

BOROUGH OF OLD TAPPAN
 PLANNING BOARD
 WEDNESDAY, SEPTEMBER 14, 2022
 COMMENCING AT 7:25 P.M.

.....
 IN THE MATTER OF : TRANSCRIPT
 : OF
 CSH Old Tappan, LLC : PROCEEDING
 Coral/Capital Senior Housing :
 244 Old Tappan Road :
 Block 1606, Lot 3 :
 Assisted Living Facility :

B E F O R E:

BOROUGH OF BOROUGH OF OLD TAPPAN PLANNING BOARD
 THERE BEING PRESENT:

WILLIAM WEIDMANN, CHAIRMAN
 NICK MAMARY, VICE CHAIRMAN (ABSENT)
 WILLIAM BOYCE, COUNCILMAN MEMBER (RECUSED)
 THOMAS GALLAGHER, COUNCILMAN MEMBER (RECUSED)
 ANNA HAVERILLA, MEMBER
 CHARLES MAGGIO, MEMBER
 MICHAEL ALESSI, MEMBER
 DAVID KEIL, MEMBER
 DANIEL ELLER, MEMBER (RECUSED)
 NICKI LOULOU DIS, ALTERNATE #1 MEMBER
 ROBERT SCOZZAFAVA, ALTERNATE #2 MEMBER (ABSENT)
 DAVID HOLLOWAY, ALTERNATE #3 MEMBER (ABSENT)
 VICKEN BEDIAN, ALTERNATE #4 MEMBER (ABSENT)

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ED SNIECKUS, PP, Borough Planner

DIANE FROHLICH, Board Secretary

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A-30	Engineering Plan Last Revised August 30, 2022	23
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1 CHAIRMAN WEIDMANN: Okay.

2 MS. PRICE: Good evening, Mr. Chairman,
3 Member of the Board, Members of the Public, Gail
4 Price from the firm of Price, Meese, Shulman and
5 D'Arminio, back on this continued hearing.

6 We were last here August 10th and
7 before that, July 13th.

8 I have a bunch of things I want to talk
9 to the Board about before we start testimony, but at
10 the outset let me tell you that I only have one
11 witness, our engineer, tonight because there were
12 issues; your professional planner is away, so out of
13 deference we're not presenting our professional
14 planner this evening because Mr. Snieckus is filling
15 in for Mr. Szabo. And he -- our professional planner
16 will be our last witness.

17 So I am presenting our civil engineer
18 again this evening for the limited purpose, and I am
19 underscoring limited purpose, of simply addressing
20 the revisions that were made to the site plan since
21 August. And those revisions are limited to the
22 drainage design, as requested by the Board, that we
23 go back and take a look at whether we could modify
24 having all the water in the rear of the site, and
25 whether we could alter that to basically do a split

1 on the site.

2 So we asked our engineering firm to go
3 back and look at that, so that is what you will see
4 on the plan that is part and parcel of the review
5 this evening.

6 The other item that is on the plan is
7 that location of the retention basin. When we put
8 the basin on, naturally what came to be was what I
9 had advised the Board of last month, that we will be
10 moving the historic home across the street as,
11 basically, a gift to the Borough, at our client's
12 cost, so situated at the location picked by the
13 Borough and putting down a foundation, also at our
14 client's cost, to provide future housing for that
15 structure.

16 So that is also something that you will
17 notice is not on these plans because the house has
18 been removed.

19 That takes me into what transpired this
20 afternoon, which is when I received a courtesy copy
21 from your Board Secretary of the letter that was
22 filed with the Board, I am guessing, some time this
23 afternoon from Mr. Steinhagen --

24 MR. REGAN: It was around 11:40,
25 somewhere in that timeframe.

1 MS. PRICE: Okay. I got it this
2 afternoon from Diane.

3 I was not copied on this transmittal,
4 which I find to be beyond lack of professionalism at
5 this point, given where we are in this application.
6 And Mr. Steinhagen's letter attempts to raise two
7 defects; one in the area of notice, and the second in
8 the area of when our amended plan -- which is
9 virtually a clarification of the prior drainage
10 design, when that was filed.

11 So let me just address both of those
12 items for you. Mr. Steinhagen's letter cites
13 N.J.S.A. 55:D-10.1(b), which is a section of when
14 plans need to be on file.

15 However, he doesn't cite the whole part
16 of the section. He quotes the beginning part of the
17 statute and then provides dot, dot, dot. He doesn't
18 finish the section by saying the -- all plans do not
19 have to be on file 10 days prior to a hearing and
20 that an Applicant can supplement and clarify, with
21 exhibits, matters that have been pending before a
22 board, which in this case, our application was filed
23 in February.

24 MR. REGAN: Just for the record, that
25 is the last sentence that's --

1 MS. PRICE: Correct.

2 MR. REGAN: Okay.

3 MS. PRICE: So the omission of that
4 very important language is disingenuous to this Board
5 and I want to clarify that.

6 There is no requirement that our plans
7 were on file 10 days before. This is a continued
8 hearing, and the Underwood case, which was also not
9 cited by Mr. Steinhagen, provides that and cites to
10 the provision in the Cox book which is, you know,
11 basically the Bible for land use --

12 MR. REGAN: Fourteen days, 2.1, I think
13 it is.

14 "The time requirement for the filing of
15 documents applies only to the first hearing on
16 an application. Where a number of adjourned
17 hearings are held, it is not necessary to
18 provide the document be filed 10 days prior to
19 such adjourned hearing since the statute is
20 not intended to cover that situation."

21 MS. PRICE: That is exactly the quote
22 that I am relying upon.

23 So it's our position that this section
24 of the letter that was filed this afternoon is
25 absolutely inaccurate and has no bearing on this

1 matter.

2 With regard to the allegation that our
3 notice for tonight is somehow defective: A, there
4 was no notice other than the continued hearing notice
5 as announced at the end of the August agenda, and our
6 last notice, that I provided, was when we got rid of
7 the subdivision and we amended the site plan
8 application. That notice clearly also stated that
9 things would be revised as we went along, which it
10 has been.

11 The board has asked for certain things,
12 our team has revised it.

13 We have had meetings with property
14 owners; we thought we were going to be revising the
15 plans for those meetings.

16 The focus of the application, which is
17 the key analysis on whether notice has to be given
18 again, has never changed. The focus of this
19 application is not the historic home which
20 Mr. Steinhagen is attempting to have this Board
21 believe.

22 The focus of this application is the
23 100-bed senior living facility that you've heard for
24 the past five hearings or so. That's what this
25 application is all about.

1 While the historic home is certainly of
2 great interest and importance, that's not what we're
3 here for, for site plan approval. Our client is
4 purchasing this property and developing it, which, by
5 the way, the Borough is getting ten affordable
6 housing credits from this design, but that is not
7 what we're here to get preliminary and final site
8 plan approval for.

9 So the entire three paragraphs that led
10 up to the last paragraph on Section 10(b)(1) says
11 that we somehow have to give -- we should have given
12 now notice when we took the house off of our property
13 and moved it across the street.

14 MR. REGAN: Is there any restriction on
15 demolishing that house?

16 MS. PRICE: No, there's no -- and we've
17 had that put on the record as well. The house is an
18 absolutely incidental issue in this matter and should
19 have no bearing on notice as far as this Board goes.

20 My next issue was I asked Diane, and
21 I'm not sure if he or she is here, but, you know, you
22 know that you're a quasi-judicial board and with
23 that, a lot of authority comes.

24 And I have been doing this for, you
25 know, 40-something years and only on less than one

1 hand have I ever felt safety has been jeopardized.
2 And I can't say that after the last meeting here,
3 which I never would have guessed in Old Tappan.

4 But having someone gotten in my face,
5 with threats, I asked Diane to have a police officer
6 here this evening.

7 MS. FROHLICH: Someone should be here
8 by 7:30.

9 MS. PRICE: Okay. Because everybody
10 should be acting with respect.

11 Whether you like something or not, it
12 should be respectful. There should be no personal
13 threats or actions that rise to that.

14 So if the officer shows up, it's
15 because I have asked for that.

16 The other issue that we're at delay
17 about is the landscape architect, and I -- so now I
18 hear that the meeting for environmental commission is
19 next Tuesday.

20 I am hopeful that the gentleman who's
21 been retained to look at the trees on the site will
22 be able to complete his analysis, because we are now
23 going to be 90 days in for a delay when we reach the
24 October meeting. And we're going to have to have
25 that report reviewed and, potentially, addressed by

1 our expert.

2 So we had our expert flown back from
3 Massachusetts to meet with the expert early. We had
4 other reps show up on two other occasions on the site
5 to meet with the expert.

6 I would just ask if there is anything
7 that can be done to expedite that work on his part,
8 if it can be done, so that we're not standing here in
9 October with that matter not resolved.

10 Because I have granted extensions to
11 the Board every time we're here, but at this point,
12 with only one more witness after tonight and not
13 knowing what the public will have, which leads me
14 into the next request, I don't know if Mr. Steinhagen
15 is preparing a case with witnesses.

16 If he is, it would be my request at
17 some point tonight to hear about that so we know from
18 scheduling. If there's any witnesses that are going
19 to be produced by anybody else, it would be helpful
20 to hear that as well. We're going into the last
21 quarter of the year. We're going to have holidays
22 upon us and conflicts and with D variance, the Board
23 knows the -- you know, the vote that this application
24 will need for approval.

25 So before we're done tonight, I would

1 just like to come back to that. Okay.

2 That brings me to the other properties.
3 I think you've also heard me every month saying we've
4 tried to work with both the church and with Lakeview.
5 That continued with regard to Lakeview since we were
6 last here. Our client spoke with a representative
7 from Lakeview, Mr. McElwee is here this evening, so
8 if that needs to be confirmed at any point in time we
9 can do so.

10 We again offered, had offered to do the
11 visual examination camera test through the line, the
12 engineering line -- I mean the drainage line that
13 runs from the church lot to Lakeview if we could get
14 access on the Lakeview property. I thought we had an
15 agreement to do so. It required a hold harmless from
16 -- Lakeview wanted a hold harmless agreement.

17 I contacted Counsel for Lakeview and am
18 assuming that Counsel was going to probably revise
19 whatever I prepared. I suggested that Counsel start
20 the document going and it would be easier if I then
21 revised it, and I was advised that Counsel was too
22 busy to do so and would be so for weeks, at which
23 point I said, okay, how about if I do the document
24 and you just have to review it? And I got the same
25 response; wouldn't be able to review it for weeks.

1 At this point our offers are done. You
2 know, we have to cut bait and -- what is the saying?

3 MR. WARD: Fish or cut bait.

4 MS. PRICE: That's it. That's what we
5 have to do. And that's what this application tonight
6 will show, and you'll hear from Dan in terms of the
7 drainage and hear from Dan how we're fully -- not
8 only fully compliant with stormwater regs, that we
9 exceed compliance with those stormwater regs.

10 So there's no more legal issue to be
11 bounced up in the area about connecting into the
12 easement. We're not doing it.

13 MR. REGAN: You don't need that.

14 MS. PRICE: We don't need it. So
15 that's bye-bye. So nobody has to worry themselves
16 about that legal issue. This new design does not
17 incorporate that.

18 The plan would need to be amended to
19 delete the lines that are shown because conversation
20 had still been going on with representatives of
21 Lakeview, but you'll hear that -- from our witness
22 that the plan as designed does not, in any way, rely
23 upon those underground lines.

24 So, one more question, because this
25 testimony tonight is so limited and so direct, I'm

1 going to ask, Mr. Chairman, if we could please get a
2 very strict instruction regarding questioning. Our
3 engineer has been up, I don't know now, at least four
4 times, I think, and has testified to everything that
5 an engineer can testify to.

6 For tonight, the public's questions on
7 this should be limited to what he testifies to. And
8 I would ask that we do not go off into nine other
9 areas of the plan, because we have been there, done
10 that. I have provided him here at every single
11 meeting to answer any questions that arose. So if we
12 could try to just focus in on what we're presenting.

13 And I don't have anything else from me,
14 if you have anything of me; if not, I can just
15 proceed with testimony. No?

16 MR. STEINHAGEN: Chairman, if I could
17 be heard since I was the subject of discussion from
18 Mr. Price?

19 I will be brief.

20 CHAIRMAN WEIDMANN: Why don't you step
21 up to the microphone so we can hear you.

22 MR. STEINHAGEN: Sure. Absolutely.

23 For the record, Daniel Steinhagen from
24 Beattie Padovano on behalf of Angeline Sheridan and
25 the Lakeview Association.

1 I wanted to respond briefly to some of
2 the things Ms. Price said. The first thing is, when
3 I entered an appearance I asked for copies of plans,
4 anything that was submitted. I made that request
5 four times, I believe. I haven't once been copied on
6 anything to this board. I wasn't copied on the
7 submission on September 6th of the plans.

8 And Ms. Price is right, but courtesy
9 goes both ways. And I was tired, frankly, of not
10 being copied on plan revision after plan revision
11 after plan revision.

12 So if you want courtesy, you got to
13 give it. That's number one.

14 Number two, with regard to the
15 Municipal Land Use Law and what it says, I quoted the
16 statute. Ms. Price talked about the second sentence
17 of the statute. I'm going to read it to the Board.
18 Excuse me for looking at my phone, I don't have a
19 copy of it on hand.

20 The second sentence says:

21 "The Applicant may produce" -- the
22 second sentence of that statute, which is
23 40:55(d)-10, there is no (b)(2) or anything like
24 that, it's just B.

25 It says:

1 "The Applicant may produce other
2 documents, records or testimony at the
3 hearings to substantiate or clarify or
4 supplement the previously filed maps or
5 documents."

6 That's talking about exhibits. It's
7 not talking about the plans for which approval is
8 sought. The Board has to sign a site plan saying
9 it's approved. That's the document for which
10 approval is sought. The statute says it's got to be
11 on file 10 days in advance.

12 MR. REGAN: What about the sentence I
13 read out, out of Cox?

14 MR. STEINHAGEN: I don't think Mr. Cox
15 makes the law. And there's nothing in --

16 MR. REGAN: He's cited by the Supreme
17 Court all the time.

18 MR. STEINHAGEN: I understand that he
19 is, but the statute says what it says. And it says:

20 "The plans for which approval is sought
21 must be on file 10 days in advance."

22 Since we're not having a vote tonight,
23 I don't think it's an issue. Because I appreciate
24 the fact that an applicant is allowed to revise the
25 plans. If these plans are on file 10 days before a

1 vote, I am okay with that.

2 MR. REGAN: You know it happens all the
3 time. You have done it on applications before my
4 Board.

5 MR. STEINHAGEN: Mr. Regan, what I am
6 saying to the Board is since we're not having a vote
7 it's not an issue.

8 But I think that to attack me for not
9 citing the second part of the statute, which is not
10 applicable to the situation we're talking about, is
11 not appropriate, frankly. That is number one.

12 With regard to the sufficiency of the
13 notice, the applicant put in its notice that the
14 Gerrit Haring house, which is a historic house, which
15 is a historic structure, it's on the federal
16 register, it's on the state register, would remain on
17 the property.

18 Now it's not proposed to remain on the
19 property, the new plans that were filed last week say
20 it's to either be removed or relocated.

21 Where is it going? Members of the
22 public are entitled to know what the Applicant is
23 proposing. We're now hearing about a gift to the
24 municipality. I have really strong concerns about
25 that.

1 But if that's what ends up happening,
2 we can talk about that later.

3 But, frankly, the Applicant decided
4 what to put in its notice. It advised the public of
5 what to expect at the hearing, the relocation of the
6 structure was the subject of discussion. I know that
7 there was certainly some testimony -- there was some
8 commentary given at the first hearing about a
9 historic architect or historic preservation expert
10 coming, that is apparently not happening now.

11 But the public was told what to expect.
12 That is not the case anymore. And I think it's
13 incumbent upon the Applicant not to mislead the
14 people who aren't here.

15 Members of the public might think, you
16 know, I'm okay with them moving the house over a
17 couple hundred feet.

18 But to not know now if it is not to be
19 there or to be somewhere else, I think does a
20 disservice to their interest, and I think that they
21 need to be told. That's the sum and substance of the
22 objection.

23 As for Ms. Price's commentary about
24 what the Applicant tried to do or what they didn't do
25 with respect to the Lakeview drainage, I am going to

1 read to you the last sentence of the e-mail, the last
2 e-mail I got on the subject. This is from Ms. Price,
3 August 17, 5:25 p.m.

4 "Well, I will advise the client. I am
5 sure they will have us proceed to, prepare the
6 document. And it's -- "prepare the
7 documents."

8 And I said, "Great."

9 That was the last I heard of it. We
10 are all busy. Ms. Price's client stands to make \$3.7
11 million based upon --

12 MS. PRICE: That's --

13 MR. STEINHAGEN: Hold on, excuse me.
14 I'm making an argument.

15 MS. PRICE: Based upon what?

16 MR. STEINHAGEN: Based upon what?

17 Based upon the documents you filed with
18 the Department of Health. They're making millions of
19 dollars and they couldn't prepare a document --

20 MS. PRICE: That's not relevant at all.

21 MR. STEINHAGEN: She's denigrating my
22 clients and saying we didn't do what we were supposed
23 to do. I was busy, you're right.

24 Ms. Price's client has a vested
25 interest and if they don't want to do it, that's

1 fine. We're okay with that.

2 But to say that we didn't do what we
3 were supposed to do is just not true.

4 MS. PRICE: Okay. Well, I'll tell you
5 that it is true because our client, and I can have
6 him come up and testify, had an agreement with a
7 representative from Lakeview that we would be able to
8 proceed with the camera testing and the issue was a
9 hold harmless. That was the issue.

10 MR. REGAN: But now we don't need it
11 anymore.

12 MS. PRICE: And we don't need it
13 anymore, correct.

14 MR. REGAN: We're wasting time here.

15 MS. PRICE: Right.

16 But you did not cite the entire
17 statute. You left out --

18 MR. STEINHAGEN: The other documents
19 that clarify the plans, you're right. I didn't cite
20 that because it's not --

21 MS. PRICE: Which will be used as an
22 exhibit tonight. And there is no vote tonight.

23 MR. STEINHAGEN: Okay.

24 MS. PRICE: And your first --

25 MR. STEINHAGEN: And that's why I said

1 I withdrew it.

2 MS. PRICE: Okay. And your first three
3 paragraphs on the house and the relationship to the
4 Master Plan is a speculative, premature submission
5 that I'm not sure, based upon your clients, what the
6 issue is.

7 But in any event, there is no
8 professional planning testimony yet, so it's
9 premature. The Master Plan hasn't even been
10 referenced once.

11 MR. STEINHAGEN: So --

12 MS. PRICE: So it's premature.

13 MR. STEINHAGEN: I don't agree with
14 you.

15 MS. PRICE: Okay. That's why we make
16 some money as lawyers, I guess, right, and make
17 arguments to the Supreme Court.

18 MR. REGAN: You both make money, not
19 me.

20 CHAIRMAN WEIDMANN: Are you finished?

21 MR. STEINHAGEN: Absolutely.

22 CHAIRMAN WEIDMANN: Okay.

23 MS. PRICE: Okay.

24 CHAIRMAN WEIDMANN: Let's proceed with
25 the hearing.

1 MR. STEINHAGEN: Thank you very much.

2 MS. PRICE: I call Dan, recall.

3 MR. REGAN: Mr. Sehnal, you've been
4 sworn, obviously.

5 You're going to mark the new plans, I
6 think we're up to A-30, correct me if I'm wrong.

7 MS. PRICE: A-30 is what I have, yes.

8 MR. REGAN: The plan revised to August
9 30th?

10 MS. PRICE: A-30, yes.

11 MR. REGAN: Dated August 30.

12 (Whereupon, Engineering Plan Last
13 Revised August 30, 2022 is marked as Exhibit
14 A-30 for identification.)

15 D A N I E L T. S E H N A L, PE

16 245 Main Street, Suite 110, Chester, New Jersey
17 07930, having been previously sworn, testifies as
18 follows:

19 MR. SEHNAL: All right, so the exhibit
20 -- good evening again, Chairman, Members of the
21 Board, again, Daniel Sehnal, Dynamic Engineering.

22 The exhibit that I have on my board as
23 well as the screen this evening is identified as site
24 plan. It is Sheet No. 5 of 20 which was recently
25 resubmitted to the Board.

1 It is revision No. 9 dated August 30th,
2 2022. And again, for the record, I have marked this
3 A-30 with today's date.

4 So very briefly this evening, just
5 wanted to touch on the main revisions that we have
6 made to this plan. Understanding the concerns from
7 the Board from previous hearings and the -- one of
8 your Board Members made a good suggestion of, if
9 you're relocating the house you have additional area
10 on the site, why not put additional basin up there to
11 further alleviate the stormwater that ultimately gets
12 discharged to the rear of the site.

13 We thought that was a great idea. We
14 had some usable space in the front of the site. So
15 where the existing barn was, or to the southwest of
16 our proposed building, we have revised our drainage
17 plan to incorporate an additional above ground
18 storage basin.

19 This above ground basin is about
20 100-feet wide by 50-feet deep into the site. And
21 it's about 2 feet in depth.

22 What this basin technically is, is a
23 bioretention basin, which is, essentially, a fancy
24 word for a rain garden. It's a depression, which
25 will be planted nicely by our landscape architect

1 with wet-site flower and plants so it would
2 essentially look like a nice garden, but the intent
3 of this is to capture additional stormwater.

4 So originally the -- I would say
5 90 percent of the site, including the building, was
6 collected by various roof leaders and inlets
7 throughout the site, in the parking lot, and conveyed
8 to the basin to the rear of the site in the north.

9 In that basin it was treated for
10 stormwater quality, detained, and then released at a
11 controlled rate back to the same point that it was
12 going under existing conditions.

13 You heard me testify to this multiple
14 times; that previous plan met all the state
15 requirements, meaning groundwater recharge
16 requirements, water-quality requirements and
17 water-quantity requirements. And not only did it
18 meet them, it exceeded them. Fully compliant.

19 We already had our Soil Conservation
20 District approval that reviewed that basin, and
21 county also reviewed it as well and had no objections
22 to what was proposed.

23 DIRECT EXAMINATION

24 BY MS. PRICE:

25 Q. So, Dan, let me just stop you for a

1 minute.

2 So when you're referring to that plan,
3 that's the original drainage plan, nothing having to
4 do with the underground pipe and easement question,
5 correct?

6 A. That's correct.

7 Q. Okay.

8 A. Absolutely.

9 So even though that basin was fully
10 compliant and the majority of the site was going to
11 it, we did have that opportunity in the front of the
12 site.

13 So what we did is we, essentially,
14 divided the building in two pieces; the top -- the
15 north half of the building and the south half. The
16 north half continued to be collected by roof leaders
17 and then discharge to the basin to the rear.

18 However, the entire front portion of
19 the building is collected by roof leaders and then
20 conveyed and discharged directly to the proposed
21 bioretention basin to the front of the site. That
22 stormwater is collected and not only for the 2-year
23 storm, but all of the required design storms, the 2-,
24 10- and 100-year design storms. The stormwater from
25 that roof goes into that basin and that basin is

1 designed to infiltrate the entire storm into the
2 soil, back into the ground.

3 So even the 100-year storm will be zero
4 discharge from that basin as it is designed. So no
5 stormwater going to the wetlands. All that
6 stormwater from the front half of the building will
7 be infiltrated back into the ground.

8 What that does is you now have less
9 water going directly to the wetlands and you have
10 less water going to the basin in the rear, which
11 ultimately results in less water going towards the
12 Lakeview property.

13 So now with this design, the discharge
14 to the rear of the site going to the Lakeview
15 property is, for the highest storm we have to design
16 to, the 100-year storm, we only have to reduce that
17 storm 20 percent of the original volume under
18 existing conditions. Under proposed conditions now,
19 we are reducing that rate more than 60 percent.

20 So when you're looking at the 100-year
21 storm today, we have 60 percent less rate going to
22 that Lakeview property under proposed conditions with
23 that additional basin in the front.

24 So as a whole, the entire site reduces
25 the amount of stormwater leaving the site in a matter

1 of volume as it's getting infiltrated back into the
2 ground, and the rates are significantly reduced when
3 we compare the existing conditions.

4 So in my professional opinion, this is
5 a far better design when you're looking at existing
6 conditions. So less water is going to Lakeview than
7 it is under existing conditions, and at a lesser
8 rate. So there's -- it's less water, and I do not
9 anticipate any detriments to the Lakeview stormwater
10 system.

11 Additionally, as Ms. Price mentioned,
12 there was numerous attempts to connect through the
13 easement underground to the existing Lakeview
14 property; however, it's not on this plan yet, but we
15 would certainly be revising it. We are now going to
16 go back to our original design where we have the
17 overland flow, so we no longer need to connect
18 underground to the Lakeview. The stormwater will
19 discharge in the same exact spot it does today, but
20 overland flow conditions, and we'll be placing,
21 essentially, riprap and a scour hole to really slow
22 the water as it disperses out the back of the site.

23 That will be designed to comply with
24 the standards that are put in place by the New Jersey
25 soil erosion and sediment control standards. That

1 stormwater will meet the requirements so that we have
2 discharge out of the back of the site at the required
3 rates, speeds, so there will be no erosion or issues
4 to the Lakeview property.

5 And again, this -- even though we're
6 already certified via the Soil Conservation District,
7 we'll take this plan, we'll resubmit them to them,
8 and look for a recertification of that plan when they
9 review the overland flow, yet again, meeting those
10 requirements.

11 Q. Dan, just go back a minute, when you
12 say we needed to work to sort of 20 percent --

13 A. Yes.

14 Q. -- and you then referred to
15 60 percent --

16 A. Correct.

17 Q. -- just talk about, when you say it's
18 required, by whom? And just zone in a little bit
19 more in terms of what that means --

20 A. Absolutely. Absolutely.

21 Q. -- in terms of 20 percent, 60 percent.

22 A. Absolutely.

23 So a little bit of stormwater design
24 101, the New Jersey administrative code has a
25 stormwater section that, I'm sure a lot of people

1 have heard in the news that it's been revised over
2 the last couple years, but one of the big things that
3 we're meeting is quantity, the rate of water leaving
4 the site.

5 We look at the site and there's three
6 main storm events: The 2-, 10- and 100-year storms.
7 Those storms need to be collected under proposed
8 conditions and we look at the existing rates of those
9 storms, and essentially we have to reduce the 10-year
10 storm to 50 percent of the original rate; the 10-year
11 storm needs to be reduced to 75 percent of the
12 original rate; and the 100-year storm needs to be
13 reduced to 80 percent.

14 So, essentially, it's a 20 percent
15 reduction from the 100-year storm when you're looking
16 at rates. So not only do we meet that 20 percent, we
17 far exceed it; we go up to as high as 60 percent in
18 our proposed condition.

19 Q. Thank you.

20 A. Absolutely.

21 Q. Are those the only revisions?

22 A. Those are the only revisions. We only
23 touched the stormwater in this case.

24 MS. PRICE: Okay. So that's all I have
25 on the plan revisions.

1 CHAIRMAN WEIDMANN: Tom.

2 MR. SKRABLE: Just a couple of
3 comments. I submitted a memo e-mail earlier today,
4 pretty brief.

5 MR. REGAN: Maybe we should have that
6 marked, Tom.

7 MR. SKRABLE: Sure.

8 MR. REGAN: Dated September 14th,
9 9:32 a.m. We'll mark that as B-1, the Board's first
10 exhibit.

11 (Whereupon, E-Mail Memo of Mr. Skrable
12 dated September 14th, 2022, 9:32 a.m. is
13 marked as Exhibit for Identification.)

14 MS. FROHLICH: There was an e-mail from
15 May that was B-1.

16 MR. REGAN: Yes, to the Board.

17 MS. FROHLICH: That was B-1.

18 MR. REGAN: B-1.

19 MS. FROHLICH: We marked it B-1.

20 MS. PRICE: There was one back in May,
21 B-1.

22 MR. REGAN: There was, okay. Then
23 we'll mark it B-2.

24 MS. PRICE: Can I get a copy of that?

25 MR. SKRABLE: I sent you a copy, right.

1 MS. PRICE: Yes, I don't have --

2 MR. SKRABLE: It's simple, I'll go
3 through it.

4 MR. REGAN: B-1 was 5/11.

5 MS. PRICE: If I could just get a copy.

6 MR. SKRABLE: Sure.

7 MS. FROHLICH: I'll forward it to you
8 now.

9 MS. PRICE: Okay.

10 MR. SKRABLE: So from a zoning
11 standpoint, by removing the home or the dwelling in
12 the front, you're actually improving the zoning of
13 the application slightly.

14 The building coverage goes down, the
15 total impervious coverage goes down 2,000 square
16 feet, whatever the size of the building was.

17 There was a front yard setback on the
18 drawing that pertained to the existing dwelling
19 because that's closer to the street than their
20 proposed 100-bed facility.

21 So that front yard setback improves and
22 the total side yard setback improves.

23 All of the zoning aspects are better
24 than they were with the prior application.

25 From a stormwater management

1 perspective, I have no problem with the addition of
2 the new basin. They did not change the geometry of
3 the main basin in the rear.

4 So as Dan testified to, the discharge
5 from that basin actually goes down because now some
6 of that water is being taken to the front.

7 Also, as you testified to, the basin in
8 the front is sized for all of the required design
9 storms without any overflow. And you didn't mention
10 how quickly that would drain.

11 Is that something you could just
12 briefly go over.

13 MR. SEHNAL: Absolutely.

14 We don't have actual infiltration
15 testing of those soils, just --

16 MR. SKRABLE: Just assume they're the
17 same soils in the back.

18 MR. SEHNAL: Exactly.

19 So we're making the assumption with
20 those soils, it drains about 42 hours for the
21 100-year storm.

22 We have very good soil condition,
23 actually in the front the soil is technically better
24 than the rear, so we will provide additional
25 infiltration now to that basin in the front, but

1 based on, looking at our geotechnical testing that we
2 already have, the soils in the front of the site are
3 actually better than the soils in the rear of the
4 site.

5 The infiltration rates in the rear of
6 the site are already excellent and the front of the
7 site is anticipated to be better, so we will meet the
8 requirements of that basin drains in less than 72
9 hours and expect it to drain a little over 42 hours.

10 MR. SKRABLE: Just so the Board
11 understands that, it is a rain garden, it's going to
12 have plantings in it, but there will be a ponding of
13 water for a period of time, you know, a day or so.
14 And it is relatively close to Old Tappan Road.

15 I think it's an improvement to the
16 overall plan, but I want the Board to be aware of
17 that.

18 So the only issue I have, and it's the
19 same old issue, even if we go back to the original
20 plan where there is just a pipe discharge toward the
21 Lakeview property from the rear basin that is going
22 to flow overland and go into the drainage that exists
23 on the Lakeview property, I don't think we've
24 displayed the legal right to do that. You're
25 concentrating that flow. I still think we need to

1 get over that hurdle.

2 And then the other aspect of that same
3 question is, I believe Soil Conservation District
4 makes you design downstream stability for 10-year
5 storm?

6 MR. SEHNAL: Ten-year storm.

7 MR. SKRABLE: Ten-year storm.

8 So, basically, what that means is right
9 now the site drains by sheet flow toward Lakeview.
10 They're going to reduce that rate, and I'll pick a
11 number out of a hat right now.

12 If 10 cubic feet per second leave the
13 site now, they're going to be 6 cubic feet per second
14 -- if we're getting a 60 percent reduction, there
15 will be 4 cubic feet per second leaving the site. So
16 it's a lesser volume.

17 I agree with all that. But the problem
18 is by concentrating it, you can then create erosion
19 issues. And Soil Conservation District is the agency
20 what has the jurisdiction over that downstream design
21 and they make you design for the 10-year storm.

22 So if we get something larger than
23 that, which of course we will at some point, are we
24 going to create an erosion issue, and then who's
25 going to be responsible to repair that.

1 Could we somehow make that the
2 responsibility of the church and/or Lakeview to have
3 to repair their property because of this basin being
4 constructed? I just don't think that's fair, and I
5 think that needs to be addressed.

6 MR. SEHNAL: Just one item I want to
7 add on that. So you're 100 percent correct, the Soil
8 Conservation District requirement is reducing the
9 10-year storm to a certain flow velocity.

10 I believe it's 2 feet per second. On
11 the original design we looked at that all the way up
12 to the 100-year storm and made sure that we met that
13 requirement, so we even exceed that, too, for the
14 100-year storm.

15 And we'll absolutely take a look at it
16 again with this revised plan and make sure that we
17 still even reduce the 100-year storm to have a stable
18 offsite flow rate.

19 MR. SKRABLE: And I'm really not
20 questioning your numbers, it's more the concept.
21 Because even if all of that is correct and the
22 100-year storm is still less than 2 feet per second,
23 there could come a time, especially during
24 construction when the site is completely bare and the
25 basin is still forced to function, where you're going

1 to create a problem downstream and how are you going
2 to address that.

3 MR. SEHNAL: Yeah, we have discussed
4 that as well with the Soil Conservation District
5 directly, the district manager, Mr. Angelo Caruso,
6 and we've already proposed to put super silt tents on
7 the rear of the site which further reduces the amount
8 of silt that leaves the site on our construction
9 activities.

10 And they did mention the process or
11 explained to me the process of how they ensure
12 compliance with our Soil Conservation District
13 certification throughout construction, so if you have
14 real large storm events, which everyone is familiar
15 with happening over the past couple years, they will
16 visit active construction sites after that storm
17 event, making sure all the soil erosion control
18 standards are still in place, and if there is a
19 compliance issue essentially, you know, if any soil
20 does leave the site and ends up downstream, it would
21 be the Applicant's responsibility to rectify that
22 situation and clean up the soil that goes offsite.

23 MR. SKRABLE: What that means to the
24 Board is it's out of your control, so during
25 construction it's in Bergen County Soil's control.

1 Post-construction, once Bergen County Soil certifies
2 the project, no one has control.

3 So if there is a problem
4 post-certification, how do we make somebody
5 responsible for it.

6 MS. PRICE: Well, if I could --
7 post-certification and during construction are
8 covered by the developer's agreement.
9 Post-certification and post-developer's agreement
10 we're covered like any other builder or applicant who
11 does work and has an existing or proposed flow over
12 property of others.

13 And if we are DEP and other state
14 compliant with all regs, there's no negative impact
15 because we comply with every single regulation to
16 ensure that there is no negative impact. And going a
17 step further, I think you're absolutely right, you
18 know, soil conservation has the jurisdictional
19 position during construction, and that's why I asked
20 Dan to go that extra step to verify with Angelo
21 Caruso that they would actually step it up on this
22 project, given the concerns that we've heard about
23 the surrounding properties and the work on the site.

24 And he -- I don't want to testify, Dan,
25 he testified -- he responded positively with his

1 team, correct?

2 MR. SEHNAL: Yes, that's correct.

3 And in addition to that, as far as
4 post-construction, we'll also be required to deed to
5 the property operations and maintenance manual that's
6 associated with the stormwater design.

7 It focuses on stormwater infrastructure
8 that is on-site, immediately on-site, but part of
9 that is making sure all of our outflows or outfalls
10 of basins are functioning as they're designed.

11 So if there is an instance where our
12 outfall becomes eroded or it's failing, it would be
13 again the owner of the property's responsibility to
14 make sure that we comply with that. And that is
15 deeded with the property and the municipality does
16 have the power to essentially require that we comply
17 with that operation and maintenance manual that is on
18 file with the town, and it's also required for DEP.

19 MR. REGAN: Don't annual reports have
20 to be submitted as well?

21 MR. SEHNAL: What's that.

22 MR. REGAN: Annual reports have to be
23 submitted?

24 MR. SEHNAL: Yes, absolutely.

25 MR. SKRABLE: I promise you, this is

1 the last thing I am going to say.

2 I don't have a problem with the design,
3 I think you have done your job. I'm really not
4 saying that. I think everyone in here would agree
5 even if that was done extremely well, there is a
6 potential for a problem downstream here.

7 And we're now relying on an operation
8 and maintenance manual which doesn't discuss damages
9 to downstream properties, I don't believe, to try and
10 reconcile potential damages. I don't think that's
11 the right way to do it. And this Board is now a
12 party to that agreement.

13 MS. PRICE: But if there -- Tom, I will
14 not keep this going either, I promise, but if there
15 is no regulation that is being violated, you can't
16 hold an Applicant to something that doesn't exist.
17 You have to hold them to compliance with every single
18 regulation that exists and make them bond for
19 whatever is, you know, within your power and continue
20 oversight, but I don't think that you can go above
21 and beyond the law in terms of that.

22 MR. SKRABLE: Agreed.

23 And I said it was going to be the last
24 thing I said, but I understand you also maybe have a
25 downstream neighbor who is not being very

1 cooperative. I get all that. And I am really not --
2 I don't want to point fingers at anybody.

3 All I'm saying is it's potentially a
4 problem for this Board to approve it when we just
5 said, well, there is nothing we can do about it.
6 Because that's what we're doing.

7 MR. MAGGIO: What would be the right
8 solution.

9 MR. SKRABLE: This plan that's before
10 you now, not the original plan, with the easement in
11 place and an agreement with Lakeview giving them
12 something for the right to use their property with
13 this new stormwater.

14 MR. REGAN: But they don't appear to be
15 agreeable to that.

16 MR. SKRABLE: I understand. And if
17 that's what the Board decides, I get that.

18 MR. REGAN: We can't force Lakeview to
19 do that.

20 MR. SKRABLE: I didn't want this to get
21 passed over because there was nothing they could do
22 when I think there were things they could do early
23 on, they could have gotten a court order, they could
24 have done different things, and it just wasn't done.
25 Because you thought there was cooperation at that

1 point, I get it. But now the Board is being forced
2 to swallow it.

3 MS. LOULLOUDIS: Can I jump in with a
4 question?

5 Can the detention basin in the back be
6 raised so that it can drain toward the wetlands like
7 the front one is proposed to do?

8 I'm just looking at the grades. If --
9 you know. And instead of being lower, right, you
10 have it at grade and then you're basically pitching
11 it to the wetlands side. You're going to have to
12 build a wall in the back, but --

13 MR. SEHNAL: We absolutely could, it
14 technically absolutely could work, it just gets into
15 a regulatory item where we are putting more water
16 where it doesn't go today. We're matching the drain
17 effects. That water is going --

18 MR. SKRABLE: Especially because there
19 is no outlet to the wetlands either.

20 MS. LOULLOUDIS: Right.

21 MR. SEHNAL: Yeah.

22 That water goes to Lakeview today.
23 We're putting it back to where it goes.

24 MS. LOULLOUDIS: Understood.

25 CHAIRMAN WEIDMANN: Okay. Anything

1 else.

2 Tom, do you have anything?

3 MR. SKRABLE: No, thank you,
4 Mr. Chairman.

5 CHAIRMAN WEIDMANN: You're done?

6 MR. SNIECKUS: Mr. Chairman, the only
7 thing I'd like to ask is -- I'm pretty sure I know
8 the answer to this, is that -- any of these drainage
9 changes affect any of the buffer requirements --

10 MR. SEHNAL: No.

11 MR. SNIECKUS: -- as far as the relief
12 you're seeking.

13 MR. SEHNAL: No. Absolutely not.

14 And I'm not sure if I mentioned it,
15 with the addition of the basin in the northwestern
16 corner or the southwestern corner of the site, we're
17 still completely outside of the wetlands transition
18 area, so we would still need no additional approvals
19 from the DEP.

20 So we're not touching the buffers, the
21 wetlands, or impacting the buffers that are required
22 by the municipality.

23 MR. SNIECKUS: Thank you, Mr. Chairman.

24 CHAIRMAN WEIDMANN: Charles.

25 MR. MAGGIO: I have nothing.

1 CHAIRMAN WEIDMANN: Mike.

2 MR. ALESSI: First I want to apologize
3 to you that somebody deemed it necessary to get into
4 your face and threaten you. I don't know who it was.
5 I don't care.

6 But, hopefully, going forward that
7 people -- everybody here will not be sending e-mails
8 or talking in the parking lot behind somebody's back.
9 So I apologize that somebody deemed it necessary for
10 you to insist that the police be here.

11 So it must be frightening on your part
12 so, sorry about that.

13 MS. PRICE: Thanks.

14 MR. ALESSI: I have no questions.

15 CHAIRMAN WEIDMANN: Mr. Keil?

16 MR. KEIL: Yes, just a couple, just for
17 clarification.

18 So the rain garden near the Old Tappan
19 Road area, that is going to be over the footprint of
20 the existing -- or where the building, the historic
21 building currently is now?

22 MR. SEHNAL: Generally where the barn
23 is currently.

24 MR. KEIL: The barn, okay.

25 And you said that was going to be

1 2-feet deep or 2 inches?

2 MR. SEHNAL: Two feet overall.

3 So it's a 2-foot depression. It's not
4 going to look like, you know, a drop-off of 2 feet,
5 it's essentially, in total, a 2-foot depression.

6 MR. KEIL: Okay. And that -- you were
7 saying before, you are going to be doing additional
8 infiltration tests there just to confirm --

9 MR. SEHNAL: Absolutely.

10 MR. KEIL: -- that the -- that you're
11 able to absorb those waters.

12 MR. SEHNAL: Yeah.

13 We fully anticipate that that's great
14 soil, the whole area has really good soils, but we
15 will absolutely do the testing that's required by the
16 state.

17 MR. KEIL: Okay. And then there was
18 talk, there was comment about a developer's agreement
19 and an O&M manual.

20 Do they extend -- and they -- I'm
21 surmising that they don't extend your responsibility
22 off-site, just what's on-site.

23 Is that correct?

24 MR. SEHNAL: Correct.

25 Yes, I am not sure, I would have to

1 look at the language that is directly from the state
2 that would need to provide it, and they may have
3 something in there regarding protecting downstream
4 facilities.

5 But it does not mention, you know,
6 actually doing maintenance on items downstream, it's
7 essentially keeping everything on-site and making
8 sure that our features that we put into place on our
9 site are functioning properly to protect downstream
10 facilities.

11 MR. KEIL: Understood.

12 Have you had any O&M manuals or
13 developer's agreement that actually obligated an
14 Applicant for maintaining, you know, as Tom was
15 mentioning here, you know, the possibility of a storm
16 that does cause some erosion; have you ever had an
17 O&M manual developer's agreement that obligated the
18 applicant to actually address any issues that are
19 downstream of the site.

20 MR. SEHNAL: No, not -- not -- nothing
21 that is off our site, no.

22 MR. KEIL: And do you have all your
23 approvals from -- you've mentioned soil conservation.
24 Any others that you would need?

25 MR. SEHNAL: Soil Conservation

1 District, we do have our certification; however, we
2 will need to be recertified with this new plan.

3 Bergen County, they have four comments
4 that we just need to address, and those comments are
5 just in relation to preparing metes and bounds
6 descriptions and exhibits for the actual dedication
7 and easement to them.

8 There was nothing that technical in
9 nature, but since we did revise the drainage design,
10 I'll be doing the same thing; I'll make a new
11 submission to them to make sure they are aware of
12 this change and making sure that they have no
13 objections to the change.

14 Wetlands, we have our letter of
15 interpretation from the DEP. We're not proposing any
16 other impacts to the wetlands, so we do not need
17 their approval. But we do need to go to the DEP for
18 treatment works approval, and that is just in
19 relation to the sanitary sewer flow.

20 MR. KEIL: Okay. I just had to ask
21 those questions to clarify because I failed
22 stormwater 101.

23 That's all I have.

24 CHAIRMAN WEIDMANN: Ms. Haverilla?

25 MS. HAVERILLA: May I ask a question?

1 I just want to be clear on the back
2 there. There is a retention basin, so that's going
3 to get filled up, correct?

4 And then is -- there is a pipe that
5 will go, will just spill out? What actually spills
6 out to the Lakeview property.

7 MR. SEHNAL: Correct.

8 So we'll have -- it's a
9 detention/infiltration basin.

10 So the 10-year storm, which is
11 essentially, you know, it's a very -- it's not a
12 frequent storm. So a lot of storms, like
13 thunderstorms you have roll through are not even a
14 one-year storm. It's a quick flush, it gets through
15 it.

16 So the majority of the storms will not
17 even be filling up this basin and leaving this basin.
18 The 10-year storm doesn't even have any water leaving
19 that basin in the rear. The only time we have water
20 leaving that basin is -- I'm sorry, the 2-year storm.
21 The 10-year storm and the 100-year storm is the only
22 time when we have stormwater leaving that basin.

23 And the way it will happen --

24 MS. HAVERILLA: We've kind of been
25 having more and more of these, so...

1 MR. SEHNAL: Absolutely.

2 So what we would be revising the plan
3 to be is essentially the original plan that was
4 submitted the first time, or revision number zero
5 with this application, and it will be a pipe that
6 essentially sticks out of the embankment associated
7 with the basin, but then there will be essentially a
8 large stone of depression.

9 So the stormwater goes into the stone,
10 it hits the stone and rather than just having a
11 stream of water comes out, it's called a scour roll,
12 it hits the stone and it fills up and it, kind of,
13 disperses gradually at a slower rate.

14 That's the purpose of that stone, to
15 really choke back that flow of the water, slow it
16 down and disperse it over a larger surface area
17 versus just one point.

18 MS. HAVERILLA: Okay. So how large an
19 area does it get dispersed from?

20 I mean, how large does that open up to?

21 MR. SEHNAL: I mean, the stone area,
22 itself, is about 10-by-10, 10-feet-by-10-feet.

23 But then as the grade opens up, it
24 disperses. And then it will follow the natural
25 topography of the land as it makes its way back to

1 that same inlet of Lakeview that it goes to today.

2 MS. HAVERILLA: Okay, thank you.

3 CHAIRMAN WEIDMANN: Okay.

4 MS. LOULLOUDIS: So, Dan, there's still
5 an outlet control structure on that, correct?

6 MR. SEHNAL: Correct.

7 So both basins will have an outlet
8 control structure. The one for the new basin will
9 essentially just be for anything that's larger than a
10 100-year storm because the majority -- anything
11 100 years and below will be infiltrated back into the
12 ground. The basin in the back does have an outlet
13 control structure as well. The 2-year storm doesn't
14 flow out of it, only the 10-year and above.

15 MS. LOULLOUDIS: Thank you.

16 That's it.

17 CHAIRMAN WEIDMANN: Okay. Anyone else
18 from this Board wish to be heard?

19 (No response.)

20 CHAIRMAN WEIDMANN: No.

21 MR. REGAN: Mr. Steinhagen, do you have
22 any questions?

23 MR. STEINHAGEN: I do.

24 Thank you, Mr. Regan.

25 Thank you, Chairman.

1 CHAIRMAN WEIDMANN: Just one point of
2 clarity, you represent Lakeview.

3 MR. STEINHAGEN: The association, not
4 the individuals who live there.

5 CHAIRMAN WEIDMANN: Okay.

6 MR. STEINHAGEN: And I also represent
7 Angeline Sheridan.

8 CHAIRMAN WEIDMANN: Who?

9 MR. STEINHAGEN: Angeline Sheridan.

10 MR. REGAN: She is not a resident of
11 Lakeview?

12 MR. STEINHAGEN: No, she's not a
13 resident of Lakeview. She is a resident of Old
14 Tappan.

15 MR. REGAN: Okay.

16 CHAIRMAN WEIDMANN: It sounds, from
17 what we've heard, that you can't get your client,
18 Lakeview, to agree -- why are you shaking your head
19 no.

20 MR. STEINHAGEN: Not at all.

21 CHAIRMAN WEIDMANN: Okay. So why won't
22 we get an answer, try to resolve this problem about
23 the --

24 MR. STEINHAGEN: Frankly, I was
25 surprised at the representation of Counsel.

1 The issue that happened was I was asked
2 to prepare a document for the benefit of Ms. Price's
3 client. I said unfortunately I'm tied up doing other
4 things, can you do it. She said yes.

5 CHAIRMAN WEIDMANN: Okay.

6 MR. STEINHAGEN: And I didn't get it.
7 That's it.

8 CHAIRMAN WEIDMANN: Listen --

9 MR. STEINHAGEN: Lakeview is happy to
10 work with its neighbors.

11 CHAIRMAN WEIDMANN: That's not my
12 point.

13 That's not my point.

14 Why can't you get your client to sit
15 down and resolve this tomorrow?

16 MR. STEINHAGEN: I think we could.

17 CHAIRMAN WEIDMANN: You think you
18 could?

19 MR. STEINHAGEN: Yeah.

20 MR. REGAN: You've had some time.

21 CHAIRMAN WEIDMANN: Yeah, you've had a
22 couple months to do it and it hasn't been done.

23 MR. REGAN: They're going to proceed
24 without --

25 MR. STEINHAGEN: I understand.

1 MR. REGAN: -- your client's
2 involvement.

3 MR. STEINHAGEN: I understand.

4 MR. REGAN: Right now that's -- that's
5 what they're doing.

6 MR. STEINHAGEN: I understand.

7 And I understand what Mr. Skrable said.

8 MR. REGAN: As Mr. Skrable indicated,
9 it might be better for your client to come to an
10 agreement with the Applicant.

11 MR. STEINHAGEN: I'm happy to --

12 MR. REGAN: But if they don't want to
13 do that --

14 MR. STEINHAGEN: No.

15 MR. REGAN: -- it's not going to
16 prevent the Board from acting.

17 MR. STEINHAGEN: So -- So, Mr. Regan,
18 Chairman, I'm telling you right now that it is not
19 the case that my client does not want to work with
20 the Applicant. It's not.

21 And I'm happy to continue to work with
22 the Applicant on behalf of my client.

23 All I said to Ms. Price was I am not
24 presently able to prepare a document.

25 CHAIRMAN WEIDMANN: We're not asking

1 that.

2 MR. STEINHAGEN: That's it.

3 CHAIRMAN WEIDMANN: Can you get a
4 meeting this week between Ms. Price and your client?

5 MR. STEINHAGEN: I have to check with
6 them.

7 I think probably I could.

8 CHAIRMAN WEIDMANN: Okay.

9 MS. PRICE: You know, just --

10 Mr. Chairman, just for the record,
11 nothing in that statement is true.

12 And my client is here and, if
13 necessary, you can hear about what's gone on for the
14 past 60 days.

15 CHAIRMAN WEIDMANN: Well, just from --

16 MS. PRICE: The meetings.

17 CHAIRMAN WEIDMANN: -- being here --

18 MR. PRICE: YES.

19 CHAIRMAN WEIDMANN: -- you know...

20 MS. PRICE: But you can hear directly
21 from Mr. McElwee what has been offered, what has been
22 discussed, what has been done, the calls he has had,
23 and --

24 CHAIRMAN WEIDMANN: Listen, the way it
25 looks --

1 MS. PRICE: -- why we're here tonight.

2 CHAIRMAN WEIDMANN: -- the way it looks
3 to me, you know, you work for a huge law firm.

4 It looks like a stall.

5 That's exactly what it --

6 FEMALE AUDIENCE MEMBER: Like a what?

7 CHAIRMAN WEIDMANN: A stall tactic.
8 They don't want to sit down --

9 FEMALE AUDIENCE MEMBERS: We can't hear
10 you.

11 MALE AUDIENCE MEMBER: Who are you
12 talking to?

13 FEMALE AUDIENCE MEMBER: Speak up
14 please.

15 MALE AUDIENCE MEMBER: Are you speaking
16 to him or her.

17 MR. STEINHAGEN: Respectfully, sir, I
18 don't think that that's appropriate.

19 CHAIRMAN WEIDMANN: Well, prove to me
20 different.

21 MR. STEINHAGEN: I'm telling you right
22 now --

23 MR. REGAN: Why don't we let
24 Mr. Steinhagen ask a question.

25 MR. STEINHAGEN: Yes, I'd like to ask

1 -- I'd like to ask --

2 MR. REGAN: The Applicant's going to
3 proceed with its plan --

4 CHAIRMAN WEIDMANN: Okay.

5 MR. REGAN: -- as presented tonight.
6 If they don't want to participate or negotiate,
7 that's up to them.

8 MR. STEINHAGEN: I'm telling you that
9 the association is happy to have a meeting.

10 I don't see the need to attack me or my
11 firm because of that.

12 MR. REGAN: I don't think he was
13 attacking your firm --

14 CHAIRMAN WEIDMANN: I wasn't attacking
15 your firm.

16 MR. REGAN: -- he simply made a
17 statement that --

18 MR. STEINHAGEN: The fact that I work
19 for a huge firm, what does that have to do with
20 anything?

21 FEMALE AUDIENCE MEMBER: This is a huge
22 development.

23 CHAIRMAN WEIDMANN: Well --

24 MR. STEINHAGEN: I mean, this is bane
25 capitalist, that's -- I mean, we're talking --

1 MR. REGAN: Why don't you proceed with
2 your questions?

3 MR. STEINHAGEN: I would love to.

4 MR. ALESSI: Can I just say one thing,
5 just so you all know, ladies, I see -- you keep
6 raising your hand.

7 After this, there's going to be an
8 opportunity for everybody to speak. So you don't
9 have to keep raising your hands.

10 So when everybody is done, we'll open
11 the floor so you can come up and ask your questions.

12 MS. PRICE: Of the professional.

13 MR. ALESSI: Yes, for what happened
14 here.

15 Thank you.

16 MR. STEINHAGEN: And I'm going to be --
17 just so we're clear, I'm asking questions only about
18 the drainage and what he testified to tonight.

19 MR. REGAN: Good.

20 CROSS-EXAMINATION

21 BY MR. STEINHAGEN:

22 Q. So, Mr. Sehnal, did I hear you
23 correctly when you said that the soil -- the drainage
24 of the property, of the soil was good or very good or
25 even excellent?

1 A. Yes, correct.

2 Q. Can you -- do you have your stormwater
3 management report that was submitted?

4 A. I do.

5 Q. Can you go to the appendix with the
6 runoff, please.

7 A. Yep.

8 Q. I'm not sure what page it is. It might
9 have been an appendix page.

10 Those runoff curves are what you use
11 based on data from state and federal government
12 agencies to calculate the runoff from -- the existing
13 conditions runoff.

14 Is that correct?

15 A. Yes, correct.

16 Q. So if the soil that you're testifying
17 here is -- what's the adjective, good, very good,
18 excellent?

19 A. I was just saying we have great soils
20 based on our infiltration testing.

21 Q. Okay.

22 So why, in the curve numbers that
23 you're using, are you characterizing the soil
24 qualities as poor?

25 A. Because we base it off of the TR-55

1 method, which is a way that you do drainage
2 calculations that is required by the state studied
3 mapping, and that is -- this is different from
4 infiltration rates, which is what I was talking about
5 before for the infiltration capabilities for the
6 basins.

7 This is the soil properties based upon
8 the USDA soil properties for this site. There's
9 mapping that's published online, we take that type of
10 mapping and then we apply the type of ground cover
11 that is associated with those quantities.

12 Q. Okay.

13 So I am going to give you that document
14 and I am going to -- well, I'm going to give you a
15 document, I am going to ask you if that's the
16 document that you just referred to?

17 A. That's the TR-55.

18 Q. And that's the one you used and that's
19 referenced in your report?

20 A. That's correct.

21 MR. STEINHAGEN: Would you like a copy?

22 MR. REGAN: Are you offering it as an
23 exhibit?

24 CHAIRMAN WEIDMANN: I think it's part
25 -- it's already in the record as part of --

1 MR. STEINHAGEN: Well, it's referenced,
2 but the numbers that he's using and the other numbers
3 in it and why numbers have been selected or not, I
4 don't believe has been submitted.

5 CHAIRMAN WEIDMANN: Do you want to mark
6 it as a --

7 MR. STEINHAGEN: Sure.

8 Let's mark it as L-1.

9 MR. REGAN: Objector L-1.

10 MR. SEHNAL: And this is discussed
11 within the language of our stormwater management
12 report.

13 (Whereupon, TR-55 is marked as Exhibit
14 L-1 for identification.)

15 BY MR. STEINHAGEN:

16 Q. So the codes that you're using -- I'm
17 just going to give you a copy, Mr. Regan.

18 The codes that you're using are on the
19 last page of the document.

20 Is that correct?

21 A. Correct.

22 Q. Okay. And there's footnotes; are there
23 not?

24 A. Yes.

25 Q. Okay. So for the wooded area, which

1 is, I think, about 4.8 of the acres of this property,
2 you're using four.

3 What does footnote 6 say about poor
4 soil?

5 A. Poor is forest, litter, small trees and
6 brush are destroyed by heavy grazing or regular
7 burning.

8 Q. Is there regular grazing or burning
9 going on on this property?

10 A. No, there's not, but there's a reason
11 we select those numbers. It's a more conservative
12 way to do drainage calculations because it calculates
13 more water leaving the site, so we have to capture
14 additional water. And it's actually a more
15 conservative method by retaining our water and
16 letting -- holding back more when it leaves the site.

17 So my opinion, we're -- it's better
18 than using good soil properties.

19 Q. Are you -- so aren't you supposed to
20 reduce -- you gave testimony about the percentage
21 reductions off of the existing conditions, correct?

22 A. Correct.

23 Q. And when the soil qualities are poor,
24 more is leaving the site.

25 Is that correct?

1 A. Correct.

2 Q. But if the soil was good, which is what
3 the Borough's Ordinance requires you to assume;
4 right? It does, right?

5 A. I'm not sure.

6 Q. That's in the state stormwater
7 management regulations also, in the RSIS; right?

8 A. Potentially.

9 Q. So you're not familiar with
10 Section 213-5(a)(2) of the borough's ordinance?

11 A. If it was in front of me I'd read it to
12 you and let you know if it was something I'm familiar
13 with.

14 Q. So the question is, is if more water
15 was infiltrating into the ground, you'd have to
16 reduce the rate of what you're going to discharge
17 onto Lakeview's property by a greater extent;
18 correct?

19 A. If we're collecting more water,
20 correct.

21 Q. If you're collecting more water? If
22 the site is retaining more water under existing
23 conditions?

24 A. If -- just to cut to the chase, if
25 you'd like us to run those calculations and show that

1 we still meet using those, we certainly can.

2 Q. I'm not asking you to run calculations,
3 I'm asking you --

4 A. I'm answering your question --

5 Q. Hold on. I'm asking what's in your
6 report.

7 Is it fair to say -- I'm going to
8 represent to you that the Borough's Ordinance
9 requires you to assume that the soil conditions are
10 good, unless you verify that the conditions are not.

11 Does that sound -- does that sound
12 familiar?

13 A. Absolutely.

14 Q. What have you done to determine that
15 there is heavy grazing or burning such that you can
16 quantify this as poor soil?

17 A. By walking through the site.

18 Q. There is grazing?

19 A. There's plenty of deer.

20 Q. Heavy grazing? Seriously?

21 A. It's a small patch of woods with a lot
22 of deer in the area.

23 Q. Any regular burning?

24 A. Not that I am aware of, but there's
25 plenty of trash.

1 Q. Okay. Did you -- when you took into
2 account the existing conditions, did you take into
3 account the depression that is in the center of the
4 site?

5 A. Correct, yes.

6 Q. And that fills up with water, it
7 doesn't go anywhere, does it?

8 A. It does in larger storm events, which
9 is why we modeled it as a basin.

10 Q. Okay.

11 MR. STEINHAGEN: That's all I have,
12 Chairman.

13 Oh, you know what, excuse me, I take it
14 back.

15 I have one more question.

16 BY MR. STEINHAGEN:

17 Q. What is the size of the drainage area
18 that you now revised, based on the new bioretention
19 basin in the front, what is the drainage area that is
20 being collected in the basin in the back?

21 A. The basin in the back.

22 Being collected by the basin in the
23 back is about two acres.

24 MR. STEINHAGEN: Okay. That's all I
25 have.

1 Thank you.

2 CHAIRMAN WEIDMANN: Anybody have any
3 questions?

4 (No response.)

5 CHAIRMAN WEIDMANN: Tom, any other
6 questions?

7 MR. SKRABLE: I'm good.

8 I agree the existing conditions should
9 be modeled as good condition soils, but I also don't
10 have an issue with the overall soil on the property.

11 CHAIRMAN WEIDMANN: Okay.

12 Anybody else?

13 MR. MAGGIO: Just on that topic, when
14 you used poor, that was more conservative.

15 MR. SEHNAL: No.

16 Under existing conditions, you assume
17 good so that your number leaving the site under
18 existing is lower.

19 So now you've got to take that lower
20 number and still further reduce it.

21 So the better the conditions are under
22 -- the better the existing conditions are, the more
23 conservative the calculations are.

24 MR. SKRABLE: I'd be more than happy to
25 show you that.

1 MR. MAGGIO: Okay, that's it.

2 CHAIRMAN WEIDMANN: That's it?

3 Anybody else?

4 (No response.)

5 CHAIRMAN WEIDMANN: No.

6 MR. ALESSI: What Charles said.

7 CHAIRMAN WEIDMANN: Yeah, okay.

8 You're all --

9 MS. PRICE: Well, until we see where we
10 go. I may have questions for him after we hear from
11 everyone.

12 CHAIRMAN WEIDMANN: Okay. Can we have
13 a motion to open the meeting to the public.

14 MR. ALESSI: Motion.

15 MS. HAVERILLA: Second.

16 CHAIRMAN WEIDMANN: All in favor?

17 (Whereupon, all present members respond
18 in the affirmative.)

19 CHAIRMAN WEIDMANN: Okay.

20 Now, a point of reference like
21 Ms. Price said before, because if not, I am going to
22 cut you right off.

23 The only questions you can ask is what
24 the engineer testified tonight. We can't go back
25 three meetings ago or we can't go back to anything

1 the roof, but it technically is not intended to be a
2 water quality device in this case.

3 MS. COSTA: Okay.

4 You mentioned earlier, quote, there
5 will be less water directly sent to the wetlands.
6 Will this starve the wetlands at all? Is this
7 altering how many cubic pounds of fluid or however
8 you measure it going to the wetlands?

9 MR. SEHNAL: No, no, it's not that we
10 are -- what I meant to say is we're not putting
11 additional water to the wetlands. So we're not
12 overwhelming the wetlands when we look at the
13 existing conditions.

14 MS. COSTA: Just because we were
15 mentioning a lot of the 100-year storms. In your
16 experience, how many 100-year storms have you seen in
17 the last 20 years of working in North New Jersey.

18 MR. SEHNAL: I'm not sure. I couldn't
19 answer.

20 MS. COSTA: Do you think preparing for
21 more extreme weather is a priority for this community
22 as you folks are moving in.

23 MR. SEHNAL: I mean, again, we
24 over-designed this. It wasn't intended or required
25 to over-design, but it's -- you know, it could take

1 --

2 MS. COSTA: Well, I think you were
3 required up until 100-year storms, right.

4 MR. SEHNAL: Correct.

5 MS. COSTA: Yeah, so it is required.

6 So this is just in reference to
7 everything that we've been talking about. Lakeview
8 is what, 10 feet below this basin?

9 MR. SEHNAL: I'm not sure of the exact
10 elevations, but Lakeview, there is a low point
11 between the two properties and then the houses are
12 higher.

13 MS. COSTA: But I guess their basements
14 are still going to be saturated, right.

15 MR. SEHNAL: No.

16 MS. COSTA: No? In the groundwater.

17 MR. SEHNAL: Maybe under existing
18 conditions if they have groundwater issues, but we're
19 not intensifying that.

20 MS. COSTA: Okay. So, like, the water
21 seeping from this basin isn't oversaturating the soil
22 which causes basement flooding.

23 MR. SEHNAL: No. And we'll need to
24 provide evidence of that by way of a report.

25 MS. COSTA: Okay.

1 So you seem to be directing water more
2 towards the front of the property. Will this cause
3 any runoff ice and will this pose a danger to older
4 folks who are walking up that steep incline?

5 MR. SEHNAL: No. We -- for facilities
6 like this, we use our inlets more frequently for that
7 exact reason, so we have -- water has to travel a
8 shorter distance to get into the pipes to make sure
9 we're not posing, you know, slipping accidents.

10 All the roof leaders are routed
11 directly underground so you don't have like a roof
12 drain going down the sidewalk that could ice over, so
13 we're very careful in designing that.

14 MS. COSTA: So there's no extra salt
15 that could potentially run off and pollute anything.

16 MR. SEHNAL: Yeah, no.

17 MS. COSTA: So is there any issue with
18 not testing potential drinking water? Because this
19 also is -- your property runs off and it basically
20 ends up in our reservoir. And then you folks will
21 also be drinking that water eventually, too. So are
22 there any issues with not testing that water.

23 MR. SEHNAL: No, we're compliant with
24 what we're required to.

25 MS. COSTA: And what is the lifespan of

1 your site plan basin.

2 MR. SEHNAL: We're -- again, we're
3 required to file an operations and maintenance
4 manual, so we need to make sure that is well up-kept
5 and functioning as it is designed. So as long as the
6 facility is operating and there's no changes on the
7 site, it needs to operate the way it is so it's
8 improved.

9 MS. COSTA: So like 50 years, I guess.

10 MR. SEHNAL: For the life of the
11 facility unless it's changed.

12 MS. COSTA: Okay. Yeah, that's it.
13 Thank you.

14 CHAIRMAN WEIDMANN: Thank you.

15 Yes, sir.

16 MR. ARDITO: Peter Ardito from
17 Harrington Park.

18 I represent Bergen SWAN.

19 Hello, I just want to make sure, you
20 have been to the property specifically where this new
21 retention basin is going to be? You have walked --

22 MR. SEHNAL: Absolutely.

23 MR. ARDITO: -- that area.

24 Just curious, is the barn currently on
25 level with the property?

1 MR. SEHNAL: No.

2 MR. ARDITO: So when the barn --
3 theoretically you said that this is roughly going to
4 be where the barn is.

5 MR. SEHNAL: Yes.

6 MR. ARDITO: Okay. So when that
7 happens, that will be leveled out or will it still
8 slope based on the current topography.

9 MR. SEHNAL: Yeah, it will need to be
10 regraded to essentially make a depression. But we're
11 not disturbing that transition area of the wetlands,
12 that will stay exactly as it is today.

13 MR. ARDITO: And behind it, in other
14 words, going away from the street towards the back,
15 it tends to slope down; is that correct.

16 MR. SEHNAL: Correct.

17 MR. ARDITO: Okay. And how close will
18 that slope be to where the retention basin is going
19 to be and where they're taking -- where it ends in
20 the back, how close will it be to the slope.

21 MR. SEHNAL: You're saying the rear of
22 our detention basin to the beginning of the slope.

23 MR. ARDITO: Yes. Which is where the
24 slope is, correct.

25 MR. SEHNAL: Yes. We're about 20, 25

1 feet.

2 MR. ARDITO: Okay. That's it.

3 And you just testified a moment ago or
4 you answered the question that most of the water
5 going into this new retention will be coming from the
6 front of the roof of the facility?

7 MR. SEHNAL: Yeah, all of it, with the
8 exception of the water that drains directly on top of
9 that basin.

10 MR. ARDITO: Okay. And that was what I
11 was going to ask, what about property immediately
12 within, let's say, a few feet of the basin? Because
13 it's a rain garden, that might also run off, or
14 because it's flat it would not.

15 MR. SEHNAL: Well, anything that rains
16 directly on that basin will be collected by the basin
17 as well, so --

18 MR. ARDITO: What about, let's say,
19 three or four feet around it.

20 MR. SEHNAL: That won't be collected.

21 MR. ARDITO: It won't be collected, it
22 would just --

23 MR. SEHNAL: Sheet flow off. That's
24 included in our calculations to make sure that we're
25 still accounting for that free-flowing runoff.

1 MR. ARDITO: I'm just curious, I'm not
2 an expert in this, so when you say 100-year storm,
3 how many inches would that be? What is the
4 calculation for that.

5 MR. SEHNAL: It's about -- intensity of
6 the stormwater event, it's about under 6 inches an
7 hour.

8 MR. ARDITO: 6 inches an hour, okay.

9 MR. SEHNAL: Yeah.

10 MR. ARDITO: Because I was going to
11 ask, we did, a year ago, have a three-inch rainfall
12 in an hour around August of last year, and I was just
13 curious how that would be compensated so --

14 MR. SEHNAL: That's about a 25-year
15 storm, but that would be included as well.

16 MR. ARDITO: Okay.

17 Just so you know, I just read recently
18 over the last month there were five 1,000-year
19 rainfalls across the United States with climate
20 change, and that's a fact.

21 The -- with the -- even though the
22 slope begins around 20 feet behind, in an intense
23 rainfall, let's say one of these more intense, so the
24 500-year rainfall, would the garden be overwhelmed
25 and then some of that rainfall will obviously leave

1 and start finding other places to go; is that
2 correct?

3 MR. SEHNAL: Yes, potentially. That's
4 why we have to design essentially emergency
5 overflows. And those are designed to essentially act
6 as if there are no outfalls and it's only going over
7 a certain portion of the basin and we have to make
8 sure that it's below a certain rate to make sure it's
9 not overflowing.

10 MR. ARDITO: So is there any chance
11 that in this extremely heavy rainfall some of this
12 would go and go past it and get to the sloped area
13 and cause any erosion or any problems with that.

14 MR. SEHNAL: That is exactly what I
15 mentioned. That's why we designed to make sure that
16 if that event takes place, we don't have any erosion
17 issues.

18 MR. ARDITO: I think that's all I have.
19 Thank you very much.

20 MR. ALESSI: I have a follow-up
21 question.

22 On the 500-year, 1,000-year, whatever,
23 is what you're designing going to be better for all
24 the surrounding areas than as it is now?

25 MR. SEHNAL: Absolutely. Because we

1 have less water leaving the site, rate and quantity.

2 MR. ALESSI: So if you didn't build
3 this and we had the 1,000-year rain, the surrounding
4 properties would be impacted more than when you build
5 that.

6 MR. SEHNAL: That's exactly right out
7 of the stormwater regulations. That's correct.

8 MR. ALESSI: Thank you.

9 MR. ARDITO: Could I just respond to
10 that, though? I'm just curious --

11 MR. REGAN: You had your turn. Mr.
12 Alessi is asking questions.

13 MR. ARDITO: I know, but he's responded
14 to something basically that I asked.

15 MR. REGAN: You will have another
16 opportunity maybe, but this is Mr. Alessi's question.
17 You're interrupting him.

18 MR. ARDITO: I'm sorry. I thought he
19 was finished.

20 MR. REGAN: You did finish. You sat
21 down. And then Mr. Alessi started asking questions.

22 MR. ARDITO: I am responding to
23 something he brought up --

24 MR. REGAN: That's not how this works.

25 MR. ARDITO: Can I ask to --

1 MR. REGAN: Later.

2 CHAIRMAN WEIDMANN: Anyone else wish to
3 be heard?

4 Yes, ma'am.

5 MS. WALSH: Mary Walsh, conservation
6 chair, North Jersey Sierra Club objector. Hello.

7 So just to clarify --

8 CHAIRMAN WEIDMANN: You have to speak
9 up.

10 MS. WALSH: This -- what you just
11 answered, that trees do not suck up more water than
12 these detention basins; did I hear that incorrectly.

13 MR. SEHNAL: I didn't hear anything
14 about trees.

15 MS. WALSH: Okay. 'Cause I thought you
16 -- this gentleman asked if the building were not
17 built, would there be more water flowing.

18 Did I misunderstand?

19 MR. ALESSI: It had nothing to do with
20 the trees.

21 MS. WALSH: Okay. But trees do suck up
22 water. Trees absorb water.

23 FEMALE AUDIENCE MEMBER: There's 200
24 trees there now.

25 MR. ALESSI: This is what we were

1 talking about before about respect for people, okay?

2 So I guess some people didn't listen.
3 But as Gail said, this lady is asking a legitimate
4 question and we're having giggles from the audience.

5 I didn't ask anything about the trees,
6 which is what she's asking. I'm trying to clarify
7 for her that alls I did is as it stands now, would
8 the property, surrounding property, have more damage
9 for the rainfall or after they build it, which would
10 be worse; today or after they build it,
11 hypothetically tomorrow, so...

12 MS. WALSH: Are you sure about that.

13 MR. SEHNAL: That's exactly how you
14 have to design stormwater?

15 MS. WALSH: Okay. Because I'm not
16 sure.

17 What is the name of the state regs that
18 you've been referring to?

19 MR. SEHNAL: N.J.A.C. 7:8.

20 MR. REGAN: Stormwater management.

21 MS. WALSH: Does it have a more
22 informal name?

23 MR. SEHNAL: New Jersey Stormwater
24 Management Controls.

25 MS. WALSH: And the date of it.

1 MR. SEHNAL: The most recent revision
2 was enacted on March 2nd, 2021.

3 MS. WALSH: And I'm sorry if someone
4 already asked you this about how would you deal with
5 the volume increase of runoff due to the cutting of
6 trees.

7 MS. PRICE: We didn't talk about trees
8 at all.

9 MS. WALSH: Stormwater is collecting
10 water. These stormwater basins are collecting water.
11 And because the regs do require this, so that's why I
12 am asking.

13 CHAIRMAN WEIDMANN: It goes beyond the
14 parameters of his testimony.

15 Ask your next question, please.

16 MS. WALSH: And last question, how big
17 are the -- am I -- do I understand correctly there
18 are two basins.

19 MR. SEHNAL: That's correct.

20 MS. WALSH: And what is the acreage
21 total for the two basins.

22 MR. SEHNAL: The one in the front is
23 about 5,000 square feet, the one in the rear is about
24 10,000 square feet.

25 So I would say about a quarter of an

1 acre.

2 MS. WALSH: So, wait. You had answered
3 that the back one was two acres.

4 MR. SEHNAL: No, that's how much water
5 is going into it.

6 MS. WALSH: So total acreage of water
7 absorbed -- what is the two acres then.

8 MR. SEHNAL: It's how much water is
9 going -- two acres worth of water is going to that
10 basin.

11 MS. WALSH: I got it, okay.

12 Thank you.

13 CHAIRMAN WEIDMANN: Anyone else wish to
14 be heard?

15 Yes, sir.

16 MR. DEPARDIEU: Hey, Michael Depardieu,
17 12 Davenport Court.

18 CHAIRMAN WEIDMANN: Please step
19 forward.

20 MR. DEPARDIEU: Michael Depardieu, 12
21 Davenport Court.

22 Just quickly, where does the water that
23 falls on the hardscape parking lot area go to?

24 MR. SEHNAL: The basin in the rear.

25 MR. DEPARDIEU: The basin in the rear.

1 MR. SEHNAL: Correct.

2 MR. DEPARDIEU: All right, thanks.

3 CHAIRMAN WEIDMANN: Yes, ma'am. Over
4 here.

5 MS. KLEINMAN: Sandy Kleinman,
6 Lakeview. I have a question --

7 CHAIRMAN WEIDMANN: Step forward and
8 speak into the microphone.

9 MS. KLEINMAN: Is the flood zone going
10 to change for Lakeview.

11 MR. REGAN: Your name and address,
12 please.

13 MS. KLEINMAN: Sandy Kleinman,
14 Lakeview.

15 Is the flood zone going to change where
16 Lakeview residents have to get flood insurance?

17 MR. REGAN: I don't think he testified
18 regarding that issue.

19 MS. PRICE: There was no testimony
20 about that.

21 MS. KLEINMAN: But what would happen?
22 Is that something looked into? If the flood zone
23 changes, Lakeview has to then take out flood
24 insurance.

25 MS. PRICE: We didn't present anything

1 about flood --

2 MS. KLEINMAN: The residents would have
3 to.

4 CHAIRMAN WEIDMANN: You would need to
5 investigate that with the condominium association.

6 MS. KLEINMAN: No, I think they should
7 investigate that.

8 CHAIRMAN WEIDMANN: No.

9 MS. KLEINMAN: Why should the flood
10 zone change for the residents.

11 MS. PRICE: We didn't say it was going
12 to change.

13 MS. KLEINMAN: No, you should check if
14 it's going to and let the Lakeview residents know
15 that. That's an issue.

16 MR. SKRABLE: I know he didn't testify
17 to it, but the flood zone will not change.

18 MS. KLEINMAN: How do you know that.

19 MR. SKRABLE: Because this development
20 is a very small aspect of the overall drainage issue
21 that flows to Lakeview. You're talking about the
22 lake -- flood zone.

23 MS. KLEINMAN: Yeah.

24 MR. SKRABLE: This is a literal drop in
25 the bucket, and less water is coming off the site

1 than under existing conditions. The flood zone will
2 not change.

3 MS. KLEINMAN: So Lakeview residents
4 won't need flood insurance.

5 MR. SKRABLE: If you don't need it now.

6 MS. KLEINMAN: Okay.

7 One other question. Once the
8 building's done and you guys walk away and there's
9 problems then it's Lakeview's problem, right? Then
10 it's our responsibility to take care of the water
11 problems. Once you're done, you walk away. Is that
12 right?

13 MR. SEHNAL: No, that's what I
14 mentioned, the operations and maintenance manual
15 requires us to make sure that this facility functions
16 as it's designed.

17 MS. KLEINMAN: So if there's flood
18 issues two years down the road, we have to deal with
19 it.

20 MR. SEHNAL: I didn't mention anything
21 about flooding.

22 MS. KLEINMAN: If there is flooding.
23 This is what this whole thing's about.

24 MS. PRICE: Well --

25 MR. SEHNAL: We're talking about

1 stormwater.

2 MS. KLEINMAN: Stormwater creates
3 floods. Whose responsibility, and is it handed over
4 to the town.

5 MR. SEHNAL: We are responsible to
6 maintain our stormwater management system as it is
7 designed. That will be the Applicant, the owner's
8 responsibility.

9 CHAIRMAN WEIDMANN: Anyone else wish to
10 be heard? Yes, ma'am.

11 MS. FONOROW: Good evening. Cheri
12 Fonorow, 256 Old Tappan Road. I am a neighbor
13 downstream from the property.

14 CHAIRMAN WEIDMANN: I just want to
15 remind you before you start --

16 MS. FONOROW: Questions.

17 CHAIRMAN WEIDMANN: Okay. You know
18 what I'm going to say.

19 MS. FONOROW: I do.

20 CHAIRMAN WEIDMANN: Good.

21 MS. FONOROW: You got it, boss.

22 How far -- you referred to this new
23 basin. How far is this basin -- actually you
24 probably measured, so you probably know exactly. How
25 far is this basin going to be from the property line

1 for the 252 Old Tappan Road, the adjoining property
2 right next to it, on the border? Because there's
3 been no mention of anything to the properties to the
4 west.

5 MR. SEHNAL: About 70 feet.

6 MS. FONOROW: And have you measured --
7 is that where, just so I can get a visual because I
8 know the property really well with the barn. Is that
9 where -- the barn right now has a cement foundation
10 that's very intact, so is the basin, is that
11 particular exact footprint of the barn going to be
12 destroyed and dug up and that's exactly where the
13 basis is going to be.

14 MR. SEHNAL: Generally, yes. I mean,
15 the basin is a little bit more southeast than the
16 location of the barn, but generally.

17 MS. FONOROW: Okay. Because it looks
18 extremely close. It looks extremely close.

19 With that in mind, what type of buffers
20 and designs will be protecting the neighbors to the
21 west? Because right now, especially seasonally,
22 there's not really any trees there or anything on
23 that property line. The barn is like right there
24 next to this driveway. He couldn't be here tonight.
25 And I'm next to that. So we can see this very, very

1 clearly. I'm trying to get a visual of -- this is
2 very close to the property line.

3 CHAIRMAN WEIDMANN: Ask your question.

4 MS. FONOROW: I'm sorry, I'm sorry.

5 So what buffers are going to be put in
6 place for this basin, rainwater garden, for the
7 property next door to prevent overage and flooding
8 onto his driveway and onto our property?

9 MR. SEHNAL: We have 75 feet above or
10 in between the basin and the property.

11 MS. FONOROW: And what's going to be in
12 the buffer.

13 MR. SEHNAL: Plants.

14 MS. FONOROW: Just plants. No trees,
15 no retaining wall.

16 MR. SEHNAL: I didn't discuss
17 landscaping this evening.

18 MS. FONOROW: Okay. I would like to go
19 on record to request some more details on that.

20 And what about erosion in the new
21 basin? You mentioned something about erosion.
22 That's not my area of expertise, so I'd like to know
23 a little bit more. I don't know if everybody
24 understands.

25 We do know that like, even the past

1 couple of weeks, these flash floods that we've been
2 getting, it's just a matter you can't handle it
3 because the rain's coming down so fast.

4 How is that going to keep that basin
5 intact, as they said, and not -- especially when it's
6 new and growing? I mean, how is it going to keep
7 from flooding onto the property.

8 MR. SEHNAL: It's designed up to the
9 100-year storm. The whole 100-year storm will be
10 retained in that basin.

11 MS. FONOROW: Okay. How long -- Mr.
12 Skrable, when you addressed it, how long is the
13 expected construction supposed to take for this whole
14 project.

15 MR. SEHNAL: About 18 months.

16 MS. FONOROW: Okay. How many of your
17 projects have been completed on time in your
18 estimated --

19 MS. PRICE: This is definitely not --

20 MR. REGAN: Ma'am --

21 MS. FONOROW: I'm trying to get a
22 visual of how long this is going to take.

23 You said you're going to be doing
24 additional work on the infiltration as well. When
25 will that additional work be done and when will that

1 be available to the public and the board to get the
2 details?

3 MR. SEHNAL: We'll work with scheduling
4 that. I'm not sure yet.

5 MS. FONOROW: Is it going to be before
6 the next meeting.

7 MR. SEHNAL: I can't testify to that.
8 I don't know.

9 MS. FONOROW: Would you think it's
10 important to have it done before the Board can make a
11 decision? It seems to me it would be.

12 MR. SEHNAL: No, because we're -- the
13 soils in the front are better than the soils in the
14 rear from the geotechnical testing that we've already
15 had done.

16 MS. FONOROW: That is a question I had,
17 too, because I know with the test that was done, the
18 topography of the land in the back, it's higher. The
19 wetlands is -- the wetlands and that part of the
20 property is the lowest point on the property.

21 MR. SEHNAL: We're not touching the
22 wetlands.

23 MS. FONOROW: I didn't say you were
24 touching the wetlands, I'm stating a fact that that
25 section of the --

1 MR. REGAN: You can't state a fact,
2 you're not a witness. You're asking questions.

3 MS. FONOROW: Do you know that -- do
4 you know, since you've been there, that the wetlands
5 area, the western side of your property, 244, is the
6 lowest point, one of the lowest points in the entire
7 property.

8 MR. SEHNAL: Yes.

9 MS. FONOROW: Okay. Do you know that
10 -- have you seen the flooding that's occurred from
11 storms already because of the wetlands onto the
12 western properties.

13 MR. SEHNAL: The wetlands are causing
14 the flooding?

15 MS. FONOROW: The rain is causing
16 flooding.

17 It's just in -- I mean, over a quarter
18 -- Ida was the worst, it was worse than Sandy. Ida
19 was over --

20 MR. REGAN: Please ask your question.

21 MS. FONOROW: Well, I'm asking him if
22 he's aware of the flooding that's occurred on the
23 property.

24 And it's a concern if more water is
25 going to be running -- water runs downstream. And

1 these properties are downstream. And when -- these
2 storms are downstream because it's the highest point,
3 so this is just simple layman's math --

4 CHAIRMAN WEIDMANN: You're talking
5 about the catch basin on the street?

6 MS. FONOROW: I'm talking about just a
7 concern -- it appears to me, and I was going to ask,
8 how far -- have you measured exactly how far the
9 basin is going to be from the very point of the
10 wetlands?

11 MR. SEHNAL: It's 75 feet.

12 MS. FONOROW: Because right now, again,
13 it's all marked, and it doesn't look like it's
14 50 feet from where the barn is to the wetlands.

15 So there's about a 50-foot buffer for
16 the New Jersey DEP for -- and it looks like it could
17 be within 50 feet. That's why I was asking where
18 exactly the basin was going to go. If it was going
19 to be the same exact footprint.

20 MS. PRICE: He just said 75.

21 MS. FONOROW: I know that's what he
22 said.

23 MR. REGAN: You asked a question, he
24 answered your question.

25 MS. FONOROW: I'll get out there with a

1 tape measure, I can confirm that.

2 Will the -- you mentioned about ponding
3 of water and still water, which is a serious thing.
4 Will the ponding of water, which you said could take
5 a day or two or so to dry up, start causing
6 mosquitoes or larva or other problems that we
7 currently don't have?

8 MR. SEHNAL: No, that's exactly why it
9 drains in a certain amount of time, and we need to
10 comply with our operations and maintenance manual.

11 MS. FONOROW: Okay.

12 So we all know stormwater is the major
13 highlight, I mean, all over the county. I mention
14 that since it is -- I am downstream and I am very
15 concerned, so the suggestions to --

16 MR. REGAN: We need questions, please.

17 MS. FONOROW: Do your suggestions in
18 your new design, will you now provide some kind of
19 reporting for the residents that live to the west of
20 the property on buffer and protection, some kind of
21 guarantees, because you're saying it's guaranteed
22 it's not going to flood and it's not going to bother;
23 will you provide that? Because it's -- all the
24 concentration's been on Lakeview and the church and
25 the back of the property, and there's really been no

1 discussion on the front --

2 Ms. Price: No, we --

3 MS. FONOROW: -- to the west.

4 So will you provide more information --

5 Ms. Price: No, wait --

6 MR. SEHNAL: It's our stormwater
7 management report.

8 MS. PRICE: Wait. Dan, hang on a
9 second.

10 The provision is the plan and the
11 testimony, and then the construction of the plan if
12 it gets approval.

13 And Dan referenced doing additional
14 infiltration testing, but that would be as a
15 condition of any action and supplying it to
16 Mr. Skrable.

17 So the plan depicts the buffering. And
18 we heard from our landscape architect what the
19 buffering was.

20 Whether the basin is there or whether
21 the house was there, the buffering is the buffering.

22 MS. FONOROW: Okay. I looked at it and
23 I haven't seen much in the way of plans for
24 buffering, so that's why I am asking.

25 You did make a comment that you said

1 there's heavy grazing and even trash on the site.

2 Have you been to the site recently?

3 Have you seen -- have you been by it in
4 the past month?

5 MR. SEHNAL: Yeah, waiting for the tree
6 expert to arrive. There's plenty of trash and a lot
7 of deer.

8 MS. FONOROW: Okay. Are you -- are you
9 saying that you can actually see -- even see through
10 the site, that you can see that there is trash inside
11 the forest? I mean, it's a forest. Because I have
12 video, you can't see anything, it's --

13 MR. REGAN: Questions, please.

14 MS. PRICE: I'm going to object.

15 MS. FONOROW: So I'm asking where you
16 got that information that you're making comments
17 there's heavy grazing and trash in the place --

18 MS. PRICE: First of all,
19 Mr. Steinhagen was referring to a footnote in -- in
20 the Urban Hydrology for Small Watersheds, and he read
21 from that, the footnote. It wasn't Dan's testimony,
22 it was the Footnote No. 6 that referred to that
23 language.

24 MS. FONOROW: It was Dan's testimony -

25 Ms. Price: No.

1 MS. FONOROW: -- that there was trash
2 and there's a lot of deer.

3 MS. PRICE: Yes, but the exact --

4 MS. FONOROW: -- grazing.

5 MS. PRICE: -- exact language was
6 quoted from --

7 MS. FONOROW: I understand --

8 Ms. Price: -- Mr. Steinhagen.

9 MS. FONOROW: I'm just -- I wrote down
10 everything, being careful to write down his language.

11 CHAIRMAN WEIDMANN: Ma'am, I think you
12 can continue with your questions.

13 MS. FONOROW: Okay.

14 Well, that was his language. This was
15 his language, it wasn't based on that.

16 Thank you.

17 (Applause.)

18 CHAIRMAN WEIDMANN: Anyone else wish to
19 be heard?

20 Yes, ma'am.

21 MS. SHAPIRO: Barbara Shapiro, Lakeview
22 Drive, in Old Tappan.

23 Where is the red barn going?

24 MR. SEHNAL: In a dumpster.

25 MS. SHAPIRO: The barn is being

1 removed.

2 MR. SEHNAL: Yes.

3 FEMALE AUDIENCE MEMBER: You mean the
4 house, the historic house.

5 MS. SHAPIRO: The historic house, where
6 is that going? Well, there's a barn, too.

7 MS. PRICE: The historic house is being
8 moved across the street at a location that the
9 Borough has designated.

10 MS. SHAPIRO: Well, that's my question.
11 What location is that.

12 CHAIRMAN WEIDMANN: In front of the
13 garden that's there now. You know the garden that's
14 there right now? That's probably where it's going to
15 go.

16 MS. SHAPIRO: So there will be no
17 garden.

18 AUDIENCE MEMBER: There's no room.

19 CHAIRMAN WEIDMANN: No, there will be a
20 garden. There will be a garden. There's another
21 garden on the other side that just opened up.

22 Did you ask where the house was going
23 to go? The house is going to go right in front of
24 that garden, right next to the police station. I
25 mean --

1 MR. MAGGIO: And that's unrelated to
2 this --

3 MS. SHAPIRO: No, but I know something
4 was going to be moved to that, and that's the
5 question.

6 MR. MAGGIO: Right, right.

7 CHAIRMAN WEIDMANN: Yes, sir?

8 MR. FISHER: Brian Fisher, Lakeview.

9 CHAIRMAN WEIDMANN: What address.

10 MR. FISHER: Brian Fisher from
11 Lakeview.

12 CHAIRMAN WEIDMANN: Lakeview? Okay.

13 MR. FISHER: If I understand it, the
14 way your plan occurs, ultimately whatever water seeps
15 from the buildings, through the pond, ultimately goes
16 into the current wetland area. It just continues to
17 go pretty much to where it is now, any extra water.

18 MR. SEHNAL: Correct.

19 MR. FISHER: Okay. And then if there
20 is more water ultimately in that wetlands area, the
21 assumption is that all that water will simply be
22 absorbed by whatever system currently exists.

23 MR. SEHNAL: Again, we have to make
24 sure that we are maintaining the same drainage
25 patterns while complying with the stormwater

1 regulations, which is reducing the rates and the
2 amount of quantity that's going to infiltrate.

3 MR. FISHER: Understood.

4 So whatever water ultimately winds up
5 in the current wetland area --

6 MR. SEHNAL: Will still get there.

7 MR. FISHER: -- will still be there and
8 then will be absorbed by whatever system currently
9 exists?

10 Meaning, whatever drainage, whatever
11 pipes, whatever rock formations.

12 MR. SEHNAL: Yeah, we're matching the
13 same pattern.

14 MR. FISHER: You're patching into the
15 existing system, if you would, ecosystem.

16 MR. SEHNAL: Correct.

17 MR. FISHER: Okay. So the question is,
18 if there is more than anticipated water going into
19 the wetlands, will the current system that exists
20 today, pipes, rocks, whatever, will it be able to
21 absorb all that extra water as, I think the question
22 becomes, is it going to work?

23 All you're doing is -- ultimately you
24 are relying on the current physical layout of the
25 wetlands and Lakeview Road and through Lakeview over

1 to the reservoir, you're not changing that system.

2 MR. SEHNAL: Correct.

3 MR. FISHER: All your water, all new
4 water will go through that system into the existing
5 system.

6 MR. SEHNAL: Correct.

7 But it will be less water at a slower
8 rate.

9 MR. FISHER: According to you.

10 MR. SEHNAL: And the required
11 regulations that we're required to comply with.

12 MR. FISHER: Thank you.

13 CHAIRMAN WEIDMANN: Okay.

14 Anyone else wish to be heard?

15 The young lady in blue there, have you
16 been up before?

17 MS. COUGHLIN: Me?

18 FEMALE AUDIENCE MEMBER: Yes, you.

19 CHAIRMAN WEIDMANN: Yes, you.

20 MS. COUGHLIN: Okay.

21 MALE AUDIENCE MEMBER: Not blue that's
22 green.

23 MS. COUGHLIN: I'm Sharon Coughlin.

24 I live in Boonton, New Jersey.

25 My family has lived in Old Tappan for

1 50 years, so I have questions about stormwater
2 drainage as well.

3 I understand that in the retention
4 basin the water will drain and then it will go into
5 the groundwater.

6 Have you considered how that might
7 affect Gortaki (phonetic) run.

8 MR. REGAN: That's not what we talked
9 about today. That's been on previous applications,
10 yeah, and we are focused solely on what he talked
11 about today.

12 MS. COUGHLIN: Okay. I also wanted to
13 know, 'cause I'm trying to keep it on topic, limit it
14 to stormwater and that kind of thing.

15 Have you considered keeping the large
16 trees there, because the trees would -- the roots
17 would absorb a lot of the water and then you wouldn't
18 have as much runoff?

19 CHAIRMAN WEIDMANN: Trees are not a
20 subject for discussion. He didn't testify about
21 trees.

22 MS. COUGHLIN: I am trying to keep it
23 on stormwater.

24 And then the last thing was, I
25 understand there's possibly a vernal pool there and I

1 was wondering how stormwater would affect that.

2 MS. PRICE: We didn't talk about that.

3 MR. REGAN: That is beyond the
4 parameters of his testimony.

5 MS. COUGHLIN: I'm sorry, these are
6 just valid biological, ecological --

7 MR. MAGGIO: They are. And they've
8 been discussed on numerous previous testimony.
9 They've been discussed already.

10 MS. COUGHLIN: Okay.

11 CHAIRMAN WEIDMANN: Thank you.

12 Anyone else wish to be heard? Yes,
13 ma'am.

14 MS. MAGARRO: Patches Magarro, 4
15 Churchill Road, Old Tappan. Hi.

16 So the first question is about the
17 existing conditions phrase. So this plan was
18 referenced repeatedly as per existing conditions,
19 meaning the property as it is with a couple of small
20 houses on it, and that's not how the land is going to
21 be once this project is built.

22 So can you clarify that this plan is
23 going to accommodate not the existing condition, but
24 the conditions that will be created once this project
25 is done?

1 MR. SEHNAL: Correct.

2 MS. MAGARRO: Okay. And, let's see.

3 And Mr. Skrable, you're our town engineer? Okay.

4 So is there a due diligence where you
5 check the math and the design of this or do we just
6 take their word for everything?

7 MR. SKRABLE: No, it's a process, I'm
8 reviewing it, and honestly the way I do that is I go
9 through my own version of the calculations.

10 MS. MAGARRO: Good.

11 MR. SKRABLE: Because you could ask 50
12 engineers to do this design and nobody is going to
13 come up with exactly the same numbers, so ultimately
14 what I'm looking for is when I get to the end, is the
15 basin going to hold all the water like they say it's
16 going to hold the water, because that's where the
17 problem's occurring. If there's overflows from the
18 basin, that's an uncontrolled flow, a high volume or
19 a high rate of flow, that could cause problems
20 downstream.

21 So ultimately, if he says the water is
22 going to come up 2 feet in the basin and I say it's
23 going to come up 2-and-a-half feet in the basin,
24 that's really irrelevant; the point is, is it going
25 to overflow and create problems downstream.

1 So that's how I look at it. I try to
2 take a practical approach and not pick apart
3 calculations for the sake of picking apart
4 calculations.

5 MS. MAGARRO: Okay. But you look at it
6 with a critical lens to see whether --

7 MR. SKRABLE: Absolutely.

8 MS. MAGARRO: -- it really is in
9 compliance and --

10 MR. SKRABLE: Yes. And the regs are
11 very specific. We talked about state regs tonight.
12 Dan referenced the state regs. The Borough adopts
13 those exact same regulations. So every municipality
14 in New Jersey is required -- as a developer you're
15 required to do the same thing. So there is not a lot
16 of variability.

17 MS. MAGARRO: Okay.

18 And then can you -- I'm sitting in the
19 back. Can you point out to me the basin on this
20 drawing?

21 MR. SEHNAL: Yes. The large one that's
22 always been on the plans. It's back here. And then
23 the new one is right here.

24 MS. MAGARRO: And how close is that to
25 Old Tappan Road.

1 MR. SEHNAL: We're -- you mean the
2 actual existing roadway? The actual existing roadway
3 --

4 MS. MAGARRO: No, the roadway that will
5 be there.

6 MR. SEHNAL: That will be there? It
7 will be about 20 feet.

8 MS. MAGARRO: Okay. So easily --

9 MR. SEHNAL: It's lower. Yeah, but
10 it's -- it'll essentially look like the garden across
11 the street. It's meant to be planted, it's --

12 MS. MAGARRO: What -- what garden?

13 MR. SEHNAL: The one that the historic
14 house will be placed in front of.

15 So, essentially, it's a depression that
16 --

17 MS. MAGARRO: Isn't that a vegetable --
18 isn't that our community garden?

19 MR. SEHNAL: I was just making a
20 reference.

21 MS. MAGARRO: Well, I mean --

22 MR. SEHNAL: It's only going to be
23 planted with -- with plants and trees and it's
24 essentially going to look like a garden versus a
25 depression with sand at the bottom or anything like

1 that.

2 It's not even going to just look like a
3 pit of grass, it will have actual wet-site tolerant
4 plantings in it that are meant to capture the water,
5 absorb the water, treat the water and infiltrate it
6 back into the ground.

7 MS. MAGARRO: Okay. 'Cause I was
8 unfamiliar with retention basins, so I did look those
9 up and they vary quite a bit --

10 MR. SEHNAL: Right.

11 This is a bioretention basin. If you
12 look up a bioretention basin you'll see a lot of
13 options, and essentially it almost looks like a
14 wetland.

15 MS. MAGARRO: Sure.

16 But, again, aesthetically huge
17 variation. Would we be able to get a rendering of
18 what this will look like since it is so close to the
19 road.

20 MR. SEHNAL: Our landscape architect
21 will prepare an updated landscape plan with the rain
22 garden.

23 MS. MAGARRO: And then there was a
24 discussion of whose responsibility issues would be
25 post-construction, and it was claimed that once

1 post-construction happens this property would be like
2 any other property, but we're not there yet and
3 because of the D variance we don't have to allow this
4 potential use of land. So this is not a situation of
5 existing neighbors using their land according to --

6 MR. REGAN: Question, please.

7 MS. MAGARRO: Oh, I'm getting there.
8 And I haven't been talking for very long.

9 So can anyone tell me if there's any
10 current issues with soil erosion with this property
11 as it's currently being used as a residential
12 property? Because sometimes, you know, the devil you
13 know is better than the devil you don't because this
14 is all speculative.

15 MS. PRICE: Are you asking Dan that
16 question?

17 MS. MAGARRO: I said can anyone tell
18 me.

19 MS. PRICE: Well, the Board is not
20 under an obligation --

21 CHAIRMAN WEIDMANN: He's the witness.
22 He's the one you've got to ask.

23 MS. PRICE: The witness is Dan.

24 MR. SEHNAL: I haven't noticed erosion
25 on the site.

1 MS. MAGARRO: Okay. All right. That's
2 it.

3 Thank you.

4 CHAIRMAN WEIDMANN: Thank you.

5 Follow up questions?

6 MR. ALESSI: Actually Mrs. Magarro had
7 a good question pertaining to existing and proposed.

8 So today, existing, and somebody
9 mentioned a hurricane.

10 So 6 inches of water falls an hour
11 today. After you build it, proposed, thank you,
12 that's going to be reduced by 60 percent, I believe
13 Tom said?

14 So basically it's going to be like -- I
15 don't know what 60 percent of six is, forgive me.

16 It would be less water flowing
17 downstream when actual becomes proposed; would that
18 be -- am I following your plan? You're using actual
19 proposed.

20 MR. SEHNAL: That's right.

21 MR. ALESSI: So actual, there's 100
22 gallons of water a minute.

23 Post-construction, there's going to be
24 four gallons of water per minute.

25 So that will alleviate any flooding

1 downstream by 60 percent.

2 MR. SEHNAL: Correct.

3 FEMALE AUDIENCE MEMBER: I wonder where
4 all that water going to go?

5 MR. ALESSI: Thank you.

6 MR. SEHNAL: That was -- that
7 percentage is in relation to rates of the stormwater,
8 so --

9 MR. ALESSI: Okay, no, I was just
10 following up on Mrs. Magarro's question with the
11 actual numbers versus proposed.

12 MR. SEHNAL: Whole numbers hundred
13 gallons per minute will go down to 40 gallons per
14 minute.

15 MR. ALESSI: And then, therefore,
16 allegedly, cause less flooding at a 60 percent rate.

17 MR. SEHNAL: Correct. The stormwater
18 technically could have the same volume leaving, but
19 it's just dispersed over a longer period of time so
20 you don't flood downstream.

21 MR. MAGGIO: I think it's important for
22 you to restate that to everybody in the room in
23 English really clearly. To you it's common
24 knowledge, you do this all the time.

25 MR. SEHNAL: I understand.

1 MR. MAGGIO: You need to explain to
2 them that what you're designing, what you're
3 proposing using engineering principles, you're a
4 licensed professional engineer, that you studied for
5 the exam and you get renewed constantly, and that
6 what you're saying is that there's going to be a
7 60 percent less amount of rate of water -- I am not
8 using engineering terms -- that will go to the
9 adjacent houses. People need to understand that.

10 MR. SEHNAL: Correct.

11 So this property --

12 MR. MAGGIO: I want you to turn around,
13 face everybody and explain to them in English.
14 Because the same questions are going to keep coming
15 up for the next few months.

16 MR. SEHNAL: Absolutely.

17 So --

18 MS. HAVERILLA: Can I ask the -- I know
19 the adjoining areas will get 60 percent less, but
20 what happens with the wetlands? I mean, they -- it
21 thrives with a certain amount of water, so will the
22 wetlands still get what it needs.

23 MR. SEHNAL: Absolutely.

24 MS. HAVERILLA: Okay.

25 MR. SEHNAL: That's where I kept

1 referring back to making sure we're maintaining the
2 same drainage patterns to make sure water is still
3 going to the same locations that it does today.

4 That's why we don't want to take all
5 that water that's going to the basin in the rear and
6 put it all on the front because then it will all go
7 to the wetlands, which we don't want to overwhelm the
8 wetlands. We don't want to take all the water from
9 the front and put it to the rear so that could
10 potentially dry out the wetlands, so we want to make
11 sure those two drainage areas are maintained.

12 MR. SKRABLE: And we talked about that
13 early on. That's actually a volume calculation. You
14 want to get the same volume of water there, it
15 doesn't matter what the rate is because it's going to
16 dead end, essentially. You need the same volume of
17 water or you're going to affect the ecosystem.

18 MR. SEHNAL: Right.

19 MS. HAVERILLA: Okay, thank you.

20 CHAIRMAN WEIDMANN: Anyone else wish to
21 be heard?

22 Yes, ma'am.

23 MS. KING: Hello, Wendy King,
24 48 Dearborn Drive.

25 CHAIRMAN WEIDMANN: You can't be heard.

1 MS. KING: Oh, Wendy King. Dearborn
2 Drive.

3 And I just have a couple questions. In
4 your report that you presented a bunch of months ago
5 you said that 3,600 cubic foot per hour is what we
6 had now and that without trees, it would be 11,600 --

7 MR. REGAN: I don't think he testified
8 to that this evening.

9 MS. KING: Right, but it's in his
10 report, so --

11 MR. REGAN: You're limited to questions
12 about what he testified to this evening.

13 MS. KING: But he's saying the
14 60 percent, but that's not what his report has.

15 So he's saying something different
16 today than his written report.

17 MR. REGAN: Correct.

18 They've revised the design.

19 MS. KING: So that's confusing.

20 FEMALE AUDIENCE MEMBER: He revised the
21 design.

22 MS. KING: Huh?

23 FEMALE AUDIENCE MEMBER: He revised the
24 design.

25 MS. KING: So are you --

1 MR. REGAN: He testified on the revised
2 design.

3 MS. KING: So are you revising the
4 report and when will that will come out?

5 MR. SEHNAL: Well, that's submitted to
6 the town.

7 MS. KING: Okay. All right. So that's
8 submitted to the town. Okay.

9 And then --

10 MALE AUDIENCE MEMBER: It's on the
11 website.

12 MS. KING: -- how will mountaintop
13 removal impact the water flow?

14 MR. SEHNAL: I didn't mention
15 mountaintop removal.

16 MS. KING: But you're flattening it
17 out.

18 MR. SEHNAL: I didn't mention anything
19 about the mountaintop we're flattening out this
20 evening.

21 MS. KING: But it's in the plan.

22 MS. PRICE: All we did tonight was just
23 talk about the addition of the other potential basin
24 and how that ties together with the rear. That's all
25 we did tonight.

1 MS. KING: Okay. And then you're
2 saying that the basins are coming from the parking
3 lot to one and the roof to the other; is that what
4 you're saying the two different basins are for.

5 MR. SEHNAL: The southern half of the
6 building will go to the new basin in the southwest;
7 the rear half of the building and all of the parking
8 area will go to the basin in the rear.

9 MS. KING: By "the building," you mean
10 the roof or you mean the ground.

11 MR. SEHNAL: The roof.

12 MS. KING: Okay. So you're draining
13 the roof in two directions.

14 MR. SEHNAL: Correct.

15 MS. KING: Okay. And then with these
16 basins, are you going to spray mosquito pesticides
17 and things in them.

18 MR. SEHNAL: We -- I am not sure the
19 maintenance of the property, but again, we have to
20 make sure that the basin drains in a certain amount
21 of time, and one of the reasons for that is
22 eliminating mosquito breeding habitats.

23 MS. KING: Okay. And again, is there
24 something in these basins that will filter any toxins
25 that might then run off --

1 MR. SEHNAL: Absolutely.

2 MS. KING: -- and into our drinking
3 water and --

4 MR. SEHNAL: Absolutely. That is one
5 of the stormwater requirements that I've touched on
6 numerous times.

7 MS. KING: But you said it was for
8 large particulates. That's a different thing. There
9 was no like pesticides --

10 MR. SEHNAL: We are complying with the
11 regulatory requirement for water quality.

12 MS. KING: Which doesn't require that
13 it's pesticide free before it goes in the drinking
14 water, correct.

15 MR. SEHNAL: We're complying with --

16 MS. KING: So are you doing anything to
17 test or prevent pesticides from getting into --

18 MR. SEHNAL: We're not testing, we're
19 just designing as we're required to by the state --

20 MS. KING: And does the state require
21 you to do something that prevents pesticides from
22 getting into the drinking water.

23 MR. SEHNAL: No.

24 MS. KING: Okay, thank you.

25 MR. ALESSI: And to piggyback on that,

1 every property in the Borough of Old Tappan, and I
2 know you're laughing at me, leaks pesticides into the
3 drinking water. So whether it's the proposed project
4 or 48 Dearborn, water is going into the drinking
5 water system which, it used to be SUEZ, I don't know
6 who they are now --

7 AUDIENCE MEMBER: Veolia.

8 MR. ALESSI: -- filters itself. So
9 it's not just one property. Everybody likes their
10 clean streets. That brine solution that the DPW does
11 and then the salt all ends up in the drinking water.

12 So their parking lot is not going to
13 impact, as Tom said before, with literally a drop in
14 the bucket. The whole town contributes to pesticides
15 and other -- oil leaks, gas leaks on the road all
16 leads to the drinking water.

17 So just this one property is not going
18 to infiltrate the drinking water system that
19 everybody is complaining about.

20 CHAIRMAN WEIDMANN: Anyone else wish to
21 be heard? Yes.

22 MR. CARPENTER: Kurt Carpenter, 168
23 Central Avenue, Old Tappan.

24 My question about the revised design,
25 it looks good. So you said it's going to be split

1 into two, basically a back half that goes to the back
2 and the front half goes to the front.

3 MR. SEHNAL: The building, correct.

4 MR. CARPENTER: Yeah, the building.
5 Correct.

6 Are those -- previously they were
7 connected in the design. Will there be now like
8 separate systems or just adjacent systems or will the
9 two systems be joined or will they just be separated?

10 MR. SEHNAL: The front half of the
11 building goes to the basin in the front, back half of
12 the building goes to the basin in the back.

13 MR. CARPENTER: But the actual -- so
14 previously, right --

15 MR. SEHNAL: It was two separate --

16 MR. CARPENTER: -- it was all one big
17 system, right.

18 MR. SEHNAL: Yeah, two separate runs of
19 pipe.

20 MR. CARPENTER: Two separate runs?
21 Okay.

22 Do you have the ability -- I don't even
23 know if it's possible -- to actually make them so
24 that you could shift -- for example, the front,
25 right, the front, could you have like a barrier,

1 that's on the -- you've done your calculations for
2 the 100 and all that sort of stuff, what would be the
3 situation when, let's just say, take February, right,
4 crazy February, you get these monster snowstorms, 18
5 inches of snow, we've seen them; now the rain comes
6 and it's glazed over, now that two -- you know, that
7 2-foot depression is now 6 inches deep, right? And
8 then in February you get a crazy rainstorm because,
9 you know, it's the transition between the winter and
10 the spring.

11 If that basin couldn't -- if that water
12 couldn't get through sufficiently in the rate, right,
13 to -- to go into that system where it could go in, is
14 there a potential that that water could spill over
15 that zone and then, if so, where would it go, and
16 would it potentially go back to the main street there
17 and cause problems that way? I mean, I could totally
18 see this happening and it's possible but --

19 MR. SEHNAL: It's an emergency
20 situation. But we are --

21 MR. CARPENTER: Yeah, for sure.

22 MR. SEHNAL: -- required to again
23 design towards emergency situations, you know. We've
24 got -- hope they never happen, you never know,
25 emergencies can happen, so you have to make sure that

1 we do have fail safes, and in that case the -- we
2 design emergency spillways that would discharge that
3 water in a safe location; in this case it would be
4 towards the wetlands, which is where the water goes.

5 But again, we're required to file an
6 operations and maintenance manual, we are required to
7 make sure that our drainage facilities are up to par
8 on matching the existing design. If there's a
9 situation that needs to be rectified, they need to go
10 out there and fix that, and that includes icing.

11 MR. CARPENTER: Okay.

12 MR. SEHNAL: But we do design for those
13 emergency situations, just to make sure that if it's
14 going to fail, it's going to fail safe and it's not
15 --

16 MR. CARPENTER: Fail safely, right.

17 So that means that, what do you call
18 the gateway or whatever she said, I'm sorry, I didn't
19 catch the term...

20 MR. SEHNAL: Spillway.

21 MR. CARPENTER: Spillway, thank you.

22 MR. SEHNAL: Essentially it's just a
23 low spot of the berm.

24 MR. CARPENTER: Okay. And so if -- if
25 it is a situation like it's going to go through that

1 spillway and be channeled to the wetlands --

2 MR. SEHNAL: Correct.

3 MR. CARPENTER: -- as opposed to the
4 front.

5 MR. SEHNAL: Correct.

6 MR. CARPENTER: Cool. That was the
7 reason I was asking about if the systems could be
8 together and that you could modify them to alter --
9 to capture the rain up top and move it to the back
10 proactively so it didn't have to do that, but as long
11 as it's in the contingency plans, that sounds good.
12 Thank you.

13 MR. SEHNAL: Absolutely.

14 CHAIRMAN WEIDMANN: Any other
15 questions? Yes, sir, in the back.

16 MR. GAMBUTI: Patrick Gambuti,
17 16 Autumn Lane.

18 I just had a question about erosion.
19 You did mention erosion before. What's the
20 possibility, where would the erosion go if erosion
21 was to occur?

22 MR. SEHNAL: It would follow the
23 direction of the flow of water downstream.

24 MR. GAMBUTI: So it would flow into the
25 wetlands.

1 MR. SEHNAL: I mean, that's not the
2 point of our discharge from our basin, because our
3 basin is meant to infiltrate back into the ground.
4 The only time you're going to have water spilling
5 directly into the wetlands is those crazy extreme
6 events that we just spoke about.

7 MR. GAMBUTI: Right, so --

8 MR. SEHNAL: If the basin is failing,
9 which, obviously we have to make sure we're keeping
10 up with the basin and making sure it's functioning
11 properly.

12 MR. GAMBUTI: So if it -- but it's a
13 big if, if it did happen, I'm just asking, that's
14 where it would end up is in the wetlands and possibly
15 downgrade in the wetlands, potentially.

16 MR. SEHNAL: That would be directly
17 towards it.

18 MR. GAMBUTI: Okay. During
19 construction, which is going to be -- I know you
20 mentioned the big super silt barrier, which I've
21 never seen silt barrier remain during construction
22 because those guys don't really care about the silt
23 barriers.

24 I'm not saying you don't have the best
25 intentions in mind, just saying I've never, ever seen

1 one anywhere stay up all the time.

2 So when all that dirt is there and
3 nothing is really ready to deal with any water yet,
4 where would all that dirt go?

5 MR. SEHNAL: It gets -- that's the
6 purpose of the silt fence. It gets captured by the
7 silt fence to prevent it from flowing downstream.

8 And it's the Soil Conservation
9 District's responsibility to make sure that there are
10 weekly inspections of the site and everything is up
11 to par.

12 It's the Soli Conservation District --

13 MR. GAMBUTI: That the silt fence is
14 intact and --

15 MR. SEHNAL: Correct.

16 They're required to go visit sites
17 weekly. They'll issue violations, and they have the
18 authority to put a stop work order on the site until
19 things are corrected.

20 MR. GAMBUTI: Right.

21 And so if -- if something were to go
22 wrong and there was, like, you know, a fair amount of
23 discharge into the wetlands, is that then your guy's
24 responsibility to --

25 MR. SEHNAL: Absolutely.

1 MR. GAMBUTI: -- repair the wetlands as
2 best as you can.

3 MR. SEHNAL: That's correct.

4 MR. GAMBUTI: Thank you.

5 CHAIRMAN WEIDMANN: Okay.

6 Anyone else wish to be heard?

7 Okay, we -- oh, the lady behind you.
8 You want to be heard.

9 MS. SCHNAKENBERG: Yes.

10 CHAIRMAN WEIDMANN: Okay. Please come
11 forward.

12 MS. SCHNAKENBERG: Thank you, I
13 appreciate your handy sheet, all towns should have
14 this.

15 Ann Schnakenberg, 268 Washington Ave.,
16 Clifton, New Jersey.

17 I have some questions for you. I see
18 that you have the two basins and your mitigation plan
19 for some sort of a runoff emergency is to drain it
20 into the wetland area.

21 Could you show me on that map where the
22 vernal pool area is?

23 There is an area existing vernal pool
24 or is it just all wetlands.

25 MR. REGAN: I don't think he testified

1 to that.

2 MS. SCHNAKENBERG: Oh, we didn't do
3 that on that? Okay. All right.

4 Can you tell me what the amount of
5 impervious surface currently is and how much
6 impervious surface is going to be created?

7 MR. REGAN: He didn't testify to that.

8 MS. PRICE: He also didn't review that.

9 MS. SCHNAKENBERG: He didn't do that?
10 I'm sorry, I came by -- it's my fault. Is there
11 going to be further testimony by someone covering
12 that, the landscape architect.

13 MS. PRICE: No, we --

14 CHAIRMAN WEIDMANN: This gentleman has
15 testified four times already.

16 MS. SCHNAKENBERG: Okay.

17 MS. PRICE: And we've done the
18 landscape architect as well.

19 MS. SCHNAKENBERG: Oh, you have done
20 landscape architect as well. All right.

21 I'm trying to see if I have anything
22 else on this thing. Do you have a similar project
23 that would serve as an example that's in place
24 somewhere that you could point to for people to see
25 what --

1 MR. REGAN: That's beyond his
2 testimony. He's the engineer, he's not the
3 developer.

4 MS. SCHNAKENBERG: Okay, all right.

5 And so it's basically you're doing the
6 stormwater runoff.

7 Is the stormwater runoff -- there's new
8 laws, I believe, with the state. Has that -- when
9 did those laws change?

10 I know they upgraded them recently; am
11 I correct with that.

12 MR. SEHNAL: Yes, 2021.

13 MS. SCHNAKENBERG: 2021. And this
14 meets those standards.

15 MR. SEHNAL: Yes, ma'am.

16 MS. SCHNAKENBERG: And the flood
17 studies that would have been used for this, how old
18 are those.

19 MR. SEHNAL: We didn't do any flood
20 studies.

21 MS. SCHNAKENBERG: No? Okay. Could I
22 ask why.

23 MR. SEHNAL: We're not in a flood zone.

24 MS. SCHNAKENBERG: You're not in a
25 flood zone so it doesn't -- okay, it doesn't apply.

1 All right. And I guess, I guess that's
2 I, unless -- unless -- you said we can't ask about
3 trees, but I'm wondering what the compensation is for
4 the --

5 MR. REGAN: Previously we had
6 testimony.

7 AUDIENCE MEMBER: Runoff, stormwater
8 runoff.

9 MS. SCHNAKENBERG: Okay. Well, then,
10 that's it.

11 Thank you.

12 MR. STEINHAGEN: Briefly.

13 CROSS-EXAMINATION

14 BY MR. STEINHAGEN:

15 Q. Mr. Sehnal, just a question about your
16 comment about moving water from one drainage area to
17 another.

18 Do you have sheet 7 on the board or --

19 A. Not on the board, no.

20 Q. Could we put it up on the screen?

21 A. I could.

22 Q. Thank you.

23 Would you mind zooming in on the front
24 of that driveway, please? Thank you.

25 So I am looking at the curb, curb

1 radius on the north -- excuse me, on the west side of
2 the entrance driveway. Is that an inlet that -- that
3 box right next to the No. 93?

4 A. Yes.

5 Q. And that collects stormwater that falls
6 on the driveway, correct?

7 A. Correct.

8 Q. And you're piping it to the basin in
9 the back?

10 A. Yes.

11 Q. Is it your testimony that the area that
12 is almost immediately adjacent to the front property
13 line on Old Tappan Road is currently in the same
14 drainage area that drains to the north?

15 A. No, it's not, but it comes down to the
16 amount of water.

17 Q. Okay. So it's not -- you're allowed to
18 move water around, you're just not allowed to change
19 the amounts from each direction?

20 A. Yes.

21 Q. So where is the water -- so is it that
22 you're taking water from -- that's going to the back
23 off of the roof and sending it to the front and
24 taking water from the front and sending it to the
25 back?

1 A. Correct.

2 Q. Is that what's going on?

3 Is there any way you can send some of
4 the water that's in -- going in -- that's landing in
5 the driveway area and put it into the bioretention
6 pond that you're now proposing instead of sending it
7 to the back?

8 A. Could we? Yes, absolutely.

9 Q. Why not? Why aren't you?

10 A. Why aren't we?

11 Q. Yes.

12 A. Because we're -- again, we're making
13 sure that we have the same amount of water going to
14 -- one side to the other.

15 MR. STEINHAGEN: All right, thank you.

16 CHAIRMAN WEIDMANN: All right. Anyone
17 else wish to be heard?

18 (No response.)

19 CHAIRMAN WEIDMANN: Seeing none, motion
20 to close the meeting to the public.

21 MR. ALESSI: Motion.

22 CHAIRMAN WEIDMANN: All in favor.

23 (Whereupon, all present members respond
24 in the affirmative.)

25 CHAIRMAN WEIDMANN: Okay.

1 Ms. Price?

2 MS. PRICE: So that takes us to the
3 next meeting for, hopefully, Mr. Levi. I'm not sure
4 if he'll --

5 MR. REGAN: I've had no communication.

6 MS. PRICE: Okay. If -- I'm not even
7 sure, I haven't seen a resolution or anything even
8 hiring him, and I prepared a hold harmless for him to
9 sign to get on the property and he hasn't executed
10 that yet, and we've given it to him several times and
11 we've been expecting that back, so I don't know how
12 to handle that situation.

13 MR. REGAN: Just proceed with your next
14 witness. I assume you're going to have a planner.

15 MS. PRICE: Yeah. So, I mean, that's
16 the end of our case, so I really -- you know, if he
17 is not prepared, then we're going to --

18 MR. REGAN: Then you'll sum up, the
19 public will have their time to comment and the Board
20 can go into deliberations.

21 MS. PRICE: Right, right.

22 Could I ask Mr. Steinhagen if he
23 intends to proceed with any witnesses at the next
24 meeting?

25 MR. STEINHAGEN: Sure.

1 So Lakeview has hired an engineer at
2 the request of the Board several meetings ago. We
3 were anticipating meeting with Ms. Price's clients,
4 we're still willing to do that. We can offer Monday,
5 subject to availability.

6 I -- hearing Mr. Skrable -- one of our
7 big concerns was the curb numbers. If they're going
8 to be updated he may not need to testify. But if
9 they're not, he's going to testify.

10 So to answer is I guess it depends. If
11 the applicant is going to update their numbers to
12 conform with the ordinance, then we may not need an
13 engineer to testify.

14 MR. REGAN: Is he your only
15 professional or do you have others?

16 MR. STEINHAGEN: We may have a planner,
17 I haven't decided yet. But if we're going to have
18 two witnesses next time, it sounds like Mr. Levi and
19 the Applicant's planner, I suspect we're not going to
20 get there. I will have a better answer once we hear
21 the planning testimony. But if the engineering
22 testimony isn't needed, I will know that if there is
23 an updated submission --

24 CHAIRMAN WEIDMANN: Why don't you be in
25 touch with Ms. Price --

1 MR. STEINHAGEN: Happy to do so.

2 CHAIRMAN WEIDMANN: We've got October,
3 November, we'd like to try to vote --

4 MR. STEINHAGEN: I understand.

5 CHAIRMAN WEIDMANN: -- at the November
6 meeting so the application is complete by December,
7 by the end of the year.

8 So we've got two more meetings. And
9 the other problem is, is we have another large
10 applicant who was taking two of the four hours of
11 this meeting, so that presents an issue, too.

12 MR. STEINHAGEN: Okay. Well, I mean,
13 if we're going to put --

14 CHAIRMAN WEIDMANN: Please get back to
15 Ms. Price.

16 MR. STEINHAGEN: I will. I mean, if
17 we're going to put on an affirmative case, I don't
18 know how long it's going to take. I mean, the
19 applicant has had multiple meetings to present its
20 witnesses, I don't anticipate being anywhere near
21 that long, but I don't know if we can say arbitrarily
22 we want to be done by a certain date and so you have
23 to limit your testimony.

24 But I'm going to -- hold on, I'm going
25 to try to do it as expeditiously as possible to the

1 extent it's necessary. That's what I can promise the
2 Board.

3 MS. PRICE: I'm concerned as to
4 whether -- you know, we're talking about an
5 affirmative case on one hand, on the other hand we're
6 talking about trying to work things out, so...

7 MR. REGAN: Well, that's between you
8 and him.

9 MR. STEINHAGEN: Listen --

10 MR. REGAN: We're out of that.

11 MS. PRICE: I know. I understand.

12 MR. STEINHAGEN: We're happy -- I'm
13 representing to the Board, I spoke to the president
14 of the association, we're happy to meet with
15 Ms. Price and her client and her experts next week.
16 That's all I can offer.

17 MS. PRICE: Is --

18 MR. STEINHAGEN: If they don't want it,
19 that's fine, but it's not our -- it's not coming from
20 us that we don't want to have a meeting.

21 MR. REGAN: If a meeting is going to
22 take place it's not going to delay the Board.

23 MR. STEINHAGEN: I understand.

24 MS. PRICE: Just so the record is
25 clear, because it's the record, it's not that we

1 don't want it. Mr. McElwee has attempted on numerous
2 occasions, made numerous offers at the Applicant's
3 own expense, so the record needs to be abundantly
4 clear on that. And he's about to stand up from his
5 seat, I can see him.

6 So we will see if there is any
7 conversation, but it has not been -- it has not met
8 with -- there hasn't been any cooperation.

9 MR. REGAN: If it doesn't happen, it
10 doesn't happen. You can present your planner, he can
11 present any witnesses he has and then the Board goes
12 to deliberations.

13 MS. PRICE: Yes, right. And I will
14 hold my summation until the end.

15 CHAIRMAN WEIDMANN: Would he like to
16 stand up and say anything?

17 MS. PRICE: Do you want to say
18 something.

19 MR. REGAN: Do you want to call him.

20 MS. PRICE: I don't know. Do you want
21 to say anything.

22 MR. REGAN: Well, you were previously
23 sworn in the first meeting, February 9th, so you
24 remain under oath.

25 MS. PRICE: Just say -- Mr. McElwee.

1 MR. McELWEE: I just wanted the Board
2 and the neighborhood and remind Mr. Steinhagen, if
3 I'm pronouncing that correctly --

4 MR. STEINHAGEN: You are.

5 MR. McELWEE: -- that we've had two
6 Zoom board meetings with Lakeview before this
7 application started. I have had numerous phone
8 calls, texts, etcetera, with Mr. Cirillo, the
9 president. I met in person about two months ago with
10 Mr. Cirillo, Mr. Sehnal, Mr. Langenstein in their
11 offices, we have reached out over and over and over
12 again and we have gotten nothing in return. And
13 that's all I have to say.

14 CHAIRMAN WEIDMANN: Thank you.

15 MS. HAVERILLA: Will you be updating
16 the numbers to conform with our ordinance?

17 MS. PRICE: Yeah, so we're going to
18 have a -- once I've got this done, you know, we'll
19 have a fully revised set of plans because Mr.
20 Williams has to testify off of that set of plans for
21 his testimony for the professional planner. Because
22 everything has to be done during his testimony, so...

23 CHAIRMAN WEIDMANN: Okay.

24 MS. PRICE: Okay? So, see you in
25 October.

1 MR. REGAN: What's the date of the
2 October meeting?

3 MS. FROHLICH: 12th.

4 MR. REGAN: The hearing will continue
5 to October 12th without any further notice.

6 MS. PRICE: Without further notice.
7 Okay, thank you.

8 CHAIRMAN WEIDMANN: Thank you, take
9 care.

10 (Whereupon, this matter is continuing
11 at a future date. Time noted: 9:24 p.m.)

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C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: September 20, 2022