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October 14, 2021

VIA e-COURTS

Honorable Christine Farrington, J.S.C.
Superior Court of New Jersey
Bergen County: Law Division
10 Main Street
Hackensack, New Jersey 07601

Re: The Stop & Shop Supermarket Company LLC v. Township of Teaneck
BER-L-003507-21

Dear Judge Farrington:

We represent The Stop & Shop Supermarket Company LLC in the above-referenced action. Please find attached the relevant proceeding transcripts requested per the October 8, 2021 Case Management Order Action in Lieu of Prerogative Writ:

- **Exhibit A** - February 11, 2021 Transcript of Video Proceedings of the Township of Teaneck Planning Board Meeting;
- **Exhibit B** - March 25, 2021 Transcript of Video Proceedings of the Township of Teaneck Planning Board Meeting; and
- **Exhibit C** - April 13, 2021 Transcript of Video Proceedings of the Township of Teaneck Council Meeting.

Please contact me if you have any questions or require any additional information at this time.

Very truly yours,

Howard D. Geneslaw
Director

Enclosures
cc: All counsel of Record

EXHIBIT A

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TOWNSHIP OF TEANECK
PLANNING BOARD
THURSDAY, FEBRUARY 11, 2021
COMMENCING AT 8:03 P.M.

.....
IN THE MATTER OF: :
Public hearing for the Planning : TRANSCRIPT OF
Board to consider recommending a : VIDEO OF
Non-condemnation Area in Need of : PROCEEDINGS
Redevelopment designation to the :
Teaneck Council for Block 705, :
Lot 4.01 and Block 707, Lots 1-5, :
Also referred to collectively as :
"American Legion Drive," in the :
Township of Teaneck, New Jersey :
.....:

B E F O R E:

TOWNSHIP OF TEANECK PLANNING BOARD

THERE BEING PRESENT:

- JOSEPH BODNER, CHAIRMAN
- YITZ STERN, VICE CHAIRMAN (ABSENT)
- HOWARD THOMPSON, SECRETARY (8:08 ARRIVAL)
- MARK SCHWARTZ, DEPUTY MAYOR
- DESIREE RAMOS-REINER, MAYOR'S REPRESENTATIVE
- CAPTAIN KENNETH CROONQUIST, MEMBER
- HOWARD ROSE, MEMBER
- MARK ZOMICK, MEMBER
- ANTHONY PARKER, MEMBER
- YEHUDA KOHN, ALTERNATE #1 MEMBER
- DARRYL GREENE, ALTERNATE #2 MEMBER

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A L S O P R E S E N T :

DANIEL MELFI, TOWNSHIP BUILDING OFFICIAL
ROSILAND McLEAN, RECORDING SECRETARY
RICHARD PREISS, BOARD PLANNER
DIJIA CHEN, BOARD PLANNER

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

BRIAN E. EYERMAN, ESQUIRE
Counsel to the Board

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<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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N O N E

1 (Whereupon, the following is a
2 transcription of the Video File of the
3 Township of Teaneck Planning Board Meeting
4 held on, Thursday, February 11, 2021.)

5 IT MODERATOR: Get started.

6 CHAIRMAN BODNER: Right.

7 We'll call the meeting to order, the
8 Pledge.

9 (Whereupon, all rise for a Recitation
10 of the Pledge of Allegiance.)

11 CHAIRMAN BODNER: Open Public Meetings
12 Act, Ros, please.

13 MS. McLEAN: Adequate notice of this
14 meeting has been provided by adoption of the
15 appropriate resolution listing the 2021 meeting dates
16 by adoption of supplemental resolutions by e-mailing
17 a copy of said resolutions to The Record and The New
18 Jewish Standard, and by filing a copy with the
19 Township Clerk's office, posted on the municipal
20 bulletin board, and this statement will be included
21 in the minutes.

22 CHAIRMAN BODNER: Thank you.

23 Roll call?

24 IT MODERATOR: Mr. Parker has entered,
25 sir.

1 CHAIRMAN BODNER: Okay.

2 So Mr. Thompson is still not here?

3 MS. McLEAN: No.

4 IT MODERATOR: No, sir.

5 MS. McLEAN: Ms. Ramos Reiner?

6 MS. RAMOS REINER: Here.

7 MS. McLEAN: Deputy Mayor Schwartz?

8 DEPUTY MAYOR SCHWARTZ: Representing.

9 MS. McLEAN: Captain Croonquist?

10 CAPTAIN CROONQUIST: I'm here.

11 MS. McLEAN: Mr. Parker?

12 MR. PARKER: Here.

13 MS. McLEAN: Mr. Rose?

14 MR. ROSE: Here.

15 MS. McLEAN: Mr. Zomick?

16 MR. ZOMICK: Here.

17 MS. McLEAN: Mr. Kohn?

18 MR. KOHN: Here.

19 MS. McLEAN: Mr. Greene?

20 MR. GREENE: Here.

21 MS. McLEAN: Chair Bodner?

22 CHAIRMAN BODNER: Here.

23 MS. McLEAN: Okay.

24 CHAIRMAN BODNER: Okay.

25 Good and welfare, now is the

1 opportunity of the public to speak to the board for
2 three minutes. I'll look for people to
3 electronically raise their hands.

4 Brian, keep your eyes on the --

5 MR. EYERMAN: The time, yes, sir.

6 CHAIRMAN BODNER: Will you -- will you
7 please?

8 All right. I got the time on my thing.

9 All right. Anyone?

10 (No response.)

11 CHAIRMAN BODNER: Anyone from the
12 public who would like to talk to the good and
13 welfare?

14 (No response.)

15 CHAIRMAN BODNER: If your video is on,
16 wave your hand or hit the -- I don't see anybody
17 asking.

18 Mr. Rubenstein, go ahead.

19 MR. RUBENSTEIN: Good evening, as -- as
20 many of us noted at the last -- at the planning board
21 meeting two meetings ago, it is difficult to respond
22 to provide meaningful comments to what is supposed to
23 be an informative presentation if public comments are
24 allowed only before the presentation.

25 I do have several comments on the

1 reports that I hope will be addressed by Mr. Preiss
2 during his presentation.

3 The goal to revitalize Cedar Lane or,
4 to use your words:

5 "This is expected to be part of an
6 expanded Cedar Lane Business District."

7 Why not expand the redevelopment zone
8 area further down Elmwood Terrace and onto Chestnut
9 Avenue towards Cedar Lane, as well as include the
10 properties on Water Street?

11 All of the businesses located in these
12 areas south of Cedar Lane also use the existing
13 municipal lot and much of that area could benefit
14 from an expanded and well-thought-out development
15 plan for the entire business area, as well as part of
16 the expanded Cedar Lane Business District. I am sure
17 that the purpose of the report is not only to benefit
18 the rebuilding of the Stop & Shop.

19 Two, are there redevelopment plans for
20 the Buddhist Center which is in the middle of the
21 redevelopment area? Are there plans of integrating
22 the Buddhist Center into the area?

23 Three, there is no discussion in the
24 report about traffic, which presumably will increase
25 significantly if there is a new mixed-use building,

1 residential expansion and increased parking in the
2 area.

3 The primary access road is American
4 Legion Drive, which allows about five cars to turn
5 onto Cedar Lane at the light. What changes are
6 proposed since increasing the light from American
7 Legion Drive would only cause traffic issues on the
8 existing Cedar Lane Business District?

9 Are there any other access roads that
10 you would envision or recommend creating to enable
11 the vehicles to access this redevelopment area.

12 Four, who is expected to share the cost
13 of the construction of the new multistory parking
14 garage?

15 Five, will the new garage still be
16 completely open and available for use by township
17 residents?

18 And, six, what modern parking deck are
19 you referring to on page 13 where the report
20 discusses in such recent multifamily and mixed-use
21 developments at Holy Name Medical Center?

22 Are you referring to the parking deck
23 built 20 years ago? The approved parking decks on
24 Teaneck Road that were abandoned by the hospital
25 about 10 years ago? Or the proposed and un-filed

1 parking structure that the hospital envisions in the
2 residential zone on Chadwick Road.

3 Thank you.

4 CHAIRMAN BODNER: Thank you,
5 Mr. Rubenstein.

6 Actually, Brian?

7 MR. EYERMAN: Yes, sir.

8 CHAIRMAN BODNER: I'm just confirming
9 that Mr. Thompson is still not on, so we have to be
10 dealing with the minutes.

11 MR. EYERMAN: I'm -- I'm doing it, sir.

12 CHAIRMAN BODNER: All right.

13 MR. EYERMAN: I have an iPad guest, I
14 think that is Mr. Thompson.

15 I'm admitting him to the room.

16 CHAIRMAN BODNER: Anybody else in the
17 public?

18 Mr. Powers?

19 Unmute yourself, Mr. Powers.

20 MR. POWERS: Thank you, Mr. Chairman.

21 I want to quickly mention the fact that
22 the firm that you have asked to review the OSRP is
23 actually disqualified by virtue of the fact that it
24 violated its pay-to-play regulations in the way in
25 which it achieved its contract with the township.

1 You should take that into account and try to figure
2 out how you folks are ever going to get to the OSRP.

3 I am discouraged, again, by the fact
4 that informal presentations of areas in need of
5 redevelopment are -- are provided to this planning
6 board, in an informal mechanism, which is clearly
7 intended to avoid, as you have tonight, informing the
8 neighbors of such redevelopment areas of what it is
9 that you plan to do, and that is, in fact, a direct
10 violation of -- of all of the normal procedures and
11 just calling it an informal presentation, even though
12 you know, even though the public does not know, who
13 it is that will be the developer who will actually be
14 carrying out Mr. Preiss' plan is, once again, a
15 problem.

16 And, finally, you folks, as you
17 probably know, have now been sued by two entities,
18 including the Fair Share Housing Center, as well as
19 seven residents, not including me, in the -- about
20 the way in which you have handled the issues
21 associated with the RLUIPA.

22 I want to point out to you that it was
23 important that the public be given a chance, as they
24 were not given a chance by virtue, Mr. Chair, of you
25 following the advice of Mr. Schwartz, not to allow

1 the public to testify in your original November
2 hearing, and then the erroneous advice given to you
3 by your -- your attorney, that, in fact, the
4 provisions of, not only the Master Plan that you
5 passed in February of 2019, but also the -- the
6 Ordinance 4-2019 would have required you to have gone
7 through a very specific procedure to identify whether
8 or not it was possible to integrate the affordable
9 with the market units in that facility, and that is
10 why, in fact, your -- you, along with the applicant,
11 is now before the court in Superior Court, as several
12 of you have -- have known was actually suggested to
13 the residents of the township --

14 CHAIRMAN BODNER: Fifteen seconds.

15 MR. POWERS: -- by the Council.

16 Thank you so much.

17 CHAIRMAN BODNER: Thank you.

18 MS. McLEAN: Let the record show that
19 Howard Thompson is in.

20 (Whereupon, Mr. Thompson is now in
21 attendance.)

22 CHAIRMAN BODNER: All right, Howard,
23 Brian and I have the beginning of the minutes.

24 Take over from here.

25 MR. THOMPSON: Sure.

1 Thank you.

2 Can you hear me?

3 CHAIRMAN BODNER: Yeah.

4 MR. THOMPSON: Okay.

5 CHAIRMAN BODNER: Okay.

6 Anyone else from the public?

7 (No response.)

8 CHAIRMAN BODNER: I see nobody on
9 video. And I see no electronic hands.

10 Last call.

11 (No response.)

12 CHAIRMAN BODNER: And -- okay. Good
13 and Welfare is closed.

14 All right. Let's move onto our agenda.

15 Now we have the minutes of January
16 28th, you received an e-mail with the minutes.

17 MR. ROSE: Mr. Chair, I've had my hand
18 up.

19 CHAIRMAN BODNER: Yes, Mr. Rose.

20 MR. ROSE: Thank you very much.

21 Just regarding the two people who spoke
22 right now, I'm surprised that Mr. Powers' seeking
23 comments regarding a situation that's in litigation
24 with the presumption that there's nothing we can
25 comment on during that period.

1 Regarding, Mr. Rubenstein, his concern,
2 I think, is a valid one in terms of -- and maybe
3 you'll be able to answer this yes.

4 Is there an opportunity for the public
5 to speak after the presentation in question?

6 'Cause in a sense, good and welfare
7 might have helped them if they had any questions from
8 the presentation to then have a time period to talk.

9 CHAIRMAN BODNER: The -- the answer is
10 no. This is informational. It's just to update on
11 stuff that is happening. There will be many, many
12 opportunities on this AINR and if there's eventually
13 a developer and whatever, for the public's
14 involvement. The public will not -- this is standard
15 procedure, we've done at every single one of these
16 type of situations. We did it the last area in need
17 of redevelopment, it was us to just get updated on
18 what's coming down the pike soon. And then when --
19 when required, number one, the public will be
20 noticed. And, number two, given the opportunity.

21 MR. ROSE: Thank you for putting it in
22 proper perspective.

23 CHAIRMAN BODNER: And it goes multiple
24 times, as you know, 'cause it's us, the Council and
25 back and forth. So...

1 MR. ROSE: Again, thank you for putting
2 it in proper perspective.

3 CHAIRMAN BODNER: No problem.

4 (Agenda Items from 10:35 to 19:21 on
5 the Video File.)

6 CHAIRMAN BODNER: So we move on to
7 number two is informal presentation/discussion of an
8 ordinance entitled, "Draft Area in Need of
9 Redevelopment investigation for Block 705, Lot 4.01,
10 and Block 707, Lots 1 and 5, Township of Teaneck.
11 Prepared on behalf of the Teaneck Planning Board by
12 Phillips Preiss.

13 I don't see Mr. Preiss on here. Is
14 someone else --

15 MR. EYERMAN: I did see Mr. -- I did
16 see Mr. Preiss on, sir.

17 CHAIRMAN BODNER: There he is,
18 Richard --

19 MR. EYERMAN: Hi, Rich, how are you.

20 CHAIRMAN BODNER: -- hiding in a
21 corner.

22 MR. PREISS: Good -- good evening.

23 CHAIRMAN BODNER: All right, Richard,
24 the floor is yours.

25 I think you're not a stranger to this

1 board, so you don't need any introduction.

2 Our planner, Richard Preiss, will now
3 discuss this area in need of redevelopment plan.

4 MR. PREISS: All right.

5 Thank you, Mr. Chairman.

6 Let me also introduce to you this
7 evening Dijia Chen. She's a senior planner in our
8 office. And she assisted me with preparing the
9 report.

10 And I'm going to address some of the
11 questions that the members of the public raised, just
12 to make sure that everybody understands the process
13 and the things that will be done as we move ahead
14 with the process. And then I'll go to a short
15 presentation, members of the public -- members of the
16 board have the -- the study in front of them. And
17 I'll give a short presentation and -- and during that
18 brief presentation, Ms. Chen will share the screen so
19 that there will be some context for my presentation.

20 IT MODERATOR: All right. Mr. Preiss,
21 should I make you the c-host --

22 MALE BOARD MEMBER: Would you be able
23 to --

24 IT MODERATOR: -- of Mrs. Chen?

25 MR. PREISS: Ms. Chen.

1 IT MODERATOR: Thank you.

2 All right. Two second --

3 MR. THOMPSON: Would you just spell her
4 first name for me, please?

5 Is it Deirdre? What did you say her
6 first name was?

7 MS. CHEN: Dijia.

8 MR. PREISS: Richard Preiss,
9 P-R-E-I-S-S.

10 MR. THOMPSON: No, not yours, her name.

11 MR. EYERMAN: D-I-J-I-A.

12 MS. CHEN: D-I-J-I-A.

13 CHAIRMAN BODNER: Howard, it's on the
14 screen under her name -- under her picture.

15 MR. THOMPSON: I didn't see it. That's
16 the only reason I asked.

17 CHAIRMAN BODNER: All right. I'm just
18 telling you, right next to Mr. Preiss.

19 Well, I don't know if it's the same
20 place on yours.

21 Okay. Go ahead.

22 MR. PREISS: Okay. So thank you.

23 So, let me just talk about, you know,
24 how -- how we're going about this.

25 And I will note that in Teaneck we've

1 developed a -- a certain procedure and protocol for
2 these matters. And we're following the same
3 procedures we did, for example, when we did an area
4 in need of redevelopment for 1425 Teaneck Road, that
5 was the senior affordable housing project. And also
6 when we did the area in need of redevelopment
7 followed by the redevelopment plan for 329 Alfred
8 Avenue.

9 So under the Local Redevelopment and
10 Housing Law, legally what happens is the Council
11 directs the Planning Board to understate -- undertake
12 an investigation to determine whether an area which
13 is identified, and in this case it's a -- it's a
14 number of lots on both sides of American Legion
15 Drive, whether they qualify as an area in need of
16 redevelopment.

17 Once that study is done, the law
18 requires that a public hearing be held and that it be
19 noticed, and that it be noticed twice; once at least
20 17 days ahead of the hearing and another time 10 days
21 ahead of the hearing. The formal hearing -- hearing
22 is held in front of the Planning Board. Members of
23 the public are given an opportunity to weigh in.

24 The Planning Board then has to make a
25 recommendation, by resolution, whether the area

1 should be declared an area in need of redevelopment
2 or not. And that gets sent to the governing body,
3 the Council. They hold another hearing, that one is
4 not noticed, and then they either accept or reject
5 the recommendation of the Planning Board.

6 Now, Teaneck has gone, in these
7 circumstances have bent over backwards and gone a
8 step beyond what the law requires in that we don't
9 just come in and say, you know, at the hearing,
10 Planning Board, we just did a report, here's the
11 report, agree or disagree. We've done this in other
12 occasions where we share the report, not only with
13 the Planning Board, but members of the public, saying
14 here's what the report says, here's our
15 recommendation. If you have any input, any suggested
16 changes or comments, we'd like to take that into
17 consideration. And we might or may not revise that
18 report before it goes to the public hearing.

19 So we go substantially beyond the
20 Municipal Land Use Law and beyond the Local
21 Redevelopment and Housing Law. And we go to the
22 extra trouble of doing an informal hearing to provide
23 additional transparency and notice for the members of
24 the public. So it's inaccurate that we're not
25 providing sufficient notice for members of the

1 public.

2 The second thing I want to point out is
3 that, and I know members of the Planning Board know
4 this because we've been through this process before,
5 but for those members who are attending who are not
6 familiar with the process, the redevelopment process
7 is broken up into two phases. The first is simply to
8 make a determination of whether the area that -- the
9 study area qualifies as an area in need of
10 redevelopment. And you do that on the basis of
11 criteria that are set forth in the statute.

12 There is nothing in the -- in the
13 statute, and nor is it wise at this particular point
14 to say, you know, what this -- what the plan is going
15 to be, the redevelopment plan. The plan that gets
16 put in place in -- in the second phase, is something
17 which is done after the area is declared an area in
18 need of redevelopment. And when that's done, there's
19 very specific detail, there's what is permitted, you
20 know, bulk regulations, design standards.

21 And I can assure members of the public
22 that in this case, if there is -- if the area is
23 declared an area in need of redevelopment and there
24 is a redevelopment plan and it's a sizeable
25 redevelopment plan, that we will also undertake

1 engineering studies, environmental studies, traffic
2 studies. And we will be very sure in that particular
3 study to study all aspects and make sure that, you
4 know, whatever is proposed as part of the
5 redevelopment plan is something that is feasible and
6 that the public improvements which are necessary to
7 support it, whether it be traffic improvements or
8 water and sewer improvements and so forth, are
9 included as part of that study.

10 So now to the area in need of
11 redevelopment. So -- also, let me just address the
12 -- the area chosen.

13 The area that was chosen was one that
14 was chosen by the Council. We -- the Council
15 directed the Planning Board to look at this
16 particular study area. And part of that decision is
17 to look at the area and determine whether it has the
18 potential to be declared an area in need of
19 redevelopment. That doesn't mean that at some later
20 stage, if there's a decision to expand it and do
21 other parts of Teaneck or the downtown as
22 redevelopment areas, that can be done.

23 But at this particular point in time,
24 the Council, in its wisdom, you know, pointed to this
25 particular area and asked the Planning Board to do

1 that.

2 And the other thing is that
3 redevelopment isn't the only way to do plans for the
4 downtown or to look at Cedar Lane. That could be
5 done as part of a Master Plan or as a separate study
6 by itself, similar to what our firm did, you know,
7 for example, with the State Street area.

8 So, onto the presentation itself.

9 So if I can ask Dijia to bring up the
10 -- the -- the first slide. This is from the -- the
11 report itself. And I just wanted to give it -- just
12 raise -- yeah, there we go.

13 So if I could just describe the area,
14 the area is, it's Block 705, Lot 4.01, and then Block
15 707, Lots 1 through 5.

16 Just to get everybody oriented, the
17 street which runs at the top of the map from left to
18 right is Cedar Lane, and then there's the extension
19 of American Legion Drive which ends in a stop sign
20 and enters Cedar Lane is towards the top of the plan.
21 And then once you come off Cedar Lane and down
22 American Legion Drive, you have that large municipal
23 parking lot, which is Block 705, Lot 4.01. That's on
24 the left side of American Legion Drive, so that's in
25 the study area.

1 And then -- then, in addition, the
2 study area also comprises five lots, four of which
3 are associated with the Stop & Shop supermarket,
4 which is the building under the words, "707, Lot 5."
5 And then those parking lots associated with it are to
6 the south of that.

7 And there's a building adjacent to it
8 on Lot 2, and that is the -- the Buddhist Center, SGI
9 USA, which -- it used to be the Popcorn Factory, it's
10 now that building. And they also have a parking lot
11 on -- on Lot 1.

12 So that's the -- that's the study area
13 that we're -- that we're talking about.

14 So the -- the idea here is that we --
15 as -- as part of the analysis we did a lot of work.
16 We looked at the zoning. We looked at the Master
17 Plan. We studied the area. We also -- with regard
18 to the Stop & Shop is we also had a supermarket
19 specialist, a guy -- a firm headed by Robert Volosin,
20 who did a study to help us determine whether the Stop
21 & Shop met one of the criteria to be declared an area
22 in need of redevelopment. And his study is actually
23 appended to our report.

24 And in order to verify the conditions
25 that exist and his conclusions, we took a look at the

1 study, and I also conducted a site visit and a walk
2 through the Stop & Shop as part of the report. So
3 that's also included in -- in the analysis.

4 So let's go to the next slide so we can
5 talk about the zoning and the Master Plan for this
6 area.

7 So the subject properties fall within
8 two zones. The Teaneck parking lot on Block 4.01 --
9 Lot 4.01 on Block 705 is in what's known as the P
10 zone, which is public land. And that permits a
11 variety of public uses. There are no bulk
12 regulations or any design standards related to that.

13 The Buddhist Center and its parking lot
14 and the Stop & Shop and its parking lot is in the B1
15 business zone, so that permits, as you would expect,
16 things like retail and office uses. And it has a
17 variety of -- of standards which allow for buildings,
18 for example, 35-foot high. It doesn't have
19 particular setback standards, it's more of a
20 downtown, sort of, business zone, so there's no
21 minimum lot width or minimum lot area. And there's
22 no -- and, for example, there's -- there's no side
23 yard required.

24 In terms of the Master Plan, as long
25 ago as 2007, this area was identified as a potential

1 area for redevelopment. It's in the -- in the 2007
2 Master Plan, it says:

3 "The possible utilization of the
4 redevelopment under the Local Redevelopment
5 and Housing Law should be investigated."

6 And, basically, it indicated that the
7 Stop & Shop supermarket is located in the downtown
8 area, but its physical and topographical separation
9 from Cedar Lane and the availability of a large
10 separate on-site parking facility discourages
11 multipurpose or multi-destination trips.

12 So it was seen as something which is in
13 the downtown, but not really appropriately so
14 developed.

15 There were three re-examinations, as
16 this board knows 'cause they're the board that
17 adopted them: 2011, 2014 and 2017.

18 And in the 2017 re-examination which
19 this board adopted, there was -- one of the
20 recommendations was the consideration of multilevel
21 parking garages within the Cedar Lane Business
22 District as one of the general zoning changes.

23 And it says that the Council --
24 Township Council has indicated an intent on pursuing
25 a more in-depth analysis of the potential for

1 multifamily development and other mixed-use
2 developments, including retail ground floor uses
3 along Cedar Lane, and the future feasibility of
4 developing such uses rests primarily on the ability
5 to provide sufficient off-site parking and the
6 erection of multilevel parking garages may be
7 necessary to effectuate such development.

8 So this -- this -- the identification
9 of the Council is this potential area in need of
10 redevelopment is actually consistent with and a
11 direct outcome of policies which were adopted in this
12 -- in the Master Plan both in 2007 and in 2017.

13 So the next thing is -- that we want to
14 focus on is the criteria that are utilized to
15 determine whether the area qualifies as an area in
16 need of redevelopment.

17 So in the Local Redevelopment and
18 Housing Law, they set forth eight different criteria,
19 A through H, and just -- I just might add that if, in
20 a redevelopment area, particularly ones that have
21 multiple lots, if any of the properties meet only one
22 of the criteria, that's sufficient to be determined
23 an area in need of redevelopment.

24 And, secondly, is you can declare an
25 area in need of redevelopment if it comprises

1 multiple lots and not all of the lots individually
2 have to qualify as -- as having met the criteria, if
3 it's determined that they are essential to redevelop
4 the area in an integrated and comprehensive manner.
5 That's known as Section 3 under the Local
6 Redevelopment and Housing Law, and in this case one
7 of the properties qualifies under that particular --
8 under that particular criteria.

9 So just to keep the presentation short,
10 our analysis indicated that the municipal parking
11 lot, Block 705, Lot 4.01, met criteria D.

12 We also found that the Stop & Shop
13 supermarket and its parking lot met criteria D.

14 And the Buddhist Center, we did not
15 find that it met any of the criteria, but we
16 determined that because of Section 3, in order for
17 the comprehensive and integrated development of the
18 redevelopment area, that that should be included as
19 well.

20 So just very shortly, a little bit of
21 basis as to why those properties meet criteria D.

22 Firstly, the municipal parking lot, we
23 indicated that the layout feature is more typical of
24 an auto-oriented design, you know, like, for example,
25 a suburban shopping center. We have continuous rows

1 of parking, minimal landscaping, signage and other
2 design elements. The parking fronts on a number of
3 streets without any kinds of buffer. And we've
4 indicated that in other areas of Teaneck there are
5 parking lots which have been developed as part of the
6 new developments and we cited 1475 Palisades, 1500
7 Teaneck Road, 1775 Windsor Road as evidence that
8 municipal -- private parking lots have been developed
9 in order to facilitate redevelopment.

10 And the Master Plan recommendation to
11 consider multilevel parking garages is something we
12 considered along with those kinds of developments.

13 And we noted the Master Plan,
14 essentially, recommends redevelopment of those
15 surface parking lots in the Cedar Lane so that it can
16 enhance the feasibility and development within the
17 downtown.

18 So based on our analysis of, you know,
19 what the trend is in Teaneck, what the Master Plan
20 says, and the particular circumstances here, we did
21 find that under the current conditions where you have
22 excessive land coverage, a faulty arrangement in
23 design of the Teaneck municipal parking lot that is
24 inconsistent with the vision for, you know, of the
25 Master Plan for a compact mixed-use development

1 within Cedar Lane, that that particular condition
2 would be detrimental to the morals and welfare of the
3 community, which is consistent with criteria D.

4 Then with regard to the Stop & Shop,
5 similarly, we found, based on the supermarket study
6 that was done, that the supermarket, itself, had a
7 faulty design and arrangement. There's certain
8 levels of deterioration. It's outdated. It's not
9 energy efficient. It's designed in a manner which
10 makes it difficult to operate the business. And we
11 also found that the parking lot, similar to the
12 Teaneck parking lot, is in the same way an
13 underutilization of the property and that a
14 redevelopment could facilitate a more efficient and
15 better development.

16 So once again, the obsolescence of the
17 building, itself, and the mechanical equipment and
18 its layout. And also the excessive land coverage and
19 faulty arrangement and design of the parking lot.
20 And it also qualified it to be declared an area in
21 need of redevelopment under criteria D of the
22 statute.

23 With regard to the Buddhist Center,
24 this was a property that was originally called the
25 Popcorn Factory. And it was deteriorated and in poor

1 condition.

2 The Buddhist Temple came forward and
3 they renovated it recently and -- both the building
4 and the parking lot, so it's in good condition.

5 So we found that in that particular
6 situation, it did not meet one of the criteria.

7 However, given its location as the
8 gateway from Cedar Lane to this particular
9 development, and the fact that its inclusion would
10 allow for the wholesale redevelopment and connection
11 of the Teaneck parking lot with the Stop & Shop
12 property, that it would qualify under Section 3 as
13 being necessary for the comprehensive integrated
14 redevelopment of the parcel.

15 So in our report we said, under
16 Section 3 of the Local Redevelopment and Housing Law,
17 it, too, would qualify as an area in need of
18 redevelopment.

19 So in conclusion, this report directed
20 by the Council in its draft form reaches a conclusion
21 that the lots which are -- within the study area
22 would qualify as an area in need of redevelopment.

23 Thank you very much.

24 CHAIRMAN BODNER: Thank you, Richard.

25 Howard Rose?

1 You're muted.

2 MR. ROSE: I got there, thank you.

3 IT MODERATOR: Okay.

4 MR. ROSE: A couple of questions come
5 to mind.

6 This area has been in need of
7 redevelopment for such a long time. And it's been
8 bandied about in different directions.

9 I have a recollection, I don't know if
10 anyone else remembers this, Joey, maybe you do, was
11 it Rothman who came up with a plan and everyone
12 criticized it 'cause of traffic problems that would
13 result once it's better developed? And he had a plan
14 where you have an access/egress by going under the
15 bridge and connecting to Windsor.

16 But at any rate, I'm wondering how this
17 can be done, unless this is a first step only to say
18 yes, it needs -- something needs to be done, which is
19 what maybe is all that we're doing.

20 CHAIRMAN BODNER: Howard, I think the
21 first thing that Richard said was that this is the
22 first step and that before anything of -- if it's
23 small without substance, but if, hypothetically,
24 anything of substance, there would -- there would be
25 traffic studies and all kinds of studies and stuff

1 like that to make sure that it's feasible or put in
2 all the stuff to make it feasible.

3 MR. ROSE: I just want to continue with
4 what I'm saying.

5 I understand what you're saying.

6 My concern is also the statement that
7 you coupled with that, which is development of Cedar
8 Lane, because as a first step, yes.

9 But as a second step, hopefully this is
10 with the direction of the Master Plan revision to
11 encompass the whole area because otherwise it's,
12 like, saying we'll work on the engine, but you know
13 what, the transmission's not fixed and the wheel
14 alignment is bad. And everything else around it is
15 bad, and you have a little bottleneck coming to this
16 big wonderful, wide area as you come down American
17 Legion Drive.

18 The only other access to it is from the
19 corner of Chestnut, coming down Chestnut -- (phone
20 ringing).

21 I -- not only in terms of the parking
22 lot, when you say developments were multistory
23 structure, is that with the intent of getting a lot
24 more cars into a smaller space so part of that
25 parking lot can be developed into something else in

1 addition to being a parking lot?

2 MR. PREISS: Right, so let me -- let me
3 just comment on your first question.

4 So as I mentioned before, and the
5 Chairman is correct, is we -- we don't know at this
6 stage exactly what's going to be developed. We are
7 taking our direction from the Master Plan as far back
8 as 2007 and the re-examination from 2017 that the
9 current property is underdeveloped. And we know that
10 parking is the key for, you know, redevelopment.

11 So the redevelopment plan, I think,
12 would envision some kind of mixed-use development,
13 possibly including a multilevel parking garage.

14 And, obviously, since a lot of those
15 spaces are spaces which are currently available to
16 retail businesses, that if the redevelopment plan
17 were done, we would make sure that those spaces are
18 still available to support businesses not just in the
19 redevelopment area, but also in Cedar Lane.

20 But we -- we -- we don't, at this
21 point, have a specific redevelopment plan in mind.
22 And that's something that we're going to work on.

23 And then just, once again is, you know,
24 this area, if it gets redeveloped, is -- is probably
25 going to be of such a scale that we will have to

1 address all of the issues related to it, including,
2 you know, the parking issue and -- and site
3 improvements.

4 And, yes, you're correct, as far back
5 as 35 year ago this was -- this area was envisioned
6 to be a mixed-use development. It was known as
7 Tennis Club Associates.

8 And there were, you know, there were
9 plans, one of which was to put a road under the --
10 alongside the railroad to connect directly with Cedar
11 -- with Windsor Road. And those -- all of those
12 plans and all of those ideas and all of that, you
13 know, those ideas about how to deal with traffic will
14 be something that would have to be considered as part
15 of the redevelopment plan.

16 So if it -- if -- step one is area in
17 need of redevelopment, and then step two is to -- to
18 work on the redevelopment plan.

19 MR. ROSE: I'm strongly behind this,
20 and it's -- apparently, from what you said, it's
21 within mind even the possibility of expanding this at
22 a later date.

23 So this is one step and it can possibly
24 increase in scope.

25 MR. PREISS: Thank you.

1 CHAIRMAN BODNER: Yehuda.

2 MR. KOHN: As someone new I'm just --
3 I'm not sure if this is the right context, but would
4 these properties be taken under something like
5 eminent domain?

6 How --

7 CHAIRMAN BODNER: No, this is not a
8 condemnation --

9 MR. PREISS: No.

10 Yes, I'm sorry, I forgot to mention
11 that --

12 MR. EYERMAN: This is non-condemnation.

13 MR. PREISS: -- this -- yes.

14 There was specific direction from the
15 outset that this would be a non-condemnation area in
16 need of redevelopment, so the governing body could
17 not exercise its powers of condemnation here. We can
18 be assured of that.

19 MR. KOHN: These -- so it's -- it's two
20 property owners, though, besides -- besides what's
21 public lands?

22 MR. PREISS: I believe that there --
23 the property owner owns both the Stop & Shop as well
24 as the -- the Buddhist Center property.

25 MR. KOHN: Okay, thank you for

1 clarifying.

2 CHAIRMAN BODNER: Anyone else?

3 (No response.)

4 CHAIRMAN BODNER: Rich, I mean I know
5 you mentioned the potential for expansion.

6 My only question for you is, I guess,
7 Mr. Rubenstein, he mentioned it when he spoke, I
8 mean, you can't see on the current slide there, if
9 you go back to the first slide that shows -- and
10 Ms. Chen can you do that? The first slide shows
11 River Road -- I mean Cedar Lane.

12 MR. PREISS: Sure.

13 CHAIRMAN BODNER: So those buildings --
14 go back up, yeah.

15 Yeah. So those buildings on Cedar Lane
16 that are right in front of this, why is that not
17 something that meets the criteria that would be
18 considered, or it's just not the area that they
19 looked at?

20 Because I would -- I would think that
21 include that whole thing, I mean, you can't go all
22 the way down Cedar Lane just from that way, you never
23 can stop.

24 But if you wanted to help -- if this
25 thing expanded up to Cedar Lane and then that Cedar

1 Lane part would look great and wonderful, but it
2 could eventually spread down the rest of Cedar Lane.

3 MR. PREISS: Right.

4 So I think one of the things that you
5 have to bear in mind is that, you know, redevelopment
6 plans have to be used, you know, sparingly and only
7 in those situations where the belief is that it
8 requires a public/private partnership between the
9 government, in this case the Township of Teaneck, and
10 a private developer in order to facilitate the
11 redevelopment.

12 And also those areas, you know, have to
13 meet the criteria as being areas in need of
14 redevelopment.

15 So we've not looked at Cedar Lane and
16 said, you know, the whole area or some of these
17 additional properties meet an area in need of
18 redevelopment.

19 You're also dealing with multiple
20 owners, lots of different properties, and that
21 creates a -- you know, difficulties in terms of
22 assembling -- getting their agreement and assembling
23 sufficient property to do wholesale redevelopment.

24 So I'm not saying that -- that it's
25 impossible, but it faces, you know, substantial --

1 CHAIRMAN BODNER: No, you -- but you
2 answered -- you answered my question. That's -- now
3 I understand it.

4 MR. PREISS: It -- it -- it could be
5 later on.

6 And also, the other thing is we -- we
7 don't, you know, when we look at an area and we say
8 there's a potential for redevelopment, the
9 redevelopment statute is one way of doing it.

10 This is also an area that could be
11 addressed through a Master Plan and a rezoning
12 where -- you know, where issues can be addressed.

13 So we've not exhausted all of those
14 possibilities and if this -- this area is easily
15 identifiable and, you know, going back to 2007, as a
16 particular area that could be redeveloped, and it
17 being, you know, the Township of Teaneck owning one
18 property, another property owner owning the other
19 two, it kind of facilitates a redevelopment plan that
20 has --

21 CHAIRMAN BODNER: An easier -- an
22 easier way to do it.

23 I got it.

24 MR. PREISS: Thank you.

25 CHAIRMAN BODNER: Question. I know

1 that -- I answered the question before that there was
2 no eminent domain here because this is a
3 non-condemnation.

4 I was aware of that 'cause, you know,
5 it was stated that.

6 How is something determined to be
7 condemnation, non-condemnation? And how and when can
8 you change that, effectuate that or do that?

9 MR. PREISS: Okay.

10 So at the very outset, when the -- when
11 the Council asks the Planning Board to study an area,
12 it has to declare its intention at that point whether
13 it -- whether it -- it feels that it -- in the -- in
14 the implementation of the redevelopment plan, whether
15 it will or won't use its powers of condemnation.

16 So the governing body made a decision
17 in this particular case, because Teaneck owns one
18 property and the property owner owns the other two
19 properties, and we've discussed with them and they,
20 you know, are willing to entertain the idea of doing
21 a wholesale redevelopment of the property, we don't
22 feel that it's warranted or necessary to use the
23 powers of condemnation in order to facilitate that.

24 And we know, based on, number one, case
25 law and prior experience, when you do raise the

1 specter of condemnation, you often get property
2 owners or members of the public who are opposed to it
3 'cause they don't feel that condemnation should be
4 used.

5 So in this particular situation, the
6 Council decided: A, it's not necessary; and B, they
7 would not be willing to do it.

8 You may have another situation where,
9 you know, there's a hold-out who doesn't want to sell
10 their property and try as you might, they may not
11 want to do it. And in those situation, you know, the
12 governing body has to decide whether it's going to
13 use its powers of condemnation to incorporate that
14 property.

15 So those are the circumstances usually
16 where --

17 CHAIRMAN BODNER: Thank you. For --

18 MR. PREISS: -- that is done.

19 CHAIRMAN BODNER: -- the clarification.

20 MR. PREISS: In this case it's not
21 necessary.

22 CHAIRMAN BODNER: Howard?

23 MR. THOMPSON: I have a question.

24 Yes.

25 CHAIRMAN BODNER: Go ahead.

1 MR. THOMPSON: And -- and my question
2 --

3 CHAIRMAN BODNER: Howard, Howard, I saw
4 your hand. And I got it.

5 You just got to wait till he finishes.
6 That's all.

7 MR. THOMPSON: Oh, okay. I didn't
8 know. I saw it disappeared, so I didn't know.

9 My -- my question might be a little
10 premature. With, of course, regarding the potential
11 redevelopment and whatever might go there or however
12 it will be, is there any consideration or there might
13 be consideration for the residents and their shopping
14 needs and is that something as far as -- because Stop
15 & Shop is there. I mean, if it now disappears
16 because of redevelopment, would there be
17 consideration for whether a smaller little shopping
18 area, some type of a grocery for the residents in the
19 area? 'Cause some don't drive.

20 MR. PREISS: Right.

21 MR. THOMPSON: So how would they get
22 about.

23 MR. PREISS: The -- the answer is yes,
24 absolutely, that -- that is -- that would be part of
25 the consideration.

1 And the other thing is there -- there
2 also is a timing element to this, so we may adopt a
3 redevelopment area and it may be done in phases, so
4 it's possible that the long-term plan foresees a
5 comprehensive and total redevelopment of the area,
6 but it's also possible that it would be broken down
7 into phases where, you know, the Stop & Shop might,
8 you know, stay on for two or three or four or five
9 years before it gets redeveloped.

10 So --

11 MR. THOMPSON: Okay.

12 MR. PREISS: -- the answer to your
13 question is -- is, you know, it may stay for a while
14 and it -- and it may be replaced.

15 And when it's replaced, certainly the
16 -- the intent is to serve the shopping needs of the
17 community and that will be taken into consideration
18 in the redevelopment plan.

19 MR. THOMPSON: Okay.

20 CHAIRMAN BODNER: Any other board
21 members?

22 (No response.)

23 CHAIRMAN BODNER: Deputy Mayor, did you
24 want to say something?

25 DEPUTY MAYOR SCHWARTZ: Yeah, after --

1 I wanted to finish. I want to just go over two quick
2 points.

3 Obviously, this is the beginning of a
4 long-term project. But I just wanted to make it
5 clear, 'cause I'm not as polished as Richard, this
6 plan is for one of two things, they're really the
7 same. One, are -- we want the grocery store to stay.
8 Two, we're doing this to almost make sure the grocery
9 store does stay.

10 In speaking with them, they want to
11 stay. The owners want them to stay.

12 We're doing this to keep -- to keep --
13 bring them a whole area almost, because we realize
14 how important that Stop & Shop is to the area and to
15 Teaneck.

16 So this is in no way a plan to get rid
17 of them, but just to the contrary is to actually keep
18 them here. And the town is in direct communication
19 with the owners and as you can see, part of the
20 reports were done -- the obsolescence reports were
21 done through walk-throughs in cooperation with them.

22 So I just wanted to make sure that was
23 -- that was clear, that those are intention to keep
24 them.

25 I think that was my only comment. If

1 anyone has any other questions of the Council, I can
2 always try to speak on their behalf.

3 CHAIRMAN BODNER: Richard, did you want
4 to expand at all on the store report or that's not
5 necessary?

6 MR. PREISS: No, I -- you know, we --
7 we -- you know, there was a -- the supermarket expert
8 was available to do the report. And one of the
9 questions we asked is, you know, our Stop & Shop is,
10 you know -- do you think that the -- you know, is --
11 is your intention for the Stop & Shop to remain? Is
12 it possible that you'd knock it down and rebuild the
13 supermarket? You know, what -- what about the
14 current store is problematic?

15 And they said, well, we have an expert
16 who's been advising us. And -- and I said that's
17 good, you know, let him do the study and we'll look
18 at -- look at it and we will verify the conditions.
19 We'll take it into consideration --

20 CHAIRMAN BODNER: The way they wrote
21 it, it sounds like it should be condemned.

22 MR. PREISS: I'm sorry?

23 CHAIRMAN BODNER: The way the report's
24 written it sounds like it should be condemned.

25 MR. PREISS: Well, I think the report

1 says, you know, it's -- it's operating. It's kind of
2 obsolescence. It's sort of -- it's -- it's outlived
3 its usefulness. It's expensive to operate. It
4 doesn't really work efficiently.

5 And, you know, to -- it -- because the
6 design is faulty, you know, you can't really just fix
7 it.

8 CHAIRMAN BODNER: Right.

9 It sounds like obsolete was the key
10 word there.

11 MR. PREISS: Yeah.

12 And -- and, you know, to replace the
13 systems that are worn out would be very expensive, so
14 they would say rather than fix it, you know, it would
15 be better to knock it down and rebuild it.

16 I mean, it's possible that they -- you
17 know, that they would do that.

18 The long-term plan, however, is for the
19 whole of this site to be redeveloped, but how long
20 the Stop & Shop stays there in its current form or in
21 its future form, you know, we don't know at this
22 point.

23 MR. THOMPSON: Another question, if I
24 can.

25 CHAIRMAN BODNER: Howard.

1 MS. RAMOS REINER: I have a question.

2 CHAIRMAN BODNER: One second, Desiree.

3 Howard, then Desiree. I got you all,

4 just -- go ahead.

5 MR. THOMPSON: Me?

6 CHAIRMAN BODNER: Yes.

7 MR. THOMPSON: Okay.

8 Another question, and once again, my --

9 this might be a little premature.

10 But with regards to the Lot 4.01, the

11 homes that are adjacent there, those are

12 single-family homes.

13 Am I correct?

14 MR. PREISS: There's multifamily as

15 well as single-family homes and two-family homes,

16 yes.

17 MR. THOMPSON: Okay.

18 And, once again, we don't know what's

19 going in those areas at this time, but, potentially,

20 if there's something that would come about that would

21 affect the, should I say, quality of life of those

22 residents, I mean, I guess that's their back yard, I

23 really can't make it out, as I mature my eyesight is

24 kind of, you know...

25 MR. PREISS: Yes, that's -- that's --

1 the parking lot is in the back yard of most of those
2 homes that --

3 MR. THOMPSON: And -- and so, of
4 course, we would absolutely -- once again, it could
5 be very premature on my behalf, but as other
6 developments has taken place and you have development
7 that overshadows the residents' quality of life, you
8 know, those things definitely should be considered,
9 as they've been there forever and, you know...

10 MR. PREISS: A hundred percent agree,
11 yes.

12 MR. THOMPSON: Okay.

13 CHAIRMAN BODNER: All right. But they
14 also -- all right, Desiree, go ahead.

15 MS. RAMOS REINER: Sure.

16 My question is also in regards to the
17 parking lot.

18 So I'm curious, in -- in the report it
19 talks about structures not being taller than 35 feet.

20 Would that also apply to a multilevel
21 parking garage?

22 MR. PREISS: No, so let me just
23 explain.

24 When you do a redevelopment plan, it's
25 similar to a rezoning in that a redevelopment plan,

1 itself, will have a land use section, and the land
2 use section will allow for, you know, a range of
3 uses, and it will have a set of bulk regulations.

4 And what we envision in this particular
5 situation, if it ends up being, you know, a
6 multilevel parking garage and, you know, retail and,
7 you know, office or retail development above that, is
8 that we'll create standards that would facilitate
9 that development.

10 So we're not bound by the underlying
11 zoning. The redevelopment plan will supercede the
12 P zone and the -- and the B1 zone.

13 MS. RAMOS REINER: All right.

14 And then --

15 CHAIRMAN BODNER: I think that the --
16 the answer is that the 35 feet is what the current
17 thing is, not what the proposed --

18 MR. PREISS: Correct.

19 MS. RAMOS REINER: Right.

20 And then my second question is, do we
21 have a sense -- I know you haven't really done
22 traffic studies and whatnot -- how -- how much the
23 parking lot is used for -- for shopping versus people
24 who use it as overnight parking, 'cause there is that
25 multifamily building?

1 MR. PREISS: Yes.

2 So, you know, that's a very good
3 question and it's certainly something that will be
4 taken into consideration when we do the redevelopment
5 area.

6 You know, one of the things that has
7 happened in Cedar -- you know, along Cedar Lane is a
8 number of developers have said: Well, you have all
9 of this excess parking, so we're going to put up a
10 multifamily building and all our residents are going
11 to park in that area.

12 And Teaneck's response is those are
13 valuable parking spaces. Those are used by the
14 public, meaning the retail and residents who live in
15 that area. We're not just going to give them up for
16 nothing, you know.

17 If you do a redevelopment, you have to
18 provide additional parking, not utilize the parking
19 that is currently being used for retail and residents
20 and may also be available for future retail
21 development.

22 In other words, we're looking at this
23 area and saying, you know, there's the possibility
24 where not only will you replace the parking here
25 for -- you know, for the residents and the retail,

1 but we'll also ask you to do additional parking so
2 that if properties along Cedar Lane are redeveloped
3 and they need more parking, that this is where, you
4 know, those redevelopments are going to be able to
5 park.

6 So we see this as an opportunity to
7 address current and future needs beyond the property
8 boundaries.

9 MS. RAMOS REINER: Okay.

10 Thank you.

11 CHAIRMAN BODNER: Okay.

12 Councilman Kaplan?

13 DEPUTY MAYOR SCHWARTZ: Councilman

14 Kaplan?

15 CHAIRMAN BODNER: Yeah, un-mute

16 yourself.

17 DEPUTY MAYOR SCHWARTZ: He's not here.

18 CHAIRMAN BODNER: His name is there.

19 DEPUTY MAYOR SCHWARTZ: He's in the

20 audience.

21 CHAIRMAN BODNER: It says Keith Kaplan.

22 All right. He can't speak.

23 DEPUTY MAYOR SCHWARTZ: He's not -- he's

24 no longer on the board.

25 We kicked him off the board.

1 CHAIRMAN BODNER: I got it.

2 Mark, did you want to say something,
3 Zomick?

4 DEPUTY MAYOR SCHWARTZ: I think ---

5 CHAIRMAN BODNER: Zomick, you waved
6 your hand.

7 You're on mute.

8 MR. ZOMICK: No.

9 DEPUTY MAYOR SCHWARTZ: I don't think
10 he's -- I think he's preoccupied.

11 I do have a few comments when --

12 CHAIRMAN BODNER: Go ahead.

13 DEPUTY MAYOR SCHWARTZ: When I can.

14 MR. THOMPSON: You're not calling me,
15 are you there, Joe?

16 CHAIRMAN BODNER: What?

17 MR. THOMPSON: No, no, no, I thought
18 you were calling me, but...

19 CHAIRMAN BODNER: Calling you?

20 DEPUTY MAYOR SCHWARTZ: Okay.

21 Since I -- I have few -- I just wanted
22 to make a few comments based on some questions, I
23 have some answers.

24 Myself and Deputy Mayor Katz utilize
25 that parking lot three mornings a week at 5:30 in the

1 morning.

2 There's approximately -- and maybe
3 Richard recalls exact numbers -- well over 200 spots,
4 I think, in the lot.

5 On the Tetris shape, on the American
6 Legion Drive portion, that's virtually empty.

7 On the Alma Terrace portion, that's
8 about half full.

9 So it's about 70 percent vacant.

10 That being said, what we're trying to
11 actually do is increase -- we would actually be
12 increase the matter -- the new amount of spots, not
13 decrease, because we do want to make sure we have at
14 least those many spots plus more available for future
15 development of Cedar Lane.

16 So I just want to -- that, so I wanted
17 to make sure that you understood we're not looking to
18 lose spots, we're actually going to, hopefully, gain
19 if there is any work down there, if we can work with
20 developers on giving us -- the town more spots.
21 That's one issue.

22 As it relates to Joe, Mr. Chair, you
23 made a comment about the buildings on Cedar Lane,
24 already developers have approached us -- sorry,
25 owners have approached us on Cedar Lane, such as

1 Rain, to talk about the redevelopment of that
2 building.

3 And so we're hoping that this
4 development spurs action, and it actually is spurring
5 action.

6 And, lastly, Mr. Thompson, there is --
7 on the Tetris shape, there is -- Alma Drive is all
8 borders an apartment building. When you go to -- in
9 terms of what it borders. When you go to the
10 American Legion Drive portion, it's a large apartment
11 building, two small apartment buildings, a
12 multifamily house and then four single-family homes.

13 So it's predominantly multifamily
14 surrounding this parking lot that we would be
15 abutting up against, and, obviously, I'll work with
16 them to make sure we retain as much quality of life
17 as possible.

18 CHAIRMAN BODNER: Okay.

19 MR. THOMPSON: Thank you very much.

20 CHAIRMAN BODNER: I think that's it.

21 Last call for board members, wave,
22 raise your hand, say something.

23 MR. THOMPSON: Well, if I can, thank
24 you, Mr. Preiss --

25 CHAIRMAN BODNER: Whatever.

1 MR. THOMPSON: -- and your co-presenter,
2 Ms. Chen, for your presentation.

3 MR. PREISS: Thank you.

4 Just -- let me -- let me just say, the
5 one thing is the intention tonight was to get some
6 feedback, so if -- the -- the idea is to have the
7 public hearing on March the 11th, you know, which is
8 a month from now, where notice will be provided, as I
9 indicated, at least 17 days and 10 days ahead of
10 time.

11 But the intention is if -- if any of
12 the Planning Board Members, after tonight, have any
13 comments or any suggestions for changes, if they
14 could provide that directly to Rosalind and then
15 Rosalind can hand them onto us.

16 CHAIRMAN BODNER: Council will be
17 looking at this before March 11th as well?

18 MR. PREISS: Yes, it's been distributed
19 to members of the Council, so, you know, we're taking
20 comments.

21 If -- if it's something substantive
22 that we feel, you know, has to be, you know,
23 discussed before it's brought back for the public
24 hearing, we would do that.

25 But if it's not, we can expect that

1 this draft or something very similar will be what's
2 in front of the board for a formal hearing on March
3 the 11th.

4 CHAIRMAN BODNER: For somebody who was
5 around for all of those Master Plans and Master Plan
6 revisions, et cetera, this is an area long overdue
7 for development. That Tennis Court thing that you
8 referred to, that was even before my time of living
9 here let alone being on the board, and Howard and I
10 started here together. And it's an area that a lot
11 of people tried over a lot of years and then walk
12 away from it and then start again.

13 So I hope that this is real and that
14 something real happens from this. It would be really
15 a wonderful thing to see that area become more vital
16 and substantial.

17 So, good luck with this, and I think
18 it's great, and I hope it -- like Deputy Mayor said,
19 it spreads to the neighboring buildings and they jump
20 on the bandwagon as well.

21 DEPUTY MAYOR SCHWARTZ: Mr. Chair, I'll
22 make a motion to adjourn.

23 CHAIRMAN BODNER: Hold on.

24 DEPUTY MAYOR SCHWARTZ: If that's in --
25 if that's in order. I'm sorry, sorry.

1 CHAIRMAN BODNER: No.

2 Mr. Rose? You're muted, Mr. Rose.

3 Mr. Rose, you're muted.

4 You're unmuted. Go ahead.

5 MR. ROSE: What's the next step for us?

6 Are we supposed to send a letter to the
7 Council indicating that we think it's a great idea
8 and we should go forward.

9 MR. PREISS: No, that -- that would be
10 --

11 CHAIRMAN BODNER: That would be after
12 the presentation on the 11th.

13 MR. PREISS: Yeah, you have the formal
14 hearing. If the -- if the board adopts a resolution
15 recommending that it be designated an area in need of
16 redevelopment, that recommendation would be in the
17 form of a resolution, and then the governing body has
18 to decide, you know, whether it agrees with the board
19 and designates it as such or disagrees and doesn't do
20 it or, you know, if -- if the board decided not to
21 recommend it, then the -- the Council can make a
22 decision based on that as well.

23 DEPUTY MAYOR SCHWARTZ: This is a --
24 this is a first presentation, so they can review it,
25 get comfortable with it, see if you have any comments

1 you want to make that you can pass on to me --

2 MR. PREISS: Right.

3 DEPUTY MAYOR SCHWARTZ: -- Mr. Preiss,
4 or the Chair.

5 MR. ROSE: Okay, I -- I jumped the
6 starting line.

7 Thank you.

8 CHAIRMAN BODNER: All right.

9 For the -- this meeting for the public
10 is now going to close. We're going to go into
11 private session for a minute. So I'm going to ask
12 people to leave or we're going to put you out into
13 the -- from the meeting so we can go into private,
14 closed session.

15 MR. EYERMAN: Chairman, you need to go
16 -- you need to take a -- you need to take a vote to
17 go into closed session.

18 CHAIRMAN BODNER: All right.

19 I'll make a motion to go into closed
20 session.

21 MR. ROSE: Second.

22 CHAIRMAN BODNER: Howard second.

23 Ros, can you do a roll call, please?

24 MS. McLEAN: Mr. Thompson?

25 (No response.)

1 MS. McLEAN: Can you hear me?

2 CHAIRMAN BODNER: Call the next name if
3 he doesn't answer.

4 MS. McLEAN: Ms. Ramos Reiner?

5 MR. THOMPSON: Yes, yes, yes. Yes,
6 yes, yes.

7 MS. RAMOS REINER: Yes.

8 MS. McLEAN: Deputy Mayor Schwartz?

9 DEPUTY MAYOR SCHWARTZ: Yes.

10 MS. McLEAN: Mr. Croonquist?

11 Captain Croonquist?

12 CAPTAIN CROONQUIST: Yes, yes.

13 MS. McLEAN: Mr. Parker?

14 MR. PARKER: Yes.

15 MS. McLEAN: Mr. Rose?

16 MR. ROSE: Yes.

17 MS. McLEAN: Mr. Zomick?

18 MR. ZOMICK: Yes.

19 MS. McLEAN: Mr. Kohn?

20 MR. KOHN: Yes.

21 MS. McLEAN: Chair Bodner?

22 CHAIRMAN BODNER: Yes.

23 (Whereupon, this is the end of Video
24 File for this agenda item. Video File
25 Counter 1:06:37.)

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C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: October 10, 2021

EXHIBIT B

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TOWNSHIP OF TEANECK
PLANNING BOARD
THURSDAY, MARCH 25, 2021
COMMENCING AT 8:00 P.M.

.....
IN THE MATTER OF: :
Public hearing for the Planning : TRANSCRIPT OF
Board to consider recommending a : VIDEO OF
Non-condemnation Area in Need of : PROCEEDINGS
Redevelopment designation to the :
Teaneck Council for Block 705, :
Lot 4.01 and Block 707, Lots 1-5, :
Also referred to collectively as :
"American Legion Drive," in the :
Township of Teaneck, New Jersey :
.....:

B E F O R E:

TOWNSHIP OF TEANECK PLANNING BOARD

THERE BEING PRESENT:

- JOSEPH BODNER, CHAIRMAN
- YITZ STERN, VICE CHAIRMAN
- HOWARD THOMPSON, SECRETARY
- MARK SCHWARTZ, DEPUTY MAYOR (8:05 P.M. ARRIVAL)
- DESIREE RAMOS-REINER, MAYOR'S REPRESENTATIVE
- CAPTAIN KENNETH CROONQUIST, MEMBER
- HOWARD ROSE, MEMBER (RECUSED)
- MARK ZOMICK, MEMBER
- ANTHONY PARKER, MEMBER (ABSENT)
- YEHUDA KOHN, ALTERNATE #1 MEMBER (ABSENT)
- DARRYL GREENE, ALTERNATE #2 MEMBER

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A L S O P R E S E N T :

DANIEL MELFI, TOWNSHIP BUILDING OFFICIAL
ROSILAND McLEAN, RECORDING SECRETARY
RICHARD PREISS, BOARD PLANNER
DIJIA CHEN, BOARD PLANNER

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

BRIAN E. EYERMAN, ESQUIRE
Counsel to the board

PRIME & TUVEL
BY: ALLYSON KASSETTA, ESQUIRE
2 University Plaza
Suite 109
Hackensack, New Jersey 07601
(201) 883-1010
Counsel to the Stop & Shop/Buddhist Center

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I N D E X

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E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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N O N E

1 (Whereupon, the following is a
2 transcription of the Video File of the
3 Township of Teaneck Planning Board Meeting
4 held on, Thursday, March 25, 2021.)

5 CHAIRMAN BODNER: Are we recording?

6 MR. EYERMAN: We are recording, yes,
7 sir.

8 CHAIRMAN BODNER: Okay, I got 8:00.

9 You can rise.

10 Meeting's called to order.

11 (Whereupon, all rise for a Recitation
12 of the Pledge of Allegiance.)

13 CHAIRMAN BODNER: Ros, can you please
14 read the Open Public Meeting Act.

15 MS. McLEAN: Adequate notice of this
16 meeting has been provided by adoption of the
17 appropriate resolution listing the 2021 meeting dates
18 by adoption of supplemental resolutions, by e-mailing
19 a copy of said resolution to The Record and The
20 Jewish Standard, by filing a copy at the Township
21 Clerk's office, posting it on the municipal bulletin
22 board and this statement be included in the minutes.

23 CHAIRMAN BODNER: Thank you very much.

24 You can take roll call, please?

25 MS. McLEAN: Vice Chair Stern?

1 VICE CHAIRMAN STERN: Here.

2 MS. McLEAN: Mr. Thompson?

3 MR. THOMPSON: Yes.

4 MS. McLEAN: Ms. Ramos Reiner?

5 MS. RAMOS REINER: Here.

6 MS. McLEAN: Captain Croonquist?

7 CAPTAIN CROONQUIST: Here.

8 MS. McLEAN: Mr. Rose?

9 MR. ROSE: Here.

10 MS. McLEAN: Mr. Zomick?

11 MR. ZOMICK: Here.

12 MS. McLEAN: Mr. Greene?

13 MR. GREENE: Here.

14 MS. McLEAN: Chair Bodner?

15 (No response.)

16 MS. McLEAN: Now, I don't see Deputy
17 Mayor Schwartz or Mr. Kohn yet.

18 CHAIRMAN BODNER: Deputy Mayor Schwartz
19 is away and tried to call in.

20 He said he's going to try again. He
21 might have to call in by phone if he can't get on.

22 And --

23 MS. McLEAN: What about Mr. Kohn?

24 CHAIRMAN BODNER: Greene, I saw on
25 before.

1 You didn't call Greene.
2 Darryl Greene?
3 MS. McLEAN: I called Greene. I called
4 Greene.
5 Mr. Kohn.
6 CHAIRMAN BODNER: Kohn and Greene are
7 both on?
8 MS. McLEAN: I don't see Kohn.
9 CHAIRMAN BODNER: Kohn is not on.
10 Okay.
11 And Schwartz is not on right now.
12 And Parker?
13 MR. THOMPSON: Mark, is he good.
14 CHAIRMAN BODNER: Alan still is in the
15 waiting room?
16 MR. THOMPSON: Mark, how does it taste?
17 CHAIRMAN BODNER: Alan's in. Okay.
18 And right now no Schwartz, Parker or
19 Kohn, correct?
20 All right.
21 Now, good and welfare.
22 Anybody from the public, either wave
23 your hand or do the electronic wave.
24 Anybody on good and welfare?
25 IT MODERATOR: Mr. -- Mr Sohn.

1 CHAIRMAN BODNER: Alan Sohn, I see him.
2 I got it.

3 Okay, unmute yourself, Alan.
4 Go ahead.

5 MR. SOHN: Can you hear me?

6 CHAIRMAN BODNER: We can hear you.

7 You have three minutes starting now.

8 MR. SOHN: Thank you very much,
9 Mr. Chair.

10 Again, there's a -- a long legacy of
11 problematic decisions, but -- by this Planning Board,
12 but it's been years since the land conservancy
13 presented a completed, ready-to-be-approved, Open
14 Space and Recreation Plan.

15 I was there. I was present at the
16 meetings where Barbara Haskins Davis presented this
17 to this Planning Board. There were a few minor
18 questions that were asked, some changes that could
19 have been made and would have been made, but this has
20 been unapproved and is still sitting unapproved.

21 Though issue of open space is a real
22 issue, it's this Planning Board that took action to
23 update the Master Plan and to allow a self-storage on
24 Route 4, and this was approved by this board even
25 after being told by the Green Acres office of the New

1 Jersey Department of Environmental Protection that
2 the land was protected.

3 This is an example of just one piece of
4 property that deserves protection. It never made any
5 sense why this was not approved. It never made any
6 sense why the review of this Open Space and
7 Recreation Plan was ever given to anybody to look at,
8 let alone the Nishuane Group.

9 The Nishuane Group had been a recipient
10 of a \$900.00 contribution -- had been given a
11 contribution to the Moving Teaneck Forward slate.
12 And don't take my word for it was a \$900.00
13 contribution; eight months later it was recorded as a
14 \$900.00 contribution.

15 There is no reason that the Nishuane
16 Group should ever have been given that contract. It
17 was, and it only delayed this process.

18 Now the Nishuane Group is gone. The
19 latest is that it's going to be Richard Preiss
20 looking at the Open Space and Recreation Plan.

21 You have a working, ready to go, ready
22 to be approved Open Space and Recreation Plan. If
23 there are issues, explain what those issues are. If
24 new eyes are needed, whether at a cost of 10, 20 or
25 \$30,000.00, why are those new eyes needed? Why is

1 this not being approved? Take action now.

2 Any member can make a motion and we can
3 see this approved tonight or at the next meeting.

4 There is no reason that this Open Space
5 and Recreation Plan --

6 CHAIRMAN BODNER: Thirty -- thirty
7 seconds.

8 MR. SOHN: Take action. Do it right.
9 Do it now. It's time.

10 Thank you.

11 CHAIRMAN BODNER: Acknowledge that
12 Deputy Mayor Schwartz came on at 8:05.

13 Thank you, Mr. Sohn.

14 Anybody else that wants to --
15 Mr. Powers, go ahead.

16 MR. POWERS: Yes, I'd like to --

17 MR. EYERMAN: Time starts now.

18 MR. POWERS: On this whole question of
19 approving the OSRP as actually prepared by Barbara
20 Davis of the -- of The Conservancy, at last night's
21 environmental commission meeting, Ken Hoffman,
22 speaking, he said, as a member of the MOST committee,
23 the PPRAB committee, and now as a member of the
24 environmental commission, which had already sent word
25 that it wanted approval of the OSRP as prepared -- at

1 least be fully reviewed as prepared by Barbara Davis,
2 he said that that is something that all three of the
3 relevant advisory committees are unanimous in
4 actually recommending.

5 And I would suggest that Mr. Sohn's
6 question to you is legitimate. If you have some
7 reason for not supporting the pre-approval of that
8 OSRP, if there's some violation of something that has
9 occurred which would require a contract twice as much
10 as the original cost of the preparation of it, for
11 heaven's sakes it is incumbent upon this body to
12 explain, at least to the advisory boards if not to
13 the rest of the public, just what it is that so much
14 concerns you that delays you now coming up on two
15 years late.

16 It is time to get the OSRP and free
17 this town to be able to have full access to all of
18 the -- all of the legitimate Green Acres funding
19 which we pay for by way of a very substantial tax on
20 this town to the state already. That is not a good
21 use of your money.

22 And certainly for this body not to
23 explain why it will not act is incumbent upon it
24 after all this time.

25 Thank you.

1 CHAIRMAN BODNER: Thank you very much,
2 Mr. Powers.

3 Anyone else, either unmute yourself,
4 wave electronically or physically.

5 (No response.)

6 CHAIRMAN BODNER: Seeing nobody else,
7 I'll count down from five, four, closing good and
8 welfare, three, two, one.

9 Good and welfare is now closed.

10 MR. THOMPSON: Joey.

11 CHAIRMAN BODNER: Yeah?

12 MR. THOMPSON: Joey?

13 CHAIRMAN BODNER: Yes.

14 MR. THOMPSON: Can we comment or -- now
15 or will you give us a moment to comment on --

16 CHAIRMAN BODNER: Yeah, sure.

17 Go ahead.

18 MR. THOMPSON: We can do it now?

19 CHAIRMAN BODNER: Go ahead.

20 MR. THOMPSON: Oh, okay.

21 In -- in light of the statements by
22 Mr. Powers and Mr. Sohn, is there a reason or what is
23 the process with regards to the approval of this
24 OSRP?

25 I mean, in light of all the other

1 things that we're doing throughout the township, the
2 open space is something that I appreciate a lot.
3 Being in New York City every day, I appreciate open
4 space when I come to my home.

5 So can we -- can you explain to me or
6 to the board, educate me a little bit, please?

7 CHAIRMAN BODNER: I'm not sure what
8 you're looking for education about.

9 MR. THOMPSON: The OSRP approval.

10 I mean, I know we had someone that came
11 and gave us a presentation some years back which
12 required, I'm assuming, approval from the Planning
13 Board so that these open space can be protected.

14 Am I incorrect or...

15 CHAIRMAN BODNER: I mean, I don't want
16 to go into the details and present them, maybe
17 Mr. Preiss can explain it more -- more clearly.

18 But I think that there's a -- if it's
19 on an agenda and there's enough votes to support it
20 to be approved as-is, then it can be approved as-is.

21 Mr. Preiss, you want to comment on
22 that?

23 MR. PREISS: Sure.

24 Thank you, Mr. Chairman.

25 Richard Preiss.

1 CHAIRMAN BODNER: But I would just
2 noted for the record, let's get Mr. Preiss, in
3 addition to our attorney, besides the board members
4 that we mentioned are here, our attorney and our
5 secretary of the board, Rosalind, and Dan Melfi, our
6 township building official, and Mr. Preiss, our
7 planner.

8 Mr. Preiss, do you have someone else
9 additional from your office?

10 MR. PREISS: Yes, Dijia Chen, a senior
11 planner --

12 CHAIRMAN BODNER: Dijia Chen is here as
13 well. Okay.

14 MR. PREISS: -- from our office is here
15 also.

16 CHAIRMAN BODNER: Okay. So we have two
17 people from -- from our planner's office.

18 For the record, Mr. Eyeran, please add
19 them to the agenda there and --

20 MR. EYERMAN: I will.

21 CHAIRMAN BODNER: -- Mr. Thompson, add
22 them on for purpose of the minutes.

23 MR. THOMPSON: Yes.

24 MR. PREISS: Thank you, Mr. Chairman.

25 So, essentially, the Planning Board,

1 amongst its duties and functions, is to adopt a
2 Master Plan.

3 And part of that Master Plan is an
4 element known as the open space and recreational
5 plan. And that has -- was adopted as part of the
6 2007 Master Plan and then re-examinations have
7 occurred.

8 The Open Space and Recreation Plan is a
9 standalone document, which the township is empowered
10 also to adopt, and the advantage of adopting that is
11 it gives the township standing and advantages in
12 terms of applying for grants for the purchase of open
13 space or conservation of open space. So it's
14 something that can be done.

15 Our office and I, in fact, was at one
16 of the presentations. We -- our office had reviewed
17 the plan, and I think at that meeting we indicated
18 that that plan was not only consistent, but sort of
19 advanced the purposes that were set forth in the --
20 in the Master Plan, so we have no objection with --
21 with that being adopted.

22 I just will correct the record in that
23 the adoption of the Open Space and Recreation Plan is
24 not the mechanism by which land is conserved or deed
25 restricted. That typically happens when the township

1 adds the particular parcel of open space to what's
2 known as the ROSI, the Recreational and Open Space
3 Inventory.

4 But, having said that, the Open Space
5 and Recreation Plan as it was prepared, in our
6 opinion, and I have not looked at it in a couple of
7 years, could be adopted by the Planning Board
8 granting the township the advantages that I spoke
9 about.

10 CHAIRMAN BODNER: Mr. Thompson, any
11 more questions?

12 One second, Mr. Rose, I see you.

13 MR. THOMPSON: So even at tonight --
14 well, no, but -- can you hear me? Hello.

15 CHAIRMAN BODNER: Yes, go ahead.

16 MR. THOMPSON: Okay.

17 So all it needs to be is placed on the
18 agenda and/or a motion for it to be approved.

19 Is that so?

20 MR. PREISS: Yes, I'd have to look at
21 the law related to that. I don't know that notice --
22 there's a notice requirement for that, so it's
23 something that could be placed on the agenda.

24 MR. EYERMAN: I think the one question
25 that was always the issue -- I'm sorry, Rich, to cut

1 you off, but I think the issue was, was whether there
2 were -- the OSRP was presented to us and we had
3 questions regarding -- the green way's obviously been
4 an issue, there's been other pieces of property on
5 that -- on that.

6 And the question that we had is whether
7 it was consistent with the Master Plan and no one had
8 ever gotten us that question. That's why we brought
9 in the planner, to just say listen is it consistent
10 --

11 CHAIRMAN BODNER: It wasn't that -- all
12 right. Let Mr. Rose speak because he raised his
13 hand.

14 And I'll comment after that.

15 Go ahead, Howard, please unmute.

16 MR. THOMPSON: Which Howard?

17 CHAIRMAN BODNER: You're muted, Howard.

18 Howard Rose.

19 MR. THOMPSON: Oh.

20 MR. ROSE: Thank you.

21 I have no problem with Barbara Davis'
22 presentation, I saw it twice, once with us and once
23 with the Council. And I have no problem if a vote
24 were held regarding it. I would vote affirmatively
25 regarding it.

1 But I am concerned with holding a vote
2 right now for one reason, not for what our lawyer
3 said, but for the reason that we have several new
4 members on this board who I don't think have the
5 information, knowledge, or have read the document,
6 but we can pose that as a question to them, in order
7 to be able to vote with validity regarding this
8 situation.

9 Thank you.

10 CHAIRMAN BODNER: I think, first of
11 all, Mr. Eyerma's comments and Mr. Rose's comments
12 are appropriate.

13 Definitely there are people on this
14 board that have never seen the plan. And I -- again,
15 as Mr. Preiss said, is it a requirement for notice or
16 not? I'm not sure. So I don't think tonight it's
17 appropriate.

18 I also can't say that I can vote on it
19 because I haven't seen it in two years. It's total
20 package consistent or not consistent is one issue.

21 There's also the question of there's
22 certain things and certain properties that are dealt
23 with in different ways that some board members may or
24 may not want to support. And I think that was some
25 of the issues of the direction of what it does to

1 some properties and certain restrictions that exist
2 on properties and additional restrictions that may be
3 added to some of those properties.

4 And I think that was some of the issues
5 that needed to be revisited and talked about and then
6 we got down to those hardcore details.

7 So I, for many reasons -- number one, I
8 don't think it's appropriate without seeing a new
9 presentation of it, everyone seeing it, being updated
10 on it and getting a lot of the questions that we had
11 answered.

12 Go ahead, Mr. Rose.

13 MR. ROSE: Thank you.

14 My concern regarding having an
15 immediate vote on it is not minimized -- does not
16 minimize the fact that I would like to see us go
17 forward on this very quickly.

18 And I would suggest that we put it on
19 our next meeting's agenda to, at the very least, have
20 a discussion among people on the board and that they
21 all have links to get that information. It's
22 available.

23 I have my original copy still, but it's
24 available on the Internet or it could be sent to them
25 by us.

1 But, again, let's be expedient now,
2 because we have to make up for two years of lost time
3 of dilly-dallying. And I don't mean to say that we
4 really dilly-dallied, but, you know, you push it on a
5 back burner for long enough, it gets off the --

6 CHAIRMAN BODNER: We got your -- we got
7 your point, Mr. Rose.

8 Thank you.

9 Deputy Mayor Schwartz, (inaudible) a
10 minute.

11 MR. EYERMAN: Mr. -- Deputy Mayor --

12 CHAIRMAN BODNER: Yeah, Deputy Mayor --

13 DEPUTY MAYOR SCHWARTZ: Yes.

14 CHAIRMAN BODNER: -- I'm not clear on
15 something Mr. Sohn said, so maybe you can clarify it,
16 about Nishuane Group.

17 DEPUTY MAYOR SCHWARTZ: I just -- let's
18 -- I'll be honest with you, I think we should put
19 this on the next agenda because according to the town
20 attorney, the Nishuane Group never executed their
21 contract and will not be -- is not -- is not
22 accepting the offer from the town to move forward
23 with their contract.

24 Personally I'd like us to retain
25 Richard Preiss to move on, I'm not sure -- I have not

1 spoken to Mr. Preiss about that and he's there. I'm
2 not sure if he's even interested in this.

3 CHAIRMAN BODNER: Okay. So --

4 DEPUTY MAYOR SCHWARTZ: He's someone
5 very familiar to this town --

6 CHAIRMAN BODNER: Thank you --

7 DEPUTY MAYOR SCHWARTZ: -- very familiar
8 to the board.

9 CHAIRMAN BODNER: That's the -- fine.
10 That's the information I wanted.

11 Could we -- is there any objection from
12 everybody if we put OSRP onto our next agenda?

13 Mr. Preiss, are you willing to come to
14 our next meeting to discuss it? Discuss --

15 MR. EYERMAN: You're on mute, sir.

16 CHAIRMAN BODNER: Unmute yourself,
17 Mr. Preiss.

18 MR. PREISS: Sorry. Sorry. Okay.

19 CHAIRMAN BODNER: Are you okay with
20 coming to our next meeting to discuss going forward
21 with it?

22 MR. PREISS: Yes, either myself or Liz
23 Leheny will set it up tomorrow --

24 CHAIRMAN BODNER: All right. That's
25 all. Okay. I just want to move on with our agenda

1 for the night. And I don't want to ignore this, so,
2 Rosalind, please put --

3 MR. EYERMAN: I've got to check the
4 notice -- Chairman, I'm sorry to cut you off. I do
5 have to check the notice requirements. I think I
6 have to give --

7 CHAIRMAN BODNER: Well, I don't think
8 -- my purpose of putting it on the next meeting is
9 the purpose of discussion, not for purpose of vote,
10 so I don't think notice is required.

11 MR. EYERMAN: Okay.

12 CHAIRMAN BODNER: I think no matter
13 what, it has to be represented. So it's not going to
14 be presented next week because Mr. Preiss has to look
15 at it and go through it and do what he has to do, he
16 hasn't looked at it in two years himself.

17 MR. THOMPSON: Can I --

18 CHAIRMAN BODNER: So, ideally, at the
19 next meeting we'll discuss it with him, we gave him
20 the charge to go forward, the Council has to approve
21 it and then we move on and Mr. -- Deputy Mayor
22 Schwartz will take care of that, move on forward.
23 He'll go through it, look at it. Let us come up with
24 questions or comments that we have next week, the
25 ones that we have already. He'll make an initial

1 presentation and then according to the proper
2 notices, et cetera.

3 Is that okay with you, Mr. Preiss?

4 MR. PREISS: Yes.

5 CHAIRMAN BODNER: Okay. That said, the
6 process can go forward.

7 Anybody, Board Member, have any
8 objection to that?

9 MR. THOMPSON: No, no objections, but
10 my only -- may I -- may I speak?

11 CHAIRMAN BODNER: Go ahead, Howard.

12 MR. THOMPSON: No objections, but can
13 we not let it take the same length of time that it --

14 CHAIRMAN BODNER: Nobody plans on it
15 being two years, so the goal is to get to it as
16 rapidly as possible.

17 MR. THOMPSON: Well, not -- hopefully,
18 not even one, right.

19 CHAIRMAN BODNER: No, hopefully it'll
20 be a short period of time.

21 MS. McLEAN: I have a question.

22 CHAIRMAN BODNER: Go ahead.

23 MR. THOMPSON: Oh, I'm sorry.

24 MALE BOARD MEMBER: Howard, next
25 meeting.

1 MS. McLEAN: I have a question, Chair.

2 CHAIRMAN BODNER: Go ahead.

3 MS. McLEAN: Does Ms. Davis have to be
4 notified to come to the -- on Zoom as well, since she
5 presented it?

6 CHAIRMAN BODNER: No, we're not going
7 to have a presentation next meeting, it's a
8 discussion about it.

9 MS. McLEAN: Okay.

10 MR. POWERS: How to --

11 CHAIRMAN BODNER: Mr. Powers, please
12 don't --

13 MALE BOARD MEMBER: Mr. Chairman?

14 CHAIRMAN BODNER: Yes.

15 MALE BOARD MEMBER: Yes, through you to
16 Ros, could we ask Ros to recirculate the latest
17 version to the board.

18 MS. McLEAN: Yes.

19 CHAIRMAN BODNER: Yes, Ros, you can do
20 that, right?

21 MS. McLEAN: Yes.

22 MALE BOARD MEMBER: Thank you.

23 CHAIRMAN BODNER: Make sure you get it
24 to all the board members and Mr. Preiss.

25 MR. POWERS: Mr. Preiss is going to do

1 it, remember that.

2 CHAIRMAN BODNER: Mr. Powers, I'm going
3 to have to remove you from the meeting if you keep
4 talking.

5 MALE BOARD MEMBER: Can you please mute
6 him.

7 CHAIRMAN BODNER: All right.

8 Mr. Preiss, make sure by Monday if you
9 don't have it, to let me know, we'll make sure you
10 get it.

11 And then Ros will send it out on Monday
12 to everybody. Anybody that doesn't get it, please
13 e-mail me or reach out to me.

14 Okay. Let's move on.

15 MR. THOMPSON: Thank you.

16 CHAIRMAN BODNER: You're welcome.

17 Thank you, Howard.

18 Let's move on with the agenda.

19 (Agenda Items from 19:43 to 24:40 on
20 the Video File.)

21 CHAIRMAN BODNER: So now we have public
22 hearing, I will testify that it has been
23 appropriately noticed and confirmed that it was
24 noticed.

25 Public hearing for the Planning Board

1 to consider the recommending a non-condemnation area
2 in need of redevelopment; AINR is the way that we
3 refer to it in the future. Designation to the
4 Teaneck Council for Block 705, Lot 4.01 and
5 Block 707, Lots 1 and 5, also referred to
6 collectively --

7 MR. EYERMAN: 1 through 5, Chair.

8 CHAIRMAN BODNER: 1 through 5, also
9 referred collectively as American Legion Drive in the
10 Township of Teaneck, New Jersey.

11 So, the process is going to be, we're
12 going to have -- turn over this meeting to Ms. Chen
13 and Mr. Preiss to discuss this. They gave us this
14 previously in a draft form. The actual draft did not
15 have any changes to it, I believe.

16 Is that correct, Mr. Preiss?

17 MR. PREISS: That is correct.

18 CHAIRMAN BODNER: The current form that
19 you see is the exact same thing that was originally
20 presented to us.

21 Now, I want the board to be clear on
22 what's about to happen tonight. We are going to
23 decide whether -- after Mr. Preiss' presentation,
24 whether -- and any testimony that's given and after
25 conversation and discussion, the vote will be to

1 designate this as an AINR, an area in need of
2 redevelopment, or to not.

3 If we indeed approve it, then we have
4 already -- assuming that it will be smooth and go
5 through, which is the likelihood, but anything can
6 happen, indeed if that's the case, there is a
7 resolution prepared in a very simple form similar to
8 the previous two areas that we did AINRs, and we will
9 then be voting on that resolution as well, which
10 Mr. Eyerman has prepared and be able to explain to us
11 exactly what that is.

12 So, Mr. Preiss, Ms. Chen, I'll turn it
13 over to you and please go forward.

14 MR. PREISS: Good evening,
15 Mr. Chairman, Members of the Board, Members of the
16 Public, I need to be sworn in because this is a
17 formal hearing, so...

18 MR. EYERMAN: Mr. Preiss --

19 CHAIRMAN BODNER: Let's -- one second,
20 Ms. Chen, unmute yourself so Mr. -- Mr. Preiss, we'll
21 swear both of you in together.

22 MR. EYERMAN: Do you both swear the
23 testimony you're going to give this board is the
24 truth, the whole truth, nothing but the truth, so
25 help you God?

1 MR. PREISS: I do.

2 R I C H A R D P R E I S S, PP

3 33-41 Newark Street, 3rd Floor, Hoboken, New
4 Jersey, having been duly sworn, testifies as
5 follows:

6 MS. CHEN: I do.

7 D I J I A C H E N, ACIP, PP

8 33-41 Newark Street, 3rd Floor, Hoboken, New
9 Jersey, having been duly sworn, testifies as
10 follows:

11 MR. PREISS: Thank you very much.

12 So --

13 MR. EYERMAN: For the record, we're
14 just going to recognize Mr. Preiss is the town's --
15 the board planner, has been trained and certified as
16 our planner.

17 MR. PREISS: Thank you very much.

18 So as the Chair indicated, this is a
19 formal hearing where the Planning Board will
20 hopefully, at the end of the hearing tonight, vote in
21 the first case to recommend whether the property,
22 which is the subject of this study, should be
23 designated as a non-condemnation area in need of
24 redevelopment and adopt a resolution indicating the
25 same.

1 That resolution would go to the
2 Township Council, and the Township Council, at their
3 next meeting, can then act on the board's
4 recommendation.

5 So we know that notice is in order, I
6 would also indicate, as the Chair indicated, we did
7 an informal presentation in February. There was
8 input by -- and questions by members of the board and
9 members of the public.

10 We also invited board members and the
11 public to indicate whether they suggested any
12 changes. We did not receive any via phone call or
13 e-mail. And as a result, the draft that we prepared
14 for the informal hearing, which is dated February 2,
15 2021, was not changed and that is the document which
16 is the basis for the formal hearing this evening.

17 Just to keep the record clear, we have
18 with us this evening, I mentioned Dijia Chen who's
19 the senior planner in our office. We are going to
20 share a number of visuals from the report itself as I
21 go through the presentation.

22 So if we could allow her to share
23 screen that would be good.

24 MR. EYERMAN: Give me one second on
25 this. I will make her -- make her cohost.

1 MR. PREISS: Right.

2 MR. EYERMAN: And there you go.

3 MR. PREISS: Okay.

4 If she could put up the cover of the
5 report when she's able to share screen.

6 Okay. So this is the -- as indicated,
7 this is the report that has already -- was the --
8 part of the presentation in February, at the February
9 meeting as an informal presentation.

10 This was also circulated to the board
11 members. A copy was made, a hard copy was made
12 available to members of the public at the office or
13 Rosalind for the Planning Board, and at the same time
14 it was posted on the Teaneck website so any member of
15 the public could also access it online.

16 I also want to just indicate that the
17 owners of two of -- of two of the properties, that's
18 the Stop & Shop property and the Buddhist center,
19 their attorney, Allyson Kasetta, from the law firm of
20 Prime Law, is here this evening in case there's any
21 questions about the owners of those two properties in
22 terms of that.

23 And we also -- as I mentioned at the
24 previous meeting, we also appended to the report --
25 our report a report prepared by Robert Volosin, who's

1 an expert in the field of supermarkets.

2 And Mr. Volosin is also here this
3 evening and he won't be making a presentation, but if
4 there are any particular questions about that study,
5 he will be here, he's available to answer any
6 questions.

7 So, just to reiterate for those of you
8 who are unfamiliar with it, this is -- the Planning
9 Board has now undertaken several redevelopment plans.
10 The first part of the redevelopment process is to
11 designate a particular property as an area in need of
12 redevelopment, and in this particular case the
13 Council requested that the Planning Board undertake
14 this investigation, and like they've done with
15 1425 Teaneck Road and other properties which have
16 been so designated, the Planning Board does the
17 study, they make their recommendation to the Council,
18 the Council can act on the study.

19 Then once it's formerly designated as
20 an area in need of redevelopment if that happens, the
21 second part of the process commences where a
22 redevelopment plan is provided for the redevelopment
23 area.

24 So we have -- I just want to reiterate,
25 we have not undertaken that -- and not started that

1 particular part of the process.

2 To the extent that the board recommends
3 and the Council adopts the designation, then the next
4 part of the process would be to work with the
5 property owner on the redevelopment plan, that would
6 likely be introduced by the Council in the same way
7 that zoning -- a zoning amendment is introduced, and
8 then it will come back to the Planning Board, and the
9 Planning Board will do a consistency review, you
10 know, to determine whether the redevelopment plan is
11 consistent with the Master Plan and provide comment,
12 and then it would go back to the Council at a public
13 hearing and then it would be adopted.

14 And then to the extent that it's
15 adopted, the applicant, the redeveloper, would have
16 to be designated as such, there would be a
17 redevelopment agreement worked out, and that
18 particular owner would have to seek site plan
19 approval, and the standards and -- within the
20 redevelopment plan would govern the redevelopment of
21 these properties, not the zoning ordinance.

22 So we have not gotten to that stage.
23 The only part of the process that we've undertaken
24 thus far is to do this particular study, and so the
25 question before the board this evening is whether

1 they would recommend the designation.

2 I've already done the presentation, so
3 I'll keep it brief and I'll be happy to answer
4 questions.

5 Essentially, if we can go to Figure 3
6 in the study -- thank you very much. So, this
7 property is located, essentially it's known as
8 American Legion Drive, but as indicated in the cover
9 of the study and in the notice, the area that we're
10 talking about consists of a parking lot that's owned
11 by Teaneck, which is Block 705, Lot 4.01, and that's
12 the -- a public parking lot that's owned by Teaneck.

13 And then across American Legion Drive
14 there are five lots. One of the lots, which is Lot
15 2, is used by the Buddhist center -- Lots 1 and 2 is
16 used by the Buddhist center for their particular
17 operation.

18 And then the remaining lots on the
19 property are owned by Stop & Shop, the Stop & Shop
20 building, and the parking lot is on the remainder of
21 those lots.

22 The owner of the property is -- owns
23 both the Stop & Shop lot as well as the Buddhist
24 center lot as well. So the total area is roughly six
25 acres in total, and is developed, obviously, for the

1 three different uses: The public parking lot, the
2 Buddhist center and the Stop & Shop supermarket.

3 The area within the Stop & Shop
4 supermarket and the Buddhist center is designated as
5 B1, which is a retail district. The Teaneck parking
6 lot is in the P district, which is the public land.

7 In terms of the Master Plan, just very
8 briefly, as long ago as the 2007 Master Plan, this
9 area was identified as a potential redevelopment
10 site. And there was an indication at that particular
11 point in time that because of its location or its
12 isolation from the Cedar Lane Business District, that
13 the current zoning and the use of the property did
14 not allow for multipurpose, multi-destination
15 shopping trips.

16 And then in subsequent Master Plan
17 re-examinations, it was affirmed that this area be
18 looked at in terms of its redevelopment potential,
19 and it was mentioned that mixed use and perhaps the
20 use of public parking garages to support the
21 development would be appropriate.

22 So that is basically the zoning and
23 Master Plan background.

24 In terms of the board's determination
25 whether the property should be designated,

1 essentially we're relying upon what's known as the
2 local redevelopment and housing law, and they have
3 eight criteria which is set forth in the report.

4 And the criteria which is most
5 applicable is criteria D, and I'll just read that
6 quickly into the record since that's the one which we
7 believe applies to both the shopping center and -- as
8 well -- to the Stop & Shop as well as the public
9 parking lot.

10 And it reads as follows. This is under
11 the local redevelopment and housing law, it's
12 N.J.S.A., I think, 12-1:5(d).

13 It says: "Areas with buildings or
14 improvement which, by reason of dilapidation,
15 obsolescence, overcrowding, faulty arrangement of
16 design, lack of ventilation, light and sanitary
17 facilities, excessive land coverage, deleterious
18 land use or obsolescent layout or any combination
19 of these or other factors are detrimental to the
20 safety, health, morals and welfare of the
21 community."

22 I would also point out that there is a
23 section under the redevelopment statute known as
24 Section 3 which says if you're looking at a number of
25 properties and one of the properties by itself does

1 not meet the criteria as being an area in need of
2 redevelopment, but is necessary to be designated as
3 part of the redevelopment area to allow for
4 comprehensive and integrated redevelopment area, that
5 that, too, can be designated.

6 And so I'm -- we referred to Section 3,
7 it's set forth on page 12, 'cause we believe that
8 Lot 1 and 2, which is the Buddhist center, falls
9 within that category.

10 So just very briefly, taking the
11 properties, the three properties one at a time, the
12 municipal parking lot we believe meets criterion D.
13 Essentially, this is a parking lot which was
14 developed in -- according to standards in the
15 previous century. We have long rows of parking.
16 It's uninterrupted. There's no landscaping. It's
17 very under-utilized. The current conditions don't
18 really reflect what the Master Plan calls for in
19 terms of providing opportunities for shopping and for
20 supporting the downtown, and because of that, we
21 believe that this property does, in fact, meet
22 criterion D within the redevelopment statute.

23 With regard to the Stop & Shop, we,
24 rely to a large extent, on the supermarket study
25 which was undertaken -- prepared by Mr. Volosin,

1 which is appended to the report. And we found that
2 through, kind of, faulty design, the particular
3 layout of the -- of the supermarket, which is set
4 forth in the report and which I described at the
5 previous hearing, and also the -- the way in which
6 the building was designed and operates, as well as
7 the fact that it's not a very energy-efficient
8 building, there's several conditions which need to be
9 corrected, and only through, essentially, demolition
10 and rebuilding could those be corrected, it's not
11 something that can be just repaired so that the
12 building could not be -- no longer obsolescent, so
13 that report, essentially, sets those conditions
14 forward.

15 And then once again, the shopping
16 center parking lot, like the municipal parking lot,
17 doesn't really meet the standards. It's -- it's very
18 much under-utilized.

19 So the combination of conditions, both
20 the supermarket itself and the parking lot, we
21 believe also meet criteria D.

22 With respect to the Buddhist center and
23 its parking lot, most of you will probably remember
24 that it was the Popcorn Factory. It fell into
25 disrepair. The Buddhist center came before the

1 Zoning Board, I believe, and got a use variance.

2 They've redeveloped the property and
3 it's in good condition. So we don't believe that
4 that meets the -- any of the criterion; however, as I
5 indicated per Section 3, to the extent that this
6 property is under the same ownership, it's really --
7 the redevelopment of this area, particularly with
8 regard to its relationship to the downtown business
9 district, Cedar Lane, is really necessary for the
10 comprehensive and integrated redevelopment of this
11 area, and so under Section 3 of the redevelopment
12 statute, we believe that this property should be
13 included in the redevelopment designation.

14 So, in conclusion, our report -- we
15 believe that there is a basis for this particular
16 study area to be designated as an area in need of
17 redevelopment.

18 Thank you very much.

19 CHAIRMAN BODNER: All right,
20 Mr. Preiss.

21 Just confirm for me now, I can open
22 this up for comments to the public and --

23 MR. PREISS: Yes.

24 CHAIRMAN BODNER: -- then we're going
25 to close it to the public and the board's going to

1 discuss it.

2 Correct?

3 MR. PREISS: Yes.

4 And I just would remind that if members
5 of the public ask questions, they don't need to be
6 sworn. If they make a statement, they would have to
7 be put under oath.

8 But I'd be happy to take questions or
9 hear any comments that the board or the public has.

10 Thank you.

11 CHAIRMAN BODNER: Just acknowledge and
12 welcome, I see Councilman Kaplan has joined us. So
13 welcome to Councilman Kaplan.

14 Anybody else, dignitaries that have
15 joined us? I apologize if I don't welcome you,
16 please identify yourselves.

17 COUNCILMAN KAPLAN: Thank you.

18 CHAIRMAN BODNER: Okay.

19 Looking to members of the board just to
20 realize, you'll have time for comments and for
21 questions. Just please, let's hear the public first
22 so that part of the testimony we heard from
23 Mr. Preiss and then any future questions that they
24 ask that may give us additional testimony from
25 Mr. Preiss, or if they want to put something on the

1 record.

2 Yes, Mr. Rose?

3 MR. ROSE: Can we have the screen share
4 stopped so we can see the people's faces?

5 Thank you.

6 CHAIRMAN BODNER: Okay. No problem.

7 Okay, I'm looking for somebody to
8 either raise their hand physically, wave, or put
9 their hand wave on the screen monitor. So far I see
10 nobody.

11 (No response.)

12 CHAIRMAN BODNER: So I'm going to close
13 it to the public unless someone unmute yourself and
14 say, oh, no, no, please.

15 (No response.)

16 CHAIRMAN BODNER: Going to Mr. Sohn,
17 I'm just checking with you. You're not trying to
18 comment?

19 (No response.)

20 CHAIRMAN BODNER: I don't want anybody
21 to say we didn't allow the public -- Mr. Orr?

22 Trying to see who I recognize as
23 members of the public.

24 DEPUTY MAYOR SCHWARTZ: Mr. Chair, I
25 make a recommendation and close it to the public.

1 CHAIRMAN BODNER: Yeah, Mr. Powers is
2 not there.

3 Okay, it's close it to the public.
4 All right. Board Members, Mr. Rose, go
5 ahead.

6 MR. ROSE: Thank you.

7 Last time we had this information, I
8 was for it. And I still am for it. And I think that
9 it's good. And I think all the reasons are very
10 valid and that we should go forward, but I had the
11 one caveat. There is a but.

12 I thought that if you look at that
13 illustration, it -- the statement's used that the
14 site is isolated. If we were to include those two
15 areas immediately north --

16 CHAIRMAN BODNER: Mr. Rose, I think
17 it's important that we try to put the screen back up
18 because you took it away and now it's hard to
19 understand what you're talking about.

20 MR. ROSE: Thank you.

21 Okay.

22 CHAIRMAN BODNER: Ms. Chen, are you
23 able to re-share that?

24 Thank you.

25 Go ahead, Mr. Rose.

1 Go back to the cover picture. Zoom in
2 like before.

3 MR. ROSE: Good.

4 The mixed use one on the top left and
5 the downtown business improvements on the top right,
6 if those areas were part of this thing, so maybe this
7 is a first step and later a second step to include
8 those because if you include those areas immediately
9 north, then you start to integrate it with the Cedar
10 Lane shopping center.

11 CHAIRMAN BODNER: Excuse me, Mr. Rose.

12 So I did bring that up at the last one,
13 I specifically myself, and if I remember correctly,
14 Mr. Preiss can correct me if I'm wrong, the answer
15 was these properties have one owner and they're ready
16 to start with it --

17 MR. PREISS: Yes.

18 CHAIRMAN BODNER: -- and that could be
19 an impetus to any other properties which are multiple
20 owners, which they don't have them all on board right
21 now.

22 Is that correct, Mr. Preiss?

23 MR. PREISS: That is correct.

24 And then the second part of it is we
25 also have to make a determination that those other

1 areas --

2 CHAIRMAN BODNER: Meet the criteria.

3 MR. PREISS: -- meet the criteria.

4 And, you know, they're very active
5 businesses, so it may be very difficult to -- to make
6 that determination.

7 But I think to your point, Mr. Chair,
8 the -- I think the Council is intent on starting with
9 this particular property and there may be other
10 properties in the downtown which would be part of a
11 Phase II for redevelopment.

12 CHAIRMAN BODNER: And I think one of
13 the things I mentioned was that once this gets done
14 and people see the results, then they may more be apt
15 to join on board.

16 MR. PREISS: Correct.

17 MR. EYERMAN: The easiest thing might
18 be to say, Mr. Preiss, is that it's an area in need
19 of redevelopment, that the northern properties are
20 doing all right and right now they don't need to be
21 redeveloped.

22 Is that true?

23 MR. PREISS: Well, the --

24 CHAIRMAN BODNER: Well, we don't know
25 that. They didn't do a study, so...

1 MR. EYERMAN: Okay.

2 MR. PREISS: Yeah, we -- the Council
3 directed the Planning Board to focus on these
4 particular areas, but I can say that, you know, the
5 Master Plan recognized these particular areas. And
6 so the study that's being done is consistent with it.
7 And it may be the catalyst for other areas. The
8 Council would have to look at it and determine what
9 those areas are and then direct that a study be done.

10 So this could be Phase I of a -- of
11 additional studies to do other areas in need of
12 redevelopment in the downtown area.

13 CHAIRMAN BODNER: Thank you,
14 Mr. Preiss.

15 Mr. Rose, anything else?

16 MR. ROSE: Yes, just -- I'm ready to go
17 --

18 DEPUTY MAYOR SCHWARTZ: I'm sorry,
19 Mr. Chair, can I interrupt Mr. Rose, please?
20 Mr. Rose, I have an important question for you.

21 CHAIRMAN BODNER: Go ahead.

22 DEPUTY MAYOR SCHWARTZ: It's actually
23 for Mr. Rose before he continues, please.

24 CHAIRMAN BODNER: Go ahead.

25 DEPUTY MAYOR SCHWARTZ: Is there --

1 does Mr. Rose -- I just want to remind him, is there
2 a conflict as a tenant in this situation? I'm sorry,
3 Howard, that's your decision to make, but I just
4 wanted to remind you on that.

5 MR. ROSE: Oh, yeah, I understand that.
6 If it were taken over I'd be out of business. That's
7 -- that's a problem, but that's life.

8 I'd like to hope that as a first step
9 this will also utilize the northern edges of what
10 we're discussing as potential connectors to the other
11 area so that when it's designed at some much later
12 stage, that we take that into consideration.

13 Thank you.

14 CHAIRMAN BODNER: Question: Last time
15 it was information purposes, this time it's an actual
16 presentation.

17 Mr. Rose, are you within 200 feet of
18 the area or you're further away?

19 MR. ROSE: I think I'd need a -- I'd
20 need a tape measure for that. I'm probably a little
21 further away.

22 CHAIRMAN BODNER: You're in the MX1,
23 right?

24 MR. ROSE: Yes.

25 I'm on the edge -- I'm above the M,

1 literally, not figuratively.

2 CHAIRMAN BODNER: Yes, I think that's
3 more than 200 feet.

4 Mr. Preiss, what do you think?

5 MR. PREISS: If he's within 200 feet,
6 it would -- it would be prudent to --

7 CHAIRMAN BODNER: Well, he's in the MX1
8 --

9 MR. PREISS: -- recuse himself on the
10 vote.

11 CHAIRMAN BODNER: Mr. Preiss, hear the
12 question, and, Brian, can you listen as well.

13 He is in the MX1 mixed use, which is
14 the neighboring properties to the upper left corner,
15 but he's on the top on Cedar Lane closer toward the
16 M.

17 So it could be within 200 feet, it
18 could be just out of 200 feet.

19 MR. ROSE: Ley's assume I'm in 200
20 feet. What's the problem? What does that mean?

21 MR. EYERMAN: It's just you should
22 recuse yourself, sir.

23 CHAIRMAN BODNER: I think you have to
24 recuse yourself.

25 MR. ROSE: I'd have to recuse myself?

1 CHAIRMAN BODNER: Yes.

2 MR. EYERMAN: Yes, sir.

3 MR. PREISS: It would be considered a
4 conflict of interest, so, yes.

5 CHAIRMAN BODNER: Howard, I would just
6 say that probably on -- for safety purposes, maybe
7 recuse yourself.

8 MR. ROSE: I'll give it con -- I'll
9 give it consideration.

10 Again, my feeling is that --

11 CHAIRMAN BODNER: The only reason,
12 Howard -- here's what I'm saying to you --

13 MR. ROSE: To my detriment, but if that
14 means it's a conflict --

15 CHAIRMAN BODNER: No, no, the
16 likelihood it's going to --

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

18 CHAIRMAN BODNER: Let me -- Howard, let
19 me just say something, the likelihood it's going to
20 get approved with or without your vote, if you vote
21 illegally for any reason, then somebody can come back
22 and we'd have to vote on it again and it would just
23 delay the process.

24 MR. ROSE: Oh.

25 CHAIRMAN BODNER: So I --

1 MR. EYERMAN: You're probably within
2 the 200 feet because it's not the front --

3 MR. ROSE: Mr. Chair?

4 Mr. Chair?

5 MR. EYERMAN: Hold on for a second.

6 Hold on.

7 MR. ROSE: Mr. Chair, may I?

8 MR. EYERMAN: Hold on. Hold on. Hold
9 on. It's not the front of your store, Mr. Rose, it's
10 the back of your store. It's in that portion of the
11 store.

12 MR. ROSE: My -- my question to the
13 Chair, I think, resolves it. Mr. Chair, may I recuse
14 myself now?

15 CHAIRMAN BODNER: Yes.

16 (Whereupon, Mr. Rose is recused.)

17 MR. EYERMAN: Thank you.

18 MR. PREISS: Can I -- can I also just
19 add one thing is that if Mr. Rose is recusing
20 himself, then the board and the public should
21 basically not take Mr. Rose's comments or questions
22 into consideration either.

23 MR. EYERMAN: Right.

24 CHAIRMAN BODNER: Thank you for that.

25 Mr. Schwartz, Deputy Mayor Schwartz, do

1 you want to say something?

2 DEPUTY MAYOR SCHWARTZ: No, I was --
3 I'm not -- I was just trying to understand that I've
4 always been --

5 CHAIRMAN BODNER: No, no, no, you
6 brought up a valid point.

7 Anything else you want to say.

8 DEPUTY MAYOR SCHWARTZ: No, not at all.
9 I didn't want to offend anyone. I'm sorry for Howard
10 Rose. I didn't want -- no offense, I just wanted to
11 (inaudible).

12 CHAIRMAN BODNER: No, I think it
13 protects the integrity of what was --

14 MR. EYERMAN: We have legal obligations
15 to recuse ourselves --

16 (Simultaneous Speaking.)

17 CHAIRMAN BODNER: Look I respect --

18 MR. EYERMAN: -- bringing it up is fine.

19 MR. ZOMICK: I have a question.

20 CHAIRMAN BODNER: Go ahead, Mr. Zomick.

21 MR. ZOMICK: We're -- we're -- we're
22 voting on the end result of whether we agree that it
23 should be --

24 CHAIRMAN BODNER: Let me -- I'll tell
25 you what -- I'll give you the answer. I said it

1 earlier. So I'll repeat it.

2 We're voting now whether we recommend
3 to Council to designate this as an area in need of
4 redevelopment non-condemnation.

5 MR. ZOMICK: Even if we don't agree
6 necessarily with Mr. Preiss' rationale for said
7 development.

8 CHAIRMAN BODNER: You don't have to
9 agree with his rationale you agree with the end
10 result. You think it's an area in need --

11 MR. ZOMICK: Right, that's what I was
12 asking.

13 CHAIRMAN BODNER: It's an area in need
14 --

15 MR. ZOMICK: I don't think it's
16 particularly dilapidated, but I think it's a good
17 area to redevelop.

18 CHAIRMAN BODNER: Well, if -- all
19 right. We don't have to debate that. So if you
20 think -- that's fine, I got it.

21 MR. ZOMICK: That's what I'm saying.
22 That's what I was asking.

23 CHAIRMAN BODNER: The end result is the
24 point, what it is.

25 MR. PREISS: If -- If I could just

1 clarify, if I could just clarify one thing is, you
2 know, there's sometimes a misperception that a
3 property has to be completely, physically
4 dilapidated, you know, and in terrible condition for
5 it to be designated as an area in need of
6 redevelopment.

7 But if you look closely at the language
8 in the statute and you look at case law, it's things
9 like excessive land coverage or faulty design and
10 arrangement which can also be utilized to determine
11 that the property has met the criteria.

12 So, yes, when you look at -- for
13 example, if you look at the Stop & Shop supermarket,
14 your immediate reaction is: Well, it doesn't look
15 particular dilapidated to me, and that's the reason
16 why we had Mr. Volosin do the study.

17 And if you look at the study that he
18 did and you look at the layout of the supermarket and
19 the parking area, as well as the Teaneck parking lot,
20 it's not the fact that it looks like it's physically
21 dilapidated, but it's on the basis of those other
22 criteria. And most particularly, it's not,
23 essentially, serving the purposes of the Master Plan
24 in its current arrangement, in its current use, that
25 qualifies it as those criteria.

1 So I just wanted to --

2 MR. ZOMICK: So what you're saying is

3 --

4 MR. PREISS: -- put that into the
5 record.

6 MR. ZOMICK: -- overall the way the
7 area currently exists, it could be poorly designed,
8 that's enough to --

9 CHAIRMAN BODNER: Mark, that's the
10 whole idea of the criteria that's in there. It
11 doesn't mean dilapidated and rundown and look like
12 garbage --

13 MR. ZOMICK: Well, again, he made the
14 point to read --

15 CHAIRMAN BODNER: The idea --

16 MR. ZOMICK: -- you made the point to
17 read item 4(d), which uses the word "dilapidated,
18 obsolescence, overcrowding."

19 CHAIRMAN BODNER: Mark -- mark --

20 MR. ZOMICK: You know, so that was the
21 main basis that he pointed out.

22 CHAIRMAN BODNER: Let me just say one
23 thing --

24 MR. ZOMICK: I just wanted to know if I
25 could agree with his finding and not necessarily

1 agree with the rationale.

2 CHAIRMAN BODNER: The end result is
3 what's the total on, but the key thing is also what
4 ending -- the point of the supermarket survey review
5 is that 40 years ago this was built and today they
6 build them more and more efficiently, so by
7 rebuilding it, it would be more efficient, more
8 productive, better for the consumer, better for the
9 owner, more profitable and --

10 MR. ZOMICK: And hopefully sell more
11 products than I'm interested in buying.

12 CHAIRMAN BODNER: Mr. Rose?

13 MR. ROSE: To, Mr. Eyerman, please, in
14 the future -- I can't speak on this as a Board Member
15 obviously, but can I speak at some later point when I
16 think it's germane --

17 CHAIRMAN BODNER: No, you can't -- you
18 can't -- that's why --

19 MR. EYERMAN: It's already been closed
20 to the public.

21 CHAIRMAN BODNER: I got to tell you
22 right now you shouldn't be speaking at all, so right
23 now you're done. It's closed to the public and
24 you're not a member. So I'm going to mute you. And
25 I'm sorry.

1 Okay. Desiree, go ahead.

2 You have to unmute, go ahead.

3 MS. RAMOS REINER: Sorry. I have
4 competing unmute buttons there.

5 So my question is, is there a way, as
6 part of this designation, to indicate or suggest that
7 the supermarket should remain a supermarket?

8 MR. PREISS: So -- yes, so it's kind of
9 a good question. We're not at that point yet where
10 we're dealing with the redevelopment plan, itself.
11 The only question that's before the board is whether
12 this property should be designated as an area in need
13 of redevelopment.

14 The second part of the process would be
15 to undertake a redevelopment plan, and that will be
16 something that the township would work with the owner
17 of that property to do that, and I think --

18 CHAIRMAN BODNER: Mr. Preiss --

19 MR. PREISS: -- one of the -- one of
20 the things that will be taken into consideration is
21 whether we allow, you know, a supermarket as part of
22 the redevelopment plan.

23 CHAIRMAN BODNER: Mr. Preiss, I think
24 the main question is, and I'll just rebound on you a
25 little bit, will we, at a later point, be able to

1 help control that a supermarket remains in the area?
2 If the general feel of the board is that this serves
3 a portion of the town and a supermarket here is
4 crucial, is there something that we have within our
5 controls or that Council has within their controls at
6 a later point to make sure that if we -- or are we
7 shooting ourselves in the foot if it's not contingent
8 that it's an area in need of redevelopment only if
9 they redevelop a supermarket as part of it?

10 MR. PREISS: So the -- the answer to
11 both questions is, yes, a supermarket can be one of
12 the uses that's permitted in the redevelopment area.

13 CHAIRMAN BODNER: Can it be required?

14 MR. PREISS: No, it's like zoning. You
15 can't require somebody to develop their property --
16 you can limit, but you can't require in terms of use.

17 CHAIRMAN BODNER: Thank you very much.

18 Desiree, that answers your question?

19 MS. RAMOS REINER: It does, thank you.

20 CHAIRMAN BODNER: Anybody else on the
21 board?

22 If not, I'll entertain a motion.

23 (No response.)

24 CHAIRMAN BODNER: Seeing no one else,
25 I'll make the --

1 DEPUTY MAYOR SCHWARTZ: I'll second the
2 motion after the Chair.

3 CHAIRMAN BODNER: All right. The
4 motion is to designate this as an area in need of
5 redevelopment.

6 I think it's something that we started
7 back in 2007 with the Master Plan to do and talking
8 about two years with the OSRP, this is 14 years, you
9 know, a long time in the making here, so let's go
10 forward with this.

11 So, motion by me, second by the Deputy
12 Mayor.

13 Any discussion on the motion?

14 (No response.)

15 CHAIRMAN BODNER: If I see no
16 discussion on the motion, I'm going to call a vote.

17 Ros, are you ready for me to call a
18 vote? I'm seeing no request for anything.

19 (No response.)

20 CHAIRMAN BODNER: Everybody on the
21 board can unmute themselves now.

22 MS. McLEAN: That's fine.

23 I'm ready.

24 CHAIRMAN BODNER: All right. Ros?

25 MS. McLEAN: I'm ready.

1 CHAIRMAN BODNER: All right.

2 MS. McLEAN: You want me to call the
3 roll.

4 CHAIRMAN BODNER: Everybody on the
5 board who has to vote, please unmute yourself now so
6 when I call your name, you'll be ready to vote.

7 Okay.

8 Vice Chair Stern.

9 VICE CHAIRMAN STERN: Yeah, I vote yes.
10 I think this is a welcome, very, very welcome
11 development, no pun intended, in the -- in what's
12 happening to this area.

13 CHAIRMAN BODNER: Great.

14 Secretary Thompson?

15 MR. THOMPSON: Yes.

16 CHAIRMAN BODNER: Okay.

17 Ms. Ramos Reiner?

18 MS. RAMOS REINER: Yes.

19 CHAIRMAN BODNER: Mr. Schwartz?

20 DEPUTY MAYOR SCHWARTZ: Yes.

21 CHAIRMAN BODNER: Captain Croonquist?

22 CAPTAIN CROONQUIST: Yes.

23 CHAIRMAN BODNER: Sorry, Mr. Schwartz,
24 Deputy Mayor Schwartz, I'm sorry about that.

25 Mr. Parker is absent.

1 Mr. Rose is recused.

2 Mr. Zomick?

3 MR. ZOMICK: Yes.

4 CHAIRMAN BODNER: Mr. Kohn is absent.

5 Mr. Greene?

6 MR. GREENE: Affirmative.

7 CHAIRMAN BODNER: And the Chair votes
8 yes.

9 All right.

10 Now --

11 MR. PREISS: Mr. Chair, we have the
12 resolution that's --

13 CHAIRMAN BODNER: I'm about to make a
14 motion on it.

15 MR. PREISS: Okay, sorry.

16 CHAIRMAN BODNER: Now I'd like to make
17 a motion to approve the resolution which is a very
18 simple resolution.

19 Brian, you want to -- after I get a
20 second, you want to just read the -- or I could read
21 the last part that -- no, I don't have it printed.

22 Do you have it in front of you, Brian?

23 MR. EYERMAN: Give me two seconds I can
24 bring it up.

25 CHAIRMAN BODNER: Why don't you bring

1 it up.

2 I'll make a motion to -- for the
3 resolution, to adopt the resolution that declares --
4 requesting Council to make this an area in need of
5 redevelopment.

6 Is there a second on that?

7 VICE CHAIRMAN STERN: I'll second that.

8 DEPUTY MAYOR SCHWARTZ: Yes, second.

9 CHAIRMAN BODNER: Seconded by Mr. --
10 Vice Chair Stern.

11 MR. THOMPSON: Okay, so the motion is
12 by you, Joey.

13 CHAIRMAN BODNER: Yes.

14 Motion by me.

15 MR. THOMPSON: Seconded by whom?

16 CHAIRMAN BODNER: And seconded by
17 Stern. The last one was a motion by me, second by
18 Schwartz.

19 MR. THOMPSON: Yes, I got the other
20 one.

21 This is to adopt the resolution --

22 CHAIRMAN BODNER: Adopt the resolution
23 of declaring it an AINR for this area.

24 Brian, do you have it?

25 MR. EYERMAN: I do, sir.

1 MR. THOMPSON: Wait a second.

2 Can you make that statement one more
3 time, please?

4 MR. EYERMAN: I'll do it, Mr. Thompson.

5 This is a resolution of the Planning
6 Board of the Township of Teaneck recommending that
7 the properties identified as Block 705, Lot 4.01, and
8 Block 707, Lots 1 through 5 on the Township of
9 Teaneck tax map or any properties thereof be
10 designated as a non-condemnation redevelopment area
11 in accordance with the local development and housing
12 law, N.J.S.A. 49:12(a)(1), et sequence.

13 CHAIRMAN BODNER: Thank you.

14 Any discussion?

15 (No response.)

16 CHAIRMAN BODNER: Seeing no discussion,
17 I'm looking, I'll do the roll.

18 Ros, you ready?

19 MS. McLEAN: Yes.

20 CHAIRMAN BODNER: Vice Chair Stern?

21 VICE CHAIRMAN STERN: Yes.

22 CHAIRMAN BODNER: Secretary Thompson?

23 MR. THOMPSON: Yes.

24 CHAIRMAN BODNER: Ms. Ramos Reiner?

25 MS. RAMOS REINER: Yes.

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CHAIRMAN BODNER: Deputy Mayor
Schwartz?
DEPUTY MAYOR SCHWARTZ: Yes.
CHAIRMAN BODNER: Captain Croonquist?
CAPTAIN CROONQUIST: Yes.
CHAIRMAN BODNER: Mr. Rose is recused.
Mr. Zomick?
MR. ZOMICK: Yes.
CHAIRMAN BODNER: Mr. Greene?
MR. GREENE: Yes.
CHAIRMAN BODNER: And myself, yes.
Okay. We've done our job, now it's
moved on to Council with the resolution.
(Whereupon, this is the end of Video
File for this agenda item. Video File
Counter 1:00:42.)

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C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: October 10, 2021

EXHIBIT C

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TOWNSHIP OF TEANECK
MAYOR AND COUNCIL
TUESDAY, APRIL 13, 2021
COMMENCING AT 8:00 P.M.

.....
IN THE MATTER OF: :
Consent Agenda, Item C.3 : TRANSCRIPT OF
Resolutions :
.....:

B E F O R E:

TOWNSHIP OF TEANECK MAYOR & COUNCIL

THERE BEING PRESENT:

- JAMES DUNLEAVY, MAYOR
- ELIE Y. KATZ, DEPUTY MAYOR 1
- MARK J. SCHWARTZ, DEPUTY MAYOR 2
- KEITH KAPLAN, COUNCILMAN
- KAREN ORGEN, COUNCILWOMAN
- MICHAEL S. PAGAN, COUNCILMAN
- GERVONN ROMNEY RICE, COUNCILMAN

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A L S O P R E S E N T :

DOUG RUCCIONE, TOWNSHIP CLERK

DEAN KAZINCI, TOWNSHIP MANAGER

CLARENCE BARNES, Building Maintenance Worker

RONN GOODMAN, Volunteer Cablecaster

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

JOHN L. SHAHDANIAN, ESQUIRE
Counsel to the Board

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I N D E X

W I T N E S S E S :

NONE

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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N O N E

1 (Whereupon, the following is a
2 transcription of the Video File of the
3 Township of Teaneck Council Meeting held on,
4 Thursday, April 12, 2021.)

5 MR. RUCCIONE: I'm starting the Zoom
6 recording and also our internal recording. I believe
7 we're all here.

8 Give me one second, let me just check
9 with Ron.

10 Seems to be working, Doug.

11 MR. RUCCIONE: All right, Mayor, you
12 are free to start the meeting.

13 Mayor, you're muted.

14 MAYOR DUNLEAVY: I was doing good, too.

15 (Whereupon, all rise for a Recitation
16 of the Pledge of Allegiance.)

17 MR. RUCCIONE: Councilwoman Romney
18 Rice?

19 COUNCILWOMAN ROMNEY RICE: Here.

20 MR. RUCCIONE: Councilman Pagan?

21 COUNCILMAN PAGAN: Here.

22 MR. RUCCIONE: Councilwoman Orgen?

23 COUNCILWOMAN ORGEN: Here.

24 MR. RUCCIONE: Councilman Kaplan?

25 COUNCILMAN KAPLAN: Here.

1 MR. RUCCIONE: Deputy Mayor Schwartz?

2 DEPUTY MAYOR SCHWARTZ: Here.

3 MR. RUCCIONE: Deputy Mayor Katz?

4 DEPUTY MAYOR KATZ: Here.

5 MR. RUCCIONE: Mayor Dunleavy?

6 MAYOR DUNLEAVY: Here.

7 MR. RUCCIONE: Adequate notice of this
8 meeting has been provided by Resolution No. 226-2020,
9 sending a copy to the newspapers officially
10 designated for 2021 by way of
11 Resolution No. 101-2020, filing a copy in the
12 Township Clerk's office and posting it on the
13 municipal building bulletin board and the Mayor
14 hereby directs that this statement be included in the
15 minutes.

16 MAYOR DUNLEAVY: Thank you, Doug.

17 And good evening, everybody.

18 Tonight's announcements township
19 administration present at tonight's meeting Dean
20 Kazinci, our township manager. Doug Ruccione
21 township clerk, Clarence Barnes building maintenance
22 worker, Ronn Goodman, volunteer extraordinaire
23 cablecaster, and John Shahdanian from the law firm of
24 Mccusker, Anselmi, Rosen and Carvelli.

25

1 (Agenda Items from 1:57 to 2:30:51 on
2 the Video File.)

3 MAYOR DUNLEAVY: Okay. Let's move onto
4 the consent agenda.

5 Township Clerk, please read the amount
6 of the bill list.

7 MR. RUCCIONE: The bill list that we
8 are considering this evening, \$8,322,025.10.

9 DEPUTY MAYOR SCHWARTZ: So moved,
10 Schwartz.

11 MAYOR DUNLEAVY: Okay.

12 Do we have a second?

13 COUNCILMAN PAGAN: Second.

14 MAYOR DUNLEAVY: Okay.

15 Does anybody want to pull anything from
16 the consent agenda for discussion?

17 COUNCILWOMAN ROMNEY RICE: Question,
18 Mr. Mayor, are we adding the proposed resolution as
19 an additional resolution to this agenda?

20 MR. RUCCIONE: (Audio Distortion) it's
21 including 100, 101 and 102, which is all the proposed
22 resolution on the Council listed items section of
23 your agenda, excluding the Star of David display
24 which will be considered at our following Council
25 meeting via resolution.

1 MAYOR DUNLEAVY: Correct.

2 Okay?

3 MR. RUCCIONE: So, again, this consent
4 agenda is for the bill list in the aforementioned
5 amount.

6 I believe we actually have some raffles
7 for the first time in a long time on there. We have
8 a lot of minutes. And we have resolutions 84 through
9 102-2021 and the bill list.

10 MAYOR DUNLEAVY: Okay.

11 It's been moved and seconded.

12 MR. RUCCIONE: Councilwoman Romney
13 Rice?

14 COUNCILWOMAN ROMNEY RICE: I'm sorry,
15 can we pull that resolution.

16 Did you say it was 100?

17 MR. RUCCIONE: Which one?

18 COUNCILWOMAN ROMNEY RICE: The one with
19 regard to the PSE&G.

20 MR. RUCCIONE: That is --

21 COUNCILWOMAN ROMNEY RICE: I'm sorry,
22 I'm looking at our hard copy which I know always --
23 there's many reiterations from our hard copy that we
24 receive, I just like the paper.

25 So I'm just trying to catch up with the

1 electronic version.

2 MR. RUCCIONE: The resolution that
3 you're mentioning, if it's about endorsing the letter
4 sent by Gordon Johnson to -- and Green Acres about
5 the PSE&G matter, that turned into
6 Resolution 102-2021 tonight.

7 COUNCILWOMAN ROMNEY RICE: Thank you
8 for that.

9 Yes, that's the one I would like to
10 pull.

11 MR. RUCCIONE: All right, hang on.

12 MAYOR DUNLEAVY: Pull 102.

13 Any other?

14 (No response.)

15 MAYOR DUNLEAVY: Okay.

16 MR. RUCCIONE: And then we have a
17 first and second on everything, but 102.

18 MAYOR DUNLEAVY: Correct.

19 MR. RUCCIONE: Councilwoman Romney
20 Rice?

21 COUNCILWOMAN ROMNEY RICE: Yes, with an
22 abstention on the bills' list.

23 MR. RUCCIONE: Councilman Pagan?

24 COUNCILMAN PAGAN: Yes.

25 MR. RUCCIONE: Councilwoman Orgen?

1 COUNCILWOMAN ORGEN: Yes.

2 MR. RUCCIONE: Councilman Kaplan?

3 COUNCILMAN KAPLAN: Yes.

4 MR. RUCCIONE: Deputy Mayor Schwartz?

5 DEPUTY MAYOR SCHWARTZ: Yes.

6 MR. RUCCIONE: Deputy Mayor Katz?

7 DEPUTY MAYOR KATZ: Yes, but I'm going
8 to abstain on the bills' list.

9 And on all of the resolutions except
10 for 95-2021.

11 MR. RUCCIONE: Hang on.

12 DEPUTY MAYOR KATZ: Abstain on that,
13 95-2021.

14 MR. RUCCIONE: You're abstaining on
15 all resos except 95?

16 DEPUTY MAYOR KATZ: And the bills'
17 list.

18 MR. RUCCIONE: Except 95.

19 Sorry, we're all over the map here.

20 Mayor Dunleavy?

21 MAYOR DUNLEAVY: Yes, with recusal on
22 98-2021.

23 MR. RUCCIONE: JD abstains. Sorry.
24 Okay.

25 All that stuff is squared away and we

1 have the one resolution pulled by Councilwoman Romney
2 Rice, 102-2021, that's the one supporting the letter
3 from Gordon Johnson.

4 COUNCILWOMAN ROMNEY RICE: Discussion?

5 MAYOR DUNLEAVY: Discussion.

6 You -- you pulled it.

7 MALE COUNCIL MEMBER: You pulled it.

8 COUNCILWOMAN ROMNEY RICE: Yes.

9 MALE COUNCIL MEMBER: You pulled it.

10 COUNCILWOMAN ROMNEY RICE: So, yeah, I
11 just wanted to say that I just didn't feel that there
12 was enough supporting documentation or input from
13 Council as a whole to this particular resolution, and
14 I just want to abstain from this.

15 MALE COUNCIL MEMBER: Okay.

16 DEPUTY MAYOR SCHWARTZ: I'd like to
17 make a motion that we approve that 102-2021.

18 MALE COUNCIL MEMBER: Right.

19 COUNCILMAN PAGAN: Second.

20 COUNCILWOMAN ROMNEY RICE: Yes, I was
21 waiting for that prior to discussion, but
22 regardless...

23 MAYOR DUNLEAVY: You pulled it, Council
24 Member, I thought you wanted to discuss it.

25 COUNCILWOMAN ROMNEY RICE: But I

1 usually thought that the discussion comes after the
2 -- the --

3 MAYOR DUNLEAVY: No.

4 COUNCILWOMAN ROMNEY RICE: -- the first
5 and second.

6 We usually do -- introduce it, second,
7 and then have discussion.

8 MALE COUNCIL MEMBER: We --

9 COUNCILMAN PAGAN: The purpose of the
10 consent agenda is -- for the benefit of the public as
11 well, is that you can pull things that you want
12 discussed; otherwise, they would be included in the
13 consent agenda.

14 Otherwise, you made the motion and a
15 second on the consent agenda and then could discuss
16 it then.

17 The point of pulling was specifically
18 for discussion, but it's fine either way.

19 MR. RUCCIONE: Abstain from here
20 (Audio Distortion) Councilwoman Romney Rice?

21 COUNCILWOMAN ROMNEY RICE: Yes.

22 MR. RUCCIONE: Okay.

23 John, is it okay that I reflect the
24 agenda accordingly that the Councilwoman is just
25 abstaining and that I don't need to pull it from the

1 consent agenda and format the agenda differently?

2 Is that all right?

3 MR. SHAHDANIAN: If she's consenting to
4 that, yes.

5 MR. RUCCIONE: Is that cool,
6 Councilwoman?

7 COUNCILWOMAN ROMNEY RICE: Yes.

8 MR. RUCCIONE: All right, most
9 radical.

10 Thank you.

11 MAYOR DUNLEAVY: All right.

12 So --

13 COUNCILWOMAN ROMNEY RICE: And you will
14 reflect my comments as well, Doug?

15 MR. RUCCIONE: Absolutely.

16 MAYOR DUNLEAVY: All right.

17 I don't see anything under introduction
18 to ordinances. So --

19 MR. RUCCIONE: Believe it or not
20 Mayor, the agenda is done for the night.

21 MAYOR DUNLEAVY: It's done.

22 MR. SHAHDANIAN: Can I -- can I just
23 thank everybody for the passing Ordinance -- or I'm
24 sorry -- Resolution 95-2021, recognizing the Armenian
25 Genocide, I just wanted to thank the Council for

1 doing that.

2 I thought -- and Councilman Kaplan
3 especially for introducing it.

4 COUNCILMAN KAPLAN: I was embarrassed
5 to read that it has been recognized for the last
6 century.

7 COUNCILWOMAN ROMNEY RICE: We don't
8 typically recognize it each year.

9 COUNCILMAN KAPLAN: I think the world
10 is, yeah. The world.

11 COUNCILWOMAN ORGEN: It means a lot.

12 MAYOR DUNLEAVY: Do I hear a motion to
13 adjourn?

14 MALE COUNCIL MEMBER: Motion to
15 adjourn.

16 COUNCILWOMAN ROMNEY RICE: Second.

17 MAYOR DUNLEAVY: All those in favor?

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

20 MAYOR DUNLEAVY: Thank you, everybody.
21 Thank you very much.

22 FEMALE COUNCIL MEMBER: Good night.

23 MALE COUNCIL MEMBER: Good night,
24 everyone.

25 MALE COUNCIL MEMBER: Good night, be

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safe.

FEMALE COUNCIL MEMBER: Good night.

MAYOR DUNLEAVY: Everybody, be safe.

(Whereupon, this is the end of Video
File for this agenda item. Video File
Counter 2:37:050.)

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C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: October 1, 2021