TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
HELD VIA ZOOM CONFERENCE

WEDNESDAY SEPTEMBER 2, 2026 :
PLANNING BOARD MEETING :

TRANSCRIPT ORDERED BY:

UNKNOWN

PRESIDING:

CHAIRMAN ROBERT BAGOFF

MEMBERS OF THE PLANNING BOARD:

PRESENT:

CHAIRMAN ROBERT BAGOFF
VICE-CHAIR JERRY GUARINO
BOARD MEMBER KEN ALPER
BOARD MEMBER CHRISTOPHER MORGAN, SR.
BOARD MEMBER LORI KAPFERER
BOARD MEMBER FRANK NOBORINE

OTHERS PRESENT:

MAYOR SUSAN McCARTNEY
COUNCILWOMAN SUSAN SCARPA
DIANA P. McGOVERN, ESQ., BOARD ATTORNEY
MALVIKA APTE, AICP/PP, CONSULTANT PLANNER
GREGORY VALESI, PE, PP, CME, CONSULTANT ENGINEER
JAMILET BAQUERIZO VITE, BOARD SECRETARY

APPEARANCES FOR THE APPLICANT:

RICHARD S. SCHKOLNICK, ESQ. (Law Offices of Richard Schkolnick)
Attorney for the Applicant, Crestmont Country Club

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CHAIRMAN BAGOFF: Okay. PB-26-03, Crestmont Country Club, 750 Eagle Rock Avenue, Block 174, Lot 1.01, zone R-2. The applicant is proposing the installation of a traffic signal at the intersection of Eagle Rock Avenue and Oval Road. Modification to the existing driveway, parking area also being proposed. Mr. Schkolnick for the applicant.

MR. SCHKOLNICK: Yes. Richard Schkolnick on behalf of the applicant.

CHAIRMAN BAGOFF: Go right ahead, Sir.

MR. SCHKOLNICK: Chairman, thank you. Thank you for celebrating my 31st wedding anniversary with me tonight. I appreciate that. To recap, we're here for site plan approval with some C variances. We're in the R-2 zone and of course, the use is permitted. We're not proposing any new buildings.

The proposal is fairly narrow, with 32 new parking spaces and the installation of a new exit for the country club. And that exit would be aligned with Eagle Rock Avenue and Oval Road, creating a new four-way, we believe safer, intersection. Eagle Rock Avenue would be widened and improved with new grading and stormwater management. There'd be significant landscaping improvements, some benefits to everybody

traveling on Eagle Rock.

If you recall when we were here two months ago, we agreed to install a sidewalk along Eagle Rock. We've represented in the past hearings that we don't have any issues with any of the review letters by the board's professionals.

Just for a very quick recap, we started off on June 3rd. That night, you heard from Dana Cancellaro. She was the -- or is the country club's general manager and chief operating officer. She talked about why the -- why the club needed that additional parking for its members. She talked about the existing exit and its slope and some challenges that it presents, especially with left-hand turns. And she testified that the club and its members really desire these safety improvements.

She talked about the fact that there's a potential for eminent domain and she spoke briefly about the country club's view that this proposal that's before the board is a reasonable and practical and cooperative way to solve some complex issues involving the township and the obligations to condemn their property.

There was cross-examination of Ms. Cancellaro that night, and then you also heard very briefly that

night from John Cote, the civil engineer. He presented the aerial photo. And you heard from Karl Pehnke, the traffic expert, who talked about the geometry, the four-way intersection, and some of these difficult turning movements. He spoke about the private investment to make the traffic light improvement. He talked about that widening of Eagle Rock Avenue, left-hand turns, crosswalks, ramps, a sidewalk. He talked about some of the existing grade challenges. And he touched on efforts with the county planning board over the years to improve this stretch of Eagle Rock.

Then we went to July 1st, two months ago. We had Mr. Pehnke's cross examination, that was pretty extensive. At the end, we had pretty brief testimony from Mr. Cote. He's the civil engineer. And in about 20 minutes, he tried to do the whole civil plan.

And Chairman, that's where we ended on July 1st, with the affirmative testimony of Mr. Cote. So now, we are up to his cross examination. Just to forecast, after that, I have our planner. He'll be our final witness. At some point during the night, Mr. Pehnke's going to get back on if we have questions for him. He had another hearing, so. Oh. I see that he's on. I see that he's on. So he -- he's back with us just in case something comes up for him.

So, Chairman, that's really where we're at. I hope that was a little bit helpful and try to recap --

CHAIRMAN BAGOFF: Yes.

MR. SCHKOLNICK: -- bring our heads back into where we were, the basics of the arguments and what we have here and help us to take advantage of our time tonight.

CHAIRMAN BAGOFF: Great. Thank you. So, Mr. Cote, you realize that you're still under oath, Sir?

MR. COTE: Yes, I do.

CHAIRMAN BAGOFF: Okay. So Vice-Chairman Guarino, do you have any questions for Mr. Cote on his testimony?

VICE-CHAIR GUARINI: Mr. Chairman, no, I don't have any questions at this time. Thank you, Sir.

CHAIRMAN BAGOFF: Thank you. Mayor McCartney, do you have any questions for Mr. Cote on his testimony?

MAYOR McCARTNEY: No questions. Thanks.

CHAIRMAN BAGOFF: Thank you. Council President Scarpa, do you have any questions for Mr. Cote on his testimony?

COUNCILWOMAN SCARPA: No questions.

CHAIRMAN BAGOFF: Thank you. Mr. Alper, do

you have any questions for Mr. Cote on his testimony?

MR. ALPER: None at this time. Thank you.

CHAIRMAN BAGOFF: Thank you. Mr. Morgan, do you have any questions for Mr. Cote on his testimony?

MR. MORGAN: No questions at this time, Chairman.

CHAIRMAN BAGOFF: Deputy Chief Noborine, do you have any questions for Mr. Cote on his testimony?

MR. NOBORINE: Not at this time, Mr. Chairman. Thank you.

CHAIRMAN BAGOFF: Thank you. Ms. Kapferer, do you have any questions for Mr. Cote on his testimony?

MS. KAPFERER: No, I do not. Thank you, Chairman.

CHAIRMAN BAGOFF: Thank you. Ms. Apte, do you have any questions for Mr. Cote on his testimony?

CROSS EXAMINATION BY MS. APTE:

Q Mr. Cote, just to confirm, you have received the planning review letter dated June 3rd, 2026?

A That is correct.

Q And you are -- you've reviewed it and you agree to comply with any questions we have on that?

A Yes, we do. Thank you.

Q Thank you.

MS. APTE: Thank you, Mr. Chairman.

CHAIRMAN BAGOFF: Thank you. Mr. Valesi, do you have any questions for Mr. Cote on his testimony?

MR. VALESI: Yes. Very similarly.

BY MR. VALESI:

Q You've seen our report as well and you agree to comply with all of our comments?

A Yes, we do.

Q Thank you very much.

MR. VALESI: That's all I got, Mr. Chairman. Thank you.

CHAIRMAN BAGOFF: Thank you. Do any members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified. The way we're going to operate is you have three minutes. You can ask your question. Questions start with if, when, why, what, how, where, which. When you stop asking the question and Mr. Cote starts answering, the clock will stop. Once he's done, the clock will start again. You can continue to ask him questions or be done.

So to that end, do any members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Okay. Joe P., please state

your name and address for the record.

MR. PANNULLO: Joe Pannullo. I'm in the 200-foot notice area of the West Essex Highlands in Essex Fells.

MS. McGOVERN: No. You have to give your address for this application.

MR. PANNULLO: Holton Lane, Essex Fells.

MR. SCHKOLNICK: Chairman, I would repeat my request that we have the camera turned on. I know I've made that request before. I think in fairness, we should be able to see the faces of the people who ask the questions.

CHAIRMAN BAGOFF: Okay. Members of the public who ask questions, if you can, would you turn your camera on? If not, it's okay for this time because we haven't said this in advance. However, anybody ask -- providing testimony at the end that will be sworn and you will have to have your camera on. So if you -- if you can put your camera on, fine. And if you choose not to, that's okay, too, for this portion of the tes -- of the questioning. Go right ahead, Sir.

MR. PANNULLO: Yes. I appreciate it. I'm -- I would love to put my camera on. I can't figure out where on this screen to do that. I would prefer to see everybody in person, but I just -- I've been looking

for it for a while. So I apologize, and I don't mean to take up clock.

CHAIRMAN BAGOFF: Go right ahead, Sir.

MR. PANNULLO: Okay. Mr. Cote, do you -- is the site -- any part of the site or modification or stormwater that runs off in a water quality management plan area?

MR. COTE: No. This -- the -- well, the whole site in the town proper is part of the water quality management plan and allows for the sanitary sewer -- public sewer throughout this -- the town proper. So in that respect, yes.

MR. PANNULLO: Okay.

MR. COTE: But not -- not with regard to storm sewer, in terms if you're asking if that's applicable to the storm sewer, we are applicable to the NJDEP and the Township's regulations.

MR. PANNULLO: Appreciate that. So -- and is that limited to just the site, or this is -- like you said, it's an area, so the coverage area includes the site, it's not limited to this site or the impact that's --

MR. COTE: Correct.

MR. PANNULLO: -- proposed? Are you -- are you in a watershed? Is this site in a watershed?

MR. COTE: Yes. It's in a water shed.

MR. PANNULLO: Okay. Are there any DEP permits required/submitted/expected?

MR. COTE: Not required for this project. We have no disturbances of any NJDEP jurisdictional areas on the site.

MR. PANNULLO: And so the stormwater runoff that will emanate from the site will go in what directions?

MR. COTE: So, you have a split in the watershed divide about midway through the project itself. Half goes towards the Eagle Rock and Laurel Ave intersection and the other half goes east, down Eagle Rock Avenue and ties into the existing county roadway drainage system structure that conveys the existing water there today.

MR. PANNULLO: So is that to say that water flows east down Eagle Rock towards Pleasant Valley Way?

MR. COTE: East in the drain -- in the conveyance system.

MR. PANNULLO: Yup.

MR. COTE: And then west in the conveyance system towards Laurel Ave.

MR. PANNULLO: Okay. And nothing flows north or across Eagle Rock toward the golf course, the

Pleasantdale Chateau?

MR. COTE: Our flows do not -- yeah, do not flow in that direction, no. It's east and west.

MR. PANNULLO: So -- okay. So the water that flows into the Canoe Brook that would cross Laurel Avenue, if you will, or cross Eagle Rock Avenue flows down, west? How is that handled or is that just not part of --

MR. COTE: Yeah. That's not -- yeah. That's not part of where we're flowing. Our -- our flow, basically, is the sheet flow that comes off of the site today. If you were standing on Eagle Rock Ave or on Laurel, there's water that comes downhill from the site. And then we're actually controlling that water. Right now, it flows, un-detained, out to Eagle Rock Avenue and we're actually building detention to slow that water down.

MR. PANNULLO: So is that to say that the water that would flow -- let's just assume water, you know, water flows with gravity from higher to lower. And there's a -- an elevation above Eagle Rock Avenue that is part of the parking lot. Right? It's there now and the -- the balance of the Crestmont, the club itself, sits elevated above Eagle Rock. The water that would flow down a hill flows east, west. How does it

not flow north?

MR. COTE: It's basically -- the grades of the road of Eagle Rock Avenue crown, think of like a center-line crown along about the mid-point of where a job -- or overall project is proposed. So that crown creates the east/west distribution of water.

MR. PANNULLO: Right.

MR. COTE: So think of it ju st like a rooftop, a gable on a rooftop. It goes --

MR. PANNULLO: Right.

MR. COTE: -- one way from one side of the peak and one way from the other side of the peak.

MR. PANNULLO: Okay. And where along that peak is this proposed driveway? Left of center? Right of center? Middle?

MR. COTE: It's -- it's just off-center from the peak. It's basically where -- where the driveway intersects, you've got basically a four-way intersection.

MR. PANNULLO: Yup.

MR. COTE: And that four-way intersection at Oval Road is just east of the peak of where the flows go east and west.

MR. PANNULLO: Okay. So does -- so at the last meeting, and I -- I haven't seen minutes or

transcripts or anything, so this is just from recall, but I do recall Chairman Bagoff requesting a sidewalk, if you will, be installed I think on both sides of the driveway that would be -- whatever the road, driveway, whatever it is, is that some -- you're aware of that?

MR. COTE: I'm aware of it and the -- the request was for a drive -- for a sidewalk on the south side of Eagle Rock, west side is Eagle Rock Avenue. And it's the one side that -- where the improvements we're currently proposing are.

MR. PANNULLO: When you say --

MR. COTE: It wasn't requested for both sides. So on the side -- on the Crestmont -- on the Crestmont Country Club side of Eagle Rock Avenue is where the sidewalk was requested to be added to the project.

MR. PANNULLO: Right. Simply on Eagle Rock, not on Laurel. Is that what you're saying?

MR. COTE: That's correct.

MR. PANNULLO: Right. Okay. So -- and is that sidewalk left and right of the driveway or just one side?

MR. COTE: Left and right of the driveway.

MR. PANNULLO: Okay. And what's the -- how deep, or how wide, or how far back is that going to

extend from Eagle Rock now into the site on either side?

MR. COTE: It doesn't extend into the site, it just provides sidewalk access along Eagle Rock Avenue.

MR. PANNULLO: Okay.

MR. COTE: As a request by the board.

MR. PANNULLO: Okay. So is that -- so the -- the -- the elevation goes up along Eagle Rock up to thoe parking lot, so let's call it a hill. Does the sidewalk increase the grade or the degree of the slope or the angle of the --

MR. COTE: No. No.

MR. PANNULLO: No?

MR. COTE: The sidewalk was integrated into the clear area that was graded for the roadway widening. So, adjacent to the curb line, there is an approximate 10-foot wide clear area that's proposed along that length, and that allows for the imposition of a sidewalk within that geometry.

So just think of it like a flat section next to the side of the road and the sidewalk will be installed in that portion.

MR. PANNULLO: Okay.

MR. COTE: No -- no change -- no change to

the grades on the site, if that's what you're asking.

MR. PANNULLO: Well, I wasn't -- I didn't get there yet, but I wasn't sure, is this also -- I'm not sure what are you cover. Are you limited to or are you only talking about stormwater management or are you talking about other -- other engineering issues related to the project?

MR. COTE: Just site civil engineering related, which is drainage, site layout design, not the traffic elements of the project.

MR. PANNULLO: Right. Right. Okay. My time is up. I'll have more questions if -- as permitted.

CHAIRMAN BAGOFF: Thank you -- thank you very much, Sir. I want to -- Mr. Cote, I'm going to take a -- an administrative interlude.

(Chairman briefly addresses another application.)

CHAIRMAN BAGOFF: Sorry. Mr. Cote, we're back to you. Do any other members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Deb's iPhone, please state your name and address for the record. Deb's iPhone? There you are.

DR. FRUCHTMAN-BUTENSKY: Who'd you call?

ZOOM OPERATOR: You. You can state your name

and address for the record.

DR. FRUCHTMAN-BUTENSKY: So, the name is Dr. Deborah Butensky, 11 Rappleye Court. So, my question is for Mr. Cote to please repeat the grade of the new driveway as proposed.

MR. COTE: So the current driveway has an eight and a half percent grade along the main line of it, tying back into a grade of three -- four percent -- excuse me, five percent at the intersection with Eagle Rock and then in a similar fashion, at three percent at the location of the top parking lot. And basically, that ties the two together based on the upper parking lot grade traversing down through that driveway and then coming into the intersection of Oval.

DR. FRUCHTMAN-BUTENSKY: And what is the speed limit of that driveway, to be safe?

MR. COTE: It's an intern -- it's an internal driveway. There's not a posted speed limit, but generally, a 15 mile per hour would be a typical type speed limit for something like that.

DR. FRUCHTMAN-BUTENSKY: So, question two. You are now making a T intersection, whi ch is Oval Road intersecting Eagle Rock Avenue, into a four-way intersection.

MR. COTE: Correct. If that's a question.

DR. FRUCHTMAN-BUTENSKY: And the question is how does that impact the safety of the res -- of the drivers coming out of Oval Road going east and west from The Grande and (indiscernible).

MR. COTE: So our -- our traffic engineer has already testified to those added safety elements of the actual intersection under the traffic testimony.

DR. FRUCHTMAN-BUTENSKY: Can you repeat them?

MR. COTE: I'm not --

MS. McGOVERN: He's not --

MR. COTE: That's not -- that was his testimony, not mine.

DR. FRUCHTMAN-BUTENSKY: And what is the indication to actually move the driveway in the first place?

MR. COTE: To alleviate the poorly-aligned driveway that's out there today. So if you're aware of the driveway that currently comes in on an acute angle, a sharp angle, to Eagle Rock, if you were to be looking to make a left turn out of that, you basically are turning more than 90 degrees with your neck to be able to look over your shoulder to see oncoming cars. This will allow the driveway to be perpendicular, which will allow for better sight as well as the controlled intersection of it being signalized. So we're

eliminating the poorly-aligned driveway that's out there today.

DR. FRUCHTMAN-BUTENSKY: And how does the new driveway impact the sight line of people coming around from Laurel Avenue onto Eagle Rock Avenue going eastbound?

MR. COTE: It doesn't impact them in any way.

DR. FRUCHTMAN-BUTENSKY: Well, explain how you feel that it doesn't.

MR. COTE: It's a widened road allowing additional a left turn lane that goes into Oval and the sight triangle for that, because we're clearing that area to give the 10-foot clear area will actually be improved visibility to the cars at that -- and again, it's a signalized intersection, so it's controlled movement. So it's an improved scenario.

DR. FRUCHTMAN-BUTENSKY: You're saying it's directly pa -- it's contiguous with Oval. So how is there a left-hand lane going into Oval?

MR. COTE: On Eagle Rock Avenue, there's a left-hand lane provided for vehicles coming off of Laurel onto Eagle Rock Avenue heading towards Oval. That left turn lane allows those cars to move into a protected lane outside of the through lanes. So those cars aren't having any impact on the roadway as far as

the through movements, which you asked about people seeing cars coming in from the left, coming up to the intersection, through Oval, would they be impacted and the answer -- my answer is no, they wouldn't be impacted. It'll be improved, in fact, for that matter.

DR. FRUCHTMAN-BUTENSKY: and the - the traffic that is going to ensue, although you're not the traffic engineer, is -- in your mind, you're going into three lanes on Eagle Rock Avenue now?

MR. COTE: Yeah. The traffic engineer explained the value of those particular widenings. You asked me about the sight triangle, basically, more or less the -- what is the visibility, and that's the answer I gave. The traffic side of it was already testified by the traffic engineer, indicating the improvements. As an improvement.

DR. FRUCHTMAN-BUTENSKY: It's still not clear to me. So walk me through this. I'm making -- I'm coming on Laurel and I'm making a right turn and I want to go left into Oval Road into The Grande. Your cars are coming -- let's say they're going westbound on Eagle Rock Avenue. How is this not making things more problematic? And has it?

MR. COTE: There is a traffic signal that stops each movement for the respective movements that

-- for the ones that are being -- actively going through the intersection. So you're coming up to a stop light when vehicles are exiting the Crestmont site. And then ultimately, the -- the cars making a left into Oval have a protected left turn.

And again, this is the traffic engineer's testimony. You're asking me as a civil and I can talk about just the fact that this is the geometry that's there. But he's already testified to all the maneuvers --

DR. FRUCHTMAN-BUTENSKY: Well, you're -- you're --

MR. COTE: -- and -- and to the improements. I'm - I'm just asking you to restrict your questions to my site civil engineering testimony --

DR. FRUCHTMAN-BUTENSKY: Well, you're -- you're making the --

MR. COTE: -- so that I can answer your questions.

DR. FRUCHTMAN-BUTENSKY: You're making the assessment that the current driveway, which has never been stated to be a problem for 30 years that The Grande has been developed, has all of a sudden become a problem. And it seems to me that your four-way intersection has the propensity to become as much of a

problem if not more --

MR. COTE: You're -- you're -- I apologize.

DR. FRUCHTMAN-BUTENSKY: -- than what you purport --

MR. SCHKOLNICK: Chair -- Chairman?

MR. COTE: I'm asking a question. Could you ask a question to me, please.

MR. SCHKOLNICK: Chairman, this is exactly why I requested -- the questioner is giving testimony, and this is exactly why I asked that they be required to come onto the camera, because she's giving testimony and her opinion, not asking questions.

DR. FRUCHTMAN-BUTENSKY: Well, the question is --

MR. SCHKOLNICK: I just point that out for the record.

DR. FRUCHTMAN-BUTENSKY: -- what proof -- excuse me, Mr. Schkolnick. You're using my time. What proof do you have that your plans are not problematic and going to create more traffic accidents?

MR. COTE: We've already provided those proofs through the traffic engineer's testimony, identifying the improvements that are proposed by this project. It's already been stated to, it's already in the documents that have been provided to the Township

and that's been reviewed by the Township.

DR. FRUCHTMAN-BUTENSKY: But -- but --

MR. COTE: All that has been stated previously in other testimony. You're asking --

DR. FRUCHTMAN-BUTENSKY: Well, the point is that you're --

MR. COTE: -- question that's -- a question's that's already -- you're asking a question that's already been answered, and you're asking a question of the civil engineer --

DR. FRUCHTMAN-BUTENSKY: However, you're -- well, because --

MR. COTE: I'm not trying to be -- I'm not trying to be oppositional here. I just -- understand that my role, my responsibility to this board is to answer questions to my testimony. And if you're asking questions about someone else's testimony --

DR. FRUCHTMAN-BUTENSKY: Well --

MR. COTE: Because that's dipping -- that's outside of my testimony. I just don't want to be out of turn here, taking their time answering your question on something that is not relevant to my testimony. And I apologize --

DR. FRUCHTMAN-BUTENSKY: Well, it seems to me an eight percent grade --

MR. COTE: Sure.

DR. FRUCHTMAN-BUTENSKY: -- is also a lot steeper --

MR. COTE: That's my testimony.

DR. FRUCHTMAN-BUTENSKY: That is your testimony -- is a lot steeper --

MR. COTE: Yes.

DR. FRUCHTMAN-BUTENSKY: -- and potentially problematic in the winter --

CHAIRMAN BAGOFF: Ma'am. Ma'am. Ma'am. You can ask a question. We don't want you testifying, please.

DR. FRUCHTMAN-BUTENSKY: Okay.

CHAIRMAN BAGOFF: Just ask a question.

DR. FRUCHTMAN-BUTENSKY: So, can you explain how that eight percent grade in the winter is not dangerous?

MR. COTE: An eight percent grade is acceptable in winter conditions. It's -- this whole area -- actually, by standards throughout the state, I -- this could have gone up to 12 percent depending on the type of standard. So it's -- it is an acceptable grade for the purpose at hand. It needs to be maintained like any grade. There are other areas on the site that are existing conditions steeper than that

that are already maintained and have been operating for years without issue. So I don't want to -- you know, that -- that operations authority's spoken to the fact that this is an improvement for their purposes of the way their customers will leave the site, so I'm not going to go into their testimony other than restate that that's already been covered by their testimony.

DR. FRUCHTMAN-BUTENSKY: Okay. Thank you.

CHAIRMAN BAGOFF: Thank you. Do any other members of the public have any questions for Mr. Cote on his testimony? And again, please ask a question about his testimony. Please raise your hand and be identified.

ZOOM OPERATOR: Okay. Paul Tractenberg, please state your name and address for the record. Paul?

MS. McGOVERN: He's muted.

ZOOM OPERATOR: Yup. I just --

MS. McGOVERN: You have to un -- there he goes.

MR. TRACTENBERG: Here we go. Can you hear me now?

ZOOM OPERATOR: Yes.

MS. McGOVERN: Yes.

CHAIRMAN BAGOFF: Go right ahead, Sir.

MR. TRACTENBERG: Yeah. Paul -- Paul Tractenberg, 96 Sullivan Drive, West Orange. Mr. Cote, I -- I'm looking at a March 17, 2026 letter from Mr. Schkolnick to the -- the planning board secretary and the planning board. Are -- is that a letter you're familiar with?

MR. COTE: I don't have it in front of me, so I can't necessarily repeat what necessarily is on there.

MR. TRACTENBERG: Well, I can specify in my questions. I'll ask back to the letter. I'm assuming these are part of the civil engineering aspect of the application. I have in mine actually six items for which the applicant is seeking relief from the planning board from the requirements of the township ordinance that governs the R-2 zone. Let -- let me just tick them off and ask you for your opinion about each of them.

The first is a maximum retaining wall height. It indicates four feet is permitted, 21 and a half feet is proposed, which I take to be more than five times what the ordinance provides. Are you familiar with the retaining walls and --

MR. COTE: Yes, I am.

MR. TRACTENBERG: -- their request for that

relief?

MR. COTE: Yes, I am.

MR. TRACTENBERG: And -- and you justify a five-and-a-half-fold increase in the -- the zoned maximum exactly how, please?

MR. COTE: I did in my testimony. Relative to the location where the wall is proposed is coincident with the stormwater management that's required to basically attenuate the flows from the site. So that wall is coincident with the basin and as a function of that, it -- and maintaining the upper parking lot elevations at a reasonable grade results in that 21-plus-foot wall.

So the justiciation was maintaining an adequate infrastructure system for the stormwater while maintaining adequate grades in the parking lot for the proposed design.

MR. TRACTENBERG: But I am correct that the -- the ordinance specifies a four-foot maximum and the application proposes more than five times that?

MR. COTE: Right. But that order of magnitude is just a function of the condition that we're -- we have here to provide both infrastructure measures as well as the parking lot grades as necessary. That's the justification.

MR. TRACTENBERG: Okay. Second -- second ordinance requirement is minimum setback of proposed improvements to top of a steep slope that are 10 to 30 percent grade. According to the letter, 50 feet is required. Ten feet is proposed. Does that strike you as creating any kind of a safety issue about the -- the degree of impingement on a steep slope?

MR. COTE: No. In particular, the reason why we did this scenario was to minimize the amount of disturbance on the site. We would have had to have taken down additional trees to have created those kind of setbacks, and from a big-picture point of view, one of the focuses was we are -- we have to plant and re-plant trees for all disturbed and we were told to minimize our impacts to the trees. So that's the --

MR. TRACTENBERG: Well, that an --

MR. COTE: -- justification --

MR. TRACTENBERG: That --

MR. COTE: For the -- for the --

MR. TRACTENBERG: That anticipates --

MR. COTE: -- position.

MR. TRACTENBERG: -- the third issues that's raised in Mr. Schkolnick's letter, that the applicant is requesting a site plan waiver as to removal of trees on slopes of 10 percent or greater. And the indication

is 191 trees are proposed to be removed that are located in slopes that are 10 percent or greater. Is that --

MR. COTE: I'm sorry. Was that a -- was that a question?

MR. TRACTENBERG: -- accurate?

MR. COTE: Sorry. That -- that's a --

MR. TRACTENBERG: Yes.

MR. COTE: That's -- that's a correct perspective --

MR. TRACTENBERG: I'm -- I'm asking whether that's --

MR. COTE: Tha'ts -- that is correct --

MR. TRACTENBERG: -- that's consistent with the plan.

MR. COTE: That is correct. Yes.

MR. TRACTENBERG: And -- and you think that -- and that that degree of deviation from the ordinance requirement is justified by this plan?

MR. COTE: Yes. It's actually a result of the exact -- of the condition of positioning this, tying everything back in, providing the drainger structures necessary to help mitigate the stormwater, in particular, to make improvements on Eagle Rock Avenue to improve the drainage system out there, all of

these areas of the site are in proximity to Eagle Rock and in that 10 percent zone.

MR. TRACTENBERG: Okay. Just one more, and then I want -- I have a final question. There's a requirement of a -- in the ordinance of a minimum setback of proposed improvements to the top of steep slopes greater than 30 percent. The indication is 100 percent -- 100 feet is required, 10 feet is proposed. So you're proposing that this will impinge within 10 feet of a slope of greater than 30 percent, and that, too, is justified by the plan, according to you. Is that correct?

MR. COTE: Yes. That's correct. Yes. Under the same exact reasoning I gave a moment ago.

MR. TRACTENBERG: Okay. So -- so this is all as I get it, in aid of adding 36 parking spaces to a parking lot which is hundreds of parking spaces short of what the ordinance requires and to create a new intersection. Is that correct?

MR. COTE: I'm not sure if I understood that as a question. You made a statement, but I'm not sure --

MR. TRACTENBERG: Well, my question is whether I have correctly indicated that in order to add 36 parking spaces and reconfigure the exit from a

private country club, the applicant is requesting and you are justifying all of these deviations from ordinance requirements.

MR. COTE: In that respect, yes.

MR. TRACTENBERG: Thank you.

CHAIRMAN BAGOFF: Do any other members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Kevin Malanga, please state your name and address for the record.

MR. MALANGA: Thank you. Kevin Malanga, Ridge Road. Mr. Chairman, members of the board, good evening.

CHAIRMAN BAGOFF: Good evening.

MR. MALANGA: Mr. Cote, is it correct that in order for this project to move forward, a complete and accurate survey of trees to be removed is required?

MR. COTE: It's already been performed for the purpose of this application, and identified on the plans.

MR. MALANGA: Now, the applicant has agreed to construct a sidewalk along Eagle Rock Avenue from Laurel Avenue to the end of its property in an easterly direction. Is that correct?

MR. COTE: That's correct.

MR. MALANGA: And has a tree-cutting survey been prepared for that sidewalk?

MR. COTE: That area was already within the area of disturbance under the original project and those trees have been accounted for in the original design.

MR. MALANGA: So the question is have those trees been counted as part of your --

MR. COTE: Yes. I just --

MR. MALANGA: -- tree removal plan?

MR. COTE: I did answer your question. I said yes, they were already incorporated into the original design. The sidewalk does not propose any additional trees to be removed.

MR. MALANGA: Will the sidewalk as it is proposed to be constructed be compliant with the Americans with Disabilities Act?

MR. COTE: It'll be a sidewalk compliant with the -- it's called, I apologize, PROWAG, which is the roadway-related ADA compliance. So that is a subset of the American Disabilities Act that roadways are governed by.

MR. MALANGA: And you've already surveyed this property to determine that such a sidewalk can be constructed in accordance with those requirements?

MR. COTE: That is correct. Yes.

MR. MALANGA: And you did this in advance of the hearing in which it was agreed to to construct that sidewalk?

MR. COTE: The grades that were already designed in the original site could accommodate the sidewalk without implication to the design. So, yes, it was already capable of being added to the design based upon the original survey work --

MR. MALANGA: So you anti --

MR. COTE: -- survey work that we did. We didn't anticipate it. We just know that we can incor -- incorporate it based on the request.

MR. MALANGA: And the applicant is aware that it is responsible for maintaining the sidewalk with respect to snow removal?

MR. COTE: That would be my understanding.

MR. MALANGA: Is that a yes or a no?

MR. COTE: I -- I just answered. That would be my understanding.

MR. MALANGA: That's a yes?

MR. SCHKOLNICK: We have -- we haven't -- we haven't sorted that out yet.

(Multiple people speaking at once.)

MR. COTE: Mr. Malanga, it's a county road,

so the -- the responsibility will be a function of the agreements with the county. I don't -- I can't answer that question other than it would be to my understanding that they would be responsible. That's my understanding.

MR. MALANGA: So the answer is yes, the applicant will be responsible?

MR. COTE: I -- I can say that it's my understanding they will be. I can't answer until the agreements are all done. But I don't anticipate why it wouldn't be.

MR. MALANGA: Will any retaining walls be necessarily constructed before the construction of the sidewalk?

MR. COTE: There was already a retaining wall as a function of the original widening for the road. No additional training (sic) walls are required for the sidewalk to be installed.

MR. MALANGA: And we're talking about the sidewalk along Eagle Rock Avenue?

MR. COTE: That is correct.

MR. MALANGA: I have no other questions. Thank you.

CHAIRMAN BAGOFF: Thank you, Sir.

MR. COTE: Thank you.

CHAIRMAN BAGOFF: Do any other members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: V. Misatri (sic), please state your name and address for the record.

MR. MISARTI: Is that me? Victor Misarti?

ZOOM OPERATOR: Yes.

MR. MISARTI: Okay. Hi. My name is Victor Misarti. I live on Mayfair Drive in West Orange and I have a few questions for the engineer.

CHAIRMAN BAGOFF: Go right ahead.

MR. MISARTI: I have -- I'm not going to address any traffic, like you said a few times. Okay. So I'm looking at two letters that I found -- two reviews of the site plans that I found in the planning board agenda. So my first questions involve this letter from April of this year by Ryan MacNeill, who's the planning board engineer.

Now, he has made several comments, design comments, stormwater comments, landscaping, et cetera, saying that, you know, more things are required. As required, the applicant must, you know, do this and that. So are you -- and I don't see any revised site plan since -- since that time. So are -- are you planning to revise your -- and resubmit your site plan

to -- to cover these items? You know, I'm assuming --

MR. COTE: Yeah. We -- yeah. We have agreed to address the questions within those review letters. And that would require a resubmission. But it's -- yes, to -- we've agreed to address those questions.

MR. MISARTI: Okay. Good. Good.

MR. SCHKOLNICK: As -- as a matter of resolu -- excuse me, John. As a matter of resolution compliance.

MR. COTE: Correct.

MR. SCHKOLNICK: To clarify.

MR. COTE: Yes. Thank you.

MR. MISARTI: Wait. I'm sorry. I didn't understand that.

MR. COTE: That -- that a condition of our resolution would be to comply -- for resolution compliance, we'll -- we're required to address those comments.

MR. MISARTI: Okay. Great. Great. I understand. So -- and the next question is again, she's -- she's on the Zoom call right now, Ms. Al Apte (sic). So she wrote a review of the site plans from -- let me look. From June. And her, too, she has numerous comments; landscaping, trees, fences, additional information that is required. She -- she

mentions several things. You would need more information. You would need approval from other groups other than the planning board. You would need variances for different things.

So I guess my -- my general question, you know, your -- are you planning to, you know, incorporate all of her comments onto the revised site plan as well?

MR. COTE: Yes. In a similar fashion, we agreed to address those comments as well in our -- as a function of our resolution compliance.

MR. MISARTI: Okay.

MR. COTE: The answer is yes.

MR. MISARTI: Okay. Good. Good. So I'm not going to ask specifically, but, you know, there are numerous stormwater detention and -- information was not provided. You know, the slopes, soil, et cetera. So I guess, you know, after you submit it, they will write additional review or additional reports, you know -- you know, if they have other comments or if they're all answered. So that -- that would be my question. Yeah. Okay.

MR. COTE: Thank you.

MR. MISARTI: That's all from me.

CHAIRMAN BAGOFF: Thank you. Ms. McGovern, I

would just backtrack for a second. I'd like to recommend to the board when we do our deliberations that a condition would be that the applicant will maintain the sidewalk along Eagle Rock Avenue that it's going to construct through snow removal, repair, and any greenery/foliage that needs to be removed from the sidewalk to maintain clarify for people to traverse it.

MS. McGOVERN: You are --

CHAIRMAN BAGOFF: Do any other members --

MS. McGOVERN: Yeah. That's -- that's actually in keeping with the case law. There's a case, Christmas vs. City of Newark that -- it says commercial sidewalk -- property owners of commercial properties, which this is, have a duty to maintain their sidewalks. So, yes, I will add that as a condition.

CHAIRMAN BAGOFF: Great. Thank you. Thank you. Do any other members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Micaela, please state your name and address for the record.

MS. BENNETT: Thank you. Micaela Bennett, Old Indian Road. Good evening. Mr. Cote, would you explain exactly what existing condition or engineering deficiency makes this new traffic signal necessary?

MR. COTE: So, I'll go back to -- and again, just to apologize. Anything related to the traffic-related safety elements that it provides was covered by my coworker traffic engineer that provided his testimony.

What I will say relative to safety measures that my engineering component of the project provides is we're improving the drainage that is existing along Eagle Rock Avenue in the proposed condition. So from that point of view, we're providing that component of the design that's a -- one of the added improvements overall. So, relative to traffic, that would be, again, already having been testified through the traffic engineer.

MS. BENNETT: Okay. Thank you. So then I'm going to shift to my stormwater and site engineering question. How much additonal impervious surface is being created by the driveway, parking, and roadway improvements?

MR. COTE: Sure. So the on-site increased impervious is around 12,000 square feet, a little over a quarter acre. And then the off-site relative to Eagle Rock Avenue is around 9900 square feet. So all told, it's slightly over a half an acre, just about a half an acre, worth of impervious that's being proposed

under this project.

MS. BENNETT: Okay. And then would you let us know the existing and proposed runoff rates for the two, ten, 25, and 100-year storm events?

MR. COTE: Sure. So the existing, there's two areas of analysis. There was the east and west I referred to in my earlier response to one of the folks asking questions and on the east end over by Eagle Rock Ave and Laurel Avenue, the proposed discharge, there's two different sets of storm events. We design for the current storm events and plus for a future storm event considered to be the year 2100s.

So, the proposed -- the existing two-year for the area adjacent to Eagle Rock Ave and Laurel Ave is a 13.48 CFS peak flow for the two-year, and the proposed is 11.32. The 10-year is 23.47 CSF, existing, and the proposed 19.76 CFS. The 100-year 44.56 CFS and the proposed is 38.87 CFS. And that's for the current storm events.

Now I'll speak to the future storm events. The future storm events are, for the two-year, existing, 16.83 and for proposed, 14.07 CFS. For the 10-year, existing, 29.21 CFS and proposed, 24.77 CFS. For the 100-year, 58.39 CFS versus 53.61 in the proposed condition. And that's for what we refer to as

our point of analysis one at the intersection of Laurel and Eagle Rock Avenue and at the other end of the site, what is considered to be point of analysis two, the discharge for the current storm events for the two-year is 9.63 CFS. The proposed is 5.67 CFS. For the 10-year, it's 17.05 CFS. For the proposed, it's 10.31 CFS. For the existing 100-year, it's 3.74 CFS and for the proposed, it's 23.96 CFS.

And again, that's the current storm events that we calculated. And then going into the future storm events, the two-year is existing for -- is 11.97 CFS. The proposed is 7.27 CFS. The 10-year is 21.2 CF -- .02 CFS, the proposed is 14.02 CFS. The 100-year is 42.47 CFS, existing, and the proposed is 31.63 CFS. And that's the future storm compared to the -- the current storms for both watersheds.

MS. BENNETT: Thank you. I think you've already answered this, but I'm going to ask the question. If it's already been answered, just say that, please. Where exactly the stormwater from the modified site discharge is? I think you did answer that.

MR. COTE: Yeah, the connections are both in Eagle Rock Avenue proper, with pipes running to the east and to the west of Oval that are at the tail ends

of the limit of the overall project work.

MS. BENNETT: Does any --

MR. COTE: Tying into the existing county's stormwater structure, drainage system.

MS. BENNETT: Thank you. Does any additional volume, velocity, or concentration of runoff ultimately reach neighboring residential properties?

MR. COTE: The difference, if you're asking this -- so you may want to restate that question. Your question is with respect to what does the stormwater design accomplish in its goals? Is that what you're asking? Maybe you can restate that question, I don't know.

MS. BENNETT: Well, so it is what I'm asking, but those additional volumes, velocity, or concentration of runoff, would they ultimately reach neighboring residential properties?

MR. COTE: So the nature… the way you design stormwater today is you actually design for rate, not for volume. So, with respect to the overall, the increased impervious, we'll have an increase in volume, but the rate has slowed down so that you actually are, by DEP standards and by the township standards, you're creating a reduction in flow rate from the discharge of the improvements. And in this respect, it's in

addition to the fact that the site itself has these two basins that we're able to make the improvements on Eagle Rock Avenue, because there's no provisions in Eagle Rock Avenue today that allow for attenuation of the storms.

So, if that answers your question, it's yes, and the improvements address that.

MS. BENNETT: Okay. Does your stormwater analysis account for current rainfall conditions, and then the increasing -- the increasingly intense storm events, or does it rely solely upon historical design assumptions?

MR. COTE: Actually, the answer to the question you asked earlier on just stated that it's both current and future. So it addresses both. That was the -- what you asked me in the first question.

MS. BENNETT: Yes, thank you. And so then what happens if the stormwater system exceeds its design capacity? Where would that water physically go?

MR. COTE: So, both basins have outfall spillways that go out onto Eagle Rock Avenue. It goes exactly where the water goes today. So even without any of this construction, that same exceedance of a stormwater you're talking about, that would be whatever that future… whatever that storm event would be, it

would go out into the same locations. That's the way the design is, to marry up to the existing locations where they go today. So, no difference, in effect.

MS. BENNETT: Okay, just in the interest of time, I'm just gonna move down to -- I just wanna move down to -- okay. Were the need for these improvements, or the conditions producing that need anticipated when Crestmont obtained its 2023 and 2024 approvals?

MR. COTE: I can't address that question. I wasn't involved in that particular set of applications.

MS. BENNETT: Did you make yourself familiar with those applications that are within the record?

MR. COTE: Yeah. I'm familiar with the fact that they had made improvements for their pickleball and for their mobile, the, excuse me, the, the building proposed at the edge of the parking lot that we're working on. But again, that was done by a different engineer and under a different, you know, application. Again, I apologize, I was not involved in that application. But I'm familiar with the fact that those improvements already underlie our existing -- as our existing conditions for our proposed improvements. So that's the familiarity that I'm picking up for where they left off.

MS. BENNETT: Were any of the improvements

now that are being contemplated by this board required or discussed in those prior 2023 Planning Board or 2024 zoning Board approvals? That's what I'm trying to get at.

MR. COTE: That's not a -- I apologize, that's not a question for me, if you're asking that question to the board? Is that where you're directing the question?

MS. BENNETT: No. I'm asking you if your review of the material that's in front of the board now, including the 2023 planning board application and approval or the 2024 Zoning board application and approval, I'm asking you if these improvements that are now in front of the board were contemplated, required, or discussed in those prior applications, if you know.

MR. COTE: I do not know, I'm not aware of that.

MS. BENNETT: And are there any conditions that you're aware of that have changed since those approvals that would make these improvements necessary now?

MR. COTE: From -- that would be an operational question more than an engineering question. Not something I can answer.

MS. BENNETT: Chairman, I have one additional

question, just to avoid --

CHAIRMAN BAGOFF: Go right ahead.

MS. BENNETT: -- having to come -- thank you. Thank you, Sir. Is this application correcting an unforeseen consequence of any of the previously approved development or use?

MR. COTE: Not that I'm aware of.

MS. BENNETT: Thank you, Sir. Thank you, Chairman.

CHAIRMAN BAGOFF: Thank you very much. Again, do any members of the public have any questions for Mr. Cote on his testimony? Just remember, you get one shot this evening, not -- not multiple times, so ask the best questions that'll help the planning board understand the application better. Thank you. Please raise your hand and be identified if you have any questions for Mr. Cote.

ZOOM OPERATOR: Zoom User, please state your name and address for the record.

MR. COHEN: Lawrence Cohen, 20 Lincoln Avenue, West Orange.

ZOOM OPERATOR: Go ahead.

MR. COHEN: Thank you. Mr. Cote, I have a question. In your professional opinion as an engineer, what do you think about the wisdom of the current,

driveway that's been used for many, many years, and has a lot of visibility on either side, even though you mentioned the 90-degree angle to looking left. What do you think about that when they were making this, and they chose this area? Do you think it was a wise decision, and it's been time-tested? What is your professional opinion? Thank you.

MR. COTE: I can't opine on the wisdom of that driveway. I can only opine on the fact that that driveway's alignment is not a proper alignment for an exiting maneuver from the site. So, to answer your question, that's what I can answer. I can't -- I don't have any of the history of the wisdom, you want to say, relative to why they did what they did.

MR. COHEN: Okay, but did they choose -- do you think they chose that, with the visibility, they're pretty much, good sight to the left and good sight vision to the right, and they tried to pick from that area and had some seclusion and privacy for their country club. Do you think that was part of it?

MR. COTE: I couldn't tell you. I don't have -- I don't have any knowledge of their original reason for doing that. Other than what I said about the fact that it's not -- it's not what I would design as an engineer today.

MR. COHEN: And the steepness is not so steep compared to the --

MR. COTE: It varies along that driveway.

MR. COHEN: Okay. That's my only question. Thank you so much.

CHAIRMAN BAGOFF: Thank you very much. Do any member of the public have any questions of Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Seth Weisleder, please state your name and address for the record.

MR. WEISLEDER: Yes. Hi. Good evening, Seth Weisleder, 17 Howell Drive, West Orange, New Jersey.

CHAIRMAN BAGOFF: Go right ahead, Sir.

MR. WEISLEDER: Can you hear me? Okay.

CHAIRMAN BAGOFF: Yes. Go right ahead, Sir.

MR. WEISLEDER: Mr. Cote, you said the water currently runs onto Eagle Rock Avenue without being detained. Can you describe a little bit about what that actual problem is causing today, and how is your application actually fixing it?

MR. COTE: So, with respect to the runoff, the existing runoff is not controlled by any type of stormwater detention system or anything that slows that water down. What we're doing, basically, is capturing

that water, and as a result, being able to slow it down. We're also making improvements in Eagle Rock Avenue. The history of Eagle Rock Avenue and the date to which the original designs were prepared predate the current regulations, so we have the opportunity here to update those stormwater pipes in Eagle Rock to bring them up to today's code. So those two elements provide the improvements along Eagle Rock that don't exist today.

MR. WEISLEDER: Right, but that's a very small portion of Eagle Rock. It's not going to change all of Eagle Rock and make it safer, would it?

MR. COTE: It's the portion that we're working with. That's within our juris -- that's within our limits of our property.

MR. WEISLEDER: Which is how big, because I'm still not understanding the actual specific problem it's causing.

MR. COTE: I -- I don't understand the question? I don't understand the question.

MR. WEISLEDER: Like, where's the date? Well, you're saying that there's a problem and it needs fixing. There's cars that are driving on it. Where's the data? Where's the study that shows that there's an actual problem today?

MR. COTE: So if you're asking --

MR. WEISLEDER: And you're saying your application's making it better. Making what better?

MR. COTE: So let me --

MR. WEISLEDER: Yeah.

MR. COTE: So if you're asking relative to a traffic element, that's already been addressed by my traffic engineer in his testimony and cross-examination. With respect to the --

MR. WEISLEDER: No. More to water. Water.

MR. COTE: -- water, yeah, to water, what I can tell you today is that what's out there today, by today's standards, is substandard. So the substandard element means that you have conveyances that aren't adequately conveying them based upon the current storm events.

Again, if you understand the history of the regulations, the regulations have adopted new and increased flow rates associated with storms, in effect, to try and address global warming as a component of their regulatory improvements. And therefore, we're -- we're implementing that in this design. And that post dates anything that's been constructed prior relative to older standards. So that's the answer to the question.

MR. WEISLEDER: Right. On how large of a portion of Eagle Rock is that?

MR. COTE: From -- from -- we're doing it from Laurel Avenue on the west end, where it intersects with Eagle Rock Avenue, to the east end of this property, to where we have control of our work.

MR. WEISLEDER: Okay. So you've explained that the retaining wall and storm water systems are needed because of the parking lot grading. If Crestmont wasn't adding these additional parking spaces, would you still need the same wall, grading, and stormwater work to take place?

MR. COTE: I would still -- I would still need stormwater for both. The walls are associated with creating adequate grades for the parking lot, and like I spoke to earlier in my testimony. But the actual detention systems would also be required because of the widening of Eagle Rock Avenue to provide the additional lanes that are proposed and widening for the center left turn lane.

MR. WEISLEDER: Right, but the stormwater work, I'm specifically talking about the parking lot, not the -- not Eagle Rock. I think we can look --

MR. COTE: The parking lot is a component --

MR. WEISLEDER: -- separately. Correct?

MR. COTE: I am -- I answered your question stating that the roadway improvements for Eagle Rock alone would require stormwater management, the basins that you were asking about, and that we've combined the improvements for the parking lots with the stormwater associated with the widening of Eagle Rock to make it one system. So they're both necessary for the purpose of the overall development.

MR. WEISLEDER: But one could be done without the other, right?

MR. COTE: Anything can be done independent of each other, but that's not relevant to this application.

MR. WEISLEDER: Okay. Just asking. Is the widening and regarding of Eagle Rock mainly being done because of the new exit and traffic signal, or would that work have to be done anyway?

MR. COTE: The work was requested, relative to putting in a signal associated with the settlement agreement. And if I understand correctly, that ultimately, from my traffic engineer's discussions, that the county is in favor of this project.

MR. WEISLEDER: Okay. And did you happen to look at any other ways to lay out the parking so you could add other spaces without as much grading, or

having a huge retaining wall or tree removal or --

MR. COTE: There was --

MR. WEISLEDER: -- doing extra work along Eagle Rock?

MR. COTE: This is the one we came up with to minimize the impacts. So the answer is yes, and this is the one we came up with to minimize.

MR. WEISLEDER: But there could be alternative ways to do it without doing all of this, correct?

MR. COTE: You could -- you could design it 100 different ways, but again, you know, our efforts were to minimize the impacts. So that's the plan that we came up with, and that's before the board tonight.

MR. WEISLEDER: Okay. So you said the existing driveway is difficult because of the angle and visibility. What is preventing you from moving or redesigning the parking lot and driveway in a different way that would address these problems without all these other site changes that are needed and that you're asking for?

MR. COTE: Again, we're asking for this relative to minimize the amount of impacts. I could design it and have a much greater impact on the overall area. I could do -- I could increase impervious, have

more issues with tree removal. Again, you're asking a question as to, could I design it in a number of different ways? The answer is yes, but this is the way that was the most conducive for minimizing impacts to the existing trees, minimizing impacts to steep slopes.

So all those conditions that I'm asking for the variance, are supported by this application and the nature of the design.

MR. WEISLEDER: Okay. So if you're adding more water into the stormwater for the county, does the country club become responsible, or the construction become responsible to assist the county in that stormwater increase?

MR. COTE: The county's actually getting the benefit of the overall design by improving their existing structures, to my testimony earlier about the fact that this is actually taking substandard pipes and networks in the roadway and improving them. So the county's getting the benefit of this improvement already as a function of the project.

MR. WEISLEDER: And in any way, does this affect West Orange stormwater containment or control?

MR. COTE: This is consistent with regulations in terms of the requirements of the design for the reductions in the post-development flow rates,

and in that effect, we are improving the conditions in the downstream receiving components of this design. And that was the -- that's already been, you know, reviewed by the engineer, as well as, it has to be consistent with the town's and the county's requirements.

MR. WEISLEDER: Okay. Thank you.

MR. COTE: Thank you.

CHAIRMAN BAGOFF: Thank you. Does any member of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Justin Goldsman, please state your name and address for the record.

MR. GOLDSMAN: Justin Goldsman, Moran Road.

CHAIRMAN BAGOFF: Go right ahead, Sir.

MR. GOLDSMAN: Thank you. Thank you, planning board members and Mr. Cote. Can you tell me in your professional experience or estimation how much capacity to absorb, or prevent runoff does a standard bio-retention basin have?

MR. COTE: The bio-retention is a component of water quality for the basin. It's not a retention with respect to -- it does slow down the water in some respects and serves that purpose, but its goal is for water quality, not for water quantity. Water quantity

is controlled by the outfall structure proper of the basin.

MR. GOLDSMAN: Okay. So it does have a runoff component, though, as you're -- as you're saying?

MR. COTE: Yeah. It filters the water before it comes into a control structure that then runs off the water on a controlled rate.

Justin Goldsman: Sure. So how much in terms of a capacity quantity would that -- would a bio-retention basin have for runoff purposes?

MR. COTE: It’s -- it’s -- every design is different. This design is intended to address the water quantity, the rate reductions I talked about earlier was the 50 percent of the two-year reduction of the two-year storm, 75 percent reduction down to 75 percent of the 10-year storm, and reduction down to 80 percent of the 100-year storm.

So that's the -- that is the capacity component of these basins in terms of what they're able to address to reduce that stormwater runoff downstream.

MR. GOLDSMAN: I appreciate that. So that's not necessarily a, you know, a numerical value, and I understand the comp -- I understand the --

MR. COTE: Yeah.

MR. GOLDSMAN: I get it. So, my -- I guess my question would be, in comparison to these bio-retention basins, in terms of their capacity to reduce stormwater runoff, are you able to provide a rough estimate of how many trees that would be the equivalent of?

MR. COTE: No, I have no way to equate that. But I did already state, prior to this set of questions to the earlier, comment about what the actual reductions are in those flow rates, both -- based on both the current storm design as well as that future year 2100 storm that we're required to design to.

MR. GOLDSMAN: Correct, I heard that. I did hear that, and I appreciate that, but I'm trying to get at a different question here, because you've also said throughout your testimony that your impacts are -- whether they're positive or negative, you're concerned with the scope of the work as it relates to the boundaries of your project. You know, some people have asked questions about how far down does it go, and you've said it stops at the scope of your work.

So my question is, if you have a bio-retention basin that you're putting in with regard to limiting the impact that your project is creating, those bio-retention basins limit the impact up to the

point of your property whereas a tree, or 313 trees, as you're proposing to remove according to your EIS study, has a higher capacity to handle water as it flows down -- downstream for the rest of the residents on Eagle Rock Avenue.

MR. COTE: I can’t -- I can’t opine on a tree-by-tree basis. I mean, sorry, so ask your question, I apologize.

MR. GOLDSMAN: So, my --

MR. COTE: Ask your question.

MR. GOLDSMAN: I appreciate that. No, so the point of my question is, is does one or two bio-retention basins, as you're proposed, equate to the capacity of 313 trees that you're proposing to remove?

CHAIRMAN BAGOFF: I’m sorry, Mr. Goldsman. He didn’t testify to anything about tree capacity equaling the bio-retention basis, so we’re going to have to move on.

MR. GOLDSMAN: Okay.

MR. COTE: I don’t have an answer for that question relative to the way you’re asking it.

MR. GOLDSMAN: Okay. Can -- can you maybe perhaps --

MR. COTE: I can -- I can just state clearly that the town’s ordinance has a tree replacement

requirement, a substantial tree replacement requirement that we will meet, and that tree replacement requirement will place over 542 trees on site and 55 trees funded for off-site. So there's a offset to that that maybe that addresses your question from the point of view a tree-to-tree scenario, but I can't tell you how a tree component directly relates to a bio-retention basin's capacity. It's not a -- it's not an engineering equivalent.

MR. GOLDSMAN: Okay. I -- I do appreciate that. And I would venture to guess that if I have questions on wildlife, I should save that for a subsequent witness. Correct?

MR. COTE: Yeah. I don't -- I don't know how that will be addressed in the application, yeah. To your question -- that question exactly.

MR. GOLDSMAN: Understood. Thank you. I appreciate the time. Thank you, Chairman. Thank you, Mr. Cote.

MR. COTE: Thank you.

CHAIRMAN BAGOFF: Thank you very much. Do any other members of the public have any questions for Mr. Cote on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: The person with their hand up

has already spoken. Would you like them to go again?

CHAIRMAN BAGOFF: Who has --

MS. McGOVERN: Mr. Schkolnick has his hand up, also.

CHAIRMAN BAGOFF: Okay. Go with Mr. Schkolnick first and then we'll --

MR. SCHKOLNICK: No. No. That -- that was -- I was just playing with the computer here. I'm sorry.

MS. McGOVERN: Okay. Sorry.

MR. SCHKOLNICK: I was wondering if anybody spoke in the chat room.

CHAIRMAN BAGOFF: No -- no problem. Okay. One more question. Go right ahead. Last one.

ZOOM OPERATOR: Joe P, please state your name and address for the record.

MR. PANNULLO: Yes. Joseph Pannullo, Holton Lane, Essex Fells. Before I ask a question, a point of order. Last time I was questioning Mr. Pehnke, I had my hand up and after twice, I was cut off. I'm not done. I'm glad he's here tonight. I have more questions now for Mr. Cote. I appreciate it. The clock shouldn't be running right now, but that's fine. I -- when I'm done, I'm done and if there's a limitation to how many questions can be asked of an

expert during these proceedings, I'd like --

CHAIRMAN BAGOFF: You have three minutes, Sir. Go right ahead. Ask a question of Mr. Cote, please.

MR. PANNULLO: No, no. I -- that's not the question right now. The question is procedure. If I'm not done in three minutes, as you said a minute ago --

CHAIRMAN BAGOFF: Sir, you have three --

MR. PANNULLO: -- one pass, that's it.

CHAIRMAN BAGOFF: Sir, you have three minutes just like everybody else. You can rest the clock to three minutes, please. You have three minutes. Ask a question of Mr. Cote.

MR. PANNULLO: If my questions are not finished in three minutes, do I get to go again?

CHAIRMAN BAGOFF: No, Sir.

MR. PANNULLO: Okay. Mr. Schkolnick, that's clear. Correct?

CHAIRMAN BAGOFF: Ask the most important questions, please.

MR. PANNULLO: I'm sorry. Mr. Schkolnick is clear that the public's not going to get an opportunity to complete the questioning.

CHAIRMAN BAGOFF: Go right ahead, Sir. Ask your questions.

MR. PANNULLO: Will do. Mr. Cote, I think it was Ms. Bennett. You made a -- she asked a question and I think the answer to it was -- whether it was regard to either the -- the same is today in terms of the water outfall spillway or the water that was to be -- not say contained, but managed. And I -- I wish I had written down exactly the question that she asked, but the answer was it would be the same today, which is to say it won't be worse, it won't be better, it would be the same in whatever specific area she was asking. Do you recall?

MR. COTE: So if you're asking a question in a state of condition when existing… excuse me, proposed basins are beyond the capacity of a storm, if a storm exceeds those basins' capacity, what happens? And where would that water flow? And that water will flow into the same system that it flows today. Like, in other words, it goes to Eagle Rock Avenue. At -- where that water -- pretend nothing was built. Where would that excessive stormwater flow would go, it would go to the same places on Eagle Rock Ave that the proposed conditions will then flow to as well.

So, there's no difference in -- we're not changing water from here to go to some other watershed elsewhere in the town. It's all going to the same

watersheds, the same points.

MR. PANNULLO: Okay, I appreciate that. I'm actually trying to turn my video on, still can't figure it out, but -- because I would love to be seen and let you see me. Without getting into traffic, do you -- could you speak to the width of the roads, the width of the driveway, the sidewalk's width. Is that engineering in your area?

MR. COTE: So the -- yeah. The driveway on site is proposed to be a 24-foot-wide driveway. It's an exit only, two 12-foot lanes entering into the signal at Eagle Rock Avenue. The lanes that were discussed by the traffic engineer were covered by his testimony, but basically, they'll be compliant with the county's requirements for those lane widths.

MR. PANNULLO: So if there's an expansion of Eagle Rock Avenue, where will that expansion occur? Between --

MR. COTE: It -- it occurs on -- on the -- it occurs on the Crestmont property. That's the nature of this application. That the widening occurs on only our side -- only on the applicant's side of Eagle Rock Avenue to accommodate that lane widening within Eagle Rock Avenue, and that happens from Laurel Ave and tapers back down to the east end, where the old

entrance driveway, or exit driveway, excuse me, was -- is today.

MR. PANNULLO: Got it. Thank you. And so, is that just one lane?

MR. COTE: It's -- the ultimate winding is for a lane in the center that provides a left turn component at Oval Drive at the signalized intersection.

MR. PANNULLO: I guess the question is, on the frontage of the Crestmont on Eagle Rock from point -- from beginning to end, if Eagle Rock is widened to provide for a lane. Is what you're saying, that the land to accommodate that widening is going to come from the frontage of the Crestmont Country Club?

MR. COTE: That is correct.

MR. PANNULLO: How wide is that lane?

MR. COTE: That lane being had, it is approximately 11 feet wide, and the improvements, you know, are, like you just said, pushed on to the Crestmont property.

John Cote, P.E.: And so the sidewalks the Chairman requested or talked about last meeting would be from that incremental 11-foot --

MR. COTE: No. That -- that's -- that's the -- that's the asphalt widening. We have to clear -- so just think of the curb line, and beyond the curb line,

we have a flat area we clear for -- it's a requirement of the county. And within that flat area, the requested sidewalk by the board can be accommodated within that flat area, running up along the length of Eagle Rock Ave from Laurel to the east end of the project limits, or the property limits.

MR. PANNULLO: Okay, so does that -- does that to say that the sidewalk that the Chairman requested last meeting was accommodated in the plans that were submitted before with the lane widening of Eagle Rock?

MR. COTE: No. They were asked for after the design was already submitted. So we're going to make that a condition of the resolution that we provide that access -- that sidewalk. But again, just keep in mind the sidewalk is a county-related review.

MR. COTE: The town's asking for it, but the county will have jurisdiction on The final design of it.

MR. PANNULLO: Understood. So, is that to say that the drawings or plans that are in -- on file now do not accommodate the width and the sidewalk and whatever other has to happen?

MR. COTE: They already accommodate the width, and again, just think of it like it's already

going to be leveled off enough to be able to put a sidewalk right where the proposed conditions are proposed along that curb, so it's not changing the grading that's out there to impose a sidewalk along the frontage.

MR. PANNULLO: Right.

MR. COTE: So it's not an added -- you know, we're not widening the road further to add sidewalk, if that's your question.

MR. PANNULLO: So, well, I'm not clear that that's the answer yet, but if the question posed earlier by Professor Tractenberg was, and he stated there's a five and a half -- I don't know what the wall is, it's 20.5 foot retaining wall proposed, five and a half times what was there now, or either -- or the variance that would -- the relief saw it. Does the height of the retaining wall change because a road width and an additional sidewalk going into a hill on a slope, does that change the height of the retaining wall?

MR. COTE: I'll state it one more time. No the retaining wall will not be affected by the imposition of the sidewalk. Where we're putting the sidewalk is already designed as a flat section, a relatively flat section adjacent to the curb line

running the length of the improvement. So there's -- just -- just think of it as it's a simple -- take a grass strip that would be there in the future and putting a sidewalk in. That's --

MR. PANNULLO: Okay.

MR. COTE: -- the easiest way to probably describe it.

MR. PANNULLO: Okay. So -- so that said -- by the way, the last -- I don't know if you know, but the last meeting, it was testified to that there would be some portion of, I think it's Eagle Rock, that would be conveyed to the county in this -- before it's all done. Are you aware of that?

MR. COTE: Yes, that's represented on our plans.

MR. PANNULLO: Right. So what portion of Eagle Rock, if that's where it is, would go to the county, how much, and what is it for?

MR. COTE: It's a strip of land approximately 9,000 square feet -- 9,446 square feet in size, running the length, and it varies in width for the, depending on where it is in the geometry. But overall, 9,446 square feet.

MR. PANNULLO: Is that frontage?

MR. COTE: Frontage. Correct.

MR. PANNULLO: Okay. And will that also accommodate things like power for the signal, things like that? Is that where that comes --

MR. COTE: Yeah. Everything -- everything under the easements within the signalized intersection are part of that overall process.

MR. PANNULLO: Understood. Is there any blasting required to make any of this happen?

MR. COTE: I'm not aware at the moment whether blasting is required. The work would be given by the -- what do you call that? The -- I apologize, I didn't say it the right way. The work will be governed by the nature of the retaining walls proposed, so blasting right now would probably be Hydrohammer, if you ask me, but I'm not -- I don't want to speak out of turn.

MR. PANNULLO: So has there been a geo-technical study yet to any of this, or no?

MR. COTE: We did a soils investigation for the purpose of the stormwater, and part of the conditions of the approval will be that the -- all these walls have to go through their building -- the township building department for technical review. So that'll be done as part of that.

MR. PANNULLO: Okay. I --

CHAIRMAN BAGOFF: Thank you, Mr. Pannullo. That's the end of your time. I appreciate that.

MR. PANNULLO: I'll be back, Sir. Thank you.

CHAIRMAN BAGOFF: Okay. Again, does any -- anybody have their hand raised who has not had a chance to speak tonight, please identify yourself. Only people who have not had a chance to speak tonight.

ZOOM OPERATOR: Lori, please state your name and address for the record.

MS. HASSELL: Hello. Yes. So it's Lori Hassell and I live at 62 Lapis Circle in West Orange, New Jersey. So, I have a two-part question, and I'm sure this was -- I'm going to assume that there was lots of discussion to realign the driveway on Eagle Rock from the Crestmont property down Eagle Rock to the end of the Crestmont property line, or realign the driveway further down Laurel and remove the one-way driveway or not, as it is today.

My question is if there was, and I'm assuming there was, were there any negative reasons or oppositional reasons not to focus on these alternatives, aside from this great idea that putting a light in there would be a benefit?

MR. COTE: They were previously addressed in the traffic testimony. That -- those questions were

specifically answered by Mr. Pehnke.

MS. HASSELL: So I'm not referring to traffic, reasons, I'm talking about from a civil stan… from your standpoint.

MR. COTE: Yeah, there's no -- it's -- it's part of it is, I would say the majority of it's driven by traffic relative to the positioning of the intersection and the signalized intersection. The operations of the facility and the way they operate for the one-way coming in and the one-way going out relative to their operations, that's an operational condition.

So there's no -- there'd be no benefit, you know, from my design, from a civil design, to alter that. I -- you know, I look at the grading, the drainage, those components of it, but operational questions and traffic questions are via the operation component and the traffic engineer side of it. So nothing on the civil side would be relative to what you're questioning.

MS. HASSELL: So, but again, I'm not asking with respect to traffic, that's a whole 'nother thing.

MR. COTE: No, I undersand, but I'm answering relative -- that -- the answer is no relative to civil. To answer your question specifically from my point of

view, yeah. There's no -- there was -- there's no merit to the -- to alternates that, from a civil engineering point of view, from my side of it, from a drainage, or from an impact to the existing trees, or anything like that, that would be a benefit, no.

MS. HASSELL: Okay, so basically, you were asked to -- to go into this particular point at the property line instead of analyzing other areas as alternatives. You -- that was not a discussion, then?

MR. COTE: I -- I analyzed -- I analyzed this corridor relative to this -- relative to the existing driveway on site and the stormwater associated with it as well as, you know, how do we access, how do we connect to the point where the proposed signalized intersection is.

MS. HASSELL: Okay. Thank you.

MR. COTE: No -- you're welcome.

CHAIRMAN BAGOFF: Okay. Do any other members of the public have any questions for Mr. Cote that you haven't -- that hasn't been asked previously? The questions are becoming redundant, ladies and gentlemen, and no matter how you phrase it, Mr. Cote is answering the same thing over and over again. And just remember, it's for the board to hear the information and not just to ask redundant questions. So if the question is

redundant, I'm going to ask you to move on. So we'll have three more question -- three more people and that's the end. So, the next person up.

ZOOM OPERATOR: Rachel Klein, please state your name and address for the record.

MS. KLEIN: Howell Drive, West Orange. Rachel Klein. Sorry. So my question is -- it's going to piggyback onto Mr. Pannullo. As you're approaching further and further onto the Crestmont property, you're you're pushing further and further into the steep slope. So, I guess one of my questions is, you're seeking -- I'm guessing you're seeking variances for our new steep slope ordinance that would make that pretty hard to do, the way that the ordinance is currently written?

MR. COTE: I'm sorry. I didn't necessarily understand the nature of the question.

MS. KLEIN: I mean -- sorry. I was thinking it as I was saying it.

MR. COTE: Go ahead.

MS. KLEIN: Are you seeking steep slope variances for this project?

MR. COTE: Yes, we are.

MS. KLEIN: Okay. From -- from the board that has given many steep slope variances. Have you

seen some of the other retaining walls in town and --

MR. SCHKOLNICK: Object to the question. I object to the question.

MR. COTE: Yeah. This should be relative to this particular project --

MS. KLEIN: Yeah.

MR. COTE: -- in terms of the questions. I -- I don't -- I don't -- I can't opine on other people's designs that I have not participated in or had, you know, any experience with. It's just not something I can opine on.

MS. KLEIN: Understood. -- I guess wanted to once again ask about the variance. Thank you.

CHAIRMAN BAGOFF: Okay.

MR. COTE: Okay. Next person.

ZOOM OPERATOR: So, the next person already spoke. Would you like them to speak again?

CHAIRMAN BAGOFF: Yes. The last two.

ZOOM OPERATOR: Okay. Paul, please state your name and address for the record.

MR. TRACTENBERG: Paul Tractenberg, 96 Sullivan Drive, West Orange. I just have one question. I wanted to clarify, Mr. Cote, something I understood you to say in answering Victor Misarti's questions about the planning board experts' recommended changes

in the site plan. Did I understand you to say that they will be addressed only as conditions to approval after or if the planning board approves, not by submitting revised site plans to the planning board for it to consider?

MR. COTE: Yeah. We -- we agreed to address the questions in the form of the resolution compliance because we're looking to basically address those questions as a function of the approval if it could be granted. So as an example, in the planner's letter, there are numerous substitutions they requested for different types of species of the plantings and we've -- we're agreeing to swap -- swap out those species. We take no objection to that, as an example.

MR. TRACTENBERG: Let me understand. So these would be addressed only if and after the board approves the application?

MR. COTE: Correct.

MR. TRACTENBERG: So all the other comments and requests by the planning board's own experts will not be addressed before the planning board?

MR. COTE: The majority of the items have been addressed through testimony. The technical questions that are within the content are the ones that will be addressed through the process of the revisions

associated with whatever other requests the board makes of us here, such as the sidewalk that was discussed earlier.

MR. TRACTENBERG: Okay. I have no other questions. Thank you.

CHAIRMAN BAGOFF: Thank you --

MR. COTE: Thank you.

CHAIRMAN BAGOFF: -- Mr. Tractenberg. Last person for Mr. -- questions for Mr. Cote.

ZOOM OPERATOR: Joe P., please state your name and address for the record.

MR. PANNULLO: Thank you. Joseph Pannullo, Holton Lane, Essex Fells. Mr. Cote, just a few more questions. Are there any sidewalks provided along the driveway into the Crestmont itself, or are they simply roads?

MR. COTE: They're just simply roads. Correct.

MR. PANNULLO: So, I spoke with I think Dana Cancellari (sic) three years ago, spoke with her again a little while -- a few months -- I don't know, a month and a half ago. The notion that a bus stop, and Mr. Pehnke testified that there was a provision, potentially, for the ability to handle a bus stop. Are you aware of that, or is that part of anything in the

plans that you've --

MR. COTE: That's part of Mr. Pehnke's testimony. It's not relevant to my testimony, unfortunately.

MR. PANNULLO: Okay. So, but the -- so -- well, yes, maybe, maybe not. If there was a bus stop provided there, not by your hand, and there were people that work at the Crestmont Country Club, which would benefit the club in its own way, because there's a bus stop there, how would they actually traverse Eagle Rock to the club if there's no sidewalk on the driveway, or no steps? And what grade would that be?

MR. COTE: Yeah. I -- the reason we don't have one along the driveway, it's an exiting maneuver only for the facility, so operations are -- again, it's an operational question. I'm not sure how they would address that.

MR. PANNULLO: Okay. So -- but it's not -- it's not in the plan now, as submitted. Is that fair?

MR. COTE: Yeah. It's not part of our current design. Correct.

MR. PANNULLO: Okay. Is there any containment of water in the current -- the elevation now, which is the parking lot, at the top? Water flows down. Is any part of the plan designed, besides catchment, or

detention or flow down, anything going to be captured up on top before it gets down?

MR. COTE: The only element to that is really a water quality -- excuse me, component, my apologies. The porous pavement element on the upper parking lot provides a water quality measure. That's the -- one of the current standard allowable designs for the treatment of the runoff from the parking lot. That's how we achieve part of our overall water quality goals. So it's a --

MR. PANNULLO: Understood.

MR. COTE: It's a water quality measure on top.

MR. PANNULLO: So is that to say that there was water contained up on top, or no?

MR. COTE: It’s -- it’s filtered through the porous pavement. I don’t want to say contained because that refers to -- we have detention systems down below. This is just a pass-through water quality element.

MR. PANNULLO: Fair. Okay. So -- so with regard to the water that is filtered, where it’s contained, where it flows, where it goes --

MR. COTE: Yeah. If you want to --

MR. PANNULLO: Eventually -- yeah. Go ahead. I’m sorry.

MR. COTE: No. I’m sorry. If you’re -- if you’re asking about, for example, in the detention system down below, those are, you know, bio-retention basins. If you’re asking about the parking lot up top, you know, there’s a temporary storage for the water to be allowed to filter through and then make their way out of that in particular.

So there’s -- you know, if you want to call it detention, you can. I just don’t want to -- I want to answer your question so you understand the functionality of it. So if that -- if that answers your question, then maybe that answers the future question.

MR. PANNULLO: I -- I appreciate that. With regard to the elevation, if there’s going to be no degree change even though the road is widened and there’s retaining walls built and there’s a sidewalk extending that, time of concentration or velocity, you know, is no different? Is that --

MR. COTE: It's calculated -- they're calculated by the same means between existing and then proposed, and the conditions that we have, and within our stormwater report, in order to achieve compliance with the township's stormwater management, we had to use those factors in our design. And how they traverse

the site. So it is already in the calculations as to how we're mitigating that stormwater. So the answer to your question is yes, we do use times of concentrations that are specific to the design that are used to identify how the water traverses the site. So it's --

MR. PANNULLO: That -- so -- I'm sorry. I didn't mean to interrupt you. Go ahead.

MR. COTE: No. Go ahead. No. That's okay, no, I don't know if that answered, but that's the question. Go ahead.

MR. PANNULLO: But so basically you're saying two -- I guess it's implying two things. One is the stormwater ordinance in the town is effective and you're conforming with that ordinance.

MR. COTE: That is correct.

MR. PANNULLO: So -- and the flow rate is part of that calculation and part of that conformance?

MR. COTE: That's correct. The numbers I stated before are compliant with those requirements.

MR. PANNULLO: Okay. So -- I will take issue with the idea that there's no DEP involvement in a watershed or in the Canoe Brook, water flows from all over the course, the roads, anyplace around there into the Canoe Brook, but that's -- that's not -- you said you guys -- you don't need one, so that's fine. Road -

-

MR. SCHKOLNICK: Objection to the -- objection to the form of the question, which is a statement --

CHAIRMAN BAGOFF: Correct.

MR. SCHKOLNICK: -- as to his expertise.

MR. PANNULLO: Okay. So Mr. Pehnke's coming back, I understand. I did ask him questions last time --

MR. SCHKOLNICK: No. No. No. No.

MS. McGOVERN: No, he's not.

MR. SCHKOLNICK: That's an incorrect understanding.

MR. PANNULLO: I heard he was here at the meeting an hour or two ago. I didn't get a chance to finish asking him questions last time. I was actually -- my hand was up and like this time attempt, I was cut off. And If he's not coming back, but he was here, I'm gonna ask him to come back. I wasn't through, and I prefer you all do this in person anyway, so we can -- you know, not -- this is discombobulated anyway, but I was absolutely not through with Mr. Pehnke and did not expect he would not return. I also didn't expect to have no way to verbally make a -- to get visible when my hand was up last time. So the attempt is here the

same time. I was going to ask a question about width of road, not traffic. I have many traffic questions, but I'll -- I'll leave them as an objection to whatever happens here when it's over if its going to cut me off now.

CHAIRMAN BAGOFF: Thank you, Mr. Pannullo. Have a wonderful evening.

MR. PANNULLO: You're welcome.

CHAIRMAN BAGOFF: All done. Okay. We're now going to take -- it is now 9:19. We're going to take a 10-minute bio-break.

MS. KAPFERER: Dr. Bagoff?

CHAIRMAN BAGOFF: Yeah. I'm sorry. Ms. Kapfere.

MS. KAPFERER: I'm sorry. Can I -- could I ask one -- one more question? I -- I apologize.

CHAIRMAN BAGOFF: Go right ahead. I'm sorry. Mr. -- Mr. Cote.

MS. KAPFERER: Yeah. Mr. Cote, regarding the -- the Artheon review letter from April 24th of this year, there are some questions in the letter related to -- or comments related to the geo-technical report and the depth to the seasonal high groundwater. Was there additional testing performed?

MR. COTE: We did the testing, the -- oh. I

apologize. I'm sorry. If you want to finish your question, my apologies.

MS. KAPFERER: Oh, no, that's -- tha'ts it. I just was curious, just because it -- yeah, just curious if any additional testing was done or, you know, because it appeared that the, the seasonal high might be conflicting with the basin bottom, so just was curious about that.

MR. COTE: Yeah, no, we -- our analysis, what we ended up doing was doing both testing at each of the basins, with -- have to do within proximity to the basins, and they confirmed -- the one thing to keep in mind here is it confirmed the testing for the purpose of season high, but also these soil types are the -- are Class D soil types.

So, if you're thinking about it from a point of view of infiltration. The bio-retention basins that I described earlier, they are actually a basin that takes the water, goes through the bio-media, but then it's discharged out, it's not infiltrated into the ground, specifically because of these D-type class soils that don't -- don't permit infiltration.

MS. KAPFERER: Yeah. So I guess I'm most interested in, the, seat -- the -- the --

MR. COTE: Seasonal high groundwater.

MS. KAPFERER: Yeah, yeah, and just that it can't be higher than the basin bottom, was that resolved?

MR. COTE: Correct. I -- yeah. It was resolved as far as I know with the geo-technical engineer, but I can confirm that we will address those questions as a function of our responses to those to be con -- you know, to address them. So yeah, we'll -- we'll address that.

MS. KAPFERER: Okay. Thank you. That's it from me.

CHAIRMAN BAGOFF: Thank you. Okay. It is now 9:20. We're going to take a 10-minute bio break. Thank you.

MR. COTE: Thank you.

(The board briefly handles other applications.)

CHAIRMAN BAGOFF: Okay. Mr. Schkolnick, you have the floor.

MR. SCHKOLNICK: Chairman, I understand fully that this is your matter to manage the questioning. I wanted to confirm that the members of the public, or each of them who wanted to ask questions, had an opportunity. Not more than once, but that each one who wanted to have a question had that opportunity, and that nobody was cut off, so that we have a fair process

here.

CHAIRMAN BAGOFF: Well, this evening, I don't recall cutting off Mr. Pannullo at the last meeting, and this evening, we didn't cut anybody off. And we ask people that have the question, one question. Ms, McGovern?

MS. McGOVERN: Yes?

CHAIRMAN BAGOFF: Did you feel that I cut somebody off at the last meeting, specifically Mr. Pannullo?

MS. McGOVERN: No, I think you were very generous with everybody's time.

CHAIRMAN BAGOFF: I thought so. So we're going to --

MR. SCHKOLNICK: Our recollection is that he -- he asked three rounds of questions to --

CHAIRMAN BAGOFF: Yes. I -- I agree. And we're -- we're trying to keep it to one to let everybody have a chance to question and asking people to ask the most important questions. And again this evening with Mr. Cote, the questions became redundant, asking again and again and I think -- and as I said before, the -- the questioning for the public, ladies and gentlemen, is so the board hears answers so we can further digest the information. So asking a question

redundantly is not helping us. But thank you very much for your time. We appreciate it.

So, to that end, Mr. Schkolnick, you're up.

MR. SCHKOLNICK: Are we done with this witness, Chairman?

CHAIRMAN BAGOFF: Yes. We're done.

MR. SCHKOLNICK: Okay. We're going to call our next witness, our planning, Sean Moronski.

MR. MORONSKI: Good evening.

MS. McGOVERN: Mr. Moronski, please raise your right hand. I have to see you. I'm looking for you on -- okay. Sorry.

S E A N M O R O N S K I, APPLICANT'S WITNESS, SWORN

MS. McGOVERN: Thank you.

DIRECT EXAMINATION BY MR. SCHKOLNICK:

Q Mr. Moronski, could you provide your qualifications?

A Yes. I -- Sean Moronski, Langan Engineering and Environmental Services, Parsippany, New Jersey. Masters of urban planning, New York University. New Jersey licensed professional planner since year 2000. My license is current and in good standing. Member of the American Institute of Certified Planners since 1999. I have been qualified before both boards in West Orange on several occasions throughout the years.

Q Do you regularly testify before planning and zoning boards throughout the state?

A I do.

Q Do you regularly get recognized as an expert in professional --

A I have. Yes.

Q -- planning?

A Yes.

MR. SCHKOLNICK: Chairman, I'd submit Mr. Moronski as an expert in professional planning.

CHAIRMAN BAGOFF: Do any members of the board have any questions? Seeing none, Mr. Moronski, we accept you as an expert in professional planning. Go right ahead, Sir.

MR. SCHKOLNICK: We appreciate that.

MR. MORONSKI: Thank you, Mr. Chairman.

BY MR. SCHKOLNICK:

Q Sean, if you'd go ahead, you obviously have reviewed the plans and the -- and the file and the reports and the review letters and -- and the site --

A Yes.

Q -- and the variances that are at issue here.

A Yes. I -- I have, and I've heard the testimony tonight and the testimony at the two previous meetings as well as the questions that have been offered by

professionals, board members, and members of the public. You've heard the description of the site, the proposed improvements. My task is I'm going to be going through each of the requested variances, and how we meet the standards for relief, as outlined under the municipal land use law. Excuse me. We are requesting C, or bulk variances, and I will go, through each of them, one by one.

The first one is from Chapter 25-12.1.B, which is the minimum distance from the parking area curb to a fencing, screening, or structure. You require a minimum of five feet. Less than five feet does exist, in terms of a setback in various places, and we're proposing three feet. We request this under the C-2 variance criteria, where the overall benefits of the application outweigh the concerns about the deviation.

The benefit is to reconnect the parking field with the proposed driveway grading and the retaining wall. It outweighs what you'd consider to be a de minimis, a very minor impact regarding the setback of six of the parking spaces.

And that has no -- that setback has no impact on neighboring buildings or uses. Typically, that type of, setback, there's concerns about how parking in those spaces that are within the setback could have an

impact on surrounding neighbors, lights, activity, that sort of thing. That's not the case that occurs there.

The proposed setback allows for a guardrail and a fence that's on the east side of the proposed parking that's adjacent to the modular building, so it addresses concerns about, safety. And the protective measures for vehicular and pedestrian circulation include the guiderail and fence along the wall, which are less than five feet from the parking spaces.

Then we have section 25-12.2.b.1, which is the minimum number of parking spaces. This is a permitted principal use of a golf clubhouse. It's considered a private club to determine the number of parking spaces. The standard is one space per 45 square feet of gross floor area. Which, when you add it up, we're required to have 700 spaces. Currently 256 parking spaces exist. That's an existing non-conforming condition.

The applicant is proposing 292 spaces. That includes a count of four spaces as four electric vehicle spaces are counted as two spaces, so it's 292 physical -- physical spaces involved.

And this would also be a C-2 variance. The driveway, the reconfiguration provides an opportunity for existing parking at the -- additional parking at

the upper level. It's closer to the main facility to help support activity at Crestmont.

And we are reducing the amount of relief, you know, that we need. I mean, 36 space -- it's a significant number of spaces. The 700 spaces is an excessive number of spaces. It's not something that the, club needs, nor would it desire, given, the nature, the nature of the site. And through the testimony, as we've noted, we're looking to minimize disturbances to the extent practical. So, from a C2 point of view, that the proposed spaces, yes, it improves our nonconforming existing condition, and it's an overall enhancement.

With regards to, the maximum retaining wall height, four feet is the maximum, as we've heard. We're talking about over 1300 linear feet of wall.

The maximum height, as was noted in Mr. Cote's testimony, is 21.5 feet. That's coincident with the basin, and the idea is to maintain the parking lot level. And this variance can be granted under the C1 criteria, specifically the C1B, which is due to the exceptional topographic condition on the site.

The proposed wall heights that exceed four feet are a function of overcoming the topographic conditions on the site. You know, in order to theoretically meet

these conditions, or even come closer, you'd have to have a greater number of walls, it's a greater number of distur -- a greater amount of disturbance, potential for removing further trees. What's being proposed, the idea of striking a balance -- as you know, planning is about making choices in terms of minimizing the potential impacts from the disturbance while addressing drainage concerns, address -- which, not just on the site, but obviously that are related to the road improvements that are involved here to minimize the amount of trees that would be replaced.

The site grade at the new signalized intersection at Eagle Rock is elevation 538. The proposed parking, existing and proposed parking fields range from 565 to 557, so they are higher, about 20 to 30 feet higher, 20 to 25 feet higher, so the need for the higher walls to minimize the disturbance is certainly helpful in terms of minimizing development.

The retaining walls help to create the new egress driveway and the proposed T-intersection. It's a significant safety improvement from the existing condition.

We also need variances related to the topographic and the steep slope requirements. I'll go through what the specific variances are, because the relief, our

justification is all tied together. We've had the minimum setback of the proposed improvements to the top of the steep slope. From 10 to 30 percent is 50 feet. The relocated driveway and the parking spaces are within 10 feet of the top of those steep slopes.

Also, the minimum setback of the proposed improvements to the top of the steep slope greater than 30 percent is 100 feet. That relocated driveway and parking spaces are also within 10 feet of those steep slopes.

And we're -- your ordinance does not permit disturbance of slopes greater than 25 percent. We're proposing about 10.9 percent of slopes greater than 25 percent. It's about, .38 acres, 16,400 square feet. This is over -- over more than 150,000 square feet of slopes that are greater than 25 percent.

And then the maximum driveway slope, you already have slopes up to 10.5 percent that exist near Laurel Avenue, which are to remain. And we're proposing 8.5 percent slope, Mr. Cote had noticed. And these are due to, as a C-1(b) variance due to the exceptional topographic conditions on the site, to minimize the disturbance due to the existing topography, the grading activities result in slope disturbance.

So the idea is to integrate the work into the

landscape while minimizing the disturbance to reduce the number of trees removed to the extent feasible. And also the minimum setback of the proposed improvements to the top of the steep slope is 50 feet, also proposing 10 feet. That relocated driveway and the parking spaces are within 10 feet, and that's for the same reasons that I noted with regards to the C-1(b) variance.

The requested relief would advance several purposes of the Municipal Land Use Law. Purpose A, which encourages action to guide appropriate use and development of land, promoting the public health, safety, and general welfare. The improvements will result in safety, circulation, aesthetic improvements on Eagle Rock Avenue, on-site stormwater management improvements that benefit beyond the site to Eagle Rock also.

Purpose D, which is to ensure that the development of individual municipalities doesn't conflict with development and general welfare of neighboring municipalities; West Orange, Essex County, Roseland Borough, Essex Fells, beyond that, but those three immediate jurisdictions will benefit from the improvements, the traffic signal, the driveway reconfiguration, the related Eagle Rock Avenue

improvements, drainage, site triangles, et cetera.

Purpose H, which encourages the location and design of transportation routes which promote the free flow of traffic while discouraging the location of such facilities, which result in congestion or blight. Relocating the driveway reduces the points of conflict along Eagle Rock, and it aligns the driveway with Oval Roads to form the four-leg intersection. The associated widening improves safety at the intersection, allows left-turn vehicles safely queuing separate from the eastbound through lane.

Purpose I, promoting desirable visual environment through creative design techniques and good civic design. The tree replacement throughout the site, the site improvements and enhancing aesthetics along the Eagle Rock Avenue frontage. So, in addition to the site, there's also the public benefit from an aesthetic, perspective.

And then Purpose M, which encourages coordination of various public and private procedures and activities shaping land development, the view of lessening costs of such development, more efficient use of the land. Our -- the applicant has worked with Essex County to provide land along its road frontage for roadway improvements. The alignment, the realignment, creates

an intersection. It removes a driveway that otherwise would not align with the other intersection.

I believe this is an overall public benefit as we know that applications, it's not just benefits that accrue to the applicant, it's what is the overall public benefit, and there are several of them with this application.

We have to address the negative criteria. There's no substantial detriment to the public good. Every -- every application may have an impact. The question is, does it rise to such a level that it's substantial? And if it is, is it being addressed?

We know that the county is favorable to -- regarding the intersection improvements, the driveway relocation, which was suggested by the traffic -- county traffic engineer years ago. Widening Eagle Rock, provide the left turn lane to Oval, to lengthen the left turn lane onto Laurel. These are all benefits. It'll include coordination with the Laurel Avenue signal. It'll improve sight distances.

The project improves stormwater management. It's a benefit to the surrounding area. The existing driveway drains water to Eagle Rock. The driveway removal will remedy the situation. Stalling drainage improvements on Eagle Rock. The sidewalk, which was

recommended by this board, from Laurel Avenue to the end of the property line, not on any other property, but the idea to enhance the potential for pedestrian activity.

The site improvements do not increase the intensity of the use, they improve the parking situation. We're not proposing any buildings here. We're not proposing to increase the intensity of the site.

The tree replacement plan that contributes to the aesthetic improvements, and that's noted throughout the plans, and -- and the documents. There are no NJ DEP permits required, for the project. Mr. Cote did note that the 8 percent grade is acceptable in winter conditions. There are other areas that are steeper, such as I noted, near Laurel.

A detention system is required for the Eagle Rock Avenue improvements. The applicant has agreed to the condition to maintain the sidewalk on Eagle Rock Avenue. The sidewalk was already accounted for in the retaining wall design. And in terms of the area -- in terms of the impervious coverage, it was noted in testimony, about 12,000 square feet on site, a quarter of an acre, another quarter of an acre off-site.

The project area itself, this was noted, was just

a little under four acres, 3.95 acres, and we're talking about this on an overall 146-acre site. So we're focusing on a very small area which has some very practical improvements which make substantial -- substantial beneficial impacts, as I've noted.

There's no substantial impairment to the intent and purpose of the zone plan or the zoning ordinance. We're a permitted use in the R-2 zone. We're increasing the number of parking spaces. Yes, we're not near 700, we're not going to get there, but we are moving in a direction where we can combine with minimizing the disturbance. The sidewalk provides connectivity.

Your 2019 Master Plan update, it talks about a couple of purposes that are relevant here. Master Plan Purpose 8, which is on page 8 of the update, providing a safe, efficient transportation and circulation routes, which, this is an objective that remains valid.

They talk about transportation modes beyond motor vehicles. The township has taken actions to promote pedestrian and bicyclist safety. While it may not be at this specific location, the overall township theme, the idea is to provide options in terms of circulation safety.

Also in your 2019 Master Plan update, Master Plan

Purpose 15, Coordinating Public and Private Procedures and Activities, that's on page 10 of the 2019 update. And that goes hand-in-hand with the Municipal Land Use Law Purpose M about coordination of various public and private procedures.

It was noted about the site plan waiver, that this board can grant exceptions as may be reasonable and within the general purpose and intent of the site plan ordinance. And this is with regards to the removal of the trees, proposing to remove 191 trees on slopes greater than 10 percent. This is simil -- the rationale is similar to the steep slope disturbances and the retaining wall variances. It's driven by the topographic condition.

The tree replacement plan is in accord with the proposed tree restoration plan. Those drawings are in the site plans. The overall number of trees is 313 that would be removed, but in terms of replacement trees, it's well over 500 trees, most of which are going to be on site. There was testimony to that. There's gonna be coordination, with the -- with the forester, again, working hand-in-hand with the -- with the township's professionals to meet the intent of the tree replacement ordinance.

So, in terms of the -- the variances, I do believe

they can be granted under the various C criteria, whether the C-2 or, in the cases of the steep slope and the retaining walls, the C-1(b) criteria and that the site plan waiver is driven by the conditions with regards to the steep -- the steep slopes and the topography, the idea being that it's to minimize the disturbance while providing the proposed improvements.

And that sums up my testimony. Thank you.

Q Okay. A couple questions for you, Sean. You certainly touched on it, on the negative impacts to surrounding properties, because we heard from a lot of people tonight, some living in Essex Fells, and some living pretty far away, but in terms of your planning testimony, do you see any negatives to any of those immediate neighbors in the surrounding area?

A I don't, and I think that was as supported by the testimony presented by our prior professionals in terms of the drainage improvements, in terms of the circulation improvements. And yes, the terms to the on-site improvements, because it is a benefit to enhance the Crestmont Country Club, which is a fixture in the community, long, long established, also. So you have both public and private benefits.

The plan minimizes concerns with regards to disturbance of trees, addressing drainage and

stormwater issues, roadway improvements, working hand-in-hand with the county. All of these are beneficial not just to West Orange, but also its neighbors in Roseland, Essex Fells, the surrounding community. And the county has taken, obviously, an interest in this project because they see the benefit as well.

Q And that sort of goes to letter F in Section 2, those purposes of zoning. That goes to encouraging appropriate and efficient expenditure of public funds. Here, we have a private entity sort of picking up and making a traffic light improvement. Did that factor into your analysis at all?

A It did, and I think, again, that goes hand-in-hand with the public/private -- public/private coordination, that you had the two parties working -- working together. Each had their -- their, obviously their interests, but they came together to provide for these improvements and which I believe is certainly a more efficient way of carrying out what I believe are beneficial improvements for the site and the surrounding area.

Q Now, you're aware of the -- that settlement agreement that has the specter of eminent domain and that Ms. Cancellaro talked about in her testimony. Did

that impact your view of this situation from a planning standpoint in any way?

A Well, it -- I think that… that… that the applicant was working with the county, and work -- and going to work with the township and whomever is involved. I think those are definitely positive things, and it goes to the -- letter M of the municipal -- pardon my -- the lights just turned out, and it's not because I didn't pay the bill. But, you know, the idea that they're working -- they're working together in a cooperative relationship to further public improvements. So it -- that's -- that's definitely -- that's definitely a positive.

Q You know, in essence, would you say that this sort of solves a tricky problem? Because you got potential eminent domain, you got the traffic signal, you got, Crestmont's needs --

CHAIRMAN BAGOFF: Mr. Schkolnick, there's no -- Mr. Schkolnick, there's no eminent domain. Let's move on. No eminent domain spoke about. Let's move on.

MR. SCHKOLNICK: Okay, Chairman. I want to get the board, you know, the benefit of, of his testimony.

BY MR. SCHKOLNICK:

Q Sean, so again, you're not seeing any negative impact on any of the surrounding properties here?

A I'm not. I -- I -- as I noted in my testimony overall, there is no -- certainly in the negative criteria, whether it's to the public good or the zone plan, there's no substantial impairment or -- or detriment involved. And the positives that have been noted in my testimony and also in the prior testimony of my colleagues.

Q Okay. And one -- just one last question. You obviously viewed Mr. Pehnke's testimony, and he talked about safety improvements. How did that play into your analysis?

A Again, it was all -- I think it was all hand-in-hand. The safety, the circulation, the -- the drainage, the physical -- the physical improvements, both on and on-site, and on Eagle Rock as well. I believe from a planning perspective, it has come together, it has come together well, and certainly satisfies the criteria that we have to address under the Municipal Land Use Law.

Q Okay. Anything else, Mr. Moronski?

A No, that's it.

MR. SCHKOLNICK: Okay, Chairman. That

concludes our testimony with Mr. Moronski and it concludes our case in chief. I obviously reserve the rights, if I want to put on a rebuttal case at some point to call my witnesses back, but that remains to be seen.

CHAIRMAN BAGOFF: Okay. Thank you. I'll go through the questions to the board. Mr. Guarino -- Vice-Chairman Guarino, do you have any questions for Mr. Moronski on his testimony?

VICE-CHAIR GUARINI: Yes, I do. Thank you, Mr. Chairman and Mr. Moronski. Thank you for your testimony and thank you for your presentation.

CROSS EXAMINATION BY VICE-CHAIR GUARINI:

Q I have a question, one of the questions. Have you had any dealing with the county? Did the county ever give you back any proposals or anything else that they would like to see? And what was your response back to them on any of their requests?

A I have not been involved in the discussions with the county. That's more -- Mr. Pehnke was directly involved with that. My knowledge of the -- of the plans are related to what's in this application, hearing the testimony, my discussions with my colleagues. So I did not have direct conversations with the county.

Q Okay. My next question has to do with pedestrian walkways, pedestrian movement, and everything else. From what you see as being presented, and any, you know, adjustments, any lighting, any sidewalks, you know, crosswalks, have you seen that everything has been looked at to make it a very walkable, very safe, walkable area for people using Crestmont Country Club and their facilities?

A I think it's certainly -- you know, I know that there was previous testimony about how where would the connections, where would it connect to the sidewalks, but like many sidewalk projects, you -- you have an opportunity to start somewhere, or to build somewhere. And the design of this sidewalk in terms of the lighting that's proposed, you know, it's a good foundation to have at this location, you know, not just for Crestmont, but also to build on in the surrounding -- to the surrounding area as well.

Where it goes in the future, well, that depends -- that -- I don't know, but any time you can help to build a pedestrian network, and -- and I know that West Orange in particular has been engaged in Vision Zero project. That's not directly a planning project, but it does have elements of planning to it because of circulation -- pedestrian circulation concerns. I

certainly think this touches on addressing some of those concerns.

Q Okay. Do -- and this may not be your, you know, maybe a traffic engineer's thing, but within the complex or anything else, are there going to be any speed-calming, you know, issues put in, like speed bumps, you know, things like that? Do you know of those being installed or required?

A Speed bumps on -- on the property, or --

Q Yes.

A I -- I don't know. The only thing I heard tonight was Mr. Cote was asked about a question about speed limits, and, you know, coming in the driveway, he mentioned about 15 miles an hour, but I don't know anything about any specific traffic calming on the site.

Q Okay. Thank you very much, Sir. Thank you, Mr. Chairman.

A Thank you.

CHAIRMAN BAGOFF: Thank you. Mayor McCartney, do you have any questions for Mr. Moronski on his testimony?

MAYOR McCARTNEY: I do. Thank you, Chairman.

BY MAYOR McCARTNEY:

Q Mr. Moronski, I do tend to agree with your

testimony on the negative community impact but I do have a couple of questions, and they're both really related to the (indiscernible) report. Thank you for addressing all of the issues that were raised in there, but in the (indiscernible) report on page 6 of 10, and maybe Malvika or Greg, you can weigh in on this also, I need a better or clearer understanding about a modular block wall at 21 -- almost 21 and a half feet.

That just -- I need a better understanding of that, and is it possible to have that tiered, or that just sounds --

A The -- the issue is, my understanding of it is it is between the -- the drainage basin, the low end of the drainage basin, and the level -- and the level of the -- of the parking -- of the parking area. And what happens is, is that you may have an effect on either the drainage basin, or -- or the parking -- or the parking area itself. It's a -- it's a -- it's a small -- it's a small area of it. We're talking about wall length that's well over 13 -- 1300, linear -- 13 -- over 1300 linear feet.

It is -- it is a -- I'll call it a unique situation, just because of the nature of -- of where it is. But again, it kind of strikes -- it strikes a balance between being able to effectively park and

provide -- provide the spaces at that level, and also not to -- to be able to address the drainage concerns as I understood them in listening to Mr. Cote's testimony.

Q Maybe I'm just having a really hard time visualizing that.

A I understand.

Q The other question is right under that, on that same page, and B, on the steep slopes, I guess my question is really more for our planners and engineers that, do you believe that the testimony satisfied the steep slope varian -- the need for the steep slope variance? Maybe that's not --

MS. APTE: Thank you, Mayor. I actually did have a follow-up question, with -- on that issue from Mr. Moronski, one of the questions that I had is, and especially when it came to the steep slopes testimony, Mr. Moronski kind of stated that these are C-1?

MR. MORONSKI: B-1(b) (sic). Yes. The -- that they're based on topography.

MS. APTE: Yeah. The -- oh. I'm sorry. Is nobody able to hear me? Is my connection --

MAYOR McCARTNEY: No. We can hear you.

MS. APTE: All right. They're based on the topography. So the -- the testimony was they're based

on topography, so one of my follow-up questions was, was every effort taken in the site plan design in order to minimize the area where this disturbance would be? As in, was this the best option, the way the design was laid out, and this is the least impactful variance when it comes to all the steep slope variances that are needed. Like, they had tried different design, and this was the least amount of variances that was coming because of the topography of the site.

So, I think, Mayor, that if we hear from Mr. Moronski, that'll partly answer your question.

MAYOR McCARTNEY: Okay. Thank you. Thank you.

MR. MORONSKI: Yeah. Yes. Thank -- thank you. Yes, the idea was to minimize the disturbance, the area of disturbance, and in minimizing the area of disturbance is to minimize the disturbance of the trees in particular. As I had noted, if you have more walls, and you spread them out more, you have a greater level of disturbance, which can mean removal of more trees. It's, again, striking a balance, attempting to address the drainage issues, the parking, the level of the parking, the tiers would result in a greater level of disturbance. And… the 21… Foot height is only for about 13 -- feet long. That's 13 feet of over 1300

linear feet of wall area. So we're talking about a little -- about 1 percent of the overall wall length would --

MR. SCHKOLNICK: Goes up that high?

MR. MORONSKI: That high, yes.

MR. SCHKOLNICK: Okay. Okay. So, that wall's at different levels. The highest is 21 --

MR. MORONSKI: Correct.

MR. SCHKOLNICK: But it's -- but the length of the 21 is only 13 feet, you know.

MR. MORONSKI: Right. I hope I -- I hope I addressed that question.

UNIDENTIFIED SPEAKER: What's the average?

MR. CARVER: Oh, good question. I just heard that. What's the average?

MR. MORONSKI: The average -- the average --

MAYOR McCARTNEY: That was my next question, thank you.

MS. McGOVERN: Sorry. I didn't mean to do that.

CHAIRMAN BAGOFF: -- are you done?

MR. SCHKOLNICK: We're -- we're noting that question.

MAYOR McCARTNEY: That was my next question, that's okay.

CHAIRMAN BAGOFF: Mayor, are you done? Or Mr. Moronski?

MAYOR McCARTNEY: Oh, that -- no. Those were my two questions --

MR. COTE: Would you like me to chime in on that, just not to --

CHAIRMAN BAGOFF: Yes. Go right ahead, Mr. Cote.

MAYOR McCARTNEY: Oh. Thank you. Sure.

MR. COTE: All right. So just in brief, to -- what Mr. Moronski was just referring to is there's a basin, and the basin tapers down at the bottom, and that's that taper where the 13 feet he was just talking about occurs. That's where the highest section of the wall is.

So basically, if you looked at the basin, at the other end of the basin, the wall's only six feet high. At the other end of the basin, as you make your way around the corner, it starts to get smaller and smaller. So it's really just because we have this depressed area at the one end of the wall to size the basin, and to the same comments that was made before in our testimonies, that that would minimize the disturbance. The more you spread that grading out, the more our impacts have to be, and you push further into

the tree line, further back, to take additional trees out. So maybe to add to the question that was asked before about, we did do these designs to minimize those impacts, minimize our disturbances, minimize our variances, and that's -- it was our consideration. We had other alignments we looked at that just made it more -- more impacts, more impervious, to get the same result.

MR. SCHKOLNICK: Well, that was Ms. Apte's question about the steps to minimize.

MR. COTE: Yes.

MR. SCHKOLNICK: -- did a lot of design work in order to -- you have to balance everything, but there was trade-offs between the size of the basin and getting the stormwater is a factor, getting the parking, getting the grading all together. That's where engineering becomes an art -- an art form. Okay. Thank you.

MR. COTE: Yup.

MR. SCHKOLNICK: Just say, I know if I don't understand it, sometimes my questions can -- move us in the right direction, at least. And then -- so that the 21 feet is only for the width of the 13 feet, where the basin goes down. And then there's other heights. It exceeds the four feet in other areas of -- as well, but

it's not as severe as that one spot that's 13 feet wide.

MAYOR McCARTNEY: Thank you, Mr. Cote, for filling -- for --

MR. COTE: Yes. Thank you.

MAYOR McCARTNEY: Thank you.

CHAIRMAN BAGOFF: Any other questions, Mayor?

MAYOR McCARTNEY: No. Thank you.

CHAIRMAN BAGOFF: All right. Thank you. Mr. Moronski, if I'm driving along Eagle Rock Avenue, will I see this wall?

MR. MORONSKI: It's set back a good distance. Let me -- let me see if I could pull up a plan here.

MS. APTE: Mr. -- Mr. Cote, if -- if you don't mind, could you show the site plan just for --

MR. COTE: Yeah. That's what I was just -- I apologize. I'm going to do it now. I was just going to go in and open up two drawings.

MR. MORONSKI: John, do you have it? Because I have it, too.

MR. COTE: Yeah. I -- I can share my screen. Yeah.

MR. MORONSKI: Thank you.

MS. APTE: Thank you.

MR. COTE: -- to illustrate the point.

MAYOR McCARTNEY: Thank you.

MR. COTE: And I -- and I just didn't want to step in and -- awkwardly. I apol --

CHAIRMAN BAGOFF: No. Go right ahead. Go right ahead, Mr. Cote.

MR. COTE: All right. Appreciate it. Okay. So, to answer your question, the wall that we've been talking about, this -- I don't know if you can see this basin here, this hatch pattern on the screen? This is the bottom of the basin, and that 13 feet we were just talking about is this extent right here at the very bottom, where the basin, you know, the fronts up against the wall. And then the wall tapers down, you know, in size as it makes its way towards the drive aisle as well as its way back towards the other end of the site.

And to your question about visibility, the visibility would be minimal, because you've got a tree line being planted. This basin itself will be planted throughout, so in between Eagle Rock and the wall will be this -- this entire basin. You'll see some of it based to, you know, until the trees, you know, some of these trees are four-inch diameter and be planted at 16-foot height, and at some point, you know, they'll be over the 20-foot height to marry up against the wall.

CHAIRMAN BAGOFF: Would you be able to put evergreens in the front of that wall to permanently block it, so even if it's -- because if you could put evergreens in, that would probably create a greater density to block the wall permanently.

MR. COTE: Yeah. We -- we have to maintain a certain amount of -- we have a meadow mix down in the center of it. If I were to plant -- I mean, I could put some additional trees down here, I just -- I don't want to take away from the volume of the basin, and also need to consider their viability in a wet scenario. So I can ask the -- I can ask my landscape architect if there's something compatible in that respect.

CHAIRMAN BAGOFF: Yeah, because when people are driving along, if they could see green, it would be --

MR. COTE: Yeah. They will see -- they will see green before it, before they even see the wall.

MAYOR McCARTNEY: Evergreen. Evergreen.

MR. COTE: Yeah. And I'll ask about supplementing that area with some evergreens, if that's a -- again, only from a viability in a basin --

CHAIRMAN BAGOFF: Yeah. As long as it's viable. We wouldn't do something that's not going to be long-lasting.

MR. COTE: Understood.

CHAIRMAN BAGOFF: Thank you. Council President Scarpa, do you have any questions for Mr. Moronski on his testimony?

COUNCILWOMAN SCARPA: I do.

BY COUNCILWOMAN SCARPA:

Q I still have a number of concerns, a few concerns that I just don't feel were adequately addressed. They do relate to the variances of the steep slope. And also, related to that are the number of trees that are coming down, because if we're cutting down such a significant number of trees, and many are on that slope. It -- you know, we're uprooting really mature root systems, and we're hearing that we're planting, you know, very young trees, which take decades to grow. So I am still concerned about the slope and the -- you know, the amount of runoff.

I'm also concerned about the tra -- the effect of the traffic on the Pleasantdale Chateau. So, I don't know if anyone wants to speak to any of those concerns, but I still have them.

MR. MORONSKI: Well, I can only -- I -- again, the question of -- I'll -- you talked about the trees and the -- and the slope -- the slope disturbances, which -- are the variances, so I can -- I

can address those, as I've noted that the idea is that we're striking a balance to minimize the disturbance to the extent possible, because, yes, there are going to be some trees that are removed. But again, the replacement trees over time are going to fill -- are going to fill in the gap.

And again, you have to weigh, okay, we're replacing the trees, but also we're improving -- we're improving the drainage situation not just for the site, but also for Eagle Rock Avenue as well, as part of the overall improvements that have been going on, and that goes to the public -- to the public benefit -- to the public benefit here.

So again, it's striking a balance between the improvements we are proposing to make and minimizing the disturbance to the extent possible.

COUNCILWOMAN SCARPA: Mm-hm. I still have concerns. I've watched mature trees --

MR. MORONSKI: Understood.

COUNCILWOMAN SCARPA: -- cut down here in my own neighborhood and -- and very young trees planted over a decade ago and the neighbors continue to have more flooding, so it's a -- it's a major concern of mine.

MR. COTE: I'll add one point to maybe your

question, Council President. The trees that are being planted, the majority of the trees are four-inch caliper in size, and that's not a young tree. I mean, a young tree relative to the trees of a larger diameter, but a four-inch tree is a much more substantial.

Typically, you've seen over in different townships, two and a half is the common size you would use to replace, but the choice of using the four-inch trees actually, you know, gives you a better -- you have a larger diameter starting out of the gate. So it is a little different relative to what you see in a lot of other towns, where you see 2.5 as the typical planted tree, in caliper. So just a --

COUNCILWOMAN SCARPA: No. I just have in my mind the picture --

MR. COTE: Just a perspective.

COUNCILWOMAN SCARPA: - of a really big, beautiful mature tree that's been there for 100 years and then I see a little four-inch thing next to it and I'm like how many years is it going to take to develop those root systems to do the job that those older trees did, so. I -- I remain concerned.

MR. COTE: And I think -- yeah. And I think -- I think to that point, to just add one last comment,

because you have the multiplier of the number of trees to replace per existing diameter tree, ultimately, you're creating a larger root structure overall by having the multiple trees in that scenario. So just -- again, just to your point exactly, it is part of how your ordinance was written. It's a -- it's a very high standard, I'll call it, in the industry for the number of trees replaced. So I give -- you know, to that point, you've -- you have baked that into your zoning I think to help address that kind of concerns.

MR. SCHKOLNICK: Can you -- can you go over that briefly, John? Maybe -- maybe you want to blow this up. It's a little hard to --

MR. COTE: Yeah. So just for -- just kind of the quick -- you know, and -- and there's one number adjustment here per your planner's comments. Eleven of the trees that we're planting within the parking area will not be counted towards our replacement trees and we'll be adding 11 to this count as a function of that comment. That's one of the -- addressing the comments per the planner's comments -- letters, excuse me.

So ultimately, we're planning, you know, 586 trees. And of those trees, 303 right now are shown on the main area along the frontage area and then we're supplementing trees on the site itself, on the overall

property, 239 trees. And then with the off-site, the trees in -- the -- in lieu of, the 44 trees will be up -- increased to 55 trees.

So just to kind of paint a picture, you know, that -- that substitution of the number of the trees removed, the number of trees being planted, you'll see in this case, if I add the additional 11, 597 trees, you know, almost double, and all -- the majority of them being the four-inch diameter. So it is -- it is a substantial requirement in terms of how you've -- how your ordinance right now dictates replacement.

So I didn't -- I don't want to -- I want to make sure that's under -- you know, put that on -- clearly out there because it's not like we're taking 300 trees away and then just leaving the land barren. It's not the -- that's not the way the design lays out, and -- and your requirements.

COUNCILWOMAN SCARPA: Thank you.

MR. COTE: Thank you.

CHAIRMAN BAGOFF: Okay. Any other questions, Council President?

COUNCILWOMAN SCARPA: No. That's it. Thank you.

CHAIRMAN BAGOFF: Thank you. Mr. Alper, do you have any questions for Mr. Moronski on his

testimony?

MR. ALPER: I believe the mayor and council president took most of mine, so no, none for me.

CHAIRMAN BAGOFF: Thank you. Mr. Morgan, do you have any questions for Mr. Moronski on his testimony?

MR. MORGAN: No question at this time, Mr. Chairman.

CHAIRMAN BAGOFF: Thank you. Deputy Chief -- Deputy Chief Noborine, do you have any questions for Mr. Moronski on his tes -- testimony?

MR. NOBORINE: Just real quick on the wall. Could you speak a little bit to the construction? It just says typical modular block, but obviously --

MR. COTE: Yes.

MR. NOBORINE: -- it's going to be supporting some serious -- you know, some heights, so can you --

MR. COTE: Yeah.

MR. NOBORINE: -- a little bit about that?

MR. COTE: Yeah. I could speak to that. The -- the type of wall when you look at a modular block wall, it has a grid reinforcement. The -- the grid reinforcement basically passes from behind the wall back through the zone of the soil that would be considered the natural -- like, the way the natural

soil would -- would fluff down. And that grid basically cuts off that failure plane and allows for the wall to stand -- it's mechanically, if you want to call it, reinforced with that grid up and down.

And you've seen -- these are the type of walls you've seen around on numerous developments throughout the area. And those walls, you know, with the reinforcement, are -- basically, they're under-drained behind the -- behind the wall. They'll have -- so that, you know, any -- any water that comes up behind the wall will drain down through weep holes. And that's -- the advantage what we have is where this basin is, that drains out to the basin and this is just any water that potentially gets behind it.

So you've got the protection for hydrostatic pressure, you've got the mechanical reinforcement, and then you have the aesthetics. You can pick a colorized block wall to match the aesthetics of the facility.

MR. NOBORINE: Okay. And the -- the type of wall, it won't vary. It'll all be uniform throughout the -- the site?

MR. COTE: Yes. Yeah. The -- whatever coloration -- and again, I -- I'm the engineer. Never ask a color question for an engineer. It's a -- not a good -- I can't make that call. But ultimately, yeah.

It'll be uniform throughout the site in terms of the type of wall.

MR. NOBORINE: All right. Thank you.

MR. COTE: Thank you.

CHAIRMAN BAGOFF: Okay. Ms. Kapferer, do you have any questions for Mr. Moronski on his testimony?

MS. KAPFERER: I do. Yeah. Thank you, Chairman.

BY MS. KAPFERER:

Q Mr. Moronski, yeah, thank you for your -- your testimony. Is there an exhibit kind of illustrating the steep slope impacts. I don't -- I don't know if that was --

MR. COTE: Let me bring that up.

MS. KAPFERER: Yeah. Thank you.

MR. MORONSKI: You taking this, John?

MR. COTE: Yeah. I'll -- I'll put that on the screen. Just give me a second.

MS. KAPFERER: Yeah. I was trying to visualize as you're kind of going through your testimony and then I heard the numbers and it would helpful to have the exhibit.

MR. SCHKOLNICK: Sometimes -- the Zoom hearings are convenient in a lot of ways. The exhibits can be a little harder.

MS. KAPFERER: Yeah. I understand.

MR. COTE: This is probably the best exhibit to look at. It'll just take a second to show up here.

MS. KAPFERER: Thank you.

MR. SCHKOLNICK: John, is this the exhibit we marked as A-2?

MR. COTE: I - I believe so. Yeah. I did bring this up in my testimony, went through this relative to the disturbances in the variance, and --

MR. SCHKOLNICK: Maybe Ms. McGovern -- maybe Ms. McGovern has a record. I do not have a note of what we marked as A-1.

MR. COTE: Oh. Is that sharing -- is that sharing yet? I'm sorry. I apologize. I thought it was sharing.

SECRETARY VITE: This one would be A-2.

MS. KAPFERER: Okay. Yeah. We can see it now.

MR. COTE: Okay. My apology. I thought it was -- I thought it was sharing.

MS. McGOVERN: A-1 was an aerial exhibit.

MR. SCHKOLNICK: Correct. That was the first --

MS. McGOVERN: Did we have an A-2?

SECRETARY VITE: No. That -- that was the

only one that was -- was an exhibit on 6/3. Nothing else --

MR. COTE: This is part of the original submission package overall. Like, this was included in the -- in the submission package.

MR. SCHKOLNICK: So John, can you call out the date? Was it --

MR. COTE: Yeah.

MR. SCHKOLNICK: -- colorized when we submitted it?

MR. COTE: This is -- yeah. Everything -- what you see on the screen is what was submitted in the hard copy.

MR. SCHKOLNICK: Okay. So -- so can you just call out the name --

MR. COTE: Yeah.

MR. SCHKOLNICK: So we don't need to --

MR. COTE: Sure.

MR. SCHKOLNICK: -- re-mark this, I don't believe, but let's just get the date and the --

MR. COTE: Yeah. It's -- it's four -- it's four different drawings, but this is the one that I presented out of the four. It's partial steep slope analysis with site plan overlay. It's exhibit titled --

SECRETARY VITE: Just (indiscernible). We're not marking this exhibit. Right?

MS. McGOVERN: -- don't have to mark it. It's part of the exhibit package.

SECRETARY VITE: Okay.

MS. McGOVERN: They're identifying it.

SECRETARY VITE: Okay. Great.

MR. COTE: So --

MS. McGOVERN: All right. So -- yeah. Go ahead. Continue.

MR. COTE: Yeah. No Partial steep slope analysis with site plan overlay, exhibit EX-04, dated February 12th, 2026.

MR. SCHKOLNICK: Okay. And so, you know, the whole property is I think 140-something acres and we're -- the ov -- overall disturbance is about three or four acres, John.

MR. COTE: Yeah. The 3.95 acres of disturbance, you know, within that and then the -- the 10 percent that Mr. Moronski was talking about that I put in my testimony was really focused on -- it only occurs in this front end of the site and it's really in proximity. The majority of that is actually the steep slope that is up along Eagle Rock Avenue.

And with respect to that, you know, we're

cutting that back to create the -- the 10-foot area adjacent to the -- to the curb that the sidewalk will be imposed in and that area is -- is basically be -- it'll be a retaining wall along the frontage there for that purpose.

When you look at the other areas of disturbance, you know, to the point about the question of, you know, minimizing disturbance, by putting the wall here and keeping the wall tight to the parking lot area, you -- we're not putting a slope embankment here that would disturb this whole area, so we're only disturbing a small portion here of that steep slope.

And in a similar fashion, when we get to the other areas, this -- this area here is a steep slope that we're traversing the driveway over. And that'll be addressed with the retaining wall on the one side and then ultimately, the parking lot will basically eliminate the steep slope area, you know, where the drive aisle will be.

So, when you look at that area, the one by -- along Eagle Rock Avenue, and then there's a point here where we cross over as well that's adjacent to this -- you know, where the driveway's coming down. All those areas total up that .5 acres that we're talking about -- disturbance. These steep slopes are existing

throughout. We're not modifying anything to the east and a little bit here to the west along Eagle Rock -- I'm sorry, Laurel Avenue. So, that's the --

MR. SCHKOLNICK: John --

MR. COTE: -- kind of the heart, the nutshell of where everything is.

MR. SCHKOLNICK: Okay, John. Just point out where the other detention basin is over on the left --

MR. COTE: Sure. Yeah.

MR. SCHKOLNICK: Just to re-orient us and bring us back in as a refresher.

MR. COTE: Yeah. So this is -- this is the detention basin we were just talking about earlier where that wall that traverses across the face of that at the -- at the sou -- I'll call it the south end of the basin. And again, that basin is being built as a function of the -- addressing the water quantity and water quality elements of the project.

You know, that's -- it's not -- that's not in steep slopes, the wall really here is the one that's affecting the steep slopes here, along the Eagle Rock Ave corridor. And then the drive aisle at the -- at the edge and a corner of the parking lot. Those are all the zones. I'm not sure if that answers your question, visualizing where they are, but that's the --

that's the extent of them, and why we're not -- terracing the walls and then creating additional disturbances further out from these limits, taking out additional trees and such.

MS. KAPFERER: Thank you. That's really helpful. Yeah. And I guess one -- one additional question. Are a lot of those disturbances in cut, then, or is it kind of varied?

MR. COTE: It's a combination. Cut and fill.

MS. KAPFERER: Okay. Okay.

MR. COTE: A majority of these up top here are in -- are in fill at the top reach of the site to fill the road in and then there's some cut at -- at -- there's a transition point where we cut, but most of it's in-fill.

MS. KAPFERER: Okay. Thank you. That -- yeah. That's -- having the visual is really helpful. And my only other question is will Ms. Apte -- I guess this is more procedural. Will Ms. Apte be given an opportunity to, you know, share feedback about the variances?

MS. McGOVERN: I think that's a question for Dr. Bagoff.

CHAIRMAN BAGOFF: Yes. Oh, yes, she will.

MS. APTE: I hope so.

MS. KAPFERER: Okay. All right.

MS. APTE: Okay.

MS. KAPFERER: Thanks. Yeah. I was hoping she would. Thank you. All right. That's it for me.

CHAIRMAN BAGOFF: Thank you. I've got a question. In the re -- detention basin, was there any thought to making part of it a pollinated garden?

MR. COTE: There's actually a vege -- yeah. If you go to the -- give me a second and I'll go back to the landscape plans. One of them is planted and it's basically -- depending on -- you know, when you look at the basin, you have different mixes of -- of -- at the base level. And then there are plantings in there that are proposed, combination of shrubs and trees, you know, along the bottom of the basin.

It -- it is a -- it'll be a vegetative basin, if your -- to answer your question. Yes.

CHAIRMAN BAGOFF: All right.

MR. COTE: The other one -- the other one is --

MR. SCHKOLNICK: John, which --

MR. COTE: -- just meadow mix.

CHAIRMAN BAGOFF: Could they work -- yeah. Could they work something in where it truly is a po -- some plants that are considered a pollinated garden?

MR. COTE: I can ask -- I can ask that question. I don't know if it -- I don't know if these -- I don't know whether they're flowering trees or not, of -- of the landscape, but I can ask that question to the landscape architect.

CHAIRMAN BAGOFF: Thank you.

MR. SCHKOLNICK: John, just for our record, could you call out the sheet number there that you brought up?

MR. COTE: Oh. Yeah. This is -- this is part of the site plan set, and it's referred to as partial landscape plan 1 and it's LP-101. And with the same date of February 12th, 2026.

MR. SCHKOLNICK: Thank you.

CHAIRMAN BAGOFF: Okay. And guess who's up next, Ms. Apte?

MS. APTE: It's me. All right.

CHAIRMAN BAGOFF: Could you go over the variances, please?

MS. APTE: Yes. I will.

CHAIRMAN BAGOFF: And -- question, too.

MS. APTE: Do you -- Mr. Bagoff, if I may just have one follow-up question to Mr. Moronski?

CHAIRMAN BAGOFF: Absolutely.

MS. APTE: Okay.

CHAIRMAN BAGOFF: You have the floor.

MS. APTE: Mr. Moronski, to clarify, the variances you did testify to and I believe there are two waivers. Right? One has to do with the removal of trees in the slope 10 percent or greater and --

MR. MORONSKI: Yes.

MS. APTE: -- the other one is the lighting right -- the lighting -- illumination level, right, at the Eagle Rock Avenue? Is t hat cor --

MR. MORONSKI: Yeah. There was a question about that because -- it was the question of whether it was a maximum illumination level at the property line, and that referred to the county street lighting, which was in the right-of-way. And that lighting follows the county standards. I mean, that's not -- that's -- that's in the right-of-way, is my understanding.

MS. APTE: So the 3.5 -- so the question -- one question was -- had to do with the mounting height, which we -- I think Mr. Cote just said that the county approved that lighting fixture and the 27-foot --

MR. MORONSKI: Yeah. 27 feet. Correct.

MS. APTE: So the 3.5 foot candle level at the property line is because of the county lighting and not --

MR. MORONSKI: Correct.

MR. COTE: It's the -- I -- I apologize, and I'll just chime in, Ms. Apte.

MS. APTE: Yes.

MR. COTE: And I apologize. But basically, it's the light that allows the driveway, the entrance basically to be properly lit at the intersection. That's where the occurrence is right here. So that's -- we don't -- we didn't know whether that would be a county jurisdiction question because they'll want adequate lighting at the intersection versus a township. So I think the conservative way was to ask for that. I think -- I don't know if it was variance or a waiver, but ask for that relief -- that relief because we didn't know who was going to control that, so on the township's part, if they can opine on that, we'll also have to address it with the county as well.

MS. APTE: Yeah. I would say so. Again, it's because of the property -- the foot-candle illumination level is at the property light. It's -- it's very hard to tell, now, this A-1/A-2 light fixtures that you're showing is -- is within the property. Right? That's the --

MR. COTE: It is, but with the intent -- intent of lighting the driveway. That's really -- you know, that -- it was done -- so when our design --

lighting designers, they look at different areas of the site and they generally, when they -- and I'm going to apologize. I'm going to go ba -- I just was looking at the partial lighting plan 2 --

MS. APTE: Mm-hmm.

MR. COTE: LL --

MR. SCHKOLNICK: Thank you.

MR. COTE: -- 102, dated February 12th, 2026. And I'm going to flip now to partial lighting plan 1, LL-101, dated February 12th, 2026. And when they look at illuminations, they look at the statistics of driveways, parking lot areas, roadways, and sidewalks. And they look for min/max and then average illumination in those areas relative to, you know, for the -- for the -- to achieve the level of lighting they're looking for.

So if I were to not light that area to back to less than the .5 at the property line, I would be -- I'd have a deficiency in the driveway lighting. So the question would be, I -- I think the variance or waiver, I apologize in this case --

MS. APTE: Waiver.

MR. COTE: -- waiver, is -- is related to that agenda. It's -- it's really the driveway, not, like, where park -- where lighting -- let's say a

parking lot next to a side of -- of a -- of a property line where you want to see --

MS. APTE: Mm-hmm.

MR. COTE: -- you know, that same reduction. Here, the driveway requires the greater lighting pattern.

MS. APTE: Yeah.

MR. SCHKOLNICK: But no -- no negative (indiscernible).

MS. APTE: Yes. And that's what I would say would be your testimony for the waiver, but because it's a requirement in the ordinance, I would, on the conservative side, ask for that waiver and the -- and the testimony would be the driveway safety for which you're rising the foot candle --

MR. COTE: Right. And I did include that at the very tail end of my testimony --

MS. APTE: Mm-hmm.

MR. COTE: -- for that reason, so to --

MS. APTE: That's why I was just following up, making sure, you know, we -- we are on the same page of that.

MR. COTE: Thank you. Appreciate that.

MS. APTE: So, Mr. Moronski, after hearing Mr. Cote, is that your testimony that the foot candle

level is increasing over there, but that is for the driveway safety, that is a requirement of the --

MR. MORONSKI: That is correct.

MS. APTE: Okay. Thank you.

MR. MORONSKI: Thank you.

MS. APTE: Thank you, Mr. Bagoff. I think those were my follow-up questions. So in terms of -- for the board members, what is before the board is, at a glance, almost -- overall, four larger C variances and then the steep slope-related four variances, which I'm cobbling together, has been testified to as a C-1. I'm going to get a little bit into it as to what the difference between two is and what the board members have to weigh and -- when they're looking at these type of variances.

The first one, which is the C-1, or the hardship waiver, that -- that Mr. Moronski clumped together all the steep slope variances. That is, you know, where the disturbance is happening on steep slope that are 25 percent or greater where they've had to have the setback a little reduced, where the 50 was required, 10 feet is being proposed in slope areas that are between 10 to 30 percent as well as where there are greater than 30 percent, the setback is 100 feet and they're proposing only 10 feet there.

All these have been kind of clumped together as assimilated because of the topography issues on the property. The earlier exhibit that Mr. Cote showed about the -- the colorized steep slope analysis kind of gave you a visual of what the -- how the topography of the property is, which relates to the follow-up question that I had for Mr. Moronski, and which was testified to by the various expert as to was this the best design in trying to reduce because of the topography of the site.

So what MLUL asks us, asks of the board members, is to review A, in the positive criteria when it comes to the C-1 as to what is the hardship that the property is creating? Is it the narrowness of the site? Is it the exceptional topography condition, or any other features that's affecting the property?

And then, the flip side of it, it would be the negative criteria. Did -- if the variance is being granted, is it substantially -- without substantial detriment to the public good, which is weighing in, did the site plan show you the minimal variances because of the topography that they're crossing, the site design, because of which there'll be minimal substantial detriment to the public good and that these variances can be granted without substantial detriment to the

zone plan. Again, keeping in mind the -- the word "substantial" as to did they show you that this was the best way for them to lay out their plan because of the hardships that they're facing on the topography of the property? So that bunched together is what the applicant is seeking over here, based on the site conditions.

The other variances that the applicant is seeking has it to do with the number of parking spaces. Overall, the site requires, because of the use and the parking standard, almost 700 parking spaces. What they're proposing is an increase, but not as much as to completely remove the variance. They are at existing 256, they're adding some more, they're making it 292 parking spaces. So it's still a variance, but it has improved.

The second variance that they're asking is the distance of the parking area to the fence. And again, as you heard from Mr. Moronski, that was because of the design layout, and partially because of the way the site is laid out, because of the site conditions.

And then the third major one is the retaining wall of the height, which he again testified to has to do with the topography, which again falls under your C-1 hardship waiver.

So, the majority of the testimony that the board members have heard is because of the hardship of the property, that they had to come up -- they had to request these variances. The other, in terms of parking spaces, as well as the distance of the parking area to the fence, they're asking your regular C-2 variance with which they have to balance and show you that benefits outweigh the detriment.

The site -- they cannot put in 700 parking spaces. It's a huge property, they don't -- they testified they are not needing as much parking spaces, but they are in need of these additional spaces to create a little lesser of a variant strain, but not quite meeting the 700 parking spaces. The other, as to the distance between the parking area to the fence, again, the -- the testimony was that there is no negative impact on the neighbors, and that we are outweighing any substantial detriment that would be caused because of this setback.

So, in the end, this is the balancing act that the board members have to keep in mind as to has the applicant met their burden of proof by showing you the hardships for which they're seeking the variances, as well as showing that they tried to have as much benefits because of these variances and outweigh any

substantial detriments that these variances would cause.

I think that's the testimony, or that's the response I would give Mr. Bagoff at this point, unless the board members have any additional questions of me.

CHAIRMAN BAGOFF: Okay. Do any members of the board have any questions for Ms. Apte on what she just reviewed? Okay. I guess that's a no.

Mr. Valesi, do you have any questions for Mr. Moronski on his testimony?

MR. VALESI: I do not. Thank you, Mr. Chairman.

CHAIRMAN BAGOFF: Outstanding. Do any other members of the public have any questions for Mr. Moronski on his testimony? Please raise your hand and be identified. And you get one time, ask the best questions you can, you have three minutes. Thank you. Do any members of the public have any questions for Mr. Moronski on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Okay. Joe P., please state your name and address for the record.

MR. PANNULLO: Joseph Pannullo, Holton Lane, Essex Fells. Mr. Moronski, I just have a couple of questions for you. The retaining wall that runs down

Eagle Rock, will any portion of that retaining wall need to run into the driveway on either or both sides for where the ingress and egress from the club exists?

MR. MORONSKI: Bear with me a moment.

MR. PANNULLO: Okay. Yup.

(Brief pause.)

MR. MORONSKI: No, it will not.

MR. PANNULLO: Okay. So -- so then basically the driveway -- the grade going down the driveway is -- there's no walls on either side? There's no impedence? It's just natural landscape? Sir?

MR. MORONSKI: Are you saying down the driveway? My understanding was along -- along Eagle Rock, but as the plans note, as you go down, at the intersection --

MR. PANNULLO: Right.

MR. MORONSKI: -- there are -- there are not. But as you go in the driveway itself, there are walls indicated.

MR. PANNULLO: So, is that to say the wall is not a 90-degree turn from the street, Eagle Rock, into the premise?

MR. MORONSKI: No.

MR. PANNULLO: I'm sorry. That means that it's just a straight wall going --

MR. MORONSKI: Yeah.

MR. PANNULLO: -- up and down Eagle Rock?

MR. MORONSKI: Yes. Yes.

MR. PANNULLO: Nothing on the inside? Okay. A different question about the trees, the replacement of the trees, the trees coming down. It was testified to earlier that the soil's non-porous. I don't know what the soil study was. I don't know if it's haledon, I don't know what, but, you know, this is volcanic basalt, shallow bedrock on the mountain, all over. We're at the top of the ridge, and my question is about the adaptability or the probability that mature trees are taken out, and four-inch caliper trees are replacing them? The root systems, obviously, of the old trees that come out must go. The probability that trees take root in the shallow bedrock, the non-porous soils, what's your estimate, if you have any, as to the probability that 100 percent survive, 80 percent? What number do you really expect to live in the mountain?

MR. MORONSKI: That's -- that's not my area of expertise. I'm not a landscape architect. I --

MR. PANNULLO: Who's the right guy to ask that question?

MR. MORONSKI: Well, I don't know, but I'm -- I'm not the one to as the question about the --

MR. PANNULLO: Okay.

MR. MORONSKI: -- the survivability of the trees in the soil.

MR. PANNULLO: Understood. Okay. I -- I appreciate the -- the time. I've got nothing. I hope we all get to meet in person next time because we're all neighbors and this would be better to be done in person, and I -- I guess I'm done asking your engineer question, I'm not -- and I'm not done asking your traffic engineer questions and I will maintain that position and I will write you a letter telling you so. I don't understand, Chairman, but I do understand. I wish we were in person so you could see my hand up. But, thank you for the time. Mr. Moronski, I appreciate it. Thank you, Sir.

MR. MORONSKI: Thank you, Mr. Pannullo.

MR. PANNULLO: Yes, Sir. Yup.

CHAIRMAN BAGOFF: Thank you. Do any other members of the public have any questions for Mr. Moronski on his testimony? Please raise your hand and be identified.

ZOOM OPERATOR: Kevin Malanga, please state your name and address for the record.

MR. MALANGA: Kevin Malanga, Ridge Road. Mr. Moronski, good evening.

MR. MORONSKI: Good evening, Mr. Malanga.

MR. MALANGA: You stated that there's no increase in intensity of use. Is that correct?

MR. MORONSKI: Yes, as related to the improvements on the project, yes. Meaning that we're not talking about -- first of all, the use is permitted, and second, that the -- the improvements in and of themselves don't -- contribute to the intensity and the increase of use.

MR. MALANGA: What necessitates the increase in the size of the parking lot?

MR. MORONSKI: Well, as has been noted in prior testimony, is that we are technically deficient in terms of the number of spaces. And -- and the prior testimony noted that what's being proposed is a more efficient layout of the parking lot, and as a result, there are more -- there are more spaces -- there are more spaces provided, which is a benefit in that we're getting closer, but obviously for practical reasons, the 700 spaces is not something that this applicant seeks. And -- and it's based on changes in operations over the years and, as I noted, about the -- the configuration of the spaces with these improvements.

MR. MALANGA: What changes in operations requires the increase in the parking spaces?

MR. MORONSKI: Well, again, it's -- again, it's inefficiency. It's about efficiency. Ms. Cancellaro testified in terms of the operations, but from my perspective as a planner, the layout as it was proposed allow -- allows for a more orderly layout of parking spaces, which increases the number of parking spaces, which I think is -- is an overall benefit. Anytime you can reduce a nonconforming condition, no matter how small that reduction is, you're still attempting to meet -- meet the parking requirement as best you can.

MR. MALANGA: Would the Crestmont Country Club be able to continue its operations without the additional 14 percent, 36 parking spaces?

MR. MORONSKI: I don't -- I don't think that that question is really relevant. And if anything, just from a practical standpoint of improving a nonconforming situation, that 14 percent increase you cited I believe is a positive contribution to the overall design of the site, from a planning perspective.

MR. MALANGA: Now, you say -- stated that it's an aesthetic benefit to the public, this project.

MR. MORONSKI: I think one of the benefits, one of the benefits, is aesthetic, having to do with

the functional improvements along Eagle Rock and also the addition of the landscaping and -- and the trees as well, yes.

So, there is -- there is the functional improvement from a circulation point of view and there's also -- there's also an aesthetic improvement.

MR. MALANGA: Okay. So for the general public who are not members of the country club, what is the aesthetic benefit for --

MR. MORONSKI: The aesthetic benefit --

MR. MALANGA: -- removing -- for removing the trees along Eagle Rock Avenue.

MR. MORONSKI: You're also adding trees along Eagle Rock Avenue. You're adding improvements -- adding improvements to the frontage while you're improving -- while you're improving the -- the roadway, also. So as I noted, it wasn't just exclusively aesthetic, it was also functional with regards to circulation.

MR. MALANGA: How does circulation benefit the non-member members of the public?

MR. MORONSKI: Non-members of the public drive on Eagle Rock Avenue.

MR. MALANGA: And how is the circulation improved by -- by the cutting down of the trees along

Eagle Rock Avenue? My -- my question is --

MR. MORONSKI: Because there'd be --

MR. MALANGA: -- very specific. At the cutting down --

MR. MORONSKI: And my answer is very --

MR. MALANGA: By the cutting down of the trees.

MR. MORONSKI: And my answer is very specific. They're being replaced subject to the tree replacement requirements that this applicant is -- is complying with. That's my answer that's very specific.

MR. MALANGA: Is it correct that 313 trees are being cut down in order to provide 36 extra parking spaces for a private country club?

MR. MORONSKI: The 311 trees that are being cut down are being replaced by over 500 trees, as was noted in the prior testimony and this application is more than just the proposed parking spaces. As was noted in testimony, there is both -- yes. There is benefit to the applicant, but on the greater level, there is benefit to the public as well with the improvements that are proposed.

MR. MALANGA: Let me rephrase my question. Is it correct that 313 trees are being cut down in order to provide an additional 36 parking spaces?

MR. MORONSKI: Is it your position that those 313 spaces are from -- those thirty -- create those 36 spaces? Because the answer is no.

MR. MALANGA: How many spaces require X number of trees be cut down? How many trees are being cut down solely for the 36 parking spaces?

MR. MORONSKI: The testimony has talked about the number of trees that are being replaced. That has been discussed extensively by various witnesses.

MR. MALANGA: But you don't know that number.

MR. MORONSKI: I don't think it's relevant, because we're talking about the project overall, and the project is not just 36 parking spaces.

MR. MALANGA: My -- my question was whether you know the number.

MR. MORONSKI: I gave you -- I gave you the information I know, and I gave you the testimony.

MR. MALANGA: So the question -- the answer is you don't know.

MR. MORONSKI: I told you what I know, and I told -- and that's what I told you.

MR. MALANGA: And what documentary evidence do you or any member of Langan Engineering have that the county is in favor of the installation of the traffic light?

MR. SCHKOLNICK: Objection as to the question.

MR. MALANGA: You can answer the question.

MR. MORONSKI: My -- my personal -- my personal knowledge of -- could you repeat that question, please?

MR. MALANGA: What documentary evidence do you or Langan Engineering have with respect to the county being favorable to the traffic light? You -- you stated it's -- the county is favorable to the traffic light.

MR. MORONSKI: That has been based on the -- the testimony I've heard in -- in this -- in this -- in this application that has been discussed on various -- on various occasions.

MR. MALANGA: So you have no firsthand knowledge?

MR. MORONSKI: I said I was not involved in any of the meetings with -- with the county. I said that in response to an earlier question.

MR. MALANGA: You stated that a private entity was bearing the expense of this project. Is that correct?

MR. MORONSKI: I did not say a private entity was bearing the expense of this project. I said that a

private entity was working with the county to help further this project.

MR. MALANGA: And who is that private entity?

MR. MORONSKI: Well, the -- our -- our applicant -- our applicant, which is the Crestmont Country Club, which is working with the county with regards to the improvements on their property.

MR. MALANGA: Is any other entity involved in the expense of this project?

MR. MORONSKI: I -- I'm only involved in this application, to my knowledge, it's -- I'm working with my client who is working with the county. That's what I know.

MR. MALANGA: So -- I'll just ask the question a different way. Do you know if any other entity has agreed to bear the expense of this project?

MR. MORONSKI: I have -- I do not know.

MR. MALANGA: I have no other questions. Thank you, Mr. Moronski.

CHAIRMAN BAGOFF: Thank you. Thank you, Mr. Malanga. It's 10:51 and we're going to have to carry this to our next meeting. Mr. Schkolnick?

MS. McGOVERN: Our next regular meeting.

CHAIRMAN BAGOFF: Our next regular meeting, sorry, on aug -- October 7th, 2026 at 7:30 p.m.

MR. SCHKOLNICK: 7:30?

CHAIRMAN BAGOFF: Yes.

MR. SCHKOLNICK: Okay. Chairman, I take it you'll be looking at the agenda and trying to allot some time --

CHAIRMAN BAGOFF: Yes.

MR. SCHKOLNICK: -- to each of the matters so we --

CHAIRMAN BAGOFF: Yes. Mr. Schkolnick, I'm -- I'm just going to say this and -- again, it's always that the applicant can do what they wish. You -- you heard that some members of the public wanted to ask previous experts additional testimony. You don't have to -- you -- it's always up to you to do this or not. You can bring people back if you wish. And if not, well finish with Mr. Moronski as you said, asking questions, and then we'll have public comment. So you don't have to tell us now. You can speak to your applicant and then speak with Ms. McGovern.

MR. SCHKOLNICK: We will take that under advisement, as they say --

CHAIRMAN BAGOFF: Okay.

MR. SCHKOLNICK: -- Chairman.

CHAIRMAN BAGOFF: Good. So as of this moment, I will say PB-26-03, Crestmont Country Club,

750 Eagle Rock Avenue, Block 174, Lot 1.01, zone R-2, application will be carried to the October 7th, 2026 planning board meeting -- regular planning board meeting at 7:30 p.m. via Zoom. No additional notice will be required.

MR. SCHKOLNICK: Chairman, thank you so much. We appreciate your time.

CHAIRMAN BAGOFF: Thank you, all.

MR. SCHKOLNICK: It was great to spend my anniversary with everybody.

MS. McGOVERN: Happy anniversary.

MR. SCHKOLNICK: Chairman, thank you.

CHAIRMAN BAGOFF: Happy anniversary.

MR. SCHKOLNICK: Chairman, I --

MS. McGOVERN: Is this going to be your last anniversary?

MR. SCHKOLNICK: I take it that you (laughs). Chairman, I take it we'll -- we'll have discussions through Ms. McGovern about --

CHAIRMAN BAGOFF: Yes. Yes.

MR. SCHKOLNICK: -- about the agenda.

CHAIRMAN BAGOFF: Yes.

MR. SCHKOLNICK: Mr. Posada tried to squeeze in I'm first, but that's still to be determined in the --

CHAIRMAN BAGOFF: Yes.

MR. SCHKOLNICK: -- allocations of time.

CHAIRMAN BAGOFF: Yes.

MR. SCHKOLNICK: We appreciate that. Thank you.

CHAIRMAN BAGOFF: Thank you, all.

****

(Requested presentation concluded.)

CERTIFICATION

I, Sarah Fetz, the assigned transcriber, do hereby certify the foregoing transcript of proceedings, 02:48:44 in duration, is prepared in full compliance with the current transcript format for judicial proceedings and is a true and accurate non-compressed transcript of the proceedings as recorded.

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