 MS. BERGER: Understood.

5 CHAIRMAN BODNER: I think we'll do a
6 motion to close -- motion to carry tonight's
7 meeting. Motion by Mark. Second by Howard.

8 MR. KELLY: Does the applicant
9 stipulate to extend any time necessary for the
10 Board?

11 MS. BERGER: Yes.

12 CHAIRMAN BODNER: Mr. Thompson.

13 MR. THOMPSON: Yes.

14 CHAIRMAN BODNER: Ms. Belcher.

15 MS. BELCHER: Yes.

16 CHAIRMAN BODNER: Mr. Rowe.

17 MR. ROWE: Yes.

18 CHAIRMAN BODNER: Mr. Parker.

19 MR. PARKER: Yes.

20 CHAIRMAN BODNER: Mr. Zomnick.

21 MR. ZOMICK: Yes.

22 CHAIRMAN BODNER: Myself, yes.

23 MR. KELLY: So the meeting is carried
24 to February 9th, without further announcement.

25 February 9th at seven p.m. in the municipal

1 building. This is your notice. There will be no
2 further publication required for the applicant.
3 There will be no further mailings required of the
4 application. Notice of the meeting tonight will be
5 continued at seven p.m.

6 (Whereupon the proceeding is then
7 concluded at 12:09 a.m.)

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C E R T I F I C A T I O N

I, SHARI CATHEY, CCR, RPR, License No. 30XI00234700, and Notary Public of the State of New Jersey, hereby certify that the proceedings herein are from the notes taken by me of a Meeting of the Teaneck Planning Board, held on Thursday, January 26, 2023; and that this is a correct transcript of the same.



SHARI CATHEY, CCR, RPR
A NOTARY PUBLIC of the
State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/27

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