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VILLAGE OF RIDGEWOOD
PLANNING BOARD
WEDNESDAY, MARCH 30, 2016
COMMENCING AT 7:30 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT OF
"Whispering Woods" Public Hearing :
on Settlement and Consideration of: PROCEEDINGS
a 2016 Master Plan Amendment :
pursuant to Remand Order entered :
by Honorable Lisa Perez-Friscia, :
J.S.C. on the matter known as The :
Valley Hospital, Inc. v. Village :
of Ridgewood Planning Board, et al :
.....
B E F O R E:

VILLAGE OF RIDGEWOOD PLANNING BOARD
THERE BEING PRESENT:

- CHARLES NALBANTIAN, CHAIRMAN
- RICHARD JOEL, VICE CHAIRMAN
- PAUL ARONSOHN, MAYOR (10:00 ARRIVAL)
- SUSAN KNUDSEN, COUNCILWOMAN (9:45 ARRIVAL)
- NANCY BIGOS, MEMBER
- WENDY DOCKRAY, MEMBER
- KEVIN REILLY, MEMBER
- DAVID THURSTON, MEMBER
- ISABELLA ALTANO, MEMBER
- KHIDIR ABDALLA, MEMBER
- DEBBIE PATIRE, MEMBER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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A L S O P R E S E N T:

BLAIS L. BRANCHEAU, PP, VILLAGE PLANNER
MICHAEL CAFARELLI, RECORDING SECRETARY
CHRISTOPHER J. RUTISHAUSER, PE, VILLAGE
ENGINEER

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

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EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENT./EVID.</u>
B-1	Public Notice	24
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B-3	Proposed 2014 Master Plan Amendment dated 2/28/2014, with revisions to 6/9/14	35
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1 CHAIRMAN NALBANTIAN: Okay. Ladies and
2 gentlemen, we're about to begin.

3 Before we start, I just want to
4 mention, in case we have a large number of people who
5 wish to attend tonight, what we've done is we have a
6 live video feed that's serving the senior center
7 downstairs. So if we meet the Fire Department
8 capacity up here, then people can observe downstairs
9 and they'll come back and participate during the
10 question session when we get to that.

11 So why don't we begin. At this time
12 I'd like to call the Special Meeting of the Ridgewood
13 Planning Board to order this Wednesday, March 30,
14 2016.

15 VICE-CHAIRMAN JOEL: In accordance with
16 the provisions of Section 10:4-8d of the Open Public
17 Meetings Act, the date, location and time of the
18 commencement of this meeting is reflected in a
19 meeting notice, a copy of which schedule has been
20 filed with the Village Manager and the Village Clerk,
21 The Ridgewood News and The Record newspapers, and
22 posted on the bulletin board in the entry lobby of
23 the Village Municipal Offices at 131 North Maple
24 Avenue, and on the Village website, all in accordance
25 with the provisions of the Open Public Meetings Act.

1 CHAIRMAN NALBANTIAN: Thank you,
2 Richard.

3 Will everyone please rise for the flag
4 salute.

5 (At this point in the proceeding all
6 rise for a recitation of the Pledge of Allegiance.)

7 CHAIRMAN NALBANTIAN: Thank you all for
8 coming, and welcome to tonight's meeting, which has
9 been convened for the purpose of commencing a
10 proceeding hearing called a "Whispering Woods
11 hearing." This hearing is to consider a proposed
12 amendment to the Village of Ridgewood Master Plan
13 pursuant to settlement terms reached with Valley
14 Hospital following litigation which commenced in
15 2014.

16 While the board's attorney, Katie
17 Razin, to my right, will be providing additional
18 background information, I would like to briefly set
19 out some relevant. Please listen carefully.

20 In early 2007, the Valley Hospital
21 submitted a request for consideration of a Master
22 Plan amendment and modifications to certain
23 provisions of the Zoning Ordinance relative to the
24 H-Zone. Over the course of many work sessions and
25 then public hearings held over three years, the board

1 reviewed the original amendment request and made
2 changes to it. They heard testimony from Valley
3 Hospital and its experts as well as from the Planning
4 Board's own experts and professionals.

5 Michael, why don't you call the roll, I
6 apologize.

7 (At this point in the proceeding roll
8 call is taken with Ms. Bigos, Chairman Nalbantian,
9 Vice-Chairman Joel, Mr. Reilly, Ms. Dockray,
10 Mr. Thurston, Mr. Abdalla, and Ms. Patire present,
11 with Mayor Aronsohn, Councilwoman Knudsen, and Ms.
12 Altano absent.)

13 CHAIRMAN NALBANTIAN: Thank you,
14 Michael, and thank you, Kevin for reminding us.

15 Let me repeat. I'll begin.

16 In early 2007, the Valley Hospital
17 submitted a request for consideration of a Master
18 Plan amendment and modifications for certain
19 provisions of the Zoning Ordinance relative to the
20 H-Zone. Over the course of many work sessions and
21 then public hearings held over three years, the board
22 reviewed the original amendment request and made
23 changes to it. They heard testimony from Valley
24 Hospital and its experts as well as from the Planning
25 Board's own experts and professionals.

1 At the conclusion of that process in
2 2010, the board voted to adopt an amendment to the
3 Master Plan relative to the H-Zone.

4 That 2010 action was challenged in
5 court and the challenge subsequently resulted in a
6 dismissal agreement whereby the Planning Board was
7 directed to review a new amendment proposed by Valley
8 in 2013, as an attempt to address concerns in the
9 adopted 2010 amendment. That new amendment called
10 for a reduction in the overall square footage of the
11 proposed hospital buildings, as well as a number of
12 other changes to the layout.

13 At the conclusion of those proceedings
14 in 2014, the board voted against an adoption of the
15 revised plan. Since a further amendment was not
16 adopted by the Planning Board in 2014, the 2010
17 Master Plan Amendment remained in place and is
18 currently in effect today.

19 Subsequent to the board's action to
20 reject the proposed 2014 amendment, legal actions
21 were filed, and the board engaged in a mediation
22 process that was recommended by the court late in
23 2015. During that process, which occurred over
24 several months, the terms of a settlement were
25 reached between the Planning Board and Valley

1 Hospital.

2 So, beginning tonight, with these
3 hearings, those settlement terms are now being put
4 forth to the public as consideration of a new 2016
5 Master Plan Amendment, and that's why we're all here
6 tonight.

7 Please keep in mind that the Master
8 Plan is a policy framework that provides a foundation
9 for the more detailed zoning ordinance which would be
10 established by the Village Council and which would
11 serve as a basis for site plan considerations in the
12 future.

13 Now, after I review the procedures and
14 rules, I will quickly walk through the format for
15 this evening's meeting, and then we will hear
16 important information regarding key legal elements of
17 these proceedings from Katie.

18 It's also important to know that the
19 board is acting pursuant to a remand order from the
20 court, and must strictly follow the schedule and
21 procedure set forth in that court order. So please
22 listen carefully and take note of the following
23 schedule for this proceedings.

24 After tonight, the next scheduled
25 meeting on this matter will be tomorrow, March 31st,

1 2016, at 7:30 p.m., and it will be held at the
2 Ridgewood High School Student Center, located at 627
3 E. Ridgewood Avenue.

4 Then next week, we expect to continue
5 with meetings on Monday, April 4th, here in this
6 courtroom; on Tuesday April 5th, also here in the
7 courtroom; and on Thursday, April 7th, at Ridgewood
8 High School again.

9 All meetings will begin at 7:30. I'll
10 also repeat this schedule at the end of tonight's
11 meeting.

12 These schedules are also posted on the
13 Village website and on the bulletin board in the
14 entrance lobby here at Village Hall.

15 Planning Board hearings are conducted
16 as dictated by the laws of the State of New Jersey,
17 and the Planning Board is vested with the discretion
18 to establish certain additional rules and regulations
19 for the conduct of those hearings, and has been done
20 for this matter pursuant to the remand order entered
21 by the court.

22 The hearings will be organized in the
23 following manner:

24 After introductions from counsel for
25 both the Planning Board and Valley Hospital, we will

1 hear testimony from the Village Planner, Blais
2 Brancheau, as to the proposed 2016 Master Plan
3 Amendment document that has been drafted and in the
4 context of revisions to the previously proposed 2014
5 Master Plan that came about as part of the settlement
6 terms reached with Valley Hospital.

7 You will then hear testimony from
8 Valley Hospital witnesses.

9 At the conclusion of each testimony, we
10 will open the floor to questions for the witness
11 regarding his or her testimony from the public.

12 Please remember, this part of the
13 process will not be the time for public comment,
14 which will come later, only questions to be posed
15 relative to that particular witness' testimony and
16 only regarding what he or she spoke about, and those
17 questions should be directed to that witness.

18 As Katie will review in more detail,
19 the remand order entered by the court specifically
20 provides that only revisions to the 2014 Master Plan
21 Amendment are relevant and material for purposes of
22 questions and cross examination in this matter. So,
23 if you have questions in this regard, when I open the
24 floor to questions from the public after each
25 witness, you will be asked to form a line, and I will

1 call on you in that order.

2 When it's your turn, you'll be asked to
3 slowly say and spell your name and address, before
4 beginning with your questions.

5 As defined in the court's remand order,
6 each of you will have up to five minutes to ask your
7 questions. You must ask all of your questions
8 together at one time and within the allotted five
9 minutes, and then please take your seat so your
10 questions can be answered by the witness.

11 Again, questions must be relevant to
12 only the testimony that was given by that witness.

13 I will call on everyone who is in line
14 only once, until everyone has had their five-minute
15 opportunity to ask questions of that witness. Please
16 do not ask questions that have been asked and
17 answered by someone else before you, as repeat
18 questions may not be entertained.

19 If any other party or entity presents a
20 witness during the course of the hearing process, the
21 same procedures would apply. We will need to know
22 right away as to any intent to bring legal counsel
23 and who will be represented in that regard.

24 Following the conclusion of all
25 presentations and at the end of the hearing process,

1 the board will hear public comment. The board has
2 established certain rules of procedure that will be
3 followed, which I'll review now and once more at the
4 beginning of the public comment portion of these
5 hearings.

6 So, beginning tomorrow, individuals
7 will be asked to sign up for public comment upon
8 arrival. And we'll also have provision for that for
9 those who may be down in the senior center for those
10 days that we have overflow. The list will start over
11 each night, meaning it will not carryover, to the
12 extent possible, since we will do our best to
13 complete the list of speakers present who signed up
14 for that night.

15 This list will be used for the order of
16 public-comment speaking. Should we get to public
17 comment later tonight, we will have a signup sheet at
18 that time. So, remember, if someone intends to make
19 a statement to the board during the public comment
20 period, they must sign in and take note of their
21 sequence number on sign-up list.

22 When I announce that the hearing will
23 be open for public comment, I will call the names in
24 sequence from the list, in order, for that evening.
25 When your name is called, you'll be asked to move

1 immediately to the microphone and slowly say your
2 name and street address for the record, so that the
3 transcriber is able to receive that information. You
4 will also be sworn in at that time, since all
5 comments must be made under oath.

6 If you change your mind about speaking
7 when your name is called, simply indicate "pass," and
8 we'll move on to the next speaker. Please note that
9 if you pass, your time may not be donated as extra
10 time to another speaker.

11 Each speaker will be given five minutes
12 to speak. There will be a timer indicating when one
13 minute is left and again when each speaker's time is
14 completed, and we ask that you respect that timer, to
15 allow for everyone to get their chance to speak.

16 The five minutes time will begin only
17 after the speaker has provided his or her name and
18 address for the record and has been sworn in. We ask
19 that each speaker strictly observe the time limit, so
20 that everyone is given the opportunity to speak. You
21 may read a written statement into the record as long
22 as it does not extend beyond the allotted five
23 minutes.

24 At the four minute notification, please
25 finish your statement within the remaining one

1 minute, so that the next individual in sequence can
2 have their turn. As directed by the court's remand
3 order, everyone who wishes to comment will be given
4 the same five minutes of time.

5 Again, we'll try to finish the list for
6 reach night such that if people are present on one
7 night and cannot attend the next date, they will have
8 an opportunity to speak.

9 We will move along with that process
10 with the intent to accommodate everyone's schedule,
11 but there must be an understanding that the board has
12 a strict schedule to keep as well. In addition, it
13 should be understood that while the board will
14 attempt to hear from everyone who wishes to speak,
15 there's no obligation under the law or the remand
16 order to entertain repetitious comments. Further, as
17 Katie will point out in her review, the remand order
18 provides that only provisions to the 2014 Master Plan
19 shall be relevant and material for purposes of public
20 comment.

21 Please know that petitions cannot be
22 accepted by the board, nor any written statements by
23 parties not present at the hearings. This is a rule
24 established by New Jersey case law, that all parties
25 seeking to put information before the board must be

1 available for cross examination.

2 It is simply improper for a board to
3 examine or discuss a petition, and consideration of
4 such a document is certainly outside the scope of the
5 board's decisional process.

6 For everyone's reference, I'll review a
7 summary of these instructions again when we get to
8 public comment.

9 After members of the public have had an
10 opportunity to comment on the proposed plan amendment
11 and the matter has been concluded, the board may then
12 take action to approve the amendment or decline
13 adoption of the amendment. It should be kept in mind
14 that although the board has scheduled five nights of
15 hearings, the board will proceed to take action when
16 public comment is concluded. The court was very
17 clear, that it wanted this matter to proceed. Thus,
18 if public comment is finished before the fifth
19 hearing night, the board may move to act at an
20 earlier date.

21 Regarding these hearings as a whole and
22 how they're conducted, it's important to keep in mind
23 that not everything that is said is likely to be
24 agreeable to everyone. In addition, there is a level
25 of patience, respect, and cooperation that must be

1 maintained throughout the process by all of us.

2 Again, please listen carefully, as the
3 following instructions are important, not only from a
4 procedural standpoint but also from a point of order.

5 This board will not entertain shouting,
6 applause, insults, or other disruptions. Each of us
7 will have our turn to ask questions of witnesses and
8 then later offer comment. So, for this process to
9 work well, these hearings must be conducted in a
10 manner that is orderly, organized, and respectful.

11 Those of us here who sit on the board
12 are your neighbors. We're Ridgewood residents who
13 volunteer our time to serve our community, and
14 deserve to be treated as you would want to be.
15 Furthermore, all witnesses, whether they're
16 representing the Village or Valley Hospital or any
17 other entity, are here to discuss their views and
18 have the right to do so. They too deserve respect,
19 and when questions are posed to them regarding their
20 testimony, we need to remember that such questioning
21 must be done in a polite manner. The speaker who is
22 at the microphone, whether it's a board member, a
23 witness, attorney or member of the public, has the
24 floor, and that individual should not be interrupted
25 by shouting, jeering, applause, or any other

1 demonstrative displays of emotion.

2 Now, this is also a good time for me to
3 point out one easily misunderstood procedural aspect
4 of these hearings. Since the Planning Board public
5 hearing process has procedures which are akin to
6 those used in a court of law, attorneys for any party
7 may interject with an objection-assertion at any
8 time, including periods of public questions or
9 comments. Please know that such objection-assertions
10 should not be perceived by the public to be
11 disrespectful or rude, but, rather, a necessary
12 procedure for allowing attorneys to promptly note
13 objections to the record.

14 My hope and expectation is that these
15 rules and procedures will be followed and the process
16 for these hearings will proceed well in this manner.

17 Please note that if anyone chooses not
18 to comply with these rules and therefore causes the
19 hearing process to be interrupted, they may be asked
20 to leave. Of course, I don't expect that to be
21 necessary. So having said that, let me thank you in
22 advance for your thoughtful cooperation throughout
23 this process.

24 Remember, coming to these meetings is
25 the best way to hear what the board hears, and to

1 have opportunity to participate in the process, and,
2 if the procedures I just outlined are followed, I
3 think everyone benefits.

4 So tonight's meeting will run as
5 follows: First, Katie will provide some additional
6 legal framework on the matter. We'll then proceed to
7 hear from Jon Drill, Valley's counsel. After that,
8 we'll hear testimony on preliminary information
9 regarding the amendment proposal from Blais, and then
10 we'll proceed to hear from Valley's witnesses.

11 Again, after the witnesses begin and
12 conclude with their presentations, questions will be
13 appropriate. I'll begin the process with the board's
14 cross examination of the witnesses, and then move to
15 open the questioning to the public for that witness.

16 We'll probably break sometime between
17 9:30 and 10. At that time, I think the court
18 reporters are going to switch positions. And then
19 we'll begin promptly at the time that I suggest we
20 begin.

21 So this concludes my opening remarks,
22 I'll now turn the microphone over to the board legal
23 counsel, Katie Razin.

24 MS. DOCKRAY: Hi, Charles. Can I just
25 ask a couple of questions?

1 CHAIRMAN NALBANTIAN: Sure.

2 MS. DOCKRAY: On the April 7th date, if
3 we finish on April 5th, are you saying we won't
4 continue to the 7th? So we need to make the public
5 know that they can't necessarily come on the 7th.

6 CHAIRMAN NALBANTIAN: That's what I
7 said, that's correct.

8 MS. DOCKRAY: Yes, but I think we
9 should publish that, so people know that.

10 CHAIRMAN NALBANTIAN: We will know that
11 at the end of each meeting where we are in the
12 process.

13 MS. DOCKRAY: Yes, but that requires
14 people to go to all of those meetings. I think if
15 we're not going to do the seventh, if you're not here
16 on the fifth to sign up, then don't expect the
17 seventh to happen.

18 CHAIRMAN NALBANTIAN: I think that's
19 implied. I think that's a good point. If you're
20 interested in attending and participating in public
21 comment, you need to be aware of what the process is,
22 because we're going to go through the witness
23 testimony in whatever time it takes to cross-examine
24 the witnesses, and then when we begin public comment,
25 it will begin that night, where it's likely to occur

1 on the agenda. I can't say when that is now, because
2 we haven't started, but we will update that
3 information.

4 MS. DOCKRAY: I believe next week is
5 school vacation, so you may only have people saying
6 the only night I can come is April 7th, and --

7 MS. RAZIN: I think it's --

8 MALE AUDIENCE MEMBER: I think it's a
9 good point.

10 MS. DOCKRAY: The main concern is, some
11 people might think the only night they can come --

12 MS. RAZIN: Charles is making that
13 announcement. So let's see where we are at the end
14 of this meeting. I think we'll have a better idea at
15 the next meeting where we are anyway, but Charles
16 made the announcement and now that's where we are.

17 CHAIRMAN NALBANTIAN: The intention is
18 to move this according to the remand order, which is
19 to be done in a timely fashion, and we can't define
20 that until we know where we are after each session.

21 Our objective is to make sure you have
22 the opportunity to ask questions of the witnesses
23 during testimony. We don't know how long that will
24 take. It may take one day or it may take several
25 days.

1 MALE AUDIENCE VOICE: Why can't we do
2 the right thing and uphold the original decision?

3 CHAIRMAN NALBANTIAN: We're not taking
4 comments right now.

5 MS. DOCKRAY: My second question. My
6 husband says the only time he can come is April 7th
7 to make his comment, he's not coming but somebody
8 says I won't want them to think that the hearing was
9 canceled because he didn't come on April 5th or
10 April 4th. Some people may only have that one night
11 and we told them that's going to be the hearing. So
12 all I'm saying is if that may not happen, because we
13 considered the hearings over before then, we need to
14 put that on the web and on the notice, do whatever,
15 so someone doesn't count on that one day.

16 MS. RAZIN: The notice actually says --

17 MS. DOCKRAY: What does it say, go
18 ahead.

19 MS. RAZIN: I'm about to read it.

20 Okay.

21 So the notice says that the board may
22 take official action during these Special Meetings.
23 So it doesn't say at the end of the Special Meeting,
24 it just says at the end of the process.

25 So based on Charles' announcement and

1 based on the wording of the notice, the action can be
2 taken at any of the Special Meetings, it doesn't have
3 to wait until the termination of the meeting on the
4 seventh.

5 Now, Charles and I can have a
6 discussion on the break, if we think that an extra
7 piece, I don't think that's objectionable, but he
8 made the announcement, it's in the notice, official
9 action will be taken.

10 CHAIRMAN NALBANTIAN: I think it was --

11 MS. RAZIN: We will have a discussion
12 if there will be some further notice on the website.

13 CHAIRMAN NALBANTIAN: I think it was
14 implied, if it wasn't clear, I want you to know that
15 the intent here is to involve everyone and not to
16 create a problem. However, we do have strict
17 guidelines in the remand order we need to follow. So
18 as the process proceeds, we're going to do our best
19 to make sure people are informed, and we will find
20 ways on how to do that appropriately. I think let's
21 take it one day at a time and let's see how this
22 proceeds.

23 MS. DOCKRAY: Okay. I have one other
24 question. This is the first I've seen of the
25 amendment. I didn't get it by email. Can we take

1 in evidence.)

2 MS. RAZIN: My intent is to provide a
3 brief overview, although it won't be brief, but a
4 brief overview of the board's review process from a
5 legal perspective.

6 The primary step is to review the
7 status of this matter and the Valley's proposal
8 before the board. First, I'd just like to review the
9 history which brought us here to where we are today,
10 which is a Whispering Woods hearing, as Charles
11 mentioned.

12 A Whispering Woods proceeding is named
13 after a case, Whispering Woods at Bamm Hallow v.
14 Middletown Planning Board, NJ Super 161 (Law Division
15 1987).

16 Whispering Woods confirmed the
17 authority of local planning and zoning boards to
18 settle disputes with applicants and proponents that
19 challenged board determinations and set forth certain
20 procedural requirements that needed to be met as part
21 of that settlement process, such as issuance of
22 required public notice, the holding of a public
23 hearing, a vote taken in public, and the drafting of
24 a resolution.

25 In that case, the board had denied a

1 development application, and a lawsuit was brought by
2 the plaintiff soon after. Later, the board
3 considered a revised version of that plan in a closed
4 session meeting. The board agreed informally as to
5 certain terms that would make the plan workable and
6 developed the language of a stipulation of
7 settlement. That stipulation was then voted on in
8 public and filed with the court. Public notice was
9 provided and a public hearing was held to consider
10 the additional evidence relating to that settlement
11 plan. The board then voted in favor of the revised
12 plan.

13 Against various legal challenges, the
14 court determined that that process was valid,
15 primarily because courts favor settlements so long as
16 the public interest is not disserved.

17 The court in Whispering Woods stated,
18 if the settlement is made known to the public,
19 subject to the public voice and voted upon in legal
20 fashion, the public interest has been served. Thus,
21 a settlement must be conditioned upon a public
22 hearing on the agreed plan and all the statutory
23 conditions necessary, including notice, public
24 hearing, public vote, and a written resolution.

25 All of these procedural steps have been

1 taken here or will be taken here, as we go forward in
2 this process.

3 Now, as to how we got here, as Charles
4 mentioned, in June 2010, the board took action and
5 voted to adopt a proposed amendment to the Village
6 Master Plan relative to the H-Zone. This was done
7 after three years of work sessions and public
8 hearings. That approved Master Plan Amendment is
9 still in effect today.

10 The actions relative to that adoption
11 were challenged by CRR, a citizen group, in Superior
12 Court, Law Division. No decision was made by the
13 court on that challenge. Rather, it was determined
14 by consent order entered into by all parties that new
15 efforts would be made to proceed outside of the
16 courtroom and back before this board. Valley
17 indicated that it would submit a new amendment
18 proposal, and the board agreed to review it and CRR
19 agreed to dismiss their lawsuit.

20 The board then proceeded to hear
21 Valley's revised proposal in 2013 and 2014. In
22 June 2014, the board voted to reject the Proposed
23 2014 Master Plan. That left the 2010 Master Plan in
24 place, which, as I stated, is still currently
25 effective for the H-Zone today.

1 Valley challenged the Planning Board's
2 denial and simultaneously also included a count
3 against the Village governing body as to the zoning
4 ordinance as its application to the H-Zone.

5 During the course of that litigation,
6 the Planning Board engaged in a court approved
7 mediation process with Valley, led by former New
8 Jersey Supreme Court Justice Virginia Long. Through
9 the mediation, the Planning Board, after months of
10 work, voted to proceed with a settlement of the
11 litigation against it.

12 It should be clear that while the
13 settlement proposal and Master Plan Amendment being
14 considered by the board at these public hearings, the
15 issues that were considered by the board during the
16 mediation process and corresponding executive
17 sessions are not subject to discussion or disclosure
18 during these present hearings.

19 The mediation process is complete and
20 was governed by the Rules of Evidence and a mediation
21 agreement that was entered into by the parties.

22 That agreement specifically provides
23 that nothing offered during the mediation process may
24 be offered as evidence against any party in any
25 proceeding.

1 That agreement further binds all
2 parties to the mediation to keep all information,
3 records and documents completely confidential and
4 private. Evidence Rule 408 further addresses the
5 nondisclosure and lack of admissibility of statements
6 made in a settlement negotiations. The board is
7 bound by these rules in these current proceedings.

8 What can be and will be made public
9 during these proceedings is the remand order, which
10 reflects the terms of the settlement, as well as the
11 proposed 2016 Master Plan Amendment which is under
12 review by the board as part of this process.

13 These documents have already been on
14 file with the Board Secretary as well.

15 The remand order which was entered by
16 the Hon. Lisa Perez Friscia is going to be marked as
17 exhibit B-2.

18 (Remand Order is marked as exhibit B-2
19 in evidence.)

20 MS. RAZIN: I'd like to take the public
21 through some of the key provisions of that order.
22 It's also on this PowerPoint, which I discovered is
23 minute, so I apologize, but it's on record with the
24 Board Secretary and I'm going to read through some of
25 the provisions, so we should have a clear

1 understanding, and we'll get some copies as well.

2 So some of the key provisions and just
3 so you know, when we get to the content of the Master
4 Plan, which is some of the details which are also
5 contained in the remand order, I'm going to skip over
6 that section and I'm going to let Blais take you
7 through that portion when he goes through the Master
8 Plan documents, so I will sort of see where that
9 skips over.

10 So the beginning of the order talks
11 about the procedural background, and it says the
12 plaintiff, The Valley Hospital, and defendant
13 Planning Board reached an agreement in principle
14 which would resolve Count 1 of the complaint and make
15 a trial on Count 1 moot, provided that the Planning
16 Board adopted a proposed amendment to the Master Plan
17 pertaining to the H-Zone, as set forth below upon the
18 conclusion of a Whispering Woods hearing.

19 The court hereby remands Count 1 of the
20 complaint to the Planning Board for a hearing
21 pursuant to Whispering Woods and N.J.S.A. 40:55D-13
22 for action on a 2016 Master Plan Amendment to the
23 H-Zone (the "2016 Master Plan Amendment").

24 The 2010 Master Plan Amendment is the
25 policy document currently in place for the H-Zone.

1 Scheduling of the hearing and decision.

2 The hearing shall commence on March 30, 2016, and, if
3 not completed (this alludes to what Charles was
4 mentioning about condition of the hearings, shall
5 continue until completed, on March 31st, 2016;
6 April 4, 2016; April 5, 2016; and April 7, 2016. The
7 Planning Board shall vote and take formal action on
8 the 2016 Master Plan Amendment upon the completion of
9 the hearing.

10 The Planning Board shall adopt a
11 resolution memorializing its vote within seven days
12 of the vote, but no later than April 14, 2016.

13 Parameters of the hearing. The
14 Planning Board shall provide all interested parties
15 with the right, through their attorneys if
16 represented, or directly if not represented, to
17 cross-examine witnesses that are presented by
18 Plaintiff, The Valley Hospital, and/or Defendant
19 Planning Board for testimony during the hearing,
20 subject to reasonable limitations as to the amount of
21 time allowed for such cross examination.

22 In accordance with N.J.S.A. 40:55D-10d,
23 five minutes per person asking cross examination
24 questions per witness is presumed to be a reasonable
25 time limitation to ensure that the hearing proceeds

1 efficiently and in a timely manner that affords all
2 interested parties the opportunity to participate.
3 All members of the public present and who wish to
4 testify during the hearings will be given the
5 opportunity to do so, but, similarly, in accordance
6 with N.J.S.A. 40:55D-10d, five minutes of sworn
7 testimony per member of the public is presumed to be
8 a reasonable time limitation to ensure that the
9 hearing proceeds in an efficient and timely manner.
10 The Planning Board shall take all steps necessary to
11 ensure that the hearings are not delayed and that
12 repetitious questions and comments are controlled.

13 The next section of the remand order
14 goes through the specific provisions of the Master
15 Plan, which will be discussed in detail through the
16 testimony that's given by Blais.

17 At the end of the provisions of the
18 Master Plan detail, there's another section called
19 Addition of Conditions.

20 That section reads: The 2016 Master
21 Plan Amendment also contemplates inclusion of a list
22 of conditions previously generated during the
23 2013-2014 Master Plan hearings. Said conditions
24 shall be included as an exhibit and made part of the
25 record of the 2016 Master Plan Amendment process.

1 Only revisions to the proposed 2014
2 Master Plan Amendment are relevant and material for
3 purposes of questions and cross examination and sworn
4 comments by the public. While the technical rules of
5 evidence are not applicable to the hearing in
6 accordance with N.J.S.A. 40:55D-10e, only revisions
7 to the proposed 2014 Master Plan Amendment shall be
8 relevant and material for purposes of questions,
9 cross examination, and sworn comments by the public.

10 So that takes you through the main
11 elements and procedural elements of the remand order
12 almost verbatim, except for parts where it says it's
13 going to be served on another party and minute
14 details, and Blais will take you through the rest
15 when he goes through the Master Plan language.

16 As to some further procedural issues,
17 I'd like to just summarize how we're going to
18 proceed.

19 Today we'll hear, again, from John
20 Drill, counsel for Valley Hospital, and then from
21 Blais, our planner, regarding the proposed 2016
22 Amendment, which reflects what was set forth in the
23 remand order. We will then hear from Valley's
24 witnesses.

25 With regard to some of the procedural

1 issues that were raised by Charles, it is pivotal to
2 point out the following:

3 As I stated already, this process is a
4 Whispering Woods hearing. The relevant
5 considerations now pursuant to the remand order are
6 to review the modifications to the proposed 2014
7 Master Plan Amendment.

8 For public comment, all witnesses and
9 speakers will be sworn under oath.

10 Just like any other public hearing, the
11 right of cross examination exists to be posed towards
12 any person who speaks.

13 Please avoid making hearsay comments,
14 which are essentially comments made by someone other
15 than yourself. Even though the rules of evidence
16 that are applied in a court do not technically apply,
17 witnesses must have personal knowledge about the
18 statements they make and must be able to answer
19 questions about their statements.

20 If you are capable of introducing
21 evidence that's personally known to you, that you
22 have direct knowledge about, that is something that
23 we are capable of receiving, that is something that
24 we are capable of receiving from individuals.

25 It is also critical to remember that

1 the board cannot accept letters, petitions, or other
2 writings in place of live testimony. That sort of
3 material is not admissible for the hearing process,
4 and it would be subject to cross-examination.

5 Parties wishing to provide comment must
6 do so in person during the meeting. Any written
7 submissions that provide comment on the process or
8 amendment will be kept in the overall file but will
9 not be reviewed by the board in consideration of the
10 amendment.

11 Before hearing from Jon, I'd like to
12 also mark exhibits B-3, which is the proposed 2014
13 Master Plan Amendment dated February 28, 2014, with
14 revisions to June 9, 2014. That was the Master Plan
15 document that was considered by the board in '13 and
16 '14, and ultimately rejected by the board. I'm going
17 to mark that as B-3.

18 (Proposed 2014 Master Plan Amendment
19 dated February 28, 2014, with revisions to June 9,
20 2014 is marked as exhibit B-3 in evidence.)

21 MS. RAZIN: The redline version, which
22 the board has received and which there are copies on
23 the back table of, it's the redline version of the
24 proposed 2014 Master Plan document with changes up to
25 March 15, 2016, I'd like to mark that as B-4.

1 (Redline version of the proposed 2014
2 Master Plan document, with changes up to 3/15/2016 is
3 marked as exhibit B-4 in evidence.)

4 MS. RAZIN: And the proposed 2016
5 Master Plan Amendment, clean version, with changes to
6 March 15, 2016, as B-5.

7 (Proposed 2016 Master Plan Amendment,
8 clean version, with changes to March 15, 2016, is
9 marked as exhibit B-5 in evidence.)

10 MS. RAZIN: And, again, there's also
11 copies of that document on the table.

12 And those documents have been on the
13 website as well, and you can also find them there as
14 well.

15 CHAIRMAN NALBANTIAN: Mr. Drill.

16 MR. DRILL: Good evening. I'm Jon
17 Drill from the law firm of Stickel Koenig Sullivan &
18 Drill, representing the Valley Hospital in this
19 proceeding.

20 We're here tonight in an attempt to
21 settle part of an ongoing litigation between the
22 Valley Hospital and the Planning Board and the
23 Village. Specifically, we're here to attempt to
24 settle that aspect of the litigation which challenges
25 the Planning Board's rejection of the proposed 2014

1 Master Plan Amendment.

2 Through the mediation process, the
3 Valley Hospital has agreed to make revisions to its
4 proposed upgrade and modernization project that was
5 contemplated by the proposed 2014 Master Plan
6 Amendment. And the Planning Board has agreed to
7 consider a new proposed 2016 Master Plan Amendment,
8 which would accommodate such a revised project.

9 If the Planning Board adopts the 2016
10 Master Plan Amendment, a trial on the issues with a
11 judicial decision, rather than a Planning Board
12 decision, will be avoided.

13 While there are important changes that
14 have been made to reduce the scope of the project, I
15 will present a witness to describe those changes and
16 will not spend time during this introductory
17 statement on that.

18 I want to stress in my comments what is
19 not being changed, and I will have our witness
20 confirm that at the time she testifies.

21 So, the first thing that's not being
22 changed is that the basements of all buildings
23 contemplated by the 2016 Master Plan Amendment will
24 not be increasing in size or depth from that
25 contemplated in the 2004 Master Plan Amendment. Once

1 our witness testifies, we have exhibits to show
2 sections through the buildings as proposed in 2013
3 and 2014, and sections through those buildings as
4 proposed in 2016, and you will see that the basements
5 are identical.

6 This is important, because it means
7 that there will be no change in the geotechnical and
8 hydrologic issues related to rock removal,
9 excavation, and dewatering.

10 The undisputed expert testimony from
11 both the hospital and the board during the 2013-2014
12 hearing, was that there be no geotechnical or
13 hydrologic problems resulting from the construction,
14 and I stress, that was both from Valley's expert and
15 this Planning Board's expert.

16 The second thing that will not change.
17 The overall square footage of the project
18 contemplated by the 2016 Master Plan Amendment will
19 actually be less than contemplated by the 2014 plan
20 amendment.

21 The same traffic intensive services
22 that the hospital agreed to move off-site as part of
23 the 2014 Master Plan Amendment will be moved off-site
24 as part of the 2016 Master Plan Amendment. This is
25 important, because there will be no change in the

1 traffic generation or parking, between the 2014 plan
2 and the 2016 plan. And, again, just to refresh
3 members who were here recollection and also there's a
4 full record that's on your website that has copies of
5 all the transcripts, all the reports. I just have my
6 black notebook up on the desk, which is a four-inch
7 or maybe even five inches of just the exhibits from
8 that proceeding, but all the transcripts are also on
9 your website.

10 The undisputed expert testimony from
11 both the hospital and the board traffic experts was
12 that traffic to and from the site would only not
13 increase, it would actually decrease.

14 The third thing that's not changing.
15 The hospital presented unrefuted expert testimony
16 from Dr. Shannon Magari, an occupational and
17 environmental health and safety expert. Dr. Magari
18 addressed the issues of fine particulate matter and
19 contaminants, and she concluded that the construction
20 project would comply with all applicable air quality
21 standards, which would ensure community protection.

22 The hospital agreed, as part of the
23 2013-2014 hearing, to implement and execute an air
24 monitoring plan which would be developed by Dr.
25 Magari, and would include pretesting, monitoring

1 testing during construction, and post testing.

2 Again, I want to stress, the issue
3 before the board in 2014 was not whether fine
4 particulate matter is or is not harmful. The issue
5 is whether the hospital would have systems in place
6 to detect the presence of fine particulate matter and
7 to stop any fine particulate matter from migrating to
8 anywhere where harm would be caused.

9 And, again, once our witness testifies,
10 and your counsel mentioned I believe it was paragraph
11 possibly five in the remand order, where the hospital
12 is required to present a list of conditions as an
13 exhibit. We have such a list. It will be presented.
14 It will be read into the record, and you will hear
15 that in those conditions the hospital agrees to do
16 all the things it said it would do during those
17 hearings to pretest, monitor and test during
18 construction, and post test, so that to ensure that
19 no fine particulate matter would migrate to anywhere
20 where harm would be caused.

21 The fourth and last thing that's not
22 changing is the time of construction. The time
23 period for construction of Phase I is not ten years.
24 The time period for construction remains the same as
25 contemplated in the 2014 Master Plan Amendment. Six

1 years for Phase I. It's in the transcripts, it's in
2 the expert reports. And that's even with the
3 basement of the West Building that's now going to be
4 constructed as part of Phase I instead of Phase II.
5 You will hear testimony about that change.

6 So, to repeat, even with the
7 construction of the basement of the West Building,
8 that in 2014 would have been constructed as part of
9 Phase II, even with that basement being constructed
10 in Phase I, the duration of construction for Phase I
11 will not exceed six years.

12 Additionally, during the 2013-2014
13 hearing session, the hospital -- pardon me,
14 misstatement. During the mediation, without
15 revealing anything that was said in the mediation,
16 but as part of that mediation, I can tell you right
17 now that the hospital commits, and you can add it to
18 the list of conditions, that Phase II will not be
19 constructed for at least a decade after Phase I is
20 completed.

21 So, again, the hospital will agree, and
22 you can add to the conditions, that Phase II
23 construction will not commence until at least a
24 decade after the construction of Phase I is
25 completed.

1 And the duration of the construction of
2 Phase II, as contemplated by the 2016 Master Plan
3 Amendment, is also going to remain the same, as the
4 duration as contemplated in the 2014 Master Plan
5 Amendment, four years. But the change is a
6 commitment to not start that Phase II for a decade.

7 My final comment is to remind everyone
8 of something that the board's counsel has already
9 said, and that's paragraph six of the remand order
10 provides that only revisions to the proposed 2014
11 Master Plan Amendment shall be relevant and material
12 for purposes of questioning and cross examination.
13 And only revisions to the proposed 2014 Master Plan
14 Amendment shall be relevant and material for purposes
15 of sworn comments by the public.

16 And with that, that's my introduction.

17 CHAIRMAN NALBANTIAN: Mr. Drill, okay.

18 Katie, unless you have any comments,

19 I'm going to hand this over to Blais.

20 Blais Brancheau is our Village Planner.

21 MS. RAZIN: Blais, can I swear you in?

22 MR. BRANCHEAU: Yes, you may.

23 MS. RAZIN: Blais, do you swear that
24 the testimony you are about to give is the truth, the
25 whole truth, and nothing but the truth?

1 MR. BRANCHEAU: Yes, I do.

2 DIRECT EXAMINATION BY MS. RAZIN:

3 Q. And you're going to take us through the
4 provisions of the Master Plan which is, there's a
5 redline document and a clean document, correct?

6 A. Yes.

7 Q. And you prepared that document?

8 A. Yes, I did.

9 Q. And the date on the document is
10 March 15, 2016. Is that correct?

11 A. Yes.

12 Q. And your revisions?

13 A. Yes.

14 MS. RAZIN: And, Jen, if you could just
15 scroll down until you get to the redline, you can
16 follow through on there as well. Again, I
17 apologize --

18 MR. DRILL: The redline is exhibit B-4?

19 MS. RAZIN: That's correct, it's
20 exhibit B-4, but again there are copies on the table
21 as well.

22 A. What I'd like to do is just go through
23 page by page and comment on what's not changed and
24 comment on what is changed.

25 CHAIRMAN NALBANTIAN: Blais, are you

1 going to use the redline?

2 THE WITNESS: I'm using the redline as
3 the basis for my testimony.

4 A. So, the oath change on the cover sheet
5 is the date on the revision, March 13.

6 The first page provides some
7 introduction and background. That hasn't changed.

8 The second page shows the boundary of
9 the Hospital Zone. That's not proposed to change.

10 The same page includes the permitted
11 land uses. That's not proposed to change either.

12 Page three talks about lot area. That
13 is similarly unchanged, and again that's the entire
14 area within the districts outside of the
15 right-of-way, the idea being no subdivision or
16 reduction of lot area for the hospital, it will
17 remain as it currently is.

18 Under Intensity of Use, there are some
19 changes, some minor word changes, dealing just
20 typographical changes. And then a key change in the
21 third bullet at the bottom of that page is a
22 reduction in the total hospital floor area of
23 34,000 square feet from 900 to 866,000 square feet.
24 That I note does not include, nor is it included in
25 the prior version of this, the deck area or the

1 rooftop equipment area.

2 On page 4, under Building Mass and
3 Building Coverage, there's a change of a reduction in
4 the amount of floor area and roof area located at or
5 above grade, and it's a reduction of 31,500 square
6 feet. And it went from 1,056,400 to 1,024,900. And
7 then there's a breakdown of each of those, and it
8 shows the reduction of 31,500 feet for the hospital,
9 and then the rooftop area remains the same, the
10 parking deck remains the same, atriums and courtyards
11 remain the same.

12 The next bullet indicates a change in
13 the amount of coverage by above grade structures from
14 288,000 to 311,000. It's my understanding that this
15 change was brought about by a reduction in the fifth
16 level story, and some of that ended up becoming at
17 grade on the first story.

18 The next section deals with Building
19 Height. And the change in building height is a
20 reduction from 70 feet and five stories, to 56 feet
21 and four stories, so a height reduction of one story
22 or 14 feet.

23 The rest of that page is unchanged.

24 The next page --

25 MS. DOCKRAY: Blais, I just want to

1 confirm that 24 feet remains the same in addition to
2 the --

3 THE WITNESS: For the rooftop
4 screening, yes.

5 MS. DOCKRAY: Thank you.

6 THE WITNESS: That's in the second
7 bullet on that page. You'll see that that's not
8 changed.

9 A. (Continuing) Dealing with
10 Yards/Building Setbacks, beginning on page four,
11 going on to page five, just a change from "shall" to
12 "should."

13 Again, the Master Plan is an advisory
14 document to the governing body, so we changed "shall"
15 to "should." We are recommending that the governing
16 body adopt an ordinance. That would then make it
17 mandatory. But the Master Plan itself does not have
18 the effect of law.

19 There's a change in the diagram
20 reflecting the setbacks.

21 And the first diagram is to is replaced
22 with the second diagram. I'd like to go through
23 briefly some of the changes.

24 In order to accommodate a lower
25 building height, there was an increase of building

1 area on the ground floor, still a net reduction but
2 there was some increase that resulted in a reduced
3 setback on the Van Dien frontage in the northerly
4 portion of the site. Whereas, it used to be the
5 North Building was setback 120 feet from Van Dien
6 Avenue; under the revised proposal, the first floor
7 would be setback 47 feet, all other floors would be
8 setback 74 feet, and the rooftop screens would be
9 required to be setback at least 90 feet.

10 Similarly, in the case of the West
11 Building, which is just south of the North Building
12 and towards the N. Van Dien Avenue portion of the
13 property, the original plan had the West Building at
14 100 feet. Now there's a ground floor two story
15 portion of the West Building that is setback 55 feet
16 from N. Van Dien. The rest of the building remains
17 the same as it was in the 2014 plan, that is
18 100 feet. And then there's a setback of the rooftop
19 screen which is 115 feet, which wasn't depicted in
20 the 2014 plan.

21 On page six, in the section entitled
22 Improvement Coverage, there is an increase of
23 12,400 square feet of coverage by buildings new
24 pavement, and again it's my understanding that this
25 was a result of this built that out of the ground

1 floor of the building to accommodate a lower building
2 height. I'm sure the hospital will testify in more
3 detail about that.

4 That's it on that page.

5 On page seven, some minor word changes
6 in the beginning, and then three bulleted items are
7 added. These have to do with landscaping and
8 greenery. A paragraph was added to deal with a
9 variety of landscape design features, for two primary
10 purposes. One is to mitigate the mass of the
11 buildings on the property. Second is to create a
12 campus atmosphere throughout the property, much more
13 greenery than currently exists.

14 The second bullet deals with
15 replacement of any trees that would be lost due to
16 the construction activity and the change in the
17 building and pavement areas.

18 And there's a statement here that's
19 requiring that any replacement trees be equivalent or
20 better in function than the ones that are removed.

21 And then a new provision is added
22 dealing with the first floor of the North Building,
23 that it be covered with a green roof that will
24 mitigate the visual impact of that building and its
25 setback from N. Van Dien Avenue.

1 Page eight, Parking and Access, that
2 remains unchanged.

3 Illumination remains unchanged.

4 Under Building Architecture, two
5 bullets were added, this deals with rooftop safety
6 features.

7 When those, typically parapets or
8 railings, are going to feature design --

9 COURT REPORTER: I am sorry, Blais, I
10 am going to get closer to you, because I can't hear
11 you.

12 (Short pause.)

13 A. (Continuing) I'm going to back up a
14 little bit.

15 Under Building Architecture, there's
16 two new bullet items that were added on page eight.

17 The first bullet item talks about where
18 features are needed at the roof level for safety
19 purposes.

20 Typically, when you have service
21 personnel on the roof maintaining the HVAC equipment,
22 the building code requires safety features so they
23 don't fall off the roof by accident. Those can be
24 built of solid design or they can be built of
25 railings that are open, and this adds a provision

1 that requires that they be open when not needed for
2 screening. And, again, the purpose of this is to
3 reduce the inherent physical mass of the building
4 from any solid parapet by making it open.

5 It also says that when you can't have
6 an open feature, that it be done in a way that
7 provides an appearance of transparency, either
8 through -- the design's obviously something that
9 would be worked out either in the code or in the site
10 plan review phase of it, but the whole intent of this
11 bullet is to reduce the apparent height and the
12 visual impact of the rooftop features and safety
13 features on the roof.

14 The second bullet deals with variety of
15 building materials for the rooftop features where
16 they are required to be solid. And the intent,
17 again, is to break up a single monolithic appearance
18 of these things and make them more visually
19 appealing.

20 On page nine, there's another bullet
21 added, and that provided for a vegetative screen in
22 the front of the exterior of the penthouses of the
23 North and West Buildings, except where they're in
24 front of air louvers. And, again, this is designed
25 to achieve the same purpose of providing more

1 attractive appearance for rooftop equipment, as
2 opposed to the typical utilitarian design that we
3 often see for rooftop equipment or rooftop screens.

4 The rest of the page dealing with Signs
5 is unchanged.

6 The next section dealing with Traffic
7 and Street Improvements, that is similarly unchanged.

8 And those are the changes that are
9 proposed by this amendment.

10 Q. And it's your understanding that the
11 terms that was in your discussion and your testimony
12 is representative of the settlement that was reached?

13 A. Yes, it is.

14 CHAIRMAN NALBANTIAN: Blais, why don't
15 you take some water before we get any questions,
16 first from the board for cross examination.

17 All right. I will begin at my right.
18 David, if you have any questions for Blais, we will
19 continue with Nancy.

20 MR. THURSTON: Two things, Blais.

21 The first thing is, when it talks about
22 trees at maturity, what is the timeframe, is that a
23 small tree or some larger tree when we get to the
24 maturity timeframe?

25 THE WITNESS: Maturity is something

1 that is a fluid concept. This would have to be
2 detailed in more specificity in the ordinance, but in
3 dealing with -- what it is essentially saying is that
4 getting a tree from a nursery is very difficult, if
5 not impossible to get a tree -- if you're removing a
6 30-foot tree, it's very difficult to get a tree that
7 is immediately 30 feet tall.

8 What this means is that within a
9 reasonable period of time, the tree will function at
10 that same height.

11 So I know typically maturity in the
12 case of trees is periods of 10 to 20 years.
13 Obviously, some trees live a lot longer than that and
14 there's no precise definition of maturity, but I
15 would say within a period of 10 to 20 years, it is
16 expected that there would be equivalent function.

17 It's not just the size of the plans,
18 but it's the design. It can be spacing and layout of
19 trees, and it can be the grade that the trees are
20 placed on, for example, placing a tree on a berm. So
21 there's a number of ways in which the equivalent
22 height and function. It's not just height, it's the
23 density of the planting, there's a number of ways in
24 which that can be achieved.

25 So that's about how I would answer

1 that, but I would expect that if and when we get to
2 an ordinance, that the ordinance would spell that out
3 in more clear detail.

4 MR. THURSTON: On your third additional
5 paragraph on page nine, you have some typographical
6 errors. After the word "building," you need a space,
7 before the parenthetical.

8 THE WITNESS: I'm sorry, I didn't hear
9 the question.

10 MR. THURSTON: In the third bullet,
11 which begins "A vegetated screen," after "Building,"
12 before the parenthetical, a space is needed there.

13 THE WITNESS: Oh, yes, I agree.

14 CHAIRMAN NALBANTIAN: Okay. Nancy.

15 MS. BIGOS: Thank you.

16 Blais, under yards and building setback
17 on page six, you reviewed the setbacks along N. Van
18 Dien Avenue. Can you tell me if there's an increase
19 or a decrease or that those setbacks are remaining
20 the same?

21 THE WITNESS: On N. Van Dien?

22 MS. BIGOS: Yes, the top floor.

23 THE WITNESS: For the North Building,
24 everything was 120 on the old plan. In the new plan,
25 the first floor is a minimum of 47, which is a

1 reduction. The other floors are minimum of 74, which
2 is similarly a reduction. And the rooftop screens
3 are 90 feet, which is also a reduction. Everything
4 is less than 120.

5 For the West Building, the prior plan
6 had everything at 100.

7 Under the new plan, the ground floor is
8 55, so it's obviously a reduction. Every other floor
9 is 100, which remains the same as it was. And 115
10 for the rooftop equipment, which was not indicated on
11 the prior plan. So that rooftop screen was at 100,
12 this would be an increased setback.

13 MS. BIGOS: And then all of the other
14 setbacks remain the same?

15 THE WITNESS: All of the others remain
16 the same.

17 MS. BIGOS: Okay. Thank you.

18 CHAIRMAN NALBANTIAN: Richard.

19 VICE-CHAIRMAN JOEL: No questions.

20 CHAIRMAN NALBANTIAN: Kevin.

21 MR. REILLY: No questions.

22 CHAIRMAN NALBANTIAN: Wendy.

23 MS. DOCKRAY: Blais, were all these
24 setbacks in the remand notice?

25 THE WITNESS: I don't know, I haven't

1 seen the remand notice.

2 MS. DOCKRAY: Even for the West
3 Building?

4 MS. RAZIN: Yes, there's a diagram with
5 an attachment at the end.

6 MS. DOCKRAY: They were in the remand
7 notice that we were given?

8 MS. RAZIN: (Shakes head.)

9 CHAIRMAN NALBANTIAN: Any questions,
10 Wendy?

11 MS. DOCKRAY: Not at this time. Thank
12 you.

13 CHAIRMAN NALBANTIAN: Debbie.

14 MS. PATIRE: Not at this time.

15 CHAIRMAN NALBANTIAN: Khidir.

16 MR. ABDALLA: No questions.

17 CHAIRMAN NALBANTIAN: I have a quick
18 question.

19 With regard to rooftop screening, is it
20 your opinion that they intend that to help buffer the
21 visual aspect of the taller floors on the first
22 floor, and will that first floor also, the visual
23 impact of that be mitigated by some of the landscape
24 provisions?

25 THE WITNESS: Yes. I mentioned there

1 was a green roof on the first floor, and that was
2 there to help mitigate the fact that that's now
3 closer to the street.

4 CHAIRMAN NALBANTIAN: So from Van Dien,
5 with a green roof, the visual aspects of the building
6 would be reduced because of the tree growth and other
7 items. Is that correct?

8 THE WITNESS: Yes. I expect there to
9 be tree growth between the buildings and the street
10 as well as building planting.

11 That planting on the roof will also
12 help reduce the visual impact of the upper floors of
13 the building, not just the first floor, because as
14 that tree grows up, those plants grow up, they will
15 reduce how much you see of the upper floors.

16 Obviously, that design is yet to be
17 seen, but I would imagine that it would have some
18 benefit.

19 CHAIRMAN NALBANTIAN: And the other
20 question is: Do you believe that with only a first
21 floor having a reduced setback, do the landscape
22 revisions again, can an ordinance in essence require
23 some form of treatment again that will block the
24 visual aspect of those buildings from the road or
25 from the neighborhood?

1 THE WITNESS: Yes. I think within -- I
2 mean, you will need to have some clearance of the
3 building, you'll not want to have trees right upon
4 the building, but you should be able to get fairly
5 dense planting within that setback area to mitigate
6 the visual.

7 For example, today the ordinance today
8 for the H-Zone requires the 40-foot setback,
9 regardless of height. So this is compared with what
10 exists in the ordinance today, this is actually
11 requiring a greater setback for even the ground floor
12 and a much greater setback for the upper floors.

13 CHAIRMAN NALBANTIAN: Thank you, Blais.
14 Kevin.

15 MR. REILLY: That was in the back of my
16 mind, the tree removing. I had a sense that it was
17 going to be more extensive tree removing by
18 discussions.

19 COURT REPORTER: I am sorry, I can't
20 understand what you are saying.

21 MR. REILLY: Oh, okay.

22 I see in the proposal here that the
23 green roofing pertains to level one of the North
24 Building. And my question is: My sense is, during
25 some discussions I thought there was going to be more

1 extensive green roofing, so I'm kind of following up
2 on Charles' point, are there other locations that
3 landscape and green roofing shrubbery, trees, could
4 be put in above grade on some of these setbacks or on
5 the roof itself, even the parking area?

6 THE WITNESS: Well, the plan always
7 contained the provision for green roof for the
8 service areas of the building, and that's found on
9 page seven, and that hasn't changed.

10 So, yes, in that sense, it is, it's not
11 proposed to be changed from what it was, but there
12 always was a provision for green roofs in that
13 location.

14 CHAIRMAN NALBANTIAN: Blais, maybe for
15 Kevin's comment, I think you discussed provisions
16 around mechanicals as being capable of being
17 transparent or the use of the materials to minimize
18 the visual impact. That could include either living
19 or artificial greenery efforts?

20 THE WITNESS: Right.

21 MR. REILLY: In a sense, the green
22 roofing.

23 THE WITNESS: Yes, that's not quite
24 green roofing, but it is greenery on the roof. By
25 "green roofing," we basically mean that the roof is

1 planted almost as if it were ground level, and you
2 can often put shrubs, include even trees, on the roof
3 properly designed to provide some --

4 MR. REILLY: My concern is in the
5 proposal where's it's limited to, if it's the first
6 level, there's other buildings, there's other
7 setbacks?

8 THE WITNESS: Well, the thing is if
9 you're putting trees on the roof of a four story
10 building, my feeling is that, you could have the
11 effect of that increasing the height of the visual
12 impact of the building, if it's that high up in the
13 air.

14 In addition, the higher up you go,
15 you're dealing with other issues related to not only
16 structural load but wind issues and so forth.

17 I'm not saying it can't be done, but
18 I'm just saying is that to try to put it on the roof,
19 I don't know if there's room, I think the hospital
20 would have to deal with that, because you do have to
21 deal with the rooftop equipment that's up there. And
22 if you add trees, I don't know that that is going to
23 be of much benefit to someone to have a tree up there
24 as opposed to nothing.

25 MR. REILLY: Would it be feasible to

1 have terminology in here along the lines of, well,
2 where feasible additional green roofing might apply,
3 which leaves it open to, you say wind or climate,
4 conditions that make it infeasible, but I would just
5 like to kind of open that up a little in terms of
6 site plan saying would that come up?

7 THE WITNESS: I don't think it hurts to
8 say that, but, again, I'll leave it to the hospital
9 to testify as to the feasibility.

10 I don't know, for example, why the West
11 Building doesn't have a green roof, maybe there would
12 be a reason for that. But I can't imagine putting it
13 on a parking deck, because you need it for parking.

14 MS. RAZIN: I'm sorry, if that's
15 something, I mean, that's the language that Kevin
16 asked about "where feasible," is that what you said,
17 greenery where feasible, I just want to get your
18 language.

19 MR. REILLY: Yes.

20 MS. RAZIN: So maybe that's something
21 that they can address more comment in there --

22 THE WITNESS: If that's feasibility,
23 then we'll let them do it at their time.

24 MS. RAZIN: Maybe they can take a
25 minute and they can address it now or you can address

1 it with your testimony.

2 MR. DRILL: I consulted with Maria
3 Mediago, who is the Vice President - Facilities at
4 the hospital. No problem to add the language "where
5 feasible," but we can offer upright now, it was
6 intended to also have a green roof on top of that
7 first floor of the West Building, so if that isn't
8 there, it was an inadvertent omission.

9 THE WITNESS: That could be added, I
10 would imagine.

11 MS. DOCKRAY: Then I'm confused, what's
12 the vegetative screen around the exterior of the
13 penthouse?

14 MR. DRILL: We can't hear.

15 MS. DOCKRAY: I'm sorry, I don't know
16 what's wrong here. Either I am too loud or not loud
17 enough.

18 Page nine, what is the -- it says:

19 "A vegetative screen should be
20 incorporated in front of the exterior of the
21 penthouse"...

22 What is that then?

23 THE WITNESS: I view that as something
24 akin to the preceding bullet, which talks about
25 building design, incorporating the use of varied

1 materials (texture and color) at the exteriors of
2 mechanical penthouses.

3 I view this vegetative screen as
4 perhaps vines or similar --

5 MS. DOCKRAY: As what?

6 THE WITNESS: As perhaps vines or
7 similar material that is, instead of paint or a hard
8 material, using a vegetative material to improve the
9 appearance of those screens. So I don't view it as
10 trees, as much as I'm thinking of vinery or some type
11 of plants.

12 MS. DOCKRAY: Vinery?

13 MS. RAZIN: Blais, something that you
14 thought maybe was vertical but could be vertically
15 rather than green lawn that would have horizontally?

16 THE WITNESS: Yes.

17 If you go to Newark, you'll see a
18 building there that has like three different kinds of
19 vines growing on a wall, sort of almost like an art
20 design, and it's designed to get away from the
21 hardscape appearance of a basically a flat building
22 wall, and provide some variety and softness through
23 the use of vegetation. That's what I envision this
24 to be.

25 MS. DOCKRAY: Yes, but it sounds like,

1 but the only thing you can think is of is vines. I'm
2 just curious.

3 THE WITNESS: That's what I understand
4 it to be. Now, if the hospital has other ideas,
5 then, you know, obviously that could be discussed,
6 but that's my understanding, is vines. There may be
7 other things, there may be like, you know, sometimes
8 you'll see planters, but again, it's something that
9 needs to be able to survive, maintained, or withstand
10 wind and things like that, and, you know, the details
11 of that are unclear.

12 MS. DOCKRAY: And it's all around the
13 exterior of the penthouse?

14 THE WITNESS: Well, this says --

15 MS. DOCKRAY: I didn't know if it meant
16 the front or exterior.

17 THE WITNESS: It says the front. I
18 think when it says the front, it means the side
19 facing the street.

20 MS. DOCKRAY: So it's not along the
21 side --

22 THE WITNESS: That's not what this
23 says.

24 MS. DOCKRAY: Along Benjamin Franklin,
25 behind Steilen?

1 THE WITNESS: My understanding is the
2 street.

3 MS. DOCKRAY: Hum.

4 MR. DRILL: We will address that in the
5 testimony, but when you see our exhibits, you'll see
6 that that's filled with louvers so you can't have a
7 greenscape in front of the louver, the air can't flow
8 through it, but Maria Mediago will address it. It's
9 basically green vines that grow on a mesh that are
10 out in front of the material. And the only problem
11 is, when you get in front of an air louver, that you
12 need the air to come in through, you can't put it
13 there, and some of those other areas have air
14 louvers.

15 MS. DOCKRAY: Okay. Thank you.

16 CHAIRMAN NALBANTIAN: Blais, just
17 again, the clarification. The specifics around this
18 can take form in ordinance and also discretion as to
19 the effectiveness of that would be reviewed during
20 site plan, if it gets to that stage?

21 THE WITNESS: Yes. We're working in a
22 spectrum of detail, the Master Plan is the most
23 general, the ordinance is more specific, and the site
24 plan is the most specific.

25 And just to caution, general principle

1 is, when you know specifics in advance, there's no
2 harm in saying it, but when you don't know, you can
3 sometimes hurt yourself by removing flexibility by
4 establishing detail, when you're not sure of the
5 ultimate design.

6 So, as a general rule, I would say when
7 you're unsure, establish the principle guideline that
8 you're hoping to achieve, if you can refine that in
9 the ordinance, do it, but ultimately in the site plan
10 is when the final detail will get worked out.

11 And, again, sometimes when one thing
12 changes, something else has to change, so you want to
13 provide a certain amount of flexibility to allow for
14 design change without creating a variance, for
15 example, in order to respond to something the board
16 or the public may ask for, and if you do that, now we
17 create a variance for something else, because we were
18 too narrow in how we define how something can be
19 done.

20 CHAIRMAN NALBANTIAN: Thank you.

21 Thank you, Blais.

22 Are there any other questions for
23 Blais?

24 If not, is there a motion at this time
25 to open to the public question?

1 VICE-CHAIRMAN JOEL: Motion to open to
2 the public question.

3 CHAIRMAN NALBANTIAN: May I have a
4 second, please?

5 MR. THURSTON: Second.

6 CHAIRMAN NALBANTIAN: Thank you, Dave.
7 Okay.

8 Can you call the roll?

9 (At this point in the proceeding roll
10 call is taken and the motion is passed by a vote of
11 seven in favor, with Ms. Patire not voting, and Mayor
12 Aronsohn, Councilwoman Knudsen, and Ms. Altano
13 absent.)

14 CHAIRMAN NALBANTIAN: How many of you
15 might have questions or have questions for Blais?
16 Let me see a show of that hands.

17 Can I just see by a show of hands the
18 people that have questions?

19 Great. Can you form a line. And the
20 procedure that we have here is you'll come up, you'll
21 state and spell your name, please do it slowly for
22 the court reporter, and ask as many questions as you
23 can in five minutes. And then sit down, allow those
24 questions to be answered.

25 So take your time, ask them slowly so

1 Blais can take note of them and then reply to them.

2 Please come forward, state your name,
3 spell your name and provide your address.

4 MR. SMITH: I'll be happy to spell it.

5 Paul Smith, P-A-U-L S-M-I-T-H.

6 Address, 231 Burnside Place.

7 The question was around the facing
8 toward BF School. I was curious in terms of, I
9 guess, what kind of greenery or, you know, buffers
10 that you put up between the North Building and BF?

11 CHAIRMAN NALBANTIAN: Is that your only
12 question, Mr. Smith?

13 MR. SMITH: That is my only question.

14 CHAIRMAN NALBANTIAN: Thank you very
15 much.

16 Blais.

17 THE WITNESS: There's no change, as I
18 understand it, in the plan concerning that issue.

19 So what was in the plan as far as the
20 north side of the property facing Ben Franklin is
21 unchanged.

22 There is a 40-foot setback from minimum
23 requirement from the North Building to the property
24 line. I imagine there would be some planting in that
25 area, but the Master Plan doesn't go into detail as

1 to the specifics of that.

2 CHAIRMAN NALBANTIAN: Okay. Thank you.

3 MS. RAZIN: I think there is some
4 language about additional landscaping and shrubbery
5 in the eating area.

6 THE WITNESS: Was that specific to Ben
7 Franklin?

8 MS. RAZIN: Yes.

9 MR. DRILL: Page six of the remand
10 order, it's 4(b)(3) on page six.

11 THE WITNESS: I'm sorry, there is
12 something. On page seven of the redline version of
13 the plan, it gives examples, it says, where I had
14 mentioned about landscape design features to both
15 buffer and provide a campus atmosphere. Examples in
16 the Master Plan are cited, which include the addition
17 of landscaping and shrubbery to the outdoor eating
18 area along the common property line with Benjamin
19 Franklin Middle School and a number of other
20 treatments, but they aren't specific to Ben Franklin.

21 But as to the main screening, the
22 bullet above that, which remains unchanged from the
23 last plan, says that:

24 "In addition to a landscaped buffer, a
25 sound barrier fence/wall and other features,

1 as appropriate, should also be required
2 adjacent to the Steilen Avenue properties and
3 the Benjamin Franklin school property in order
4 to mitigate the noise from loading activities,
5 truck traffic and other activities." And it
6 says, "Fences and/or walls should also be
7 required in other buffer areas or locations,
8 where necessary to provide adequate
9 screening."

10 And it basically goes beyond to say
11 that the details of that, this specific design will
12 be determined by the board at the time of site plan
13 review.

14 So, again, that was in the plan and
15 that's not proposed to change with this amendment.

16 MS. DOCKRAY: Blais, I'm a little
17 confused here. Between the North Building and
18 Benjamin Franklin, between that 40 feet there's an
19 outdoor eating area?

20 THE WITNESS: I don't know if it's in
21 the 40-foot area.

22 MS. DOCKRAY: I'm just reading in the
23 amendment, it says not limited to additional
24 landscape to the outdoor.

25 COURT REPORTER: I'm sorry, I can't

1 hear you.

2 MS. DOCKRAY: Okay.

3 Page seven, you were just referencing
4 that, what is it, the third paragraph that there's a
5 change, and you said such features should generally
6 include but not limited to the addition of
7 landscaping and shrubbery to the outdoor eating area
8 along the common property line with the Benjamin
9 Franklin Middle School.

10 So that reminds me there's an outdoor
11 eating area between the North Building and the
12 property line?

13 THE WITNESS: I think I'd have to defer
14 to the hospital on that point, because I haven't seen
15 a specific design that shows the location.

16 MS. DOCKRAY: Will you address that
17 later?

18 MR. DRILL: This is not proposed, it's
19 existing, but Maria will address that later. It's
20 there as we sit here tonight. It's been there.

21 MS. DOCKRAY: Okay, but it's within
22 that 40-foot setback?

23 MR. DRILL: Yes.

24 CHAIRMAN NALBANTIAN: Why don't we
25 allow the public to ask. We are currently in public

1 questions.

2 MS. DOCKRAY: No, I just got confused.

3 CHAIRMAN NALBANTIAN: Next person,
4 state and spell your name.

5 MR. VOIGT: Jeff Voigt, V-O-I-G-T, 99
6 Glenwood Road, Ridgewood.

7 It's actually a procedural question.
8 Mr. Nalbantian, you made a comment, I wanted to kind
9 of ask if it's possible to ask you this comment you
10 made, a question related to it?

11 CHAIRMAN NALBANTIAN: The questions are
12 specific to the testimony, just as we have questions
13 we're permitted to do that.

14 MR. VOIGT: Could I ask you when we
15 could ask you a question on an introductory comment
16 you made, because you made something that I'm a
17 little bit curious about.

18 CHAIRMAN NALBANTIAN: Introductory
19 comment just now or at the beginning?

20 MR. VOIGT: At the beginning, yes.

21 It was a comment relating to this being
22 approved and then it would go to an ordinance to the
23 council. Is that correct?

24 CHAIRMAN NALBANTIAN: Yes, I'll just
25 interject. We're focused here on basically the

1 Master Plan, which is a policy statement, if you
2 will, it's broad brush. The Village Council has a
3 responsibility for the laws, for the ordinance, and
4 the two should match typically.

5 So following this process, if there is
6 an amendment to the Master Plan that requires an
7 ordinance, that would be determined through a process
8 by the Village Council, which would also include
9 hearings, and that would be the specific ordinance
10 where the laws are then in concert with the overall
11 policy of the Master Plan. That's what I meant by
12 that.

13 MR. VOIGT: Okay. So, I'm going to ask
14 another question, maybe you can't answer this, but
15 I'm going to ask it anyway.

16 So we currently have four people who
17 are on the council, one's been recused, so what
18 happens if it's a 2 to 2 vote?

19 CHAIRMAN NALBANTIAN: Let's just not go
20 there right now. Let's allow us to continue this
21 process. I did you a favor by clarifying my point I
22 made earlier. I'd rather not talk about the process,
23 we will not interrupt the process; however, later on
24 when we get to a vote, we will have a discussion as
25 to what that process will be from.

1 MR. VOIGT: For the Village Council,
2 right?

3 MS. RAZIN: We're not going to talk
4 about the Village Council.

5 CHAIRMAN NALBANTIAN: That's a
6 different body.

7 MR. VOIGT: So I ask that question of
8 the Village Council, is that what I should do?

9 CHAIRMAN NALBANTIAN: Yes. Absolutely.

10 MR. VOIGT: Okay.

11 CHAIRMAN NALBANTIAN: Thank you,
12 Mr. Voigt.

13 Next person, please.

14 MS. BANEY: Lisa Baney. My address is
15 136 Brookside Avenue, B-A-N-E-Y.

16 So I do have one quick, again, because
17 you were trying to give us a lot of preface to the
18 evening, just I would like to respond to one of those
19 things, which is regarding the public -- the number
20 of hearings that are coming.

21 I really would ask if you please, it
22 was not implicit that they won't go to the end.
23 Please, they do need to be posted on the website,
24 because it is not implicit they won't go to the end.
25 Please, because I know someone, for example, who said

1 they are taking their son on college trips and
2 they'll be back next Thursday. It needs to be clear,
3 what you said. What it says on the remand is like
4 continuing, it says continuing, that's not on the
5 notice.

6 CHAIRMAN NALBANTIAN: I'm going to talk
7 about the notice at the end of the meeting. This is
8 the time where Blais is giving testimony.

9 MS. BANEY: I know, but this is my only
10 chance to mention this.

11 CHAIRMAN NALBANTIAN: I heard your
12 comment.

13 MS. RAZIN: I think if anyone has a
14 comment, you can come to up at a break.

15 MS. BANEY: But I'd also like to be on
16 public record, please, also. I think it should be
17 clearer that it would possibly end.

18 CHAIRMAN NALBANTIAN: Your comment was
19 noted.

20 Do you have a question?

21 MS. BANEY: Thank you.

22 Yes, I actually have four questions.

23 CHAIRMAN NALBANTIAN: Ask your
24 questions and then be seated.

25 MS. BANEY: Okay.

1 Well, one of them, one question is very
2 simple and would form my second question, so I might
3 just -- the first question is, what is the difference
4 between the chart on page six and the chart on page
5 five with regard to the drawings and the setbacks?
6 Is one before 2014 amendment and one 2016?

7 THE WITNESS: Yes, this was done with
8 the tract changes featured in Word, and unfortunately
9 Word does not do a good job when it comes to showing
10 a diagram that's being deleted, which is the first
11 diagram.

12 MS. BANEY: Because that's not current,
13 that's the old one?

14 THE WITNESS: That's the old one. The
15 second one is the new one, and that's underlined in
16 red.

17 MS. BANEY: Okay. Then I have three
18 questions.

19 CHAIRMAN NALBANTIAN: Please proceed
20 with your question. Blais, wait for her to ask all
21 of her questions.

22 MS. BANEY: Thank you, sir. I couldn't
23 ask question two if I didn't know which chart.
24 Forgive me. Thank you.

25 So my first question would be, so these

1 setbacks, like, for example, 47 feet, is the smaller
2 setback at Van Dien. I can't tell on these drawings,
3 is that to the street or to the sidewalk?

4 The second question is: As a planner,
5 if I'm looking at this chart and the coverage, if
6 that were my home, do you think that would be
7 approved as an appropriate amount of footage to cover
8 in my property?

9 And my third question is: So, in the
10 changes that were made here, I know that there was a
11 balancing act that was also subject to the lawsuit
12 was the detriments versus the benefits. I just was
13 wondering with regard to all the detriments that the
14 Planning Board spoke very clear about that concerned
15 them, in the 2014 amendment, these changes, whether
16 and how they might reduce the detriments or on
17 balance increase the benefits to make this a
18 settlement that settles some of those concerns.

19 Thank you.

20 CHAIRMAN NALBANTIAN: Thank you, Ms.
21 Baney.

22 THE WITNESS: All right.

23 First question is: What is the 47-foot
24 setback measured to?

25 That's actually measured to the

1 property line, and that is not defined by the
2 sidewalk, it's not defined by the curb of the street.
3 It's typically, but not always, on the building side
4 of the sidewalk, how far it varies from case to case.
5 So, I will tell you that it's measured from the legal
6 ownership limits of the property line, and it's
7 farther than that to the actual street or the
8 sidewalk typically.

9 MS. BANEY: But in this case.

10 THE WITNESS: In this case, I'd have to
11 actually look at the survey to see where the sidewalk
12 ends and where the property line is, but I can't tell
13 you as I sit here which one is where.

14 The question of whether a residential
15 property would be permitted to have the same amount
16 of coverage as was proposed here, I assume you meant
17 by that, percentage of the lot area coverage, not
18 total area of coverage. But the answer to that
19 question is probably not, and when we write zoning
20 standards, we write them that are appropriate to the
21 use in question. And typically a single family home
22 would not need the same amount of coverage as a
23 hospital facility, and so we don't write the
24 standards the same way.

25 And then as to detriments versus

1 benefits, obviously this is a situation that
2 involves, as I have said before at the prior
3 hearings, both benefits and detriments. And the
4 board's decision involves a balancing of both
5 benefits and detriments; benefits not just to the
6 community but to the region, as well as detriments to
7 the community, and to some extent to the region as
8 well.

9 There is always a balancing act going
10 on, and that balancing is not something that is done
11 via a mathematical equation, there's an element of
12 judgment that the board exercises in doing their
13 balancing.

14 In this amendment, we've identified
15 some of benefits of the lower building height,
16 increased and improved treatment of rooftop areas, as
17 well as increased and improved plantings and
18 buffering.

19 There are some detriments. We've
20 identified reduced setbacks for a single story in the
21 case of the North and the West Buildings and some
22 coverage related to that, increased ground floor
23 portion of the building. Those are detriments, and
24 we've identified as well.

25 But, again, the decision both by this

1 board and by the council and most zoning cases
2 involves a balancing of benefits and detriments.

3 As to whether the benefits could be
4 increased and the detriments could be reduced, that
5 is something that I'm sure that was discussed in the
6 mediation that occurred, but I was not privy to that
7 and it was closed, so I really won't speak more to
8 that.

9 CHAIRMAN NALBANTIAN: Thank you, Blais.
10 Are those all the questions for
11 Mr. Brancheau?

12 Next person please come forward and
13 state your name, provide your address.

14 MR. DeVITA: My name is Tom DeVita,
15 D-E-V-I-T-A, 226 Sollas Court.

16 Thank you.

17 Blais, a question for you. Just to get
18 clarity, if not, Mr. Drill can get it in his
19 testimony.

20 With respect to the safety railings and
21 the invisible parapet, do you know yet the, I'll call
22 it, the perimeter footage that's going to have the
23 invisible parapet versus the mechanical screening, if
24 you will?

25 THE WITNESS: No, I do not.

1 MR. DeVITA: That's it. Thank you.

2 CHAIRMAN NALBANTIAN: Others have
3 questions?

4 Please come forward.

5 MR. SALERNO: Hi, Matt Salerno, M-A-T-T
6 S-A-L-E-R-N-O, 164 N. Van Dien Avenue, Ridgewood.

7 Just three questions for Blais.

8 First is just one of clarification.
9 You testified earlier that the setback on the N. Van
10 Dien and Ben Franklin side was an increase from the
11 current ordinance, which requires a minimum setback
12 of 40 feet, you said?

13 THE WITNESS: Yes.

14 MR. SALERNO: As I read the current
15 hospital ordinance, it requires a minimum rear yard
16 and side yard setback of three feet per one foot of
17 building height, which would equate to a 60-foot
18 setback for a 20-foot tall building; 144-foot setback
19 for a 48-foot tall building; and the new ordinance
20 provides for a 47-foot setback for a 20-foot
21 building, compared to a 60-foot and 74 feet for a
22 48-foot tall building versus 144 feet for a 48-foot
23 tall building.

24 Was your testimony before inaccurate or
25 were you comparing it to a different ordinance; i.e.,

1 a proposed ordinance for 2010 or 2014, or were you
2 comparing it to the ordinance currently on the books?

3 THE WITNESS: Is that the only
4 question?

5 MR. SALERNO: No.

6 The next question is: The document,
7 the existing ordinance uses the word "shall" with
8 respect to all of the landscaping and vegetation
9 requirements; in other words, if you're going to put
10 something in the space, you shall meet these minimum
11 requirements.

12 This document only uses the word
13 "should," which implies a recommendation that the
14 hospital can or cannot comply with in their judgment.

15 That strikes me as an inappropriate
16 exercise in discretion for them. Would you agree
17 with that?

18 And, in your opinion, should the word
19 "should" everywhere in this document be replaced with
20 "shall" and make it a requirement of the plan?

21 And my last question picks up on a
22 question raised by one of the Planning Board members,
23 which goes to the use of the word "at maturity" with
24 respect to vegetative screening. It strikes me again
25 that if the function of the screening is only

1 required to be equivalent to the current function at
2 maturity, as you said, there could be a 10 to 20-year
3 interval before there is equivalent function of
4 screening, and that the hospital could today choose
5 to plant a sapling, for example, that would take
6 20 years to reach equivalent function, why shouldn't
7 the hospital be required to replace with equivalent
8 functional screening today?

9 That's it.

10 MS. RAZIN: I just didn't hear, I think
11 it was your second question, the "should" versus
12 "shall," I just want to know, you said the "shall" is
13 in the zoning ordinance, right?

14 MR. SALERNO: "Shall" is in the current
15 hospital ordinance, yes.

16 MS. RAZIN: Okay.

17 THE WITNESS: When I referred to the
18 increased setback, I was referring to the front yard
19 setback only. You're correct in that the side and
20 rear yard is three times the building height, and the
21 proposal now and before was less of a setback than
22 the current ordinance requires. But the current
23 ordinance front yard is 40 feet, and this proposal at
24 the very least is 47 and it increases up to 200 feet,
25 depending upon which building we're talking about and

1 which floor of the building we're talking about.

2 So, when I was talking about an
3 increase, I was only referring to the front yard
4 setback.

5 And the front yard setback on both
6 Linwood and Van Dien is proposed to increase in this
7 plan from what is currently required in the
8 ordinance, but not the side and rear yard.

9 As to "shall" versus "should," I
10 thought I had spoken to that but I'll say it again.

11 This whole document is advisory. It's
12 advising the council of what the ordinance should
13 say, not what the developer should do.

14 So, when I say "should" here, I'm
15 saying that the ordinance should require, and the
16 ordinance should say "shall," not that the ordinance
17 should allow discretion.

18 So when the ordinance is written, then
19 it would say "shall."

20 And then as to the --

21 MS. DOCKRAY: Blais, given, but it may
22 not necessarily have to say "shall." I mean, they
23 may not have to write the ordinance that way then.
24 Is that correct?

25 THE WITNESS: No, no. I mean, I took

1 "shall" away because it implied that this document
2 had the effect of requiring it, when in fact it
3 doesn't. Only the ordinance can have the effect of
4 requiring compliance.

5 The whole Master Plan document, the
6 Planning Board has no authority to impose
7 requirements that have the effect of law, they can
8 only recommend to the council that it adopt
9 ordinances or other programs that have that effect.

10 So, the change was to avoid that
11 confusion, that this document is in fact a parallel
12 zoning ordinance, it's not, it's the basis for an
13 ordinance, and we're saying that the ordinance should
14 require this. All right.

15 The council may disagree and may
16 require something else. So it's advisory and
17 discretionary only to the council. This is what the
18 Planning Board is, if adopted, recommending that the
19 council's ordinance do, and that's the simple answer.
20 It was not intended to allow discretion.

21 Now, there may be some provisions where
22 there may be more than one alternative approach that
23 achieves the same end, and in which case you may
24 allow discretion in that case, but if that were to
25 happen, you should say what the end result should be;

1 we don't necessarily care how you get there, but this
2 is what we want you to have at the end. So there's a
3 case where you would say shall do this, but how you
4 shall do it is maybe left open for discretion.

5 But, clearly, this is not intended to
6 provide an option to do a good thing or not, that
7 would be mandated by the ordinance.

8 CHAIRMAN NALBANTIAN: Blais, bottom
9 line, by changing the word "shall" to "should," have
10 you taken anything away from the purpose of the
11 document?

12 THE WITNESS: Absolutely not. We can
13 say "shall" or "should." We could say "mandated."
14 We could say whatever. It wouldn't give it anymore
15 teeth than saying "shall." It's the ordinance.

16 Now, if the ordinance says "shall"
17 versus "should," then yes, then you have a point to
18 make, that if the ordinance says "should," then that
19 implies an option for only a suggestion as opposed to
20 a legal requirement and not the Master Plan.

21 CHAIRMAN NALBANTIAN: Thank you, Blais.

22 THE WITNESS: And then the question of
23 "at maturity," the simple answer to that is that it's
24 practically impossible in many cases, particularly
25 when you're dealing with older trees, to replace them

1 with equivalents. You could do, like I said before,
2 a number of things to try to achieve immediate
3 equivalence, but you can actually have a -- how do I
4 say it -- a reverse effect.

5 They've actually done studies in the
6 planting of trees, and they have found that, as is
7 often the case, the larger the initial planted size,
8 the greater the transplant shock.

9 And by "transplant shock," I mean the
10 larger the tree, the larger the root system.

11 When a tree is dug and moved, that root
12 system is damaged, and it takes a tree a long time to
13 recover from that damage.

14 When you cut the roots of the tree, the
15 top of the tree, the branches and the leaves, show
16 that effect. And typically in a nursery, when you
17 dig up a tree and you move it, you're cutting the
18 roots, putting a bulb and burlap around those roots,
19 but you're also cutting the top of the tree to
20 compensate for that loss of root system.

21 And the bigger the tree, the more
22 you're having to compensate for the loss of that root
23 system.

24 And what they have found in studies is,
25 they planted large trees with that concurrent greater

1 transplant shock and smaller trees with less
2 transplant shock, and they found because of the
3 recovery period of the larger tree, within a fairly
4 short period of time, the smaller tree actually
5 caught up to and passed the larger tree in size.

6 So, you can try to say, well, we'll
7 have equivalent sized trees. A, you may not be able
8 to buy them from a nursery, because if you're taking
9 down a 30-foot tree, most nurseries aren't stocking
10 trees that size, because there's very little demand.
11 And because of that higher risk of transplanting of
12 the loss or decline of that tree, they just don't do
13 that very much at all.

14 And because over time a smaller tree
15 may actually outperform the bigger tree in its
16 initial size, within 5 to 10 years, that smaller tree
17 may actually be bigger than the bigger tree and you
18 have less risk of losing it.

19 So although it would be nice if
20 equivalency could be achieved immediately, there are
21 a number of practical difficulties to doing so. And
22 that's why it says at maturity, like I said, if it
23 can be achieved in other ways, such as a denser
24 planting or using berms or things like that, then I'm
25 sure that's something that would be explored at the

1 time of site plan.

2 The principle is laid down here, but
3 the details of that, obviously have to wait for site
4 plan and how that can be achieved.

5 CHAIRMAN NALBANTIAN: Thank you, Blais,
6 and thank you.

7 Other people who have questions for
8 Blais? Again, specific questions for Blais. You've
9 already asked your questions.

10 MS. BANEY: I know.

11 In good faith, this is not going to be
12 troublesome, I promise, it's just a to put closure on
13 the fact --

14 CHAIRMAN NALBANTIAN: Come forward, Ms.
15 Baney, and I am not going to allow this again.

16 MS. BANEY: I'm sorry, but the answer I
17 got did not answer, he said I don't know.

18 CHAIRMAN NALBANTIAN: Just ask the
19 question, please, Ms. Baney, spell your name.

20 MS. BANEY: Lisa Baney, B-A-N-E-Y, at
21 136 Brookside Avenue.

22 I just simply wanted to ask, I think
23 you said you didn't know.

24 If you could get back to us at maybe
25 the next hearing, whether it would be 47 feet from

1 the building to the street or 47 feet to where the
2 kids walk on the sidewalk, that's all, to the edge.
3 Thank you. That's a yes?

4 THE WITNESS: Yes, I'll check it.

5 MS. BANEY: Thank you very much, I'm so
6 sorry about that question.

7 THE WITNESS: It may be the hospital
8 knows it as well and they can answer it.

9 CHAIRMAN NALBANTIAN: Are there other
10 questions from the public. Again, this is questions
11 for Blais regarding his testimony.

12 MS. ROMERO: Oh, I'm sorry, I have
13 questions about this document. Would that be --

14 CHAIRMAN NALBANTIAN: If it's a redline
15 section that he spoke about, the answer is yes. If
16 it's something that's existing, no.

17 Come forward, we'll tell you if it's
18 appropriate.

19 Please state and spell your name.

20 MS. ROMERO: Marisol Romero,
21 M-A-R-I-S-O-L R-O-M-E-R-O, 258 Steilen Avenue.

22 And I'm sorry I'm late to the game, I
23 had to put my kids to bed. Forgive me.

24 And obviously living on Steilen Avenue,
25 I have a lot of questions.

1 CHAIRMAN NALBANTIAN: You have five
2 minutes to ask your questions, so what I would
3 suggest is just go through them, allow Blais to take
4 note, and then he'll answer them.

5 MS. ROMERO: Okay.

6 On page seven, this is under the title
7 Buffers - Site Landscaping, you know, I see, I
8 circled adjacent to Steilen Avenue properties
9 20 feet, and then I looked at the details, I guess my
10 question is: When it talks about a sound barrier,
11 fence wall, are we talking about a cement wall? What
12 do we consider a sound barrier fence wall? I guess
13 that would be my one question, how would that look.
14 Especially because with the way I'm looking at the
15 diagram on page six and where my house sits, because
16 I do backup to the hospital, I think, if I'm gauging
17 this right, my house would backup to the Cheel
18 Building, I don't know if I'm saying that right, and
19 actually it's one of the houses that would have the
20 shortest distance to the proposed buildings. So it
21 would only be 70 feet, if I'm reading this right.
22 And again, forgive me, I'm not used to reading
23 diagrams.

24 So I have obviously a concern about and
25 questions regarding the sound barrier wall and how

1 would that look. And I know it says mitigating noise
2 from loading activities, truck traffic and other
3 stuff.

4 And I also had a question about on page
5 eight, the Illumination, it says, I'm just
6 underlining here quickly:

7 "If necessary to ensure adequate
8 protection of surrounding residential areas,
9 the top levels of decks should not be used
10 during nighttime hours and the illumination of
11 such levels turned off."

12 And one of the questions I have is:
13 Who determines this, if necessary?

14 I guess I just have concerns, like when
15 we use language "if necessary, if applicable," who
16 really -- in my eyes or my mind it's not firm
17 designated verbiage that strictly says yes or no. I
18 guess my big question is: Who determines whether the
19 lights go on or off and at what time?

20 And then also on page nine --

21 MR. CAFARELLI: Two minutes remaining.

22 MS. ROMERO: Sorry.

23 Page nine, talking about Traffic and
24 Street Improvements:

25 "Synchronization of the signal timing

1 at the intersections of Linwood Avenue and Van
2 Dien and Linwood Avenue and N. Pleasant
3 Avenue".

4 I guess I'm just curious how that would
5 affect or, I mean, would you have additional --
6 because I'm thinking about my children walk to
7 school. Even with the synchronization, et cetera, of
8 signal timing, they should have additional crossing
9 guards in those areas, especially because, you know,
10 we see all the traffic from the children walking, not
11 just BF, but Travel, and also coming back from the
12 high school.

13 That was it.

14 CHAIRMAN NALBANTIAN: Thank you.

15 MS. RAZIN: I'm going to try and
16 address a couple of your issues, because I don't know
17 if you were here at the beginning of the hearings.

18 MS. ROMERO: No, I was putting my
19 children to bed.

20 MS. RAZIN: One of the issues we went
21 over is the document that -- you have the redline
22 version?

23 MS. ROMERO: Yes.

24 MS. RAZIN: So the redline version,
25 we're here to discuss the changes to the 2014

1 document that have now been revised to the 2016
2 proposed Master Plan.

3 MS. ROMERO: Okay.

4 MS. RAZIN: So the document that has
5 the redline, if you see the redline, what's that
6 issue and what's the ordinance and what Blais
7 testified about.

8 I think, unfortunately, all the things
9 that you asked about are not redlined, but I think
10 you can probably get your questions answered if you
11 either go to Michael, the Board Secretary, or look
12 online, you can probably get a better idea of what
13 all the barriers and the buffers along Steilen Avenue
14 will look like based on, because there's no change.

15 So whatever was proposed in 2014 is
16 still in effect, and that will continue to be in
17 effect or continue to be part of the record.

18 So the record is on file and part of
19 the file is still available online. And if you have
20 any trouble with that, Michael can contact me.

21 With regard to the top level, the issue
22 about the "if necessary," that can maybe be addressed
23 in conditions that Valley is going to be forwarding
24 or whether that's necessary language as to whether
25 the illumination can be turned off.

1 And the traffic and street improvements
2 were all part of the '13 and '14 amendment and no
3 testimony about traffic and street improvements was
4 provided. In fact, in the very beginning, Mr. Drill
5 said that this witness will confirm that there's been
6 no changes, so there's going to be no inquiry on
7 traffic testimony this evening.

8 But you can read, as I think
9 Mr. Brancheau said, that all the traffic reports and
10 all the transcripts are still available from the '13
11 and '14 hearings and are available for any review.
12 So certainly you can get a good scope of what that
13 testimony and all the reports said at that time, but
14 that should answer your questions.

15 To the extent that those details were
16 worked out at the time, because with respect to
17 traffic, there's county road issues and some of those
18 details are not yet finalized at all.

19 CHAIRMAN NALBANTIAN: Just to also
20 clarify, the information is available, Michael can
21 help you find it, if you have difficulty online.
22 We're just not permitted to get into that detail
23 during this process. We're actually restricted from
24 getting into that, so that's the reason why we're not
25 answering your questions.

1 MS. ROMERO: Okay. Is there another
2 meeting that talks about just that process?

3 CHAIRMAN NALBANTIAN: They were in the
4 past, and that's why the records are all on the
5 website.

6 MS. ROMERO: Okay. All right.

7 CHAIRMAN NALBANTIAN: Why don't you see
8 Michael at the end of the meeting, and maybe he can
9 point you to the best way to find out.

10 MS. ROMERO: Okay. Thank you.

11 CHAIRMAN NALBANTIAN: Thank you, Ms.
12 Romero.

13 MS. ROMERO: Thanks.

14 CHAIRMAN NALBANTIAN: Is there anyone
15 else with questions for Blais with regard to his
16 testimony?

17 (No response.)

18 CHAIRMAN NALBANTIAN: Okay. If there
19 aren't anymore questions for Blais, why don't we end.

20 MR. DRILL: I just have one question.

21 CROSS EXAMINATION BY MR. DRILL:

22 Mr. Brancheau, you are a landscape
23 architect in addition to a planner, correct?

24 A. I was.

25 Q. Okay. Thank you.

1 A. I have a degree in landscape architect.
2 For many years, I maintained a license as a landscape
3 architect.

4 MR. DRILL: That's all.

5 CHAIRMAN NALBANTIAN: Thank you.

6 Katie, do you have any questions for
7 Blais?

8 MS. RAZIN: No.

9 CHAIRMAN NALBANTIAN: Thank you very
10 much.

11 Is there a motion to close public?

12 VICE-CHAIRMAN JOEL: Motion to close
13 public.

14 CHAIRMAN NALBANTIAN: Is there a
15 second, please.

16 MS. BIGOS: I'll second.

17 CHAIRMAN NALBANTIAN: Michael, will you
18 call the roll.

19 (At this point in the proceeding roll
20 call is taken and the motion is passed by a vote of
21 seven in favor, with Ms. Patire not voting, and Mayor
22 Aronsohn, Councilwoman Knudsen, and Ms. Altano
23 absent.)

24 CHAIRMAN NALBANTIAN: So we're now
25 closed for public questions for Blais. We're going

1 to take a ten and a half minute break, at 9:45 we'll
2 reconvene. During that time, Laura is going to
3 resume as the court reporter and Kim is leaving.
4 Let's start again in ten minutes.

5 (Whereupon, a brief recess is taken.)

6 (Exhibits A-1 through A-17 are
7 premarked for identification.)

8 CHAIRMAN NALBANTIAN: Okay. Ladies and
9 gentlemen, we're going to begin to take our seats.
10 It's ten minutes to ten almost.

11 Okay, let us begin. I will just note
12 that Councilwoman Knudsen has joined us in addition
13 since we started the meeting.

14 MR. DRILL: The mic's not on.

15 CHAIRMAN NALBANTIAN: I will just note
16 that Councilwoman Knudsen has joined us in addition
17 since we started the meeting.

18 Michael, roll, please.

19 MR. CAFARELLI: Ms. Bigos?

20 MS. BIGOS: Here.

21 MR. CAFARELLI: Councilwoman Knudsen?

22 COUNCILWOMAN KNUDSEN: Here.

23 MR. CAFARELLI: Mr. Nalbantian?

24 CHAIRMAN NALBANTIAN: Here.

25 MR. CAFARELLI: Mr. Joel?

1 VICE CHAIRMAN JOEL: Here.

2 MR. CAFARELLI: Mr. Reilly?

3 MR. REILLY: Here.

4 MR. CAFARELLI: Ms. Dockray?

5 MS. DOCKRAY: Here.

6 MR. CAFARELLI: Mr. Thurston?

7 MR. THURSTON: Here.

8 MR. CAFARELLI: Mr. Abdalla?

9 MR. ABDALLA: Here.

10 MR. CAFARELLI: Ms. Patire?

11 MS. PATIRE: Here.

12 CHAIRMAN NALBANTIAN: Thank you,

13 Michael. Okay.

14 Before the break we concluded the
15 testimony and cross-examine and questions for Blais
16 with regard to his presentation. And at this time we
17 will proceed with Valley Hospital and their call of
18 witnesses.

19 Jon?

20 MR. DRILL: Yes. I'd like to call
21 Maria Mediago as my witness, next witness.

22 THE COURT REPORTER: Please raise your
23 right hand.

24 Do you swear or affirm the testimony
25 you're about to give will be the truth, the whole

1 truth and nothing but the truth?

2 MS. MEDIAGO: I do.

3 M A R I A M E D I A G O,

4 Having been duly sworn, testifies as follows:

5 THE COURT REPORTER: Thank you. Please
6 state your name and just spell it for the record.

7 MS. MEDIAGO: Maria Mediago, M-a-r-i-a
8 M-e-d-i-a-g-o.

9 DIRECT EXAMINATION

10 BY MR. DRILL:

11 Q. Can you identify yourself for the board
12 and your relationship to Valley Hospital?

13 A. I serve as the vice president of
14 facilities management at Valley Hospital.

15 Q. And what is your area of expertise?

16 A. Primarily there are two areas that are
17 relevant here; the first one has to do with health
18 care facilities management and construction, and the
19 second is health care construction, project planning
20 and management.

21 Q. And how do you come to the task that
22 you acquire this expertise?

23 A. Primarily through on-the-job training.
24 I graduated from Columbia University in 1974 with a
25 Bachelor of Science Degree in electrical engineering

1 and have served in construction management and
2 planning, project management, facilities planning and
3 maintenance positions since that time.

4 I have primarily served at an executive
5 level in facilities positions at a variety of
6 hospitals.

7 My first job was at Exxon Research and
8 Engineering in Florham Park, New Jersey, where I
9 worked from 1974 to 1983 as a project controls
10 engineer. My career in construction started there as
11 I served as the owner's representative on many of the
12 projects that I designed during their construction.

13 From 1984 to 1988 I worked for the
14 Mountainside Hospital in Montclair, New Jersey, where
15 I acted as the director of construction and the
16 owner's representative, responsible for the design
17 and construction of their new North building.

18 From 1988 to 1995, I worked for
19 Cathedral Health Care System in Newark, New Jersey,
20 as the corporate vice president of facilities
21 development.

22 In addition to operational
23 responsibilities of the day-to-day running of the
24 hospital facilities, I was in charge of the design
25 and construction of a new project at the St.

1 Michael's Medical Center that included a brand new
2 252,000-square foot new building and a resulting
3 82,000 square feet of renovation to older buildings
4 on the campus.

5 From 1995 to 1997 I worked for Jersey
6 City Medical Center in Jersey City as vice president
7 of construction, and was responsible for the planning
8 and design of the new relocated medical center.

9 From 1997 to 2002, I worked for St.
10 Joseph's Regional Medical Center in Paterson, New
11 Jersey, as the assistant vice president of
12 facilities. I was completely responsible for the
13 planning, design and construction of the new St.
14 Vincent's Nursing Home that was built in Cedar Grove,
15 New Jersey. And I was also responsible for the
16 development of an eight-phased Facilities Master Plan
17 for the Medical Center at St. Joseph's.

18 And since 2002, I have worked for The
19 Valley Hospital here in Ridgewood as vice president
20 of facilities management.

21 Q. And what are your job responsibilities
22 as vice president of facilities management for the
23 hospital?

24 A. I have a broad scope for the exercise
25 of independent initiative and judgment and have

1 direct oversight and fiscal responsibility for the
2 departments of facilities development, plant
3 operations, engineering, environmental services --
4 otherwise known as housekeeping -- materials
5 management, food and nutrition, property management,
6 park safety, security and traffic guards. In that
7 regard, I report directly to the chief operating
8 officer at The Valley Hospital.

9 In addition, I have complete
10 responsibility for the planning, design and
11 construction of all capital facility projects for the
12 hospital system. All architects, engineers,
13 planners, contractors and vendors working for the
14 hospital in the areas of planning, design,
15 construction and construction management all report
16 to me. For these efforts, including for this
17 project, I report directly to the president and chief
18 executive officer.

19 Q. Now, with specific reference to the
20 proposed upgrade and modernization project, which was
21 the subject of the 2013 to 2014 Master Plan Amendment
22 hearing which is the subject of this 2016 Master Plan
23 Amendment, what responsibilities do you have?

24 A. I am responsible for overseeing the
25 development of the plans and designs for the proposed

1 project. Again, all architects, engineers, planners,
2 contracts -- contractors and vendors working on this
3 project report directly to me.

4 Q. Have you ever testified before a
5 planning board or a board of adjustment in the State
6 of New Jersey?

7 A. I believe that I have participated in
8 one working session here at the Ridgewood Planning
9 Board that was conducted during the development of
10 the 2010 Master Plan, but I did not testify during
11 those public hearings. I attended all of the public
12 hearing sessions on the proposed 2013-2014 Master
13 Plan Amendment, but I did not testify during that
14 hearing. This is my first time to testify during a
15 board proceeding.

16 MR. DRILL: I would like to say there's
17 always a first time.

18 So at this point I want to ask the
19 board to accept Ms. Mediago as an expert in
20 healthcare facilities management and construction,
21 and as an expert in construction project planning and
22 management.

23 CHAIRMAN NALBANTIAN: Does the board
24 have any questions with regard to this?

25 MS. DOCKRAY: Just one quick question,

1 I assume this is not something that would be a
2 license -- for which you would get a license?

3 THE WITNESS: No, it is not.

4 MS. DOCKRAY: Okay, just want to make
5 sure.

6 Thank you.

7 THE WITNESS: You're welcome.

8 MS. RAZIN: Maria, did we swear you in?

9 MR. DRILL: Yes.

10 MS. RAZIN: We did?

11 MR. DRILL: Yes.

12 MS. RAZIN: Sorry, just double
13 checking.

14 CHAIRMAN NALBANTIAN: The board accepts
15 her as the witness.

16 BY MR. DRILL:

17 Q. Okay. Can you summarize for the board,
18 before you get into the details of your presentation
19 and for members of the public, the purpose of the
20 proposed project and the reason the hospital is
21 seeking this 2016 Master Plan Amendment?

22 A. The major purpose of this project is to
23 replace the outdated Phillips building which contains
24 two-bedded patient rooms with single patient rooms,
25 to construct new operating theatres, to accommodate

1 new technology and the mechanical infrastructure to
2 support all of the above.

3 We need to do this in a code compliant
4 manner and within health care standards.

5 Q. Can you describe the differences in the
6 project as contemplated by the 2016 Master Plan
7 Amendment now being considered by the board as
8 compared to the project that was contemplated by the
9 failed 2014 Master Plan Amendment?

10 A. Yes, I can.

11 The best way for me to do this is to
12 first describe the project contemplated by the 2014
13 Master Plan Amendment.

14 I ask that you put the 2013-2014 Master
15 Plan bird's-eye view exhibit up on the screen, which
16 we have marked as Exhibit A-1 in these proceedings --

17 MR. DRILL: And just for the record, so
18 there's a thumb drive which has all 17 of our
19 exhibits that we're going to be showing.

20 I made hard copies of all these
21 exhibits and premarked them and gave them to Michael
22 before the hearing commenced, and once the hearing is
23 over that thumb drive is the property of the Planning
24 Board, you could put it up on your website or
25 whatever. Every single individual 17 files on the

1 thumb drive, I have done it by, it says "2016, A-1,"
2 "2016, A-2," and then there's a description after it
3 and the file names so you can just post them right on
4 the website and anyone who's interested could then
5 click on any exhibit and not have to hunt around and
6 see what they are.

7

8 BY MR. DRILL:

9 Q. Okay. So A-1 is up there on the
10 screen, Maria.

11 A. Okay. This visual slide, as you can
12 see, is page -- slide 28 from Exhibit A-2 that was
13 entered into evidence on April 2nd, 2013.

14 Exhibit A-1 reflects the fact that the
15 only building that would remain on this site after
16 both phases of the project are complete is the Cheel
17 building.

18 Q. And you're indicating with your laser
19 pointer the Cheel building which is in the dark
20 color?

21 A. Yes, I am.

22 It also shows the new proposed North
23 building -- again, this was the 2013-14 -- as a
24 five-story building with a mechanical penthouse.

25 The new North building at that time

1 would have a height of 80 feet with a 24-foot high
2 mechanical penthouse on top, for a total of 94 feet.

3 CHAIRMAN NALBANTIAN: Maria, excuse me.

4 Let the record show that Mayor Aronsohn
5 has joined the board.

6 (Whereupon, Mayor Aronsohn is now
7 present at the hearing.)

8 CHAIRMAN NALBANTIAN: Thank you.

9 THE WITNESS: Now I ask that you
10 proceed to the new 2016 Master Plan bird's-eye view.

11 CHAIRMAN NALBANTIAN: Maria, may I ask,
12 if you could, just for the public's sake, if you
13 could delineate the locations of the roads because it
14 is difficult to see on there.

15 MR. DRILL: Okay. We'll do that with
16 this new exhibit. We've labeled this exhibit.

17 CHAIRMAN NALBANTIAN: It's hard to see.

18 MR. DRILL: Okay.

19 THE WITNESS: So this exhibit shows the
20 proposed 2016 Master Plan bird's-eye view. This is
21 North Van Dien Avenue (indicating).

22 By MR. DRILL:

23 Q. Again, when you say "this," you're
24 taking the laser pointer --

25 A. I am pointing to --

1 Q. -- and you're pointing to the image
2 that's up on the screen; correct?

3 A. Correct. I am now pointing to North
4 Van Dien Avenue now on the exhibit (indicating).

5 This is Meadowbrook Avenue
6 (indicating).

7 To the north is the Ben Franklin Middle
8 School driveway and property (indicating).

9 To the east is Steilen Avenue
10 (indicating).

11 And to the west is Linwood Avenue
12 (indicating).

13 Q. To the south?

14 A. To the south is Linwood Avenue.

15 Q. Right?

16 A. Excuse me.

17 Q. Right.

18 A. You can see that the North building --
19 well, it will now have a height of 56 feet with a
20 24-foot mechanical penthouse on top, for a total
21 building height from grade to mechanical of 80 feet.

22 Q. And is that because the fifth patient
23 floor was eliminated?

24 A. That is correct.

25 And some of the eliminated square

1 footage would be placed in a wedding cake style
2 stacking on the North Van Dien side of the building.

3 Q. Again indicating with the laser
4 pointer?

5 A. Right here, grade, levels two through
6 four, and the mechanical penthouse set back even
7 further (indicating).

8 And I want to point out that the same
9 holds true for the West building which I am now
10 indicating with the pointer (indicating).

11 The grade level of the West building,
12 step back levels two, three and four, and further
13 step back the mechanical penthouse (indicating).

14 I also want to point out that the
15 basement levels of both the North and the West
16 building remain exactly the same as they did in 2013
17 and '14. And the basement of the West building,
18 which is under grade level, I am indicating here with
19 the pointer (indicating), is being built now in Phase
20 I instead of Phase II as proposed in the 2013 and
21 2014 Master Plan.

22 Q. And that's just the basement, the rest
23 of the West building from the first floor up to the
24 top floor is going to be built as part of Phase II;
25 correct?

1 A. That is correct.

2 I ask that you please put up the
3 2013-2014 Master Plan site section exhibit up on the
4 screen.

5 Q. And that would be Exhibit A-3?

6 A. That is correct.

7 Okay. This is the 2013-2014 site
8 sections. This visual slide is actually a slide 18
9 from Exhibit A-12 that was entered into evidence on
10 May 29th, 2013.

11 Exhibit A-3 shows the West building,
12 which I'm pointing out right now with my laser
13 pointer, on the bottom section of this slide --

14 Q. Could you point to the garage of the
15 West building also, let me describe it, with the --
16 with the basement of that West building --

17 A. Yes.

18 Q. -- with the laser pointer?

19 A. Now, again, that reference point of
20 grade, I am pointing out right here (indicating) with
21 the laser pointer. I'm sorry my hand is shaking.
22 The basement level is shown in white, and that's the
23 basement level of the West building (indicating).

24 MS. DOCKRAY: Excuse me. Is this --
25 the top is existing and the bottom is 2016?

1 MR. DRILL: No, no.

2 THE WITNESS: There is no West building
3 in the existing site.

4 MS. DOCKRAY: That's what I mean so the
5 top is?

6 MR. DRILL: This is all 2014. We
7 haven't gotten to 2016 yet. This is --

8 MS. DOCKRAY: Okay.

9 MR. DRILL: This is --

10 MS. DOCKRAY: So 2014 is the bottom.

11 MR. DRILL: Yes.

12 THE WITNESS: The bottom --

13 MS. DOCKRAY: Okay.

14 THE WITNESS: -- existing is on the top.

15 MS. DOCKRAY: Okay. And you have the
16 basement extending out from the building?

17 THE WITNESS: Correct.

18 MR. DRILL: And it's been that way
19 since --

20 THE WITNESS: And it's not -- and it
21 has not changed.

22 MS. DOCKRAY: And so it's just
23 underground and there's no -- it's just underground?

24 THE WITNESS: Yes.

25 MS. DOCKRAY: You just have basement?

1 THE WITNESS: Yes. It's a lower level
2 that in 2013 and 2014 was proposed, it was an area
3 that was proposed to be built below grade.

4 MS. DOCKRAY: Okay. Thank you.

5 THE WITNESS: And the rest of the
6 floors, grade through four, were shown on top with
7 the penthouse on top of the entire floor.

8 The upper floors were at a setback back
9 in 2013-14 at 100 feet from the property line. And
10 the lower level was 47 feet from the property line
11 (indicating). This was the 2013-2014 Master Plan
12 Amendment.

13 If we can now move to the next slide...

14 BY MR. DRILL:

15 Q. The next slide, the next slide is going
16 to be the 2016 Master Plan site Section D exhibit,
17 which we've marked as Exhibit A-4?

18 A. That's correct.

19 You'll now see that the West building
20 still has a lower level that's projected below grade
21 to be within 47 feet of the North Van Dien property
22 line.

23 Our proposal is to build the first
24 grade level with a setback of 55 feet to North Van
25 Dien.

1 Levels two, three and four remain as
2 they did in 2013-2014 at 100 feet from the North Van
3 Dien property line.

4 And the penthouse is set back even
5 further at 115 feet from the North Van Dien property
6 line.

7 Q. And did we just stipulate and agree
8 before that we would add a green roof on top of that
9 first floor level of the West building?

10 A. Yes, we did. And that is planned right
11 here (indicating).

12 I will now move on to the next slide
13 which is Exhibit A-5 in this presentation.

14 Q. And is that the 2013-2014 Master Plan
15 site Section E exhibit?

16 A. That is correct. And it is the visual
17 slide 19 from Exhibit A-12, that was entered into
18 evidence on May 29th, 2013.

19 Here we show that the North building
20 then was contemplated to have its basement, lower
21 level, within 47 feet of the North Van Dien property
22 line.

23 Levels one through five, grade through
24 five, were going to be stacked right on top of it, at
25 a setback of 120 square feet with the mechanical

1 penthouse on top of the whole building.

2 If we now proceed to the 2016 proposed
3 site section --

4 Q. That is the 2016 Master Plan Site
5 Section D exhibit which we've marked as Exhibit A-6;
6 correct?

7 A. This is Section D, Section E.

8 Q. Section E?

9 A. Right.

10 Q. If I said "A" I misspoke.

11 A. Okay.

12 Yes, this is what we're now proposing
13 in the 2016 Master Plan Amendment.

14 Again, the proposed North building,
15 lower level remains exactly as it did in the
16 2013-2014 proposed Master Plan Amendment. It's
17 setback from the North Van Dien property line
18 47 feet.

19 However, levels two, three and four are
20 now set back at 75-feet from the North Van Dien
21 property line. And the penthouse is set back 90 feet
22 from the North Van Dien property line.

23 Q. And, again, just to reiterate, there is
24 a -- there is proposed to be a green roof on top of
25 the first floor of that proposed North building; is

1 that correct?

2 A. That's correct. And it would be built
3 in this section (indicating).

4 I also want to point out that the
5 building roof, which is in the back of the property,
6 has always had a green roof on top of it, and that is
7 not changing in this proposed 2016 Master Plan.

8 Q. And could you just point out one other
9 thing that's not changing, the wall on that rear
10 property line?

11 A. Correct. In answer -- back in
12 2013-2014 the hospital was asked to include in its
13 Master Plan, and of course this is a slice across the
14 property (indicating), a 20-foot high wall, which is
15 shown by this vertical straight line (indicating),
16 that then sloped back -- this is all on the hospital
17 property -- sloped back towards the Steilen Avenue
18 backyards to provide a high-planted buffer so that
19 the residents who live in houses along Steilen Avenue
20 would have an even greater, even a higher buffer of
21 the back of the North building.

22 Q. And to answer --

23 A. Of the property actually.

24 Q. And to answer Marisol Romero's question
25 about what would that wall look like and whether --

1 and if there's a buffer, in fact, so she doesn't have
2 to ask Michael tomorrow, isn't Exhibit A-12, slide
3 10, of Exhibit A-12, show the wall and the
4 landscaping on that sloped area?

5 A. That's correct.

6 Q. You don't have this exhibit, Maria and
7 I were just talking about.

8 All right. So let's move on to the
9 next exhibit, let's deal with the setbacks.

10 So I ask that the next exhibit now be
11 put up, which should be the 2013-2014 Master Plan
12 Setback exhibit, and that's been marked as Exhibit
13 A-7?

14 A. Correct. This is also the visual slide
15 21 from Exhibit A-29 that was entered into evidence
16 on July 16th, 2013.

17 The only changes to the setbacks that
18 will change from Exhibit A-7 are along the westerly
19 sides of the North Van Dien property line in front of
20 the North building and the West building and --

21 Q. And we'll show that on the next exhibit
22 and Blais has been through this, so why don't we just
23 go to the next exhibit instead of us being
24 duplicative.

25 So can you go to the next exhibit which

1 should be --

2 A. That's it.

3 Q. -- Exhibit A-8, which is the 2016
4 setback exhibit, and that's actually a -- that's from
5 the proposed 2016 Master Plan; correct?

6 A. That is correct.

7 Q. And, again, unless you feel a burning
8 desire to talk about it, since it's already been
9 discussed, don't feel compelled to talk about it.

10 If you have anything you want to say
11 about it, say it, maybe people will have questions
12 for you, but do you want to say anything or not?

13 A. Yes, I do.

14 I think this is an opportune time to
15 point out what's happening within this 40-foot buffer
16 on the northern side of the North Van Dien -- of the
17 North building. Within this 40-foot buffer, in
18 addition to a heavily landscaped buffer right along
19 the property line, there is also a fire lane that
20 employs the use of vegetative hard surface so the
21 grass can grow up in between these hard surface
22 bricks, so to speak, that provide enough support for
23 a fire truck if it needs to.

24 Q. So these are something that some people
25 refer to as planted pavers?

1 A. Correct, correct. And right now
2 there's a gate between the Ben Franklin driveway and
3 the hospital property to allow emergency vehicles
4 access to the hospital property in order to fight
5 fires or respond to other emergencies.

6 And this whole wing, after -- inside of
7 the heavily landscaped buffer, not at the gate, is
8 planted in that manner.

9 Also, the curb ramp of the grade above
10 level four of the North building called for our Kurth
11 Cottage and visitors dining to be in this area of the
12 North building (indicating). And there is a
13 potential for some tables to be out around this
14 corner, in good weather only.

15 Q. And, again, you're indicating with the
16 laser pointer --

17 A. The northwest corner of the site with
18 the 47-foot buffer along North Van Dien and slightly
19 turning the corner within the 40-foot buffer on the
20 northern side.

21 Q. So what did the hospital agree to do to
22 mitigate the changes in those westerly setbacks along
23 North Van Dien by virtue of a westerly side of the
24 North building, which will be constructed in Phase I,
25 and the westerly side of the West building that's

1 going to be constructed in Phase II, being closer to
2 North Van Dien than in the 2014 plan?

3 A. The key to mitigating these decreased
4 setbacks along the westerly side of the North and
5 West building is additional landscaping and varied
6 building materials as provided for in paragraph 4B of
7 the remand order.

8 I will read from the remand order in
9 this regard, because the additional landscaping and
10 varied building materials are not limited only to the
11 westerly sides of the West and the North buildings.

12 The remand order provides, in paragraph
13 4B, that:

14 "In order to create more of a campus
15 feel and appearance, and to further enhance
16 the aesthetics of new construction and to
17 mitigate visible mass, the 2016 Master Plan
18 shall provide for the following: Addition of
19 pathways for use by patients, visitors and
20 employees; addition of existing landscaping
21 design such as water features and outdoor
22 gardens and patios, with the inclusion in
23 other areas of the property; addition of
24 landscaping and shrubbery to the outdoor
25 dining area along the common property line

1 between the Benjamin Franklin Middle School."

2 Q. And not to cut you off at this point, I
3 am going to start you up again, but can you take the
4 laser pointer and point out where that area is
5 because there was a board member question about that?

6 A. It's right at this corner (indicating).

7 Q. You're pointing to the?

8 A. The northwest corner of the property
9 and the northwest corner of the North building. It
10 doesn't extend fully down this buffer (indicating).

11 Q. And that's an existing condition
12 proposed to continue; correct?

13 A. Existing condition in the 2013-2014
14 Master Plan. And it's proposed to continue into the
15 2016 Master Plan.

16 Q. All right. Can you continue on the --
17 MS. DOCKRAY: At the same physical
18 location within that buffer, the 47 feet, that's
19 where the outdoor dining was.

20 THE WITNESS: It was going -- it is --
21 it was proposed to turn this corner (indicating). So
22 there is an exit door out of Kurth Cottage that was
23 proposed, in order to provide an opportunity -- an
24 opportunity for outdoor dining when the weather is
25 good.

1 MS. DOCKRAY: But it was 120 feet back,
2 not 47.

3 THE WITNESS: That's correct.

4 MS. DOCKRAY: Thank you.

5 MR. DRILL: Just putting it
6 out there, if the board wants us to get rid of that,
7 we'll get rid of it.
8 We thought it would be, you know, nice for the
9 hospital staff and everything, but if you don't think
10 that it should be there because it somehow takes away
11 from landscaping, we will eliminate it, just let us
12 know.

13 THE WITNESS: Right.

14 BY MR. DRILL:

15 Q. Can you keep on going?

16 A. On the addition of landscaping and -- -
17 oh, I just did that one.

18 Q. Yes.

19 A. Provisions for mandatory replacement of
20 all trees eliminated in the Linwood and/or North Van
21 Dien right-of-way due to off-street improvements.

22 Provision for the use of "invisible"
23 parapets, where safety features are required and
24 parapets are not needed for screening.

25 Q. And we're not going to go into details

1 about that because Blais did it.

2 A. Correct.

3 Provision for the use of varied
4 building materials, texture and color, at the
5 exterior of the mechanical penthouses, including but
6 not limited to the mechanical penthouses of the North
7 building and to be used in the construction of any
8 parapets that cannot be constructed as "invisible"
9 parapets necessary for screening of rooftop
10 mechanical equipment of a "green screen" shall be
11 installed in front of the exterior of the North
12 building and the West building mechanical penthouses,
13 only with the exception of areas that are not
14 directly in front of air louvres.

15 Q. Again, just to -- we had a board member
16 question about that, we gave a little answer, but
17 could you give a more detailed answer about exactly
18 what is a green screen?

19 A. Surely.

20 Q. And what areas around the mechanical
21 penthouse facade it would be?

22 A. A green screen usually provides for a
23 mesh or strings of metal offset from the building
24 structure, in the area of two to four feet, upon
25 which growing vines, ivy, crawling, creeping

1 plantings can grow.

2 It is proposed that those vegetative
3 screens, green screens, would be placed wherever
4 there are not louvres along the mechanical penthouse
5 perimeter, so as not to impede the intake and exhaust
6 of air from the mechanical room.

7 Q. Okay. You can go back to the -- I
8 think you just have one more point to hit on that
9 remand order.

10 A. "In addition, an addition of a green
11 roof with planting in addition to grass on the
12 one story of the western elevation of the
13 proposed North building" --

14 Q. And we also --

15 A. -- but we also tonight, we talked about
16 we never intended not to plant a green roof on the
17 one-story addition in the West building.

18 Q. Okay. Changing topics, were photo
19 simulations of the new buildings prepared under your
20 supervision and control?

21 A. Yes, I directed Steve Evers, the
22 project architect, to prepare photo simulations.

23 Q. And can you briefly describe to the
24 board and the public how the photo simulations were
25 created?

1 A. It's okay.

2 Q. Give the preparation before we go into
3 the first one.

4 A. Sure. The base photographs were taken
5 in 2010 using a digital camera at each location.

6 Now, for this, I'd like to go back to
7 slide -- is it A-1? Yes.

8 Q. It's --

9 A. Correct. Thank you very, very much.

10 So there were six locations that I'll
11 point out right now on this full color bird's-eye
12 view. There was --

13 Q. Actually, let's use, if you don't mind,
14 Exhibit A-2 instead of A-1, the next one. This is
15 the 2016 bird's eye.

16 A. Correct.

17 So photo simulations were done from the
18 ball field at Ben Franklin Middle School to the
19 northern side of the North building. They were also
20 taken from the intersection of Meadowbrook Avenue,
21 one house west of Van Dien, as well as at the
22 intersection which is off --

23 Q. Off the chart.

24 A. -- off this chart at the intersection
25 of Meadowbrook and Bogert Avenue.

1 Photo simulation was done in the
2 approximate location of the existing southerly
3 driveway into the hospital campus. That driveway in
4 the proposed 2013 and continuing into the 2016 Master
5 Plan Amendment was moved north. The view is in front
6 of the garage.

7 Q. So the view the photo simulation is
8 going to show is what the Phillips garage would look
9 like from that area?

10 A. Correct.

11 Q. And not to backtrack, but the photo
12 sims from the Ben Franklin Middle School ball field
13 and the two points along Meadowbrook would show the
14 North building; correct?

15 A. Correct.

16 There are two other points where photo
17 simulations were taken. They were taken from the
18 rear yard of 258 Steilen Avenue, as well as in front
19 of 318 Steilen Avenue.

20 Q. Okay. So now can we go into the photo
21 simulations, so I guess the first one would be
22 Exhibit A-9.

23 A. A-9.

24 FEMALE AUDIENCE MEMBER: Can we turn
25 the lights out so we can maybe see the contrast a

1 little better in the photos?

2 THE WITNESS: Sure.

3 FEMALE AUDIENCE MEMBER: Is that all
4 right?

5 MR. DRILL: There we go.

6 FEMALE AUDIENCE MEMBER: Oh, yeah,
7 thank you. Much better.

8 THE WITNESS: All right.

9 So here we are taking a long view
10 shooting eastward from the intersection of
11 Meadowbrook and Bogert Avenue towards the new North
12 building (indicating).

13 Here we tried to depict a change in
14 material; instead of it being all brick as it was in
15 2013-2014, the change in texture and color.

16 Again, it's not definitive at this
17 point but the intent --

18 BY MR. DRILL:

19 Q. Hold on. Well, let me put it this way:
20 These photo simulations, you've obviously depicted
21 colors or materials for the photo simulations?

22 A. Correct.

23 Q. So when you're saying it's not
24 definitive, it's not like Valley's saying whatever
25 color we want we get. What you're saying is whatever

1 color when we get to the site plan application that
2 the board wants --

3 A. Right.

4 Q. -- the board would get; is that
5 correct?

6 A. That is correct.

7 Q. So can you specify, when you're looking
8 at this exhibit, the long view from Meadowbrook
9 Avenue, what portion of the North building is in
10 brick and what is the portion that to me at least,
11 appears to be green, or when people look at this
12 exhibit on their own computer it might be blue?

13 A. The portion of the structure of the
14 North building that's in brick represents level --
15 grades, level one on grade through level four, and
16 the area depicted in the light green is the
17 mechanical penthouse.

18 Q. Okay.

19 A. Again, the intent is to have the top of
20 the building be a texture and color so as to give the
21 appearance that it blends into the sky, thereby
22 diminishing the overall appearance of the building.

23 Q. And the design of the building 2014 had
24 brick all the way up, and can you explain why the --
25 why there is a mechanical penthouse? Why don't you

1 just have mechanical equipment on top of the roof
2 with screening?

3 Why is it enclosed with a penthouse?

4 A. The mechanical room is enclosed in the
5 penthouse to offer visual -- to, A, to block it from
6 view and also for sound attenuation, so as to keep
7 the workings of what's in the penthouse quiet to the
8 neighbors and also blocking it from the view of the
9 neighbors.

10 Q. Would you move to the next slide which
11 should be Exhibit A-10.

12 A. Correct.

13 And this gives you a better close-up
14 view of what we were just talking about on the long
15 view. This is taken again on Meadowbrook, looking
16 east towards the North building. And we're one house
17 back from the intersection of Meadowbrook and North
18 Van Dien.

19 Here you can see a more -- in better
20 detail the brick stops at the level four patient
21 level and then the textured material used on the
22 penthouse, again in a color that will aid in making
23 the bulk of the building appear less imposing.

24 Q. And, again, not to lock -- not to lock
25 the value of the board into any material, but does

1 that happen to be metal panels that are either like
2 green, blue or grayish in that exhibit?

3 A. That would be a material that we would
4 consider because if we're going to add some green
5 screen in these areas, you're going to need a
6 substantial backing in order to anchor the green
7 screen, of some strength.

8 Q. But, again, if the board, when they get
9 to site plan approval, wanted some different color,
10 that would be acceptable to the hospital; correct?

11 A. That is correct.

12 Q. And I just noted from looking at this
13 photo simulation, it looks like the mechanical
14 penthouse is on the same plain with the brick of the
15 first floor -- the first four of the stories; is that
16 mechanical penthouse in the same plain or is the
17 mechanical penthouse set back a little?

18 A. The patient tower is set back at
19 74 feet, the face of the penthouse is set back
20 90 feet, so there's a difference of 16 feet.

21 Q. Okay. Can we go to the next exhibit?

22 COUNCILWOMAN KNUDSEN: Excuse me, I
23 just have a question.

24 THE WITNESS: Oh, sure. Sure.

25 COUNCILWOMAN KNUDSEN: Sorry. Maria,

1 just real quick, when I am looking at this mechanical
2 penthouse it has kind of a bluish green color, to the
3 left of that I see what appears to be brick building
4 on top of the trees; is that --

5 THE WITNESS: What you're seeing is the
6 stair tower that is at the back of the building.

7 It's an egress stair tower and it's
8 depicted on some of the elevation sections. It's not
9 close to the street at all, it's at the back of the
10 North building.

11 COUNCILWOMAN KNUDSEN: And what is the
12 -- the setback from Van Dien from where we have been
13 working all along from Van Dien to that particular
14 structure, that particular part of the mass?

15 MR. DRILL: You're talking about what's
16 the setback from the stair tower to Van Dien?

17 COUNCILWOMAN KNUDSEN: Yeah, exactly.
18 Like, if I took a -- just a sight line from the top
19 of that brick to Van Dien, how far is -- what's the
20 distance from the -- from the property line to that
21 particular brick work, roughly?

22 THE WITNESS: It's roughly 200 feet.

23 COUNCILWOMAN KNUDSEN: Okay. So
24 that --

25 MR. DRILL: And, again, if the board

1 wanted the stair tower in a different material,
2 Valley would make the stair tower in a different
3 material.

4 If you think, because it's a stair
5 tower, brick looks more prominent and you want it to
6 blend in more, then again, at site plan, if the board
7 chose and said, yes, you know what, we want the top
8 of that stair tower, or the whole stair tower for
9 that matter, to be other than brick, different
10 material, different color, what would Valley say?

11 THE WITNESS: Of course. That would be
12 fine, of course.

13 COUNCILWOMAN KNUDSEN: Okay. Thank
14 you.

15 BY MR. DRILL:

16 Q. Can we go to the next exhibit, which I
17 believe should be Exhibit A-11.

18 A. Correct.

19 Now, you may recall that I discussed
20 the fact that the existing hospital driveway is in
21 this exhibit location that it will no longer be in
22 when this project, if it should be built, is built.

23 This has not changed from 2013-14 to
24 the 2016 proposed Master Plan Amendment. So I can
25 tell you that this part of the simulation and to the

1 right, as well as the foreground, about up to this
2 point, and then all of this into the left
3 (indicating), is actually taken from a photograph.
4 And in order to depict what the Phillips garage would
5 look like, we -- I felt --

6 Q. With -- with landscaping?

7 A. With landscaping, which is part of what
8 we would be doing, mature landscaping.

9 Q. And you simulated the landscaping?

10 A. We simulated the landscaping from this
11 point over to this point (indicating).

12 Again, this is the southerly entrance
13 into the campus in front of Kurth Cottage as it
14 exists today.

15 Q. So now can we go to the next slide,
16 which should be Exhibit A-12?

17 A. Okay. We prepared the simulation of
18 the North building from Steilen Avenue in the
19 street --

20 Q. This is the front of 318 Steilen?

21 A. The front of 318 Steilen.

22 Q. Can you take the laser pointer and
23 identify, you know, point to the North building.

24 A. Absolutely.

25 It's sitting in between the trees right

1 here (indicating).

2 Q. And what is that, that looks like it's
3 like grayish parallel lines?

4 A. Those are louvres at the back of the
5 mechanical penthouse so on the eastern side of the
6 mechanical penthouse.

7 Q. Okay. And could you go to the next
8 slide, which should be Exhibit 13?

9 A. This is the photo simulation taken from
10 the rear yard of 258 Steilen Avenue.

11 Q. Just again, for the record, these
12 photos were taken in 2010; correct?

13 A. That is correct.

14 Q. And in 2010, the property owner gave
15 consent for your photographer to go on the property
16 and take the picture?

17 A. That is correct.

18 And in order to access this backyard we
19 needed permission to be accompanied by the owner to
20 travel through their house to get to the backyard.

21 And the entire photo, the photograph
22 includes all of the existing vegetation that was in
23 the backyard at that time.

24 What you're looking at is the
25 southernmost, southern face of the North building,

1 cooling towers in this area with louvres
2 (indicating), the smokestack of the central power
3 plant (indicating), the closed area of mechanical
4 equipment screen --

5 Q. Is that actually a screen for
6 mechanical equipment that actually --

7 A. Right.

8 Q. -- cannot be enclosed because those are
9 chillers?

10 A. Yes, yes. Air handlers and chillers,
11 and then the start of the enclosed mechanical
12 penthouse, and these window sections, again, are
13 louvres (indicating).

14 Q. I don't know if I could -- that's
15 Exhibit 13?

16 A. That is correct.

17 Q. Okay. So let's go to the last photo
18 simulation.

19 COUNCILWOMAN KNUDSEN: Could I just go
20 over that -- I have one more question please go back,
21 Maria.

22 So again now to the left --

23 THE WITNESS: This is the Cheel
24 building (indicating).

25 MR. DRILL: Cheel.

1 THE WITNESS: That's our existing
2 building now --

3 COUNCILWOMAN KNUDSEN: Okay.

4 THE WITNESS: And that does not change
5 either FOR Phase I or Phase II.

6 COUNCILWOMAN KNUDSEN: Maria, just for
7 perspective, what is the height of the Cheel building
8 presently --

9 THE WITNESS: The Cheel building --

10 COUNCILWOMAN KNUDSEN: With
11 mechanicals, what I'm seeing there, what would that
12 height be?

13 THE WITNESS: Yes, the building is 48
14 feet tall with a 17-foot mechanical penthouse so the
15 overall height is 65 feet.

16 COUNCILWOMAN KNUDSEN: Okay. Great.
17 Thank you.

18 BY MR. DRILL:

19 Q. Can we go to the last photo simulation,
20 which should be Exhibit A-14?

21 A. Remember these pictures were taken in
22 2010, so the running track that currently exists at
23 the Ben Franklin Middle School was not there;
24 however, the ball field, you could see the end of the
25 infield as it proceeds (indicating) into the

1 outfield. And, again, the second baseball diamond in
2 this section (indicating).

3 This depicts the northern side of the
4 North building and the eastern side of the North
5 building.

6 Susan, this is the stairwell
7 (indicating) that you saw off in the distance when we
8 were looking at it from the street, from North Van
9 Dien Avenue.

10 And, again, there is some screening of
11 rooftop mechanicals. The smokestack is enclosed in a
12 section next to the stairwell. And then, again,
13 louvres of the mechanical penthouse (indicating).

14 Q. And, again, this mechanical screening
15 looks, for lack of a better word, color of silver or
16 gray, but again, if the Planning Board in the site
17 plan process wanted it some other color, I assume
18 that the hospital is fine with that?

19 A. The hospital is fine with that.

20 And that's why we show the silver on
21 this side and the green on the northern side
22 (indicating) so as to give you the ability to
23 understand that once you go by the color it actually
24 fades or moves into the sky and diminishes the
25 appearance.

1 COUNCILWOMAN KNUDSEN: So, Maria, in
2 order for -- for me to have seen that on that other
3 perspective, from that other vantage point, is that
4 actually closer to the property line or is that the
5 same setback from BF?

6 THE WITNESS: It's within the 40-foot
7 setback.

8 COUNCILWOMAN KNUDSEN: Okay. Is that
9 the stairwell?

10 THE WITNESS: Correct.

11 MR. DRILL: I mean, is it fair to say
12 that these perspectives all depend on where you're
13 taking the photograph from, the further back you
14 are --

15 COUNCILWOMAN KNUDSEN: Yes. No, I
16 understand, I just wanted to be clear on that.

17 And just one more time, because you
18 said those -- did you call them chillers? What did
19 you call those things that can't be enclosed?

20 THE WITNESS: These (indicating)?

21 COUNCILWOMAN KNUDSEN: Yes.

22 THE WITNESS: The chillers can't be
23 enclosed, they need to evaporate water --

24 COUNCILWOMAN KNUDSEN: I just wanted to
25 get the word -- the term that you used.

1 MR. DRILL: Is a chiller an air
2 conditioning type, piece of equipment?

3 THE WITNESS: Well, it's -- there are
4 two pieces of equipment. There's the air handler
5 that chills the water from the cooling towers to
6 create chilled air that's then run through the
7 buildings.

8 The chillers are enclosed, the...

9 MR. DRILL: The air handler.

10 THE WITNESS: The air handlers are
11 enclosed --

12 COUNCILWOMAN KNUDSEN: Oh, okay.

13 THE WITNESS: The chillers are not.

14 COUNCILWOMAN KNUDSEN: -- I can't hear,
15 if you're not using the microphone.

16 THE WITNESS: I'm sorry. The air
17 handlers are enclosed. The chillers need to be open
18 to the atmosphere.

19 COUNCILWOMAN KNUDSEN: So, now, when --
20 when we're talking about the enclosures and the
21 penthouse, the penthouse is designed for sound
22 attenuation?

23 THE WITNESS: Yes.

24 COUNCILWOMAN KNUDSEN: So the question
25 then is on the -- that -- those chillers, now those

1 produce noise. What is -- because that sound is not
2 enclosed, so there's no sound attenuation material to
3 diminish --

4 THE WITNESS: Actually these screens
5 are made (indicating) with sound attenuation
6 insulation. And they come in various thicknesses and
7 sound tempering, so we would design those enclosures
8 to be appropriate to meet the New Jersey noise codes.

9 COUNCILWOMAN KNUDSEN: Okay, but they
10 would have essentially the same effect as the
11 enclosure that has the sound attenuation material, so
12 it would be the same --

13 THE WITNESS: Correct. So --

14 COUNCILWOMAN KNUDSEN: -- noise
15 reduction?

16 THE WITNESS: So, for example, things
17 that would be enclosed within the enclosed penthouse,
18 are things like pumps, the air handlers that require
19 daily checking, maintenance, you know, in order to
20 make sure that things are functioning properly.

21 The chillers have to be, by engineering
22 principles, exposed to the atmosphere, water needs to
23 evaporate.

24 BY MR. DRILL:

25 Q. Some of the pumps and the other things

1 that need more constant maintenance, I assume that
2 those are a little noisier and --

3 A. Well, sure, they're whirring and --

4 Q. The board doesn't know that.

5 A. Okay.

6 COUNCILWOMAN KNUDSEN: So -- and
7 typically what is the materials that the chillers
8 are --

9 CHAIRMAN NALBANTIAN: Excuse me, Susan.
10 I know you missed the first part. We're going
11 through a process, I know it's difficult with the
12 images. But we're allowing testimony to be given, as
13 we did with Blais --

14 COUNCILWOMAN KNUDSEN: Okay.

15 CHAIRMAN NALBANTIAN: -- and then when
16 we're done then all the board members will be have an
17 opportunity to ask questions. I know it's awkward
18 but let's try to stick to the rules.

19 COUNCILWOMAN KNUDSEN: Do you mind if I
20 just follow with my last two little pieces?

21 CHAIRMAN NALBANTIAN: Last piece.

22 COUNCILWOMAN KNUDSEN: Okay. Good.

23 Thanks, because Maria is being so nice to me.

24 What is the material that those are
25 typically made of?

1 MR. DRILL: Which are the "those", the
2 chillers?

3 COUNCILWOMAN KNUDSEN: Of the chillers.

4 THE WITNESS: The chiller enclosures?
5 Metal.

6 COUNCILWOMAN KNUDSEN: And then are
7 they also the same 24 foot height.

8 MR. DRILL: Say again.

9 COUNCILWOMAN KNUDSEN: Are they the
10 same height as the rest of the mechanicals.

11 MR. DRILL: Are they the same height as
12 the rest of the mechanical penthouses?

13 COUNCILWOMAN KNUDSEN: As the rest --
14 right, the penthouses.

15 MR. DRILL: Are they 24 feet high, you
16 want to know.

17 COUNCILWOMAN KNUDSEN: Yes.

18 THE WITNESS: At this point, they're
19 depicted to be 24-foot high.

20 Chillers are not small pieces of
21 equipment. So we don't want to go above 24 feet, we
22 want to make sure that they're blocked.

23 COUNCILWOMAN KNUDSEN: Okay.

24 THE WITNESS: That could be tweaked as
25 we move into further design.

1 COUNCILWOMAN KNUDSEN: Okay. Now
2 Charles won't let me ask any more questions until
3 you're done.

4 CHAIRMAN NALBANTIAN: Thank you very
5 much.

6 BY MR. DRILL:

7 Q. Okay. So, Maria, listen very
8 carefully, without revealing any of the conversations
9 that took place during the mediation, is it correct
10 that the photo simulation locations were chosen as a
11 result of the mediation process?

12 A. That is correct.

13 Q. Okay. So did I ask you to put together
14 an exhibit that would show how the hospital intended
15 to comply with paragraph 4(a) of the remand order,
16 which provides for the reduction in building floor
17 area from the project contemplated in the 2013-14
18 Master Plan Amendment to the current 2016 Master Plan
19 Amendment?

20 A. Yes, you did.

21 Q. Is that up on the screen right now as
22 Exhibit A-16?

23 A. Yes, it is up on the screen. And it is
24 our Exhibit A-15, which shows exactly how the
25 hospital will reduce the floor area as required by

1 the remand order.

2 So let's -- if we're doing this in a
3 comparative way, we'll start with the 2014 building
4 components. The total hospital above-grade square
5 footage was 685,000 square feet, the rooftop floor
6 space was 95,000 square feet and the lower levels
7 floor space, below grade, was 215,000 square feet,
8 for a 2014 proposed building floor area at the
9 completion of Phase II of 995,000 square feet.

10 In 2016, in order to...

11 Q. Eliminate?

12 A. Eliminate the uppermost patient room
13 floor, we added 31,600 square feet, which is depicted
14 on the wedding cake stacking diagram, the elimination
15 of patient floor above grade eliminated 58,100 square
16 feet, the entire level. We agreed to find and reduce
17 the North building above grade floor area by 5,000
18 square feet and the North or West building below
19 grade square footage of 2,500 square feet, for a
20 total floor area reduction of 34,000 square feet.

21 MR. DRILL: Could you move that exhibit
22 up a little because we have like a ta-da on the
23 bottom.

24 FEMALE ASSISTANT: That's as high as it
25 goes.

1 MR. DRILL: Can you --

2 THE WITNESS: Can you, on the
3 right-hand side can you scroll down?

4 MR. DRILL: -- enlarge it?

5 THE WITNESS: No, no, she needs to
6 scroll down.

7 MR. DRILL: There we go. Now push it
8 up a little.

9 THE WITNESS: And now scroll down. And
10 scroll to the right. Thank you.

11 So the total 2016 proposed building
12 floor area will be 961,000 square feet.

13 BY MR. DRILL:

14 Q. Okay. Did I also ask you to put
15 together an additional exhibit that would show the
16 building floor area by phase of the project?

17 A. Yes, you did.

18 Q. Can we go to the next exhibit, which
19 should be Exhibit A-16?

20 A. That is correct.

21 Q. Would you walk the board through this
22 exhibit?

23 A. Yes. Sure, I will. In Phase I, the
24 North building, building square footage is 448,500
25 square feet. That's above grade and below grade.

1 The Cheel building as it exists today
2 is 280,000 square feet.

3 The Bergen building as it exists today
4 and will remain during Phase I is 215,000 square
5 feet. Going to build the lower level of the West
6 building --

7 Q. You mean the basement; correct, when
8 you say "lower level" --

9 A. The lower level, the level below grade,
10 we'll call it basement, the lower level, of that West
11 building that was going to be constructed as part of
12 Phase II is being constructed now in Phase I.

13 So the total site area after --

14 Q. The total building floor area, right?

15 A. Correct. At the completion of Phase I
16 will be 980,500 square feet.

17 Q. Now walk us through Phase II.

18 A. In Phase II, the North building already
19 exists at 448,500 square feet. The Cheel building
20 will be reduced down to 193,000 square feet. The
21 Bergen building will be dismantled so it will not
22 exist after Phase II. The rest of the West -- well,
23 the entirety of the West building will now be built
24 out for a total of 135,000 square feet. And the
25 South building, which does not exist now, nor will it

1 exist during Phase I, will be built in Phase II, for
2 a total of 184,000 square feet. So that the proposed
3 building floor area at the end of Phase II would be
4 961,000 square feet.

5 Q. I know it says it up there, but at the
6 end of Phase I, the building floor area is 908,500
7 square feet; correct?

8 A. Correct.

9 Q. At the end of Phase II, it is 961,000
10 square feet in increase from Phase I to Phase II,
11 because you're eliminating one building and
12 eliminating a piece of another, is an increase of
13 45,800 square feet. That's a question?

14 A. That's correct.

15 Q. Okay. Now, switching topics again, are
16 you aware of paragraph five of the remand order which
17 provides that a list of conditions previously
18 generated during the 2013-2014 Master Plan hearing
19 must be included as an exhibit and be made part of
20 the record of the 2016 Master Plan Amendment process?

21 A. Yes, I am.

22 Q. And has the hospital put together such
23 a list? And if so, can you read it into the record
24 and make it part of the record of this process that
25 the remand order required?

1 A. Yes, I will.

2 Can we please go to the next exhibit.

3 Q. And just for the record, this is the
4 list of conditions generated during the 2013-2014
5 Master Plan hearing and this is now being made an
6 exhibit as Exhibit A-17.

7 And can you -- I need you to read each
8 one of those conditions. And at certain points, if
9 it addresses a question that's been asked, I'm going
10 to want you to comment on that.

11 A. Okay. There are seven pages here so
12 please bear with me and they are grouped into certain
13 categories so...

14 Q. Let's just get the categories first.

15 A. The categories are general and design
16 related Master Plan conditions, general construction
17 process related conditions, construction related
18 conditions for specific inclusion in future
19 developer's agreement with specifics to be determined
20 post-site approval, traffic related conditions to be
21 further detailed at site plan and/or for specific
22 inclusion in the developer's agreement, the Board of
23 Education recommended condition not covered elsewhere
24 herein, and I think that's it.

25 Q. Right. Now, could you go back to the

1 beginning and before you, you know, when you go
2 through the list, first give the category of
3 condition.

4 A. Uh-huh. So the first category are the
5 general and design related Master Plan conditions.

6 "No. 1, The construction timeframe for
7 Phase I of the development is reduced to six
8 years with approximately 45 percent of the
9 construction to be interior to the buildings.

10 "No. 2, Installation of approximately
11 20-foot high wall along Steilen Avenue border
12 with landscaped buffer consistent with slide
13 10 of Exhibit A-12 presented during the 2013-2014
14 Master Plan hearings.

15 Q. And that was the exhibit I referenced
16 before?

17 A. From Ms. Banyra (phonetic), yes.

18 "No. 3, Provision of firefighting and
19 emergency apparatus deemed required by
20 emergency service departments to handle
21 emergency and fire related emergencies that
22 may occur in the parking garage.

23 "4, Loading bays to be sealed to
24 mitigate acoustical impacts.

25 "5, Compliance with the New Jersey

1 State Noise Coding.

2 "6, The top level of the Phillips
3 parking garage not to be used at all, no
4 parking on the top level of the Phillips
5 parking garage from dusk to dawn. Security
6 lighting only on the top level to be used dusk
7 to dawn."

8 Q. So in answer to another question that
9 was asked about why does the "if necessary" language
10 I believe in the Master Plan have to be there, since
11 we've agreed to this as a condition, if the Planning
12 Board wanted they could take out that "if necessary"
13 language out of the Master Plan Amendment; is that
14 correct?

15 A. That is correct.

16 Continuing, "No. 7, Trash and recycling
17 compactors to be internally fed.

18 "8, No parking stalls facing the
19 20-foot landscape buffer along Steilen
20 Avenue."

21 Now proceed to the next category of
22 general construction process related conditions.

23 "Dewatering is not to exceed 300,000
24 gallons per day during construction with the
25 average daily being 200,000 gallons per day.

1 "No use of structural tiebacks outside
2 the boundaries of the hospital property.

3 "No. 3, Subject to County of Bergen,
4 Village and New Jersey Department of
5 Transportation approval, The Valley Hospital
6 shall install, at its sole cost and expense,
7 new traffic signal equipment at affected
8 intersections, including video detection
9 systems to add additional green time in the
10 proper directions, not video cameras, and
11 countdown timers including ADA hearing
12 impaired timers.

13 "4, Subject to County of Bergen,
14 Village and New Jersey Department of
15 Transportation approval, The Valley Hospital,
16 at its sole cost and expense, shall complete
17 all traffic improvements along Linwood Avenue,
18 including at the intersection of Van Dien,
19 North Pleasant and John Street. This work
20 shall include, but not be limited to,
21 widening, installation of improvements to the
22 intersection and possible signal retiming, and
23 shall be completed prior to the commencement
24 of Phase I unless, otherwise approved by the
25 Village Engineer.

1 "5, Demolition of all existing
2 buildings on-site shall be through
3 dismantling.

4 "6, The project shall comply with all
5 applicable air quality standards which will
6 ensure community protection.

7 "7, The Valley Hospital shall monitor
8 noise, sediment and vibration throughout the
9 construction process."

10 Moving on to the next set of
11 conditions, these are construction related conditions
12 for specific inclusion in the future developer's
13 agreement with specifics to be determined post-site
14 plan approval.

15 "No. 1, Any blasting shall be
16 "controlled blasting".

17 "No. 2, Prior to any blasting and/or
18 dewatering, The Valley Hospital shall conduct
19 structural assessments of every home which
20 grants access and permission within the
21 circular rings depicted in the cone of
22 depression drawings contained in Exhibit A-11
23 presented during the 2013-2014 Master Plan
24 hearings. Valley Hospital shall take
25 photographs and videos of existing conditions

1 and then return after blasting for
2 post-blasting survey. The Valley Hospital
3 and/or its contractors and/or subcontractors
4 shall provide insurance coverage to cover any
5 damage.

6 "No. 3, Dewatering noise shall comply
7 with the New Jersey State Noise Code.

8 "No. 4, Prior to construction, The
9 Valley Hospital shall generate a site specific
10 air monitoring plan covering interior building
11 locations and exterior locations on the
12 property.

13 "No. 5, As part of the monitoring plan,
14 The Valley Hospital shall have a system in
15 place to monitor absolute contaminants and
16 markers, tracers of contaminants.

17 "No. 6, The monitoring system shall
18 review data in realtime on a continuous
19 24-hour basis to ensure all air levels are
20 acceptable. Reports of same shall be provided
21 to the Village Engineer on a schedule to be
22 determined by him or her.

23 "No. 7, The contaminant monitoring
24 shall occur at the interior work zone at the
25 property lines with weather and wind impact

1 checks.

2 "No. 8, There shall be oversight of The
3 Valley Hospital construction process by an
4 independent village consultant to be paid for
5 from The Valley Hospital escrow pursuant to
6 law.

7 "The Valley Hospital shall establish
8 and provide a chain of command for all
9 responsible personnel" and means -- I'm sorry,
10 "and methods of communication including e-mail
11 addresses, cell phone numbers and any other
12 relevant contact information. The list shall
13 include both on-site personnel and off-site
14 Valley Hospital representatives and shall be
15 provided to the Village Engineer. The on-site
16 construction consultant, the Village Manager
17 and any other village representatives
18 designated in the developer's agreement.

19 "No. 9, Prior to construction, The
20 Valley Hospital shall develop a safety program
21 to include contractor screening and background
22 checking, and implementation of a worker
23 identification badging system, which program
24 shall be subject to the review and the
25 approval of the Village Engineer.

1 "No. 10, The construction site shall be
2 secured with fencing and with gated entrance.

3 "No. 11, Noise abatement technology
4 shall be used during construction, including
5 sound blankets and sound deafening material on
6 the inside of the fence surrounding the
7 property.

8 "No. 12, Prior to any construction and
9 as an exhibit to any developer's agreement,
10 The Valley Hospital shall establish a list of
11 construction related issues or items addressed
12 and agreed upon with the Ridgewood Board of
13 Education, including but not limited to any
14 additional pedestrian safety measures,
15 crossing guards, walking patterns, sidewalk
16 modifications that are to be implemented.

17 "No. 13, Except in the case of an
18 emergency, no Sunday construction shall be
19 permitted.

20 "No. 14, The Valley Hospital shall
21 provide a standby generator for use in case of
22 dewatering shut off or power failure.

23 Moving on to the fourth set of
24 conditions, these are traffic related conditions to
25 be further detailed at site plan and/or for specific

1 inclusion in the developer's agreement.

2 "No. 1, All construction workers shall
3 be shuttled to the site by bus or by shuttle.
4 Contractor parking shall not be permitted on
5 village streets.

6 "No. 2, Employees shall be shuttled to
7 the site during construction with
8 implementation of a system using swipe card
9 assignment.

10 "No. 3, Preparation of a parking
11 management plan prior to the commencement of
12 construction.

13 "No. 4, Developing construction
14 trucking routes inclusive of truck and
15 delivery access times to and from the site
16 with coordination of the village professional
17 and the Board of Education.

18 "5, There shall be no idling of
19 construction trucks.

20 "6, Jake brake on trucks shall be
21 prohibited.

22 "7, Prior to construction, preparation
23 of an off-site staging location plan for
24 trucks to be filed with the Village Engineer.

25 Moving along, the fifth set of

1 conditions, the Board of Education recommended
2 conditions not covered elsewhere herein.

3 "No. 1, Preparation of an environmental
4 baseline study performed at the Benjamin
5 Franklin Middle School property line prior to
6 the commencement of any construction.

7 "No. 2, Continuous monitoring system
8 for contaminants with signal when levels of
9 dirt, dust and pollutants become higher than
10 acceptable based upon guidelines established
11 by independent experts. Action levels defined
12 for each contaminant which if exceeded will
13 trigger immediate investigation of work
14 practices, modified work practices and work
15 stoppage until concentrations have returned to
16 below action levels.

17 "No. 3, To the extent feasible,
18 building demolition shall be completed in the
19 summer months or alternatively, use dust
20 reduction demolition techniques to be employed
21 when summer demolition is not possible.

22 "No. 4, Control dirt and dust in the
23 air and if dust or dirt leave the property and
24 migrate to the Benjamin Franklin or Travell
25 schools, clean those schools of the dust and

1 dirt.

2 "5, Adjustments to construction,
3 traffic schedule, based upon school events and
4 field events.

5 And "6, Retention of security guards on
6 a 24-hour basis on The Valley Hospital site."

7 BY MR. DRILL:

8 Q. Okay. My last question is whether you
9 could -- my last question is whether you can confirm
10 the fact that other than the elimination of the fifth
11 floor in the North building, the decrease in the
12 building floor area of the project, the revisions to
13 the setbacks of the North and West buildings along
14 North Van Dien, and the construction of the West
15 building basement in Phase I instead of Phase II,
16 could you confirm that there are no other changes in
17 the project from that contemplated in the 2014 Master
18 Plan Amendment?

19 A. Yes, I confirm that.

20 Q. And I'm not going to ask you to repeat
21 the four items that I mentioned in my introduction,
22 I'm just going to ask you to confirm that what I said
23 was correct?

24 MR. DRILL: Unless the board wants to
25 hear Maria repeat what I said about the four thing

1 that weren't changing.

2 Anyone want to hear Maria --

3 BY MR. DRILL:

4 Q. Can you just confirm that those four
5 things I said, which was basements in the buildings
6 not increasing the size or depth, overall square
7 footage of the project decreasing, the expert
8 testimony from Dr. Shannon Magari regarding the
9 issues of fine particulate matter and contaminants
10 and how it will be dealt with so it won't result in
11 any adverse harm or health impacts, and fourth, the
12 time period for construction.

13 Everything I said in my introduction is
14 correct?

15 A. Everything you said in your
16 introduction is correct.

17 MR. DRILL: So I have no further
18 questions for Ms. Mediago.

19 Before I turn her over for questioning,
20 I would want to -- I want to reiterate something that
21 was already said, and just -- I want to place like a
22 prophylactic objection on the record. I don't want
23 to object to any cross examination of Maria by
24 anybody. So I'm just asking that everyone respect
25 the remand order and keep the questions to what she

1 testified to and keep the questions, if at all
2 possible, and I am pleading, to changes from the 2014
3 to the 2016 Master Plan.

4 I don't want to interrupt the flow of
5 cross-examination, and so I'm just stating that,
6 hopefully, this will prevent any of those questions
7 being asked. I just want to make it clear, if I
8 choose not to object I don't want that held against
9 me, I don't want to be deemed to have waived any
10 objection if I just sit idly by and say nothing if
11 that stuff happens.

12 So Ms. Mediago is ready for
13 questioning.

14 CHAIRMAN NALBANTIAN: You want to
15 comment or should we proceed with questions?

16 MS. RAZIN: Yes, we've tried to repeat
17 that throughout the evening and so we will continue
18 to try and work on those efforts and hopefully
19 everybody will be cooperative.

20 CHAIRMAN NALBANTIAN: Okay. We'll
21 continue again as we did with --

22 MS. RAZIN: Can I just have, just to
23 clarify -- I'm sorry. The clarifying condition, I
24 just want to double check, the conditions -- these
25 were conditions that were generated from the --

1 primarily from the transcript of the -- -

2 MR. DRILL: Very good point. Right.

3 MS. RAZIN: -- of the 2013-14 hearing.

4 MR. DRILL: Right. These conditions
5 were generated during the 2013-2014 hearing process.
6 The way they were generated was going through all the
7 transcripts and going through all these exhibits in
8 the notebook. The combination of going through all
9 that picked up these conditions.

10 And as I said before, the -- we missed
11 -- it wasn't a condition and it wasn't in the consent
12 order, but we've agreed to add as a condition or add
13 it to the Master Plan Amendment, whatever the green
14 roof over the West building, and there was something
15 else that wasn't picked up that we said before we
16 would do. And it's just escaping me.

17 MS. RAZIN: So to that end these were
18 stipulations by potentially various other experts
19 that have already testified in those proceedings, and
20 they're not necessarily -- they're not changes,
21 they're just -- you're just re-asserting them as a
22 list of conditions and confirming them for the record
23 this evening and will be part of what we carry
24 forward if this -- if this was ultimately approved.

25 MR. DRILL: That's correct.

1 MS. RAZIN: Okay.

2 MR. DRILL: Yes, we're not just doing
3 it for that reason. We're also doing it, hopefully,
4 so people who maybe weren't here won't ask those
5 questions because we dealt with them.

6 MS. RAZIN: These are not changes.

7 MR. DRILL: That's absolutely correct.
8 This --

9 MS. RAZIN: These are not changes.
10 These are --

11 MR. DRILL: These are not changes.
12 These are things that we agreed to over the course
13 of --

14 MS. RAZIN: The 28 hearings.

15 MR. DRILL: -- 28 hearings over two
16 years.

17 I mean, it was painstaking for the
18 people involved to have to go through and pull these
19 conditions out of all those transcripts and reports,
20 but this is the right way to do it.

21 MS. PATIRE: Can I ask a question? Are
22 those -- are those new as of today or have those been
23 submitted.

24 MR. DRILL: No, I'm saying, these
25 conditions --

1 MS. PATIRE: No, no, no, this, this
2 document (indicating).

3 MR. DRILL: Yeah, this is an exhibit
4 because the remand order said --

5 CHAIRMAN NALBANTIAN: The document is
6 on the record.

7 MS. PATIRE: This is on the record.

8 MR. DRILL: This is -- yes, this is
9 brand new. And this is Exhibit A-17, and this
10 exhibit is on the memory stick. And so this exhibit
11 will be -- presumably all these exhibits will be --

12 MS. RAZIN: We'll put them up on the
13 website.

14 MR. DRILL: -- on the village website.

15 MS. DOCKRAY: Yes, but we never
16 discussed these.

17 MS. RAZIN: What -- what Jon -- I'll
18 let Jon answer, go ahead.

19 MR. DRILL: Yes. These are conditions
20 that, quite frankly, had the board approved the 2014
21 Master Plan Amendment, the board would have imposed
22 these conditions, because these conditions were
23 generated from one of three places; either, A, a
24 board member asked for it; B, one of our experts
25 offered it; or C, one of the Planning Board experts

1 suggested it.

2 MS. DOCKRAY: Yeah, but we didn't all
3 agree on it.

4 MR. DRILL: Well, because you rejected
5 the plan.

6 MS. DOCKRAY: Right, okay. So that's
7 --

8 MR. DRILL: Right.

9 MS. DOCKRAY: -- that's still up for us
10 to decide on these conditions. Since we didn't all
11 agree on them since they weren't brought to our
12 attention specifically.

13 MR. DRILL: Well, they were absolutely
14 --

15 MS. DOCKRAY: You might have one board
16 member who said --

17 MS. RAZIN: Yes.

18 MS. DOCKRAY: -- let's have this
19 condition, but we didn't all say, Uh-huh, let's agree
20 on that condition.

21 MR. DRILL: There were --

22 MS. RAZIN: Well, the testimony is I
23 think what it is. I mean, I don't -- I mean I think
24 that the -- they're not changes, so I think whatever
25 stands in the documents that go back to 2013 and 2014

1 -- that's why I asked that question, because the
2 various witnesses testified to them or they were
3 stipulations that were placed on the record at
4 various points in the proceeding in 2013 -- they
5 didn't come out of thin air or were never discussed
6 --

7 MS. DOCKRAY: I just --

8 MR. DRILL: We prepared this with the
9 transcripts, they were mentioned by various --

10 MS. DOCKRAY: Right. I don't think we
11 all decided. Let's -- on those various conditions.
12 Some of those are, you know, things that I thought we
13 would discuss at a later date. So prior to the
14 developer's --

15 MS. RAZIN: Yes, well, I think what you
16 -- well, that's why if you go to the list of the
17 headings, and most of -- I would say after the first
18 heading, most of the conditions are being addressed
19 with any kind -- with any kind of specificity at a
20 later date. I think the only ones are the first set
21 which talks about construction in six years which
22 was, I think, one of the first things we talked
23 about. So --

24 MR. DRILL: Right. But we wanted to
25 make clear --

1 MS. RAZIN: So --

2 MR. DRILL: -- that we were standing
3 behind the testimony and the representations that
4 were made.

5 That's why we -- that's why the remand
6 order required us to do this. And we are offering
7 them up as conditions against ourselves because these
8 are representations --

9 CHAIRMAN NALBANTIAN: We can keep track
10 of them.

11 MR. DRILL: -- that we tell you.

12 MS. RAZIN: Right.

13 MS. DOCKRAY: I understand.

14 MS. RAZIN: One second, one second, one
15 second.

16 MS. DOCKRAY: Okay.

17 MS. RAZIN: Not only did the -- not
18 only did the remand order request it, but the board
19 requested it as to become part of the settlement
20 process earlier, that's how it became in the remand
21 order, so then that carried forward in the remand
22 order language and that's why there was a generated
23 list of conditions.

24 Ultimately, I would probably agree with
25 you, Wendy, that the exact specifications of some of

1 those conditions when you get to a developer's
2 agreement and when you got the site plan, if that day
3 -- if that day ever comes, they might be different or
4 something might be slightly different. I mean that's
5 why I think in the language is general and some of it
6 kept open and that's why there's categories -- I
7 think the attempt was, I assume the attempt was to
8 keep it categorized to show that there are things
9 that just can't be decided at a Master Plan level
10 with such specificity.

11 But the stipulations that were placed
12 on the record are being carried forward without
13 change to this process. That was the intent.
14 Because there was a specified provision in the remand
15 order to carry forward a list of conditions that
16 Valley had agreed to. That's it. That wasn't --
17 that was the only intent by -- by that process.

18 MS. DOCKRAY: I just need to think
19 about it some more, if that's okay.

20 MS. RAZIN: Well, we are going to keep
21 going --

22 MS. DOCKRAY: Yeah, I'm just saying, I
23 need to think about it, because there were a couple
24 things in here I'm not sure that we all -- a couple
25 things that we all thought were a great idea and

1 there are a couple things that I thought might be
2 tweaked, so -- and I want to go back to the Board of
3 Ed letter because that was incorporated and I
4 remember something from there and I want to make sure
5 it makes sense basically what you put forth here, I
6 thought the Board of Ed letter said they didn't want
7 trucks ever going around the corner of Van Dien and
8 Linwood -- I'm sorry, Van Dien and Glen, ever. I
9 don't see that in here, but you're incorporating the
10 letter. So I want to go back and read it and then
11 see where we, you know, where we are on that. I just
12 think it's a lot to absorb at 11:10 at night.

13 MS. BIGOS: Mr. Drill, can -- can you
14 tell me please if the seven pages --

15 MS. DOCKRAY: Yeah.

16 MS. BIGOS: -- of conditions have been
17 reviewed by the professional staff?

18 MR. DRILL: Yes, they have.

19 MS. BIGOS: Okay. So then --

20 MR. DRILL: The professional staff
21 obviously cannot agree to anything on behalf of the
22 board because the board has to review it.

23 MS. RAZIN: I don't know if Chris --
24 and Chris hasn't looked at it. I don't know if Chris
25 has looked at it, but I mean --

1 MR. DRILL: Right.

2 MS. BIGOS: Chris and Blais.

3 MR. DRILL: The board counsel reviewed
4 it to make sure there were accurate. In other words,
5 that we weren't making stuff up or that we hadn't
6 left anything out.

7 MS. BIGOS: All right.

8 MS. DOCKRAY: We sat through all this
9 --

10 MS. RAZIN: But certainly, I mean, I --
11 understanding that it's 11:10 at night, but this is
12 not -- what I meant by my question is this is not the
13 first time you're agreeing that in a sense they came
14 from a prior --

15 MR. DRILL: Right.

16 MS. RAZIN: Prior -- prior proceedings
17 and --

18 MR. DRILL: And --

19 MS. RAZIN: -- they were generated then
20 --

21 MS. DOCKRAY: But I'm just saying I'm
22 not sure we agreed to all those things so...

23 MS. RAZIN: I understand. I
24 understand.

25 MS. DOCKRAY: So that's my --

1 MR. DRILL: And, again, we're not --

2 MS. DOCKRAY: We all had some different
3 perspectives on a few of those.

4 MR. DRILL: Without revealing any
5 confidences from the mediation, all I'm going to say,
6 this wasn't my idea.

7 MS. RAZIN: Let's move forward.

8 CHAIRMAN NALBANTIAN: All right.

9 MS. DOCKRAY: Charles, do you think --
10 it's 11:10? This is kind of a lot to absorb. Is
11 there any chance that --

12 CHAIRMAN NALBANTIAN: What I would like
13 to is while we have this fresh, I would like to
14 continue with the board in terms of its cross
15 examination of the witness. It's 11:10, it's still
16 not that late, we have a lot of ground to cover later
17 with the public who might have questions.

18 So why don't we begin cross-examination
19 and we can continue that at the next meeting.

20 Davie?

21 MR. THURSTON: I will pass for now.

22 CHAIRMAN NALBANTIAN: Nancy?

23 MS. BIGOS: Yes, I'm fine. Thank you
24 for your testimony.

25 CHAIRMAN NALBANTIAN: Susan?

1 COUNCILWOMAN KNUDSEN: Well, I have to
2 go back to the chillers, because I'm fascinated by
3 chillers. I don't know.

4 Do those get blocked with the green
5 screen? Is that -- what is the -- on the exterior of
6 that? I know we had a discussion about green screen
7 and that was to mitigate the effects of visual.

8 THE WITNESS: The efficiency of the
9 evaporation of the water coming from the cooling
10 towers, I would not recommend that the screen around
11 the cooling towers be blocked with green screening.

12 COUNCILWOMAN KNUDSEN: Okay. So if you
13 were to define the measurements, if I were, say, on
14 the -- let me just get this right, the east side of
15 the North building, the north side of the North
16 building and the south side of the North building,
17 what would the measurements be around those? Like,
18 how big is that? What's the size of the chiller?

19 THE WITNESS: Of the chiller or the
20 building.

21 COUNCILWOMAN KNUDSEN: Well, no, the
22 actual piece, that the -- the metal mechanical that
23 we're seeing that can't be covered with green screen.

24 THE WITNESS: I'll have to get that
25 answer for you tomorrow.

1 MR. DRILL: Are you asking if any part
2 of the chiller can be visible with that screen in
3 front of there --

4 THE WITNESS: No, she's asking --

5 MR. DRILL: -- or are you asking --

6 THE WITNESS: -- for the dimensions
7 around the --

8 MR. DRILL: Excuse me, did we measure
9 the screening the --

10 THE WITNESS: -- cooling towers.

11 COUNCILWOMAN KNUDSEN: I'm looking for
12 the size of the chiller.

13 THE WITNESS: Right.

14 COUNCILWOMAN KNUDSEN: Right. Maria
15 understood. She's got it.

16 MR. DRILL: Okay.

17 COUNCILWOMAN KNUDSEN: And then just
18 you mentioned the dewatering, I just want to go back
19 to that for a second. What was the number of the
20 dewatering, how many gallons per day?

21 THE WITNESS: 300,000 gallons a day,
22 but on average it would be running about 200,000
23 gallons per day.

24 The gallons per day would be dependent
25 upon rainfall and precipitation and the length of

1 time and the quantity of water that falls and then
2 percolates into the ground.

3 COUNCILWOMAN KNUDSEN: Right. So you
4 don't know the amount, you just know that it would be
5 the amount of --

6 THE WITNESS: Right.

7 MR. DRILL: We didn't hear what you
8 just asked. She heard what you asked but we didn't.

9 COUNCILWOMAN KNUDSEN: Sorry.

10 Okay. I'm just going to let someone
11 else go. And then I have a couple more questions.

12 Wait, let me ask one more question.

13 When you're talking about visual mass,
14 you kept mentioning 95,000 square feet of rooftop
15 mechanical, and those are 24 feet high?

16 THE WITNESS: Correct.

17 COUNCILWOMAN KNUDSEN: So that's 95,000
18 square feet of rooftop mechanicals is maybe like
19 58,000 square feet on the North building; is that
20 roughly -- could you tell me the breakdown of that on
21 each of those buildings?

22 THE WITNESS: Ok.

23 COUNCILWOMAN KNUDSEN: Let's start --
24 start there. Okay, and --

25 THE WITNESS: No, I'll -- you want an

1 answer, I want to give you as precise an answer as I
2 can.

3 COUNCILWOMAN KNUDSEN: Okay. So you're
4 going to get back to me.

5 THE WITNESS: Yes.

6 COUNCILWOMAN KNUDSEN: And then so my
7 -- while your calculating that in terms of square
8 footage if we were doing this ans an exercise in
9 floor area ratio, would you -- because floor area
10 ratio gives you the essence of visual mass; would
11 that be accurate? Like floor area ratio gives you an
12 idea of what the visual mass is.

13 MR. DRILL: Floor area ratio was
14 included below grade floor. When you do a floor area
15 ratio, it's not just above grade.

16 COUNCILWOMAN KNUDSEN: I understand, I
17 understand. But the above -- okay, let's rephrase.

18 The above grade floor area ratio.

19 Okay. Thank you. Thank you. That was helpful.

20 So when you talk about above grade
21 floor area ratio, it gives you like a sense of the
22 visual mass, do you think -- is that an appropriate
23 -- just to count that 95,000 square feet because it's
24 24 feet high. It is essentially two stories, is that
25 like if you would calculate the floor area ratio,

1 would that necessarily be counted twice, you went
2 through the exercise about the atrium --

3 THE WITNESS: All right.

4 MR. DRILL: Are you asking --

5 THE WITNESS: So it depends -- it
6 depends --

7 MR. DRILL: -- what's -- if there was
8 no roof on it, and it was screening, it wouldn't
9 count. So the board is saying that you'd rather have
10 the roof removed from the rooftop so it's not --

11 COUNCILWOMAN KNUDSEN: Well, no, no, I
12 think Maria understood what I was asking. I think --

13 THE WITNESS: Well, it also depends on
14 your definition of floor area ratio.

15 COUNCILWOMAN KNUDSEN: I can't hear you
16 because somebody else is speaking.

17 THE WITNESS: It depends on the
18 definition of floor area ratio, but in Ridgewood the
19 mechanical penthouse would be included in the floor
20 area ratio calculation.

21 COUNCILWOMAN KNUDSEN: Thank you.

22 MR. BRANCHEAU: I don't -- I don't
23 agree.

24 COUNCILWOMAN KNUDSEN: Okay. Oh, Blais
25 is disagreeing with something.

1 MR. BRANCHEAU: You know, when we -- in
2 the Master Plan we actually have --

3 MR. DRILL: You're not on. Your
4 speaker is not on.

5 MR. BRANCHEAU: Sorry. In the Master
6 Plan we actually have two different sections. One
7 section deals with intensity of use and the other one
8 deals with building mass. And in the intensity use
9 we talk about floor area ratio. And we talk about
10 the total floor area of the hospital includes below
11 grade floor area. But we exclude the rooftop area.
12 And we exclude the parking deck. The reason for that
13 is when we're talking about intensity of use, it's a
14 different concept than mass.

15 You could have a big empty warehouse
16 with very few employees, very few visitors, very
17 little traffic, but lots of mass.

18 On the other hand, you could have an
19 office building of the same size with lots of
20 employees, lots of activity, and that's much more
21 intensive, but has the same building mass. So we
22 make a distinction between -- and floor area ratio
23 is, at least for non-residential uses, is typically a
24 measurement of intensity of use.

25 You'll note that we don't use the term

1 floor area ratio in here, we just use --

2 COUNCILWOMAN KNUDSEN: Right.

3 MR. BRANCHEAU: -- because we're only
4 talking about one lot. We basically use an absolute
5 number. And it equates to a floor area ratio number.
6 You could -- you could calculate a percentage based
7 upon the floor area here.

8 On the other hand, when we talk about
9 building mass and building coverage in the plan, we
10 only are looking at above grade area because that's
11 all that really contributes to mass, although below
12 grade contributes to intensity of use; whereas some
13 above grade doesn't contribute to intensity of use
14 like a parking deck, the people are there already,
15 the structure is not contributing to the intensity,
16 it's just where they park.

17 And the same thing with rooftop
18 equipment, that's not contributing to the intensity
19 of the use, that contributes to mass and bulk.

20 So we're really treating them
21 separately and that's why I said we wouldn't really
22 count the rooftop equipment within the intensity of
23 use, the floor area ratio regulation.

24 COUNCILWOMAN KNUDSEN: Got it, okay.

25 Thank you.

1 MR. BRANCHEAU: We don't say, they're
2 not covered anywhere.

3 COUNCILWOMAN KNUDSEN: Right.

4 MR. BRANCHEAU: In fact, they exclude
5 mechanical space in an attic or in a basement that's
6 not used as work area.

7 MR. DRILL: Just so you know, we don't
8 think it would be the right thing to do, but if the
9 board wanted the roof taken off the mechanical
10 penthouse so it's no longer a penthouse and if you
11 wanted screening, we would do it. We don't think
12 it's the right thing to do, but we would do it --

13 COUNCILWOMAN KNUDSEN: No, no, and I
14 wasn't asking that question, I was asking...

15 THE WITNESS: And that's why I started
16 my answer with it depends on how you define floor
17 area ratio.

18 COUNCILWOMAN KNUDSEN: And I understand
19 you. I appreciate it. Thank you, Maria.

20 THE WITNESS: Different towns define it
21 differently.

22 COUNCILWOMAN KNUDSEN: Thank you.
23 That's my questions. Thank you.

24 CHAIRMAN NALBANTIAN: Paul?

25 MAYOR ARONSOHN: Thank you for your

1 testimony. I don't have any questions.

2 CHAIRMAN NALBANTIAN: I have a
3 follow-up question.

4 So for the mechanicals, other than the
5 screening around the various sizes --around the
6 varies sides, does that change at all, does that
7 change at all in terms of the size overall since
8 2014?

9 THE WITNESS: No, it did not.

10 CHAIRMAN NALBANTIAN: It was identical,
11 so just the screening that happens to be outside?

12 THE WITNESS: It was always screened,
13 it was now a different color, texture and the
14 addition of the potential green screen where
15 possible.

16 CHAIRMAN NALBANTIAN: Okay. And also
17 to follow along with the question with regard that
18 screening where the baffles are on the shutters --

19 THE WITNESS: The louver.

20 CHAIRMAN NALBANTIAN: The louvers,
21 thank you, is there any way of visually reducing the
22 visual impact of that, even though -- and still allow
23 also the air flow through there?

24 THE WITNESS: In my opinion you would
25 use a different color, I think.

1 CHAIRMAN NALBANTIAN: So color would
2 blend with the sky is that it?

3 THE WITNESS: That's correct.

4 CHAIRMAN NALBANTIAN: Okay. And then
5 on one of the charts that you have that talks about
6 the overall size, are you able to -- would you be
7 able to provide, what is it, above grade versus below
8 grade in terms of the change from 2016 and 2014? I
9 don't recall the exhibit number particularly, it's
10 the chart.

11 MR. DRILL: It's either Exhibit 14 --
12 it's either Exhibit 15 or Exhibit 16 or A-15 or A-16.

13 THE WITNESS: Right.

14 MR. DRILL: I guess it's A-15, that's
15 -- that's A-16, that is up there. But we'll go back
16 one exhibit? Yes, could you -- yes, move it up a
17 little. There you go.

18 MS. RAZIN: Is there -- I think -- I
19 think we're talking about -- what Charles is asking,
20 I don't want to speak for him, but I think what
21 Charles is asking is there a difference from 2014 and
22 2016, in terms of what's above grade and then
23 although -- is there any difference whatsoever -- is
24 there any difference between what's below -- and also
25 is there a difference between '14 and '16 below

1 grade, below grade to below below grade in '14 and
2 '16, above grade to above grade '14 to '16? I know
3 this is -- I know this number, but it's not depicted
4 numerically on this chart. I think that's what
5 Charles wants.

6 CHAIRMAN NALBANTIAN: Yes.

7 THE WITNESS: Okay. So the below grade
8 floor area in 2013 and '14 is being reduced by 2,500
9 square feet in the 2016 Master Plan Amendment.

10 The rest of the change in the building
11 floor area calculations are taken from the above
12 grade structures.

13 So the North building loped off a level
14 at 58,000. We did a wedding cake that came closer to
15 Van Dien that added square footage, and then we
16 agreed to take an additional 5,000 square feet off
17 the North building above grade, and then the only
18 below grade that we agreed to was the 2,500 square
19 feet in this go-round.

20 So out of the 34,000 square feet
21 difference between 2013 and 2014 to 2016 is 31,500
22 square feet is attributable to above grade structures
23 and 2,500 square feet is attributable to below grade
24 structures.

25 CHAIRMAN NALBANTIAN: Thank you.

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Richard?

VICE CHAIRMAN JOEL: No questions,
thanks.

CHAIRMAN NALBANTIAN: Kevin?

MR. REILLY: No questions.

CHAIRMAN NALBANTIAN: Wendy?

MS. DOCKRAY: Okay. I do have a few.
Somehow I always end up asking my questions in the
middle of the night. I don't know why that always
happens, but here we go.

Can we go back to the slide that has
the simulation from Meadowbrook?

THE WITNESS: Sure, that's A-9 and
A-10.

MR. DRILL: The long view or the short
--

MS. DOCKRAY: No, the closer one, the
close-up one. I'm sorry.

THE WITNESS: A-10.

MS. DOCKRAY: Yes, that's it. That's
it.

THE WITNESS: A-10.

MS. DOCKRAY: Okay. It's hard for me
to see here, but what are those slats on the top of
the penthouse? You know I see -- is that -- I see

1 the gray frame, and the blue frame what is -- what is
2 that, the gray slats that I'm looking at there?

3 THE WITNESS: Oh, it's an architectural
4 feature to provide an eyebrow or shadow effect to
5 define the top of the building.

6 Again -- this is all up to --

7 MS. DOCKRAY: They're not the louvers?

8 THE WITNESS: You're talking about this
9 line right here (indicating).

10 MS. DOCKRAY: No, well, come down.
11 Those lines. Are those the louvers?

12 THE WITNESS: These?

13 MS. DOCKRAY: Yes.

14 THE WITNESS: Yes.

15 MS. DOCKRAY: That's louvers?

16 THE WITNESS: And again the vertical
17 representation was in line with keeping the window
18 mullions of the patient floors below.

19 Again, this is an architectural feature
20 that can be discussed at site plan application.

21 MS. DOCKRAY: But it's not something
22 you could put green screen over.

23 THE WITNESS: No.

24 MR. DRILL: She's correct.

25 THE WITNESS: The green -- the green

1 screen is intended to go in between the louvers.

2 MS. DOCKRAY: Okay.

3 So, in general, can you tell me then
4 what percent of the penthouse will be green-screened?
5 It would seem very, very small as a -- as a percent
6 of an area that is presented.

7 THE WITNESS: I would guess on the east
8 -- on the westerly side of the North building you're
9 probably talking about 15 to 20 percent.

10 MS. DOCKRAY: Is that true all the way
11 around.

12 THE WITNESS: No. Because if you go to
13 the northern elevation which is -- yes, A-14, yes,
14 A-14, you can see that most of that side is louvered.

15 MS. DOCKRAY: Oh, my goodness. Okay.
16 So there would be really no green screen there or
17 very, very little.

18 THE WITNESS: Very little.

19 MS. DOCKRAY: Okay. While you have
20 that picture up, you said that this was a simulation
21 on a photograph taken in 2010?

22 THE WITNESS: That's correct.

23 MS. DOCKRAY: Okay. So is there any
24 chance you have the original picture of what is
25 exactly, what is there from 2010 so we can --

1 THE WITNESS: Yes. These pictures were
2 taken with a digital camera. I have the jpeg on my
3 computer in the office.

4 MS. DOCKRAY: Pardon?

5 THE WITNESS: These pictures were taken
6 in 2010 with a digital camera, they are jpeg files,
7 they're on my computer in my office. I sent them to
8 the architect, Steve Evers, his firm designed this
9 building, asked him to reduce the height of the
10 building by eliminating the fifth floor and then
11 superimpose the two scale version of the buildings in
12 each one of these digital images.

13 MS. DOCKRAY: Right.

14 THE WITNESS: This is not unlike some
15 of the images you may or may not have seen of the
16 depiction of the parking garage. Again, a digital
17 photograph upon which an architect superimposed the
18 proposed --

19 MS. DOCKRAY: Right. I was just trying
20 to figure out, okay, as I look at this, where am I
21 standing compared to if I were standing there now,
22 where am I? And how is what I see now compared to
23 what I would see in this picture?

24 THE WITNESS: This fence (indicating)
25 is the fence that separates the parking area which is

1 to the left of this picture, from the field. The
2 track is running around the perimeter of the whole
3 field. Right now there is a series of red wood
4 colored sheds or utility buildings in this location
5 (indicating).

6 MR. DRILL: On the school property.

7 THE WITNESS: On the school property.

8 And at that time there was a ball field
9 in the foreground and also another ball field in the
10 southeast corner of the Benjamin Franklin Middle
11 School. So this is infield clay or sand, grass in
12 the outfield, and on this ball field, this is the end
13 of the infield and beginning of the outfield
14 (indicating).

15 CHAIRMAN NALBANTIAN: Before the
16 running tracks were installed.

17 MS. DOCKRAY: Right, right, I
18 understand. I just -- I cannot grab the -- it looks
19 pretty immense to me, but I don't know I'm going to
20 go back over to Benjamin Franklin and see how it
21 looks now to get the sense of -- I was like, oh, it
22 would be nice to -- because it looks so immense to
23 me, you can see how it looks compared to what's there
24 now.

25 But if you don't have it, that's okay.

1 And I know we're not supposed to
2 compare things to what exists now, but just in terms
3 of visual, sometimes that happens, it makes it
4 easier.

5 The last thing is under the simulation,
6 did you do any without trees -- tree and leaves, you
7 know, without leaves on the trees?

8 THE WITNESS: Did I do any simulations
9 without the landscaping?

10 MS. DOCKRAY: Yeah, without -- well,
11 without the leaves on the trees? Just, you know,
12 December or January as opposed to midsummer.

13 THE WITNESS: We took the pictures in
14 June of 2010.

15 MS. DOCKRAY: Yeah, so you didn't do
16 any when the leaves were off the trees. Okay.

17 So -- and let's see, I have a -- I'll
18 ask Blais later, I think.

19 I have questions about the conditions,
20 but I really would like to think about them some more
21 and go back to the letter of the Board of Education
22 and if you don't mind, okay. That was a lot to
23 absorb all at once, to be really honest.

24 So, thank you.

25 CHAIRMAN NALBANTIAN: Thank you.

1 Debbie?

2 MS. PATIRE: Everyone asked the
3 questions I had so.

4 CHAIRMAN NALBANTIAN: Khadir, any
5 questions?

6 MR. ABDALLA: Just a quick
7 clarification about the green screens and the colored
8 green walls which you described.

9 It's my assumption, and correct me if I
10 am wrong, that whatever green wall or green screen
11 that its going to be installed, it's going to be a
12 full grown green wall; correct? Meaning that the
13 vegetation, we're not -- we're not expecting some
14 gray structure with some ivy waiting to grow in a
15 month or is it going to be a fully grown system that
16 is going to be installed to look green for the entire
17 time?

18 THE WITNESS: There are various systems
19 that are manufactured, some of the sub-structures are
20 a green pattern, they're usually a heavy gauge metal
21 wire. Some of them are vertical wires that look like
22 strings upon which the individual greenery grows in a
23 vertical fashion.

24 This is certainly open to a site plan
25 application where we can present different types of

1 green screen walls. And we can discuss the
2 preferences at that time.

3 MR. ABDALLA: Thank you.

4 MS. PATIRE: Charles, can I ask a
5 question.

6 CHAIRMAN NALBANTIAN: Yes.

7 MS. PATIRE: Sorry. I recognized that
8 you asked a lot of them but I'm just curious, Maria,
9 it sounds like you have wonderful experience and
10 you've been a lot of places.

11 But a couple of things you had
12 mentioned about, you know, the outdated Phillips
13 building, the new operating rooms, the new
14 technology, can you talk a little bit about some of
15 the technology and things that we have at The Valley
16 Hospital should this happen? Can you talk a little
17 bit about that?

18 MR. DRILL: She can if you want her to.

19 MS. PATIRE: Are we not allowed to.

20 CHAIRMAN NALBANTIAN: I think it's in
21 the testimony --

22 MS. RAZIN: Yes, it's --

23 MS. PATIRE: Yeah, I read some of that.
24 I just -- I kind of understood --

25 MS. RAZIN: Let me see if I -- I will

1 try to find out for you.

2 MS. PATIRE: I read the bible, as I
3 call it.

4 MS. RAZIN: Yes, I will try to narrow
5 it down where it and if there's anything that's
6 really specific.

7 MS. PATIRE: I'm just saying that when
8 that was submitted, technology changes in the course
9 of a day so I am curious based on her experience and
10 what she's been doing if anything has been, you know,
11 updated from --

12 MS. RAZIN: You know --

13 MS. PATIRE: -- since that -- so --

14 CHAIRMAN NALBANTIAN: Some of the
15 questions were answered in the past so Mike can --

16 THE WITNESS: All right. First of all,
17 I am going to tell you that in order to accommodate
18 things like a biplane neurointerventional suite, in
19 our current ORs we had to take two ORs and three bays
20 out of the recovery space in order to do that. And
21 as you know we're a designated stroke center. And in
22 order to do that our -- there isn't enough room in
23 our operating rooms to accommodate that nor are there
24 the appropriate mechanical air systems that needed to
25 be changed out in order to do that, which require

1 greater floor to ceiling heights so the duct work can
2 be above that technology.

3 You know we would continue to have MRIs
4 and CAT scans. It's a matter of accommodating the
5 technology for which we do not have appropriate floor
6 to ceiling heights, as we move forward, most of it to
7 improve and increase our equipment for what we have.

8 MS. PATIRE: Okay, thank you.

9 MS. RAZIN: Can I say --

10 COUNCILWOMAN KNUDSEN: Can I just ask
11 -- I had another question.

12 MS. RAZIN: Go ahead. I had a question
13 on the slide, but go ahead.

14 COUNCILWOMAN KNUDSEN: Okay. I wanted
15 to ask a question too on the slide.

16 So, Maria, just so I understand, so we
17 had a conversation about these green screens, green
18 screens are essentially to mitigate the visual
19 appearance of this mass.

20 But we're understanding now that there
21 can be no green screening along the north side of the
22 North building now; is that correct? Based on this
23 image and your statement that that whole side of the
24 24-foot high mechanicals is all louver, so then what
25 I'm to understand is that along the north side of the

1 North building there can be no green screen up there?
2 Just I mean it's --

3 THE WITNESS: As depicted in this
4 exhibit, yes.

5 Can we challenge the engineers to come
6 up with larger areas or defined areas of louvers and
7 place equipment within the penthouse so that we can
8 reduce the surface area for louvers? I think that
9 that's a challenge we should give to the engineers.

10 COUNCILWOMAN KNUDSEN: So then if I
11 were standing, I guess in the southeast corner on
12 Steilen towards the southeast location of the North
13 building then that side too, is that all louvers as
14 well, the opposite side.

15 THE WITNESS: No. There is some of the
16 enclosed penthouse and there is where the cooling
17 tower area begins. Then the lower there is a smaller
18 area of mechanical equipment and that view you saw in
19 Exhibit A-13 from the back of --

20 COUNCILWOMAN KNUDSEN: So if you --

21 THE WITNESS: A-13 --

22 COUNCILWOMAN KNUDSEN: If you could go
23 back, I would like to just scoot back to that one --

24 THE WITNESS: Sure.

25 COUNCILWOMAN KNUDSEN: For a moment.

1 THE WITNESS: It's only one exhibit
2 back. It's A-13.

3 COUNCILWOMAN KNUDSEN: Okay.

4 THE WITNESS: So you got -- that's the
5 southeast -- south elevation facing you east on the
6 side, here's the mechanical penthouse which ends and
7 the cooling tower location begins.

8 COUNCILWOMAN KNUDSEN: Okay.

9 THE WITNESS: And down on the lower
10 floor, at the end of level four, there's a small area
11 here of mechanical equipment (indicating).

12 COUNCILWOMAN KNUDSEN: And so, going
13 back to that area that we saw, let's look at the --
14 the lower right part of the mechanicals. That seems
15 to be with the bricks around it.

16 Now, what is -- what would that
17 material be? Because we're actually -- we're kind of
18 not seeing that because presumably those shrubbery
19 was Photoshopped in there. Is that what you've added
20 just to give it --

21 THE WITNESS: Right. In here,
22 actually, it was part of the shrubbery that was in
23 the back yard at that time.

24 COUNCILWOMAN KNUDSEN: Oh, that's
25 existing.

1 THE WITNESS: However -- however --

2 COUNCILWOMAN KNUDSEN: Okay.

3 THE WITNESS: Again, I would venture to
4 guess that some of this is architectural in nature in
5 order to repeat the rhythm, and we can look at --
6 again, the placement of the louvers and where to
7 create areas to either change the material of the
8 brick at this level. It's a solid base. Or, you
9 know, to do something else architecturally in texture
10 and color.

11 COUNCILWOMAN KNUDSEN: Okay. And
12 again, that's just -- that's mechanical there?

13 THE WITNESS: From what we know today,
14 as the building's designed today.

15 COUNCILWOMAN KNUDSEN: Okay. So now,
16 could you just go back one more time to the other
17 slide, the north side of the North building.

18 THE WITNESS: So go down to 14.

19 COUNCILWOMAN KNUDSEN: You know the
20 numbers? I know direction.

21 THE WITNESS: So, from the previous
22 slide, this is the wraparound that we saw
23 (indicating).

24 COUNCILWOMAN KNUDSEN: Okay.

25 THE WITNESS: Well, this level's the

1 patient rooms actually. This is level four coming
2 around here, so those are windows. And then this is
3 --

4 COUNCILWOMAN KNUDSEN: Where can I see
5 that? That's --

6 THE WITNESS: The material change. The
7 material change.

8 COUNCILWOMAN KNUDSEN: Okay. Then on
9 the very northeast corner of that North building,
10 that -- those -- that's a smokestack sticking out?
11 Is that what that is?

12 THE WITNESS: Correct.

13 The power plant is a two-story space,
14 in the area on the back side of the stair towers.
15 See these windows, these are in the stairs
16 (indicating).

17 And in order to avoid a freestanding
18 smokestack, as you visualize that --

19 COUNCILWOMAN KNUDSEN: We had that
20 whole conversation, right.

21 THE WITNESS: Right. You've extended
22 the enclosure around the smokestack so as to be
23 continuous as it's always been. That you see is what
24 protrudes from the top.

25 COUNCILWOMAN KNUDSEN: And do you know

1 the height of that? What that --

2 THE WITNESS: The height depends upon
3 the DEP telling us what the wind direction on a
4 normal day is and the dispersion of the flue gas that
5 comes out of the boilers, so...

6 COUNCILWOMAN KNUDSEN: Right. Now you
7 don't have them?

8 THE WITNESS: Typically -- typically,
9 your house should have a chimney that extends 4 feet
10 above the roof of your house.

11 So, by nature, it's going to be at
12 least 4 feet above the highest point in this
13 building.

14 But then again, the height will be
15 determined by the New Jersey Department of
16 Environmental Protection. We have no recourse to
17 make it any shorter.

18 COUNCILWOMAN KNUDSEN: Okay. Thank
19 you.

20 THE WITNESS: You're welcome.

21 MR. THURSTON: Maria, staying -- just
22 for a moment, staying on the louvers, the color could
23 be akin to what a green screen, would be; is that
24 correct?

25 THE WITNESS: Absolutely. Absolutely.

1 MR. THURSTON: So, you don't get the
2 actual vine, but you get the same coloring of it?

3 THE WITNESS: Correct.

4 COUNCILWOMAN KNUDSEN: I mean, I've
5 always been one that -- I mean I've seen vines on top
6 of a tall building, I mean unless it's a brownstone,
7 you know, it's like one of those crazy things that
8 just doesn't seem right to me.

9 But just to that point, I mean you're
10 just talking about changing the color. You're not
11 getting the spirit of, like, what we kind of agreed
12 to --

13 THE WITNESS: Right. That all can be
14 determined at the site plan application.

15 CHAIRMAN NALBANTIAN: If I can
16 interject on that point, I think the intention of the
17 language that Blais went through about -- the
18 language was there predominantly to allow, during
19 site plan, the ability to scrutinize and to maximum
20 the effectiveness of making the rooftop mechanically
21 blend with the sky to reduce the height factor.

22 THE WITNESS: That is correct.

23 CHAIRMAN NALBANTIAN: So, at site plan,
24 there can be a great deal of debate in architectural
25 emphasis from the board or from --

1 THE WITNESS: The materials, texture,
2 color.

3 CHAIRMAN NALBANTIAN: Right.

4 So, this is one concept to display that
5 material might blend with the sky, but green screens,
6 other materials, et cetera, would then occur at site
7 plan.

8 THE WITNESS: Yes.

9 CHAIRMAN NALBANTIAN: Okay.

10 COUNCILWOMAN KNUDSEN: Wait. I'm not
11 just missing that, I certainly know that. I think
12 it's an important conversation to have because it was
13 an essential part of mitigating the effect that to
14 understand that that entire north wall of the North
15 building, the 24 foot high mechanicals is -- has to
16 be louvers whether the front of it -- essentially,
17 you'd have 50 percent green screen covering. Is a --
18 is a -- it's significant, it's not insignificant or
19 inconsequential. So that's -- I -- I appreciate your
20 point, but I think that that's not inconsequential.

21 THE WITNESS: We appreciate that --

22 CHAIRMAN NALBANTIAN: I'm just saying,
23 we put a lot of time into that point at site plan.

24 MS. DOCKRAY: But it might not work.
25 It might not help.

1 COUNCILWOMAN KNUDSEN: That's actually
2 my point, thank you.

3 MS. DOCKRAY: It may not help. It
4 would have been, you know, I think we have to make
5 our judgement based on what we see.

6 COUNCILWOMAN KNUDSEN: Okay. Thank
7 you, Maria.

8 THE WITNESS: You're welcome.

9 MS. RAZIN: Can I ask a question?

10 COUNCILWOMAN KNUDSEN: Yes.

11 MS. RAZIN: Looking at this visually
12 are the mechanical penthouse, when you look at it
13 from this vantage point, it doesn't look like it's
14 setback, when you -- because of the rendering -- do
15 you want to call it rendering?

16 MR. DRILL: The sections.

17 MS. RAZIN: The sections.

18 If you look at it this way, it doesn't
19 look like it's setback, is it -- can you just confirm
20 if it's setback from -- from this vantage point, what
21 the setbacks would be?

22 THE WITNESS: Confirm what a setback
23 is.

24 MS. RAZIN: I'm sorry.

25 THE WITNESS: I will confirm what that

1 setback is.

2 MS. RAZIN: Okay. The setback from the
3 -- I'm not saying distance from here (indicating).

4 THE WITNESS: No. Right.

5 MS. RAZIN: I'm saying from the
6 building, the edge of the building.

7 THE WITNESS: Yes. Exactly, I will
8 confirm that.

9 MS. RAZIN: Thank you so much.

10 CHAIRMAN NALBANTIAN: Other questions
11 from the board?

12 (No response.)

13 CHAIRMAN NALBANTIAN: Okay. So...

14 MR. BRANCHEAU: Mr. Chairman, I have a
15 question.

16 CHAIRMAN NALBANTIAN: Yes, please,
17 Blais. Sorry.

18 MR. BRANCHEAU: Maria, could you put up
19 the exhibit that compared the before and after floor
20 area. There was a couple of them.

21 THE WITNESS: A-17.

22 MR. DRILL: A-16.

23 THE WITNESS: A-16 starts the --

24 MR. BRANCHEAU: Yes. I think that's
25 the one.

1 THE WITNESS: Okay.

2 MR. BRANCHEAU: And I was a little
3 confused by the numbers, particularly with the
4 indication that the Phase I to Phase II there was a
5 change of 458 and the right column. Whereas, if I
6 look at 961 in Phase II, and I compare that with
7 908,5 in Phase I, I get a difference of about,
8 53,500, I think it is. 525, I think. There's a
9 difference in there of about 7,000 square feet that I
10 don't know where --

11 MR. DRILL: The arithmetic's wrong, the
12 961 minus 908?

13 MR. BRANCHEAU: Minus 908 isn't 45,8.
14 It's something higher than that. And I don't know
15 where the mistake is.

16 MR. DRILL: There's obviously a
17 mistake. So, we're coming back in any event, we're
18 going to have to correct that.

19 Thank you.

20 MR. BRANCHEAU: Thank you.

21 THE WITNESS: So it's 53. Okay.

22 CHAIRMAN NALBANTIAN: Thank you, Blais.

23 MR. BRANCHEAU: You're welcome.

24 CHAIRMAN NALBANTIAN: Okay. So, I
25 think what we'll do is wrap up now -- wrap up now and

1 continue tomorrow with any follow up questions from
2 the board and then have the public questions for
3 these issues -- for the witnesses tomorrow. Is that
4 good for everyone? Is anyone not going to be here
5 tomorrow?

6 FEMALE AUDIENCE MEMBER: Can we just
7 find out how many people have questions right now?

8 FEMALE AUDIENCE MEMBER: I'm not going
9 to be here.

10 MR. VOIGT: Yeah, I -- I --

11 CHAIRMAN NALBANTIAN: Yes.

12 FEMALE AUDIENCE MEMBER: Because if
13 it's, like, only three people so I'm sure we can get
14 them done.

15 MR. VOIGT: So -- so supposing you're
16 -- you're not around to address these particular
17 witnesses --

18 CHAIRMAN NALBANTIAN: I'll allow you to
19 ask tonight --

20 MR. VOIGT: -- can you ask the questions
21 at a later time or no?

22 CHAIRMAN NALBANTIAN: As long as the
23 witness --

24 MR. VOIGT: You know, because, you
25 know, I may not be around tomorrow to ask these

1 people questions.

2 FEMALE AUDIENCE MEMBER: Right.

3 MR. VOIGT: I'd like to ask -- I have
4 several questions for these people. I'm not going to
5 be here early tomorrow evening. I'll be here later.
6 I want to ask -- you know, are you going to let
7 people ask these questions, but I'd like to ask some
8 questions.

9 COUNCILWOMAN KNUDSEN: So --

10 CHAIRMAN NALBANTIAN: Does the board
11 think it's okay if we continue a little bit and open
12 to the public and allow public to --

13 MR. VOIGT: Yeah.

14 MR. DRILL: That's fine with us. We'll
15 stay as long as you want.

16 CHAIRMAN NALBANTIAN: Why don't we
17 continue so people in the audience can ask questions
18 if they're not going to be here --

19 COUNCILWOMAN KNUDSEN: Or conversely, I
20 mean, I'm just looking at the clock. We could
21 actually -- sorry, Jon.

22 We could actually have Maria come back
23 on -- not tomorrow.

24 MR. DRILL: No, no.

25 FEMALE AUDIENCE MEMBER: How many

1 people -- how many people have questions?

2 CHAIRMAN NALBANTIAN: Well, let's not
3 -- I think we should continue. Thanks for bringing
4 that up.

5 All right. So, is there a motion to
6 open to public questioning for the witness?

7 VICE CHAIRMAN JOEL: Motion to open to
8 public questioning.

9 CHAIRMAN NALBANTIAN: Is there a
10 second, please?

11 MR. THURSTON: Second.

12 CHAIRMAN NALBANTIAN: Mike, please call
13 the roll. All in favor?

14 (Whereupon, all Board Members respond
15 in the affirmative.)

16 CHAIRMAN NALBANTIAN: Anyone opposed?

17 MR. CAFARELLI: Mayor Aronsohn?

18 MAYOR ARONSOHN: Yes.

19 MR. CAFARELLI: Ms. Bigos?

20 MS. BIGOS: Yes.

21 MR. CAFARELLI: Councilwoman Knudsen?

22 COUNCILWOMAN KNUDSEN: Yes.

23 MR. CAFARELLI: Mr. Nalbantian?

24 CHAIRMAN NALBANTIAN: Yes.

25 MR. CAFARELLI: Mr. Joel?

1 MR. JOEL: Yes.

2 MR. CAFARELLI: Mr. Reilly?

3 MR. REILLY: Yes.

4 MR. CAFARELLI: Ms. Dockray?

5 MS. DOCKRAY: Yes.

6 MR. CAFARELLI: Mr. Thurston?

7 MR. THURSTON: Yes.

8 MR. CAFARELLI: Mr. Abdalla?

9 MR. ABDALLA: Yes.

10 MR. CAFARELLI: Ms. Patire?

11 MS. PATIRE: Yes.

12 CHAIRMAN NALBANTIAN: Mr. Voigt, again,
13 you have five minutes to ask your questions. So ask
14 them --

15 MR. VOIT: My questions are going to be
16 in rapid order.

17 CHAIRMAN NALBANTIAN: Great.
18 Excellent. Thank you.

19 Before you begin, please state and
20 spell your name and provide your address for the
21 record.

22 MR. VOIGT: Jeffrey Voigt, V-o-i-g-t,
23 99 Glenwood Road, Ridgewood, New Jersey.

24 This -- this relates to your initial
25 comments, it relates to the two lawsuits. I'm

1 assuming there's two different lawsuits or does this
2 particular -- this particular forum address the two
3 lawsuits, one against the Planning Board and the one
4 against the Village Council. I'm not sure about
5 that.

6 MS. RAZIN: I don't -- well, Mr.
7 Drill's going to object, but I don't think Maria's --
8 I don't think Maria's the appropriate witness to
9 answer --

10 MR. VOIGT: No, yeah. But you -- but I
11 wasn't allowed to ask this guy questions. You told
12 me to wait.

13 MS. RAZIN: You're not allowed to --

14 MR. VOIGT: You told me to wait.

15 MS. RAZIN: I --

16 MR. VOIGT: You told me to wait until
17 this time, so you got to let me do that.

18 MS. RAZIN: Sir, excuse me. There's no
19 reason -- we just extended the meeting. Everyone's a
20 little edgy because it's quarter to twelve, but let's
21 -- if we could just, let's keep it relaxed.

22 MR. VOIGT: Okay. Mr. Nalbantian,
23 remember you said I could not ask this question
24 until --

25 MS. RAZIN: Sir, right what I'm going

1 to explain to you --

2 CHAIRMAN NALBANTIAN: But we are --

3 MR. VOIGT: -- until it was --

4 MS. RAZIN: What I am trying to explain
5 to you is that if you ask a procedural question, we
6 will try our best, I'm sure, Mr. Nalbantian, myself,
7 Mr. Drill, would be happy to do our best to try to
8 answer a procedural question for you.

9 But for Maria's sake, let's try and get
10 --

11 MR. VOIGT: Okay. So, sir, can we put
12 this question saying okay for now --

13 MS. RAZIN: -- let's -- no --

14 MR. DRILL: With all due respect we're
15 not going --

16 MR. VOIGT: No, no, no.

17 MR. DRILL: -- the court reporter
18 cannot take down all these speakers at one time.

19 MS. RAZIN: Sir?

20 THE COURT REPORTER: No, I cannot.

21 CHAIRMAN NALBANTIAN: Please let
22 counsel --

23 MS. RAZIN: Let's try and be --

24 CHAIRMAN NALBANTIAN: -- respond to the
25 question.

1 MS. RAZIN: I'm happy to answer any
2 legal questions you have.

3 Mr. Drill can answer a legal question,
4 but I'm not going to do it while there's people
5 waiting to ask Ms. Mediago questions.

6 MR. VOIGT: Got it. Okay. That's fair
7 enough.

8 Your, your, your rendition in A-14, I
9 think is a bit deceiving to be honest with you. It
10 looks like the City of Oz from three miles away.

11 I would respectfully ask that -- and
12 this is a request, that you take an actual more
13 recent photo of that, probably closer to the building
14 so we can actually see what it looks like. Because
15 I'll tell ya, that is really deceiving.

16 CHAIRMAN NALBANTIAN: What are your
17 questions, please?

18 MR. VOIGT: That's my -- my question
19 is: Can you take another picture that actually looks
20 realistic?

21 CHAIRMAN NALBANTIAN: Next question,
22 please.

23 MR. VOIGT: Got it.

24 The question on dewatering, does that
25 mean less watering or more watering? Can you talk

1 about dewatering?

2 CHAIRMAN NALBANTIAN: Next question.

3 MR. VOIGT: Got it.

4 You talk about blasting being
5 controlled, and then you mention that you're going to
6 have -- you're going to gain permission from the
7 households around the area; is that correct? That's
8 a question. Okay.

9 My next question is: Supposing the
10 houses do not want to have blasting happen, what do
11 you do?

12 My last question is: Continuous
13 monitoring of air containment systems, where will
14 these systems reside, in what locations? That will
15 be helpful to know.

16 Thank you.

17 MS. RAZIN: Can I just comment very
18 quickly, I think the first question is that the --
19 the first question is up to Maria and Mr. Drill.

20 The last three on dewatering, blasting,
21 and continuous monitoring are all conditions that
22 were stipulated to. Whether or not, ultimately,
23 that's -- we're going to have further discussion on
24 them is another issue, but there are conditions that
25 have not changed since 2013 and 2014. So they're not

1 part of Maria's testimony.

2 One is Maria's testimony, that's why I
3 asked Mr. Drill where they -- did it come from the
4 transcripts and were they potential stipulations or
5 testimony from other witnesses during those
6 proceedings or come from exhibits during those
7 proceedings from other witnesses, not necessarily
8 Maria during this proceeding.

9 So those are -- and they were not
10 changes, so I don't --

11 CHAIRMAN NALBANTIAN: And they're in
12 the record?

13 MS. RAZIN: And they're in the record.
14 So, as to question one --

15 MR. DRILL: Yes, I can answer question
16 one. The others, I agree, are inappropriate
17 questions. There's one lawsuit. I filed a complaint
18 in lieu of prerogative writ.

19 COUNCILWOMAN KNUDSEN: Can you speak
20 into the microphone.

21 MR. DRILL: It had two counts.

22 CHAIRMAN NALBANTIAN: Jon, can you say
23 it in the mic?

24 COUNCILWOMAN KNUDSEN: Can you speak
25 into the microphone? I would can't hear you.

1 MR. DRILL: You can't?

2 MS. RAZIN: That was not the question.
3 The question was that was -- that was not question
4 one. Question one was about the request for
5 additional pictures. Let's deal the legal issues
6 off.

7 MR. VOIGT: Okay.

8 MR. DRILL: We can't get the picture
9 done with the -- with the simulation done in time
10 with respect to the remand order, so we have to
11 respectfully turn down your request.

12 CHAIRMAN NALBANTIAN: Okay.

13 Now, please come forward. State your
14 name, spell your name, and your address.

15 MS. VERMYLEN: Hello. My name is Jiffy
16 Vermylen. That's spelled J-I-F-F-Y. Last name, "V"
17 as in Victor, E-R, "M" as in Mary, Y-L-E, "N" as in
18 Nancy, 241 North Walnut Street, Ridgewood, New
19 Jersey.

20 Question pertaining to qualifications
21 discussed by the witness. First question is: Are
22 you a LEED accredited professional?

23 Second question would be: Is anyone on
24 the your Valley staff or involved in the project a
25 LEED accredited professional?

1 And I'm wondering if you can describe
2 prior experience of yourself and/or Valley with
3 respect to sustainable design and construction,
4 specifically implementation, experience with the
5 conditions listed with respect to air quantity
6 monitoring.

7 MS. RAZIN: Thank you.

8 CHAIRMAN NALBANTIAN: Did you get that,
9 Laura?

10 MS. VERMYLEN: I know I speak quickly.

11 MS. RAZIN: It's okay. I just couldn't
12 get all of them.

13 THE WITNESS: Regarding my -- whether
14 I'm a LEED accredited professional, no I, am not.

15 However, there are four people on my
16 staff that are. And every single member of the
17 Torcon Construction team is currently on site and
18 would be part of this project construction are.

19 The architects for this project
20 maintain a full staff of LEED accredited
21 professionals. And the engineers are as well, our
22 engineers.

23 And to the extent that we can employ --
24 a goal of this project, is to have -- to obtain the
25 most LEED credits that are possible. There are some

1 elements of green that cannot because of our site and
2 or location in Ridgewood that are thing we couldn't
3 change.

4 But Valley Hospital -- I don't know if
5 you saw it in The Record today, we are committed to
6 sustainability in everything we do.

7 CHAIRMAN NALBANTIAN: Thank you for
8 your question.

9 MS. ROMERO: Marisol Romero,
10 M-A-R-I-S-O-L, R-O-M-E-R-O, 258 Steilen Avenue,
11 Ridgewood, New Jersey.

12 Basically, all my questions relate to
13 the redline of landscape and design features. And
14 especially after seeing the pictures, I have a lot of
15 questions. So, I'll just go down them quickly.

16 Will the existing -- excuse me -- will
17 the existing cement wall that's along Steilen Avenue,
18 you know, be removed and replace them with a 20-foot
19 wall?

20 Who will determine the types of
21 vegetation that will be planted? And the reason I
22 ask that, are seasonal allergies taken into
23 consideration when selecting the vegetation? A lot
24 of people, including my son, has extremely severe
25 seasonal allergies.

1 Will the trees be evergreen and mature
2 in height? Can it be required that they be at least
3 a minimum number of feet in height? Like, for
4 example, I don't want a Charlie Brown Christmas tree
5 in my backyard along the Steilen Avenue border
6 especially.

7 Can -- and -- and I know you already
8 said you can't, but I was disappointed that visual
9 pictures were only in the summer because six months
10 out of the year -- and I know this because I stare at
11 the hospital from my backyard -- it's a big
12 difference. When you see, you know, vegetation, the
13 trees in the back with leaves on it and then without.
14 So, I am disappointed that all these renderings are
15 during the summertime and not during the winter
16 because then, especially with a max building, you're
17 going to see a lot more of the height of the
18 hospital.

19 Are the 20-foot high chillers included
20 in the final heights of the buildings or would it be
21 on top of the height of the buildings? So I know,
22 for example, I think the final height of the Cheel
23 building, which I don't know if it has chillers on
24 it, is 65. So if it has a chiller on it, are we
25 saying it's 65 plus 24?

1 With a green roof -- because I've been
2 hearing about a green roof, a green screen, would a
3 green roof even be visible from the street if the
4 building is so high, and is that vegetation also
5 evergreen? Is the setback on Steilen Avenue -- and
6 again, I'm going to use the example the Cheel
7 building, of 70 feet, taken from the property line or
8 the existing cement wall because --

9 MR. DRILL: Repeat that one.

10 MS. ROMERO: Okay. Is the setback on
11 Steilen Avenue -- and I'm using the example of the
12 Cheel building, which is going to be 70 feet, is it
13 taken from the property line or the existing cement
14 wall?

15 Because technically, the cement wall
16 which is currently there, sits on the hospital
17 property line.

18 So then, if I'm assuming it's really
19 not 70 feet from the cement wall, it's really before
20 that. And I just want to confirm that.

21 And then the other two, like you said,
22 if it has to do with the blast question, it's not
23 appropriate right now, correct?

24 MS. RAZIN: Yes.

25 CHAIRMAN NALBANTIAN: If it's regarding

1 the previous testimony, no.

2 MS. ROMERO: It was will houses --

3 CHAIRMAN NALBANTIAN: Ask the question
4 -- you have to ask the questions and if they can be
5 answered they will be answered today.

6 MS. ROMERO: Okay. I'll ask it, okay.
7 I'm sorry. Thank you.

8 CHAIRMAN NALBANTIAN: If it's not, they
9 will not answer it.

10 MS. ROMERO: Will houses on Steilen
11 Avenue also be checked for damage in regards to
12 blasting?

13 And then, again, I don't know if this
14 is appropriate, but why would you build up the Cheel
15 building in Phase I to 208,000 square feet to then
16 lower it to 193,000 square feet in Phase II?

17 That's it.

18 MS. RAZIN: Thank you.

19 CHAIRMAN NALBANTIAN: Thank you for
20 your questions.

21 Was everybody able to get those okay?

22 THE WITNESS: All right. I think the
23 first question has to do with the wall along Steilen
24 Avenue. The existing concrete wall that exists along
25 Steilen Avenue adjoining properties would be removed.

1 There is a section of the northeast corner of the
2 site that has the 20-foot high wall with the
3 landscape buffer.

4 And then the remainder of the property
5 line has a fence, and we talked about material in all
6 of the Master Plan Amendments.

7 So whether it's a vinyl fence or some
8 other structure, that was to be determined during
9 site plan application.

10 MR. DRILL: The next question was: Who
11 will determine the vegetation. Her son has
12 allergies.

13 THE WITNESS: The project team consists
14 of landscape architects who will propose the types of
15 vegetation that will be in conjunction with what the
16 ordinance is asking for us to plant.

17 And I'm sure we can direct the
18 landscape architects to look at the types of
19 plantings in order to minimize the effect of those
20 plantings on seasonal allergies.

21 Again, there's a whole cadre of
22 plantings. I'm sure Blais will help us out in
23 reviewing what we plant.

24 MR. DRILL: Will they include
25 evergreens?

1 THE WITNESS: Yes, they will.

2 MR. DRILL: Are they going to be
3 planted at a certain minimum height?

4 THE WITNESS: The intent along the
5 20-foot high wall section along the Steilen Avenue
6 wall property was to block the view of residents on
7 their second floor looking towards the hospital.

8 So it's a sloped berm. Actually, it's,
9 you know, two walls, one is 20-feet closest to the
10 whole hospital and a lower wall which --

11 CHAIRMAN NALBANTIAN: Can you speak
12 into the microphone.

13 MR. DRILL: Again, are you referring to
14 Slide 10 on Exhibit A-12?

15 THE WITNESS: Yes, I am. A 6 or 8 foot
16 wall on the lower side, with a berm planted in the
17 middle and then evergreens, you know, on top of that.
18 Again, that was proposed.

19 MR. DRILL: Does this section show that
20 the top of the evergreens exceeds the top of the
21 wall?

22 THE WITNESS: Yes, it does.

23 MR. DRILL: You took pictures only
24 during the summer, can you do winter simulations
25 without the trees?

1 Again, I answered the same question,
2 respectfully, we can't. The remand order is on a
3 tight, tight timeframe and we can't do the additional
4 simulations to comply with the order.

5 The next one -- her question was: Are
6 the 20-foot chillers included within the screening or
7 do the 20-foot chillers extend above --

8 MS. RAZIN: Are they included in the
9 height calculation.

10 THE WITNESS: Okay. So, I don't
11 believe I said the chillers are 20-feet tall.

12 The area that they sit in would be
13 screened at the same height or slightly shorter than
14 the 24 feet depending upon the mechanical absorption
15 rate that needs to be achieved with chillers.

16 They are included within the 24 feet of
17 the penthouse height, so there's the four floors of
18 56, plus 24 feet of mechanical penthouse. It
19 includes the chiller area.

20 So, for an overall, 80 feet. It's not
21 another 24 feet on top of the 80.

22 MS. DOCKRAY: It's not 20 feet above
23 the 80?

24 THE WITNESS: No.

25 MS. DOCKRAY: It's not.

1 THE WITNESS: Nothing will be above
2 80 feet, with the exception of the smokestacks that I
3 cannot -- they're going to be at least 84 feet, but I
4 guarantee you the DEP's going to make them a little
5 bit taller.

6 MR. DRILL: The next question was:
7 Would the green roofs be visible from the streets
8 since they'll be up so high? The question implies
9 that they're going to green roofs higher than the
10 first level buildings.

11 THE WITNESS: The green roofs would be
12 on the roof of the first floor projections and on the
13 westerly side of the North building. On the westerly
14 side of the West building. There is currently a
15 green roof between the Bergen building and the
16 Phillips building which will be reinstated after the
17 garage is built. There is a green roof on the
18 loading dock canopy. And wherever else there is an
19 ability to add green roofs, I think Blais testified
20 that depending upon structural concerns, whether or
21 not it's a full planted green roof, or some green
22 screen wall, it needs to be calculated as to its
23 place.

24 MR. DRILL: The next question was --

25 MS. RAZIN: But, just -- but, you'll --

1 but they're not -- so would they be visible? I think
2 the question would be: Are they going to be visible
3 as green? You would see them as green? I think
4 that's the question, would you see them as green.

5 THE WITNESS: I can't opine on the ones
6 that are taller than the first floor roofs.

7 MS. RAZIN: No, correct. But that's --
8 I think that's the question. The first floor -- the
9 ones that were testified to this evening at first
10 floor, you'll see them as green because they're at
11 the first floor level.

12 THE WITNESS: Absolutely, absolutely.

13 MS. RAZIN: Okay. I think that's the
14 question.

15 MR. DRILL: Right. I was saying, the
16 question assumed it was higher. I was trying to --

17 MS. RAZIN: Right. So they're not
18 going to be ones that are -- so the question, I
19 think, right is sort of -- not the ones that are
20 higher, if they're not higher than the first floor
21 which means the ones on the first floor will be
22 visible, but they're not going to be placed higher
23 than the first floor, right?

24 THE WITNESS: The loading dock canopy
25 because of the --

1 MS. RAZIN: Loading dock.

2 THE WITNESS: -- the slope on the back
3 -- on the eastern side of the site would be taller
4 than the first floor.

5 CHAIRMAN NALBANTIAN: So I would assume
6 that that would be --

7 THE WITNESS: In between the first and
8 second --

9 CHAIRMAN NALBANTIAN: -- visible to the
10 homes on Steilen Avenue?

11 THE WITNESS: Absolutely. On the
12 Steilen Avenue, from the ball field, from our own
13 site as well.

14 MR. DRILL: Okay. The next question
15 was: Are the setbacks on Steilen Avenue measured
16 from the property line or the concrete wall?

17 THE WITNESS: From the property line.

18 MR. DRILL: The ninth question was --
19 oh, are the houses on Steilen going to be -- have to
20 survey. And so the question really is: Are the
21 houses on Steilen within that...

22 THE WITNESS: Cone of depression?

23 MR. DRILL: Yes, the cone of
24 depression.

25 THE WITNESS: Not all of them are.

1 MR. DRILL: But I believe that we said
2 during the 2013-2014 -- I'm just thinking about this
3 now, it's not in the conditions, that if anyone else
4 wanted their house checked, we would add them onto
5 the list.

6 THE WITNESS: Correct.

7 MR. DRILL: So, we said it. And I did
8 not purposely not put it in that list of conditions,
9 but it's just -- I just realized it now.

10 And the last question was -- oh, it was
11 about the Cheel building. I think there's a
12 misunderstanding but I'm going to let you answer
13 that.

14 THE WITNESS: Correct.

15 The Cheel building exists today, and it
16 will exist throughout the phases.

17 However, during the second phase, there
18 are areas within the Cheel building on the first
19 floor levels that will be eliminated and, therefore,
20 the reduction in square feet of the Cheel building.

21 MR. DRILL: And the only remaining
22 items, I guess, the most number of questions within
23 five minutes by far, winning the award.

24 CHAIRMAN NALBANTIAN: Also, Ms. Romero,
25 there is a lot of information from the 2014 that

1 relates to the wall, the landscaping, that you'll be
2 able to read if you go online.

3 MS. ROMERO: Okay. Thank you.

4 MS. BANEY: May I ask, are we having
5 questions tonight from anybody with questions for the
6 hospital experts or can just the people who have to
7 go today -- can some of us come back?

8 CHAIRMAN NALBANTIAN: Do you have a
9 question?

10 MS. BANEY: I do, but I respectfully
11 would rather the people who can't come back ask
12 theirs and perhaps utilize the additional nights --

13 CHAIRMAN NALBANTIAN: Okay. Is there
14 anyone else this evening that is not intending to
15 come back that would like to ask their questions?

16 MS. BANEY: No. I would rather ask
17 tomorrow. Next -- tomorrow.

18 CHAIRMAN NALBANTIAN: We can continue.

19 MR. DRILL: We're coming back tomorrow.

20 MS. BANEY: Okay. That's what I wanted
21 to know.

22 MR. DRILL: We have agreed to stay as
23 long as you want. If you want to cut off at
24 midnight, we're not going to object. We'll stay as
25 long as you want.

1 CHAIRMAN NALBANTIAN: I think if there
2 aren't -- is there anyone else that has a question
3 for Maria tonight?

4 Please come forward. Let's state your
5 name, provide your address.

6 MS. McWILLIAMS: Hi, Melanie
7 McWilliams, M-c W-I-L-L-I-A-M-S, 431 Bogert Ave.

8 CHAIRMAN NALBANTIAN: Can you say that
9 again, slowly please.

10 MS. RAZIN: I know it's late.

11 MR. DRILL: We didn't even get your
12 first name.

13 MS. McWILLIAMS: That's fine. Melanie
14 McWilliams, M-C-W-I-L-L-I-A-M-S, 431 Bogert Ave.

15 My question -- it's like an -- it's an
16 observation, sort of, mixed with a question regarding
17 the -- the -- some verbiage and your safety -- some
18 of the safety stuff you had brought up.

19 You've referred to the change to Valley
20 it's going to be a campus feel, more of a campus
21 feel. And I look at it, and I see that. I worked at
22 Hackensack Medical Center for eight years and it's
23 very similar.

24 We pulled in to a -- to a driveway on
25 Prospect, I think was the street, Prospect, off of

1 Essex Street, and entered into a parking garage off
2 to the right. Basically, every employee did this.

3 And it looks like, if I'm reading this
4 correctly, that's what's going to happen here.

5 I have concerns about traffic backing
6 up doing that during change of shift times, the 7 to
7 3 shift, the 3 to 11 shift, 11 to 7 shift.

8 At the change of shift times, you know,
9 a half an hour before, it gets -- you have every
10 employee for that shift entering the hospital.
11 They're all entering to park in one location at that
12 point and there's only one entrance to that garage,
13 which is what I thought I saw.

14 How -- I know you said you'll be
15 implementing some new traffic signals, which brought
16 me to another point and another question.

17 How -- will that -- will -- will you be
18 able to mitigate the traffic in that area which is
19 already backed up at 3 o'clock for school and 7
20 o'clock for school drop off and pick up, to the point
21 where you can't get down the street.

22 Which brings me to the point that on
23 January 11th, the Council interviewed and hired a
24 traffic --

25 CHAIRMAN NALBANTIAN: Ms. McWilliams,

1 if you could focus on your question.

2 MS. McWILLIAMS: I am going to focus on
3 it because he actually referenced Valley. And Gordon
4 Meth was his name. He was interviewed at Ben
5 Franklin middle school. And he found that traffic --
6 you had mentioned the traffic reports here were about
7 three years old. He said that -- and we hired him
8 within our village, so I assume we think he's an
9 expert.

10 So, he said that traffic reports are --
11 after about three years, are outdated. He also said
12 he found discrepancies within your traffic studies
13 that were presented, and that was his exact word,
14 "discrepancies."

15 So I'm curious if, in that vein, and
16 given that traffic studies can be outdated, would you
17 be doing new ones before any of this commenced?

18 My last questions was about the louvers
19 and the building, some of the photos of the building,
20 or the renderings here. They're shiny. They're very
21 shiny, that one from the field at BF, it looks really
22 bright and shiny. So, I'm wondering sun glaring onto
23 that reflecting, you know, into that driveway where
24 the school is, where, you know, into the school
25 building, I -- you know, I don't want to go so far as

1 to say it would create heat or issues like that, but
2 is that something -- and I noticed that they'll be
3 metal. It'll be metal facades where the green
4 screens are attached --

5 MR. CAFARELLI: Two minutes.

6 MS. McWILLIAMS: Where the green
7 screens will be attached to it.

8 So, I'm curious if there's any concern
9 about the shine or the heat or anything like that.

10 But by my main question is regarding
11 that traffic area because there is no other entrance
12 there, so any way, thank you.

13 CHAIRMAN NALBANTIAN: Thank you, Ms.
14 McWilliams.

15 MR. DRILL: So I think the first one by
16 the campus feel, was -- I think the campus feel was
17 an editorial comment.

18 The change of shift, she's asking
19 questions about what's going to happen with the
20 change of shift, will traffic back up?

21 THE WITNESS: Well, it's not shown
22 here, but it's always a part of this plan, is that
23 there is an entrance and exit to the Phillips garage
24 off of North Van Dien and there is an exit from the
25 Phillips garage into the driveway on the -- on the

1 easterly side of the garage that allows people to
2 exit into the Linwood Avenue driveway to the
3 hospital.

4 So that was done on purpose to reduce
5 the traffic that can only enter and exit on the north
6 Van Dien side. That's always been a part of the 2010
7 and 2013-2014 and it continues to be and it will be a
8 part of the 2016 Phillips garage.

9 CHAIRMAN NALBANTIAN: No charge to any
10 of that?

11 THE WITNESS: No change to any of that.
12 And I think there was traffic testimony regarding the
13 fact that that would reduce the number of cars
14 entering on to North Van Dien Avenue.

15 MR. DRILL: That also takes care of the
16 next question: How many entrances will there be to
17 the garage.

18 Question four: Will you be able to
19 mitigate the existing traffic conditions on the
20 street?

21 And I can just make a representation
22 again. This is no change. But part of the testimony
23 we put in, was that since we were reducing the number
24 of trips, I believe by 430 trips per day, that we
25 didn't have to do any off-site traffic. But we --

1 but we're proposing to do off-site traffic
2 improvements as part of the plan, because even though
3 Valley's not responsible for that traffic, our
4 employees, our patients, our visitors have to sit in
5 the same traffic everyone else does. So it's to our
6 benefit to do that and that's part of our plan. That
7 hasn't changed.

8 Maria, next one? Well, this one, I was
9 unclear if the Village or the Board of Education
10 hired a traffic expert, but that's, I mean, far
11 afield, that guy would have to be brought in here to
12 testify. That's hearsay. And we don't even know his
13 name. So, on that one, this is the only time I'm
14 going to object tonight, specifically.

15 MS. RAZIN: Okay. Well, to the -- but
16 if you went -- if you went forward and if there was a
17 further process and if, at that point, the Village
18 Planning Board asked for a -- Village Planning Board
19 experts asked for an updated traffic report, you
20 would produce that?

21 MR. DRILL: Absolutely.

22 THE WITNESS: Absolutely. Yes.

23 MS. RAZIN: The ending part of that
24 question --

25 MR. DRILL: Yes.

1 CHAIRMAN NALBANTIAN: Ms. McWilliams,
2 there's a lot of information on the traffic study
3 going back to 2014 and beyond. And the testimony
4 just now was that in the future during site plan,
5 additional traffic studies would be addressed.

6 MR. DRILL: And then the last question
7 is: The louvers look shiny. Will they reflect on
8 the school? So I'm going to -- that's the first
9 question.

10 The second question is: Are you wedded
11 to metal, silver metal as a material?

12 THE WITNESS: Louvers would be metal,
13 I'm not wedded to silver, shiny. It could be a matte
14 finish. It could be green. It could be blue. We're
15 not wedded to shiny silver.

16 CHAIRMAN NALBANTIAN: Again, that
17 detail would occur during site plan at some point.

18 MS. RAZIN: So, to further answer the
19 question, do you have -- is there a concern about sun
20 glare or heat or anything like that? Is there,
21 that's the question. I think that was the second
22 part of the question.

23 THE WITNESS: That could be mitigated
24 in texture and color.

25 CHAIRMAN NALBANTIAN: Thank you. Thank

1 you, Ms. McWilliams for your questions.

2 Are there others who want to ask their
3 questions now because they will not be here tomorrow.

4 (No response.)

5 CHAIRMAN NALBANTIAN: Okay. So we're
6 going to continue this tomorrow.

7 MR. BRANCHEAU: We're already there.

8 CHAIRMAN NALBANTIAN: Tomorrow -- later
9 today.

10 MR. DRILL: Right.

11 CHAIRMAN NALBANTIAN: So before we
12 adjourn, I wanted to, again, reiterate the schedule.
13 The next meeting is tomorrow. It will be at the high
14 school student center at 7:30 p.m., 627 East
15 Ridgewood Avenue.

16 Again, April the 4th at 7:30 p.m. here
17 in the courtroom. Tuesday, April the 5th here at the
18 court room. And also April the 7th here in the court
19 room -- at the high school -- sorry. April 7th at
20 the high school.

21 MS. RAZIN: So, tomorrow being
22 March 31st and the April 7th meeting will be at the
23 high school and April 4th and April 5th meetings will
24 be here.

25 CHAIRMAN NALBANTIAN: That's correct.

1 Okay. And so if there is --

2 MS. RAZIN: To the -- and to reiterate
3 what Charles said before. The meetings will be held
4 only as needed. So, we will post that if we full
5 it's necessary further on the website. But we're
6 making an announcement, this is the second
7 announcement that the hearings will only go until
8 they are necessary, until public comment and then the
9 board concludes all its comments and everybody's
10 finished with the proceedings and then the board will
11 -- once the proceedings are concluded, the board will
12 proceed to take action on the matter.

13 VICE CHAIRMAN JOEL: Motion to adjourn.

14 CHAIRMAN NALBANTIAN: Is there a
15 second, please?

16 MR. THURSTON: Second.

17 CHAIRMAN NALBANTIAN: Everybody in
18 favor to adjourn?

19 (Whereupon, all Board Members respond
20 in the affirmative.)

21 CHAIRMAN NALBANTIAN: Anybody opposed?

22 (No response.)

23 (Whereupon, this matter will be
24 continuing at a future date. Time noted 12:15
25 a.m.)

C E R T I F I C A T E

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, 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 #15855, Notary
Expiration Date March 1, 2019

Dated: _____