

TOWNSHIP OF BELLEVILLE  
ZONING BOARD OF ADJUSTMENT

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IN THE MATTER OF: :  
 : TRANSCRIPT  
ZB-2014-08 : OF  
138-146 BRIGHTON AVENUE/ : PROCEEDINGS  
CALANDRA :  
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THURSDAY, MAY 7, 2015  
BELLEVILLE TOWN HALL  
152 WASHINGTON AVENUE  
BELLEVILLE, NEW JERSEY 07109  
COMMENCING AT 8:14 P.M.

BOARD MEMBERS:

A.J. DEL GUERCIO, Chairman  
WILLIAM VILLANO, Vice Chairman  
JOHN CARUSO  
JEFFREY BASILE (ABSENT)  
RICHARD GIORDANO  
FRANK MONTALBANO  
GEORGE SMITH  
MICHAEL SHELDON, 1st Alternate  
VICTOR MAFFUCCI, 2nd Alternate (ABSENT)

ALSO PRESENT:

MICHELLE DALBO, Board Secretary  
FRANK DE LORENZO, JR., Zoning Officer  
THOMAS HERITS, P.E., Board Engineer  
MICHELE QUICK, Certified Court Reporter

**QUICK COURT REPORTING, LLC**  
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A P P E A R A N C E S :

LOUIS P. RAGO, ESQ.  
109 Washington Street  
Morristown, New Jersey 07960  
Counsel for the Board

GACCIONE POMACO, P.C.  
524 Union Avenue  
Belleville, New Jersey 07109  
BY: ROBERT A. GACCIONE, ESQ.  
Counsel for 176-178 Washington Avenue, LLC

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THOMAS J. HERITS 13

MEMBERS OF THE PUBLIC:

JOHN HIGGINS 99

EXHIBITS MARKED INTO EVIDENCE

NUMBER      DESCRIPTION PAGE NO.

(NONE MARKED)

1                   CHAIRMAN DEL GUERCIO: The regular  
2 meeting of the Zoning Board of Adjustment will now  
3 come back to order.

4                   Mr. Gaccione, you're up. ZB-2014-08,  
5 138-146 Brighton Avenue.

6                   MR. GACCIONE: Mr. Chairman, members  
7 of the Board, obviously, counsel's name is Robert  
8 Gaccione.

9                   CHAIRMAN DEL GUERCIO: That's obvious,  
10 yes.

11                  MR. GACCIONE: This application has  
12 been pending for some period of time. The previous  
13 testimony was by Mr. Calandra and by the site  
14 engineer. We, subsequent to the last hearing, which  
15 is many months ago, have made some changes. My  
16 client's the owner of 138 Brighton Avenue.  
17 Obviously, we're seeking an approval to increase the  
18 number of units, but previously, that approval being  
19 sought was for an additional 11 that has now been  
20 reduced to an additional eight units, all to be  
21 built within the existing structure. There are  
22 other changes that have been made, some of which  
23 were because of the canal, some of which were  
24 voluntary changes based on what was heard from  
25 statements from objectors and, therefore, my client

1 had his engineer and/or architect make changes. So  
2 I'd like to re-call Mr. Iannelli to the stand with  
3 regard to --

4 MS. MARY HIGGINS: Excuse me, point of  
5 order.

6 MR. GACCIONE: The discussion of those  
7 changes.

8 MS. MARY HIGGINS: Point of order.

9 CHAIRMAN DEL GUERCIO: Well, the  
10 question, the question before we start anything is:  
11 Do we have to start from the beginning since the  
12 original application was in error because the Morris  
13 Canal property was included in everything?

14 MR. GACCIONE: I don't think that  
15 would be necessary --

16 CHAIRMAN DEL GUERCIO: I would ask the  
17 attorney.

18 MR. GACCIONE: -- but that's --

19 MR. RAGO: Well, I'm assuming what Mr.  
20 Iannelli's going to do is to -- what he should do is  
21 briefly review his testimony from last time,  
22 obviously modifying the testimony where needed to  
23 reflect the issue with the canal just so if  
24 someone's here for the first time, they can get a  
25 sense of what's happening but for the spaces that

1 are lost.

2 MR. GACCIONE: He'll review all the  
3 relevant testimony and go over the changes.

4 MR. RAGO: All right.

5 CHAIRMAN DEL GUERCIO: Okay.

6 MR. GACCIONE: Mr. Iannelli, you  
7 recall that you've been sworn with regard to this  
8 case.

9 CHAIRMAN DEL GUERCIO: You have a  
10 question?

11 MS. MARY HIGGINS: Point of order.

12 CHAIRMAN DEL GUERCIO: Well, let's get  
13 into it because I want to get this case done.

14 MS. MARY HIGGINS: Okay, thank you.

15 CHAIRMAN DEL GUERCIO: Name and  
16 address, please.

17 MS. MARY HIGGINS: Mary Higgins, 148  
18 Brighton Avenue. H-I-G-G-I-N-S.

19 We're looking at the agenda, it says  
20 that it's continued, but next to it, it says "new  
21 plans."

22 CHAIRMAN DEL GUERCIO: Yes.

23 MS. MARY HIGGINS: So is this an  
24 amended application or a new one?

25 CHAIRMAN DEL GUERCIO: No, it's

1 amended.

2 MS. MARY HIGGINS: It's amended.

3 Okay, therefore, if it's amended, didn't the public  
4 have a right to view a copy of the amended plans,  
5 because I know of two people that went to the office  
6 yesterday and they said they were unavailable to the  
7 public. They were supposed to have been made  
8 available ten days before this hearing.

9 CHAIRMAN DEL GUERCIO: Ten days  
10 before, yes.

11 MS. DALBO: And they were there.

12 CHAIRMAN DEL GUERCIO: We had the  
13 plans. The plans were sent to us and they went into  
14 the office on the 20th of March. They're actually  
15 stamped the 20th of March.

16 MS. MARY HIGGINS: Well, I'm under  
17 oath that I went there yesterday and another person  
18 went there yesterday and was told they were  
19 unavailable to the public. They were unavailable.

20 CHAIRMAN DEL GUERCIO: Mr. -- where is  
21 he?

22 MR. DeLORENZO: Right here, Jer.

23 CHAIRMAN DEL GUERCIO: Oh. What's the  
24 story on this, please?

25 MR. DeLORENZO: Jer, I believe

1 everything's in the file, I'm not sure, but I can  
2 check tomorrow.

3 CHAIRMAN DEL GUERCIO: I don't know  
4 why it wasn't available, ma'am, because they've been  
5 there. And I understand you went a couple of weeks  
6 ago, you had the problem, I was told.

7 MS. MARY HIGGINS: I didn't have the  
8 problem, the office had the problem in not making  
9 them available.

10 CHAIRMAN DEL GUERCIO: And how long  
11 ago was this?

12 MS. MARY HIGGINS: That was two weeks  
13 ago, ten days before, and if you recall from the  
14 first hearing of this, we had the problem back in  
15 October where they were not made available to us.

16 CHAIRMAN DEL GUERCIO: Well, I was  
17 told, and you tell me -- maybe there was a  
18 misunderstanding. I was told that you were asking  
19 for a copy of the application. The application  
20 never changed. The plans changed.

21 MS. MARY HIGGINS: So the plans are  
22 unavailable for public viewing; is that correct?

23 CHAIRMAN DEL GUERCIO: No, the plans  
24 were available.

25 MS. MARY HIGGINS: Well, then why



1 weren't they made available?

2 CHAIRMAN DEL GUERCIO: I have no idea,  
3 you would have to ask the Construction Code  
4 Official. I can't answer that question and he says  
5 they're there.

6 MS. MARY HIGGINS: So this proceeding  
7 is improper because the public did not have access  
8 to any visible copies of changes. And we were  
9 denied our rights.

10 MR. RAGO: This --

11 MS. MARY HIGGINS: Does anybody else  
12 want to speak up on this?

13 CHAIRMAN DEL GUERCIO: Well, ma'am,  
14 let the attorney talk first, then if anybody else --  
15 go ahead.

16 MR. RAGO: Ma'am, the Chairman will  
17 run the meeting. All I could tell you is that you  
18 had a right and anyone else had a right to see the  
19 plans. From what I understand, they were here.  
20 Now, you said they weren't available. I don't know  
21 whether you mean they wouldn't let you see them or  
22 they didn't have them. They're two different --  
23 what was your sense of that?

24 MS. MARY HIGGINS: All right. They  
25 said they were not in the office, they didn't know

1 where they were. They assumed that they had been  
2 all forwarded to the members of the Board, they were  
3 no longer accessible to the public. They were  
4 physically not in the office yesterday.

5 CHAIRMAN DEL GUERCIO: What about two  
6 weeks ago?

7 MS. MARY HIGGINS: Two weeks ago, they  
8 were there. I was not allowed to have a copy of  
9 them, I had to stand there and write some notes  
10 down. I subsequently filed an OPRA report for them,  
11 which has not been released to me. Conveniently,  
12 it's going to be released to me tomorrow, that's why  
13 I returned yesterday, to even look at the reports to  
14 take more notes, and they said they didn't know  
15 where they were.

16 CHAIRMAN DEL GUERCIO: Well, let me  
17 ask you something. You said you reviewed them two  
18 weeks ago?

19 MS. MARY HIGGINS: I looked at them.

20 CHAIRMAN DEL GUERCIO: You looked at  
21 them.

22 MS. MARY HIGGINS: I was not allowed  
23 to have a copy.

24 CHAIRMAN DEL GUERCIO: The only  
25 updated reports are the ones that are in here dated

1 March 30.

2 MS. MARY HIGGINS: It consisted of a  
3 letter from the town engineer addressed to the Board  
4 and also from Mr. Gaccione.

5 CHAIRMAN DEL GUERCIO: A letter from  
6 Gaccione?

7 MS. MARY HIGGINS: Yes, a letter from  
8 Mr. Gaccione addressed to the Board, the Zoning  
9 Board.

10 MR. RAGO: Was that the one where he  
11 requested an adjournment?

12 CHAIRMAN DEL GUERCIO: That was a  
13 month ago.

14 MS. MARY HIGGINS: No. It was dated  
15 in April.

16 CHAIRMAN DEL GUERCIO: Mr. Gaccione,  
17 did you send us a letter that I don't know about?

18 MR. GACCIONE: I would think I  
19 submitted documentation to the Construction  
20 Official's office but I'll take a look and see what  
21 my correspondence section reflects that she might be  
22 talking about.

23 MS. MARY HIGGINS: Okay, the letter  
24 was dated March 30, 2015 and the letter from the  
25 Board engineer from the town was dated April 1,

1 2015. That's all that I got because I had to copy  
2 it by hand.

3 CHAIRMAN DEL GUERCIO: I got March 30  
4 for both.

5 MS. MARY HIGGINS: It was addressed to  
6 the Zoning Board.

7 CHAIRMAN DEL GUERCIO: The March 30 I  
8 have are both dated reports from the engineering  
9 department. Okay? I believe, or am I wrong --

10 MR. RAGO: I don't even have this.

11 CHAIRMAN DEL GUERCIO: Actually --

12 MR. RAGO: I don't even have the  
13 reports.

14 CHAIRMAN DEL GUERCIO: You don't have  
15 the reports?

16 MR. RAGO: No. Not the March 30  
17 report.

18 MS. MARY HIGGINS: Then how can this  
19 continue if nobody has the reports and the public  
20 doesn't access to it? We were denied access to it.  
21 How can this happen where --

22 CHAIRMAN DEL GUERCIO: Wait a minute,  
23 hold on.

24 MS. MARY HIGGINS: -- nobody has --  
25 nobody knows where it is? Then we're on shifting

1 sand here.

2 (Off-the-record discussion between the  
3 Chairman and the Board attorney.)

4 CHAIRMAN DEL GUERCIO: Mr. Herits, can  
5 you please stand and be sworn in?

6 T H O M A S J. H E R I T S, Township of  
7 Belleville Engineer/Planner, first having been duly  
8 sworn, testified as follows:

9 MR. RAGO: State your name and just  
10 spell your last name for the record.

11 MR. HERITS: Thomas J. Herits,  
12 H-E-R-I-T-S.

13 MR. RAGO: And you're the Board  
14 planner and engineer?

15 MR. HERITS: Yes.

16 MR. RAGO: Thank you.

17 CHAIRMAN DEL GUERCIO: Mr. Herits, I  
18 have a very simple question. I may have gotten two  
19 copies of the same thing by error. Did you make a  
20 revised engineering report and a separate revised  
21 planning report with the new plans?

22 MR. HERITS: No, I just made a general  
23 review as dated March 30, 2015.

24 MR. RAGO: Okay.

25 MR. GACCIONE: Mr. Chairman, I have --

1 CHAIRMAN DEL GUERCIO: Yes.

2 MR. GACCIONE: I have an extensive  
3 letter dated March 20 submitting documentation.

4 CHAIRMAN DEL GUERCIO: March 20.

5 Well, I have the plans --

6 MR. GACCIONE: Right.

7 CHAIRMAN DEL GUERCIO: -- dated March  
8 20. Is that what you're talking about?

9 MR. GACCIONE: That's it. There's an  
10 extensive letter --

11 CHAIRMAN DEL GUERCIO: I have it;  
12 they're both stamped.

13 MR. GACCIONE: -- explaining what's  
14 being submitted and the revisions that were made.

15 CHAIRMAN DEL GUERCIO: Okay.

16 MR. GACCIONE: And it's a letter --

17 CHAIRMAN DEL GUERCIO: Well, the  
18 letter, I don't have.

19 MR. GACCIONE: -- directed to Mr.  
20 DeLorenzo, as it should be, as I understand it.

21 VICE-CHAIRMAN VILLANO: Excuse me, Mr.  
22 Chairman.

23 CHAIRMAN DEL GUERCIO: Yes.

24 VICE-CHAIRMAN VILLANO: I still think  
25 there's a question here.

1                   CHAIRMAN DEL GUERCIO:  Yes, Mr.  
2 Frantantoni, your question.

3                   VICE-CHAIRMAN VILLANO:  No, no.

4                   MR. FRANTANTONI:  Just to clarify  
5 something, I was the one who accompanied Ms. Higgins  
6 to the office yesterday and we were told it was just  
7 a change from 11 units to 8, but tonight, under  
8 oath, Mr. Gaccione just testified, he said it's  
9 changes regarding the Morris Canal problem and other  
10 issues brought up by objectors, so the public should  
11 have had or been able to get a copy of the changes.  
12 Evidently, it's more than from 11 to 8 because the  
13 good Mr. Gaccione just said it tonight.

14                  MR. GACCIONE:  Just for the record, I  
15 do not testify.

16                  MR. RAGO:  Um-hum.  I understand.

17                  CHAIRMAN DEL GUERCIO:  No, but you did  
18 make a statement.

19                  MR. GACCIONE:  I made a statement,  
20 absolutely, and I stand by the statement.

21                  CHAIRMAN DEL GUERCIO:  What's the  
22 other changes?

23                  MR. GACCIONE:  They would have to be  
24 explained by the engineer; I'm not going to give  
25 details as to the changes.

1 CHAIRMAN DEL GUERCIO: All right.

2 MR. FRANTANTONI: Yes, but Mr. Del  
3 Guercio, the public has a right to know that  
4 beforehand so we could prepare to research those  
5 other changes in case we need to document some of  
6 our objections.

7 CHAIRMAN DEL GUERCIO: All right, why  
8 don't we do this. Let me ask a question -- okay? --  
9 of the engineer. Hello.

10 MR. IANNELLI: Oh, sorry.

11 CHAIRMAN DEL GUERCIO: Okay? Are all  
12 the changes involving the plans? Very simple  
13 question.

14 MR. IANNELLI: Are all the changes --

15 CHAIRMAN DEL GUERCIO: That he's  
16 alluding to. Are they all involving the new plans,  
17 the amended plans?

18 MR. RAGO: Do they show on the new  
19 plans, the modifications?

20 MR. IANNELLI: The plans that we  
21 submitted in March --

22 MR. RAGO: Right.

23 MR. IANNELLI: -- show all the  
24 proposed improvements associated with the  
25 application.



1 MR. RAGO: Okay. And that's what  
2 you're going to address.

3 MR. IANNELLI: Yes.

4 CHAIRMAN DEL GUERCIO: Okay. And  
5 there was --

6 VICE-CHAIRMAN VILLANO: That doesn't  
7 address the question that she has.

8 CHAIRMAN DEL GUERCIO: Which question?

9 VICE-CHAIRMAN VILLANO: Whether they  
10 had enough time to review and ample time to make  
11 intelligent questions.

12 CHAIRMAN DEL GUERCIO: Okay. Well,  
13 there's also something else to that I would want  
14 done too.

15 VICE-CHAIRMAN VILLANO: I'm only  
16 speaking to the question that was raised.

17 CHAIRMAN DEL GUERCIO: All right. Let  
18 me ask a question here to make this simple. We have  
19 now changed the amount of the site smaller than what  
20 it was, correct?

21 MR. IANNELLI: Correct.

22 CHAIRMAN DEL GUERCIO: Number two,  
23 there's no less units than there was before,  
24 correct?

25 MR. IANNELLI: Correct.

1                   CHAIRMAN DEL GUERCIO:   And Mr.  
2   Gaccione is then going to have his planner give  
3   testimony, correct?

4                   MR. GACCIONE:   Correct.

5                   CHAIRMAN DEL GUERCIO:   Ah, very good.

6                   MR. GACCIONE:   Also, the architect has  
7   not testified yet.

8                   CHAIRMAN DEL GUERCIO:   In other words,  
9   on the new plans.

10                  MR. GACCIONE:   Yes.

11                  CHAIRMAN DEL GUERCIO:   He's the same  
12   one who testified the last time.

13                  MR. GACCIONE:   Yes, but he hasn't  
14   testified on the new plans.

15                  CHAIRMAN DEL GUERCIO:   I just wanted  
16   to make sure.

17                  Okay.   Now, this will never get done  
18   tonight, I'm going to make it very simple, and the  
19   simple reason is because we need an updated planning  
20   report because it's changed.   It's changed, there's  
21   three less units, there's less area, so we need an  
22   updated planner's report.

23                  MR. HERITS:   I addressed that in the  
24   general review.

25                  CHAIRMAN DEL GUERCIO:   You did.   You

1 addressed that in the general review. Of March 30?

2 MR. HERITS: Yup. It addresses the  
3 reduction of parking spaces, the new density.  
4 Engineering-wise, they eliminated drainage they were  
5 proposing on Brighton Avenue.

6 MS. MARY HIGGINS: Excuse me, could  
7 you tell me the new density?

8 MR. HERITS: I'm talking to the  
9 Chairman right now, okay?

10 And I think that's basically it. So  
11 they're only -- they reduced the site by 50 square  
12 feet, roughly.

13 CHAIRMAN DEL GUERCIO: Now, was this  
14 report available to you or no?

15 MS. MARY HIGGINS: No.

16 VICE-CHAIRMAN VILLANO: That's what  
17 she's saying.

18 CHAIRMAN DEL GUERCIO: So what we're  
19 -- I think we're going to have to -- because they're  
20 objecting that it wasn't made available to them, we  
21 may have to adjourn the case until the next meeting.

22 MR. GACCIONE: I want to make one  
23 thing -- I don't want to contradict the Chairman but  
24 I didn't think the architect had testified at all.  
25 He has not testified at all. So only two witnesses

1 have testified, Mr. Calandra and the engineer. I  
2 never got to the architect or the planner.

3 CHAIRMAN DEL GUERCIO: He is the  
4 planner -- the engineer.

5 MR. GACCIONE: He's the engineer.

6 CHAIRMAN DEL GUERCIO: The architect  
7 hasn't testified yet.

8 MR. GACCIONE: At all.

9 CHAIRMAN DEL GUERCIO: No, but what  
10 I'm saying is these plans have to -- and these  
11 reports have to be available to her. If you  
12 remember, that's why we adjourned last month because  
13 we didn't have enough time to get a report from Mr.  
14 Herits. Okay? But they have to be made available  
15 to her and I'm not saying it's your fault. It's not  
16 your fault.

17 MR. GACCIONE: It's certainly not my  
18 fault.

19 MS. MARY HIGGINS: Not just me. The  
20 public. The public.

21 CHAIRMAN DEL GUERCIO: Yes, the public  
22 in general.

23 MS. MARY HIGGINS: Thank you.

24 MR. GACCIONE: My documentation was  
25 submitted on March 20 and I adjourned the last time

1 so that we had the opportunity to get that  
2 documentation in so Mr. Herits could review it. He  
3 did review it and, actually, he had it reviewed  
4 prior to the last scheduled date, but we had already  
5 requested an adjournment.

6 CHAIRMAN DEL GUERCIO: But he hadn't  
7 made the reports.

8 MR. GACCIONE: His report was in.

9 CHAIRMAN DEL GUERCIO: No, it wasn't  
10 because I called him. Don't tell me it was when I  
11 called him and he said "no."

12 MR. GACCIONE: Tom, what's the date of  
13 your -- I mean, it's not important but what's the  
14 date of your report?

15 MR. HERITS: March 30.

16 CHAIRMAN DEL GUERCIO: March 30.

17 MR. GACCIONE: And the hearing was  
18 April whatever.

19 CHAIRMAN DEL GUERCIO: It wasn't ten  
20 days before. It has to be ten days before.

21 MR. GACCIONE: My understanding was  
22 our documentation had to be in ten days before.

23 CHAIRMAN DEL GUERCIO: No.

24 MR. GACCIONE: You're saying you have  
25 to have Mr. Herits' report --

1                   CHAIRMAN DEL GUERCIO:  Everything has  
2 to be available to the public ten days before.  Am I  
3 correct?  I'll ask our attorney.

4                   MR. GACCIONE:  I don't know of any  
5 regulation like that.

6                   MR. RAGO:  The initial submittals,  
7 yes, but the law does allow, the Municipal Land Use  
8 Law does allow an applicant to supplement the  
9 original documents at the hearing, supplement in  
10 terms -- I mean, how many times do we get reports at  
11 the hearing, traffic reports --

12                   VICE-CHAIRMAN VILLANO:  Right.

13                   MR. RAGO:  -- planning reports --

14                   CHAIRMAN DEL GUERCIO:  But how do we  
15 get our --

16                   MR. RAGO:  -- planner revisions.

17                   CHAIRMAN DEL GUERCIO:  -- reports from  
18 our engineer?  Because wouldn't the public have a  
19 right to review that ten days before?

20                   MEMBER OF THE PUBLIC:  Yes.

21                   MR. RAGO:  Sometimes it happens and  
22 sometimes it doesn't.  It's a supplemental.  If it  
23 can be available ten days before, fine; if not, I  
24 don't know any Board that would not proceed with the  
25 hearing because it's not there ten days ahead of

1 time.

2 MR. GACCIONE: I submitted ten days  
3 before, far more than ten days before. I submitted  
4 on the 20th of March. But on a normal basis, I  
5 appear in many towns, I don't get -- Mr. Herits is  
6 prompt in getting his reports in. I get reports  
7 handed to me on the night of the hearing and the  
8 case goes forward.

9 CHAIRMAN DEL GUERCIO: All right, so  
10 we don't waste time, let's make a compromise, okay?  
11 To make everybody happy. This Board will not make a  
12 decision tonight. Okay? Listen to me. Listen to  
13 me first. Mr. Gaccione --

14 MR. GACCIONE: I'm listening.

15 CHAIRMAN DEL GUERCIO: -- I'm allowing  
16 you to give the testimony of as many people as you  
17 want; however, they should be able to be cross-  
18 examined by the public at the next meeting, and I  
19 will put you the first case on the agenda.

20 MR. GACCIONE: Let me just check with  
21 my client if he wants to go ahead on that basis.

22 CHAIRMAN DEL GUERCIO: Sure.

23 MS. MARY HIGGINS: Excuse me. This is  
24 not just supplemental information.

25 CHAIRMAN DEL GUERCIO: Ma'am, ma'am,

1 you're out of order. Let him consult with his  
2 client. Wait until I get an answer from him.

3 MR. GACCIONE: I'm sorry, Mr.  
4 Chairman, just give me one second.

5 MR. CALANDRA: Can you give us two  
6 minutes, please?

7 CHAIRMAN DEL GUERCIO: Yes. I'll give  
8 you five.

9 MS. MARY HIGGINS: So point of order,  
10 I can't say anything when they're not in the room?

11 VICE-CHAIRMAN VILLANO: No.

12 CHAIRMAN DEL GUERCIO: No, not without  
13 them in the room.

14 MR. RAGO: No.

15 MS. MARY HIGGINS: Okay.

16 (Recess taken)

17 CHAIRMAN DEL GUERCIO: Mr. Gaccione,  
18 what is --

19 MR. GACCIONE: We're ready to proceed  
20 on the basis that you set forth, Mr. Chairman. I  
21 just would ask one other thing having nothing to do  
22 with this case.

23 CHAIRMAN DEL GUERCIO: You want to  
24 adjourn your other case?

25 MR. GACCIONE: If we're going to



1 proceed with this one, I'd like to adjourn my other  
2 case.

3 CHAIRMAN DEL GUERCIO: Yes, yes, we'll  
4 adjourn it.

5 (Whereupon the Board discussed another  
6 matter.)

7 CHAIRMAN DEL GUERCIO: All right, now,  
8 one other thing. Mr. DeLorenzo --

9 MR. FRANTANTONI: One point of order.

10 CHAIRMAN DEL GUERCIO: Wait, wait.

11 MR. FRANTANTONI: Go ahead.

12 CHAIRMAN DEL GUERCIO: Wait.

13 MR. RAGO: Wait.

14 CHAIRMAN DEL GUERCIO: Mr. DeLorenzo.

15 MR. DeLORENZO: Yes, Jer.

16 CHAIRMAN DEL GUERCIO: I want to ask  
17 you a question. Can we give these people anything  
18 they want, I don't know, there may be a fee --

19 MR. DeLORENZO: If it's in the file,  
20 Jer.

21 CHAIRMAN DEL GUERCIO: If it's in the  
22 file.

23 MR. DeLORENZO: Right.

24 CHAIRMAN DEL GUERCIO: That includes  
25 the plans?

1 MR. DeLORENZO: Includes the plans.

2 CHAIRMAN DEL GUERCIO: All right.

3 MR. DeLORENZO: Whatever Michelle  
4 leaves there, it's there.

5 CHAIRMAN DEL GUERCIO: Okay.

6 MR. RAGO: So --

7 MR. DeLORENZO: If it's not there,  
8 it's not there, I can't give it to them.

9 CHAIRMAN DEL GUERCIO: Well, Michelle  
10 will give you the file tonight.

11 MR. DeLORENZO: All right.

12 CHAIRMAN DEL GUERCIO: All right? So  
13 that way, it's definitely there. And I don't want  
14 to have any more problems at the next meeting with  
15 this. I want this case out of the way. Okay?

16 MR. RAGO: So, as I understand it,  
17 what we're doing tonight is proceeding, the  
18 modifications will be explained, the witnesses will  
19 be subject to cross-examination by the Board and the  
20 public until 9:30?

21 VICE-CHAIRMAN VILLANO: 9:30.

22 MR. RAGO: 9:30. And then in the  
23 meantime, before you come back, everything will be  
24 available so the public will have an opportunity,  
25 since we're not vote tonight, to review whatever's

1 in the file, to ask questions, you'll bring your  
2 witnesses back so no one will be hurt.

3 VICE-CHAIRMAN VILLANO: Right.

4 MR. GACCIONE: The only thing I would  
5 ask is that if they question my witnesses tonight,  
6 or my witness -- probably we'll only get through one  
7 witness -- that they can't repeat what they've  
8 previously asked and anything new they learned.

9 MR. RAGO: Okay.

10 MR. GACCIONE: Certainly, they have a  
11 right to ask about --

12 VICE-CHAIRMAN VILLANO: But the  
13 witness will be available.

14 MR. GACCIONE: He will be available.

15 VICE-CHAIRMAN VILLANO: On both  
16 nights.

17 CHAIRMAN DEL GUERCIO: All the  
18 witnesses.

19 MR. GACCIONE: Whoever testifies will  
20 be here.

21 VICE-CHAIRMAN VILLANO: That's all I  
22 ask.

23 CHAIRMAN DEL GUERCIO: Okay. Now, did  
24 you have a question?

25 MR. FRANTANTONI: Yeah, I want this

1 case to proceed, I'd just make a suggestion. Can  
2 somebody just read the changes to us right up front  
3 now so we know?

4 CHAIRMAN DEL GUERCIO: It's all in the  
5 testimony.

6 MR. FRANTANTONI: And then we'll  
7 proceed.

8 MR. RAGO: We don't know what they are  
9 yet, so now we're going to hear.

10 CHAIRMAN DEL GUERCIO: Okay? It's in  
11 the plans.

12 MR. FRANTANTONI: Because the last  
13 time, you told them the next day, we were able to  
14 get them, but this time, we couldn't get them.

15 CHAIRMAN DEL GUERCIO: Well, you heard  
16 what I said to Mr. DeLorenzo and they're going to be  
17 available. Now, there may be a fee involved. Okay?  
18 Mr. DeLorenzo, you can make copies of the plans if  
19 they want them, right?

20 MR. RAGO: Yes.

21 MR. DeLORENZO: No. Well, I can, but  
22 it's going to take, you know, not right there.

23 MR. FRANTANTONI: We don't want  
24 blueprints. We want the application like the last  
25 time --

1 CHAIRMAN DEL GUERCIO: What  
2 application?

3 MS. DALBO: Excuse me. Mr. Chairman  
4 --

5 CHAIRMAN DEL GUERCIO: Yes.

6 MS. DALBO: -- the Clerk's office  
7 called me. The OPRA request was for the  
8 application. It was hand-delivered by me personally  
9 today, so that is going to be --

10 CHAIRMAN DEL GUERCIO: Are you talking  
11 about this, Mr. Frantantoni?

12 MR. FRANTANTONI: Yeah, the last time  
13 we got the application.

14 CHAIRMAN DEL GUERCIO: This  
15 application is the same, it hasn't changed a bit.

16 MR. FRANTANTONI: He just said there's  
17 other changes --

18 CHAIRMAN DEL GUERCIO: But that's made  
19 to the plans, not to the original application.  
20 There is no additional application. This is all  
21 moot.

22 MR. FRANTANTONI: Right, the amended  
23 --

24 MS. DALBO: Plans.

25 MR. FRANTANTONI: -- application, the

1 amendments, we don't have it. Now we're gonna know  
2 them tonight, we don't --

3 CHAIRMAN DEL GUERCIO: No. All you're  
4 going to be able to get is get a copy of Mr. Herits'  
5 report which addresses whatever they gave in the  
6 plans. The plans are the only thing that's changed.  
7 I've been trying to tell everybody that but nobody  
8 listens.

9 MR. FRANTANTONI: Yeah, but shouldn't  
10 we have a right to know?

11 MR. RAGO: That's what we're going to  
12 find out.

13 MR. FRANTANTONI: Proceed and we'll  
14 see what they are.

15 CHAIRMAN DEL GUERCIO: Thank you. Now  
16 can we get started?

17 MR. GACCIONE: One further point of  
18 clarification. They looked at my March 20 letter.  
19 It tells basically what the changes are, just for  
20 anybody's information.

21 CHAIRMAN DEL GUERCIO: I don't think  
22 they have the March 20 letter.

23 MR. GACCIONE: Well, somebody said  
24 they looked at it.

25 CHAIRMAN DEL GUERCIO: Because I don't

1 have the March 20 letter, so if I don't have it, I  
2 don't understand how they can have it.

3 MR. GACCIONE: It was in Mr.  
4 DeLorenzo's file, but anyway, the one lady referred  
5 to --

6 CHAIRMAN DEL GUERCIO: Michelle, do  
7 you have this March 20 letter that they're talking  
8 about so we're sure it's in the file for them to get  
9 a copy of it tomorrow?

10 MS. DALBO: I will check.

11 CHAIRMAN DEL GUERCIO: And we need  
12 copies, we don't have copies of it.

13 MR. GACCIONE: It's just my letter  
14 submitting the revised plans to Mr. DeLorenzo.

15 MS. DALBO: Right, and normally, you  
16 don't get the letter.

17 MR. GACCIONE: Normally, you don't get  
18 it.

19 CHAIRMAN DEL GUERCIO: You only get  
20 the plans.

21 MR. GACCIONE: But if they want to see  
22 it, it's there.

23 CHAIRMAN DEL GUERCIO: It's in the  
24 file, correct?

25 MS. DALBO: Jer, I'm looking for it

1 now.

2 CHAIRMAN DEL GUERCIO: But it doesn't  
3 mention the change.

4 MR. GACCIONE: It generally mentions  
5 about seven changes.

6 CHAIRMAN DEL GUERCIO: Seven changes,  
7 okay.

8 MS. DALBO: Is this the letter you're  
9 referring to?

10 MR. GACCIONE: Let me see that? I'm  
11 sorry. No, that's the March 30 letter. That's the  
12 adjournment request, Michelle.

13 MS. DALBO: What date is that letter?

14 MR. HERITS: March 20.

15 MR. GACCIONE: Here's the letter I was  
16 referring to but it's my only copy.

17 MS. DALBO: This one?

18 MR. GACCIONE: That's it.

19 CHAIRMAN DEL GUERCIO: Can I see this  
20 for a second?

21 MS. DALBO: Make sure I get it back.

22 CHAIRMAN DEL GUERCIO: Yes, I'm giving  
23 it right back to you and I want you to put it right  
24 back in the file.

25 MR. GACCIONE: It's a March 20 letter,



1 right, Jerry?

2 CHAIRMAN DEL GUERCIO: Yes. And you  
3 know what? I don't have a copy of this so we would  
4 want a copy of it also.

5 MR. GACCIONE: Okay, but again, I  
6 don't think -- to defend the staff, normal practice  
7 is they don't submit that to the Board, normal  
8 practice.

9 CHAIRMAN DEL GUERCIO: Normal  
10 practice.

11 MR. GACCIONE: You can have it,  
12 obviously, because it's here.

13 CHAIRMAN DEL GUERCIO: Well, this is  
14 an abnormal case --

15 MR. GACCIONE: Okay.

16 CHAIRMAN DEL GUERCIO: -- so let's get  
17 this done. All right, let's start. And I want them  
18 to be able to have a copy of it, the objectors.

19 MR. GACCIONE: They can get whatever  
20 they want from me.

21 CHAIRMAN DEL GUERCIO: Okay.

22 MR. GACCIONE: Not from me, they can  
23 get it from Mr. DeLorenzo.

24 MR. DeLORENZO: What's that, Jer?

25 CHAIRMAN DEL GUERCIO: That letter

1 that they're talking about, I want them to have a  
2 copy of that letter.

3 MS. DALBO: I'm getting it done right  
4 now, Jer.

5 CHAIRMAN DEL GUERCIO: Okay.

6 MS. DALBO: Continue.

7 CHAIRMAN DEL GUERCIO: Go ahead.

8 MR. RAGO: Call your witness, please.

9 MR. GACCIONE: The witness is being  
10 re-called and I believe he's been asked if he  
11 understood he was already sworn.

12 CHAIRMAN DEL GUERCIO: Yes, he's an  
13 expert, yes.

14 MR. GACCIONE: Okay.

15 M A R I O I A N N E L L I, P. E., Dewberry  
16 Engineers, Inc., 600 Parsippany Road, Suite 301,  
17 Parsippany, New Jersey 07054, having been previously  
18 sworn, testified as follows:

19 MR. RAGO: For the record, state your  
20 name and address, please.

21 MR. IANNELLI: My name is Mario  
22 Iannelli, I'm the manager of Land Development  
23 Services at Dewberry. My address is 600 Parsippany  
24 Road, Parsippany, New Jersey.

25 MR. RAGO: And you're a licensed

1 engineer and you're still under oath from the  
2 previous meeting.

3 MR. GACCIONE: And he was qualified  
4 the last time.

5 MR. IANNELLI: Yes, I'm a licensed  
6 engineer in the State of New Jersey.

7 MR. RAGO: Thank you. Proceed.

8 DIRECT EXAMINATION BY MR. GACCIONE:

9 Q. Mr. Iannelli, please review the  
10 existing parking versus the proposed parking.

11 A. Okay. I'm referring to a formerly  
12 entered exhibit of the aerial. The existing  
13 parking, there's 44 striped spaces --

14 MR. RAGO: Was this A-1 that was  
15 marked into evidence at the last hearing?

16 MR. IANNELLI: Yes, this is A-1.

17 CHAIRMAN DEL GUERCIO: So could I ask  
18 you a question?

19 MR. IANNELLI: Sure.

20 CHAIRMAN DEL GUERCIO: How could we  
21 have A-1 if there's changes involved in the --

22 VICE-CHAIRMAN VILLANO: The original.

23 CHAIRMAN DEL GUERCIO: -- Morris Canal  
24 property?

25 VICE-CHAIRMAN VILLANO: The original.

1 MR. IANNELLI: This is the existing --

2 CHAIRMAN DEL GUERCIO: Oh, so there's  
3 another one underneath?

4 MR. IANNELLI: Yes.

5 CHAIRMAN DEL GUERCIO: Okay.

6 MR. IANNELLI: There's another  
7 rendering.

8 CHAIRMAN DEL GUERCIO: All right.

9 MR. IANNELLI: The existing parking  
10 lot basically is located on three sides of the  
11 building, it is --

12 MR. RAGO: We're going to have to --  
13 excuse me. The public needs to be able to see this  
14 as well. Is there a better place you can put it  
15 where --

16 CHAIRMAN DEL GUERCIO: Put it further  
17 back that way. See the other easel over there? We  
18 could see it from there. We're higher up. So that  
19 way, everybody in the room could see it.

20 MR. IANNELLI: Okay?

21 CHAIRMAN DEL GUERCIO: Thank you.

22 MR. IANNELLI: It has 44 striped  
23 spaces, a number of them are undersized, a number of  
24 them are on a long dead-end, and the site is  
25 currently -- the parking lot's currently a very

1 large area of pavement.

2 Current parking is about 1.33 per unit.  
3 I have to mark that as a new exhibit.

4 MR. RAGO: A --

5 MR. MONTALBANO: A-2.

6 MR. IANNELLI: What is that?

7 MR. RAGO: We are up to A-3.

8 CHAIRMAN DEL GUERCIO: Can I ask a  
9 question?

10 MR. IANNELLI: Sure.

11 CHAIRMAN DEL GUERCIO: You see where  
12 the flag is?

13 MR. IANNELLI: Yeah.

14 CHAIRMAN DEL GUERCIO: Good. Move the  
15 easel back to the flag so everybody could see it.

16 MR. RAGO: What is A-3, Mr. Iannelli?

17 MR. IANNELLI: A-3 is the plan that  
18 was submitted in March, rendering. It's a landscape  
19 plan, C-401.

20 Basically, the proposal that we  
21 re-submitted reduces the units from -- proposed  
22 units from 11 to 8, so -- hold on a second. Here we  
23 go. What I'm highlighting here, I met with Tom, we  
24 reviewed a plan that the township provided us that  
25 showed where they believed the Morris Canal was

1 located, so what we did is we overlaid that plan  
2 onto our plan and identified this area of about 770  
3 square feet in the corner that was an encroachment  
4 into the Morris Canal based on the plan provided by  
5 the township.

6 CHAIRMAN DEL GUERCIO: Is that the  
7 green area?

8 MR. IANNELLI: It's slightly -- the  
9 green area goes a little further below it but  
10 there's like a dashed line showing it.

11 CHAIRMAN DEL GUERCIO: Okay. Where it  
12 changes ownership.

13 MR. IANNELLI: Correct.

14 CHAIRMAN DEL GUERCIO: Okay.

15 MR. IANNELLI: So what we did was is  
16 that we pulled all of the pavement. There was  
17 existing pavement in there, we proposed to remove  
18 it, we removed the proposed parking in that area.  
19 There is a low point so we wanted to continue to  
20 drain the water.

21 CHAIRMAN DEL GUERCIO: You gonna move  
22 the fence?

23 MR. IANNELLI: The existing fence?

24 CHAIRMAN DEL GUERCIO: Yeah. Isn't  
25 the existing fence on the Morris Canal?

1 MR. IANNELLI: Yes.

2 CHAIRMAN DEL GUERCIO: Ah. So you're  
3 going to have to move the fence too. You can't  
4 encroach on it at all.

5 MR. CARUSO: They are moving it.

6 MR. CALANDRA: We never installed that  
7 fence.

8 MR. IANNELLI: I want to show you the  
9 plan that was given to me so maybe you can -- this  
10 was the plan that was given to me by the Township.

11 CHAIRMAN DEL GUERCIO: Okay.

12 MR. RAGO: Has this been marked?

13 MR. IANNELLI: No.

14 MR. RAGO: A-4.

15 (Plan is marked as Exhibit A-4.)

16 MR. IANNELLI: I'll explain it in a  
17 minute. The green -- this is Harrison Street, this  
18 is Brighton, Wallace, Acme, the green area is the  
19 Morris Canal. There are -- that little red triangle  
20 is the area that's noted as the encroachment. This  
21 area here that's slightly highlighted, that's the  
22 site that we're talking about, and there are  
23 numerous encroachments throughout the green area.

24 CHAIRMAN DEL GUERCIO: Right.

25 MR. IANNELLI: I just want to make

1 sure you know that it's -- when you look to our  
2 south, the parking lot's in the Morris Canal and if  
3 you look to our -- if you go -- actually, this plan  
4 actually shows some dwellings in the Morris Canal.

5 CHAIRMAN DEL GUERCIO: I understand,  
6 but you're the one who's got the application before  
7 the Board.

8 MR. IANNELLI: Correct, but --

9 CHAIRMAN DEL GUERCIO: We can't rule  
10 on other properties, only on your application.

11 MR. IANNELLI: Correct.

12 CHAIRMAN DEL GUERCIO: Correct?

13 MR. IANNELLI: So if we have to  
14 relocate the fence, we can.

15 CHAIRMAN DEL GUERCIO: Why?

16 MR. IANNELLI: We can relocate the  
17 fence to the line that we're establishing with the  
18 new Morris Canal.

19 CHAIRMAN DEL GUERCIO: That's what I'm  
20 talking about.

21 MR. IANNELLI: Yeah, we can do that  
22 but I just wanted to make the point that it's not  
23 just the fence, there are other -- this is a problem  
24 throughout the Morris Canal.

25 CHAIRMAN DEL GUERCIO: I understand



1 that, but we're only dealing with your property  
2 right now.

3 MR. IANNELLI: Okay.

4 CHAIRMAN DEL GUERCIO: Thank you.

5 MR. IANNELLI: So back to A-3, that  
6 was one of the changes that were outlined in the  
7 letter. The parking, now we're proposing for the 41  
8 units that are going to be at the site, we're  
9 proposing 61 striped stalls. The existing rate,  
10 like I said, is like 1.33 per unit. The proposed is  
11 1.49 per unit. The -- it's important to note that I  
12 had mentioned one time in the past that the  
13 Institute For Transportation Engineers actually  
14 recommended -- we are actually meeting what they  
15 would recommend for parking for an apartment  
16 building.

17 VICE-CHAIRMAN VILLANO: And the  
18 ordinance is?

19 MR. IANNELLI: We'll get there.

20 CHAIRMAN DEL GUERCIO: But the  
21 ordinance requests two, correct?

22 MR. IANNELLI: You're absolutely  
23 right. I do agree with that.

24 VICE-CHAIRMAN VILLANO: I have a  
25 question.

1 MR. IANNELLI: Sure.

2 VICE-CHAIRMAN VILLANO: You said two  
3 numbers. A number of 1.33 is what you have now.

4 MR. IANNELLI: Yes.

5 VICE-CHAIRMAN VILLANO: And how many  
6 units?

7 MR. IANNELLI: That is based on the 44  
8 striped stalls and 33 units.

9 VICE-CHAIRMAN VILLANO: 33 units.

10 MR. IANNELLI: Um-hum.

11 VICE-CHAIRMAN VILLANO: So the new  
12 recommendation is 44 for how many units?

13 MR. IANNELLI: For 41.

14 VICE-CHAIRMAN VILLANO: So you went  
15 up, right?

16 MR. IANNELLI: Correct.

17 VICE-CHAIRMAN VILLANO: So you added  
18 spaces.

19 MR. IANNELLI: Yes, we did. We added  
20 -- in simple numbers, we added -- we went from 44  
21 stalls to 61 stalls, so you're adding roughly 17  
22 stalls.

23 VICE-CHAIRMAN VILLANO: Right. Okay.

24 MR. IANNELLI: So the important thing  
25 to note about the proposed parking, though, is the

1 existing parking, back to -- if I go back to the  
2 aerial, there's a couple of problematic parking  
3 stalls. There's parking in the rear of the lot with  
4 a hundred-foot backup, there's -- the handicapped  
5 spaces don't have the proper, you know, striping, so  
6 if you were to, you know, eliminate some of the  
7 unsafe, you know, parking/backing up and apply the  
8 handicap proper striping, you probably really -- and  
9 also, there's a number of spaces that are under  
10 eight feet -- you're probably only going to fit,  
11 likely, 35 cars on the site, 36 cars on the site  
12 safely. What I'm saying is, if you re-stripe the  
13 handicap and you get rid of the hundred-foot backup  
14 that you have back there but we're counting the 44  
15 stalls because they're striped, even though I think  
16 they're really not effective, the proposed plan will  
17 have 46 for the existing units, dedicated to the  
18 existing units, so while there's only two more  
19 striped spaces, they will all be, while undersized  
20 in width in 8.5, they will all have conforming  
21 aisles, and 8.5 is actually an accepted national  
22 standard for width of a residential parking stall.  
23 Now, granted, it is a variance but it is an accepted  
24 standard, so what I'm saying to you is that the  
25 proposed 61 will improve not only size-wise of the

1 stalls, circulation, that's very important too. In  
2 the proposed condition, there will be two entrances,  
3 there will be no more dead-ends, there will be  
4 conforming handicapped spaces, there will be better  
5 lighting, so the proposed parking will absolutely be  
6 functioning more towards what I would consider  
7 industry standards.

8 CHAIRMAN DEL GUERCIO: Which industry  
9 standards, the 1.8?

10 MR. IANNELLI: Well, no.

11 CHAIRMAN DEL GUERCIO: Or 2?

12 MR. IANNELLI: The dimensions of the  
13 parking --

14 CHAIRMAN DEL GUERCIO: Oh, size-wise.

15 MR. IANNELLI: Size-wise --

16 CHAIRMAN DEL GUERCIO: Okay.

17 MR. IANNELLI: -- in circulation is  
18 going to be very much in line with industry  
19 standards. The only one that's really deviating is  
20 the 8-1/2 from 9, which is common, believe it or  
21 not, in residential uses because it's -- in a  
22 shopping use, I would not recommend that, but in a  
23 residential use where it's familiar drivers and, you  
24 know, you don't have shopping carts, it's quite  
25 common to go to 8-1/2.

1           Q.       Based on your calculation, would it be  
2 fair to say if you are indicating there are 44  
3 striped spaces, approximately 35 or 36 effective  
4 spaces, that when all is said and done, you will be  
5 adding 10 or 11 spaces beyond that which is required  
6 for the additional eight apartments?

7           A.       Yes.   Basically, if you look at what's  
8 out there now, the 44 spaces that are striped, like  
9 I said, if you striped the handicapped stalls, if  
10 you got rid of the hundred-foot backup and took care  
11 of some of the dimensional concerns, you're not  
12 going to fit 44, so what we're doing is 46 that  
13 we're -- you're going to fit like 35, 36, I mean,  
14 it's just -- you might fit more if people are  
15 willing to be tight but it's not going to be safe  
16 and it's not going to be dimensionally sound.  The  
17 new layout will be dimensionally sound.  The 46  
18 stalls will be dimensionally sound.

19                   VICE-CHAIRMAN VILLANO:  I'm lost here  
20 because -- Mr. Gaccione, maybe you could help me.  
21 We have 33 units now, right?

22                   MR. IANNELLI:  Um-hum.

23                   VICE-CHAIRMAN VILLANO:  By law, what's  
24 required?

25                   MR. IANNELLI:  By law, what's required

1 by the ordinance?

2 VICE-CHAIRMAN VILLANO: Yeah.

3 MR. IANNELLI: Would be 66.

4 VICE-CHAIRMAN VILLANO: Right.

5 MR. IANNELLI: Right.

6 VICE-CHAIRMAN VILLANO: So, I mean,  
7 how do you, you know --

8 MR. GACCIONE: We are there -- if  
9 you're asking the legal question, we are obviously  
10 there when we got an approval at a time when there  
11 was not the same parking requirement, so what we are  
12 doing is we are complying --

13 VICE-CHAIRMAN VILLANO: So you're  
14 telling me you have an existing variance for the  
15 parking.

16 MR. GACCIONE: My speculation would be  
17 that when it was built, there was not a similar  
18 requirement with regard to approximately two spaces  
19 per unit.

20 VICE-CHAIRMAN VILLANO: Okay, but you  
21 know as well as I know, before an application, it is  
22 not uncommon if there's not an existing variance,  
23 which there is, it sounds like, for only 30 -- what  
24 do you have --

25 MR. IANNELLI: 44 striped.

1                   VICE-CHAIRMAN VILLANO: 44 spots,  
2                   which is not legal for the amount of apartments you  
3                   have now.

4                   MR. GACCIONE: But this was a  
5                   preexisting approval so it was -- I can get you that  
6                   information. My speculation, it's speculation only,  
7                   I haven't researched it --

8                   VICE-CHAIRMAN VILLANO: Right.

9                   MR. GACCIONE: -- is that the 44  
10                  probably was compliant at that time.

11                  VICE-CHAIRMAN VILLANO: I would love  
12                  to see that.

13                  MR. GACCIONE: I will certainly check  
14                  what the law was. We have those records.

15                  VICE-CHAIRMAN VILLANO: Right. Okay.

16                  MR. GACCIONE: Or Mr. Steck will check  
17                  what the law was, one of us will.

18                  VICE-CHAIRMAN VILLANO: I have faith  
19                  in you.

20                  MR. GACCIONE: We'll be back again.

21                  VICE-CHAIRMAN VILLANO: All right.

22                  But I guess where I get off the train, you say  
23                  you're giving me 10 more; what I'm saying is you  
24                  still haven't met the first requirement.

25                  MR. GACCIONE: No, my position is we

1 probably met the first requirement when the building  
2 was erected, so we're now becoming more compliant  
3 with the current regulations.

4 VICE-CHAIRMAN VILLANO: For 33 units,  
5 yeah, not forty- --

6 MR. GACCIONE: Yes. We're becoming  
7 more compliant, period, because we're adding more  
8 spaces than are required for the new eight units.

9 VICE-CHAIRMAN VILLANO: My math is  
10 different. Sorry.

11 MR. GACCIONE: Okay. Let's go through  
12 the math.

13 VICE-CHAIRMAN VILLANO: Yeah, how many  
14 units? There's -- you're adding 11, was it?

15 MR. GACCIONE: We're adding 8.

16 VICE-CHAIRMAN VILLANO: 8 and 8 is 16.

17 MR. GACCIONE: No, it's --

18 CHAIRMAN DEL GUERCIO: Under the  
19 ordinance, Mr. Gaccione.

20 MR. GACCIONE: Under whose ordinance?

21 CHAIRMAN DEL GUERCIO: Under the town  
22 ordinance.

23 VICE-CHAIRMAN VILLANO: Town  
24 ordinance.

25 MR. GACCIONE: Okay. Town ordinance



1 is 16; RSIS, which technically prevails, I believe  
2 is probably 15. We're in the same location. So,  
3 we're providing sufficient spaces for that.

4 VICE-CHAIRMAN VILLANO: I'm saying no.

5 MR. GACCIONE: You have 44 spaces to  
6 start with. We're adding 8 units.

7 VICE-CHAIRMAN VILLANO: You're adding  
8 10 spaces.

9 MR. GACCIONE: 8 units. We're at 61  
10 spaces now. We're proposing 61 spaces.

11 VICE-CHAIRMAN VILLANO: All right.

12 MR. GACCIONE: So we're adding 16  
13 spaces.

14 VICE-CHAIRMAN VILLANO: For the new  
15 units.

16 MR. GACCIONE: For the new units. So  
17 we're compliant with the new units.

18 VICE-CHAIRMAN VILLANO: The new units  
19 only, right? We're not going to worry about the  
20 other ones.

21 MR. GACCIONE: I'm sorry?

22 VICE-CHAIRMAN VILLANO: So you're  
23 going to get back to me with what was originally  
24 proposed. Because I have to make an assumption,  
25 like you do, right? -- that two spaces per unit is

1 what is required. You're saying, and I understand,  
2 that back at that time -- you can shake your head  
3 all you want. I can see that. You can shake your  
4 head all you want. Unless you have some proof in  
5 your pocket, I don't know what was allowed back  
6 then.

7 MR. GACCIONE: No, I don't have proof  
8 but, obviously, on the summation, I'll have it.

9 VICE-CHAIRMAN VILLANO: His head's  
10 shaking. Behind you, he's shaking his head "no."  
11 Unless he has it in his pocket, he doesn't know and  
12 I don't know. I'm smart enough to admit that.

13 MR. GACCIONE: Okay, but let me just  
14 review again what I have.

15 VICE-CHAIRMAN VILLANO: Yes, sir.

16 MR. GACCIONE: 44 existing spaces.

17 VICE-CHAIRMAN VILLANO: Yes, sir.

18 MR. GACCIONE: My witness says a  
19 number of those spaces are noncompliant, whether  
20 it's insufficient space, whether there's  
21 insufficient backup space, whether it's noncompliant  
22 with regard to handicapped purposes --

23 VICE-CHAIRMAN VILLANO: Right.

24 MR. GACCIONE: -- and he's saying --

25 VICE-CHAIRMAN VILLANO: And he's

1 saying at 8.5, right? 8.5?

2 MR. IANNELLI: What's that?

3 VICE-CHAIRMAN VILLANO: Your newer  
4 spaces are a total of -- everything is 8.5.

5 MR. IANNELLI: Everything except the  
6 handicapped --

7 VICE-CHAIRMAN VILLANO: Right.

8 MR. IANNELLI: -- they're not required  
9 --

10 VICE-CHAIRMAN VILLANO: Which is a  
11 variance, correct?

12 MR. IANNELLI: Actually, it's a  
13 waiver, but yes.

14 VICE-CHAIRMAN VILLANO: Okay.

15 MR. IANNELLI: But yes.

16 VICE-CHAIRMAN VILLANO: Okay.

17 MR. GACCIONE: So, 44 spaces, maybe 9,  
18 noncompliant. We're going to have 61 spaces. So no  
19 matter what, that's 17 new spaces. So no matter  
20 what, we're adding one space. If you take into  
21 consideration what my witness has testified to,  
22 we're adding one new space plus nine effective  
23 spaces. And obviously, you can have Mr. Herits  
24 check that out to see if he agrees with what my  
25 witness has concluded to.

1 VICE-CHAIRMAN VILLANO: You agree with  
2 that?

3 MR. HERITS: I would look at it in  
4 total --

5 VICE-CHAIRMAN VILLANO: Thank you.

6 MR. HERITS: -- how many units you  
7 have and how many total parking spaces you have.

8 VICE-CHAIRMAN VILLANO: That's all I'm  
9 asking.

10 MR. HERITS: I mean, their logic is  
11 saying the 44's preexisting --

12 VICE-CHAIRMAN VILLANO: Right.

13 MR. HERITS: -- and you're adding  
14 eight -- you have sufficient spaces --

15 VICE-CHAIRMAN VILLANO: For the new.

16 MR. HERITS: -- for the new units. Is  
17 that --

18 MR. GACCIONE: Well, one extra, plus,  
19 if you buy my witness's argument, ten extra, because  
20 he's saying nine are not really usable. And in any  
21 event, he testified that no matter what, we're going  
22 from an existing 1.33 per unit to 1.49 per unit, so  
23 there's a substantial improvement.

24 CHAIRMAN DEL GUERCIO: What do you  
25 mean they're not using them?

1 MR. GACCIONE: I can't testify to  
2 that --

3 MR. IANNELLI: Let me clarify.

4 MR. GACCIONE: -- I'm going by what he  
5 said.

6 MR. IANNELLI: Let me clarify. What  
7 I'm saying is, is that you've been out there, Mr.  
8 Chairman.

9 CHAIRMAN DEL GUERCIO: Yes.

10 MR. IANNELLI: You drove around the  
11 back.

12 CHAIRMAN DEL GUERCIO: A number of  
13 times. I even walked it; I almost sunk in the back.

14 MR. IANNELLI: When you drive around  
15 the back, there's cars parked in the back. Okay?

16 CHAIRMAN DEL GUERCIO: No, no, no.  
17 There's no cars parked in the back.

18 MR. IANNELLI: There's three stalls in  
19 the back. They might not have been there when you  
20 were there. Actually, in the aerial, you'll see it.

21 CHAIRMAN DEL GUERCIO: Show me where  
22 it is.

23 (Court reporter asks the Chairman to ask the  
24 public to be quiet.)

25 CHAIRMAN DEL GUERCIO: Everyone in the

1 audience, be quiet, please. No noise. Otherwise,  
2 you have to leave the building.

3 MS. DALBO: Hold up.

4 (Ms. Dalbo changes tape.)

5 MS. DALBO: Go ahead.

6 CHAIRMAN DEL GUERCIO: Okay.

7 MR. IANNELLI: Okay. Referring to  
8 A-1, I'm highlighting that back corner.

9 CHAIRMAN DEL GUERCIO: Yeah, I'm not  
10 talking about that.

11 MR. IANNELLI: I'm saying, there's  
12 cars parked there. For them to get in and out of  
13 those spaces, he have to back up a hundred feet. I  
14 would not recommend as an engineer that they would  
15 function as a space.

16 CHAIRMAN DEL GUERCIO: I'm talking  
17 about the back where it comes down. See where the  
18 yellow line comes down?

19 MR. IANNELLI: Here?

20 CHAIRMAN DEL GUERCIO: That's it.  
21 That's where I walked it, it's all ground there.

22 MR. IANNELLI: Yes.

23 CHAIRMAN DEL GUERCIO: There is no  
24 asphalt.

25 MR. IANNELLI: That's correct.

1 CHAIRMAN DEL GUERCIO: Okay.

2 MR. IANNELLI: I'm talking back -- the  
3 back of the building. I'm sorry, I would refer that  
4 to the side.

5 CHAIRMAN DEL GUERCIO: That's it.

6 MR. IANNELLI: The back of the  
7 building here, they have to back up 100 feet. Like,  
8 that truck sitting there had to back into that space  
9 a hundred feet.

10 CHAIRMAN DEL GUERCIO: Actually, I  
11 pulled my car back there and I had to back up.

12 MR. IANNELLI: Okay, so my point is  
13 that those three spaces are not safe. I mean, if I  
14 had to re-stripe it, I would not re-stripe it.  
15 They're there, I'm not going to deny that, but I  
16 wouldn't necessarily recommend them, as a  
17 professional, for spaces.

18 CHAIRMAN DEL GUERCIO: Even if you're  
19 going to pave the right side?

20 MR. IANNELLI: No. In the new plan,  
21 when you have -- they come around, yeah, I would  
22 recommend that, because in the new plan, what we're  
23 trying to do is create that circulation --

24 CHAIRMAN DEL GUERCIO: Now, can I ask  
25 you a question since you're talking about the new

1 plan?

2 MR. IANNELLI: Sure.

3 CHAIRMAN DEL GUERCIO: Because you had  
4 to take off a certain amount of footage in the back  
5 --

6 MR. IANNELLI: Sure.

7 CHAIRMAN DEL GUERCIO: -- because of  
8 the Morris Canal, can you still go around?

9 MR. IANNELLI: Yes. The footage does  
10 not affect the turning radiuses, it eliminates two  
11 parking stalls.

12 CHAIRMAN DEL GUERCIO: Okay. Go  
13 ahead, continue.

14 MR. IANNELLI: And if you're out  
15 there, the handicapped stalls are striped without  
16 the gore. You would lose two spaces just for that.

17 CHAIRMAN DEL GUERCIO: Right.

18 MR. IANNELLI: Right there, there's  
19 five. That's not even getting into some of the  
20 spaces that are 7-1/2-foot wide. What I'm saying is  
21 that if you were really to try and -- would people  
22 park there? The parking lot outside was pretty  
23 crazy today trying to get a parking space, but my  
24 point is they would but would I say it's effective  
25 and safe? No. What I'm saying is I'm trying to



1 replace it with a more geometrically-sound layout --  
2 okay? -- which is going to be 46 spaces dedicated to  
3 the existing 33 units that is going to be  
4 geometrically sound. I'm not trying to --

5 VICE-CHAIRMAN VILLANO: So I hear what  
6 you're saying and I agree that your design is better  
7 than what is there.

8 MR. IANNELLI: Okay.

9 VICE-CHAIRMAN VILLANO: No argument, I  
10 just have a problem with your math, that's it.

11 MR. IANNELLI: Oh, well, what we're  
12 trying --

13 VICE-CHAIRMAN VILLANO: It's a much  
14 better design, no argument.

15 MR. IANNELLI: So what we're trying to  
16 do is say, okay, we're taking the RSIS standard,  
17 we're adding roughly nine additional units -- I mean  
18 spaces, I'm sorry --

19 CHAIRMAN DEL GUERCIO: Where are you  
20 putting them?

21 MR. IANNELLI: The spaces?

22 CHAIRMAN DEL GUERCIO: Yeah.

23 MR. IANNELLI: Well, what we did is,  
24 by making it more efficient, we took advantage of  
25 the center, we took advantage of running the loop

1 with angled parking.

2 CHAIRMAN DEL GUERCIO: How many are  
3 going to be in the back where the loop is? Yeah,  
4 where I walked in the mud, right.

5 MR. IANNELLI: It will be 14 along  
6 that row.

7 CHAIRMAN DEL GUERCIO: Okay.

8 MR. GACCIONE: You don't mean the  
9 back, you mean the side, right, Jer?

10 CHAIRMAN DEL GUERCIO: Well, it  
11 depends how you look at it.

12 MR. GACCIONE: Okay.

13 MR. IANNELLI: One of the reasons that  
14 --

15 CHAIRMAN DEL GUERCIO: If you're  
16 looking at the building from when you go in, then  
17 it's the back. If you're looking at it from the  
18 street, it's the side --

19 MR. IANNELLI: Yes.

20 CHAIRMAN DEL GUERCIO: -- the right  
21 side.

22 MR. IANNELLI: So what I'm saying is  
23 it's not about -- we're really trying to improve the  
24 geometry of the spaces and to give more effective  
25 spaces to the unit.

1                   VICE-CHAIRMAN VILLANO: I agree. I  
2 don't like that at all.

3 BY MR. GACCIONE:

4                   Q.       Okay. Now, you've discussed it but one  
5 more time, show exactly the square footage that was  
6 lost as a result of Mr. Herits' information provided  
7 to you about the Morris Canal.

8                   A.       I'm highlighting a triangle. The  
9 green area's slightly larger than the area, it's  
10 roughly 771 square feet based on the plan they  
11 provided.

12                  Q.       And would you please review the  
13 landscaping. The Chairman asked that some of the  
14 relevant points be reviewed because it's been so  
15 long.

16                  A.       Sure.

17                  Q.       So please review the landscaping.

18                  A.       We're proposing 65 trees to be  
19 planted, mainly evergreens. They'll go in at about  
20 five- or six-foot tall, 22 evergreen shrubs, and  
21 seven shade trees. We're also proposing 148  
22 perennials and ornamental grasses to try to break up  
23 the pavement around the parking lot. You can see --  
24 if you go out there now, this is just a large  
25 parking lot. What we're trying to do is break it up

1 a little bit.

2 CHAIRMAN DEL GUERCIO: You have the  
3 perennials in the front?

4 MR. IANNELLI: Yes. The perennials  
5 are in the front, the shade trees --

6 CHAIRMAN DEL GUERCIO: That's on  
7 Brighton.

8 MR. IANNELLI: What's that?

9 CHAIRMAN DEL GUERCIO: That's on  
10 Brighton Ave., correct?

11 MR. IANNELLI: Yes, on Brighton.

12 CHAIRMAN DEL GUERCIO: Okay.

13 MR. IANNELLI: Along Brighton, you'll  
14 have the perennials, we show a water feature that  
15 was going to go in front so it was going to be, you  
16 know, to try to dress up the front of the facade.

17 CHAIRMAN DEL GUERCIO: What, a  
18 fountain? Is that what you're saying? It says  
19 "water feature"; I assume it's a fountain.

20 MR. IANNELLI: It's a fountain, yes.

21 CHAIRMAN DEL GUERCIO: Okay.

22 MR. IANNELLI: And one of the goals of  
23 the landscaping is to improve the curb appeal of the  
24 project from Brighton Ave. One of the things we did  
25 remove was the monument sign from the application.

1 There was some concern brought by some of the  
2 residents that the monument sign was going to be  
3 placed in the landscaped area in the front. That  
4 has been removed.

5 CHAIRMAN DEL GUERCIO: Monument sign?

6 MR. IANNELLI: A monument sign is a  
7 free standing sign that we were originally asking  
8 for a variance. We have actually eliminated that  
9 from the application.

10 CHAIRMAN DEL GUERCIO: In other words,  
11 giving the name of the --

12 MR. IANNELLI: Yes.

13 CHAIRMAN DEL GUERCIO: -- site.

14 MR. IANNELLI: Yes.

15 CHAIRMAN DEL GUERCIO: Okay. So let  
16 me ask you one more question. With this new plan,  
17 how many parking spaces are being eliminated on  
18 Brighton Avenue?

19 MR. IANNELLI: You would have to  
20 create a curb cut for the new driveway.

21 CHAIRMAN DEL GUERCIO: Um-hum.

22 MR. IANNELLI: You would have to put a  
23 clear distance, obviously, before and after, so if I  
24 had to guess, it's probably going to be two -- at  
25 least two, maybe three.

1 CHAIRMAN DEL GUERCIO: Maximum.

2 MR. IANNELLI: Maximum. Because it  
3 just depends where it falls with the curve, if  
4 there's a hydrant, you know, I --

5 CHAIRMAN DEL GUERCIO: I understand.

6 MR. IANNELLI: You know, but it's not  
7 -- the circulation improvement that is provided --

8 CHAIRMAN DEL GUERCIO: The circulation  
9 improvement on site --

10 MR. IANNELLI: Yes.

11 CHAIRMAN DEL GUERCIO: -- not  
12 necessarily in the street.

13 MR. IANNELLI: Yes. But it also does  
14 improve the curb appeal when we're talking about the  
15 landscaping, you know, when you're talking about  
16 putting new sidewalks in, it's not just that we're  
17 putting new sidewalks in, we're putting new  
18 sidewalks leading up to the building. It's a very  
19 big improvement to the front of the building.

20 BY MR. GACCIONE:

21 Q. All right, you've mentioned the change,  
22 the monument sign being eliminated.

23 A. Yes.

24 Q. Can you please review the other changes  
25 to the plan. And again, I understand you talked

1 about the canal, but make sure you list all of the  
2 changes so everybody understands what's being  
3 changed.

4 A. I will list them. If I repeat it,  
5 please, I apologize; I just want to make sure I get  
6 them all.

7 CHAIRMAN DEL GUERCIO: That's okay.

8 MR. IANNELLI: We adjusted the Morris  
9 Canal based on the meeting we had with the Township.  
10 The second one is we removed two spaces on site to  
11 get out of the Morris Canal conflict.

12 The zoning table has been updated for  
13 the parking requirements from the 11 to the 8 units.

14 Some proposed lighting in the front --  
15 along the frontage has been removed. There were  
16 some concerns voiced by some of the neighbors that  
17 the lighting would be a little too much so what we  
18 did is, in the proposed plan, there was originally  
19 lighting -- I'm referring to the original plan.  
20 There was lighting proposed along the frontage. We  
21 eliminated four of the lights along the front to try  
22 to --

23 CHAIRMAN DEL GUERCIO: Where were the  
24 lights directed at? The building or the street?

25 MR. IANNELLI: The ones on the parking

1 lot will be shoebox, they will be directed down with  
2 house-side shields.

3 CHAIRMAN DEL GUERCIO: Okay.

4 MR. IANNELLI: The ones on the street  
5 will be more like a classic, you know, a street  
6 light, but we got rid of those, like along the  
7 street.

8 CHAIRMAN DEL GUERCIO: You said you  
9 got rid of some. There's some left.

10 MR. IANNELLI: There's one light  
11 that's going to be going here that's more of a  
12 street light.

13 CHAIRMAN DEL GUERCIO: Facing what  
14 way? Facing the building?

15 MR. IANNELLI: Let me get the -- I  
16 believe it's facing the building, but let me get the  
17 plan to make sure.

18 No, actually, it's one of those -- it's  
19 like a downtown type fixture.

20 CHAIRMAN DEL GUERCIO: Okay.

21 MR. IANNELLI: So it's an open --

22 CHAIRMAN DEL GUERCIO: So it will also  
23 go into the street is what you're saying.

24 MR. IANNELLI: Yes, we're trying to  
25 light the driveway and the street. You could see



1 I'm highlighting it on C-402.

2 CHAIRMAN DEL GUERCIO: Okay.

3 MR. IANNELLI: But you could see we  
4 eliminated them along -- where they were before.

5 CHAIRMAN DEL GUERCIO: Is there  
6 anything there currently?

7 MR. IANNELLI: I believe there's a  
8 PSE&G light out there. Beyond that, I'm not sure.

9 CHAIRMAN DEL GUERCIO: Okay.

10 MR. IANNELLI: The parking layout was  
11 adjusted to accommodate some AC compressors for the  
12 new units. They're located -- A-3 I'm referring to.  
13 They're located here and back here. They're like  
14 about the size of a suitcase. And the building,  
15 along the back side here, we had to adjust some of  
16 the grading, really as part of just finalizing the  
17 plans, and the off-track drainage improvements were  
18 removed.

19 CHAIRMAN DEL GUERCIO: Now, on site  
20 drainage --

21 MR. IANNELLI: Still proposed. On-  
22 site drainage will be in the area that you walked,  
23 back side, however you want to call it. There will  
24 be an underground detention basin that will go in  
25 this area underneath the pavement. We conducted

1 test pits out there, found out, actually, the soil's  
2 quite permeable. It's funny because the existing  
3 catch basin located on the upper left on A-3 is also  
4 a seepage pit and when we went out to the site with  
5 the DPW, the street behind has a seepage fit, so it  
6 was following suit. There's some lack of drainage  
7 in the area.

8 CHAIRMAN DEL GUERCIO: Well, that's  
9 probably because the Morris Canal was there.

10 MR. IANNELLI: Could be. You know,  
11 you're probably right.

12 And that's really a summary of the  
13 changes.

14 CHAIRMAN DEL GUERCIO: Yeah, sure.

15 MR. GACCIONE: I have one further  
16 question.

17 CHAIRMAN DEL GUERCIO: Yes.

18 BY MR. GACCIONE:

19 Q. Are there a couple of calculations or  
20 charts or items that have to be clarified because of  
21 the changes that were made to the plan?

22 A. Yes.

23 Q. And you'll submit those prior to the  
24 next meeting so that the Board has a record of what  
25 they are.

1           A.           Yes.  When we submitted the zoning  
2 analysis, the variances that are shown are correct.  
3 What happened was some of the densities that we  
4 calculated were still using the 11, you know, units  
5 so I have a copy here.  The variances are the same  
6 variances, it's just the densities are slightly  
7 lower, actually, because we were using the 11  
8 instead of the 8.  We have copies of that current  
9 zoning chart if you want one.  I have 20 copies, I  
10 can hand it out to you.  The zoning is exactly the  
11 same, other than the fact that the numbers have  
12 changed a little bit.

13                           And that's really it.

14                   MR. GACCIONE:  Mr. Chairman, you want  
15 those handed out now or you want them submitted?  
16 We'll do whichever you prefer.  It's easier for me  
17 if we hand them out to the --

18                   CHAIRMAN DEL GUERCIO:  All right, then  
19 hand them out now and make sure we have a copy for  
20 the file so the public can get copies if they want.

21                   MR. GACCIONE:  I have 20 sets, which  
22 is the normal demand requirement --

23                   CHAIRMAN DEL GUERCIO:  Perfect.

24                   MR. GACCIONE:  -- so we'll just hand  
25 them to the boss.

1 CHAIRMAN DEL GUERCIO: No problem.

2 MR. GACCIONE: And at this point, I  
3 have -- unless the Board has other questions because  
4 -- whatever questions you want -- to refresh your  
5 recollection in some way, please feel free to ask,  
6 but he's testified extensively about four months  
7 ago --

8 CHAIRMAN DEL GUERCIO: Yes.

9 MR. GACCIONE: -- and obviously, I  
10 tried to refresh everybody's recollection today.

11 CHAIRMAN DEL GUERCIO: Right. Okay.

12 MR. GACCIONE: So I have no further  
13 questions.

14 CHAIRMAN DEL GUERCIO: All right.

15 Does any member of the public wish to cross-  
16 examine? Mr. Frantantoni.

17 (Many people speaking at once)

18 CHAIRMAN DEL GUERCIO: I'm sorry but I  
19 didn't recognize you.

20 MS. TUBELLI: You called me up here.

21 CHAIRMAN DEL GUERCIO: I called you up  
22 here?

23 MS. TUBELLI: You asked me if I wanted  
24 to ask a question.

25 CHAIRMAN DEL GUERCIO: No, I asked is

1 there any member of the public that wished to  
2 cross-examine.

3 MS. TUBELLI: Yes.

4 CHAIRMAN DEL GUERCIO: Now hold it. I  
5 recognized Mr. Frantantoni. He had his hand up  
6 also. I didn't recognize you.

7 MS. TUBELLI: Okay.

8 CHAIRMAN DEL GUERCIO: That's why  
9 you're shocking me.

10 MS. TUBELLI: I'm so sorry, I  
11 apologize.

12 CHAIRMAN DEL GUERCIO: That's all  
13 right, your apology is taken.

14 MS. TUBELLI: But I want to be next.

15 CHAIRMAN DEL GUERCIO: Mr.  
16 Frantantoni. And you will be next, I promise.

17 MS. TUBELLI: Thank you.

18 MR. FRANTANTONI: Mr. Iannelli, the  
19 first thing is --

20 CHAIRMAN DEL GUERCIO: Name and  
21 address, please, Mr. Frantantoni.

22 MR. FRANTANTONI: Vincent Frantantoni,  
23 129 Mt. Prospect Avenue in Belleville.

24 In response -- you testified in  
25 response to Mr. Del Guercio's question about the

1 diagonal parking on the south side of the building  
2 that you're going to create -- you have to make a  
3 curb cut to exit that area.

4 MR. IANNELLI: Yes.

5 MR. FRANTANTONI: And you testified  
6 you may lose two to three parking spaces.

7 MR. IANNELLI: Correct.

8 MR. FRANTANTONI: So in effect, net is  
9 going to be 58 parking spaces, not 61.

10 CHAIRMAN DEL GUERCIO: No, no, Mr.  
11 Frantantoni, we're not talking about the street,  
12 we're talking about the parking lot.

13 MR. FRANTANTONI: No, no. To get out  
14 of that, what you called the "back" is actually the  
15 right side or the southerly side.

16 CHAIRMAN DEL GUERCIO: I agree, no  
17 problem.

18 MR. FRANTANTONI: All right, so he's  
19 going to put 14 parking spaces there.

20 CHAIRMAN DEL GUERCIO: There.

21 MR. FRANTANTONI: If I -- how do I get  
22 to those parking spaces, first of all?

23 CHAIRMAN DEL GUERCIO: From the back.

24 VICE-CHAIRMAN VILLANO: Would you let  
25 him answer the question?

1                   CHAIRMAN DEL GUERCIO:  Go ahead, let  
2 him answer.  I already asked this question, that's  
3 why I asked.

4                   VICE-CHAIRMAN VILLANO:  Let him answer  
5 it.

6                   MR. FRANTANTONI:  I live in Apartment  
7 3.  How do I get to the diagonal parking?

8                   MR. IANNELLI:  You drive in the  
9 entrance that's there now --

10                  MR. FRANTANTONI:  The existing  
11 driveway.

12                  MR. IANNELLI:  -- you drive around --

13                  MR. FRANTANTONI:  Right.

14                  MR. IANNELLI:  -- you see if there's  
15 any -- this is two-way.  You see if there's any  
16 parking here; if there's not, you go through here;  
17 if there's parking, you pull in and then you park  
18 your car and you walk to your front door.

19                  MR. FRANTANTONI:  And how do I exit?

20                  MR. IANNELLI:  You drive straight out  
21 through the new curb cut.

22                  MR. FRANTANTONI:  All right, so your  
23 testimony, if I heard you correct, in response to  
24 him, that curb cut, that new curb cut is going to  
25 eliminate, you said two, possibly three, parking

1 spaces on the street.

2 MR. IANNELLI: Yes, I did say that.

3 MR. FRANTANTONI: All right.

4 MR. IANNELLI: It's important to note,  
5 though, and it's important to note this, it is  
6 important to note, that the building sits on Lot 8.  
7 What's next to us is actually Lot 7. It's an  
8 individual lot, it has every right to put that  
9 driveway there because it's its own lot. I know  
10 it's an application but --

11 VICE-CHAIRMAN VILLANO: That wasn't  
12 his question.

13 MR. IANNELLI: Right. I know we have  
14 to put the driveway apron in there but it's the  
15 individual lot that has frontage.

16 MR. FRANTANTONI: I agree with you.

17 CHAIRMAN DEL GUERCIO: Can I ask you a  
18 question about that lot?

19 MR. IANNELLI: Sure.

20 CHAIRMAN DEL GUERCIO: Is that owned  
21 by the applicant?

22 MR. IANNELLI: Yes.

23 CHAIRMAN DEL GUERCIO: All right, so  
24 what is the issue now?

25 MR. IANNELLI: No, there isn't. I'm



1 saying, we're just putting the --

2 VICE-CHAIRMAN VILLANO: That wasn't  
3 the question.

4 MR. GACCIONE: The answer's "yes."

5 MR. IANNELLI: Yes. I'm sorry, I  
6 misunderstood you.

7 MR. FRANTANTONI: So the net, the net,  
8 you know, considering your project and -- the  
9 neighbors right now have three street parking spaces  
10 there.

11 MR. IANNELLI: Okay.

12 MR. FRANTANTONI: Your testimony, you  
13 said you were going to eliminate two or three.

14 MR. IANNELLI: Yes.

15 MR. FRANTANTONI: You said definitely  
16 two, possibly three.

17 MR. IANNELLI: Yes.

18 MR. FRANTANTONI: So the net of this  
19 project is only 58 parking spaces, not 61. You're  
20 going to put 61 on the site but you're going to  
21 eliminate three, which the general public and the  
22 neighbors are going to lose.

23 MR. IANNELLI: I would never do  
24 parking calculations that way. Any time an  
25 applicant comes in front of you, and what I was

1 trying to allude to, you have frontage, you have  
2 certain -- you open a driveway up, you don't minus  
3 the parking you lose on the street.

4 VICE-CHAIRMAN VILLANO: I understand  
5 that, but I also understand the argument. I'm not  
6 saying I agree, I just understand the argument.

7 MR. IANNELLI: Right.

8 MR. GACCIONE: The Chairman made it  
9 clear; obviously, we're dealing with on-site  
10 parking.

11 VICE-CHAIRMAN VILLANO: Exactly.

12 MR. IANNELLI: Right.

13 MR. GACCIONE: The answer is yes,  
14 there'll be two, possibly three spaces lost on the  
15 street for that driveway.

16 VICE-CHAIRMAN VILLANO: Right.

17 CHAIRMAN DEL GUERCIO: To the public.

18 MR. GACCIONE: And that's been made --  
19 the Chairman asked the question. It's just  
20 repetitive of what was already asked.

21 MR. FRANTANTONI: I just want the  
22 record to show that the public is losing three  
23 parking spaces, two or three.

24 MR. GACCIONE: The record already  
25 showed it --

1 MR. IANNELLI: Yes.

2 MR. GACCIONE: -- based on Mr. Del  
3 Guercio's question.

4 MR. FRANTANTONI: The other question,  
5 how many handicapped spaces are going to be on the  
6 site?

7 MR. IANNELLI: We're going to be  
8 providing three handicapped spaces.

9 MR. FRANTANTONI: What sizes will they  
10 be?

11 MR. IANNELLI: They will be conforming  
12 sizes for two van spaces and one non-van space  
13 handicap. They'll be eight foot with a five-foot  
14 door.

15 MR. FRANTANTONI: All right, so the  
16 three of them will be 13 feet each overall, 8 feet  
17 parking and --

18 MR. IANNELLI: Well, the parking space  
19 isn't 8 feet. I mean, the parking space is 8 feet,  
20 then you have a striped island in between them.

21 MR. FRANTANTONI: Five feet.

22 MR. IANNELLI: And then you have a  
23 handicapped space and then you have five feet but  
24 then you can have a five-foot striped aisle for  
25 non-van handicapped spaces.

1 VICE-CHAIRMAN VILLANO: Right.

2 MR. FRANTANTONI: All right, but will  
3 each of the three handicapped spaces have their own  
4 eight-foot and five-foot dismount?

5 MR. IANNELLI: They will have their  
6 own eight-foot and their own five-foot and two will  
7 have an eight-foot striped mount, not just five.  
8 You understand what I'm trying to say? The gores  
9 are different sizes. Some are five, some are eight.  
10 So they'll have at least five feet.

11 MR. FRANTANTONI: I just gave you the  
12 handicapped ordinance, the state requirement, and  
13 you're correct, it's eight feet and a five-foot  
14 dismount.

15 MR. IANNELLI: Um-hum.

16 MR. FRANTANTONI: But now you're  
17 saying only one of them is going to have eight-foot  
18 and five-foot.

19 MR. GACCIONE: That's not what he  
20 said.

21 MR. IANNELLI: I didn't say that. I  
22 said two of them will have an eight-foot.

23 MR. FRANTANTONI: Two of them.

24 MR. IANNELLI: Will have an eight-  
25 foot striping island in the middle.

1                   CHAIRMAN DEL GUERCIO:  What about the  
2 five-foot dismount?  Any five-foot dismount?

3                   MR. IANNELLI:  Yeah, so there's three  
4 handicapped spaces, two have eight-foot striping,  
5 one has five.

6                   MR. SMITH:  So all three have at least  
7 five, two have eight.

8                   MR. IANNELLI:  Yep.  That's what I  
9 tried to say before.

10                  VICE-CHAIRMAN VILLANO:  I got it.  I  
11 got it.

12                  MR. FRANTANTONI:  But if two only have  
13 eight-foot width, that's smaller than a regular --

14                  MR. GACCIONE:  I don't think the  
15 person asking the question is understanding the  
16 answer.

17                  VICE-CHAIRMAN VILLANO:  Right.

18                  MR. FRANTANTONI:  Well, because the  
19 answer isn't clear.  If you want me to draw you a  
20 picture, a handicapped space has to be eight foot --  
21 let's talk about one.  Eight foot with a five --

22                  MR. GACCIONE:  Just let me try to  
23 clarify.

24                  MR. FRANTANTONI:  It's my time to  
25 question, not yours, Mr. Gaccione.

1                   CHAIRMAN DEL GUERCIO: Let him answer,  
2 he's the witness. He's the expert. You're not the  
3 expert.

4                   MR. FRANTANTONI: Let's talk about  
5 one, requires eight foot to park the vehicle and a  
6 five-foot striped dismount area.

7                   MR. IANNELLI: Um-hum.

8                   MR. FRANTANTONI: That's correct?

9                   MR. IANNELLI: That's correct.

10                  MR. FRANTANTONI: Now, how many five-  
11 foot dismount areas are there going to be?

12                  MR. IANNELLI: One.

13                  MR. FRANTANTONI: Then the other two  
14 are going to be eight foot.

15                  MR. IANNELLI: Yes, that's what I  
16 said.

17                  MR. FRANTANTONI: Well, handicapped  
18 people -- a regular person gets an eight-and-a-half-  
19 foot. How does a handicapped person exit his  
20 vehicle in an eight-foot spot?

21                  MR. IANNELLI: The state standards  
22 state that a handicapped space is eight foot because  
23 you have that added striped spaces. So it's eight,  
24 eight and eight for a van, eight and five for a car.  
25 Those are the state standards by the barrier-free

1 code of the State of New Jersey that is published by  
2 the DCA.

3 MR. FRANTANTONI: But for two spaces,  
4 you're not provided the five foot --

5 VICE-CHAIRMAN VILLANO: He is.

6 MR. FRANTANTONI: -- space.

7 VICE-CHAIRMAN VILLANO: He is.

8 MR. GACCIONE: He's providing more  
9 than five foot.

10 MR. RAGO: Why don't we move on, sir.  
11 So it's totaling 16.

12 MR. FRANTANTONI: Well, then show me  
13 on the map. Show me on the plan, where's those  
14 three handicapped parking spaces.

15 MR. IANNELLI: One, two, eight-foot  
16 striping, one around the back, five-foot striping  
17 (indicating).

18 VICE-CHAIRMAN VILLANO: The striping  
19 is the difference. One is five foot, one is eight  
20 foot, striping. Not the spot, the striping.

21 MR. FRANTANTONI: Well, he said there  
22 was going to be one eight-foot with a five-foot  
23 striping and then he said two other eight-foots with  
24 no striping.

25 MR. GACCIONE: He never said that.

1                   CHAIRMAN DEL GUERCIO: He said the  
2 five-foot striping in the middle.

3                   MR. SMITH: One has a five-foot  
4 stripe, Mr. Frantantoni, two have eight-foot  
5 stripes.

6                   VICE-CHAIRMAN VILLANO: Two have  
7 eight-foot.

8                   MR. SMITH: So they're three foot  
9 over. One spot allowed five-foot striping and the  
10 other two stalls have eight-foot striping.

11                  MR. FRANTANTONI: Eight-foot striping  
12 plus eight feet to park the vehicle?

13                  MR. SMITH: Yes.

14                  VICE-CHAIRMAN VILLANO: Yes.

15                  MR. HERITS: It complies.

16                  MR. FRANTANTONI: So it's 16 feet.

17                  VICE-CHAIRMAN VILLANO: That's  
18 correct.

19                  MR. HERITS: May I add it complies to  
20 handicapped parking?

21                  VICE-CHAIRMAN VILLANO: He did that  
22 already.

23                  MR. HERITS: Okay.

24                  MR. FRANTANTONI: The other thing you  
25 have, you have an existing variance, you can't park



1 within five feet from the lot line. Where are you  
2 parking? Are you parking right up against the lot  
3 line?

4 MR. IANNELLI: There's a lot line  
5 here. We have an existing and proposed variance for  
6 the lot line. That variance, when you read it, says  
7 you need to be -- to stop maneuvering -- the intent  
8 of the standard is to stop cars from maneuvering  
9 into the public way. So we do have that condition  
10 or had that condition here, you could see that they  
11 were close to the right-of-way and it is close to  
12 the right-of-way here (indicating). The concept is,  
13 though, on the one-way around, they're going to be  
14 coming in here, they're going to pull in, they're  
15 going to back up and they're going to pull out;  
16 they're not going to be backing in or backing out  
17 towards the right-of-way so that's not a concern.  
18 The variance does exist and we did note it as a  
19 variance.

20 MR. FRANTANTONI: All right, so you're  
21 not leaving five foot.

22 MR. IANNELLI: No, we're not leaving  
23 five foot.

24 MR. FRANTANTONI: How about the new  
25 parking area?

1 MR. IANNELLI: The new parking area is  
2 very close to the property line here, it is about --  
3 it's about ten feet away from the curb, so it's  
4 about -- it is close to the property line, within  
5 five feet. We're asking for the variance.

6 MR. FRANTANTONI: All right, so the  
7 new 14 spaces don't have the five-foot --

8 MR. IANNELLI: No, they do not.

9 MR. FRANTANTONI: All right. So  
10 that's another variance that you need there.

11 There's two vehicles presently we don't  
12 allow, another variance, according to the letter of  
13 denial, there's no parking in the front yard. You  
14 have two parking spaces in the front yard there.

15 MR. IANNELLI: Correct.

16 MR. FRANTANTONI: Are they being  
17 eliminated?

18 MR. IANNELLI: No.

19 MR. FRANTANTONI: All right, so that's  
20 another variance that you need.

21 MR. GACCIONE: Mr. Chairman?

22 CHAIRMAN DEL GUERCIO: Yes.

23 MR. GACCIONE: The variances have been  
24 cited, the variances are on the record, Mr.  
25 DeLorenzo has them. To waste the Board's time and

1 everybody else's time reviewing all the variances  
2 doesn't make any sense, unless there's some issues  
3 about the variances.

4 CHAIRMAN DEL GUERCIO: Well, do you  
5 have any issues about the variances?

6 MR. FRANTANTONI: Yes.

7 CHAIRMAN DEL GUERCIO: What's the  
8 issue?

9 MR. FRANTANTONI: Well, a perfect  
10 example and I'll let the residents speak for  
11 themselves. Because you're allowing, and again, on  
12 the north side there or the left side, whatever you  
13 want to place it, because you're allowing a previous  
14 variance to park right up against the lot line, the  
15 neighbor's wall was demolished. He just had it  
16 rebuilt I believe about a year ago. So there's a  
17 reason for allowing that.

18 MR. CALANDRA: It's existing.

19 MR. FRANTANTONI: Now, it may be a  
20 previous variance but it created problems. Now,  
21 this is a whole new project he's doing which  
22 requires 14 variances and three waivers. It's not  
23 in the best interest of the neighborhood but we have  
24 evidence --

25 VICE-CHAIRMAN VILLANO: That's

1     testifying.

2                   CHAIRMAN DEL GUERCIO:   That is  
3     testimony.

4                   MR. RAGO:   We'll get to that at the  
5     end of the hearing.

6                   CHAIRMAN DEL GUERCIO:   That is not  
7     cross-examination.

8                   MR. FRANTANTONI:   But you asked me why  
9     I'm asking and I'm telling you why.   I'm answering  
10    you.

11                   CHAIRMAN DEL GUERCIO:   Mr.  
12    Frantantoni, here's what I'm going to tell you.  
13    Just ask him cross-examination based upon the  
14    testimony he gave --

15                   MR. FRANTANTONI:   I was.

16                   CHAIRMAN DEL GUERCIO:   -- and don't go  
17    into detail unless you want to give testimony later.  
18    That's after.

19                   MR. FRANTANTONI:   Mr. Del Guercio, in  
20    all due respect, I was going to save the detail for  
21    my testimony at the end.   The reason I had to say  
22    it, because you asked me why I asked it.

23                   CHAIRMAN DEL GUERCIO:   That's because  
24    Mr. Gaccione asked.

25                   MR. GACCIONE:   Well, there's no

1 purpose --

2 CHAIRMAN DEL GUERCIO: So we're all  
3 passing the buck here.

4 MR. GACCIONE: There's no purpose in  
5 regurgitating all of the variances.

6 MR. RAGO: We know what the variances  
7 are.

8 MR. FRANTANTONI: I have the right to  
9 ask him, and Mr. Gaccione does it all the time, he  
10 keeps interrupting when he don't like my questions  
11 which I'm asking and the witness is supposed to  
12 answer, not Mr. Gaccione.

13 CHAIRMAN DEL GUERCIO: I already told  
14 him that, Mr. Frantantoni.

15 MR. RAGO: Ask him the questions.

16 MR. FRANTANTONI: So I'm following up.  
17 Are the two parking spaces in the front  
18 yard which are not allowed being eliminated?

19 MR. IANNELLI: No, they are not being  
20 eliminated. There's existing parking in the front  
21 yard and we're maintaining that.

22 MR. GACCIONE: I object one more time.  
23 They're shown on the plan, he sees they're not  
24 eliminated. What's the purpose of the question?  
25 And I don't want to ask him what his purpose is.

1                   CHAIRMAN DEL GUERCIO: He mentioned  
2 his issue about the law and the question is: Are  
3 you putting up -- and let me ask the question now.  
4 Are you putting up a fence to prevent that from  
5 happening again? Does that satisfy you?

6                   MR. GACCIONE: That's --

7                   CHAIRMAN DEL GUERCIO: Thank you.

8                   MR. GACCIONE: -- a logical question.

9                   CHAIRMAN DEL GUERCIO: I know, because  
10 I'm asking it.

11                   MR. FRANTANTONI: Well, again, like  
12 you said, that was supposed to be for testimony at  
13 the end but you brought it up.

14                   CHAIRMAN DEL GUERCIO: I didn't get an  
15 answer to my question.

16                   MR. IANNELLI: I'm trying to find...

17                   MR. FRANTANTONI: Well, then the other  
18 thing is --

19                   MR. IANNELLI: The wall that I'm  
20 familiar with at the site is being rebuilt as part  
21 of the site, it's on our property. So I don't know  
22 what wall they're referring to, you know, but --

23                   MS. MARY HIGGINS: Can I show you?

24                   MR. FRANTANTONI: Okay, well --

25                   MR. RAGO: No.

1                   CHAIRMAN DEL GUERCIO:  No, you can't  
2  show me because you're not sworn in --

3                   MR. RAGO:  Questions.

4                   CHAIRMAN DEL GUERCIO:  -- and it's  
5  only cross-examining questions, but when you do do  
6  cross-examination questions, if you know it's your  
7  wall or somebody else's wall instead of their wall,  
8  you could say it.

9                   MS. MARY HIGGINS:  I know it's their  
10 wall.

11                   CHAIRMAN DEL GUERCIO:  Okay, then that  
12 answered the question, Mr. Frantantoni.  You're  
13 talking about somebody else's wall.

14                   MR. FRANTANTONI:  That's all my  
15 questions for this witness.

16                   CHAIRMAN DEL GUERCIO:  Thank you.  Any  
17 other questions?  Yes, ma'am.  No, I promised her.

18                   MEMBER OF THE PUBLIC:  You promised  
19 me.

20                   CHAIRMAN DEL GUERCIO:  And then I'll  
21 go to you --

22                   MS. MARY HIGGINS:  Thank you.

23                   CHAIRMAN DEL GUERCIO:  -- and then  
24 I'll go to you.  Will that make yous happy?

25                   MS. MARY HIGGINS:  Yeah.

1                   CHAIRMAN DEL GUERCIO:  And please,  
2 nonrepetitive, please.

3                   MS. TUBELLI:  I'm not.  I know that I  
4 --

5                   MR. RAGO:  State your name and spell  
6 your last name, please.

7                   MS. TUBELLI:  My name is Rosa Tubelli,  
8 I live at 133 Brighton Avenue in Belleville, right  
9 across the street --

10                  MR. RAGO:  Spell your last name,  
11 please.

12                  MS. TUBELLI:  -- from this property.  
13 My concern is --

14                  MR. RAGO:  Spell your last name.

15                  CHAIRMAN DEL GUERCIO:  Spell your last  
16 name, ma'am.

17                  MS. TUBELLI:  Tubelli, T-U-B-E-L-L-I.

18                  CHAIRMAN DEL GUERCIO:  Thank you.

19                  MS. TUBELLI:  You're welcome.

20                  MR. RAGO:  Thank you.

21                  MS. TUBELLI:  My main concern is this  
22 driveway, the new one.

23                  MR. RAGO:  No, this is questions now  
24 only.

25                  MS. TUBELLI:  I know, but that's what



1 I want to talk to him about.

2 CHAIRMAN DEL GUERCIO: No, ma'am, not  
3 testimony.

4 MS. TUBELLI: I know that. I'm going  
5 to ask him a question.

6 CHAIRMAN DEL GUERCIO: Okay.

7 MS. TUBELLI: Okay. This new proposed  
8 driveway, my house is right in front of this  
9 proposed driveway. When it comes out, my car is  
10 parked in front of this driveway. When they're  
11 coming out, around a bend -- the bend is right  
12 there, you could see it from there. My house is  
13 right there where that bend is. That driveway is  
14 going to be -- when people come out of that  
15 driveway, they're going to be coming out -- my car  
16 is here, right in front of my home. I have no  
17 driveway. My home is here, my front door is there,  
18 that car is going to be coming out, coming out of  
19 that driveway right this way (indicating) on that  
20 curve, my car is right there. In or out, it doesn't  
21 make a difference; if it's right or left, my car is  
22 going to be there. Are you going to tell me that  
23 that is safe?

24 MR. IANNELLI: Yes.

25 MS. TUBELLI: I doubt it. I really

1 doubt it. And there's another question. There's  
2 kids that live next door to this proposed driveway.  
3 What is the bumper zone to protect these children  
4 from that driveway?

5 MR. IANNELLI: I don't know what a  
6 bumper zone --

7 MEMBER OF THE PUBLIC: Buffer zone.

8 MR. IANNELLI: Buffer.

9 MS. TUBELLI: Bumper, buffer, whatever  
10 you want to call it. What is the protection of that  
11 driveway for my car, my property, and for that --  
12 where the children live next door?

13 MR. IANNELLI: This is a typical  
14 residential driveway. I don't think that there's  
15 any concern --

16 MS. TUBELLI: But this is not a  
17 typical block. Look at the bend. Look at that  
18 bend.

19 MR. IANNELLI: You have proper sight  
20 distance coming out, the road's 30 foot wide. I do  
21 not see a concern.

22 MS. TUBELLI: Let me ask you a  
23 question. If you lived on that block, would you  
24 want that driveway in front of your home?

25 MR. GACCIONE: Objection, Mr.

1 Chairman.

2 MR. RAGO: Ms. Tubelli, you may not  
3 agree with the answer but he's given an answer.

4 MS. TUBELLI: All right, but you're  
5 the expert.

6 CHAIRMAN DEL GUERCIO: That's it.

7 MS. TUBELLI: Are you trying to tell  
8 me that you would --

9 MR. GACCIONE: Objection.

10 CHAIRMAN DEL GUERCIO: Ma'am --

11 MS. TUBELLI: Okay.

12 CHAIRMAN DEL GUERCIO: -- you can't  
13 ask that question.

14 MS. TUBELLI: All right, but I still  
15 want to know.

16 CHAIRMAN DEL GUERCIO: Next.

17 MS. TUBELLI: I still want to know.

18 MS. MARY HIGGINS: Mary Higgins,  
19 H-I-G-G-I-N-S, 148 Brighton Avenue. That's the  
20 abutting property to the north side of 138-146,  
21 owned by Calandra.

22 I have a question but I'd like to come  
23 up here and point so I can show you what my question  
24 is. Is that okay?

25 CHAIRMAN DEL GUERCIO: Yeah, go ahead.

1 MS. MARY HIGGINS: All right. Thank  
2 you.

3 CHAIRMAN DEL GUERCIO: I'm flexible.

4 MS. MARY HIGGINS: Is this over at  
5 9:30?

6 CHAIRMAN DEL GUERCIO: Yes.

7 MS. MARY HIGGINS: I'll make it fast.

8 CHAIRMAN DEL GUERCIO: I don't think  
9 we're going to get any more witnesses.

10 MS. MARY HIGGINS: I want to know how  
11 many spaces are along the back of the parking lot,  
12 because I'm confused about that.

13 CHAIRMAN DEL GUERCIO: What do you  
14 mean by "the back of the parking lot"?

15 MS. MARY HIGGINS: The back of the  
16 parking lot facing east.

17 CHAIRMAN DEL GUERCIO: Ma'am, point to  
18 where you're talking about.

19 MS. MARY HIGGINS: Okay. How many are  
20 here? How many are going there?

21 MR. IANNELLI: 11.

22 MS. MARY HIGGINS: 11 spaces. And is  
23 this where Maple Avenue is over here (indicating)?

24 MR. IANNELLI: Yes.

25 MS. MARY HIGGINS: Maple Avenue is

1 over here (indicating). Okay. Are you aware that  
2 -- I think -- I'm pretty sure because I had other  
3 people listen to it; this is still a question --  
4 that there's three feet back here, not only in this  
5 section but three feet going like this (indicating)  
6 that are on Morris Canal town property, according to  
7 the deed, not the fenced survey but the deeded  
8 survey, there's three feet back here so it's not --  
9 I'm asking you a question. Is it only this part of  
10 the Morris Canal that they're encroaching on or is  
11 it also this whole back parking space that would  
12 include the 11 new parking spaces? Thank you.

13 CHAIRMAN DEL GUERCIO: I would like  
14 Mr. Herits to come up and the two of them straighten  
15 that out because they're both engineers. And Mr.  
16 Herits gave him the report that he based his  
17 decision on so let's see what they're talking about.  
18 I think that would be proper.

19 MR. HERITS: So what's the question?

20 CHAIRMAN DEL GUERCIO: The question  
21 is: On the left side of the picture --

22 MR. HERITS: Right.

23 CHAIRMAN DEL GUERCIO: Let me make it  
24 easy. Instead of north, east, west and all that.

25 MR. HERITS: Okay.

1                   CHAIRMAN DEL GUERCIO: On the left  
2 side of the picture, is any of the Morris Canal  
3 still encroaching onto the property?

4                   Am I correct that is the question?

5                   MS. MARY HIGGINS: (Ms. Higgins nods.)

6                   CHAIRMAN DEL GUERCIO: Thank you.

7                   MR. HERITS: From what -- from -- let  
8 me just explain this map a little bit.

9                   CHAIRMAN DEL GUERCIO: Okay.

10                  MR. HERITS: This was --

11                  CHAIRMAN DEL GUERCIO: Maybe you  
12 should turn it around because, technically, that's  
13 what she's talking about. No, upside down.

14                  MEMBER OF THE PUBLIC: Flip it over.

15                  MR. HERITS: This way?

16                  CHAIRMAN DEL GUERCIO: That's it,  
17 upside down. Am I correct?

18                  MR. HERITS: Years ago, the Township  
19 was looking to sell these properties, the Morris  
20 Canal properties, to adjacent property owners, and  
21 we came up with this map. This map basically shows  
22 that the fence line is on the property line.

23                  CHAIRMAN DEL GUERCIO: On the property  
24 line --

25                  MR. HERITS: Yes.

1                   CHAIRMAN DEL GUERCIO:  -- but not on  
2 the property, not on the Morris Canal property.  
3 Just on the property line.

4                   MR. HERITS:  Yeah, on the property  
5 line, yep.

6                   CHAIRMAN DEL GUERCIO:  Okay.

7                   MR. HERITS:  Now, I didn't do a  
8 survey, this is based on taking aerials and  
9 overlaying the tax map with it.

10                  CHAIRMAN DEL GUERCIO:  Does that  
11 answer your question, ma'am?

12                  MS. MARY HIGGINS:  No, it doesn't  
13 because I have a copy of the survey here and it  
14 clearly shows that --

15                  CHAIRMAN DEL GUERCIO:  Where did you  
16 get this survey?

17                  MS. MARY HIGGINS:  From the zoning  
18 office.

19                  CHAIRMAN DEL GUERCIO:  Show it to Mr.  
20 Herits since he's the Zoning Board engineer.

21                  MR. HERITS:  It says "fence along  
22 property line."

23                  MS. MARY HIGGINS:  No, excuse me.  Can  
24 I show you?

25                  MR. HERITS:  Go ahead.

1 MS. MARY HIGGINS: Excuse me, sir.

2 Can I show you so we could save time?

3 All right, look. Survey, 152.60 feet;  
4 deed, 150 feet.

5 MR. HERITS: Okay.

6 MS. MARY HIGGINS: That's three feet  
7 over. That would affect those 11 back parking  
8 spaces that they're actually now three feet, more or  
9 less, on Morris Canal property.

10 MR. HERITS: When you do a survey, you  
11 use the deed, but the surveys are usually based on  
12 physical evidence in the field. So the deed called  
13 for 150 feet plus or minus. Deed. When his  
14 surveyor did the survey of the property, they said  
15 "no, it's actually 152.6 feet to that property  
16 corner."

17 CHAIRMAN DEL GUERCIO: Oh, so we're  
18 having a 2.6 foot question.

19 VICE-CHAIRMAN VILLANO: No.

20 MR. HERITS: No. There's no question.

21 MR. IANNELLI: No. Plus or minus.

22 MR. HERITS: What his surveyor  
23 certified to is that the distance to that back  
24 property corner is 152.6 feet.

25 MS. MARY HIGGINS: Well, then how do



1 you account --

2 MR. HERITS: How do I account for  
3 what?

4 MS. MARY HIGGINS: This is the same  
5 problem with the triangular piece of property that  
6 was encroached on in the corner over here, so you're  
7 saying that it's okay if you put a fence up which  
8 does not match the deeded survey and just say  
9 "That's fine, that's the survey taken by the  
10 engineer."

11 MR. HERITS: I didn't say that.

12 MS. MARY HIGGINS: I know, so what's  
13 correct? Is the deeded measurement correct or is  
14 the survey correct based on the fence that was put  
15 up?

16 MR. HERITS: The survey went to the  
17 fence, but in this case -- I think that's why he  
18 corrected his map, is because the distance --

19 MS. MARY HIGGINS: No, we're talking  
20 about this site, this site over here (indicating).

21 MR. HERITS: No. This is what the  
22 distance is to the property line, 152.60. That's  
23 what his surveyor is certifying to.

24 MS. MARY HIGGINS: Yes, but the deed  
25 is 50.

1 MR. HERITS: I don't care what the  
2 deed says.

3 MS. MARY HIGGINS: Then what good are  
4 deeds? They're wrong.

5 MR. HERITS: Do you see that plus or  
6 minus after it?

7 MS. MARY HIGGINS: The plus and minus  
8 is also --

9 CHAIRMAN DEL GUERCIO: Ma'am --

10 MS. MARY HIGGINS: -- affecting that  
11 triangular --

12 CHAIRMAN DEL GUERCIO: Ma'am --

13 MS. MARY HIGGINS: -- corner back  
14 there.

15 CHAIRMAN DEL GUERCIO: Ma'am, the  
16 survey is actually the actual thing. The deed is  
17 what's --

18 VICE-CHAIRMAN VILLANO: That's why  
19 they do a survey.

20 CHAIRMAN DEL GUERCIO: -- written up,  
21 but a survey is always more accurate than a deed  
22 because that's actually what's there.

23 MS. MARY HIGGINS: Only the fence was  
24 there. The fence was put up in the 1980s.

25 MR. RAGO: We're going to have to

1 swear you in later.

2 MS. MARY HIGGINS: Okay, thank you.  
3 Thank you.

4 CHAIRMAN DEL GUERCIO: We have one  
5 more person for Mr. Iannelli, this gentleman here.  
6 J O H N H I G G I N S, 102 East River Road,  
7 Rumson, New Jersey 07760, first having been duly  
8 sworn, testified as follows:

9 MR. JOHN HIGGINS: John Higgins, 102  
10 East River Road, Rumson, New Jersey. H-I-G-G-I-N-S.

11 MR. GACCIONE: I'm sorry, Rumson, New  
12 Jersey, did you say?

13 MR. JOHN HIGGINS: That's right. Mr.  
14 Iannelli?

15 MR. IANNELLI: Yes.

16 MR. JOHN HIGGINS: Can you bring up  
17 A-3?

18 MR. RAGO: Mr. Higgins, just a brief  
19 question.

20 MR. JOHN HIGGINS: Yes.

21 MR. RAGO: Do you own property nearby?

22 MR. JOHN HIGGINS: Here?

23 MR. RAGO: Yes.

24 MR. JOHN HIGGINS: Yes.

25 MR. RAGO: Can you say where?

1 MR. JOHN HIGGINS: I could say in  
2 Bloomfield, in Belleville.

3 CHAIRMAN DEL GUERCIO: No. I'm  
4 talking about within 200 feet of this property.

5 MR. JOHN HIGGINS: This is my sister.

6 CHAIRMAN DEL GUERCIO: Okay.

7 MS. MARY HIGGINS: 148 Brighton Ave.

8 CHAIRMAN DEL GUERCIO: Okay, thank  
9 you.

10 MR. GACCIONE: The question was: Do  
11 you own property within 200 feet of this site?

12 MR. JOHN HIGGINS: Yes, I do.

13 CHAIRMAN DEL GUERCIO: No, it's his  
14 sister.

15 MR. GACCIONE: You own it?

16 MS. MARY HIGGINS: We own it.

17 CHAIRMAN DEL GUERCIO: Oh, jointly.

18 MR. JOHN HIGGINS: Yeah.

19 MS. MARY HIGGINS: Yeah.

20 CHAIRMAN DEL GUERCIO: Oh, okay.  
21 That's better.

22 MR. FRANTANTONI: It doesn't matter  
23 anyway, anybody could ask questions.

24 MS. MARY HIGGINS: Right.

25 MR. JOHN HIGGINS: Mr. Iannelli, is

1 this your signature on this, A-3?

2 MR. IANNELLI: Yes.

3 MR. JOHN HIGGINS: It says "final  
4 plan." When was it dated?

5 MR. IANNELLI: It's dated 7/2014.

6 MR. JOHN HIGGINS: Okay. "P.E.," what  
7 is this, Public Engineer? Professional Engineer?

8 MR. IANNELLI: Professional Engineer.

9 MR. JOHN HIGGINS: Professional  
10 Engineer, and you're licensed and insured?

11 MR. IANNELLI: Yes.

12 VICE-CHAIRMAN VILLANO: Do you have a  
13 question on what he testified?

14 MR. JOHN HIGGINS: I know we're  
15 running short.

16 VICE-CHAIRMAN VILLANO: No, what he  
17 testified to. That's what I'm asking.

18 MR. JOHN HIGGINS: Well, a lot of  
19 people don't know what "P.E." stands for.

20 BOARD MEMBER GIORDANO: He's already  
21 certified.

22 MR. JOHN HIGGINS: Okay.

23 VICE-CHAIRMAN VILLANO: Please ask him  
24 a question to what he testified to.

25 MR. JOHN HIGGINS: The new apartments

1 that are going to be built constructed with the  
2 existing building, correct?

3 MR. IANNELLI: Yes.

4 MR. JOHN HIGGINS: What would be the  
5 floor grade of the apartments in relation to the  
6 parking lot?

7 MR. IANNELLI: Roughly --

8 VICE-CHAIRMAN VILLANO: Did he testify  
9 to that? He didn't testify to that.

10 MR. GACCIONE: No. It's beyond the  
11 scope of his direct testimony.

12 CHAIRMAN DEL GUERCIO: That would  
13 probably be for the architect.

14 VICE-CHAIRMAN VILLANO: Correct.

15 MR. RAGO: Will someone be able to  
16 answer that? It's a legitimate question.

17 MR. IANNELLI: Yes.

18 VICE-CHAIRMAN VILLANO: That's fine.

19 MR. RAGO: But not tonight.

20 CHAIRMAN DEL GUERCIO: No.

21 MR. JOHN HIGGINS: Not tonight. Okay.

22 Thank you very much.

23 CHAIRMAN DEL GUERCIO: Anybody else?  
24 That's it? Last call. You had a question, sir?

25 MR. CUNNIFF: Yes, sir.

1 CHAIRMAN DEL GUERCIO: Name and  
2 address, please.

3 MR. CUNNIFF: Peter Cunniff, 38 Maple  
4 Avenue.

5 (Court reporter asks for spelling of last  
6 name.)

7 MR. CUNNIFF: C-U-N-N-I-F-F.

8 Two questions. Number one, the present  
9 configuration of the drainage -- I was there when  
10 they dug that out, the drywell, and it's not there  
11 now and it's gone. It was in the back. There's a  
12 big depression --

13 MR. GACCIONE: Objection.

14 CHAIRMAN DEL GUERCIO: No, no, no.  
15 Wait, wait.

16 MS. MARY HIGGINS: Let him speak.

17 CHAIRMAN DEL GUERCIO: You testified  
18 it's still there. It is a legitimate question. He  
19 testified it's still there, if I remember.

20 MR. GACCIONE: Yeah, well, let him ask  
21 the question, that's all, not testify.

22 MR. CUNNIFF: I believe the drywell  
23 that was in proximity to the end of Maple Avenue, if  
24 you were to cross the canal, is not there anymore  
25 and it was a very big one and it was paved over.

1 MR. IANNELLI: Well, I could tell you  
2 that I met Tom in the field with the DPW and we  
3 tried to find some information and there was a  
4 double -- a catch basin, a drain, on the end of that  
5 road. When they popped it out, there was no pipe  
6 leaving it, it was just an open bottom, so that's  
7 what I mean by a seepage pit. I'm not saying the  
8 field, it's basically a grate that you would see in  
9 the road with no bottom and no piping going out of  
10 it so the water only has one place to go: Down.

11 MR. CUNNIFF: You mentioned there is a  
12 system there. What percentage of the water that  
13 falls on that property is impounded by the present  
14 system and what will be impounded by the proposed  
15 drainage?

16 MR. IANNELLI: We are -- well, as part  
17 of the improvements, the site currently -- the  
18 building here drains to an inlet or a seepage pit or  
19 a catch basin that goes nowhere, right?

20 MR. JOHN HIGGINS: Right.

21 MR. IANNELLI: It drains to this  
22 corner here (indicating). You can see it's shown on  
23 the plan.

24 MR. JOHN HIGGINS: Um-hum.

25 MR. IANNELLI: The back of the



1 building drains into the back area where the  
2 Chairman felt it was kind of soft --

3 CHAIRMAN DEL GUERCIO: Yes.

4 MR. IANNELLI: -- and it really  
5 doesn't drain out of there too well because it's  
6 actually quite flat.

7 CHAIRMAN DEL GUERCIO: Yes.

8 MR. IANNELLI: So it basically -- most  
9 of the water gets pretty trapped on site. I'm not  
10 aware of any drainage issues on site.

11 MR. CUNNIFF: Well, it's all paved,  
12 though, isn't it?

13 MR. IANNELLI: Yes.

14 MR. JOHN HIGGINS: You know, I built a  
15 house on Maple Avenue not long ago before this Board  
16 and I had three cisterns, if you will, three of them  
17 four foot in diameter, eight feet deep and one six  
18 feet in diameter and, you know, it could absorb the  
19 Hudson River if it was going by and I'm just  
20 wondering, in relation to that, what would be the  
21 effectiveness of your drainage system?

22 MR. IANNELLI: Sir, what we're putting  
23 in could also probably handle the Hudson River.  
24 We're putting -- under the new parking lot, we're  
25 putting in these chambers that are basically going

1 to catch the waters and infiltrate them.

2 CHAIRMAN DEL GUERCIO: That's on the  
3 right, though.

4 MR. IANNELLI: Right.

5 CHAIRMAN DEL GUERCIO: You're not  
6 changing anything where Maple is?

7 MR. IANNELLI: No, where Maple is,  
8 we're proposing to rebuild that and check it and  
9 make sure the integrity is good when we're doing the  
10 paving of the parking lot.

11 CHAIRMAN DEL GUERCIO: Okay.

12 MR. JOHN HIGGINS: Okay, just -- I had  
13 3300 square feet and those are the dimensions of the  
14 catch-alls that we had, drywells, and I'm just  
15 wondering, you have 30,000 square feet, 33,000 --  
16 30,000. What would be a comparable amount of  
17 drainage there?

18 MR. IANNELLI: Right now, our drainage  
19 actually exceeds, in a lot of ways, what we really  
20 have to do. We've put in a very conservative system  
21 because we realized -- one of the things we always  
22 try to do is to design a practical system that  
23 doesn't require a lot of maintenance and is  
24 failsafe, so what we did is we have a system here  
25 that's -- the new system's designed for the hundred-

1 year storm. Okay? That's eight inches of rain in  
2 24 hours. That's a lot of rain. The front here is  
3 going to continue to operate the way it's operating  
4 now. It may be a little better because we're going  
5 to improve that inlet.

6 MR. JOHN HIGGINS: Okay.

7 CHAIRMAN DEL GUERCIO: That's it?  
8 Ma'am, you're the last one, then.

9 MS. GAMBINO: I'm new at this, so...

10 CHAIRMAN DEL GUERCIO: Name and  
11 address, please, and speak loud, please.

12 MS. GAMBINO: My name is Anna Gambino  
13 and I live on Maple Avenue, number 2. I am  
14 connected to the property. It's my understanding  
15 that somebody was there measuring the fence to --

16 CHAIRMAN DEL GUERCIO: Ma'am, ma'am,  
17 that's not a question. You have to ask him  
18 questions based on testimony. Anything else, you  
19 would have to ask at the next meeting.

20 MS. GAMBINO: Okay. I just want to  
21 know if they plan on opening that area up.

22 CHAIRMAN DEL GUERCIO: Which?

23 MS. GAMBINO: On Maple Avenue.

24 CHAIRMAN DEL GUERCIO: No.

25 MR. IANNELLI: No.

1 CHAIRMAN DEL GUERCIO: The answer is  
2 no.

3 MS. GAMBINO: The answer is no?

4 CHAIRMAN DEL GUERCIO: No.

5 MS. GAMBINO: Okay.

6 CHAIRMAN DEL GUERCIO: Not according  
7 to the plans. That's it, then.

8 MR. GACCIONE: This one's adjourned  
9 to?

10 CHAIRMAN DEL GUERCIO: June 25, I  
11 believe.

12 MR. GACCIONE: So without further  
13 notice, June 25, 7 p.m.

14 CHAIRMAN DEL GUERCIO: And you're the  
15 first case.

16 MR. GACCIONE: And the other matter  
17 was the 28th of May.

18 CHAIRMAN DEL GUERCIO: Yes, this  
19 month.

20 MR. RAGO: Maybe. It's iffy.

21 CHAIRMAN DEL GUERCIO: That's if we  
22 reach you.

23 MR. RAGO: If we reach you.

24 MR. GACCIONE: I understand that.

25 CHAIRMAN DEL GUERCIO: Oh, okay.  
(Hearing adjourned at 9:41 p.m.)

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C E R T I F I C A T E

I, MICHELE QUICK, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

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MICHELE QUICK, CCR, RMR, CRR  
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