

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of Regular Monthly Meeting
August 29th, 2013
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Regular Monthly Meeting
Thursday,
August 29th, 2013

Mr. Lignos, Chairman called the Regular Monthly Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, August 29th, 2013 in the Council Chambers of the Borough Hall to order at 8:00 PM. He stated that the meeting was being held in compliance with the provisions of the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. He advised that the Board adheres to a twelve o'clock midnight curfew and no new matters would be considered after 11:00 P.M.

Mr. Lignos invited all persons present to join the Board in reciting the Pledge of Allegiance.

The following Planning Board members and professional persons were present at the meeting:

Mayor Heymann
Councilwoman Amitai
Mr. Lignos, Chair
Dr. Maddaloni, Vice-Chair
Mr. DiDio
Mr. BaBoo-8:09PM
Ms. Isacoff
Mr. Paltos
Ms. Stella- (alt # 1)
Mr. Nyfenger- (alt # 2)
Mr. Chagaris, Board Attorney
Mr. DeNicola, Board Engineer
Rose Mitchell, Planning Board Coordinator

The following Planning Board members and professional persons were absent from the meeting:
N/A

Mr. Lignos read the correspondence list. There was no further discussion regarding mentioned.

Motion was made by Mr. DiDio & seconded by Ms. Stella to approve minutes of 07-25-13. All present were in favor of approval.

Item # 1

Block 1607 Lot 1 (BL 1310/ L 2)
19 Ver Valen Street (7 Campbell Ave.)
Application # P-2013-03

Applicant: Closter Marketplace (EBA), LLC
Centennial AME Zion Church
Attorney: Mr. Basralian

***Refer to attached transcript.**

Motion was made by Mr. DiDio & seconded by Dr. Maddaloni to adjourn meeting. Meeting was adjourned at 11:26PM.

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STATE OF NEW JERSEY
COUNTY OF BERGEN
BOROUGH OF CLOSTER
REGULAR MEETING

IN THE MATTER OF
The Application of:

TRANSCRIPT OF
PROCEEDINGS

CLOSTER MARKETPLACE (EBA), LLC.,
CENTENNIAL AME ZION CHURCH, BLOCK
1607, LOT 1 (BL 1310/L 2) 19 VER
VALEN STREET (7 CAMPBELL AVE.)
APPLICATION #P-2013-03

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BOROUGH OF CLOSTER MUNICIPAL BUILDING
188 Closter Dock Road
Closter, New Jersey
August 29, 2013
8:00 p.m., Volume VI

B E F O R E:

- PLANNING BOARD
- JOHN LIGNOS, CHAIRMAN
- SOPHIE HEYMANN, MAYOR
- VICTORIA RUTI AMITAI, COUNCILWOMAN
- DAVID BABOO, BOARD MEMBER (8:07)
- MARK MADDALONI, BOARD MEMBER
- IRENE STELLA, BOARD MEMBER
- LEONARD SINOWITZ, BOARD MEMBER
- ROBERT DI DIO, BOARD MEMBER
- ADRIENNE ISACOFF, BOARD MEMBER
- DEAN PIALTOS, BOARD MEMBER (left at 10:22)
- PAUL NYFENGER, BOARD MEMBER
- ARTHUR CHAGARIS, ESQ., BOARD ATTORNEY
- NICK DENICOLA, P.E., BOARD ENGINEER
- ROSE MITCHELL, BOARD SECRETARY

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

WINNE, BANTA, HETHERINGTON, BASRALIAN & KAHN, P.C.
ATTORNEYS FOR THE APPLICANT
BY: JOSEPH L. BASRALIAN, ESQ.

SEGRETO, SEGRETO & SEGRETO, ESQS.
ATTORNEYS FOR THE OBJECTORS
BY: JOHN J. SEGRETO

GINA M. LAMM, CSR/RPR, Court Reporter
Job No. NJ1704626

1 CHAIR LIGNOS: Item No. 1 on our
2 agenda, and the only item on our agenda, is, block
3 1607, lot 1, 19 Vervalen Street, application
4 P2013-03, Closter Market Place, and Centennial AME
5 Zion Church are the applicants. The attorney is
6 Mr. Basralian. Let me remind everyone that this
7 is a subdivision and site plan soil movement
8 application, which was received back on May the
9 16th, deemed perfected, with stipulations, on June
10 the 5th, at that work session. The application
11 was continued and received final perfection on
12 June the 27th's regular monthly meeting. Special
13 meetings have now taken place on July the 11th, on
14 the 18th, August the 7th, and the 8th, and this
15 application is here this evening to be continued
16 at this August the 29th regular monthly meeting.

17 Mr. Basralian welcome back.

18 MR. BASRALIAN: Good evening. Good
19 evening. Did I hear that there was correspondence
20 regarding Edens, that you referenced?

21 CHAIR LIGNOS: Yes. Yes. I would
22 be more than happy to share this with you. It was
23 an article from the New York Times, that the mayor
24 just passed around to everyone. It's a nice
25 interview with the chief executor -- executive of

1 Edens, an interview.

2 MR. BASRALIAN: Oh, it didn't deal
3 with the application?

4 CHAIR LIGNOS: No.

5 MR. BASRALIAN: Fine. That's all.

6 CHAIR LIGNOS: But because it was
7 received by this board --

8 MR. BASRALIAN: I'll look at it and
9 give it back. Thank you.

10 I'd like to recall Chuck Thomas, our
11 engineer, who we concluded with on August 8th.
12 Mr. Thomas, you're still sworn.

13 MR. CHAGARIS: Correct.

14 EXAMINATION BY MR. BASRALIAN:

15 Q Mr. Thomas, during the course of the
16 last hearing on August 8th, there was a question
17 from the board, regarding the color image with
18 respect to the proposed use of LED lights for the
19 pedestrian areas, and different lights in the
20 parking area. Would you please explain or address
21 that question on behalf of the applicant.

22 A Certainly. We are proposing, as you know,
23 25-foot high lamps in the parking area, and
24 14-foot lights in the pedestrian area. Both are
25 metal halide lights. Those are the whiter lights.

1 We did -- we had checked the light bulbs, light
2 bulb color is measured in kelvin degrees, if you
3 will. That's how it's looked at. The lights in
4 the parking lot will be a white light with maybe a
5 bluish tint to those. That's a very bright light.
6 That's a very bright intensity. Whereas, along
7 the pedestrian ways, that will be your clear white
8 light. So, they will work together well. It
9 won't be two different shades or anything like
10 that.

11 To explain what the kelvin is, maybe this
12 might help you, is, picture -- kelvin is a
13 temperature like Celsius, Fahrenheit, and kelvin
14 is an extreme temperature measurement, where it
15 starts at negative 278 degrees. What that is, is
16 Celsius. What that means, is, picture a bar that
17 starts to get heated. They start heating it up.
18 And it turns red. Okay. As it turns red, that is
19 maybe 2,000 kelvin. And as it starts getting
20 hotter and hotter, it will eventually start to
21 turn yellow, maybe 3,000 kelvin. Then it will
22 start to turn white, which is now 4,000 kelvin,
23 and then eventually it will be get blistering
24 white, white-ish blue, which is 5,000 kelvin. So,
25 that's how they measure color scheme. That's how

1 the eye perceives it. So, that's the table they
2 use. So, we had it checked out on the bulbs. We
3 researched those. So, we are using a white-ish
4 light in the pedestrian areas. We have a nice
5 clear light where you're walking, and a little bit
6 brighter light in the parking lot.

7 CHAIR LIGNOS: Do you know your
8 bulbs just out of curiosity?

9 MR. THOMAS: On the -- sure, in the
10 parking area it's fourth. I'm sorry. In the
11 pedestrian area it's 4,000. In the parking area
12 it's 5,000.

13 CHAIR LIGNOS: So, 3 and 4.

14 MR. THOMAS: I apologize.

15 CHAIR LIGNOS: Okay. Say that
16 again, please.

17 MR. THOMAS: Three thousand in the
18 pedestrian area and 4,000 in the parking areas.

19 CHAIR LIGNOS: Okay. That's
20 actually a lot better. Thank you.

21 MR. BASRALIAN: That's why we take
22 notes.

23 CHAIR LIGNOS: I didn't know you
24 doubled up as a lighting consultant.

25 MR. BASRALIAN: You know, lawyers

1 think they can do everything. We are only
2 licensed for one thing, however. So, we keep our
3 mouths shut most of the time.

4 CHAIR LIGNOS: So I hear.

5 BY MR. BASRALIAN:

6 Q Is there any discernible difference
7 to the eye in terms of the lighting between the
8 pedestrian area and the lights that are in the
9 parking lot?

10 A No. No, you won't -- you won't see that.

11 Q All right. There was also a
12 question about the location of the car chargers
13 and where you would locate them. Would you please
14 address that for the board as well.

15 A Certainly. Our recommendation would be to
16 leave them in the theater area adjacent to that
17 parking area. The thinking here, is, it's a more
18 long-term use for the charger. That people will
19 be there for an hour and a half, two hours maybe.
20 Or the restaurants are there, the same thing. So,
21 you can plug the car in and leave it in that area
22 for an extended period of time. Most people, when
23 they go to a shopping center with an electric car,
24 it's already charged. They usually leave the
25 house charged. But this gives them an added

1 benefit of having a car, it will be plugged in for
2 an extended period of time.

3 Q Okay, one of the other questions
4 that was asked, was, your opinion about the best
5 location for a bus stop along Vervalen, should the
6 route be changed or altered to come down Vervalen
7 or back on Vervalen, I guess it's east and west on
8 Vervalen. Did you do an investigation? Are you
9 able to tell the board which location is the best,
10 in your opinion?

11 A We looked at -- we looked at the street in
12 our area, and the bus stop, we were trying to
13 understand the best way to utilize the bus stop,
14 to connect shopping centers and downtown. So, if
15 you look at -- I'm walking over to Exhibit A-17 --

16 CHAIR LIGNOS: Let the record show
17 that Mr. Baboo joined the board.

18 BOARD SECRETARY: 8:09.

19 CHAIR LIGNOS: 8:09. I'm sorry,
20 keep going.

21 MR. THOMAS: Sure.

22 CHAIR LIGNOS: I apologize.

23 MR. THOMAS: The intersection of
24 Lewis and Vervalen, actually is a nice central
25 location point for a bus stop to be -- to have a

1 bus stop. Because now you have the shopping
2 center. You have the shopping center located to
3 the east, and you have downtown to the west. And
4 also you can access Lewis Street to get to the
5 shops along Homans. So, this is a nice location
6 over here. I know we were talking about on our
7 site, but we thought this was a nice location.

8 MS. HEYMANN: Does Lewis Street stop
9 close to downtown --

10 CHAIR LIGNOS: Mayor, why don't we
11 allow the witness to finish and then I'll ask the
12 board for questions.

13 BY MR. BASRALIAN:

14 Q Okay. Lastly, there was a question
15 regarding the size of the transformer on Homans.
16 The board was concerned that we had shown one size
17 and that when it came to fruition there would be
18 another size. Were you able to review that with
19 the appropriate authorities and determine whether
20 or not the size represented on the plans is in
21 fact what would be utilized?

22 A Yes, we -- we had met with Orange and
23 Rockland some time ago and they gave us our
24 guidelines. We went back and revisited that. The
25 size of the transformer, we depict, is accurate.

1 However, we had increased the size of the pads
2 slightly. So, if you look on the drawings you'll
3 see that it's -- it's about an extra foot by foot
4 wider now.

5 Q So, this is the largest transformer
6 that would be located here, as shown on your
7 plans, it wouldn't be larger than that?

8 A That's our understanding, correct.

9 MR. BASRALIAN: Thank you. I
10 believe that addressed the questions --

11 CHAIR LIGNOS: Did we ask something
12 about pedestrian walks? I seem to -- just from
13 notes, there was a question on the clarification
14 of the pedestrian walk from Vervalen back to the
15 plaza.

16 MR. BASRALIAN: And I thought we
17 said we would address that with our traffic
18 consultant.

19 CHAIR LIGNOS: Fine. Fine.

20 MR. BASRALIAN: There was a question
21 about some of the, you know, the bike rack, and so
22 on. But that's another witness who will testify
23 to that. So, we're limiting it here to what was
24 directly asked of him and within his province to
25 respond to.

1 MR. DENICOLA: Can you point out
2 where the transformer is? Only one transformer?

3 MR. THOMAS: No, there's several.

4 CHAIR LIGNOS: Well, let me ask you
5 this, Mr. Basralian, is this witness now complete?

6 MR. BASRALIAN: Yes.

7 CHAIR LIGNOS: Okay.

8 MR. BASRALIAN: Subject to our
9 bringing him back for rebuttal.

10 CHAIR LIGNOS: Well, what I'd like
11 to do now, is, ask the board for questions, wrap
12 up the board's side. I'm going to start with
13 Nick, because he started, and then I'll go around.
14 And then we'll open up the meeting to the public
15 for the public's questions.

16 Nick, why don't you ask your
17 questions.

18 MR. DENICOLA: The transformers, can
19 you show us, location by location, how many there
20 are, where they're located, and how they're
21 screened.

22 MR. THOMAS: The transformer pads,
23 we have several. We have one located adjacent to
24 the theater. And if you've been out there you've
25 already uncovered it, great. Adjacent to the rear

1 of the theater. And we have another transformer
2 that is located in the back, by building D, in the
3 corner opposite from the theater. We have a
4 transformer that's located on the entrance off of
5 Homans, as it comes in, behind retail D, and the
6 side parking area. We have a transformer located
7 at the corner of the Homans entrance as well.
8 There is another transformer located directly
9 behind retail B, almost behind -- between retail A
10 and B. Behind retail A we have two transformers
11 that will be constructed. And then last but not
12 least, behind the former K-Mart will be an
13 additional transformer. So, all together we have
14 1, 2, 3, 4, 5, 6, 7, 8; 8 transformers that we're
15 showing.

16 MR. DENICOLA: So, there's nothing
17 behind building -- K-mart building?

18 MR. THOMAS: Yes.

19 MR. DENICOLA: Oh, there is, I'm
20 sorry.

21 MR. THOMAS: There's one located
22 right by the loading dock, and then two are
23 adjacent to the back of retail A.

24 MR. DENICOLA: Okay. Gotcha. And
25 they're all screened? They all have fencing

1 around it I assume and --

2 MR. THOMAS: Landscaping. We have
3 landscaping.

4 MR. DENICOLA: No fencing around the
5 transformers?

6 MR. THOMAS: No, fencing. No.
7 Right, no landscaping.

8 MR. DENICOLA: No landscaping?

9 MR. THOMAS: I mean no fencing. No
10 fencing, right.

11 CHAIR LIGNOS: Do we have any
12 concern about children getting near those
13 transformers?

14 MR. THOMAS: Well, they're sealed
15 units.

16 CHAIR LIGNOS: So, you wouldn't --

17 MR. THOMAS: Yeah, I'm not worried
18 about that.

19 MR. DENICOLA: And, again, they were
20 all reviewed in size by Rockland already?

21 MR. THOMAS: We used their
22 guidelines and then eventually we will be
23 submitting the full power calculations and have
24 the final sizes. But we're confident, based on
25 their guidelines that we are okay.

1 MR. DENICOLA: Okay. All right.

2 The ground face block, there's going to be a
3 sample of that at a later date?

4 MR. THOMAS: Yes, I have it here.

5 MR. DENICOLA: Okay.

6 MR. THOMAS: If you want to pass it
7 around. We talked about the painted metal front
8 door. That's this. And then we talked about the
9 ground face block. This is what will be
10 considered a nicer finish. And we'll also pass
11 that around as well.

12 MR. DENICOLA: Now, is that color
13 accurate? Or is that color accurate?

14 MR. THOMAS: That color is accurate.

15 MR. BASRALIAN: It's also noted, for
16 the record, that we've added to the revised
17 exhibit list, which I've provided to the board,
18 revised through August 29th, 2013, as
19 Exhibit 14-A. It includes the materials on the
20 sample board that was presented -- that was
21 presented by Mr. Roncati, as well as these two
22 items, and they're listed each individually on the
23 exhibit list.

24 MS. AMITAI: Would that be this?

25 CHAIR LIGNOS: No, that is --

1 MR. BASRALIAN: There is an exhibit
2 list. There should be copies for everyone.

3 MR. DENICOLA: Going back, you
4 mentioned about the bus stop. You're not showing
5 a bus stop on the plan though, but you're saying
6 it could be located on I guess not in front of
7 your property but in front of the TD bank?

8 MR. THOMAS: Well, we think that's a
9 great location for it. Just because it puts it
10 between all of our facilities.

11 MR. DENICOLA: Right.

12 MR. NYFENGER: You mean the Bank of
13 America?

14 MR. BASRALIAN: Yes, near Lewis
15 Street and Bank of American, right.

16 MR. THOMAS: Yeah, right across the
17 street.

18 MR. DENICOLA: There was a little
19 talk about -- I'm not sure what the conclusion was
20 about it, conceptual connection to the commons?

21 MR. BASRALIAN: Yeah, there was a
22 question about that, and I can respond on behalf
23 of the applicant.

24 MR. DENICOLA: Sure.

25 MR. BASRALIAN: We don't have an

1 objection to having some kind of connection.
2 However, it requires three parties' consent.
3 Obviously, consent -- requires the consent of this
4 applicant, the adjacent property owner, and the
5 board, with respect to whatever happens and how it
6 comes about. For the purpose of this application,
7 we haven't provided it. If in the future the
8 parties negotiate and can come to an agreement on
9 how to do that, we don't have an objection to
10 providing that in the future.

11 CHAIR LIGNOS: Can you just -- can
12 you repeat your question one more time? I'm sorry
13 I was asked --

14 MR. DENICOLA: Yeah. I know the
15 board was speaking of, I guess coming up with a
16 conceptual connection to the Closter Commons, as
17 well as pedestrian-wise. That's what prompted the
18 response.

19 MR. BASRALIAN: Yeah, I think, just
20 to expand --

21 CHAIR LIGNOS: If that was to
22 happen. If that was to happen.

23 MR. BASRALIAN: -- I'll ask him
24 where it would be located.

25 CHAIR LIGNOS: That's it.

1 MR. BASRALIAN: Okay. If you would
2 address where you would locate it, it does bring
3 about the loss of some parking spaces, and rather,
4 a relocation of a -- of a dumpster compactor, and
5 that's -- all of those are considerations. Plus
6 you have to have an agreement, obviously, with the
7 adjacent property owner and his -- and its
8 willingness to accommodate the connection.

9 MR. THOMAS: Coming off the Homans
10 easterly entrance into the site, you have this
11 side parking lot, that we have -- that we have
12 shown. There is a bank, a row of parking that's
13 on the adjoining property. This would be the
14 location where we think -- well, where it would
15 work out to connect these two properties. We
16 would have to -- there would be a lot of
17 reconstruction. It would involve Burger King, the
18 commons, the plaza as well, to get this to work,
19 because of the great differential --

20 CHAIR LIGNOS: So, Mr. Basralian,
21 if I understand you correctly, if -- if the
22 commons were to agree, if Burger King was to
23 agree, the applicant --

24 MR. BASRALIAN: And Edens would
25 agree, in terms by way of the terms of whatever it

1 entails to do, because it's a lot of construction
2 to do that sort of thing.

3 CHAIR LIGNOS: Right. Okay.

4 MR. DENICOLA: That was it for me.

5 CHAIR LIGNOS: Okay. I'm going to
6 go around, starting with the mayor, asking any
7 questions. This will be your last -- our last
8 chance of asking this witness any questions. Then
9 we will open up the questions to the public.

10 Mayor.

11 MS. HEYMANN: Yeah, I was concerned
12 about the location you proposed for the bus stop
13 because, as I visual it, the stop on Lewis Street
14 is very close to the downtown bus stop we already
15 have. And much further than I anticipated from
16 the next bus stop, which is the Closter Dock and
17 Piermont Road. And, ideally, this stop should be
18 in the middle, between those two stops. Which, I
19 think if you put it closer to theater than to
20 Lewis Street. And I think maybe Mr. Isaacson, who
21 has been pushing for that bus stop, may have an
22 opinion on this.

23 CHAIR LIGNOS: Well, why don't we
24 let that -- let Mr. Isaacson, if he does have an
25 opinion, do it during the questions of the public.

1 MS. HEYMANN: Okay.

2 CHAIR LIGNOS: Mayor, any other
3 questions?

4 MS. HEYMANN: That's it.

5 CHAIR LIGNOS: No other questions.
6 Councilwoman.

7 MS. AMITAI: I do have a few
8 questions. In the new plans, I wasn't able to see
9 the building sizes. Could you just show me each
10 building and tell me the length, the width and the
11 height of each building.

12 MR. THOMAS: Each building on the
13 site plan?

14 MS. AMITAI: Yes. Also, I think you
15 referred to building F.

16 MR. BASRALIAN: Well, for the height
17 you'd have to go back to the architectural plans.
18 And that's what Mr. Roncati already testified
19 about. But that's not on these plans per se. He
20 can give you the building -- the building sizes,
21 because he's got the square footage on the plans.

22 MR. THOMAS: Yeah, those are all --
23 those -- all those dimensions are on the
24 architectural plans.

25 MR. BASRALIAN: Well, if we could,

1 let's deal with the -- the -- what the
2 councilwoman was asking about, which is the square
3 footage and the length of the building.

4 MS. AMITAI: I'm trying to figure
5 the -- what it's going to look like. You know, I
6 know that the movie theater is 29 feet high, yes?

7 CHAIR LIGNOS: But, again, the
8 heights were really architectural issues. The
9 site plan relates to horizontals. Meaning the
10 length and the width.

11 MS. AMITAI: Okay. Nick, do you
12 know the heights on the building.

13 MR. DENICOLA: Yes. I can look them
14 up on the architectural plan. They're shown on
15 the architectural plan numerically. They're
16 numerically shown in height.

17 CHAIR LIGNOS: In other words, the
18 dimensions are given on the drawing.

19 MS. AMITAI: Yes. Okay so never
20 mind then.

21 MR. DENICOLA: I can answer that
22 then.

23 MS. AMITAI: I was having a hard
24 time figuring out, what we have now, what's going
25 to be demolished, and what's going to be built.

1 And I know I've seen it in a couple of different
2 ways, but if I could have it like all on one page.
3 Do we have it all on one page?

4 MR. BASRALIAN: Yeah, as the
5 Chairman asked two meetings back, that we present
6 that. And we will do that when we conclude with
7 this, because that's really coming through the
8 architectural plans. We will have that.

9 MS. AMITAI: Okay. That's good.
10 Because I know we got these. But we didn't get
11 that piece.

12 MR. BASRALIAN: Right. There is a
13 notation on one of the sheets in the engineering
14 plan that says you have to refer to the
15 architecturals because -- and we'll bring back
16 Mr. Roncati to testify on that.

17 MS. AMITAI: Okay. That's all I
18 have at this point.

19 CHAIR LIGNOS: That's it? Okay.
20 Dr. Maddaloni.

21 MR. MADDALONI: Yes. You mentioned
22 the lighting, in the pedestrian and in the parking
23 lot areas. It sounds like it's going to be fairly
24 bright, which clearly you don't want inadequate
25 lighting, but there could be too much of a good

1 thing too, perhaps. I can just recall one time
2 buying some cheapo fluorescent lights for my
3 kitchen, and they were just bright beyond
4 description. And it gave the kitchen a very
5 institutional look. And I quickly got rid of them
6 and bought some soft white lighting. Is that not
7 a concern here? I mean surely we want, you know,
8 adequate lighting. But, is white/blue, the way we
9 want our plaza to look?

10 MR. THOMAS: Well, there is a
11 difference between these type of the lights you
12 see in a building. These lights are recessed in
13 the head. So, when you're away from them, the
14 light is coming down. These are night sized
15 lights. So, we don't want to reflect light up.
16 You don't want them to go out. You don't see the
17 bulb unless you're almost directly underneath the
18 bulb and looking up into it. So, from a distance,
19 you'll just see, the light is just coming down
20 onto the ground illuminating the ground. So,
21 we're not flooding it with colored light. It's
22 not like that at all. It is -- it's just a white
23 clear light that comes down.

24 CHAIR LIGNOS: Could you just tell
25 Dr. Maddaloni, perhaps, the footcandle to give him

1 a sense of comfort.

2 MR. THOMAS: Sure. Sure. A
3 shopping center is typically 6 foot candles is
4 what they look at. And in this project it's 5. --
5 we're under that. We're at 5-footcandles on this
6 project. So, we're a little lower than the
7 industry standard. We had to hit the
8 5-footcandles because that's Whole Foods
9 requirement.

10 MR. MADDALONI: All right so it
11 won't be glaring?

12 MR. THOMAS: No, no, it's not
13 glaring or anything.

14 CHAIR LIGNOS: And on
15 Dr. Maddaloni's point, were you able to confirm
16 what the street lighting, presently, the type of
17 lighting we have in our -- on Vervalen, the type
18 of bulb, top of light.

19 MR. DENICOLA: That's LED.

20 MR. THOMAS: Yeah, that's an LED.

21 CHAIR LIGNOS: Correct. And do you
22 happen to know the color of those?

23 MR. NYFENGER: Kelvin.

24 MR. THOMAS: No, I don't know -- I
25 don't know the color.

1 MS. AMITAI: You mean in the
2 Renaissance district?

3 CHAIR LIGNOS: Yeah.

4 MR. DENICOLA: You're talking about
5 Vervalen?

6 CHAIR LIGNOS: No, I'm talking about
7 all of Vervalen.

8 MS. AMITAI: Well, we're supposed
9 to, according to our master plan --

10 CHAIR LIGNOS: Well, that's why I
11 asked the question.

12 MS. AMITAI: Led.

13 MR. DENICOLA: You see LED lighting
14 only on Vervalen from the borough hall going east.

15 CHAIR LIGNOS: Correct. But for
16 some reason I'm picturing them cooler, and
17 yellower. That's the only reason.

18 MR. THOMAS: If they're yellower
19 they're cooler, yes.

20 CHAIR LIGNOS: Right. And I'm
21 picturing them cooler. So, I guess -- you know,
22 that's the only reason.

23 MS. ISACOFF: Cooler is yellower?

24 CHAIR LIGNOS: Yeah, it's contrary
25 to the sun.

1 MS. ISACOFF: Okay. Because I know
2 that I'm not up yet, but I have exactly the same
3 questions, concerns. I have, even though it's not
4 my turn, I have exactly the same questions and
5 concerns that councilwoman Amitai raised it last
6 week, the last session, that the LED lights that
7 we currently have, although energy efficient, and
8 that's wonderful, have -- they're really
9 esthetically very unpleasing. I hate the way the
10 Renaissance district looks right now.

11 CHAIR LIGNOS: Is it the color? Is
12 it the color?

13 MS. ISACOFF: It's the color.

14 MR. DENICOLA: LED is not in the
15 Renaissance district.

16 MS. ISACOFF: What do we have in the
17 Renaissance district.

18 MR. DENICOLA: It's a standard I
19 guess it's --

20 CHAIR LIGNOS: Sodium. It might be
21 sodium.

22 MS. ISACOFF: Whatever they are,
23 they look blue, and they're not warm, and I really
24 want to avoid that. I want it to look warm. Not
25 withstanding the need to be safe.

1 MR. DENICOLA: Well, what -- out of
2 curiosity, the lighting you're proposing on the
3 street, on your, I guess you have lighting behind
4 the sidewalk, proposed on Vervalen, as well as --
5 not Homans. Not Homans. On Vervalen, what kind
6 of light is that? Is that also the same as the
7 parking lot lighting?

8 MR. THOMAS: Yes.

9 MR. DENICOLA: It is. Okay.

10 CHAIR LIGNOS: What do you have
11 proposed for pedestrian lighting?

12 MR. THOMAS: On Vervalen? Hold on.

13 CHAIR LIGNOS: I thought you were
14 going to match --

15 MR. THOMAS: I'm sorry, yes, he is
16 correct, yes. The pedestrian lighting along the
17 sidewalk on Homans and Vervalen is the 14 foot
18 mounted pedestrian light.

19 MR. DENICOLA: That's the same light
20 as in the plaza area?

21 MR. BASRALIAN: Within the walkways
22 in the plaza area. The other is only within the
23 parking lot.

24 CHAIR LIGNOS: Okay. Well, you
25 know, just so we can put this to rest, what I'm

1 going to ask you to please do, please confirm what
2 the lighting is in our -- Vervalen, down to
3 Closter Dock. So that we don't have a mishmash of
4 different colors. That's where our concern is.
5 Having a white light, or having a 3,000 kelvin is
6 probably adequate. We just don't want one to be
7 blue, the other to be yellow, and then all of a
8 sudden we have a third in white. So, just please
9 confirm the existing, as it exists, so that we
10 have some sort of --

11 MR. DENICOLA: Mr. Chairman, you're
12 talking about on Main Street?

13 CHAIR LIGNOS: Yeah, yeah, I'm
14 talking about the Main Street.

15 MR. DENICOLA: That's going to be
16 the -- sodium.

17 MS. HEYMANN: I would just comment
18 that the lights on Vervalen are experimental.

19 MR. DENICOLA: That's the LED
20 lighting.

21 MS. HEYMANN: Experimental on the
22 part of O&R. And they may not remain, because
23 they're unique in that particular location. The
24 street posts on Vervalen, that were installed by
25 O&R about 3, 4 years-ago, would you say?

1 MR. DENICOLA: About 4 years-ago,
2 yeah.

3 CHAIR LIGNOS: Okay, the description
4 --

5 MS. HEYMANN: I don't know if they
6 will remain that way.

7 CHAIR LIGNOS: Okay, the description
8 of an LED on Vervalen, would not be a yellow
9 light.

10 MR. DENICOLA: That's correct. No,
11 I understand that. What I'm saying is you're
12 asking them to confirm going, west I guess, from
13 the plaza.

14 CHAIR LIGNOS: Right.

15 MR. DENICOLA: We know that already.

16 CHAIR LIGNOS: That is already
17 sodium. So, we can't have a yellow light. So the
18 ideal will now be that if we make -- if we make
19 the pedestrian level at around 3,000, and make
20 that our standard, we may want to look at the
21 street lighting eventually, and have it go the
22 other way around, as opposed to having them
23 following the existing standard. We'll match
24 them.

25 MS. AMITAI: We'll match them.

1 Good. Thank you.

2 CHAIR LIGNOS: All right so scarp
3 what I asked. Thank you very much.

4 MR. DENICOLA: Fixtures along
5 Vervalen, are they going to match downtown?

6 CHAIR LIGNOS: That's what we wanted
7 to make sure, that the fixtures that we have along
8 our main street --

9 MR. DENICOLA: Are consistent.

10 CHAIR LIGNOS: -- be consistent --

11 MR. THOMAS: They'll be matching our
12 lights in size.

13 CHAIR LIGNOS: The bulb, yes. We're
14 asking that the -- could -- all right, I mean we
15 have to do it in the form of a question.

16 MR. DENICOLA: Fixtures.

17 CHAIR LIGNOS: Can we have -- would
18 you -- would the applicant consider the fixtures
19 that we use along our main street to be a
20 continuation down to --

21 MR. DENICOLA: Only along Vervalen.

22 CHAIR LIGNOS: On Vervalen.

23 MR. THOMAS: I'd have to ask them
24 the question.

25 CHAIR LIGNOS: Could you please.

1 MR. THOMAS: We have to look at the
2 fixture involved to see --

3 CHAIR LIGNOS: Okay. So, you'll let
4 us know.

5 MR. THOMAS: Do you have a plan?

6 MR. DENICOLA: I will send you the
7 plan in detail.

8 MR. THOMAS: Okay. That'd be great.

9 CHAIR LIGNOS: They're all gold.

10 MR. BASRALIAN: Solid or plated?

11 CHAIR LIGNOS: Solid.

12 MR. BASRALIAN: And conveyed to the
13 municipality, correct?

14 MR. DENICOLA: Yeah.

15 CHAIR LIGNOS: Dr. Maddaloni, thank
16 you. Good question. Mr. Baboo.

17 MR. BABOO: Last year during
18 Hurricane Sandy we had a power outage that lasted
19 a couple of weeks.

20 MR. BASRALIAN: Could you speak up a
21 little, please.

22 MR. BABOO: Sure. Last year during
23 Hurricane Sandy we had a power outage that lasted
24 for about a week. For some people it was a little
25 more than a week. Given that there's so many

1 transformers in this plan, do we know if this mall
2 is connected to one grid or more than one grid?

3 MR. THOMAS: It's coming -- it's
4 coming off of one grid. It's coming off of
5 Homans, the power is coming . Except for the
6 theater. The theater is coming off of Vervalen.
7 I don't know if it's the same grid.

8 MR. BABOO: Okay. It would be
9 interesting to -- just to know, you know, how
10 power. I mean it's going to be such a big mall,
11 so many people, and I'm sure it's going to be
12 successful, so, it would be nice if there was an
13 opportunity to take advantage of more than one
14 grid. It would be great to do that.

15 CHAIR LIGNOS: Well, I think you're
16 also asking, Mr. Baboo, and, correct, me if I'm
17 wrong, is the center planning one or more
18 generators.

19 MR. THOMAS: At this time it's going
20 to be each retailer will have to make their
21 decision if they want a generator. That's the
22 position.

23 CHAIR LIGNOS: Okay. Do you know if
24 your major retailer, which I believe has been --
25 you testified, or has been testified --

1 MR. BASRALIAN: The answer is, no.
2 We don't know what they're planning to do. If
3 you're talking about Whole Foods, no, I don't have
4 any response. They have not advised us.

5 CHAIR LIGNOS: Okay. I guess that's
6 where you were going.

7 MR. BABOO: Yeah, something. Some
8 sort of assurance.

9 MR. BASRALIAN: Well, let me just
10 clarify the question. You want to know whether or
11 not the power comes from one or more grids, to the
12 shopping center. We'll find out, and in a letter
13 that he will address to Mr. DeNicola, along with
14 the fixtures, we'll address that.

15 CHAIR LIGNOS: Could you also find
16 out, from Whole Foods, what their plan is as far
17 as a generator is concerned? I think having a
18 food retailer without a generator, I see a lot of
19 spoiled food. But it's just my -- it's just me.
20 And that's something you may want to find out.

21 Any other questions, Mr. Baboo?

22 MR. BABOO: Yeah, just in regards to
23 the transformers, do we have more transformers now
24 than we did in the current implementation of the
25 mall?

1 MR. BASRALIAN: I'm sorry.

2 MR. BABOO: Do we have more
3 transformers with a proposed plan versus what's
4 there now?

5 MR. THOMAS: You have more ground
6 transformers, that's correct. The transformers
7 will come -- transformers were on the pole
8 outside. And now we're coming onto -- now we're
9 going underground. And then we're going to come
10 into the site. Then we have our transformers.
11 So, now we're updating. This is how it's done
12 now. That was old school. This is now the new.

13 MR. BABOO: So, currently all the
14 transformers are on the poles?

15 MR. THOMAS: Some are.

16 MR. BABOO: Some are. And there's
17 some actually --

18 MR. THOMAS: Yeah, we will have more
19 transformers though.

20 MR. BABOO: Okay. And I guess all
21 the wires have to now be run underground --

22 MR. THOMAS: Yes.

23 MR. BABOO: -- to each transformer.

24 MR. THOMAS: Yeah. There will be no
25 wires from the street to the building. They all

1 go down under ground from the street.

2 MR. BABOO: Okay. Are the
3 transformers put on any type of -- what I'm trying
4 to get to, is, is if there's a flooding issue, a
5 water issue, are they put above certain height up
6 above the ground, or are they sealed?

7 MR. THOMAS: They're sealed. That's
8 right.

9 MR. BABOO: For water penetration?

10 MR. THOMAS: Yes. They are sealed.
11 I was -- I can give you a personal story about it.
12 I have underground wires in my neighborhood. And
13 I have a transformer right in my front yard. My
14 yard got flooded during Irene. I had two and a
15 half feet of water up on the transformers. I
16 never lost power.

17 MR. BABOO: No kidding. Wow --

18 MR. THOMAS: Yup, I never lost power
19 through the whole storm.

20 MR. BABOO: And the cables I guess
21 were sealed to or --

22 MR. THOMAS: They're underground,
23 they're sealed, they're in conduit, and they come
24 up, that's correct.

25 CHAIR LIGNOS: The other side of the

1 story is New York City, down on the east side in
2 the downtown area where the opposite happened.
3 So, it depends on how well they are sealed.

4 MR. THOMAS: Right.

5 CHAIR LIGNOS: Water is water.

6 MR. BABOO: Okay. Are there
7 standards for, you know, depending on the water
8 table level, and the amount of rain that falls
9 from there, do they have standards? Do you follow
10 protocols?

11 MR. THOMAS: In this case we're not
12 in a flood plain. So it will be just set on
13 grade, and they will use the standard water tight
14 unit in these areas.

15 MR. BABOO: Okay. Thank you.

16 CHAIR LIGNOS: Okay. Ms. Stella.

17 MS. STELLA: No questions.

18 CHAIR LIGNOS: No questions. Let me
19 go from Mr. Nyfenger back.

20 MR. NYFENGER: Yes. Just, are the
21 transformers supplied by Orange and Rockland or is
22 that the --

23 MR. THOMAS: Yes, they are supplied
24 by them.

25 MR. NYFENGER: So whatever they say

1 is going to work?

2 MR. THOMAS: Whatever they tell us.

3 MR. NYFENGER: Has to work?

4 MR. THOMAS: Yes.

5 MR. NYFENGER: Okay. Just to get
6 back to the lighting, and it's only from the
7 context, I have a friend who lives on High Street,
8 which would be parallel to Vervalen, and he has
9 often, in the past, complained about excessive
10 lights at night, and the sweeper that drives
11 around, the guy with the backpack blower. We're
12 not talking about the backpack blower guy. But
13 are those light going to, do you think, in your
14 opinion, going to be adversely affecting mood of
15 the block, one block over, at, you know, after say
16 10 o'clock at night?

17 MR. THOMAS: No, the lights will be
18 shutting down one hour after the last business is
19 closed. They'll go into the security mode, where
20 much of the lighting will then be shut off, except
21 for a few security lights, will be stayed on, they
22 can power down the system. Again, these light
23 bulbs are recessed, they're not bulbs sticking out
24 bright and -- so, those few security lights at
25 night will just be focused right down. And it

1 won't be -- the best example, is, when you go past
2 a gas station that has those lights that hang out
3 underneath the canopy, you can see those for a
4 mile coming up, and that's what they want you to
5 do. You won't have that. The bulbs are recessed.

6 MR. NYFENGER: And I understand
7 that, but what about the ones that are along the
8 sidewalk?

9 MR. THOMAS: Same thing. Those
10 are -- those are street lights.

11 MR. NYFENGER: Right.

12 MR. THOMAS: So, that will be -- the
13 town will have those on, assuming they stay on 24
14 for the town. So, those, again, are the same
15 thing though, they're lower now than the ones in
16 the parking lot. And those, again, are recessed
17 heads up in -- into -- into -- the lights are
18 recessed up into the heads. So, you don't see the
19 bulb. There won't be that glow coming out towards
20 the homes.

21 MR. NYFENGER: Okay. I actually
22 thought that they would be similar, because we're
23 talking about the ones that are downtown, which
24 are more like lampposts, am I correct?

25 CHAIR LIGNOS: No, we're asking --

1 MR. NYFENGER: We're not talking
2 about the lampposts?

3 CHAIR LIGNOS: We're asking -- we're
4 asking, and they're looking into, whether we use
5 the same type of lamppost that we've used in our
6 downtown, to continue, so that the streetscape
7 looks the same.

8 MR. NYFENGER: Gotcha. So, if
9 that's what we want as a town --

10 CHAIR LIGNOS: Now, but based on his
11 question, just as a clarification, presently the
12 lighting fixture that's in the parking lot now is
13 not a shoebox recessed lamp, is that correct?

14 MR. THOMAS: Right.

15 CHAIR LIGNOS: And the reason I'm
16 asking, is, to give a level of comfort here, the
17 fixture you're proposing is a totally recessed
18 head that should spill no light horizontally.

19 MR. THOMAS: That's correct. It
20 will focus down onto the ground.

21 MR. NYFENGER: So, this will be an
22 improvement?

23 MR. THOMAS: Yes.

24 MR. NYFENGER: Okay. Great. That's
25 all I want to hear.

1 CHAIR LIGNOS: At least that's what
2 I'm hearing.

3 MR. NYFENGER: That makes sense.
4 Thank you.

5 MR. DENICOLA: I have a question on
6 lighting. On the intersection, I'm looking at the
7 revised plan, one of my -- one of my letters
8 requested more lighting to be shown, the light
9 levels at the intersection of the driveways. It
10 doesn't look like -- you have some lighting at the
11 pavement edge. But nothing at the -- in the road
12 where the driveways intersect. I'm looking at the
13 one Homans Avenue intersection, it looks like you
14 have lighting of under 20 -- under 1 at the
15 intersection of Homans, easterly driveway in the
16 rear. I was hoping to get like a better idea what
17 the actual light level is in the street at the
18 intersection.

19 MR. THOMAS: Well, you have
20 streetlights as well.

21 MR. DENICOLA: Right. Right. I was
22 hoping to get that level. We don't know what that
23 level is off hand. Is that level adequate for a
24 driveway there, or not?

25 MR. THOMAS: Well, we're

1 illuminating this area. You're going to have
2 almost a footcandle. Typically --

3 MR. DENICOLA: Right. For an
4 intersection, that's bear minimum for an
5 intersection.

6 MR. THOMAS: And parking lots,
7 office parking lots, use, most time, they're
8 actually .3.6.

9 MR. DENICOLA: Right. But for
10 intersections I think under 1 is bare minimum.

11 MR. THOMAS: But we will have
12 streetlights up and down.

13 MR. BASRALIAN: Maybe we can clarify
14 the question. He's saying there's already
15 streetlights there. And, in addition, you're
16 illuminating, within the center, or at the
17 intersection, is that what you're saying? Just so
18 I understand the question and the response.

19 MR. DENICOLA: What I'd like to do,
20 is, see what the actual lighting level will be,
21 given the street lighting, plus your lighting. I
22 don't know what the answer is. I don't think
23 anybody knows the answer right now.

24 CHAIR LIGNOS: I guess the answer to
25 Mr. DeNicola's question, do you happen to know

1 what the foot candles of the existing street --

2 MR. DENICOLA: You would have to go
3 out and take a --

4 MR. THOMAS: We would have to go out
5 and take light readings.

6 MR. DENICOLA: Until we get a
7 comfort level if there isn't adequate lighting at
8 the actual intersection where the driveway meets
9 the road.

10 MR. BASRALIAN: This is the
11 intersection you're talking about so that will be
12 included in the letter to you with respect to the
13 other things, okay?

14 MR. DENICOLA: That's fine. Okay.

15 MR. BASRALIAN: Okay. Fine.

16 MS. AMITAI: Is that next to Burger
17 King?

18 MR. DENICOLA: Yeah. Any
19 intersection, really --

20 CHAIR LIGNOS: I think all of them.

21 MR. DENICOLA: All the
22 intersections, and we'll send a letter to make
23 sure they are covered.

24 CHAIR LIGNOS: Okay. Mr. Pialtos.

25 MR. PIALTOS: Yes. Going back to

1 the issue of the generator. When I had asked you,
2 last meeting, it's not only for whether Whole
3 Foods will have a generator, but will there be a
4 generator that lights up the parking lot and the
5 pedestrian walkway, that for security reasons
6 also? Let's say Whole Foods does have a
7 generator, everything else is going to be dark.
8 So, will the lighting be -- will have -- that's in
9 the lot, and the pedestrian walkway have a
10 generator for safety precautions also?

11 MR. THOMAS: No, we're not proposing
12 any generator. We investigated it. It's a
13 very -- it would be a very large generator to
14 power up a parking lot, as well as this entire
15 plaza.

16 MR. PIALTOS: Because I had asked
17 you last time you said, well, if we can't put a
18 generator to light up all the stores, which is
19 understandable. But the parking lot is going to
20 be very dark if we have a black out, for the
21 pedestrians and for the lot. So, if Whole Foods
22 has a generator, how are people going to go there
23 in the lot, won't it be dangerous?

24 MR. BASRALIAN: Well, let just
25 respond. That's an assumption that Whole Foods

1 will have a generator. And it's an assumption
2 that they would have a generator to run the whole
3 store. They may have one, if they have one at
4 all, it may be only to take care of their -- their
5 -- their produce, and not to operate the store and
6 cash registers.

7 MR. PIALTOS: That would be smart on
8 their part, wouldn't it?

9 MR. BASRALIAN: Well, that may be,
10 but then you wouldn't have anyone in the stores
11 anyway because the stores wouldn't be open, which
12 is typically what happens, has happened during
13 Sandy, many of them -- many of the supermarkets
14 had --

15 MR. PIALTOS: Well, we're trying to
16 look ahead of this so we don't have it happen like
17 Sandy again. We want to be covered. And if they
18 do have a generator that lights up their produce
19 area so people can go into -- where are they going
20 to have a generator --

21 MR. BASRALIAN: No, you
22 misunderstood me. What the supermarkets do, is,
23 all they do is have enough generation to take care
24 of their -- their refrigeration, but not to
25 operate the store. It doesn't open up.

1 MR. PIALTOS: So, let's say people
2 wanted to go get milk?

3 MR. BASRALIAN: You wouldn't be able
4 to because the isn't opened.

5 MR. PIALTOS: The store is closed?

6 MR. BASRALIAN: Yeah, it's just for,
7 if they have one at all. And all I'm saying is
8 that many of the supermarkets during the last
9 black out, if they had generation, it was only to
10 take care of their frozen foods.

11 MR. PIALTOS: So, let's say the
12 black out lasted for a week, they would want to be
13 out of business for a week?

14 CHAIR LIGNOS: Now, there is other
15 retailers that do have generators. So, you may go
16 to that one.

17 MR. NYFENGER: Can I ask a question.
18 If in the future, for you guys actually, if they
19 were to want to put a generator, would they have
20 to file for a building permit?

21 CHAIR LIGNOS: Yes. And also come
22 back here. It's actually a site plan.

23 MR. NYFENGER: So then you can say
24 you can only put a generator in if you put a
25 generator in to manage the lots. Yes? No? Maybe

1 so?

2 CHAIR LIGNOS: Say that again, I'm
3 sorry.

4 MR. NYFENGER: We could restrict
5 permission to put a generator in for Whole Foods
6 based on them putting a generator in to light the
7 parking lot.

8 CHAIR LIGNOS: At the time they come
9 back for a generator --

10 MR. NYFENGER: Correct.

11 CHAIR LIGNOS: -- or if the building
12 department issues it.

13 MR. NYFENGER: Correct.

14 CHAIR LIGNOS: I can see them
15 restricting it.

16 MR. NYFENGER: Okay.

17 MR. PIALTOS: So, wouldn't they want
18 to think of doing that ahead of time though.

19 MR. BASRALIAN: Let me rephrase it
20 then, just to be perhaps direct with it. There's
21 no present intention to have a generator in, that
22 runs the parking lot lights, or anything else. If
23 tenants elect to put generators in, that is up to
24 them, and then the owner of the shopping center
25 would have to make a determination as to what it

1 wanted to do and view, not just putting a
2 generator, it's the economics, how you operate it,
3 how big it has to be, and where it would be
4 located. Those are factors that would have to be
5 considered at the time. Right now there is no
6 intention to put a generator in. That may be in
7 the future. A lot of things change in the future
8 so --

9 MR. PIALTOS: It would be more
10 expensive later on though, to do it, wouldn't it?

11 MR. BASRALIAN: Perhaps. Perhaps.
12 But it is not the intention to do it now. And
13 they're not intend -- it's not in the plans and
14 it's not part of it, nor is there any indication
15 that anyone else will have a generator at this
16 time, including -- including Whole Foods.

17 MR. BABOO: There will be emergency
18 lighting in the store if the electricity goes out?

19 CHAIR LIGNOS: That's a code issue.

20 MR. BABOO: That's a code issue.

21 CHAIR LIGNOS: That's a code issue.

22 Any other questions Mr. Pialtos?

23 MR. PIALTOS: No.

24 CHAIR LIGNOS: Okay. Ms. Isacoff?

25 MS. ISACOFF: No.

1 CHAIR LIGNOS: No questions.

2 Mr. Didio.

3 MR. DIDIO: The concern that I have
4 is with all these transformers. There is a lot of
5 transformers going in. On Homans Avenue on the
6 eastern end of Homans Avenue, where that entrance
7 is, my understanding, by looking at the plans, is,
8 that there is two transformers practically right
9 at the driveway at the main entrance there.
10 They're not going to be really screened, except
11 for some shrubbery perhaps. But I'm sure that
12 they'll still be extremely visible. Would it be
13 possible to move those transformers away so
14 they're not in direct line of sight as people
15 enter through Homans Avenue?

16 MR. THOMAS: The one -- there is one
17 transformer at that -- near the entrance of Homans
18 Avenue.

19 MR. DIDIO: It seems to be right
20 there.

21 MR. THOMAS: Right.

22 MR. DIDIO: I don't think it's a
23 good spot in terms of visual effects.

24 MR. MADDALONI: And what would be
25 the height of the transformer above grade?

1 MR. THOMAS: About four feet.

2 MR. DIDIO: It's a big -- it's a big
3 box.

4 MS. AMITAI: Are they screened?

5 CHAIR LIGNOS: Hold on. Folks,
6 stop. Hold on. Let's go through some sort of
7 order.

8 Mr. Didio, finish your question
9 first.

10 MR. DIDIO: So, my concern with the
11 generator at the entrance there, is that if that
12 could be moved to a different location, and moved
13 down more, and then with regard to the other
14 generator, which --

15 MR. NYFENGER: Transformer.

16 MR. DIDIO: Transformer. We were
17 talking about generators.

18 MR. BASRALIAN: That's trying to
19 slip in there.

20 MR. DIDIO: With regard to the other
21 transformer, it also appears to be looking at the
22 plans in direct sight of people coming in and
23 going from that entrance.

24 MR. DENICOLA: And they typically
25 have a big box around too --

1 MR. DIDIO: Right. Right. It's an
2 eyesore. And we're trying to create a nice
3 shopping center. A nice visual architectural
4 design.

5 CHAIR LIGNOS: Well, I think we
6 would be best to ask you to please look at that.

7 MR. BASRALIAN: Well, I was going to
8 say, really that's a question that may or may not
9 be in the sole discretion of Orange and Rockland.
10 And not necessarily the applicant. And we can ask
11 about it. And I will include that one in the
12 letter as well, if there is a response.

13 MR. DIDIO: Because my feeling, is,
14 since it has to be added, fine, but add it
15 someplace else in a different location.

16 MR. BASRALIAN: It sounds logical to
17 us, the layman, it may not be logical for the
18 people who install it. So, we really have to
19 check with them. We'll try to do that, yes.

20 MR. DIDIO: And the other point that
21 I want to make, is, I agree with the mayor with
22 regard to the location of the bus stop. I too
23 feel that the bus stop should be moved down more
24 towards the theater, because that's a big span for
25 people.

1 MR. NYFENGER: Where was it going to
2 be again, roughly? Maybe just point on the map.

3 MR. BASRALIAN: Why don't you point
4 out where it is.

5 MS. HEYMANN: Right by borough hall.
6 Right here.

7 MR. NYFENGER: But that's a traffic
8 light. That's not a -- that's not a good spot.

9 MR. DIDIO: Right now --

10 MR. THOMAS: It widens out over
11 here. We are looking at this location being more
12 central, is what we're looking at. One of the
13 things that we had looked at, initially, was at
14 the theater area. And the concern over here was
15 the same, similar over here, was, that we were
16 concerned that this is a driveway entrance. Buses
17 stopping here and people trying to go around the
18 bus. Where this is an intersection, and traffic
19 stoplight control. So, that's why we thought that
20 this might be better. That it's at the central
21 location between the two as well.

22 MR. DIDIO: With regard to the bus
23 stop though, wouldn't it be possible to design
24 like an in, cut-in, in the curb?

25 MR. THOMAS: No. By doing that we

1 would come right into the plaza area that we're
2 trying to create.

3 MR. DIDIO: All right. Well, take a
4 look and see in you can -- thank you.

5 MR. BASRALIAN: I think at the last
6 hearing, Mr -- I know Mr. Thomas said that it's a
7 four lane roadway, and that putting in a pull-off
8 wasn't really necessary or practical, because of
9 the impact. And up and down Vervalen or any wide
10 street, the buses stop at the curb and not at the
11 pull-in. And as he mentioned, the concern was
12 because cars might pull around to try to get
13 beyond the stopped bus to go in, or cars pull out
14 without looking that there's traffic in the second
15 lane. It is a four lane roadway, although not
16 busy necessarily, it's a four lane roadway. So,
17 it's very wide for a bus stop.

18 MR. DIDIO: All right. Thank you.

19 CHAIR LIGNOS: But you having just
20 said that, their request, I think then sounds
21 reasonable, in the sense, that if there is four
22 lanes, as you had testified at the last meeting,
23 one of the lanes could be taken up by the bus that
24 is slowing down, stopping, in which case, since
25 all of Vervalen is four lanes, that bus can stop

1 anywhere along Vervalen. So, therefore, I ask
2 you, again, if the board feels that the bus stop
3 should be closer to the -- to the other end, and
4 since it's four lanes along all of Vervalen, and
5 since one bus would never stop traffic because a
6 car can go around it, could you stop the bus
7 before the indicated stop that you were
8 contemplating?

9 MR. THOMAS: Before --

10 CHAIR LIGNOS: In other words --

11 MR. BASRALIAN: Before Lewis Street.

12 CHAIR LIGNOS: -- further -- further
13 east.

14 MR. DIDIO: Towards the movies.

15 MR. NYFENGER: Is that entrance by
16 the movie theater a two-way entrance?

17 MR. THOMAS: Yes, this is a two-way.

18 MR. BASRALIAN: Yes.

19 MR. NYFENGER: Oh, it is. Okay.

20 MR. THOMAS: You're right, there are
21 locations. Again -- there was a walk along
22 here --

23 MR. NYFENGER: You can go in between
24 the two.

25 CHAIR LIGNOS: John, councilwoman, I

1 just want to make sure that everyone is listening
2 to this. So, I don't want to have -- I want -- I
3 want the witness to please answer. What we're
4 getting at, is, if it's four lanes all through,
5 then I can imagine that you could work with our
6 engineer and find an ideal location for a shelter
7 of some sort that would not get in the way of the
8 center, and a bus could stop.

9 MR. BASRALIAN: You know, the
10 question I asked him, is, after reviewing it,
11 what, in your opinion, was the best location for
12 it to be. And he indicated, or very specifically
13 testified, that he felt closer to Lewis Street
14 because it gave access to downtown, it gave access
15 to the going north on Lewis Street to the shops,
16 and gave access to the shopping center. You asked
17 him what his opinion was. If the board has
18 another opinion, they can designate where they
19 think they would like to have it, and it's
20 subject, of course, to the bus company for the
21 relocation. So, it can be anywhere. Yes.

22 CHAIR LIGNOS: I respect that. But
23 in his opinion, as a professional, I have to then
24 ask: Did he see the fact that, where he is
25 proposing the bus stop, within 300 feet, there was

1 another one, right across the street, right in
2 front of the municipal building. So, what I'm
3 asking, is, that perhaps that was an oversight,
4 and would he please, you know, would you
5 reconsider, that being that Vervalen is four
6 lanes, that any place along Vervalen could make a
7 very plausible, you know, stop.

8 MR. NYFENGER: Would there be one on
9 both sides of the street, to pick up and drop off?

10 CHAIR LIGNOS: Right now we're
11 talking about for one side.

12 MR. DENICOLA: Only the one side.
13 But there could be one on the other side of the
14 borough --

15 MR. BASRALIAN: We don't -- we don't
16 control the other side of the street.

17 MR. NYFENGER: Sure, sure, sure.

18 CHAIR LIGNOS: But I'm assuming that
19 perhaps the applicant would be willing to work
20 with our engineer to find an ideal location along
21 Vervalen, am I correct?

22 MR. BASRALIAN: It assumes the bus
23 lasts, it assumes the bus line will relocate, and
24 all of those things.

25 CHAIR LIGNOS: Yeah, of course, of

1 course.

2 MR. DIDIO: I have no further
3 questions.

4 CHAIR LIGNOS: Thank you very much.
5 Mr. Sinowitz.

6 MR. SINOWITZ: Are you in agreement
7 with what our chairman just spoke of? I didn't
8 hear your answer.

9 MR. DENICOLA: He'll look into it.

10 MR. THOMAS: Yes, we're going to
11 look into it. I'm going to work with your
12 engineer, and we're going to look at potential
13 locations for a bus stop.

14 MR. SINOWITZ: Thank you.

15 MS. AMITAI: Just one question.

16 CHAIR LIGNOS: Hold on. Hold on. I
17 want to make sure everyone is finished on this
18 end. Only because I've -- I've seen a few more
19 questions pop up. I'm going to ask one more time
20 if there's any other questions. Because I would
21 like to open up this meeting to the public and
22 keep this going.

23 Mayor, any other questions?

24 Councilwoman. Dr. Maddaloni. Mr. Baboo.

25 Okay, Ms. Stella. Yes, I'm sorry.

1 MS. STELLA: Yes. How will one --
2 how will a passenger get from the bus to a store
3 where they work or want to shop? Any pathways?
4 Or would you make openings in the bushes so they
5 can get to walk in the parking lot? I mean how
6 will one get from the bus to the store?

7 CHAIR LIGNOS: For instance, can you
8 confirm that there's a sidewalk, and then there is
9 clear paths of travel for pedestrians to get back
10 to the center.

11 MR. THOMAS: Right. There is a
12 sidewalk proposed all along Vervalen. And there
13 are sidewalks, particularly along -- in front of
14 the plaza area over here, to allow -- to allow
15 them to go in. But we haven't really worked out
16 the details with the subdivision yet in this area
17 for that. Obviously pedestrians can walk through
18 the parking lot, as everyone will who parks there.

19 MS. STELLA: So, from the sidewalk
20 they'll just walk through the bushes, through the
21 trees?

22 MR. THOMAS: Well, if there's a bus
23 stop, you would work a path. You know, it's a bus
24 stop. For sure you just wouldn't, you know, trail
25 blaze.

1 CHAIR LIGNOS: So, you're not --
2 you're not suggesting that the parking lot be used
3 for pedestrian travel. You're saying they would
4 walk along the sidewalk, to a legitimate entrance
5 sidewalk entrance into the mall, which happens to
6 be by the theater complex, and then you can walk
7 wherever you want, am I correct? Is that what I'm
8 seeing?

9 MR. THOMAS: Yes.

10 MS. AMITAI: That's where the bus
11 should go then.

12 MS. STELLA: Oh, yeah. I
13 understand, but I see how people do this.

14 CHAIR LIGNOS: No, I understand. I
15 understand.

16 MR. BASRALIAN: The general nature
17 is people are going to go where they want. They
18 walk through parking lot. They walk -- they'll
19 walk all the way from the parking space closest to
20 Vervalen, through the parking lot, in any case --
21 way, the shortest distance between two points.

22 CHAIR LIGNOS: And water still
23 travels on the path of least resistance.

24 MR. BASRALIAN: Right.

25 CHAIR LIGNOS: Okay, councilwoman.

1 MS. AMITAI: Are the transformers
2 screened?

3 MR. THOMAS: Yeah, we -- yes, we
4 are -- there is screening for the transformers.
5 The landscape architect --

6 MS. AMITAI: As in green bushes or
7 --

8 MR. THOMAS: Green bushes, yes.

9 MR. BASRALIAN: Yeah, our landscape
10 architect will go there, yes. He indicated they
11 are landscaped screened already. And the
12 architect will testify to it.

13 MS. AMITAI: And then I have another
14 question, but I guess it doesn't relate to you.
15 So, I don't know when to ask it.

16 CHAIR LIGNOS: Who does it relate
17 to?

18 MS. AMITAI: Well, I suppose, the
19 attorney.

20 CHAIR LIGNOS: He's not testifying.

21 MS. AMITAI: I know. So, when do I
22 get to ask the question?

23 CHAIR LIGNOS: What is the question?

24 MS. AMITAI: The question is: I
25 looked at the Eden's website, of all of their

1 shopping centers, and even those that aren't built
2 have stores that are buying space. In other
3 words, people know what stores are going into the
4 shopping centers. So, how is it that we can't get
5 some kind of handle on the kinds of stores that
6 would be filling the shopping center?

7 MR. BASRALIAN: I will tell you each
8 location in the country is unique in how you lease
9 and pre lease. This shopping center has a long
10 way to go before it's approved and will be built.
11 I'm telling you what the basic is. This shopping
12 center doesn't have a start time for construction.
13 We know what we would like to do. We would start
14 the day after we got approval, if that were
15 possible. And, so, it's much harder to pre lease
16 other than Whole Foods, which we know has been in
17 existence since 2009. So, it is different in each
18 locale in the country. And when you have a start
19 time and a finish time, you can lease. You can't
20 lease stores two years from now.

21 MS. AMITAI: Okay.

22 CHAIR LIGNOS: Councilwoman,
23 anything else?

24 MS. AMITAI: I don't have anything
25 else.

1 CHAIR LIGNOS: Okay. Any other
2 member of the board having any questions? I see
3 and hear none, and, therefore, we're going to open
4 up this portion of the meeting to the public.
5 Members of the public, this is an opportunity to
6 ask, this witness a question that you may have.
7 Please refrain from comments. Please ask
8 questions of this witness. Who would like to --
9 Mr. Isaacson, I see your hand raised.

10 MR. ISAACSON: Steve Isaacson, 97
11 Columbus Street. Can I ask if there will be an
12 opportunity to question the cubic volume of the
13 shopping center in the future? You said you were
14 bringing the architect back. He would be the
15 person to answer that question?

16 MR. CHAGARIS: Can this witness
17 answer that question?

18 MR. BASRALIAN: The cubic volume of
19 the stores in the shopping center?

20 MR. ISAACSON: Yes.

21 MR. BASRALIAN: No, that's not --
22 that's not within his purview to ask. Answer
23 rather.

24 MR. ISAACSON: So, who would be able
25 to answer that question?

1 CHAIR LIGNOS: Well, that would have
2 been of the engineer -- the architect.

3 THE WITNESS:

4 MR. THOMAS: The architect.

5 MR. ISAACSON: Right. But I thought
6 I heard recently that you would be bringing back
7 Mr. Roncati to answer questions --

8 MR. BASRALIAN: Only for a
9 specific -- the specific direct or redirect --
10 direct he's going to give on issues that have been
11 raised since his testimony. That's all he's
12 brought back --

13 CHAIR LIGNOS: Do you have a
14 specific concern about volume?

15 MR. ISAACSON: I'm just basically --
16 I mean I appreciate the fact that the size of the
17 shopping center, the footprint is coming down
18 3,000 feet. But I'm just curious how much the
19 cubic volume of the shopping center is going to
20 increase, or decrease, as the case may be. I mean
21 because that may have an affect on usable square
22 footage within the buildings, number of people who
23 could be working in the buildings, parking
24 requirements based upon those things.

25 MR. CHAGARIS: It doesn't sound --

1 it doesn't sound like this witness is --

2 MR. BASRALIAN: It's not this
3 witness, nor is it relevant, because the square
4 footage, the footprint square footage is -- is the
5 retail space. That's what all the calculations
6 are based upon it in every way, shape or form.
7 And not on cubic area.

8 MR. ISAACSON: No argument with
9 that. But many stores put in balconies,
10 mezzanines.

11 CHAIR LIGNOS: But according --

12 MR. ISAACSON: Restaurants do the
13 same thing. I'm just curious.

14 CHAIR LIGNOS: According to
15 testimony -- and that's a fair concern. But
16 according to the testimony they would not be able
17 to put in a mezzanine, or a balcony, without
18 increasing the square footage. In which case --
19 in which case, they wouldn't have an approval for
20 that. Because any approval or denial from this
21 board would be based on a -- on the witness and
22 submitted square footage.

23 MR. ISAACSON: Okay. Also, to go
24 along --

25 CHAIR LIGNOS: No, no, what I'm

1 saying it's existing on these drawings, and its
2 been -- in other words, it can't be anything
3 beyond what's on the drawings.

4 MR. BASRALIAN: If we wanted to add
5 any second story or mezzanine, we would have to
6 come back.

7 MR. DENICOLA: Right.

8 CHAIR LIGNOS: Correct.

9 MR. BASRALIAN: We all agree.

10 MR. ISAACSON: Okay. Thank you very
11 much. Also, just to go along with Mr. Pialtos' --
12 lights go out when lights go out. Let's say it's
13 the wintertime, it's 6 o'clock, the lights go out,
14 people are in a movie theater, there are emergency
15 lights, but if the whole parking lot and the
16 sidewalks are icy, and in the dark, that's a
17 safety concern. I'm sure that's what he was
18 concerned about, about generators to cover areas.
19 And I appreciate the fact that if there was a
20 blackout, that the shopping center would be
21 closed. But what happens until that point when it
22 does -- when it is closed, how can people who are
23 stuck in an emergency situation safely exit the
24 shopping center? That was my concern.

25 CHAIR LIGNOS: Just please make your

1 concerns in the form of questions.

2 MR. ISAACSON: Okay. Also, it was
3 stated that all the store owners would be asked
4 whether they want to put in a generator.

5 MR. BASRALIAN: Excuse me. That was
6 not the question. That was not the response. The
7 response was, that, it would be up to a store
8 owner to put in a generator. We never said we
9 would ask them.

10 MR. ISAACSON: Okay. So, where
11 would they put these generators? And if every
12 store puts a generator in, where would those
13 generators be? On the roof?

14 CHAIR LIGNOS: They would have to
15 come back here and show us.

16 MR. DENICOLA: Get a permit.

17 MR. ISAACSON: And now let's talk
18 about the -- the bus, just for a second. My
19 concept -- can I do it without a question?

20 CHAIR LIGNOS: You'll have chance --
21 no, you'll have an opportunity for comments.
22 Right now it's questions.

23 MR. ISAACSON: Okay. Once again,
24 this was to follow-up with our mayor.

25 CHAIR LIGNOS: If you can do it in

1 the form of a question. You will have a chance
2 for comments later on. I promise.

3 MR. ISAACSON: Are you aware that
4 it's up to the county to determine where bus stops
5 are placed? It's not up to the engineer. It's
6 not up to you. It's up to the county. It's up --
7 are you aware of that?

8 MR. THOMAS: I don't know if that's
9 a true statement or not.

10 MR. ISAACSON: I'll state it's a
11 true statement.

12 CHAIR LIGNOS: You are not
13 testifying, Mr. Isaacson.

14 MR. DENICOLA: It's up to county on
15 a county road. Vervalen is not a county road.

16 MR. ISAACSON: Okay so, this is not
17 a county road. So, okay. Well, are you also
18 aware that the county will provide free shelters,
19 free benches, and free receptacles?

20 MR. THOMAS: No, I don't know that.

21 MR. ISAACSON: Okay. Also, are you
22 aware that there is a pathway through the woods
23 here, that currently the buses go down Closter
24 Dock Road? Are you aware that there are two bus
25 stops in between Piermont Road and the borough

1 hall, and that the passengers who normally get on
2 and off at those stops, will want to get access to
3 Vervalen, are you aware of that?

4 MR. THOMAS: That the passengers --
5 I don't know if every passenger wants access to
6 Vervalen.

7 MR. ISAACSON: Well, if they want to
8 get on the bus, how are they going -- they're
9 going to have to walk through the woods, to get to
10 Vervalen, where there's going to be a bus stop.
11 Now, currently our buses go this way. And Perry
12 Street is over here. Are you aware that we do not
13 have a bus stop currently there?

14 MR. THOMAS: I do not know that.

15 MR. ISAACSON: Okay. Are you aware
16 that the buses would be coming up county road and
17 making a turn on Vervalen and coming west, this
18 way?

19 CHAIR LIGNOS: That's if we get them
20 to --

21 MR. ISAACSON: If we get them. And
22 if we get a traffic light installed there too, as
23 well.

24 MR. THOMAS: I'm not in a position
25 to tell them where to put their buses.

1 MR. BASRALIAN: You know --

2 MR. ISAACSON: Do you feel that it
3 might be better to put a bus stop by the movie
4 theater because this is where you're concentrate
5 the people --

6 CHAIR LIGNOS: Mr. Isaacson, what
7 they have testified to is that they would work
8 with our engineer, and, obviously, the bus --

9 MR. DENICOLA: Bus company.

10 CHAIR LIGNOS: -- company to find
11 the best location for it.

12 MR. ISAACSON: Okay. Because, like
13 I say, this is your recreation area. This is
14 where people, if they don't want to be DWI, they
15 may get on a bus, you know, they get off from
16 work, they may want to toss down a cool one, and
17 then go to a movie and watch a movie. This might
18 be a better location then all the way over here
19 where there's no bus stop currently. And would
20 you consider possibly putting in two bus stops?

21 MR. BASRALIAN: Excuse me. You
22 know, I appreciate your questions and your
23 concern. First of all, this is all speculative.
24 You have to assume that the bus company is going
25 to agree to re route it's buses here. I think the

1 whole discussion of where a bus stop should go
2 before there is even a decision that the bus stop
3 -- bus will even go down Vervalen is speculative
4 at best.

5 CHAIR LIGNOS: I agree.

6 Mr. Isaacson, they have already testified.

7 MR. ISAACSON: I appreciate that but
8 I've already -- I've already researched this. The
9 bus company will do it if certain conditions were
10 met. The DOT says that they have no problem with
11 it.

12 CHAIR LIGNOS: Well, Mr. Isaacson, I
13 know you've researched it. Unfortunately --

14 MR. ISAACSON: I'm just following
15 off of Sophie's lead.

16 CHAIR LIGNOS: It's still hearsay.
17 Unless you're testifying. So, for the time being,
18 it is suffice that they have, at least agreed to,
19 that they will review the location or locations,
20 depending, with our engineer, and the bus company
21 that will ultimately be responsible for that
22 route.

23 MR. BASRALIAN: When the bus -- when
24 the bus company makes a determination to do that.

25 CHAIR LIGNOS: Correct. Correct.

1 MR. ISAACSON: Do you feel that it
2 would be advantageous to the shopping center to
3 have buses passing by your shopping center?

4 MR. BASRALIAN: He is not qualified,
5 nor did he ever testify as to the necessity for
6 it. So, it's a good question, but that's -- but
7 that's not what he testified to. You really have
8 to relate to what he asked -- what he talked
9 about.

10 MR. ISAACSON: Thank you very much.

11 CHAIR LIGNOS: Thank you.

12 Any other member of the public
13 having a question? Yes, ma'am.

14 MS. HARTWELL: Ree Hartwell, One
15 Bradwick. I was wondering if you or any members
16 of your team read the article about the march of
17 the modern mall. It's in the Sunday Record. And
18 there's certain elements that today's mall
19 developer seek to draw in shoppers. One is an
20 opened-aired sign with a strollable street layout,
21 brick work, rather than concrete. I know you have
22 concrete in all of your plans. Faux facades
23 provide architectural designs that look like a
24 collection of different buildings rather than a
25 uniform box, which all of this looks like.

1 CHAIR LIGNOS: Hold on, ma'am,
2 again, your questions have to be --

3 MS. HARTWELL: Well, I was just
4 wondering -- okay -- if they read this.

5 CHAIR LIGNOS: If I may. If I may
6 finish.

7 MS. HARTWELL: Okay.

8 CHAIR LIGNOS: Your questions must
9 be related to his testimony. Your question of
10 whether he read that, that's fair. Have you read
11 that?

12 MR. THOMAS: Yes.

13 CHAIR LIGNOS: You have read that?

14 MR. THOMAS: Oh, yeah.

15 CHAIR LIGNOS: Okay now --

16 MS. HARTWELL: And are you taking
17 any of these elements, is this an important part
18 of your design --

19 CHAIR LIGNOS: Now, here's the --
20 here's the difficult part to that. His testimony,
21 as the engineer, would be to the engineering
22 aspects, and not the architectural.

23 MS. HARTWELL: Okay. Who do I
24 address --

25 CHAIR LIGNOS: Well, you could have

1 addressed the architect at the -- at the meeting,
2 two meetings ago.

3 MS. HARTWELL: This was just in the
4 paper.

5 CHAIR LIGNOS: Yeah, but I can't
6 help it.

7 MS. HARTWELL: When can I address it
8 because I would like for this group to take these
9 elements in order to get shoppers into our town.

10 CHAIR LIGNOS: Well, what I'd like
11 you to do then --

12 MS. HARTWELL: --

13 CHAIR LIGNOS: Hold it -- hold it
14 off for comments and just, please, give it as a
15 comment that pleases the applicant would take
16 those under consideration. Okay?

17 MS. HARTWELL: Okay.

18 MR. BASRALIAN: May I just
19 interject. There was extensive testimony, by the
20 architect, to design a center that didn't look
21 like a bunch of similar boxes. And if,
22 Ms. Hartwell will look at the exhibits, copies of
23 which are here, and read the transcripts, she will
24 hear all of that testimony. And that might be
25 helpful. We're not bringing back a witness for --

1 the architect for anything other than specific
2 issues.

3 CHAIR LIGNOS: Okay. Other members
4 of the public? Yes, sir.

5 MR. ROSENBLUME: Jessie Rosenblume,
6 65 Knickerbocker Road. Mr. Nelson, are you a
7 professional engineer?

8 MR. THOMAS: Thomas --

9 CHAIR LIGNOS: Again, we have put
10 that on the record what his qualifications were
11 and how those qualifications were accepted by the
12 board.

13 MR. ROSENBLUME: You're associate,
14 Mr. Keller, is he a professional engineer?

15 MR. THOMAS: Yes, he is.

16 MR. BASRALIAN: Well, until
17 Mr. Keller comes, it's not relevant.

18 MR. ROSENBLUME: Right.

19 MR. BASRALIAN: You'll have a chance
20 to ask that question of him when he testifies.

21 MR. ROSENBLUME: You testified that
22 there are four structures on the property?

23 MR. THOMAS: No, I didn't. I didn't
24 testify as to the number of structures. That was
25 under the architect.

1 MR. ROSENBLUME: Can you answer the
2 question, how many structures are on the property?

3 MR. THOMAS: Four.

4 MR. ROSENBLUME: Four.

5 MR. DENICOLA: Structures or
6 buildings?

7 MR. ROSENBLUME: Whatever.

8 MR. DENICOLA: Well, they're
9 different.

10 CHAIR LIGNOS: No, no, no, you can't
11 say whatever.

12 MR. DENICOLA: What are you talking
13 about? Clarify what you're talking about.

14 MR. ROSENBLUME: His firm's
15 documents called them structures.

16 MR. DENICOLA: You're talking about
17 buildings.

18 MR. ROSENBLUME: Okay, regardless of
19 the definitions of Edens, whatever. Are you aware
20 that Mr. Keller testified before this board, a few
21 years ago, that there were 5 buildings or
22 structures on the property?

23 MR. BASRALIAN: Again, it's a
24 question that's not before the board at this
25 point.

1 MR. CHAGARIS: This witness didn't
2 testify about that.

3 MR. ROSENBLUME: No, no, but there
4 seems to be a difference. He says there are 4.
5 Mr. Keller says there are 5.

6 MR. CHAGARIS: Well, you have to --
7 I don't know if that's 5 or 4. Whether or not
8 there's any testimony before, about 5 buildings or
9 not, has not been presented in this application at
10 this time.

11 MR. ROSENBLUME: Okay. Well, what
12 is your basis for saying there are 4 buildings or
13 structures on the property?

14 MR. THOMAS: Proposed. We are
15 proposing --

16 MR. ROSENBLUME: No, currently.

17 MR. THOMAS: Oh, currently.

18 MR. CHAGARIS: Maybe just to
19 rephrase it, how did you -- I think you testified
20 that there are 4 buildings or 4 structures. How
21 did you conduct your count?

22 MR. BASRALIAN: Just refer to the
23 exhibit number, please.

24 MR. THOMAS: Referring to Exhibit
25 A-10.

1 MR. BASRALIAN: And tell them what
2 that is, that exhibit is.

3 MR. THOMAS: Existing conditions.
4 We have 4 buildings; K-mart, Stop & Shop, what we
5 are referring to as building D, and then the
6 theater as well. So, 1, 2, 3, 4. I'm sorry, 3 --
7 4.

8 MR. ROSENBLUME: Can I show him
9 Mr. Keller's letter?

10 MR. CHAGARIS: Can I see it, please.
11 Mr. Basralian, I would like to show it to you. Do
12 you have an objection?

13 MR. BASRALIAN: Yeah, I do. It's
14 not -- it's not relevant. As a matter of fact,
15 both the board and this applicant, when it first
16 presented the application, it was believed there
17 were 5 structures. Five buildings. As
18 Mr. DeNicola pointed out, there were only 4, in
19 October of 2012, because two of those buildings
20 had been connected by a roof. Therefore, there
21 were only 4 buildings. So, whether this letter is
22 germane to what was then the opinion of the board
23 in 2009 versus what it is today, is much
24 different. There are only 4 structures now, as
25 certified to, and testified to, by your own

1 engineer.

2 MR. CHAGARIS: Maybe so we could
3 just put this issue to rest. Maybe Mr. DeNicola,
4 would you like to expand upon on that?

5 MR. DENICOLA: Well, Mr. Basralian
6 is correct. There were, back then, there was
7 testimony to 4 structures, whatever --

8 MR. BASRALIAN: Five structures.

9 MR. DENICOLA: Five structures. But
10 in going out there, at the time --

11 MR. BASRALIAN: Buildings.

12 MR. DENICOLA: Buildings. There was
13 a roof connecting parts of building D to the other
14 part of building D, which made that 1 building,
15 instead of 2.

16 MR. ROSENBLUME: Well, that's your
17 opinion.

18 MR. DENICOLA: According to the
19 definition of the BOCA code, yes.

20 MR. ROSENBLUME: Okay. Could you
21 quote the portion of the code?

22 MR. DENICOLA: If you like me to.
23 You can read it also.

24 MR. ROSENBLUME: Well, just for the
25 record.

1 MR. DENICOLA: It's in my letter.

2 It's in my first letter.

3 MR. ROSENBLUME: I didn't notice it.

4 MR. DENICOLA: Well, you should
5 have. It's a point that I made.

6 MR. ROSENBLUME: You covered it?

7 MR. DENICOLA: I covered it, yes, in
8 the first letter.

9 MR. ROSENBLUME: Does the lot 1.01
10 have a sewer connection?

11 MR. THOMAS: 1.02 will have a sewer
12 connection, that's correct.

13 MR. ROSENBLUME: Okay. Were you
14 ever told that when there are heavy rain falls
15 that the K-mart floor gets wet, northeast corner?

16 MR. BASRALIAN: I guess -- I guess
17 the question is: Are you aware of any flooding or
18 wetness?

19 MR. THOMAS: Inside?

20 MR. CHAGARIS: Have you done any
21 studies?

22 MR. THOMAS: No, no, I'm not aware
23 of that, no.

24 MR. ROSENBLUME: You mentioned that
25 the drainage pipes, corrugated pipes, under the

1 property, may have a life -- the life of 80 years.
2 Now, they have been in the ground for 50. What is
3 the rationale for keeping them in rather than
4 taking them out?

5 MR. THOMAS: We videotaped them.
6 We've inspected them. They seem -- they are in
7 good shape. There is a couple -- we pointed out
8 that there is an area that needs to be repaired,
9 but otherwise we feel the pipe is in good shape.

10 MR. ROSENBLUME: Okay. So, what
11 would be the actual remaining life?

12 MR. THOMAS: Well, according to
13 Contect, who makes these pipes, we talked to
14 the -- or read their guideline on actually, it
15 was -- it can go to a hundred years. They give
16 you a range. But we took 80, which was more the
17 median.

18 MR. ROSENBLUME: So, you feel,
19 rather than disturb the property in the future,
20 you prefer to leave them in?

21 MR. THOMAS: At this time we are
22 leaving them in the ground, correct.

23 MR. ROSENBLUME: Okay. Thank you.

24 CHAIR LIGNOS: Any other member of
25 the public having a question? Yes, ma'am.

1 MS. BREWSTER: Do you feel --

2 CHAIR LIGNOS: Can you state your
3 name, please.

4 MS. BREWSTER: Ann Brewster, 15
5 Skaylon Terrace. The transformers are going
6 entrances to the -- to the parking lot. Now,
7 you're going to screen these transformers with
8 bushes. Is this going to obstruct the vision of
9 cars coming out?

10 MR. THOMAS: No. No. There is only
11 one transformer at the -- at an entrance. The
12 rest of the transformers are more internal to the
13 site. We are going to screen them. And, no, we
14 will make sure they're not going to have any
15 visual impacts. And we are looking at relocating
16 one as it is. So, that one that was --

17 MS. BREWSTER: My second question
18 is: The streetlamps in the Renaissance district
19 were changed, naturally, when they remodeled the
20 town. Now, these streetlamps, if you go down at
21 night, are very dark. And they are very low.
22 They do not give proper lighting. I would not
23 like to see that up the rest of the street.

24 MR. CHAGARIS: Do you have a
25 question, ma'am?

1 MS. BREWSTER: My question is: Are
2 you going to have the same lighting up Vervalen as
3 there is on Main Street?

4 CHAIR LIGNOS: They weren't planning
5 on. We were asking them to. So, I have a feeling
6 what I'm going to do, is, ask our engineer that we
7 do an assessment of this, and work with the
8 applicant, and come to a conclusion of what makes
9 sense, as an interface between the town. And if
10 the lighting isn't proper, then shame on us. As a
11 town, we should fix that, and not ask them to come
12 up to a level that we're not happy with. So, I'm
13 going to ask our engineer that we do a little bit
14 of the research ourselves here.

15 MR. BASRALIAN: I think, for the
16 record, it was really to determine the fixture and
17 not the -- not the - not the -- it's not the foot
18 candles and the lights so --

19 CHAIR LIGNOS: Correct. Correct.
20 Correct.

21 Any other question from the public?
22 I see and hear no other questions from the public,
23 and, therefore, I -- I close this meeting. There
24 are no other questions, I close -- you just
25 squeaked in there. Yes, sir.

1 MR. SEGRETO: Well, I figure when
2 you talk about the public, you're talking about
3 members of the public, not attorneys who are
4 sitting at a table representing objectors.

5 CHAIR LIGNOS: Oh, is that a
6 different --

7 MR. CHAGARIS: No, I think as they
8 close of the last session there was a suggestion
9 that Mr. Segreto could ask questions as well.

10 CHAIR LIGNOS: Yeah, of course. Of
11 course, that's why I was asking. I'm sorry.
12 Mr. Segreto, please.

13 MR. SEGRETO: Yes. Thank you.

14 CROSS-EXAMINATION BY MR. SEGRETO:

15 Q All right. Good evening,
16 Mr. Thomas, how are you?

17 A Fine.

18 Q All right, Mr. Thomas, you were the
19 author of the plans for the 2009 application, is
20 that correct?

21 A I was, yes.

22 Q And 2012?

23 A I am, that's correct.

24 Q And as well as this new application,
25 correct?

1 A That's correct.

2 Q Now, the 2012 plans depicted a
3 building G, in what now is the proposed subdivided
4 lot, is that correct?

5 MR. CHAGARIS: He didn't testify
6 about the 2012 plans today.

7 MR. BASRALIAN: No, as a matter of
8 fact the plans were revised through 2013 in many
9 instances.

10 MR. SEGRETO: It's absolutely
11 relevant to the question of jurisdiction.

12 MR. CHAGARIS: Well, I mean you can
13 -- you can bring in your own witness as to other
14 plans or other designs, but this witnesses didn't
15 testify about the 2009 or 2012 plans in this
16 proceeding. And this proceeding he just testified
17 about the 2013 plans.

18 MR. SEGRETO: Do you know why there
19 is a subdivided lot now and there was no
20 subdivided lot in the 2012 plans?

21 MR. THOMAS: The lot was created for
22 --

23 MR. BASRALIAN: Let me object --
24 object to the question. Because the applicant
25 made the determination to have a subdivided lot,

1 and a separate lot for the shopping center. His
2 job, Mr. Thomases' job, is as scrivener to develop
3 the plan. Not to make a determination as to why
4 that subdivision was created.

5 MR. CHAGARIS: Objection sustained.

6 MR. SEGRETO: Tell me why you have a
7 subdivided lot now and not a proposed building?

8 MR. CHAGARIS: The question is why
9 doesn't matter what the reason.

10 MR. BASRALIAN: I object to the
11 question.

12 MR. SEGRETO: You think that's
13 irrelevant to this proceeding?

14 MR. CHAGARIS: Yes, it's irrelevant.
15 The question is what is being presented. Not why
16 it's being presented. What is being presented.

17 MR. SEGRETO: Okay. All right.

18 BY MR. SEGRETO:

19 Q All right, I want to talk to you,
20 Mr. Thomas, about the existing nonconformities on
21 this property. You'll agree with me that this is
22 a nonconforming shopping center, is that correct?

23 MR. BASRALIAN: Object to the
24 question. That's not -- that's not really
25 relevant to him. That's a planning question, if

1 in fact such a question is appropriate. He's
2 presenting plans only. He didn't testify as to
3 conformance or nonconformance. His job is to be
4 here as an engineer, civil engineer, to testify as
5 to the site plan, drainage, et cetera.

6 MR. CHAGARIS: You're going to have
7 a planner testify?

8 MR. BASRALIAN: Yes, we will.

9 MR. CHAGARIS: So, those are
10 questions that would be appropriate to the
11 planner.

12 MR. SEGRETO: He prepared plans with
13 a zoning schedule. In that schedule he's talking
14 about existing variances, existing waivers, and
15 various nonconformities.

16 MR. CHAGARIS: Yeah, you can ask him
17 about those questions about the variances.

18 MR. SEGRETO: But I can't ask him
19 question about the shopping center, whether or not
20 it's a nonconforming shopping center?

21 MR. CHAGARIS: You can ask him about
22 the variances that he sought.

23 Q You'll agree with me that in his --
24 in the town of Closter, that you're only permitted
25 to have 1 building per lot, is that correct?

1 MR. BASRALIAN: Objection. That is
2 not true for the entire --

3 MR. SEGRETO: One principle
4 building.

5 MR. BASRALIAN: No, that is not true
6 throughout the Borough of Closter. And, so, you
7 have to relate it to, perhaps the zone, but not
8 the entirety of Closter.

9 Q Is this zone. Is that correct, that
10 you're only permitted to have 1 principle
11 structure per lot?

12 A That's correct.

13 Q And you've indicated that there's 4
14 principle structures on this lot, is that correct?

15 A That's correct.

16 Q The existing square footage is
17 211,553 square feet?

18 A That's correct.

19 Q All right. Now, at the end of phase
20 I, I believe the plans indicate that it will be
21 219,317 square feet, is that correct?

22 A At the end of phase I there will be
23 219, -- that's correct.

24 Q Does that include the 3,000
25 mezzanine in the Whole Foods?

1 MR. SEGRETO: I don't think it's
2 appropriate for Mr. Basralian --

3 MR. BASRALIAN: No, I said, look at
4 your plans.

5 MR. SEGRETO: Oh, all right. Say it
6 a little louder so that I can hear.

7 MR. CHAGARIS: I'll confirm that
8 that's what Mr. Basralian said.

9 MR. THOMAS: Hold on one second.

10 MR. BASRALIAN: You don't know the
11 question and answer because it was something -- if
12 he doesn't know the answer, that should have been
13 directed to the architect, and that's more
14 appropriate here.

15 MR. CHAGARIS: Do you know the
16 answer to the question?

17 MR. THOMAS: I was just figuring it
18 out. 211,000 that was included in the -- the
19 mezzanine was included.

20 Q The mezzanine is included in the
21 219,317 figure?

22 A Sorry. Let me just double check it.

23 Q I'm talking about the end of phase
24 I.

25 A Oh, phase I, I'm sorry.

1 Q End of phase I.

2 A No, the mezzanine is not included.

3 Q Can you tell me why it's not
4 included in the total square footage that you
5 testified about, and what's on your plans?

6 A It was -- when we did the calculations it
7 was -- it was assumed that the mechanical
8 mezzanine area, is not an area that's used for the
9 employees, for the public. It is strictly used
10 for equipment only.

11 Q All right. Wasn't it your -- wasn't
12 it your testimony that that would be used for, not
13 only storage of items that would be sold at the
14 Whole Foods, but also for office use, didn't you
15 testify to that?

16 A I don't recall if I did.

17 MR. BASRALIAN: I don't recall
18 whether it was this witness or possibly
19 Mr. Roncati.

20 MR. SEGRETO: No, it was this
21 witness.

22 Q All right. So, that means that you
23 did not include the 3,000 square foot of that
24 mezzanine in the calculations for number of
25 parking spaces required?

1 A We did not.

2 Q You'll agree with me that if they
3 don't have a mezzanine, where they can store
4 items, and they can have office space, that that
5 would -- they would need to use that -- take space
6 up on the floor for that purpose, isn't that
7 correct?

8 A Again, it's a mechanical mezzanine.

9 Q What mechanicals are going to be in
10 that mezzanine in the Whole Foods?

11 A Equipment.

12 Q What equipment?

13 A I'm not sure exactly which.

14 Q Do you have any idea about any
15 equipment that's going to be Whole Food's
16 mezzanine?

17 A It was -- they were looking at electrical
18 and other items up there.

19 Q What else are they looking at to put
20 in that mezzanine?

21 A I'm not sure.

22 Q Now, that subdivided lot, I see that
23 there are curb cuts into the Closter Plaza parking
24 lot, is that correct?

25 A That's correct.

1 Q And as a temporary measure, I see on
2 your plans that there's going to be wood
3 guardrails blocking those curb cuts so nobody can
4 go into that new lot?

5 A That's correct.

6 Q And there's no ingress or egress
7 from Vervalen to that lot, is that correct?

8 A That's correct.

9 Q Isn't that so, because this
10 applicant is going to go in at a future date, and
11 propose to put a building there, and the building
12 is only going to have access to the parking lot?

13 MR. BASRALIAN: Objection. The
14 testimony has been there's no present intention to
15 put any structure on that building at this time.

16 MR. CHAGARIS: Sustained.

17 Q The applicant is just going to keep
18 that parking lot, as is, is that correct?

19 A I don't know.

20 MR. BASRALIAN: I would ask the
21 board for Mr. Segreto to address two plans; 1: Is
22 what the current conditions are, and what is
23 proposed for that subdivided lot. And if you go
24 to the site plan, you'll notice that it is not
25 connected to -- there are no driveway accesses

1 between that subdivided lot and the rest of the
2 center. And the question should be directed to
3 that.

4 MR. SEGRETO: Well, I'll ask
5 questions that I want to ask. And --

6 MR. CHAGARIS: Ask your next
7 question.

8 Q All right, I think you testified
9 that the subdivided lot is a fully complying lot,
10 is that correct?

11 A That is correct.

12 Q All right. But how come you're
13 seeking a variance for that lot? Aren't you
14 seeking a variance?

15 MR. BASRALIAN: Excuse me.
16 Objection. There's no variance sought for that
17 lot.

18 A Oh, it's an existing -- because of the
19 existing impervious that's on the property.

20 Q So, you're asking for a variance for
21 that?

22 A Yes. We're not removing the pavement from
23 the lot at this time.

24 Q Why don't you remove the pavement to
25 bring it into compliance with the zoning

1 ordinance?

2 A To keep -- we are just not removing the
3 pavement. That's all.

4 Q I understand you're just not doing
5 it, but you're asking for a variance. And I want
6 to know the reasons why you want a variance.

7 MR. CHAGARIS: That's not a question
8 for him. He is not here to supply the reasons for
9 it. He is just testifying as to what he did draw
10 and what he did propose.

11 MR. SEGRETO: It's the site
12 engineer. They're asking for a variance and I'm
13 asking the question as to why he is not bringing
14 the lot into conformance and why.

15 MR. CHAGARIS: That may be a proper
16 question for the planner.

17 MR. SEGRETO: Come on, Arthur,
18 please.

19 MR. CHAGARIS: That's my ruling.

20 MR. SEGRETO: You're sustaining the
21 objection. And that's your ruling?

22 MR. CHAGARIS: Yes.

23 BY MR. SEGRETO:

24 Q All right. So, with the mezzanine
25 for the Whole Foods, actually at the end of phase

1 I you're going to be increasing the square footage
2 by 11,000 square feet, roughly, is that correct?

3 A After phase I, 219,000.

4 Q Right. But if you add in the
5 mezzanine now you're increasing the square footage
6 in the shopping center, approximately 11,000
7 square feet, right? Including the mezzanine. I
8 know you didn't include it, but including the
9 mezzanine.

10 A We're at 208,337. The mezzanine was not
11 included at 208,000.

12 Q I'm talking at the end of phase I.
13 Not phase II.

14 A Phase I would be from 2 -- is at 219,000.

15 Q Right. If we include the mezzanine
16 it's another 3,000. So you're increasing the
17 square footage if you include the mezzanine 11,000
18 square feet at the end of phase I.

19 A Oh, I see what you're saying.

20 Q Right?

21 A If we were to include the mezzanine, which
22 we don't think is appropriate.

23 Q Right. Right. Okay. So, can you
24 tell me how, if you're increasing the square
25 footage by 11,000 square feet, and you're

1 decreasing the size of the lot by more than 25,000
2 square feet, how are you decreasing the impervious
3 coverage?

4 A Because you took -- you're adding
5 something that's inside a footprint already. So,
6 we're not changing the outside footprint of the
7 building. You're assuming that we've made the
8 building 3,000 bigger when you add the mezzanine
9 on it. That's not accurate.

10 Q All right, let's go with just
11 building footprints here. You're adding 8,000
12 square feet of building footprint, aren't you, at
13 the end of phase I? 8,000 square feet. Roughly.

14 A Roughly at the end of phase I, 8,000
15 square feet, correct.

16 Q Right. And you're decreasing the
17 size of the lot by 25,500 square feet?

18 A That's correct.

19 Q And all of the plazas are concrete,
20 right? They're not pervious surfaces, they're
21 concrete, right?

22 A Right. Mm-mm.

23 Q So, tell me how you are decreasing
24 the impervious at the end of phase I.

25 A We said that we -- well, we are

1 decreasing. However, from the previous
2 submission, we're not decreasing it as much. So,
3 our number has changed. So, we have decreased,
4 but not as much as we had in the beginning.

5 Q What does that mean?

6 A It means that we had to, because we are
7 decreasing impervious area, we took out a piece of
8 impervious area. But the ratio -- overall we are
9 taking out-- if you were to add the lot together,
10 we are decreasing. Obviously. We are still
11 decreasing, just because you subtracted out this
12 subdivided lot, the percentage got smaller in the
13 amount of the reduction because of that.

14 Q Right. In phase II you are going to
15 eliminate approximately 11,000 square feet of the
16 front of the K-mart building, is that correct?

17 A 11,000.

18 Q It's going to go from 84 to 73, is
19 that correct?

20 A Right. Yeah. Mm-mm.

21 Q Is there anything that prevents this
22 applicant from doing the same with the rear of the
23 K-mart building? And that is, eliminating all the
24 way across the K-mart building, eliminating square
25 footage from the back of the building.

1 MR. CHAGARIS: That wasn't this
2 witness' testimony. I mean you could take down
3 the whole building. But that's not his testimony.
4 His testimony was what he did --

5 MR. SEGRETO: It's a hypothetical
6 question to an expert.

7 MR. CHAGARIS: He can take down the
8 whole building, yeah, what does that prove.

9 MR. SEGRETO: Arthur, what are the
10 proofs that they have to put in this record with
11 regard to the variances that they're asking for?

12 MR. CHAGARIS: Mr. Segreto, please.
13 Will you please obey the rules of this board and
14 ask the questions that are appropriate to this
15 witness' testimony.

16 MR. BASRALIAN: And directed to his
17 testimony. None of which was based upon a
18 hypothetical.

19 MR. SEGRETO: He is the engineer,
20 the site engineer --

21 MR. CHAGARIS: Yes, I know that.
22 That's why you should ask questions about what his
23 drawings were. Not hypotheticals.

24 MR. SEGRETO: I can ask -- I can
25 ask him any question --

1 MR. CHAGARIS: Oh, no you cannot,
2 sir.

3 MR. SEGRETO: -- about the plans
4 that he did. This specifically deals with the
5 plans that he has done.

6 MR. CHAGARIS: It does not deal with
7 the plans he has done. You said, can he change
8 those plans by reducing the size. Of course he
9 can. But that's not what he's presenting. Ask
10 your question, sir.

11 MR. SEGRETO: I cannot ask
12 hypotheticals to the expert --

13 MR. CHAGARIS: Ask your question.

14 MR. SEGRETO: I asked him: Is there
15 anything that prevents him, from an engineering
16 standpoint, to do the same with the rear of the
17 K-mart building, as they're doing with the front
18 of the K-mart building, and that is eliminating
19 square footage.

20 MR. CHAGARIS: Do you have an
21 objection to that question?

22 MR. BASRALIAN: He can ask the
23 question. I think --

24 MR. CHAGARIS: You can ask the
25 question.

1 MR. BASRALIAN: Ask the question.

2 MR. SEGRETO: I asked the question.

3 Can you answer the question?

4 MR. BASRALIAN: Answer -- answer the
5 question. I'm sorry.

6 A It's all down to a program that is in
7 place for the building, backed by the owner. They
8 tell us how the building is going -- needs the
9 building to work.

10 Q So, your answer, is, that there's
11 nothing from an engineering standpoint that
12 prevents you from eliminating square footage from
13 the rear of the K-mart building?

14 A They could eliminate all of the buildings
15 just as we were just saying.

16 Q I'm just talking about eliminating
17 part of the rear. I'm talking about eliminating
18 part of the rear of the K-mart building. Let's
19 say, to open it up for the loading, for the
20 turning of the trucks.

21 A Well, that's the purpose of it.

22 Q Right. That's what I'm talking
23 about.

24 A The purpose -- the purpose of the back of
25 that area is for loading so the trucks have easy

1 access for backing up into a loading dock.

2 Q If you remove part of that
3 building --

4 MR. BASRALIAN: Excuse me. Excuse
5 me. I'm going to object, because I allowed the
6 witness to answer the one question, was; could you
7 reduce the size of the building. And, as he said,
8 you could do that, you could remove all of the
9 building. There is nothing more to be said.
10 You're just trying to go -- you're trying to go
11 far afield from what the plans are. And that's
12 what I asked the board to direct Mr. Segreto --

13 MR. CHAGARIS: Objection sustained.

14 Q And you'll agree with me that with
15 regard to the K-mart building, the new Whole
16 Foods, and building B, you could remove a portion
17 of the back of each of those buildings, again, to
18 open the back parking lot, open up Homans, you
19 could put landscaping on Homans, isn't that
20 correct?

21 MR. BASRALIAN: Objection. That
22 question is no different -- objection. That
23 question is no different than the question you
24 asked for the K-mart building.

25 MR. CHAGARIS: Sustained.

1 Q Mr. Thomas, with regard to prior
2 subdivisions, you're aware of any prior
3 subdivisions that the Irony's did, concerning this
4 property?

5 MR. BASRALIAN: Objection.

6 MR. CHAGARIS: Sustained.

7 MR. SEGRETO: Why is that an
8 improper question?

9 MR. CHAGARIS: Because this is not
10 about any other application. It's about this
11 application.

12 MR. SEGRETO: It's not about the
13 fact that they keep --

14 MR. CHAGARIS: If you want to bring
15 in your own witnesses, you can.

16 MR. SEGRETO: Arthur, please.

17 MR. CHAGARIS: John, please. Will
18 you stick to the point?

19 MR. SEGRETO: I'm sticking to the
20 point.

21 MR. CHAGARIS: No, you're not.
22 You're going to another application that's not
23 before this board. Go to the application that's
24 before this board.

25 MR. SEGRETO: If an applicant

1 continues to subdivide off their property, and
2 then asks for variances, all right, because they
3 have substandard parking, you don't think that's
4 relevant to this proceeding?

5 MR. CHAGARIS: If you present a
6 witness to testify to that, then we'll hear that
7 witness. But that's not what this witness
8 testified about.

9 MR. SEGRETO: Yeah, I understand.

10 BY MR. SEGRETO:

11 Q The K-mart building in phase II,
12 that's the 73,000 square foot building. What is
13 the parking requirement for that 73,000 square
14 foot building?

15 A Approximately 420.

16 Q And on your phase II plan, how many
17 parking spaces do you provide in front of that
18 K-mart building?

19 MR. BASRALIAN: I would allow the
20 witness to answer that question. But the parking
21 is for the entirety of the center. It doesn't --
22 there isn't a parking requirement to be matching
23 the building on which -- in front of which it's
24 located. But for informational purposes it's on
25 the plans. He can answer it.

1 For the record, I'm going to allow
2 him to answer it. But this is an exercise in
3 adding up numbers that has no relevancy to the
4 overall parking scheme for the center.

5 MR. SEGRETO: It absolutely has
6 relevance.

7 A 275.

8 Q That's a substantial deficiency, is
9 it not, in front of that building?

10 MR. BASRALIAN: Objection.

11 MR. CHAGARIS: What is substantial
12 or not, is a relative term. You can answer it.

13 MR. SEGRETO: Well, I'm asking him
14 his opinion as an expert; is it substantial or it
15 is not.

16 MR. CHAGARIS: He didn't give his
17 opinion as to whether the parking is substantial
18 or is insubstantial. He gave number you a number.
19 He counted the spaces. That's what he did, which
20 you could have done as well.

21 MR. SEGRETO: I did it Arthur.

22 MR. CHAGARIS: Okay, and what did
23 your number come out with? Was it different than
24 his?

25 MR. SEGRETO: 232.

1 MR. CHAGARIS: It was different than
2 this?

3 MR. SEGRETO: Yes, by 40.

4 MR. CHAGARIS: Okay. Was that
5 substantial?

6 MR. SEGRETO: All right. I don't
7 think he should be talking to Mr. Basralian when I
8 am cross-examining him. He doesn't need help.

9 MR. BASRALIAN: It would only be
10 relevant if Mr. Basralian responded, which he did
11 not. Okay.

12 MR. SEGRETO: But I mean he has done
13 this before. We've seen him here before.

14 MR. CHAGARIS: All right, ask a
15 question. What's your question?

16 MR. SEGRETO: The question is: Is
17 it substantial -- is there a substantial
18 deficiency?

19 MR. CHAGARIS: Sustain the
20 objection. Whether substantial or not is not
21 relevant.

22 MR. SEGRETO: Doesn't matter. All
23 right.

24 Q There is a deficiency, correct?

25 MR. BASRALIAN: Objection. If

1 you're trying to get the witness to say there is a
2 deficiency of parking spaces in front of K-mart, I
3 object.

4 MR. CHAGARIS: Sustained.

5 Q All right, you'll agree with me,
6 Mr. Thomas, that the customers who are going to
7 frequent that K-mart building with the three new
8 users are more inclined to park in front of that
9 building than let's say park by the theater, isn't
10 that correct?

11 MR. BASRALIAN: Objection.

12 MR. CHAGARIS: That's something for
13 the engineer.

14 MR. SEGRETO: Traffic engineer?
15 That's relevant to the traffic engineer?

16 MR. CHAGARIS: It might be more
17 relevant to the traffic engineer than this
18 witness.

19 MR. SEGRETO: No. Is it going to be
20 relevant or not relevant?

21 MR. CHAGARIS: Well, you've asked
22 that -- you're going to bring a traffic engineer,
23 Mr. Basralian?

24 MR. BASRALIAN: Yes, we'll have a
25 traffic engineer who will -- who has submitted a

1 report, by the way, and will testify.

2 MR. CHAGARIS: Okay. That would be
3 appropriate for the traffic engineer.

4 Q You would agree with me, if you were
5 not subdividing off that lot right in front of the
6 K-mart building it would be available for parking,
7 yes?

8 MR. BASRALIAN: Objection. Wait.
9 The application is to take and subdivide out a lot
10 of X square feet. Period. The application is for
11 the shopping center with 820 parking spaces. One
12 hundred more than currently exist. Ask questions
13 relative to his site plan, his engineering
14 studies, is drainage calculations and his
15 lighting. That's what he testified to. Not as to
16 anything else.

17 MR. SEGRETO: I know, but Mr.
18 Basralian, don't tell me about what questions I
19 should ask. If you find it objectionable say,
20 objection, and then we'll argue about it and
21 Mr. Chagaris will rule.

22 MR. BASRALIAN: Fine. I object. I
23 object to your question, all right.

24 MR. CHAGARIS: Sustained.

25 Q All right, Mr. Thomas, your

1 application, all of your paperwork indicates that
2 there are 720 existing parking stalls on this
3 site.

4 A That's correct.

5 Q Is there any document, that you
6 prepared, that would show us all the existing
7 parking spaces so that someone like me could count
8 them and verify whether or not there is 720?

9 A There was an existing survey that was
10 submitted.

11 Q Is that accurate as to the stripping
12 of the parking lot?

13 A Hold on one second.

14 Q Sure.

15 A I don't remember if -- I don't have the
16 actual survey but --

17 Q What about -- what about page 3 of
18 34 in your plan?

19 A That's the demolition plan.

20 Q No, that's the major subdivision
21 plot.

22 MR. BASRALIAN: Nick, do you have a
23 set of plans there? We're missing page 3.

24 MR. DENICOLA: Right here, the
25 revised set. The revised set, right?

1 MR. BASRALIAN: Revised set.

2 MR. DENICOLA: Yes.

3 MR. SEGRETO: Page 3 was revised?

4 MR. BASRALIAN: Was the revised set.

5 MR. DENICOLA: Revised set I said.

6 A Okay, yes.

7 Q Those are the act -- the actual
8 existing parking stalls in this parking lot?

9 A I believe so, yes. I know we went out and
10 we did a physical count as well.

11 Q All right. You did do a physical
12 count?

13 A Yes.

14 Q And it's 720?

15 A 720, that's correct.

16 Q Can you tell me why you're
17 increasing the building square footage 8,000
18 square feet in the -- at the end of phase I, but
19 you're only providing 10 additional spaces in a
20 lot more parking spaces for that 8,000 square
21 feet, than the 10 that you're proposing, isn't
22 that true?

23 A That is true.

24 Q You'll agree with me that if you did
25 not increase the square footage by 8,000 square

1 feet you wouldn't need additional parking, would
2 you, because you have an existing 720 spaces?

3 MR. BASRALIAN: Excuse me.

4 Objection. That's -- that really is a parking
5 issue and goes to our expert. It doesn't go to
6 this expert, who just put down the numbers and
7 created the new parking plan.

8 MR. CHAGARIS: Correct. Sustained.

9 Q Okay. This witness created addendum
10 3, which was attached to the application, did you
11 not, Mr. Thomas?

12 A Addendum 3?

13 Q Yeah, Addendum 3. It has a list of
14 variances and a list of waivers, right, you did
15 that, didn't you?

16 A With the planner, yes, myself and the
17 planner.

18 Q You did that with Mr. Burgess?

19 A Yes.

20 Q So, you did not increase the number
21 of parking stalls to a complying number with the
22 amount of square footage that you're increasing,
23 correct?

24 A That is correct. For phase I, that's
25 correct.

1 Q From now on I'll stick with that
2 addendum 3. You have a list of exception design
3 waivers from article 10. It's your contention
4 that front yard parking setbacks, side yard
5 parking setbacks, number of parking stalls, size
6 of stalls, that those are design waivers and not
7 variances?

8 A That's correct.

9 Q And why is that? Why do you
10 consider them waivers and not variances?

11 A Because they are from the design
12 standards.

13 Q From the site plan ordinance?

14 A And not from -- not from the zoning, no,
15 articles.

16 Q Are you aware of any provision in
17 the zoning ordinance that specifically refers to
18 the standards that are set forth in site plan
19 ordinance?

20 MR. CHAGARIS: Could you repeat that
21 question, sir?

22 Q Are you aware of any provision in
23 the zoning ordinance, that not only refers to, but
24 incorporates the design standards into the zoning
25 ordinance?

1 A I'm not familiar with that.

2 CHAIR LIGNOS: Mr. Segreto, excuse
3 me for a second. Members of the public, I'm
4 asking you to please stay quiet, because we're --
5 we're starting -- I'm having a little bit of
6 trouble actually hearing Mr. Segreto. If anybody
7 needs to talk, I would just, please, ask you to do
8 that outside. Mr. Segreto, you can continue.

9 MR. SEGRETO: Yeah. Okay. Thank
10 you.

11 Q Am I correct that the -- the entire
12 730 parking spaces, at the end of phase I, not one
13 of them complied with the requirement that they be
14 10 X 20, is that correct?

15 A That's correct.

16 Q And why can't this applicant comply
17 with what the zoning ordinance requires, and that
18 is 10 X 20 parking spaces?

19 MR. BASRALIAN: I have an objection
20 because the plan speaks for itself as to what is
21 proposed. That is what it is. And there is
22 nothing else that's been testified to as to each
23 one of the parking spaces, and why it is that way.
24 The planner will testify as to why he may -- he
25 thinks it is or is not appropriate for these

1 spaces. Not this witness.

2 MR. CHAGARIS: Sustained.

3 MR. SEGRETO: The site engineer, who
4 designed all of these parking stalls, and the
5 sizes that they are, can't answer that question?

6 MR. CHAGARIS: That's right. Your
7 objection is noted. But there is another witness
8 who will testify about the size of the stalls.

9 MR. SEGRETO: We did this at the
10 2009 application, and that is, that every time I
11 was cross-examining a witness my questions were
12 always inappropriate for that witness, and it was
13 always referred to the next witness, or another
14 witness. And then when it came time for
15 Mr. Segreto to ask those questions of those
16 witnesses, they were still inappropriate and
17 irrelevant. So, we never got around to it.

18 MR. CHAGARIS: I disagree with that.
19 Do you have another question?

20 Q Could you propose a plan with 10 X
21 20 parking spaces on it for this shopping center?

22 A Yes.

23 Q All right. And you did a lot less
24 parking spaces, right?

25 A Or a lot more impervious.

1 Q You're going to have the same amount
2 of impervious, aren't you?

3 A No, you'd reduce whatever landscaping you
4 have. If I was to attempt to increase the -- I
5 don't know. That's what would happen.

6 Q I know, but you'll agree with me
7 that you could reduce the size square footage of
8 the retail on the site, and that would open the
9 site up for 10 by 20 parking spaces, wouldn't it?

10 A Yeah.

11 Q It would reduce the amount of 10 X
12 20 parking spaces that would be required, right?

13 A By reducing the square footage --

14 MR. BASRALIAN: Excuse me, could you
15 restate the question. I'm not quite sure I heard
16 it.

17 MR. SEGRETO: I need the young lady
18 to please read it back.

19 (Whereupon, the requested portion of
20 the testimony is read back by the
21 reporter.)

22 A If you reduce the square footage --

23 Q From the building.

24 A It changes the parking calculation, that's
25 correct.

1 Q Right, it reduces the amount of
2 parking that you need, right?

3 A That's correct.

4 Q And it also opens up the -- opens up
5 the site to putting in more landscaping, right?

6 A Not necessarily.

7 Q Not necessarily?

8 A No.

9 Q The Whole Foods is going to be a
10 brand new building, correct?

11 A Yes.

12 Q And it's going to go where the
13 existing, or the old Stop & Shop building is, is
14 that right?

15 A Approximately, yes.

16 Q Now, the Stop & Shop building has
17 four exterior walls?

18 A Not four-- I'm sorry, one second.

19 CHAIR LIGNOS: Mr. Segreto, could I
20 understand something. You said four exterior
21 walls?

22 MR. SEGRETO: Yes.

23 CHAIR LIGNOS: Okay.

24 A It has three exterior walls and a partial
25 4th, yes.

1 Q What is a partial 4th?

2 A The entire side of the building is not
3 exposed as it abuts up to continuous buildings.

4 Q On your sheet 7, that's the overall
5 plan, phase II, you refer to the Whole Foods as
6 retail A, is that correct?

7 A That's correct.

8 Q And you refer to the rest of that
9 building there as retail B?

10 A That's correct.

11 Q And on the plans from 2009, you
12 refer to the Whole Foods as building A, and then
13 there was building B, right?

14 MR. BASRALIAN: Objection. We're
15 only talking about plans currently before the
16 board.

17 MR. CHAGARIS: Sustained.

18 Q Are you going to remove the concrete
19 slab in that Stop & Shop building?

20 A I don't know. I'm not part of the
21 demolition.

22 Q When the Whole Foods is built it's
23 only going to have 3 exterior walls and then that
24 internal wall with building B?

25 A It will have -- it will have the front and

1 the back exposed. It will have 2 fronts actually.
2 A front on Homans and a front towards Vervalen.

3 Q Is it going to have its own
4 structural wall next to the K-mart and next to the
5 rest of building B?

6 MR. BASRALIAN: Excuse me. He never
7 testified as to the structure of the walls.
8 That's really architectural. If you ask him about
9 what walls are exposed on the plan then he can
10 answer that. But otherwise he cannot.

11 MR. SEGRETO: That was an objection?

12 MR. BASRALIAN: Objection. It was
13 an objection.

14 MR. CHAGARIS: Sustained.

15 Q You're increasing the supermarket
16 use in the shopping center approximately
17 64 percent, is that correct, from the existing
18 Stop & Shop, to the new Whole Foods, in terms of
19 square footage?

20 MR. BASRALIAN: I would ask the
21 chair to ask Mr. Segreto to rephrase his question
22 since there is no supermarket use in the shopping
23 center today. It's a vacant structure/building.

24 Q The old Stop & Shop building, you're
25 replacing with the new Whole Foods and you're

1 increasing that shopping center space -- I mean,
2 I'm sorry, that supermarket space by more than
3 60 percent, isn't that correct?

4 A I don't know the square footages for
5 comparison. I haven't done that calculation.

6 Q All right. Do you know how long the
7 Stop & Shop building has been vacant?

8 A I don't know.

9 Q Whole Foods is proposing outdoor
10 seating, is that correct?

11 A Yes, they are. Yes, the shopping center
12 is, correct.

13 Q But specifically, specifically right
14 in front of the Whole Foods there's going to be
15 outdoor seating, is there not?

16 A Off to the side.

17 Q Did you add that into the parking
18 requirement?

19 A No.

20 Q Is that part of the proposed 20,000
21 square foot of restaurant?

22 A No.

23 Q Have you proposed a 10-foot
24 landscape buffer around the property line?

25 A No.

1 Q You're seeking a design waiver
2 variance for that?

3 A Not at this time.

4 Q All right. With regard to the width
5 of the two-way driveway, two-way driveway, you're
6 asking for design waivers, is that correct?

7 A That's correct.

8 Q And we're talking about that's the
9 main drive from Vervalen?

10 A No, that's -- that's the other driveways.

11 Q Which other driveways?

12 A That's for the entrance by the theater, I
13 want to say 24 feet by the theater, 24 feet, the
14 exit behind retail F.

15 Q Retail F is the K-mart?

16 A Retail F is the K-mart, right. And also
17 the Homans exit at the easterly side.

18 Q And what is the -- what's the
19 requirement for those drives?

20 A Thirty to fifty feet.

21 Q That's what the design criteria is,
22 30 to 50?

23 A That's correct.

24 Q How do you determine if it's 30 or
25 50?

1 A It's a range between 30 and 50 feet, is
2 what's recommended, or shown in the ordinance. We
3 are proposing 24 to 26 feet at those entrances.

4 Q Why can't you comply with the zoning
5 ordinance?

6 A We don't feel it's necessary. It is not
7 necessary to use a width of 30 to 50 feet.

8 Q The zoning ordinance of this town
9 requires it. And I understand you don't think
10 it's necessary, but why?

11 A Twenty-four feet is a standard.
12 Twenty-six feet is even over that size. Thirty to
13 fifty is an increase in impervious area that we
14 don't feel is necessary, because the radiuses
15 coming out into the roadways become very large.

16 Q You're asking for a design waiver
17 with regard to the curb return radius, right?

18 A Yes, we are.

19 Q Could that be eliminated by
20 enlarging the width of the drive?

21 A In that case it's because the driveway, as
22 it's exiting, we're making a right only for --
23 onto Homans. So, the curb return on the left side
24 is a small curb return. You don't need it. It's
25 unnecessary.

1 Q Now, the existing ground sign on
2 Vervalen is 15 feet, is that correct?

3 A Fifteen feet with respect to what? What
4 dimension?

5 Q The -- the main ground sign.

6 A Fifteen feet wide? What are we talk --

7 Q Height. Height. Height. I'm
8 sorry.

9 A Oh, okay. I believe it's -- hold on. Let
10 me just check that. I don't have that.

11 MR. BASRALIAN: Speak up if you
12 don't have it, say you don't have it.

13 A I don't have it on my plans. That was
14 presented separately from me.

15 Q All right. Well, I'm looking at the
16 addendum 3 that you and Mr. Burgess put together.

17 A Right.

18 Q And you're asking for maximum height
19 of ground signs. You're showing that the
20 ordinance limitation is 15 feet. Existing site
21 condition you have greater than 15 feet. Do you
22 know what that means? Slightly above 15 feet?

23 A It's 23 feet.

24 Q That's what you're proposing?

25 A That's right.

1 Q Oh, all right. But what is the
2 existing?

3 A Forty-five feet.

4 Q We're talking about the same signs,
5 the main Closter plaza sign on Vervalen?

6 A That's right.

7 Q Existing is 45?

8 A Forty-five, right.

9 Q You're increasing the building
10 coverage, obviously, in phase I, is that correct,
11 in terms of percentage?

12 A That is -- that is correct.

13 Q And the reason that the -- that the
14 building coverage has to be increased is because
15 the plan is what it is, right?

16 A That is correct.

17 Q Why are the plazas proposed to be
18 concrete and not some other material, like a
19 pervious material like pavers?

20 A Pavers aren't necessarily pervious.

21 Q There are pervious pavers, right?

22 A Not for a plaza, you wouldn't want to use
23 those, that's for sure. The plaza is concrete.
24 It's a consistent material. It's for people to
25 avoid the multiple joints, that's why we want

1 concrete. People are much more comfortable on
2 this type of a concrete layout. And we're also
3 going to have many site amenities all over the
4 plaza areas. So, again, this all works together.
5 This is something that the Edens has talked to me
6 about. They are very comfortable using this
7 system. They have been very successful using it
8 as well.

9 Q Now, why is it you can't comply with
10 the number of loading bays that are required by
11 the zoning ordinance?

12 A We didn't feel -- they aren't necessary.
13 The positioning of a loading zone is to be used by
14 multiple tenants.

15 Q Now, the driveway behind building E,
16 is that going to be improved at all?

17 A Yes, it is.

18 Q The new plans depict improvements to
19 that driveway?

20 A Yes, it does.

21 Q Now, Mr. DeNicola, in his letter of
22 July 11th, 2013, specifically No. 16, indicates
23 that the applicant is dramatically reducing the
24 plaza area in front of the theater by adding
25 additional building and extending existing

1 storefronts west. Do you see that?

2 MR. BASRALIAN: Do you have the
3 letter to which you're referring, available?

4 MR. SEGRETO: Yeah, I have it. Take
5 a look at mine. No. 16.

6 A Okay.

7 Q All right. Can you tell me what the
8 rational is for dramatically reducing that plaza
9 area in front of the theater?

10 A This is so that the owner worked up into
11 their program for the shopping center. This is
12 what -- we're also adding plaza areas. We're
13 working around buildings to have it all integrate
14 together. And this is the -- this is how the
15 owner feels that this program will work well for
16 the shopping center.

17 Q Have you made -- I'm sticking with
18 Mr. DeNicola's letter of July 11th. No. 40 talks
19 about the site distance at the egress driveway to
20 Homans is impaired. Has anything been done?

21 A Yes. We've pulled the curb line away from
22 the corner, and we've made it a right turn out,
23 only.

24 MR. SEGRETO: That's all the
25 questions I have.

1 MR. BASRALIAN: Thank you.

2 CHAIR LIGNOS: Okay. Any other
3 member of the public have questions of this
4 witness?

5 Yes, sir, you can step forward.

6 MR. ROSENBLUME: Jessie Rosenblume,
7 65 Knickerbocker Road. Regarding the subdivided
8 lot, you think it would be desirable for the owner
9 to come to the board and testify?

10 MR. CHAGARIS: Objection. Next
11 question.

12 MR. ROSENBLUME: Regarding that
13 subdivided lot, is it covered with pavement?

14 MR. THOMAS: Yes, it is.

15 MR. ROSENBLUME: Will it stay
16 covered with pavement?

17 MR. THOMAS: At this time.

18 MR. ROSENBLUME: Would you consider
19 that pavement an improvement?

20 MR. BASRALIAN: That's not a
21 relevant question. It calls for an opinion that's
22 outside of his testimony.

23 MR. ROSENBLUME: Is that pavement
24 considered a structure?

25 MR. CHAGARIS: Again, really, you

1 had your chance to ask questions before. If
2 you're asking questions based on what Mr. Segreto
3 and some of the other witnesses asked, that's one
4 thing. But they didn't ask anything about the
5 pavement and the subdivided area.

6 MR. ROSENBLUME: They did.

7 Mr. Segreto --

8 MR. CHAGARIS: It's a pre-existing
9 condition. It's there. They're not changing
10 anything. It's right there.

11 MR. ROSENBLUME: Generally you don't
12 create a lot with improvements on it.

13 MR. CHAGARIS: I don't know what
14 generally is done. But I'm just saying the
15 testimony is that this lot is being subdivided.
16 It's staying the same.

17 MR. ROSENBLUME: Okay. Thank you.

18 CHAIR LIGNOS: Any other -- yes sir.

19 MR. DESSER: Paul Desser.

20 D-E-S-S-E-R, 11 Meadows. Parking spaces, 2010,
21 can you do compact spaces for compact cars?
22 Because as we're putting charging systems in, and
23 we're seeing cars getting smaller and smaller, car
24 size -- or parking spaces of that size seem
25 excessive, is that something that is being

1 contemplated?

2 MR. THOMAS: It's a good question.
3 We are not contemplating it at this time.

4 MR. DESSER: Wouldn't it make
5 logical sense, looking at what's happening with
6 cars, and car design, and parking lot designs and
7 parking -- construction of parking garages to make
8 it smaller and more efficient, which could also
9 increase your number of cars or increase your
10 impervious, or your non impervious surface so you
11 could put more landscaping, and things like that?

12 MR. THOMAS: Again, parking decks,
13 while they do have -- tend to have some smaller
14 stalls, that's when you have more of a transient
15 type of a parking deck where it's long-term
16 parking. In this case --

17 MR. DESSER: Or if you have
18 stackers. Or if you have obstructions. Or if you
19 have drainage systems. There is lots of reasons
20 they're doing it. One of the reasons its being
21 done is --

22 MR. CHAGARIS: You have to let him
23 answer the question.

24 MR. THOMAS: In this case we're in a
25 shopping center with a high volume turn over. So,

1 the tall -- the wider stalls or the bigger stalls
2 are a little bit more comfortable for shoppers to
3 use than narrow tight ones where you have to bring
4 your packages and put them in a car.

5 MR. DESSER: Okay.

6 CHAIR LIGNOS: Thank you, sir. Any
7 other member of the public having a question? I
8 see and hear none, and, therefore, I close this
9 portion of the meeting to the public.

10 Mr. Basralian, I am assuming you
11 have another witness.

12 MR. BASRALIAN: Yes, I do.

13 CHAIR LIGNOS: I would like to --
14 the board to take a 5 minute recess. I am
15 sure the court stenograph -- 10? She's asking for
16 10. And I'm willing to go 10. The time now is 12
17 minutes after 10. We will resume in 10 minutes.
18 Thank you.

19 (Short recess taken.)

20 CHAIR LIGNOS: Members of the board,
21 because I want to --

22 MR. NYFENGER: Mr. Pialtos had an
23 emergency and had to get home.

24 CHAIR LIGNOS: I'm sorry. Okay.
25 I'll put that on record. Mr. Pialtos had to leave

1 the meeting at 10:22. It's exactly 10 minutes for
2 our recess. I thank you very much. This meeting
3 is back to order.

4 Members of the board, only because
5 we need to take care of some housekeeping, we have
6 a work session meeting scheduled for October the
7 2nd. And then our regular monthly meeting is
8 October the 24th. I'd like us to schedule --

9 MR. MADDALONI: What about
10 September's meeting, did we cancel?

11 CHAIR LIGNOS: September's we
12 already have.

13 BOARD SECRETARY: We cancelled the
14 work session.

15 CHAIR LIGNOS: We cancelled the work
16 session but we have the 12th, 19th and the 26th.
17 Then we have October the 2nd. I'd like to add,
18 through a motion, special meetings on the 10th and
19 the 17th of October. Would someone like to make
20 that motion?

21 MR. DIDIO: I'll make that motion.

22 MS. ISACOFF: Second.

23 CHAIR LIGNOS: It's made by
24 Mr. DiDio. Seconded by Ms. Isacoff.

25 Ms. Mitchell, would you please poll

1 the board.

2 BOARD SECRETARY: Sure.

3 Mayor Heymann.

4 MS. HEYMANN: Yes.

5 BOARD SECRETARY: Councilwoman

6 Amitai.

7 MS. AMITAI: Here.

8 MR. MADDALONI: Isn't it yes?

9 MS. AMITAI: Yes. Oh, yes.

10 BOARD SECRETARY: We already figured
11 out you were here about two hours ago.

12 CHAIR LIGNOS: I just -- I need a
13 yes or a no at this point.

14 MR. NYFENGER: 10th and 17th?

15 CHAIR LIGNOS: Yes.

16 BOARD SECRETARY: I'm sorry, was
17 that two yes's on that end?

18 MS. AMITAI: Yes.

19 BOARD SECRETARY: Dr. Maddaloni?

20 MR. MADDALONI: I am here too. Yes.

21 BOARD SECRETARY: Mr. Baboo.

22 MR. BABOO: Yes.

23 BOARD SECRETARY: Ms. Stella.

24 MS. STELLA: Yes.

25 BOARD SECRETARY: Mr. Lignos.

1 CHAIR LIGNOS: Yes.

2 BOARD SECRETARY: Mr. Sinowitz.

3 MR. SINOWITZ: Yeah.

4 BOARD SECRETARY: Mr. DiDio.

5 MR. DIDIO: Yes.

6 BOARD SECRETARY: Ms. Isacoff.

7 MS. ISACOFF: Yes.

8 BOARD SECRETARY: Mr. Pialtos. Oh,
9 he is gone.

10 CHAIR LIGNOS: Okay. And that takes
11 us all the way to October the 24th, which would be
12 our regular monthly meeting, if there's business.

13 Okay. Mr. Basralian.

14 MR. BASRALIAN: Yes. I would like
15 to present my next witness. Mr. Chagaris, would
16 you swear him in, please.

17 MR. CHAGARIS: Could you raise your
18 right hand. Do you swear to tell the truth, the
19 whole truth, and nothing but the truth.

20 MR. HAMILTON: I do.

21 MR. CHAGARIS: Please state your
22 name and give us your business address.

23 MR. HAMILTON: William Hamilton,
24 H-A-M-I-L-T-O-N, 54 Horse Hill Road, Cedar Knolls,
25 New Jersey.

1 MR. BASRALIAN: Thank you.

2 CHAIR LIGNOS: Wow, you had a trek
3 up here, didn't you?

4 MR. HAMILTON: I live in Hohokus so
5 it's not too bad.

6 CHAIR LIGNOS: Oh, that's not bad.
7 Sir.

8 MR. BASRALIAN: Yes. Would you --
9 would you state your occupation and with whom
10 you're associated with.

11 MR. HAMILTON: Sure. I'm a
12 principle in the firm of Omland Engineering
13 Associates. I'm a licensed professional planner
14 and a licensed landscape architect in New Jersey.
15 I'm also licensed as a landscape architect in
16 Pennsylvania and New York. I've been practicing
17 in the field for about 30 years now. First
18 licensed in 1985. I testified before boards
19 throughout the state. I have been in front of
20 many boards in this area, including your board.

21 MR. MADDALONI: Move to accept his
22 credentials.

23 CHAIR LIGNOS: Thank you. Now,
24 would you, just, Mr. Basralian, please clarify,
25 that even though your witness is both a registered

1 professional planner and a landscape architect --

2 MR. BASRALIAN: He's testifying as a
3 landscape architect.

4 CHAIR LIGNOS: Only as a landscape
5 architect?

6 MR. BASRALIAN: That's correct.

7 CHAIR LIGNOS: I see no objection,
8 and, therefore, please, please continue.

9 EXAMINATION BY MR. BASRALIAN:

10 Q Referring to exhibit -- the current
11 conditions exhibit, which was a photograph, we've
12 used it before. I just got to get the right
13 exhibit number here. Existing conditions, Exhibit
14 A-10. Would you -- which is up on the board.
15 Would you, please, briefly describe the existing
16 conditions and landscaping using that exhibit.
17 And if you wish to go to that. Just speak up so
18 the microphones could pick you up.

19 A I'd be happy to. I'm going to concentrate
20 just on the plans, because you've heard testimony
21 from Mr. Thomas and Mr. Roncati, a lot about the
22 existing conditions on the site, and I know you
23 all know the property. So, starting at the lower
24 end of Exhibit A-10, Vervalen Street, there are
25 some plantings along Vervalen. Some street trees

1 that are there. They're a little more regular on
2 the western side of the property. And, as you
3 move easterly along Vervalen they are more
4 sporadic. They're mostly a mixture of Maples and
5 Oak. Some in poor condition. Some in fair
6 condition. And then as you move down closer to
7 the movie theater in the plaza area, adjacent to
8 the movie theater there are a number of Maples in
9 that area, 7 total. There are also some
10 understory shrubs along Vervalen, as you know,
11 again, very sporadic, most of them in fairly poor
12 condition. And we're going to talk about what's
13 being proposed there in a minute.

14 Now, moving up to Homans, there is also
15 some understory planting there, a little more in
16 terms of the quantity, but there's really no shade
17 trees along Homans, with the exception that behind
18 the existing K-mart there are some trees that are
19 somewhat off of the Homans right-of-way, within
20 the parking field itself, as you see in looking at
21 this exhibit, there's very few trees. I count 5.
22 And then there's a few trees within the plaza
23 area, sort of on the eastern side of the property,
24 between what I believe is referred to as building
25 B and D in the application for the proposed

1 addition. So, total we have 41 trees on site.

2 And what we've done, is, we've established
3 that, we've calculated what we believe to be the
4 effective canopy of those trees. And it comes
5 down to about a half an acre. And that's based
6 upon our calculations on the aerial photographs
7 that you see here. And we're going to talk about
8 that later when we talk about what we're
9 proposing, and what the difference is in the
10 canopy coverage in the proposed conditions.

11 Q Okay. Going to the Exhibit A-12,
12 which is described as the overall landscape plan,
13 and it's colorized and over-layed on the aerial
14 photograph, would you describe the landscape
15 design and the elements that have gone into the
16 redesigning of the landscape and landscape field
17 within the shopping center?

18 A Sure. When we looked at the landscape
19 design for this project we really looked at it in
20 three different areas. We looked at the
21 streetscape. We looked at the parking field
22 landscaping and planting, and then we looked at
23 the plaza areas that Mr. Roncati described to you
24 in the earlier testimony. Starting with the
25 streetscape, what we did, was, we decided, let's

1 supplement the planting that's there that's good
2 along Vervalen. And we're going to save 1, 2, 3,
3 4, 5 of the trees that are in front of the store.
4 We're going to supplement that with London Plain
5 trees, planted at 40 feet on center. It's a very
6 tolerant tree. It's a very stately tree. It has
7 character in terms of the bark during the winter
8 months, and it's a great tree that can survive
9 conditions adjacent to roadways and parking lots.
10 In addition, we're proposing evergreen shrubs
11 along the entire perimeter along Vervalen, both
12 between Vervalen and the parking lot. And, also,
13 as you move up into the site at the various entry
14 points to the west, and in the center of the site,
15 and we're going to detail the shrubs in a minute,
16 but those shrubs are basically going to be 30 to
17 36 inches, maintained at that level. Again,
18 they're evergreen, for the most part. They're
19 Cherry Laurels, as well as Chip Laurels. So, we
20 have a total of 12 trees being proposed along this
21 perimeter.

22 Q Is that 12 additional trees or 12 --

23 A Twelve additional trees.

24 Q All right. Thank you.

25 A But existing number shrubs. Looking over

1 to the back of the site on Homans, again, we
2 thought there, there is no existing trees. So,
3 we're proposing the same trees being at the same
4 space 40 feet on center, throughout that entire
5 back property line. In addition, just like we
6 talked about in the front, we're going to provide
7 shrubs in the back here that will provide a visual
8 buffer to the parking spaces, the loading areas in
9 the rear, as well as to compliment the back
10 architecture that Mr. Roncati described.

11 Q Does that include landscaping around
12 the transformer, which we've discussed earlier in
13 the evening, at the Homans Avenue ingress/egress?

14 A Yeah, actually we provided landscaping
15 around all 8 of the transformers, but particularly
16 at the entrance we have provided some landscaping
17 there. We may allow the shrubs to grow a little
18 higher there. Those structures are going to be
19 about 4 feet high and we want to make sure that we
20 have proper screening of them. Again, Mr. Thomas
21 suggested the may look at another location, we'll
22 see. But at the moment we feel we've got
23 sufficient landscaping in that area.

24 Looking at the parking field then, we went
25 from 5 trees to, now, about 88 trees. And the 88

1 trees are within just this central area in the
2 parking lot. That's not including the plaza areas
3 and the streetscape. If you look at those areas
4 as well, we're up over 140 trees is what we're
5 proposing. In the parking lot itself, we've
6 picked red maples and going with honey locusts.
7 Again, they're very hardy trees. They will
8 provide the shade that's required in the parking
9 lot during the summer months. And, again, you can
10 see in this illustration on A-12, the extent of
11 islands that are being proposed, and the number of
12 trees over -- significantly over what the existing
13 condition is.

14 Within the parking islands themselves,
15 we're not just putting mulch down. We're actually
16 going to plant those with evergreen ground cover,
17 Creeping Lily Turf. And that will provide, I
18 think the softening of those areas, and not your
19 traditional, you know, wood mulch or cedar mulch.

20 Before I go into the plaza areas, I do
21 want to just, before I get away from it, introduce
22 a new exhibit.

23 MR. BASRALIAN: Which is listed on
24 the exhibit list as Exhibit A-16 Vervalen Street
25 concept plan.

1 MR. HAMILTON: A-16.

2 MR. BASRALIAN: Right.

3 CHAIR LIGNOS: And mr. Basralian,
4 you're going to provide these exhibits for us to
5 keep after you're all through with them, am I
6 correct? Because we don't have -- we don't have
7 Mr. Roncati's material.

8 MR. BASRALIAN: Yeah, he will bring
9 that. Yes, he will bring that. We've listed as
10 an exhibit, but you also have the CD's of
11 everything he's done and hard copies as well.

12 CHAIR LIGNOS: No, I understand.
13 And just -- and if you would be so kind as
14 Mr. Thomases' samples today, if they could be
15 included.

16 MR. BASRALIAN: Yes, they are
17 included on that as well. They can't be
18 physically mounted, but they'll be included in
19 those attachments to it. What we will do, is,
20 we'll provide copies of these, usually is more --
21 it's safer for us to keep the finals. You will
22 get -- you will get copies for your -- for your --
23 for your files, okay?

24 CHAIR LIGNOS: That's fine.

25 MR. BASRALIAN: Go ahead, please.

1 A This exhibit, we've had marked as A-16 is
2 entitled, 'Concept Sketch, Closter Plaza.'
3 Closter Plaza. And what it is, is, in looking,
4 first of all, from upper left, we've got a
5 photograph of the existing condition on Vervalen.
6 And we're looking in a west to east direction.
7 And you can see the existing condition which
8 you're all familiar with. There's a sidewalk,
9 approximately 6 foot wide, designed directly to
10 the macadam, and there are some shade trees, and
11 different planter areas along that frontage. Just
12 below that on the lower left of the sheet, we're
13 showing a section of what's proposed on the plan,
14 just to give you a little better feel for what
15 it's going to look like. And, as you can see,
16 we've moved that parking lot back somewhat, and
17 we've now provided a landscape island of a little
18 over 14 feet, between the back of the proposed
19 sidewalk to the curb line where the parking stalls
20 are within the parking lot. And then we have a
21 6 foot sidewalk along Vervalen, which is
22 consistent with what you have today, and pretty
23 much standard within the industry. Moving to the
24 right side of the sheet, both on the upper section
25 and on the lower section, two different views, a

1 perspective, artist rendering, just to give you a
2 feel for what this space will look like, probably
3 in five years from now, when you've got the growth
4 of the shrubs, where they formed a solid mass,
5 again, then 3 feet high or so. And the trees that
6 we're proposing, the London Plain trees are now at
7 a sufficient height where they are providing a
8 real canopy along the roadway. The trees are
9 located in such a situation -- or such locations
10 where they're not interfering with the lights that
11 are being proposed as well, along the road.

12 Q Is it anticipated that that
13 evergreen hedgerow will be grown to sufficient
14 thickness or density so as to effectively block up
15 that -- block, approximately, the height of the
16 hedgerow and the cars that are behind it --

17 A That's correct, that's the intent. So
18 that any lights that you have on cars that are
19 parked facing Vervalen will be blocked by this --
20 by this hedgerow.

21 Now, going back to A-12, we talked about
22 the streetscape, we talked about the parking lot.
23 Now, let's talk about the plaza areas that
24 Mr. Roncati described to you. And if you look on
25 sheets 20 of -- 20 to 22 of the site plan, which

1 I'm sure you have, you'll see that the 5 public
2 plaza areas, as well as the restaurant, outdoor
3 seating area, are detailed on those plans. Now,
4 what we've done for the presentation, is, we've
5 prepared a new rendering, which puts all that
6 information onto one sheet so we can talk about it
7 and walk you through it.

8 MR. BASRALIAN: That's marked as an
9 exhibit already. It's a combination of those
10 sheets. It's marked as Exhibit A -- A-13,
11 combined.

12 MR. HAMILTON: A-13?

13 MR. BASRALIAN: Yes.

14 CHAIR LIGNOS: Has that already been
15 marked you said?

16 MR. BASRALIAN: No. It's on our
17 exhibit list --

18 CHAIR LIGNOS: I understand that --

19 MR. BASRALIAN: -- and he's just
20 going to put the A-13 on there.

21 CHAIR LIGNOS: That's fine.

22 A This is a -- again, it's a combination of
23 all the details that are shown on sheets 20 and
24 22. It's entitled, "Plaza Details." It's dated
25 8/5/13. Looking at the left side of the sheet on

1 the lower level, there's an overall map of the
2 site, where we've highlighted the various plaza
3 areas that have been described to you. And then
4 looking at the details, and I'm going to start
5 with detail A, you can see what's being proposed
6 in those areas. Detail A is the area just to the
7 east of the Whole Foods. It's a fairly large
8 plaza area. There's going to be ground cover
9 adjacent to, or underneath that sign that
10 Mr. Roncati described, with the old signage for
11 the facility. That's going to have lily turf with
12 an evergreen ground cover, which provides some
13 separation between the driveway and the sitting
14 area. Within that sitting area, you're going to
15 have a number of benches, tables, planters, a
16 gathering place for -- for the visitors to the
17 center. The planters, by the way, both in this
18 plaza and in the other areas of the site, are
19 going to be used for seasonal plants. So they're
20 going to change, as the seasons progress from
21 fall, actually even through winter.

22 Actually, before I go into the others, I'd
23 like to talk a little bit about the amenities that
24 really are going into these plazas. And we
25 detailed some of them on the plans, but we have

1 one exhibit that gives you sort of a flavor of
2 what -- what you're looking at.

3 MR. BASRALIAN: That's exhibit --
4 marked as Exhibit A-15 on the exhibit list. Mark
5 it, please, as A-15.

6 MR. HAMILTON: Okay. I've marked
7 this as A-15. It's an exhibit that labeled,
8 'Trash Receptacles, Benches and Other Site
9 Amenities.' And, looking at it, again, I'll just
10 start on the upper left. You can see the type of
11 quality of materials that Edens uses on their
12 projects. They call them jewelry. And this is
13 consistent what we show on the plans, and
14 consistent with what you saw in the presentation
15 that Mr. Roncati prepared and presented at the
16 first hearing. Again, this is a trash receptacle.
17 Has sort of a -- a wood look to it. It's actually
18 a metal structure. The benches are steel and
19 teak, which is, you know, high quality. Bike
20 racks are very sleek. Planters, again, are sleek,
21 that are going to be in colors that are consistent
22 with the architecture. As you know, the
23 architecture of these various tenants is going to
24 change a little bit, from tenant to tenant, based
25 upon the tenant, and we're going to modify the

1 planters, perhaps even the benches, to be
2 consistent with the architecture of the various
3 tenants. So, while this is typical, there may be
4 additional types of planters and benches and
5 things of that like, that are proposed as part of
6 the common areas, consistent with the tenants that
7 are adjacent to those areas. And, again, moving
8 to the right, just examples of dining tables and
9 chairs. And you can again see the quality of
10 materials, of both the wood chairs and marble
11 tables, things of that nature. So, as you're
12 looking at these plaza areas, you'll just get a
13 feel for the type of materials that we're talking
14 about. We talked about detail A.

15 Detail B is -- it's actually on the
16 western side of the Whole Foods. This will be
17 mostly constructed as phase II. And, again,
18 there's a sitting area there, there's a shade
19 tree. A shade tree with a fairly large planting
20 area underneath. Again, we're going to use lily
21 turf there. The shade tree actually brings down
22 the scale, a little more human scale. Softens the
23 vertical element of the building. And, again,
24 we're providing planters and benches in that area.

25 Moving to area C, as you're moving

1 across the main building in a west/east direction,
2 again, we've highlighted this area with ground
3 cover to separate it. Again, from the traveled
4 way. Here we've introduced two shade trees
5 consistent with the architecture at the corner of
6 the building. Again, providing shade in the
7 summer. And some tables and chairs located at the
8 corner, as well, for use by the public that's
9 visiting the center.

10 Detail D, that is down, kind of in
11 the area where currently you have, I think it's
12 Massage Envy and Radio Shack. This is -- this has
13 a little different feel. You know, we felt we'd
14 change it up a little bit. Here we've got some
15 grass introduced in this area. Not just lily
16 turf. A little, you know -- it still separates
17 from the traveled way in terms of a physical
18 separation. But we thought it would just be a
19 nice different feel. We have benches again,
20 planters with a seasonal planting. And then here
21 we also have an area with table and chairs that
22 can be used by the -- by the customer.

23 Area E is the more private space.
24 It's that restaurant space that Mr. Roncati
25 described. He described that green wall. It's

1 going to be -- separate this from the property to
2 the east. Adjacent to that green wall is a row of
3 Avila, which is a flowering shrub. It's a semi
4 evergreen. It's going to provide some buffering
5 as well as some interest. And adjacent to that,
6 both to the south and to the north, we have a more
7 formal buffering with a U-buffer. So, it's really
8 going to define that space and make it private for
9 the restaurant users who have outdoor seating.
10 And then finally we have ground cover there. And
11 we have 3 trees, which will provide a canopy to
12 the space and really make it almost a feel of an
13 internal space, but yet be outside.

14 And then finally we have area F,
15 which is adjacent to the movie theater. It's been
16 somewhat redesigned. We've provided -- we've held
17 some of the trees -- I think there is 5 trees out
18 by Vervalen. We are going to keep those trees.
19 They are in pretty good shape. We're going to
20 rebuild around them. We're going to use Avila
21 again to make that separation with lily turf
22 ground cover. Benches will be on the -- on the
23 mall side of the -- shopping center side of those
24 planting areas. But we're really defining that
25 space by these tree planters that separate the

1 sidewalk on Vervalen with the more plaza use
2 within the site. And we've got a feature tree
3 here, an anallanchor, that's an ornamental tree.
4 It's a native understory, white flowers. We
5 thought that would make a good point feature
6 point. Underneath it we have tables, benches.
7 And then we have a green wall, which I think
8 Mr. Roncati described as well, along the, I guess
9 it's east and north face of this new building
10 within the plaza, and that's going to lead you
11 through this sort of green corridor. Actually
12 it's going to be on the north face of the
13 corridor, as well as the south face of the
14 corridor. So, as you walk in, I guess it's a
15 north and then a west direction, from the plaza
16 area, to get to the remainder of the -- of the
17 mall, you're going to walk through this really
18 nice green area, which takes you then into an
19 outdoor sitting area. And will service all the
20 customers of the mall. Unlike, you know, the area
21 in area E, which is a more private space.

22 In general, as we look at all the
23 planting that we've proposed, you know, we tried
24 to pick low maintenance material that will provide
25 visual interest throughout the year. Where

1 appropriate, we have proposed species with limited
2 irrigation requirements.

3 We are proposing to irrigate the
4 site. Well, portions of the site. Going back to
5 A-12, which is a rendering of the proposed
6 conditions, we're going to irrigate everything
7 along the front of the plaza, front of the stores,
8 the plaza areas, as well as along the perimeter on
9 Vervalen, and the areas up into the site. The
10 only areas we're not irrigating are the individual
11 islands where the trees are proposed within the
12 parking field. Everything else is going to be
13 irrigated. It's going to be a drip irrigation
14 system, which is very water efficient. And goes
15 along with the general philosophy of the project
16 to be sustainable where ever possible.

17 Overall, and I think I've mentioned
18 this earlier, we're looking at an upgrade of to
19 about 140 trees and over a thousand shrubs, what's
20 being proposed. When we look at the site as a
21 whole, I talked earlier about that canopy
22 coverage. We calculated it now, based upon a 5
23 year gross of what's being proposed here, and
24 we're going from that .5 up to over an acre within
25 that time period. And we anticipate that within

1 double that period we're going -- we're going to
2 double that canopy. So, when we get to 10 years,
3 we're going to have over two acres of canopy
4 coverage.

5 That's what we're proposing.

6 MR. BASRALIAN: Thank you. All the
7 details of the plants, and each and every one --
8 each item is already listed on the -- on a
9 landscape schedule that's part of the plans.

10 I have no further questions of this
11 witness at this point.

12 CHAIR LIGNOS: Okay. Members of the
13 board, I'd like to do, is, ask your questions of
14 this -- of this witness. If there's any member of
15 the board have a question, we'll start then from
16 the left this time and we'll go around.

17 Yes.

18 MR. NYFENGER: So, traditionally
19 there's been a problem with liter blowing across
20 the parking lot, across Vervalen, and into the
21 wooded area. I know personally because as a
22 member of the Lyons Club I've volunteered many
23 times to go pick it up and clean it up. With your
24 proposed plan, do you believe that liter will be
25 better contained within the parking lot area?

1 MR. HAMILTON: Oh, absolutely. With
2 the -- with the plans that we're proposing all
3 along the perimeter of Vervalen, it's going to be
4 very difficult for the liter to get through those.

5 MR. MADDALONI: You could get
6 someone to pick it up.

7 MR. HAMILTON: And I think that
8 Edens, you know, they run a lot of these
9 facilities. I think their maintenance is going to
10 be quite a bit better than it probably has been.

11 MR. NYFENGER: Sure. Well, I mean
12 if it's on their property their going to have a
13 vested interest to clean it up. When it blows
14 across then it's somebody else's property. So, if
15 it's contained then I would think they would clean
16 it up.

17 MR. HAMILTON: It's going to be
18 contained.

19 MR. NYFENGER: Thank you. That's it
20 for me.

21 MS. ISACOFF: I have one question
22 about the seasonal plantings that you're talking
23 about. Is that something that Edens itself will
24 be handling?

25 MR. HAMILTON: Yes.

1 MS. AMITAI: I didn't hear the
2 question.

3 MS. ISACOFF: We talked about the
4 seasonal plantings. And I wanted to know who was
5 going to be responsible for that. He said that it
6 would be Edens. Go ahead.

7 CHAIR LIGNOS: Mr. DiDio.

8 MR. DIDIO: During your testimony
9 you're talking about Vervalen Street and
10 discussing the shrubbery and the height of the
11 shrubbery with regard to stopping headlights of
12 the cars shining through. But the next statement
13 that you made after that, I believe, check it if
14 need be, and then we have a 6 foot wide sidewalk.
15 I don't know if you were implying that the current
16 sidewalk is less than 6 feet or currently 6 feet
17 wide. And are you planning to replace the entire
18 sidewalk?

19 MR. HAMILTON: We are going to
20 replace the entire sidewalk, yes, at a 6 foot
21 width.

22 MR. DIDIO: What is the current
23 width now?

24 MR. HAMILTON: I believe it's
25 6 feet.

1 MR. DIDIO: Then my other question
2 is with regard to irrigation system. You talked
3 about the drip irrigation system. And you
4 describe the fact that it would be around the
5 perimeter of the front of the building and along
6 Vervalen Street. But your plans also show several
7 planters. What do you propose for that?

8 MR. HAMILTON: They'll have
9 irrigation as well. For example, the green wall,
10 they will all have the drip irrigation system. I
11 was just considering that to be the planter
12 landscaping. But they will all have that system.

13 MR. DIDIO: Okay then my other
14 concern --

15 MS. AMITAI: I didn't hear your
16 answer on that.

17 MR. HAMILTON: I'm sorry. We will
18 be irrigating the planted areas within the plazas
19 themselves. For example, where we have a green
20 wall, we're going to irrigate by drip irrigation
21 in that area.

22 MS. HEYMANN: Drip irrigation when
23 the wall goes right up with, just the roots from
24 the entire wall are --

25 MR. HAMILTON: Well, the way it

1 works, is, we picked plant varieties that are
2 going to be in a planter, that's going to have
3 irrigation, and the plant itself grows up the
4 wall. So, there won't be any irrigation on the
5 wall. It will just be within the containers.

6 MS. HEYMANN: I was under the
7 impression architect describe that, that the wall
8 was composed of various units that had plantings
9 at various levels. I was wrong?

10 MR. HAMILTON: Yeah, that's not our
11 proposal.

12 MS. HEYMANN: Okay.

13 MR. DIDIO: My other concern is the
14 fact that the east hill section is known for
15 having deer. I live up in these hills. Deer come
16 down from Alpine from the woods from the boy scout
17 camp.

18 CHAIR LIGNOS: Can you keep it
19 contained to your part of the neighborhood?

20 MR. DIDIO: It would be nice, right.

21 MR. BASRALIAN: We'd appreciate that
22 by the way.

23 MR. DIDIO: And I know the deer are
24 also attracted to the farm across the street. Are
25 the shrubs and plantings that you're considering

1 deer resistant?

2 MR. HAMILTON: For the most part.
3 You know, when deer are hungry they'll eat
4 anything. But the one -- the one shrub that they
5 do like are used. But we've only used those in a
6 limited area of the site. And I think it will be
7 difficult for deer to get back there. But on the
8 perimeter we've chosen plants that we believe will
9 not be so attractive.

10 MR. DIDIO: And those are deer
11 resistant?

12 MR. HAMILTON: Yes.

13 CHAIR LIGNOS: Did you ask about
14 bear and coyote too?

15 MR. BASRALIAN: And fox.

16 CHAIR LIGNOS: And fox. I mean, you
17 know, we want to make sure we have ample diet for
18 the coresidents of our town.

19 MR. SINOWITZ: The Homans Avenue,
20 the service area facing that street, that will
21 probably produce a lot more liter and materials
22 being brought around, and so forth. Is that also
23 going to be protected in the same manner as
24 Vervalen, for liter being blown across the street
25 onto the other properties north?

1 MR. HAMILTON: The same trees are
2 proposed on that road, correct.

3 MR. SINOWITZ: And what specifically
4 is that tree?

5 MR. HAMILTON: It's a mixture of
6 cherry and skip laurel. They're evergreen shrubs.
7 They grow 4 to 6 feet. We're planting them pretty
8 close together. Excuse me, I'll just show you on
9 A-12 I think it is. Again, we've planted them
10 throughout the back of this area. So, I think
11 it's going to provide a pretty good separation
12 between the loading areas and the streets.

13 MR. SINOWITZ: Thank you.

14 MR. HAMILTON: You're welcome.

15 MR. DIDIO: With regard to the
16 irrigation system are you using recycled water
17 from the roof system at all?

18 MR. HAMILTON: No, we're not.

19 MR. DIDIO: Okay. Thank you.

20 MS. AMITAI: Why not?

21 CHAIR LIGNOS: Let me get to your --
22 let me keep going.

23 MR. DENICOLA: When you talked about
24 the drip irrigation system, you said along the
25 interior islands, the pedestrian plazas, and

1 Vervalen. You didn't say Homans. Is it Homans
2 also --

3 MR. HAMILTON: Yeah.

4 MR. DENICOLA: Okay. That's all.

5 CHAIR LIGNOS: Mayor.

6 MS. HEYMANN: I have a couple of
7 questions. First of all, did you say you were
8 planting London Plains?

9 MR. HAMILTON: Yes.

10 MS. HEYMANN: They have very, very
11 wide horizontal roots that can impact some of your
12 pavement. I mean have you considered that?

13 MR. HAMILTON: We have. We have a
14 pretty good planting area there. On Homans we
15 have 7 feet minimum and on Vervalen we have over
16 14 feet. You know, it's a trade off. You want a
17 plant that is hardy. You know, London Plain are,
18 you know, they are well established. If you go to
19 New York, I think they said 20 percent of the
20 street trees in New York are London Plain trees.
21 Because they survive and they have characteristics
22 -- characteristics that are -- that are --

23 MS. HEYMANN: I have two of them.

24 MR. HAMILTON: Yeah. And that was
25 our through process. We think we have enough room

1 there and they can survive.

2 MS. HEYMANN: I'm not worried about
3 the trees. I'm worried about the surrounding
4 pavement and sidewalks.

5 MR. HAMILTON: Yeah, I understand.

6 MS. HEYMANN: You feel that they are
7 not going to impact that?

8 MR. HAMILTON: I do.

9 MS. HEYMANN: How are you dealing
10 with maintenance? Are you -- is it all going to
11 be in-house on a regular schedule or -- that's a
12 lot of trees and shrubs to be maintained. You
13 know, who is setting up the irrigation system?

14 MR. HAMILTON: Well, I'm not sure.
15 I believe, though, Edens, who is the developer, is
16 going to be responsible for that. And I suspect
17 they're going to hire outside firms for that.

18 MS. HEYMANN: My next question has
19 to do with the benches, and you said they were
20 teak and steel. And I'm wondering, particularly
21 since you're proposing to being sustainable, that
22 you're not using recycled plastic which lasts much
23 longer than wood.

24 MR. HAMILTON: You know, we'll give
25 some thought to that. Our focus is really on a

1 high quality product. And that's what we have
2 chosen here. The materials may change a bit. And
3 maybe we can use some recycled materials on some
4 of the benches or planters. But we were just
5 trying to give you a flavor for the type of
6 amenities.

7 MS. HEYMANN: But you're not wedded
8 --

9 MR. HAMILTON: No, we're not married
10 to what we are showing here.

11 MS. HEYMANN: The last question
12 really refers back to the first point. I am
13 concerned that you are not giving enough space for
14 your trees to grow and be healthy. Because a lot
15 of the coverage is impervious and trees need
16 space. And when you talk about trees on islands,
17 how much space are you giving? And what kind
18 of -- you're not using mulch? You're using ground
19 cover instead?

20 MR. HAMILTON: We are using ground
21 cover, yes.

22 MS. HEYMANN: And is it going to be
23 adequate to keep those shrubs and trees alive?
24 Because we've had trouble in other shopping areas,
25 where we've lost all the trees.

1 MR. HAMILTON: You know, it's a good
2 question. We have various sizes of islands with
3 what we're proposing. Some of the smaller ones,
4 we recognize that the trees may not grow as
5 quickly and as full as they would in a larger
6 islands or as they would if they were in your
7 front yard. But it's a trade off. You know,
8 Edens is very interested in getting as many trees
9 as they can on the property, which is -- and I do
10 a lot of retail work. That's unusual for a
11 retailer. So, you know, they instructed us to --
12 to put as many trees as we could. We could take
13 those smaller islands and not put trees in or just
14 put ornamental grasses in or whatever. But we
15 just feel with the trees, even though, you know,
16 some of the islands are on the smaller side, where
17 you may have a 6 X, you know, 36-foot island with
18 the trees in, it's still sufficient to, you know,
19 to support the Red Maples and the Honey Locusts,
20 is what we're proposing. So, that's kind of our
21 philosophy on it.

22 MS. HEYMANN: There are systems for
23 using enriched soil, and replacing the entire base
24 for the trees. Have you thought of that? Are you
25 using any of that?

1 MR. HAMILTON: I'm familiar with it.
2 It's structured soil, is what you're talking
3 about. And Cornell University has been
4 researching it for a number of years. I've --
5 I've expected -- I shouldn't say never expected,
6 but I never had a project constructed with it.
7 But in looking at that, we just didn't feel it was
8 appropriate. And I'll tell you why. The
9 structured soil is really a mixture of an
10 aggregate, a clay, and some organic material, and
11 then there's a binder that they put in there. So
12 that it does support pavement. And it will allow
13 some growth of roots into the system, where it
14 becomes more difficult, obviously when the sub
15 surface is compacted under the pavement. But
16 there's some downside too, in that the water does
17 go through that system a little quicker than it
18 would under normal planting beds. So, you have to
19 provide drainage in the bottom. Otherwise the
20 water will collect and it's not good for the roots
21 with the water collecting at the bottom. So, you
22 have to drain it, No. 1. And, No. 2, you know,
23 it's quite extensive what you have to do, because
24 you have to take out the soil. First you have to
25 take out the pavement. Then you have to take out

1 the soil. And then you have to put in this
2 material. And, from what I read, it seems that
3 irrigation is recommended in most cases for those,
4 because of the fact that, you know, that soil --
5 water doesn't stay as long in the soil as it does
6 in native soil. So, we looked at it. We didn't
7 feel it was appropriate, given the sizes of, you
8 know, the islands that we have. So, we didn't
9 propose it.

10 MS. HEYMANN: My last question has
11 to do, again, with irrigation. In that there
12 is -- the project, apparently, is not going to re
13 use water, that is draining, rain water or
14 anything like that. Is there any chance,
15 whatsoever, in these plans, of using water that's
16 recycled rain water? Because so far no one has
17 mentioned anything to that effect.

18 MR. HAMILTON: Yeah. It's -- the
19 way you would do it, is, most commonly cistern or
20 something like that. But particularly on an
21 existing center, it's often difficult to redesign
22 roofs and centers to collect water. But that
23 aside, it's a -- it's a very labor intensive and
24 expensive procedure to do that. And what we
25 found, and you can just confirm this, once you get

1 these plants established, you know, you have to,
2 you have to irrigate them for the first few years.
3 Irrigation requirements after that are not that
4 significant. You know, most of the plants that
5 we've chosen are low -- that don't require a lot
6 of water. But the irrigation is needed really to
7 get them going. It's the same with the trees that
8 we're planting within the islands. We're going to
9 have to water those, particularly for the first
10 year, but even after that, until they're
11 established. But after they're established they
12 really don't need irrigation. They can grow
13 naturally. So, we thought about it, but we just
14 didn't think it was appropriate for this site.

15 MS. AMITAI: Okay. Let's see. I
16 don't know what a London Plane looks like. But
17 are they tolerant of -- I mean our Closter Plaza
18 is fairly low? Are they London Planes that you're
19 putting in the islands?

20 MR. HAMILTON: No. Only along the
21 street. In the islands we have Red Maples, which
22 can tolerate, you know, your high water table, as
23 well as Honey Locusts. And the London Planes can
24 as well. If you know what a Sycamore looks like,
25 a London Plane is the same thing, except the color

1 is a little more yellow. That's all. It's a very
2 stable tree.

3 MS. AMITAI: Evergreens. So, the
4 evergreens you said you're planting them fairly
5 close. The London Planes on 40 foot center. So,
6 how close are the shrubs?

7 MR. HAMILTON: You know, I would
8 have to check that.

9 MS. AMITAI: Eight feet. Ten feet?

10 MR. HAMILTON: No, no, they're
11 closer than that. I think they're about 4 feet on
12 center. Somewhere. It's not 8 feet.

13 MS. AMITAI: And are you doing curbs
14 also? Sidewalks and curbs?

15 MR. HAMILTON: Yes.

16 MS. AMITAI: How large are the
17 islands? I remember seeing the figure, but right
18 now -- 7 X 20 or -- I forgot.

19 MR. HAMILTON: I think the smallest
20 island, to my recollection, is, 5 feet X 36. But
21 for the most part they're larger than that.

22 MS. AMITAI: Why is that one so
23 small? How many are there at that very small --

24 MR. HAMILTON: About 30 percent of
25 the islands are at that smaller area. The rest

1 are larger. And, again, it was a trade off. You
2 know, we need the parking for the facility, do we
3 plant these islands with lower shrubs, or do we
4 plant it with a tree that we know isn't ideal, but
5 at least it will grow, and we know that Edens has,
6 you know, superior landscaping, maintenance and
7 things of that. So, the decision was, let's put
8 the trees in, and maintain them, and get them
9 going.

10 MS. AMITAI: Okay. I was curious,
11 what is this green line?

12 MR. HAMILTON: Oh, those are shrubs
13 as well. Same shrubs that we have out along the
14 streetscape.

15 MS. AMITAI: Okay. And then this is
16 on the -- let's see, which one is it on?

17 MR. HAMILTON: I have --

18 MR. BASRALIAN: Just read off the --
19 Bill, just read off the exhibit number that you're
20 referring to for the councilwoman.

21 MR. HAMILTON: Oh, okay. A-16 you
22 mean?

23 MS. AMITAI: Yes. Thank you. What
24 is this?

25 MR. HAMILTON: That's grass.

1 MS. AMITAI: This is grass. And
2 this is?

3 MR. HAMILTON: Oh, these are --
4 these are either -- I think those are just smaller
5 ground cover underneath the shrubs. Lily turf.

6 MS. AMITAI: I don't know what lily
7 turf is. What does it look?

8 MR. HAMILTON: It's a perennial.
9 It's an evergreen. You've probably seen it. It's
10 pretty common as a ground cover. And it has, I
11 guess a white spikey flower. But it's, you know,
12 it grows 8 inches, 12 inches.

13 MS. AMITAI: It's not pachysandra?

14 MR. HAMILTON: No, no.

15 MS. AMITAI: By a different name?

16 MR. HAMILTON: No, it's a perennial.

17 MS. AMITAI: It's what, a perennial?

18 MR. HAMILTON: Yes.

19 MS. AMITAI: Does that mean it dies
20 in the winter?

21 MR. HAMILTON: No, it pretty much
22 lasts the winter. You will get a little bit of
23 browning, but it's a ground cover that's going to
24 maintain it's color pretty much throughout the
25 winter.

1 MS. AMITAI: Our master plan keeps
2 talking about joining the shopping center with our
3 Renaissance district downtown Closter Dock Road.
4 And the sleek look at some of these very beautiful
5 pots and, jewelry, I think you referred to it as.

6 MR. HAMILTON: Yes.

7 MS. AMITAI: Doesn't seem to really
8 seem to go with our historic, whatever historic
9 architecture we have downtown? Would there be
10 other things, that you might consider, to try to
11 tie the two areas together?

12 MR. HAMILTON: Sure. We would be
13 happy to work with the -- with the borough on
14 that. You know, we've developed a standard that
15 we think will go best with our tenants and tie the
16 center together. But, we're always open to
17 incorporating elements of other parts of the town
18 into the center to try to make -- design.

19 MS. AMITAI: That is the intent in
20 the master plan.

21 MR. HAMILTON: Yes.

22 MS. AMITAI: And the grasses that
23 you talked about in level -- in detail D I think
24 it was, were they high grasses?

25 MR. HAMILTON: No, that's just going

1 to be a mowing grass.

2 MS. AMITAI: A mowing grass. And I
3 don't know what Avila is either.

4 MR. HAMILTON: Avila is a brand of
5 flowerage called glossa vial. It's a -- it's a
6 small shrub. It's an evergreen as well. It has
7 light pink flower in late summer to fall. You
8 know, we tried to pick plantings that would have
9 flowers at different times of the year, that we
10 could use in conjunction with the planters. But
11 it's a very hardy and a common shrub material.

12 MS. AMITAI: Would hollies, are
13 there any kind of hollies that work? Birds love
14 the little berries on the hollies.

15 MR. HAMILTON: Hollies, you know,
16 hollies would work in certain areas. You know,
17 certain varieties of hollies. We wouldn't be
18 probably picking the varieties with berries,
19 simply because of maintenance issues. But that
20 would be another option.

21 MS. AMITAI: And maybe you would
22 consider that. And retail F, you talked about the
23 public seating area?

24 MR. HAMILTON: Yes.

25 MS. AMITAI: Where is that? Is it

1 under the roof or --

2 MR. BASRALIAN: Bill, just refer to
3 the exhibit again.

4 MR. HAMILTON: This is Exhibit A-13.
5 In looking at the detail F, at the bottom right
6 corner. It's underneath this walk-through. There
7 is a few tables that are outside, but it's under
8 as well. But it's partially covered.

9 MS. AMITAI: And are there plants in
10 there?

11 MR. HAMILTON: There are no plants
12 under the -- under the roof. But, again, you have
13 the green walls and the planters at the edges.
14 Not to say that there wouldn't be planters there
15 but that's not what we're proposing.

16 CHAIR LIGNOS: Anymore questions,
17 councilwoman? Dr. Maddaloni.

18 MR. MADDALONI: This looks like a
19 very nice landscape plan. I do share my
20 colleague's concerns about maintenance. Picking
21 up liter, mowing the lawn, trimming the bushes,
22 gathering the voluminous amount of leaves that
23 will fall every October. So, you know, it only
24 looks as good as the way you maintain it. And
25 that's been a huge issue with the current. So, I

1 think people are extremely sensitive to that. So,
2 I don't think we can over emphasize the importance
3 of good maintenance. I just had one question.
4 You talked about those -- what did you call them,
5 London Planes along the front?

6 MR. HAMILTON: Yes.

7 MR. MADDALONI: So, you're
8 considering --

9 MR. HAMILTON: You're now looking at
10 A-12.

11 MR. MADDALONI: -- the large amount
12 of resources you're putting into this, and I
13 understand your appreciation, and your desire to
14 conserve as much as possible. But, frankly, there
15 is not much worth conserving on that property.
16 And you have this beautiful line of trees here.
17 And these trees I think will look out of place
18 with this otherwise very nice stately tree.

19 MR. HAMILTON: We'll take another
20 look at that.

21 MR. MADDALONI: And this is the main
22 entrance here. And I just don't see what the, you
23 know, the value is in saving those three trees. I
24 think it will detract from the overall appearance.

25 MR. HAMILTON: We'll take another

1 look. You know, we try to maintain, to preserve
2 as much as we can. But it's a good point.

3 CHAIR LIGNOS: Maybe like the sign
4 we could re purpose it.

5 MR. MADDALONI: Yeah, re purpose it.
6 Yeah, we'll put it in your yard.

7 CHAIR LIGNOS: Anything else?

8 MR. MADDALONI: No, that's enough
9 for me.

10 CHAIR LIGNOS: Mr. Baboo.

11 MR. BABOO: On Vervalen and Homans,
12 but mostly Vervalen, you're going to go from
13 concrete to grass then to the brush, or the
14 bushes?

15 MR. HAMILTON: Yes.

16 MR. BABOO: Is there a transition,
17 or a separator between the concrete and the grass?

18 MR. HAMILTON: Just going back to
19 A-16.

20 MR. BABOO: Yes.

21 MR. HAMILTON: This is the travel
22 way to Vervalen. You then have a 6 foot sidewalk.
23 You then have 9 1/2 feet of grass, roughly. You
24 then have 2 rows of shrubs. You know, the ground
25 cover, which is the ariapy, and then the shrubs.

1 MR. BABOO: My concern is, during
2 the wintertime, when the snow blowers come out,
3 and the salt, and everything like that, I know on
4 my block, the snow blowers, they just go right up
5 into your grass and they eat it up. And it takes
6 about a year to recover. I don't know what damage
7 the salt does, but is there any way to mitigate
8 that by putting transition markings so that during
9 the wintertime that people know that grass versus
10 sidewalk during a snowstorm?

11 MR. HAMILTON: I don't think so. I
12 mean I think what we're going to do, is, you know,
13 we've irrigated that area. We're going to
14 maintain it. If the grass suffers during the
15 winter, we're going to replant it, and if you have
16 irrigation, it grows back a lot quicker than if
17 you don't. So, you know, a temporary fence, I'm
18 not sure --

19 MR. BABOO: Yeah, I'm not speaking
20 of fence. I'm speaking, I mean, you know,
21 something that's more -- I just wanted to see --

22 MR. HAMILTON: I mean you could put
23 a mulch border, but then you lose a little bit of
24 a green field.

25 MR. BABOO: Okay. Have you used

1 this type of arrangement before in other of your
2 malls?

3 MR. HAMILTON: Yes.

4 MR. BABOO: No issues?

5 MR. HAMILTON: No issues.

6 MR. BABOO: Okay. Second question,
7 is, I'm originally from Queens, New York. So, I
8 don't know if this is going to be applicable here
9 or not, but I know in Queens if you were to do
10 this, the people that walk their dogs, would liter
11 all over that grass. And this happens
12 sporadically on my block. I live on Durie Avenue.
13 That's one of my concerns as well. It's just --
14 it's an open grass field, and it invites dogs, and
15 people who walk, who kind of liter on it. So, you
16 know, any way we can mitigate that, or any
17 thoughts to that, would be appreciated. Because
18 it's very nice and I just don't want it to be
19 spoiled by people because people do what people
20 do.

21 MR. HAMILTON: I hear you. But, you
22 know, it's really no different than somebody's
23 front lawn, in town. You know, you walk your dog
24 down your street, you have to maintain it.

25 MR. BABOO: Yeah, the problem is I

1 do see that on front lawns. So, you know, I
2 just -- it's a lot of work, being put into it, you
3 know, yeah. That's it. Thank you.

4 CHAIR LIGNOS: Okay. Ms. Stella.

5 MS. STELLA: I just have to put in a
6 word for that beautiful, I think it's a Locust.
7 Beautifully shaped multi branched tree that's
8 growing so gorgeously in front of the empty old
9 supermarket. Anyway to use it in the property?
10 It's just beautiful and it's doing so well.

11 CHAIR LIGNOS: I told you we should
12 re purpose things.

13 MR. HAMILTON: It's probably the
14 nicest tree out there. I agree. But, you know to
15 move it, would be extremely difficult. And
16 because of the width of that tree, you know, it's
17 pretty wide. There is really not a lot of room
18 for it on site.

19 MS. STELLA: Okay. I had to put in
20 a word for it. It's just growing so beautifully
21 there.

22 MR. HAMILTON: I'm familiar with the
23 tree.

24 CHAIR LIGNOS: Anything else?

25 MS. STELLA: That's it.

1 MS. AMITAI: One last question. One
2 last question.

3 CHAIR LIGNOS: Well, you can have
4 after me. I'm allowed a question or two.

5 MS. AMITAI: Sorry boss.

6 CHAIR LIGNOS: Thank you. Let's --
7 please describe a little bit the green wall one
8 more time. The material is an ivy type of
9 material that's a climber?

10 MR. HAMILTON: Correct.

11 CHAIR LIGNOS: And it will climb on
12 a structure that you will -- that you will
13 install, allowing the climber to do its job and
14 climb up the side of the building.

15 MR. HAMILTON: That's exactly
16 correct. It's going to take a little bit of time
17 to establish.

18 CHAIR LIGNOS: Yeah, yeah. Right.
19 And as long as the time issue, what kind of
20 caliper are we talking about as far as these trees
21 at day 1?

22 MR. HAMILTON: The -- all the shade
23 trees are going in at a minimum of 3-inch caliper,
24 which is fairly significant. And the ornamental
25 trees, the 3 amalankers, are going in at a height

1 of a minimum of 8 feet.

2 CHAIR LIGNOS: Okay. So, we're
3 really looking somewhere in the 5, or after range,
4 for them to start to take on the characteristic of
5 what they're supposed to be doing, having the
6 canopy that it's supposed to have, or at least
7 begin to have. My concern, is, on the -- on the
8 curbs themselves. The canopies, appear, from your
9 sketches, to be much greater than the curb, than
10 the planted area that's below that. And,
11 typically, and you know better than I do, the
12 canopy really should be the -- the grass below,
13 the soil below, should be, really, the size of the
14 canopy above. Are you concerned, that, because of
15 the size of these planted areas, that the trees
16 will survive? I just want to hear you say that
17 the size, species that you've selected, will in
18 deed, live just fine in the size planting areas
19 that you've selected in the parking lot now I'm
20 talking about.

21 MR. HAMILTON: Absolutely. We've
22 done many, many shopping centers. And we've had
23 success with trees. And we've talked about --

24 CHAIR LIGNOS: Without irrigation.

25 MR. HAMILTON: Without irrigation.

1 Now, that said, we've talked to Edens quite a bit
2 about making sure that these trees are
3 established. The problem becomes, if they never
4 get established correctly, that's when you have
5 trouble with the tree. Once they get established
6 and they're -- and they're growing, we don't
7 really have as many problems.

8 CHAIR LIGNOS: But irrigation is a
9 very big part of that establishment. How do you
10 establish -- how does that tree get established
11 without irrigation?

12 MR. HAMILTON: They're going to have
13 to water those trees in the islands until they're
14 established.

15 CHAIR LIGNOS: Right. Now, how do
16 you get water to those islands?

17 MR. HAMILTON: They're telling me,
18 Edens this is, tells me that they've done this on
19 other projects, and they have mechanisms to do it.
20 Whether it's a water truck with their landscaper.
21 Probably the easiest way.

22 CHAIR LIGNOS: So, are you saying in
23 your testimony that Edens will be watering these
24 from a water truck?

25 MR. HAMILTON: I don't know from a

1 water truck. But they will be watering these
2 trees to get them established.

3 CHAIR LIGNOS: Okay. So, you're
4 saying that you know that they will -- that part
5 of their maintenance program, will be to water
6 these trees in the parking lot to get them
7 established?

8 MR. HAMILTON: Yes.

9 CHAIR LIGNOS: Okay.

10 MR. NYFENGER: May I ask a question?
11 It's related to that.

12 CHAIR LIGNOS: Okay.

13 MR. NYFENGER: If a tree should die,
14 will it be replaced?

15 CHAIR LIGNOS: Well, we have -- we
16 have that part of our maintenance code. And it's
17 required.

18 MR. NYFENGER: Okay. So that sort
19 of serves that concern.

20 MR. BASRALIAN: Yes, absolutely.

21 CHAIR LIGNOS: You showed something
22 that was really nice in the hard scape, in the
23 landscape furniture. And then you took it back by
24 saying, we're not wedded to teak, or to things
25 we've showed you. That concerns me a little bit.

1 You can show us these things, and then when a
2 comment is made, we're not wedded to them, then
3 I'd like to know what you're wedded to.

4 MR. BASRALIAN: Excuse me. Let me
5 interrupt. I think that was in response to a
6 question of the mayor that said, would you
7 consider alternate materials beside teak. And he
8 responded, well, we're not wedded to that. I mean
9 that's what we're proposing, but we would work
10 with you if you prefer to have something else.

11 CHAIR LIGNOS: Okay. So, what
12 you're -- what the testimony is basically saying,
13 is, what we did see here, is in deed --

14 MR. BASRALIAN: The type of
15 materials they would use.

16 CHAIR LIGNOS: -- the type of
17 materials. It is teak. It is metal. And then
18 wood face. It is -- there are those bike racks.
19 There are those planters. And they appear to be,
20 either a resinous material, or some sort of
21 concrete casted material. I understand about the
22 color, and wedding the colors to the facades, and
23 so on and so forth. So, those materials we can
24 expect. Now, quite frankly, some of the reusable
25 plastics and things, maybe they'll last longer.

1 But that means we have to see them longer also.
2 And quite frankly, I'm not one for them. And as
3 far as -- as far as the buffer from going from a
4 public street on to a more semi private parking
5 lot, of having the lawn to a ground cover, to a
6 shrub, to a tree, I have to, respectfully, with
7 Mr. Baboo, I think the responsibility is for us to
8 maintain that. And, quite, frankly, if -- I
9 really do think it's a very nice way of softening
10 up the street to the -- to the parking lot, and
11 also keeping the headlights from becoming
12 intrusive. So, I really do like that. And I
13 think it is the proper way to go. Now, whether
14 people curb their dog or not, is really the
15 responsibility of those people who walk their dogs
16 and liter and do all sorts of things. And that's
17 why we should enforce -- enforce that. So, Lenny.

18 MR. SINOWITZ: Smoking is still
19 legal in this country. And I was wondering if the
20 plaza is going to make accommodations for the
21 cigarette butts that they accumulate. You know,
22 those containers, they're a certain design
23 containers that when you go into a building you
24 put the cigarette butts into the container instead
25 of the floor.

1 CHAIR LIGNOS: Or for that matter if
2 there's a smoking -- designated smoking area, is
3 that --

4 MR. SINOWITZ: Well --

5 MR. DIDIO: That too.

6 MR. SINOWITZ: Well, that's a
7 question. The first question was; is there going
8 to be accommodations for those people who do
9 smoke, to get rid of their butts?

10 MR. HAMILTON: I would have to
11 confer with my client, but I got to think that
12 this has come up on other projects of their's.
13 And I'm sure they will handle that appropriately.

14 MR. SINOWITZ: And I might as well
15 ask it, is there going to be a special smoking
16 area, in the event, that smoking is not permitted
17 in the --

18 MR. BASRALIAN: If the law changes,
19 we'll comply with the law, whatever is required.

20 CHAIR LIGNOS: Councilwoman --

21 MR. DENICOLA: I just got one thing.

22 CHAIR LIGNOS: Yes.

23 MR. DENICOLA: On the trees -- just
24 one thing. On the tree scape to the curb, what is
25 the offset from the tree to the curb? The little

1 bushes, 6 inches? A foot?

2 MR. HAMILTON: Which ones? I'm
3 sorry.

4 MR. DENICOLA: The bushes. The
5 shrubs.

6 MR. HAMILTON: Oh, along the parking
7 lot?

8 MR. DENICOLA: Yeah, around the
9 parking lot. A foot? Six inches?

10 MR. HAMILTON: You know, it's a
11 little difficult to scale. I think we're going to
12 put them probably 6 feet off. Five or 6 feet.

13 MR. DENICOLA: Behind the curb.
14 Okay. So you're going to have an overhang areas
15 for the cars?

16 CHAIR LIGNOS: For at least 2 feet
17 from the curb.

18 MR. DENICOLA: You need a minimum 2
19 feet, 2 1/2 feet.

20 MR. HAMILTON: Yeah, absolutely.

21 CHAIR LIGNOS: Councilwoman.

22 MS. AMITAI: We didn't talk about
23 the landscaping on Vervalen. I mean on Homans.

24 CHAIR LIGNOS: It's the same as
25 Vervalen.

1 MR. HAMILTON: Yeah, it's the same
2 as Vervalen.

3 MS. AMITAI: Oh, it is. Fourteen
4 feet --

5 MR. HAMILTON: Forty feet on center.
6 Yup, same tree.

7 MR. NYFENGER: Grass as well or no
8 grass?

9 MR. HAMILTON: No grass on Homans.

10 MR. DIDIO: Distance between the
11 shrubs is also the same?

12 MR. HAMILTON: Let me just verify
13 that.

14 MS. AMITAI: Homans? Now we are
15 talking about Homans.

16 CHAIR LIGNOS: No, it's exactly the
17 same is what your testimony --

18 MR. HAMILTON: It's grass as well.
19 It's just not as wide.

20 MS. AMITAI: How wide is it?

21 MR. HAMILTON: It's 7 feet. I
22 believe the grass area between the sidewalk and
23 the plants on Homans. And it's wider on Vervalen.

24 CHAIR LIGNOS: And it's what on
25 Vervalen?

1 MR. HAMILTON: Wider. About
2 14 feet.

3 CHAIR LIGNOS: All right, members of
4 the board, any other questions? At this point I
5 think this is the logical place to stop this
6 evening. The board has asked their questions and
7 we will begin the next meeting with opening up the
8 meeting to the public for questions of this
9 witness, if that's okay with you, Mr. Basralian.
10 Did you have --

11 MR. DIDIO: What is the date of our
12 next meeting?

13 CHAIR LIGNOS: The next meeting is
14 the 12th.

15 MR. BASRALIAN: September 12th, if
16 you would announce that I would appreciate it.

17 CHAIR LIGNOS: So, this application
18 will be carried to our next meeting of
19 September 12th. And because I see no further
20 business here this evening, the chair will
21 entertain a motion that was made by Mr. Didio to
22 adjourn, seconded by Dr. Maddaloni. Your witness
23 after this is traffic. So, we should have our
24 traffic expert here.

25 MR. BASRALIAN: I have already told

1 Mr. DeNicola.

2 CHAIR LIGNOS: All in favor for the
3 adjournment?

4 THE BOARD: Aye.

5 CHAIR LIGNOS: Seeing no objection,
6 this meeting is adjourned at 11:26.

7 (Meeting concluded.)

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C E R T I F I C A T E

I, GINA MARIE VERDEROSA-LAMM, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the deposition of said witness(es) who were first duly sworn by me, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

GINA MARIE VERDEROSA-LAMM, C.S.R.
LICENSE NO. XI2043

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