

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of Special Meeting
December 12th, 2013
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Special Meeting
Thursday,
December 12th, 2013

Mr. Lignos, Chairman called the Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, December 12th, 2013 in the Council Chambers of the Borough Hall to order at 8:02 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. Baboo- 8:05 PM
Mr. Sinowitz -8:03PM
Mr. DiDio
Ms. Isacoff
Mr. Pialtos
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 and asked if any members had any comments. (Refer to transcript for comments regarding Closter Plaza correspondence(s)).

Item # 1

Block 1607 Lot 1 (BL 1310/ L 2)	Applicant: Closter Marketplace (EBA), LLC
19 Ver Valen Street (7 Campbell Ave.)	Centennial AME Zion Church
Application # P-2013-03	Attorney: Mr. Basralian

**Refer to attached transcript.

Motion was made by Mr. DiDio & seconded by Dr. Maddaloni to cancel the December 26th meeting. All present were in favor of cancellation.

Ms. Mitchell confirmed that the next meeting would take place on Monday, January 6th.

Motion was made by Mr. Pialtos & seconded by Dr. Maddaloni to adjourn meeting. Meeting was adjourned at 11:08 PM.

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

IN THE MATTER OF
The Application of:

TRANSCRIPT OF
PROCEEDINGS

CLOSTER MARKETPLACE (EBA), LLC.,
CENTENNIAL AVE 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
295 Closter Dock Road
Closter, New Jersey
December 12, 2013
8:00 p.m., Volume XIV

B E F O R E:

- PLANNING BOARD
- JOHN LIGNOS, CHAIRMAN
- SOPHIE HEYMANN, MAYOR
- VICTORIA RUTI AMITAI, COUNCILWOMAN
- DAVID BABOO, BOARD MEMBER (8:06)
- MARK MADDALONI, BOARD MEMBER
- IRENE STELLA, BOARD MEMBER
- LEONARD SINOWITZ, BOARD MEMBER (8:03)
- ROBERT DI DIO, BOARD MEMBER
- ADRIENNE ISACOFF, BOARD MEMBER
- DEAN PIALTOS, BOARD MEMBER
- 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. NJ1772556

1 CHAIR LIGNOS: I call to order this
2 special meeting of the planning board of the
3 Borough of Closter, New Jersey, being held on this
4 date, Thursday December the 12th, year 2013 in the
5 council chambers of the borough hall. This
6 meeting has been dually advertised in accordance
7 with the Open Public Meetings Act in the State of
8 New Jersey. And it is commencing, according to
9 our computer, at 8:02 p.m. The planning board
10 adheres to a 12 o'clock midnight curfew. No new
11 matters will be considered after 11 p.m. Please
12 join the board in the Pledge of Allegiance.

13 I thank you all very much.
14 Ms. Mitchell would you kindly take attendance.

15 MS. MITCHELL: Mayor Heymann.

16 MS. HEYMANN: Here.

17 MS. MITCHELL: Councilwoman Amitai.

18 MS. AMITAI: Here.

19 MS. MITCHELL: Dr. Maddaloni.

20 MR. MADDALONI: Here.

21 MS. MITCHELL: Mr. Baboo.

22 Ms. Stella.

23 MS. STELLA: Here.

24

25 MS. MITCHELL: Mr. Lignos.

1 CHAIR LIGNOS: Here.

2 MS. MITCHELL: Mr. Chagaris.

3 MR. CHAGARIS: Here.

4 MS. MITCHELL: Mr. DeNicola.

5 MR. DENICOLA: Here.

6 MS. MITCHELL: Mr. Sinowitz.

7 Mr. DiDio.

8 MR. DIDIO: Here.

9 MS. MITCHELL: Mr. Isacoff.

10 MS. ISACOFF: Here.

11 MS. MITCHELL: Mr. Pialtos.

12 MR. PIALTOS: Here.

13 MS. MITCHELL: Mr. Nyfenger.

14 MR. NYFENGER: Here.

15 CHAIR LIGNOS: Thank you,

16 Ms. Mitchell.

17 Let the record show that the board
18 has received the following correspondence related
19 to this application which is for this special
20 meeting.

21 Let the record also show that
22 Mr. Sinowitz just joined the board at 8:03.

23 On the 5th of December, from the
24 Closter Police department on the subject of
25 Piermont/Vervalen accident report, on the 12th

1 from Mr. DeNicola, on the quarterly status report,
2 on the 12th from Mr. Nyfenger on the subject of
3 his resignation.

4 Does anyone have anything, any
5 correspondence that they would like to discuss?

6 MS. MITCHELL: I just wanted to
7 clarify that that report was based on the request
8 from someone in the audience last week.

9 CHAIR LIGNOS: No, it was based on
10 my request.

11 MS. MITCHELL: On your request, yes,
12 the 24 month accident report.

13 CHAIR LIGNOS: Very good.

14 MS. ISACOFF: Mr. chairman, also the
15 letter from the Closter Police Department. It's
16 not just an accident report.

17 CHAIR LIGNOS: Correct. No, it's
18 not just an accident report.

19 MS. ISACOFF: There's a discussion
20 of --

21 CHAIR LIGNOS: Correct.

22 MS. ISACOFF: -- concerns or
23 recommendations by the police department.

24 CHAIR LIGNOS: Mr. DeNicola, being
25 that you had forwarded part of this to me this

1 afternoon by email --

2 MR. DENICOLA: That's what I did for
3 you, yes.

4 CHAIR LIGNOS: Would you be so kind
5 as to bring the board up to date.

6 MR. DENICOLA: Yeah, I went -- I
7 went through my notes at the beginning of this
8 week, seeing what reports we had, and what we
9 didn't have. I didn't see a report from the
10 police. So, I called them, thinking I didn't have
11 one. And I guess when he went through his files
12 he didn't see one. So, I guess they did a review,
13 you know, recently, and forwarded that to the
14 board.

15 MS. ISACOFF: Okay.

16 MR. DENICOLA: Basically what they
17 recommended was a change in the striping on
18 Vervalen to allow only three lanes; two in the
19 westbound -- eastbound direction. One left-hand
20 turn lane and one through. And one through and
21 right turn in the westbound. Because there's no
22 -- there's no, you don't have to make a left,
23 going westbound, you don't have to make a left,
24 there's no buildings there. It's all green acres
25 and what not.

1 MS. ISACOFF: Yeah. The police
2 department indicates, "My concern is the potential
3 of 1,500 such vehicles utilizing the main
4 entry/egress lane onto Vervalen Street." And it
5 was on that basis that he made that
6 recommendation.

7 MR. DENICOLA: Right.

8 CHAIR LIGNOS: Okay. Let the record
9 show --

10 MS. AMITAI: Could you repeat that.
11 We couldn't hear you.

12 CHAIR LIGNOS: One second. Let the
13 record show Mr. Baboo joined the board at 8:06.

14 MS. ISACOFF: I was quoting from the
15 letter.

16 MR. DENICOLA: The police
17 department's report.

18 MS. ISACOFF: The email of December
19 12th.

20 MR. NYFENGER: That's the one. It
21 looks like that one from here.

22 MR. PIALTOS: That's the one.

23 MR. MADDALONI: I did have one
24 clarification on that one. They said 1,500
25 vehicles. They didn't give a time frame. What

1 does that mean? A day? A week? A month? An
2 hour?

3 MR. DENICOLA: Right. It wasn't put
4 in that perspective. I don't know.

5 MR. MADDALONI: You know, that
6 really is lacks context.

7 MR. NYFENGER: Were they told that
8 that would be a number that they would see, from a
9 traffic report?

10 MR. DENICOLA: I don't know where
11 that got that from.

12 CHAIR LIGNOS: Any further
13 discussion on the correspondence, including this
14 piece from the chief? Okay. I see and hear none,
15 and, therefore, we will continue.

16 Item No. 1 on our agenda is block
17 1607, lot 1, 19 Vervalen Street. Application
18 P2013-03. The applicant, Closter Marketplace,
19 LLC, Centennial AME Zion Church. The attorney is
20 Mr. Basralian. Subdivision, site plan soil
21 movement applicant was received back on May the
22 16th, was deemed perfected with mentioned
23 stipulations on -- at June 5th work session
24 meeting. The application was continued and
25 received final perfection at the June 27th regular

1 monthly meeting. Hearings have now taken place on
2 July the 11th and 18th, August 7th, 8th, 29th,
3 September 12th, October 2nd, 10th, 17th, 21st,
4 November 14th, December 4th. This application is
5 here, once again, this evening at December 12th's
6 special meeting to continue.

7 Mr. Basralian would you be so kind.

8 MR. BASRALIAN: Yes. At the --
9 during the course of the last meeting,
10 Mr. Rosenblume submitted a sheet of documents
11 which he wanted to have -- did I give you both
12 copies or did I just give you one?

13 MR. CHAGARIS: I just have one.

14 MR. BASRALIAN: Oh, here it is --
15 which he wanted to have admitted as evidence. And
16 it's entitled, "Marked exhibits from Plaintiff
17 Rosenblume," and constitutes a number of various
18 "exhibits", which I have been through. And while
19 some of them may be public documents, there's no
20 foundation for any of the documents that he
21 proposes to submit as exhibits. And I went
22 through each and every one of them. And it starts
23 with a Safeway store policy manual from 1952.
24 What relevance it has to this application is
25 beyond me. A mayor and council report from 1955.

1 No relevance to the application. A deed from
2 Closter Plaza to Benjamin and Spino of 1961. No
3 foundation or no relevance. A letter to the
4 Borough of Closter dated January 8th, 1963
5 regarding a conversation between the borough clerk
6 and Closter Plaza regarding High Street. No
7 relevance to the application whatsoever. The next
8 exhibit, 8, a letter from John Collazzo regarding
9 corrugated metal pipe. What relevance it has to
10 this application is beyond me. The same for a
11 sewerage plan, portion of a sewerage plan in 1965.
12 No relevance. Item 12, a letter from Senator
13 Parzecki, to Mr. Reeves, which says, for example,
14 "Thank you for writing to me about the problems of
15 traffic safety and parking lots of shopping
16 centers. I agree it's a serious gap, and I'll
17 take it up and draft a bill for submission to the
18 legislature. It doesn't -- it doesn't relate to
19 this shopping center, Closter Plaza. It doesn't
20 relate to any shopping center, but shopping
21 centers generally. We don't know what it's
22 talking about. What relevance does this have to
23 this matter, and why should it be a part of an
24 exhibit? His item No. 13, a drainage layout
25 portion, 1972. It has nothing on it to indicate

1 what the date is. It barely indicates where it
2 might be. What relevance does it have whatsoever
3 to this application. A drainage layout, item --
4 I'm sorry, 14, drawing storm septor on Miele
5 property, Railroad Avenue. What relevance does it
6 have to the application? What basis for it? An
7 agreement with Grand Union -- Grand Union, to pay
8 some fees in connection the shopping center as it
9 existed at that time. Item 20, a letter addressed
10 by -- dated May 9th, 1973, by then borough
11 attorney, Anthony Undura, to Benjamin Contracting
12 regarding conditions in the parking lot of Closter
13 Plaza Shopping Center. What relevance does that
14 have to something that occurred, what, 50 years
15 ago. Number 21, letter by Benjamin Contracting
16 Regarding, the repair of potholes in the shopping
17 center. That was 1974, 49 years ago. What
18 relevance does it have to this application? And
19 so on and so forth. A report of the shade tree
20 commission of 1976. An ordinance that was
21 proposed but never adopted. Item 32, for example,
22 minutes of a meeting regarding the Pathmark
23 ordinance. What relevance does it have to the
24 shopping center in this application. Each and
25 every one of them, down to the very last, which is

1 a -- something taken from -- it's item No. 58,
2 Whole Foods Market, something that was taken off
3 the internet talking about Whole Foods and space
4 it has in various shopping centers without any
5 relevance to what's going on here. None of these.
6 None of these, whatsoever, have any relevance.
7 There's no foundation, and should not be admitted.
8 All it is, is apparently something that was
9 submitted in the litigation that Mr. Rosenblume
10 instigated against the municipality. It has no
11 basis. There's no discussion. There's no
12 nothing. And I ask that it not be accepted -- be
13 accepted as an exhibit. Exhibits require
14 testimony. They require a rationale as to why
15 they're being presented. None of that was done
16 here. And I respectfully request it be rejected
17 as an exhibit in its entirety.

18 CHAIR LIGNOS: Mr. Chagaris.

19 MR. CHAGARIS: Yeah. Mr. Rosenblume
20 do you want to respond?

21 MR. ROSENBLUME: Sure. Exhibit 14
22 is not relevant. It was there for a different
23 purpose. As far as Exhibits 1 to 30, it came out
24 of the board files. At one time they were
25 relevant, because either the board wanted them, or

1 the applicant wanted them. And that's why they're
2 in the file. So, the property was originally a
3 swamp. Everybody that lives in Closter knows the
4 property has potholes every year. That's
5 relevant. Because the correspondence talks about
6 it. And most of the correspondence talks about
7 the abandoned -- the piping, the drainage system
8 under the -- in the -- under the asphalt. If you
9 went through every one of these documents you
10 would find some connection with the project.
11 Because there was an attempt to pass an ordinance
12 regarding shopping centers. There's an agreement
13 in here to keep that space between the, what is
14 today the K-mart, and the Stop & Shop, which used
15 to be the Grand Union, same ownership. The
16 Grandway, which is now the K-mart, was not built
17 at the same time as the other stores. It was
18 built ten years later. The Grand Union had an
19 opportunity to put their Grand Way next to the
20 supermarket. But they didn't. Because the
21 borough wanted that alleyway, that 30 foot space,
22 kept open. There's an agreement here to keep that
23 open. The Grand Union has their hands on the
24 property, currently, through the K-mart. I don't
25 see how, if this board approves the Closter Plaza,

1 I don't see how the Closter Plaza can start
2 building the store for Whole Foods, because that
3 agreement is still in effect. The net effect is
4 that phase I will have to come at the same time as
5 phase II. So, if you're looking for the Whole
6 Foods, it cannot be built until 2015, because that
7 agreement with Grand Union, keeps the K-mart open.
8 So, there is a relevance.

9 MR. BASRALIAN: If I could respond.
10 With all due respect to what Mr. Rosenblume just
11 said, there is no relevance. The fact that
12 documents are in the files in the municipality
13 don't make them applicable to this application.
14 There are, if you've had an opportunity to go
15 through them, Mr. Chagaris, some of them don't
16 reference the shopping center. That letter from
17 then Senator Mr. Parzecki, has no bearing
18 whatsoever on the shopping center. We don't know
19 even know what it's talking about.

20 MR. ROSENBLUME: No. Well, I
21 disagree.

22 MR. BASRALIAN: There's nothing in
23 the letter that indicates anything at all. A
24 possible or proposed ordinance. One that was
25 never adopted. The fact that someone had talked

1 about an ordinance, how does that make it relevant
2 to this application? What's relevant is what's
3 before the board in proofs, under testimony,
4 exhibits testified to, which the board has
5 accepted as exhibits in connection with the
6 application. And if it is meant to frustrate,
7 obfuscate, add to, confuse any future litigation,
8 then there's opportunity to submit it, in the
9 event that -- it can be done, in the event that
10 Mr. Rosenblume is a party to any future litigation
11 regarding this application. This has nothing to
12 do with anything we went through in the last 14
13 hearings. There's no foundation for it other than
14 to say, Mr. Rosenblume to say, well, it's in the
15 files. That doesn't make it relevant to the
16 application.

17 MR. ROSENBLUME: It's relative by
18 the fact that it came from an application on this
19 same property. So, there's the relevance. This
20 is basically the prior history of the Closter
21 Plaza.

22 MR. CHAGARIS: Okay. Thank you.
23 There will be no more discussion about it.

24 First of all, we all know about and
25 have heard the term called "hearsay evidence,"

1 which is what this is. Now, I know that the rules
2 of dealing with the planning board are relaxed in
3 regards to terms of evidence. And sometimes
4 things that are hearsay are permitted. However,
5 the old saying is that you can't cross-examine a
6 document. So, there may be documents here that
7 were in the file, but the intentions of the
8 parties who wrote those documents or to whom it
9 was addressed, is not here for anybody -- there's
10 no one here to testify about what the meaning of
11 these documents were, what they were for. So,
12 therefore it would be confusing to the board to
13 read a letter, say, for example, from
14 Mr. Senator -- then Senator Parzecki to Mr. Reeves
15 as to what the intent or what the purpose of it
16 is. And without testimony about what that purpose
17 is, or what the meaning of it is, it would be
18 misleading to the board for them to look at it, or
19 use it in connection with their deliberations.

20 As to, for example, the drainage
21 situation, there was testimony and everyone was
22 given an opportunity to present witnesses
23 concerning drainage issues on the site, and that
24 was all done. And a document concerning the
25 history of the drainage is just that, history. It

1 may be interesting, but it's academic. It's not
2 relevant to the proceedings that are before this
3 board. As to the -- your -- the Exhibit 15, which
4 is the -- you just mentioned the Grand Union
5 agreement. Well, that, on its face, is an
6 agreement with the mayor and council. It's not an
7 agreement with this board. This board has no
8 jurisdiction to do anything with that agreement.
9 And if it's binding on the municipality then it's
10 binding on the municipality. And it's not an
11 issue that's before this board. So, there's no
12 need to clutter the record or confuse the board
13 with those contents. And as to what ordinances
14 were proposed or may have been in effect at one
15 time, that's not the law -- the municipal land use
16 law. The law is that what's in effect at the time
17 of the application. Not what was thought about.
18 And in fact if it was thought about and used at
19 one time, it's not being used now, we don't know
20 why. We had no testimony as to why. And it's not
21 really -- it is not relevant to this proceedings.
22 Of course, newspaper articles may be interesting,
23 but, again, they're academic in nature, and not
24 really relevant. So, I'm going to sustain
25 Mr. Basralian's objection to the non admissibility

1 of these documents. And that if they're marked
2 for identification purposes in the event there is
3 an appeal so that the court in Trenton or in
4 Hackensack can review it and make its own
5 determination. But for purposes of this
6 proceeding tonight I'm going to sustain the
7 objection.

8 MR. ROSENBLUME: One question.

9 MR. CHAGARIS: Yes.

10 MR. ROSENBLUME: Can the board ask
11 Mr. Basralian regarding that agreement, whether
12 that prevents them from starting construction of
13 the Whole Foods?

14 MR. CHAGARIS: Really you can't
15 because this board is not going to -- this board
16 is only going to rule on the application one way
17 or the other. If it rules against it, then it's
18 moot. If it rules in favor of it, it doesn't mean
19 that the project is going to proceed. You
20 understand? We're just ruling on the application.

21 MR. ROSENBLUME: Yeah, but this
22 board was told there would be a phase I and a
23 phase II.

24 MR. CHAGARIS: That was what was
25 represented. So, this board will deal with what

1 was represented, and if it actually occurs, or
2 doesn't occur, that's beyond this board's
3 jurisdiction because it's outside the board's
4 hand. The board can only approve or disapprove of
5 the application. And it actually proceeds or if
6 the mayor and council rules against it, or
7 whatever happens in the future, we don't know.
8 But this board only is looking at the application
9 that is before it, the plans, the testimony of the
10 experts, both for and against the application, and
11 that's the only thing that this board is going to
12 consider.

13 MR. ROSENBLUME: Okay.

14 MR. CHAGARIS: Thank you.

15 MR. ROSENBLUME: Thank you.

16 CHAIR LIGNOS: Ms. Mitchell, are
17 there some items on the exhibit list that the
18 board still lacks in having in its possession?

19 MS. MITCHELL: Yes. I went
20 thoroughly through the file today, and what I have
21 here is the exhibit list further revised through
22 September 12th. And there is 18 items. Out of
23 those 18, my file is missing Exhibit A-4, which is
24 sheet A-203, revision 2, dated August 7th. Stated
25 that it was brought at that August 7th meeting.

1 Elevation change on grade plane. I have the
2 original from April 26th, but I don't have the
3 revision. Exhibit A-6, sheet A-204, color
4 rendered elevations of the east side of building
5 C. Exhibit A-7, sheet A-204 color rendered
6 elevations of the east side of building C, outside
7 the fence. The other one was inside the fence. I
8 don't seem to have those in the file. Exhibit
9 A-11 I have the original plans, but the last part
10 of the sentence says, colorized, and overlaid, on
11 aerial photograph. I looked through the boards.
12 I don't have the colorized one. And A-17 states
13 revision of slide 40 from Exhibit 8-A. I have
14 Exhibit A-8 but I don't the revision. So, I don't
15 have Exhibit A-17.

16 MR. BASRALIAN: No, A-17 -- slide --
17 it's a revision to slide 40, which was the
18 exhibit -- from Exhibit 8-A. That's -- it was
19 a -- it was a slide revision. And that was
20 presented as part of a CD.

21 MS. MITCHELL: So, should it be a
22 separate CD besides 8-A?

23 MR. BASRALIAN: Yeah, it should
24 be -- there was a revised CD that included all of
25 them as revised, including the revision to Exhibit

1 8-A. There was a subsequent CD.

2 MS. MITCHELL: Okay. I don't
3 recall. I can double check my file but I don't
4 recall seeing the revision. I do have the Exhibit
5 8-A.

6 MR. BASRALIAN: Right. We presented
7 all of the exhibits. We didn't take any back. If
8 they're missing, I'll get duplicates and provide
9 them to you.

10 MS. MITCHELL: Okay.

11 MR. BASRALIAN: Okay. No problem.
12 So, that's A-4, 6, 7, 12 and 17, you're looking
13 for the slide --

14 MS. MITCHELL: I have 12. I don't
15 have 4, 6, 7 --

16 MR. BASRALIAN: And 17.

17 MS. MITCHELL: And I don't have 11
18 in color, but I have it on the original plan. But
19 it states that it's in color. And then I don't
20 have 17.

21 MR. BASRALIAN: I'll provide
22 duplicates for it. Not a problem.

23 MS. MITCHELL: Thank you very much.

24 CHAIR LIGNOS: Now Mr. Basralian,
25 what I -- the intention here is to open up the

1 meeting for final comments from the public and
2 then I understand you have a summation. And then,
3 Mr. Segreto, I believe you have summation
4 comments.

5 Mr. Segreto?

6 MR. SEGRETO: No, I think I'm going
7 to pass.

8 CHAIR LIGNOS: You're going to pass.
9 Okay.

10 MR. BASRALIAN: It was my
11 understanding that you closed --

12 MR. CHAGARIS: There will be no
13 evidence presented.

14 CHAIR LIGNOS: No evidence.

15 MR. CHAGARIS: And no questions
16 asked. It's just if anyone wants to speak in
17 favor of the application or opposed to the
18 application. And then you would be the last --

19 MR. BASRALIAN: I understood that
20 all comments were concluded last week and that
21 there was -- that the only thing left on the
22 agenda was summations. You opened it up to the
23 public. It was closed to the public at that
24 point.

25 MR. CHAGARIS: I think that was for

1 evidence.

2 MR. BASRALIAN: No, there were
3 comments. I think Mr. Rosenblume changed his
4 testimony or his presentation to comments. There
5 was one other person here who came forward with
6 comments. No one else at the meeting came
7 forward. And the meeting was closed to the
8 public.

9 MR. CHAGARIS: Let's just take a
10 poll. Does anybody, any member of the public want
11 to speak in favor of or opposed to?

12 Well, there's only four. So, I mean
13 as long as everybody keeps their comments very
14 brief, there will be no questions. No testimony.
15 Just comments in favor of or against.

16 Now, if Mr. Basralian, if you find
17 something in the record that is --

18 MR. BASRALIAN: Just give me a
19 second, please. Here's the quote up on page 121
20 starting at line 25, "MR. LIGNOS: Okay. Thank
21 you very much. Any other member of the public
22 wanting to make a comment? At this point we've
23 heard testimony. I don't know, 13 hearings.
24 We're going to come back next Thursday. We're
25 going to begin with summation from Mr. Basralian."

1 MR. CHAGARIS: All right. Well, the
2 record speaks for itself then. And since -- and
3 since we did announce it at the public meeting,
4 which was properly advertised, and properly
5 notified, and since I believe Mr. Rosenblume did
6 in fact comment, and we know he presented his
7 evidence last time, and since Mr. Segreto is going
8 to pass, then we would -- the floor would go to --
9 belong to Mr. Basralian for his final summation.

10 MR. BASRALIAN: Thank you.

11 First and foremost, we've had a
12 number of hearings. And I do wish to thank the
13 board and its consultants for their diligence at
14 all the meetings, for the consultants for being
15 responsive to every set of plans that was
16 submitted, and their comment letters. And it's
17 most appreciated. I'm sure this went a lot longer
18 than anyone anticipated, but it is coming to a
19 conclusion. So, again, my thanks on behalf of the
20 applicant and myself, personally, for the board's
21 diligence and having scheduled as many meetings as
22 they did.

23 As I said, there's no reason to
24 repeat all of what went on. But I do just want to
25 summarize very briefly.

1 Before the applicant even started on
2 creating its plans, it did review the master plan
3 that was adopted by this board regarding the
4 downtown and the development of Closter Plaza.
5 And the master plan is replete, very unusually, to
6 talk specifically about properties and Closter
7 Plaza in particular, about what it believed was
8 necessary to encourage revitalization of the
9 downtown and of Closter Plaza. And quoting from
10 the master plan it says, that, "The vision for
11 revitalizing Downtown Closter is to truly
12 capitalize upon the opportunity for Closter Plaza
13 to become a strong regional attraction and anchor.
14 The current K-mart and supermarket and collection
15 of smaller retail stores and strip centers does
16 attract shoppers from outside the community. But
17 the attraction is weak. It's outdated physical
18 form, the lack of reinvestment of the stores,
19 provides a tired and somewhat depressing visual
20 image." Clearly, a complete -- no longer a quote.
21 I'm paraphrasing. Clearly, a complete revamping
22 through substantial renovation and reconfiguration
23 is needed.

24 It goes on to say that the strategy
25 should be that the natural market forces are

1 really needed to drive this development. And that
2 enhances the ability of the town -- of the master
3 plan to achieve the goals that were set forth in
4 it.

5 Edens, the applicant, has sought to
6 redevelop Closter Plaza to achieve the goals of
7 the master plan and to revitalize Closter Plaza
8 through the plans presented to the board.

9 Just to quickly run through them.
10 It sought -- seeks to add a new viable food store.
11 It seeks to bring the entire center and all the
12 facades into the 21st century, to be able to
13 attract strong national and local tenants. The
14 plans create all new plazas for people to
15 congregate and to meet attractive enclaves with
16 seating, tables, landscaping, and more, to make it
17 inclusive for all people to participate in the
18 advantages presented by the center. It's
19 increasing the parking spaces from 720, the
20 current amount, by 820. While at the same time
21 reducing the shopping -- the shopping center in
22 size from 211,000 square feet plus, to a little
23 bit more than 208,000 square feet. The plans
24 create landscaped shopping center, and you've
25 heard testimony, with plantings throughout the

1 parking lots and throughout the entire site, with
2 over a hundred new trees plus even more in shrubs.
3 It creates -- it created a comprehensive signage
4 plan visible to all visitors, yet restrained and
5 consistent as to size. It sought to integrate and
6 seeks to integrate existing and new restaurants
7 into the shopping center experience along with the
8 existing theater entertainment. It also seeks to
9 encourage outdoor dining as part of a true
10 community center. It even, in the plans, created
11 14 parking spaces for Centennial AME Zion Church,
12 which heretofore didn't exist at all. It
13 eliminates one of the buildings, thereby reducing
14 the conformity or the nonconformity of the center.

15 You've all heard the various aspects
16 of what is proposed to do, and there are two
17 exhibits from the CD which is one of the exhibits,
18 and part of the exhibit as a reference what is
19 being proposed.

20 The applicant is a national
21 developer with over 110 shopping centers. And
22 it's a vastly different kind of owner. It expends
23 enormous effort in studying market and
24 demographics, the markets and demographics in
25 developing its plan. It expends a great deal of

1 effort to attract the best retailers to its
2 center, with the right product mix. It dedicated
3 enormous resources to rebuild the physical
4 facilities to achieve the goals of Closter, the
5 master plan, and, of course, the applicant.

6 There are many developers who could
7 have approached Closter Plaza with a view of
8 slapping paint on it and making no changes and
9 rent it up the way it is, fixing some potholes,
10 possibly even retaining K-mart and installing an
11 independent food market without any thought to
12 achieving the master plan goals, which is to join
13 this as part -- this center as part of the
14 community, to make it an extension of the downtown
15 as sought by the master plan.

16 The development sought by the
17 applicant was not simply to maximize the tenant
18 area, to maximize its profit, but rather develop a
19 strong center that enhances the community and the
20 downtown. The developer, through its experience,
21 knows what it needs to do to attract tenants and
22 their customers. It wouldn't develop a plan if
23 parking was inadequate or access was inappropriate
24 for the center.

25 The board and the community all have

1 preferences of what they want to see, and yet as
2 the master plan says, natural market forces are
3 needed to drive this development. And that's
4 exactly what Edens is doing. And that effort
5 should be respected in conjunction with what's
6 been presented before the board.

7 All of this is being done within the
8 context of an old, very needy 60 year-old shopping
9 center, which otherwise could not continue to
10 exist as a viable center the way it is -- the way
11 it is, without the changes that were proposed.

12 Just one other brief, two other
13 brief comments. The principal objector, which is
14 also a supermarket competitor, has really only one
15 motivation which is to stop or delay the
16 development. Nothing said by the objector's
17 counsel or objector's consultants, represented a
18 legitimate attack on the application.

19 Our courts have determined that a
20 shopping center is an extension of a downtown.
21 And in this application Edens applicant achieved
22 that with redevelopment plan.

23 We request that the subdivision
24 plan, site plan, the soil movement application and
25 all variance and waivers be granted as submitted.

1 I am very grateful that this board
2 has taken the time to examine this application and
3 has spent the time through many hearings, to hear
4 all of the witnesses, not just the applicant,
5 anyone else who had anything to say, including the
6 objector's consultants, and anyone else who
7 commented. So, I thank you for that.

8 CHAIR LIGNOS: Thank you very much.

9 Fourteen public hearings ago I
10 couldn't wait to get to this point. So -- and we
11 are at that point. Let's begin with, I'd like to
12 hear discussions from the board as the discussions
13 get going, at some point the chair will entertain
14 a motion. But let us begin with discussions
15 first.

16 I would like to begin the portion of
17 the discussions by saying that, as a board, as a
18 board member, I've always been guided by our
19 master plan. And I think Mr. Basralian said it
20 pretty well. With that master plan's objective
21 for this site, I look for a development that's
22 going to be an improvement for the town, at the
23 same time, as a planning board, I look to us, to
24 you, to make that development safe, and to make
25 that development a viable project that will last

1 another 50 years. I do have to tell you, and
2 remind you, that we've been living with this plaza
3 deteriorating over some time. And the decisions
4 you make tonight, the comments you make, the
5 decisions you make, ultimately the final decision
6 that you make on the application, we're going to
7 be living with for a very long time. So, with
8 that, I'd like to hear your comments.

9 MR. MADDALONI: Where are you
10 starting?

11 CHAIR LIGNOS: Well --

12 MR. MADDALONI: Start over there.

13 CHAIR LIGNOS: You want to start
14 with --I'm going to start with the mayor and then
15 I'll come back around.

16 MS. HEYMANN: Do it the other way
17 around.

18 CHAIR LIGNOS: Mr. Nyfenger, you
19 have the floor.

20 MR. NYFENGER: Thank you very much.
21 As I have been reflecting on the last 14, 15, 16
22 meetings, I'm trying to figure out why I would say
23 no. What would be the reason. What would be even
24 one reason to say no. And I tried really hard to
25 find one, because I think it's important to shoot

1 holes in a plan, if you can. I haven't been able
2 to find one. So, I don't have so much to discuss
3 as far as the ideas I have. I would be happy to
4 comment on someone else's idea. Again, I don't
5 see anything wrong with the plan. You can argue
6 whether something should be wood or metal,
7 concrete or pavers.

8 CHAIR LIGNOS: And, by the way, as a
9 planning board, there are issues of planning that
10 we can discuss. But, in general, I understand
11 that you saw the application as a -- in a
12 favorable light.

13 MR. NYFENGER: Absolutely.

14 CHAIR LIGNOS: Mr. Pialtos, is there
15 something you want to say?

16 MR. PIALTOS: Over the past 14
17 meetings I also found it very informative, made it
18 very interesting. We have looked at almost
19 everything, really. And back to the old plaza,
20 it's a real detriment to this -- to this town.
21 It's something that we really need. It looks like
22 it's almost like a war zone really. It's
23 something that we really need to do. We need to
24 improve it. And with Eden's coming in and doing
25 the work that they want to do, it's something that

1 the town really needs. And I don't think there's
2 any other alternative, really. It something
3 that's really needed by this town to move forward.

4 CHAIR LIGNOS: Okay. I'll go back
5 and talk about specific planning issues, but I
6 have no problem beginning with this general
7 overview as you both have shared with us.

8 Ms. Isacoff.

9 MS. ISACOFF: I'm very pleased with
10 many of the elements of the plan. The landscaping
11 is invaluable. It's important to have a place
12 that is inviting, as well as providing the needed
13 services. And I was very impressed with that
14 aspect of the plan. The amount of plaza space is
15 sufficient for providing a community space as
16 well. And I was happy to see that there would be
17 some, and that there would be an encouragement of
18 outdoor seating. The parking appears to be
19 sufficient, from what I understand from the
20 experts. And, although it would require a
21 variance, it is -- I'm not sure how to say it, it
22 is more -- it is less nonconforming because of the
23 reduction in parking spaces, and considering the
24 amount of space. So, although I understand
25 there's a variance, it is moving more towards the

1 current ordinance requires. So, I was pleased
2 with that.

3 The one area -- actually there were
4 two areas, two areas that I have some questions
5 about. One is, I didn't quite hear a response as
6 to have the lighting was going to address some of
7 the concerns that were raised. There had been
8 some discussion about making it consistent with
9 the current downtown, kind of the Main Street
10 area, but also a number of us, I voiced this very
11 strongly, are not pleased with the downtown
12 lighting. I think that lighting is -- it looks
13 like this. It's very esthetically unpleasing.
14 And I believe that there was, but I wasn't sure,
15 and that's what I kind of wanted to make sure that
16 it was clarified.

17 CHAIR LIGNOS: I think we could talk
18 about specific --

19 MS. ISACOFF: That there was going
20 to be an understanding about that.

21 CHAIR LIGNOS: -- yeah, we could
22 talk about specific conditions as we go along, as
23 we start to develop.

24 MS. ISACOFF: Okay. And the other
25 area I would like to discuss, is, traffic. I know

1 that there has been resistance by the applicant to
2 contributing to a light, a traffic light on the
3 corner of Vervalen and Piermont. And I do
4 understand that that's a county road, and there
5 would need to be, with the consent of the county.
6 But beyond that, there's a question of financing,
7 and we haven't heard anything to try and
8 accommodate the concerns that a number of us have
9 about that corner. The police department, in this
10 letter, did not seem -- I don't know, it's a
11 little unclear to me what they're saying. They
12 say that that issue was discussed, but they don't
13 have any recommendation about the light. And I
14 acknowledge that. However, they did have a
15 recommendation about the left turn lane, and that
16 is something that I would like the board, itself,
17 to discuss whether it would recommend that that be
18 done, and if so that there be some financing for
19 the re-striping.

20 CHAIR LIGNOS: Ms. Isacoff, what I
21 have done in the last -- in the last week, is try
22 to organize some conditions that were either
23 brought up as stipulations from the testimony, or
24 conditions that we made -- we may want to include,
25 as part of an approval, if there was to be an

1 approval. So, we can discuss some of these and
2 see how the board feels about them as conditions.
3 And, specifically we'll talk about the traffic,
4 we'll talk about the parking, and take a
5 line-by-line item and, Mr. Chagaris, can start
6 listing them, if in deed there even conditions
7 that the board feels should be made a part.

8 Anything else?

9 MS. ISACOFF: That's it.

10 CHAIR LIGNOS: Mr. DiDio.

11 MR. DIDIO: I think it's a very
12 positive plan. Over the 14 or so meetings that
13 we've had, I think the testimony has really shown
14 that this is a step in the right direction for the
15 Borough of Closter and for the people in this
16 northern valley. I feel that the traffic
17 situation, with the light, was just discussed as a
18 concern. I think that really needs to be
19 addressed somehow. I look forward to the project.

20 CHAIR LIGNOS: Wonderful.

21 Mr. Sinowitz.

22 MR. SINOWITZ: Two concerns I
23 want -- would like to have discussed. And they
24 were brought up, in part, by Mrs. Isacoff. The
25 waivers that are required for parking should come

1 into play. I think it's important that we
2 consider, at least a portion of the parking areas
3 that are deficient, to be covered by the parking
4 authority's responsibilities in planning for the
5 future. I look forward to the success of this
6 shopping center, this project, this plaza, to be
7 very, very worthwhile, and very lucrative to all
8 concerned. And, in so, the parking concerns will
9 be greater with the greater success of Closter.
10 And, therefore, it's incumbent upon us to concern
11 ourselves with the needs for the expanse in future
12 contingencies. And that's where the parking
13 authority's actions come into play. That's one
14 area I want to discuss.

15 And the second area, I would like
16 more clarity and more definitive planning or
17 statements or agreements that can be worked out,
18 to tie the shopping center in with the downtown,
19 more physically, more esthetically, and with more
20 continuity, if not in design, but in streetscapes,
21 and sidewalk scapes and lighting scapes. That's
22 all I have.

23 CHAIR LIGNOS: Thank you. Thank
24 you.

25 Again, I have made a list, and it's

1 funny, because so far included in my list that I
2 happened to make for myself, are some of the same
3 points that you're making. So, let's keep this --
4 we'll keep it going around in the general. And
5 then we'll start taking specific items.

6 Okay, mayor.

7 MS. HEYMANN: Well, I agree with
8 everything that's been said so far. And I want
9 you to know that I'm looking forward if possible,
10 to cutting the ribbon on that plaza someday.

11 MS. AMITAI: Soon.

12 MS. HEYMANN: Soon. That doesn't
13 mean that this board should not really think very
14 hard today to make sure that that only that we
15 welcome the plaza, but we welcome the plaza, as
16 the best possible construction that Closter can
17 have. And I think it's incumbent upon all of us,
18 after all these 14 times of testimony, to think of
19 the little ways, and the big ways that you can be
20 assured that this will last a good 50, 60 years
21 and be up to date during all that time.

22 CHAIR LIGNOS: Thank you, Mayor.
23 Councilwoman.

24 MS. AMITAI: Yes. So, first of all,
25 I have to thank Edens and -- and Mr. Basralian,

1 for coming and for being here with us. It was
2 such a professional presentation. And I was very
3 pleased to hear all of their thoughts. So, I'm
4 looking also, forward, like everyone else, to
5 really a nice conclusion to a beautiful shopping
6 center. Having said that, our master plan, and
7 Mr. Basralian did refer to that, does say a lot of
8 things. And it also says that the success of the
9 revitalization effort is depend ant upon
10 significant changes to both the old and the new
11 section. And that we are characterized as a
12 traditional main street retail environment. And
13 as nice as this may look on paper, I know it's
14 just conceptual, it looks to me more urban. It
15 doesn't look like it's related to our downtown.
16 And I know that some developers have molded their
17 architecture to "Respect local vernacular -- and
18 I'm quoting from our master plan -- "Historic
19 architecture so that the image is not generic, but
20 tailored to the community in which it's located."
21 So, one can do that in may ways, through the
22 pavers, through the lamps, trying to connect.
23 That's another quote in our master plan. The fact
24 that in order to be successful it must connect
25 with one another. And then both parts will be

1 more successful.

2 The master plan actually refers to
3 enclosing waste receptacle. That's a minor detail
4 down the road. Master plan; continue to work with
5 developers focusing on the quality, design, and
6 economic and visual compatibility and its function
7 integration with the downtown. All quotes from
8 the master plan. To establish bike paths and
9 pedestrian walkways that connect to the downtown.

10 I would like to see greater
11 landscaping in the Homan's side. I thought
12 that -- no, on the Homan's side I thought it was
13 quite good. But on the Vervalen side I thought it
14 was lacking. I also thought the size of the
15 plazas were lacking. I think they should be
16 greater in size. I would love to see overhangs on
17 the buildings. I think that makes it very
18 pedestrian friendly for families and people. The
19 lighting we discussed. I'm really concerned about
20 the subdivision. Because I feel as if we don't
21 have enough information, whereas as to approve
22 something that we don't know what's going to
23 happen with the subdivision. And I don't feel
24 comfortable at all with that. We didn't talk
25 about it, but striping, maintenance, and things

1 like that. I mean I looked at their website and
2 Edens looks like a great developer. And I'm not
3 really concerned, I think they would maintain the
4 property beautifully.

5 In one of our very first meetings,
6 maybe it was a conceptual review, John Lignos
7 mentioned things that he thought the board would
8 be looking at, and based on the fact that we sat
9 through another application over a very long
10 period of time, one of the comments was about
11 sustainability. And I didn't see any -- any
12 thread of sustainability in the application. I
13 did pull off the web, pages and pages of how Whole
14 Foods, all the different stores, all the different
15 kinds of ways they put solar panels, and they do,
16 I don't know, all kinds of sustainable practices,
17 but I haven't seen the developer has offered us
18 any of those kinds of things.

19 I would like to see the plaza in
20 front of the movie theater remain green for
21 people, rather than have a building there. That's
22 my personal preference. Pedestrian access. Down
23 the entrance drive was another thing that was
24 originally mentioned in our meeting. Removal of
25 garbage Efficient solution so that it be hidden

1 architecturally so that Homans Avenue doesn't
2 become the back door, and a very unpleasant street
3 facade. We talked about the scale and respect for
4 the community and the guaranteeing of phasing,
5 that we will complete the project. Not that we be
6 left with this part, phase I. The hard scape, we
7 mentioned hard scape. The green walls, and the
8 maintenance, of the lovely green walls that was
9 presented. I would love to see some of that.
10 That the mechanical systems be screened, the roof
11 top mechanical systems. And I don't know, there
12 might be some other things here, I have pages and
13 pages of notes, but basically I'm very happy, and
14 I would love to see us make a beautiful shopping
15 center for the town for a very long time. But I
16 think now is the time.

17 CHAIR LIGNOS: Thank you,
18 Councilwoman.

19 Dr. Maddaloni, an overview.

20 MR. MADDALONI: Yeah, a few things.
21 I agree with just about everything that's been
22 said by my fellow board members. I think maybe to
23 reiterate a little, the traffic concerns on many
24 people's minds. I almost can't help but think we
25 are going to need a traffic light on Piermont and

1 Vervalen. And I know it involves the county and
2 others, but I think what it also should involve is
3 a commitment on the applicant's part to pay its
4 fair share, if and when that light becomes a
5 reality. I like the police report to recommending
6 three lanes with a turn lane running west to east.
7 That made a lot of sense to me. I think there's
8 also the issue of paving Vervalen. If you drive
9 east to west, in the right-hand lane, it's
10 downright dangerous, the surface of the road.
11 It's so poorly maintained. So, almost everyone
12 has to use it as a single lane street because
13 it's -- it's hard to -- it's hard to negotiate in
14 the right lane, running east to west, because it's
15 so poorly -- poorly maintained. I -- also part of
16 the general traffic, in terms, I'm not crazy about
17 limiting that northwest sector as an ingress only,
18 holding in abeyance an exit, you know, prospect
19 that it may become a future drive-thru. I'm not
20 crazy about that at all. I, personally, would
21 like to have seen more common areas. That's my
22 own thought. Raise some concerns during the
23 course of these meetings about maintenance. The
24 design looks great. Maintaining it is also very,
25 very important I think. It almost reminds me of a

1 Seinfeld episode. Anyone can take a reservation.
2 It's the holding of the reservation. Maintaining
3 the property in good shape is I think just
4 probably more important than making it look nice
5 in the first place. So, irrigation for
6 landscaping, a plan for snow removal. We haven't
7 really seen much in the way of that. And I think
8 as many others articulated, I would like to see a
9 stronger effort to integrate the shopping center
10 into the downtown, visavee, lighting, pavers and
11 anything else that are more architecturally --

12 CHAIR LIGNOS: Gifted.

13 MR. MADDALONI: -- gifted, than
14 myself, would suggest. Thank you. I rest my
15 case.

16 CHAIR LIGNOS: Mr. Baboo.

17 MR. BABOO: Wow, I mean I think
18 pretty much every issue has been discussed
19 already. I have to say, I was impressed with the
20 presentation. I think it was a risk to actually
21 come up the 3-D renderings, which I do appreciate,
22 because it helps us visualize how it will look.
23 It's risky from the point of view we can nitpick
24 on the 3-D renderings, but I think it did more
25 good than harm. And I really do appreciate that

1 fact. Because it's hard to look at really very
2 large blueprints day in and day out and try to
3 figure out how the mall is going to look. So, I
4 really appreciate that. You know, most of my
5 concerns are the same concerns everyone has voiced
6 before; pedestrian access, the mall fitting into
7 the town. It does seem a little bit boxy like
8 something maybe on Route 4, 17, but, you know,
9 maybe there are constraints that it had to look
10 like that. But I would have felt better if it was
11 more colonial, or just designed a little bit
12 differently so it fits better in the town. It
13 just looks like it stands out when you look at
14 Main Street and all the other areas of the town.
15 I do like the overall design, the ingress, the
16 ingress and egress. I do have concerns about the
17 traffic, about the state of traffic going in and
18 out of the mall. I think there's going to be more
19 traffic than what was predicted in terms of the
20 study. My other issue is with the subdivision. I
21 think we could be a little more flexible with the
22 subdivision. We don't -- we maybe shouldn't grant
23 it now. We should at least build phase I and see
24 what happens, how everything pans out. If
25 everything pans out well we can then ask them to

1 come back and do a subdivision. If things don't
2 pan out, maybe we can use that subdivision to
3 address whatever issues occur during phase I. So,
4 I think, we could do, you know, just have some
5 flexibility. I'm just looking to protect the
6 town. I know there are going to be other issues
7 if we approve or don't approve this application.
8 But if we do approve it, and then there are
9 lawsuits, and everything else, and the moment it
10 gets built, I'm worried that the subdivision could
11 be used for something else that the town is not
12 intended on being used for. So, that's why I
13 would rather have that come later than as opposed
14 to now.

15 Last week or this week. Kind of
16 foggy. This weekend I experienced another
17 blackout where I live. I think one of the
18 transformers blew out. But I think it was just
19 related to Durie Avenue. I would like to see some
20 sort of emergency lighting. I don't know if it
21 should be solar based, or generator based, for the
22 parking lot. So if we lose power, at least it
23 should be a half an hour window where the lights
24 are on. So people could safely leave the parking
25 lot, especially in the dark. And that's pretty

1 much about it.

2 CHAIR LIGNOS: Thank you, Mr. Baboo.
3 Ms. Stella.

4 MS. STELLA: As a representative of
5 the historic commission, I'm pleased that the AME
6 Zion Church seems to be protected and well cared
7 for with this development that's going to be going
8 on around it. And that it will have sidewalk and
9 parking spaces. That's kind of a protection for
10 the building too. I also had, just can't get rid
11 of the concern about traffic and parking. But I
12 know in retailing it's somewhat self limiting. If
13 people drive here and they can't find a parking
14 space, they're not going to come back so much the
15 second time. So, I -- and I trust that the
16 experts would not make this investment if it were
17 going to be so much concern that it would keep
18 people away. So, although the parking is minimal,
19 hopefully for the success, I think we have to
20 trust the experts on that, and the police
21 department with the extra lane and the traffic
22 light will help considerably. I do feel like
23 Dr. Maddaloni, that do we really need the
24 drive-thru on the side of that building when it
25 could be another exit. I also would like to have

1 seen a little more traditional look to it, and I
2 realize these are renderings. And it might be
3 more traditional looking but I do want Edens to
4 keep that in mind, that we are a little put off by
5 the spare modern design, which is good and
6 beautiful, but not consistent with the rest of the
7 architecture in the neighborhood. That's it.

8 CHAIR LIGNOS: Thank you. Thank
9 you. Members of the Board, perhaps the most
10 organized way to do this, a lot of your concerns
11 were also mine. So, instead of repeating them,
12 I've kind of listed some conditions that I would,
13 in a perfect world, would love to see. You may
14 agree with some of them. You may not agree. But
15 if we took them point by point, perhaps we can
16 move this along, and at least remove any of the
17 points that you think have not been part of the
18 application, nor should be part, you know, as a
19 condition.

20 For instance, we have heard
21 repeatedly in testimony -- by the way, let me just
22 begin, as an overview, that I too thank you very,
23 very much. I thank Edens for the effort they have
24 put. I thank the architect for his vision. I
25 have to stand up for a more modernist. I happen

1 to be one. And I have to tell you that what's
2 wonderful about very traditional colonial
3 architecture, was that it was appropriate at the
4 time it was designed because it was the
5 architecture of its age. I think as a modernist
6 we design the architecture of our age, which
7 includes some concrete and some stone, some glass,
8 because those were conditions that were not
9 available 200 years ago, and are available
10 prevalent today. And, quite frankly, what I like
11 about this, is, even though it may not have the
12 vernacular, it does have the scale. And quite
13 frankly, to the trained eye, a sophistication of
14 scale is something that goes a very, very long way
15 in making a large project like this feel kind of
16 residential in nature in its scale, and one that
17 would connect, visually, through its scale to our
18 downtown. There are other factors that we can add
19 to make that relationship just a little bit more
20 solid, and perhaps we can discuss them as these
21 conditions.

22 First of all, we heard very clearly
23 that the restaurant use would be limited to 20,000
24 square feet. And any -- any approval, for me,
25 should maintain that clearly, so that it does not

1 exceed the 20,000, since that was made as part of
2 a stipulation. The remainder of which would be
3 retail. And that's what was brought up.

4 Again, please jump in if you think a
5 condition is -- please jump in if you think a
6 condition wasn't warranted or was not made as part
7 of the -- of the application.

8 MS. AMITAI: I have a question to
9 you, since you just mentioned the remainder being
10 retail, does that mean that a gym would not be a
11 proper use?

12 CHAIR LIGNOS: No, under -- under
13 retail, I think a gym is part of its use.

14 MR. CHAGARIS: I'm not sure.

15 CHAIR LIGNOS: I believe --

16 MR. DENICOLA: No.

17 CHAIR LIGNOS: No?

18 MR. DENICOLA: No.

19 CHAIR LIGNOS: Okay. So, therefore,
20 that's a very good point. Therefore, you want to
21 call it --

22 MR. SINOWITZ: A kickboxing school
23 or a gym per se, no.

24 CHAIR LIGNOS: Well, let me -- let
25 me --

1 MR. NYFENGER: I don't think a gym
2 is allowed in any zone.

3 MR. SINOWITZ: A school. A school
4 that teaches.

5 MR. CHAGARIS: You don't think you
6 said.

7 MR. NYFENGER: I do not think.

8 MR. DENICOLA: Well, if the board
9 feels a gym is warranted or could be allowed, you
10 can say retail and or --

11 MS. AMITAI: Gym.

12 CHAIR LIGNOS: Yeah.

13 MR. CHAGARIS: You're restricted to
14 the zone though.

15 MR. NYFENGER: Mr. Chairman, with
16 that stipulation, ten years from now, should an
17 applicant want to put in a restaurant that would
18 take it 25,000 square feet --

19 CHAIR LIGNOS: They would have to
20 come back.

21 MR. NYFENGER: -- they would come
22 back. And, so they don't have carte blanche, so,
23 that's a reasonable --

24 CHAIR LIGNOS: Now, understanding
25 the reason for the 20,000 on the applicant's part,

1 at least how I understood it, is because of the
2 ration of parking, and so on and so forth. And,
3 therefore, they made that decision -- I'm sorry --

4 (Reporter requests a short recess.)

5 CHAIR LIGNOS: I'm waiting for our
6 engineer to just get a clarification on the gym.
7 Mr. Sinowitz, I don't understand since there was a
8 gym facility there before, why wouldn't a gym
9 facility be allowed in the future?

10 MR. NYFENGER: What was there?

11 CHAIR LIGNOS: Max Fit.

12 MR. DENICOLA: Tae Kwon Do.

13 MR. DIDIO: There was Curves there
14 also, wasn't there?

15 CHAIR LIGNOS: Curves, Max Fit,
16 Tiger Kim's.

17 MR. DIDIO: Tiger Kim's was more
18 instructional though. Tiger Kim's --

19 MR. DENICOLA: True.

20 CHAIR LIGNOS: Max Fit is where I
21 lost 75 pounds. So, I think it was a gym.

22 MR. NYFENGER: Maybe they slid in
23 under the radar.

24 MR. SINOWITZ: It's just not listed.
25 It's just not listed and it can be quoted as a

1 schooling or educational institution. Then you
2 can stretch it a little.

3 MR. CHAGARIS: That -- those
4 questions are not before the board. What is
5 before the board, is this application, and one
6 stipulation and a condition is that they are
7 limiting the uses to no more than 20,000 square
8 feet for restaurant. Other than that, whatever
9 the zoning ordinance allows, it allows.

10 CHAIR LIGNOS: Okay. That's even
11 better. That's even better. That's even better.

12 MR. CHAGARIS: If it doesn't allow
13 it, it doesn't allow it.

14 MR. NYFENGER: We are approving the
15 building. Not the uses.

16 CHAIR LIGNOS: Correct, and that we
17 are limiting the restaurant use to 20,000 square
18 feet. The rest of which is the applicant has
19 said, the rest of the building would be in
20 accordance with our zoning use.

21 MR. SINOWITZ: Mr. Chairman.

22 CHAIR LIGNOS: Yes.

23 MR. SINOWITZ: Let the board
24 understand, that every single retail applicant or
25 every -- every potential utilization of that

1 retail space will have to come and make
2 application for a zoning permit, which would be
3 reviewed on the merits of that application
4 specifically. Not on the merits of the shopping
5 center --

6 CHAIR LIGNOS: Dependent on the
7 square footage, though.

8 MR. SINOWITZ: Pardon me?

9 CHAIR LIGNOS: Depending on the
10 square footage.

11 MR. SINOWITZ: Well, of course. But
12 I don't know of any spaces in this shopping center
13 are going to have that excessive amount of for
14 square footage.

15 CHAIR LIGNOS: No, no, no, I'm
16 talking about up to a certain point it doesn't
17 come here for review.

18 MR. CHAGARIS: No, no, no, no. He's
19 not saying -- he's saying for a zoning per --

20 MR. SINOWITZ: I just --

21 CHAIR LIGNOS: Oh, for zoning. I'm
22 sorry.

23 MR. SINOWITZ: I'm speaking
24 application for a zoning permit. Application for
25 a zoning permit.

1 CHAIR LIGNOS: Thank you. Thank you
2 for reminding us.

3 The second point is that there is an
4 existing culvert that was discussed, that required
5 some repair under the K-mart building. And that,
6 I would like to see, as a condition, prior to
7 issuance of any certificates of occupancy for the
8 phase II improvements. The rest of the culverts
9 on the property were discussed, to be cleaned out.
10 And, again, I'd like to make sure that that gets
11 done. And, therefore, put on as a condition.

12 Speaking about the phasing, I too am
13 concerned, as some members of the public may have
14 said during the last 14 meetings. And, therefore,
15 would like to see a bond that shall be posted for
16 the demolition and construction in phase II of the
17 project, based on any estimates prepared by the
18 applicant and approved by our borough engineer.

19 MR. CHAGARIS: Let me just
20 illustrate on that a little bit. What that means,
21 is that the applicant says that they are going to
22 do it in phase I and phase II. Now, by the time
23 this project gets under way the deadline may
24 actually be come and gone and they may be doing
25 phase I and phase II simultaneously. But we don't

1 know that. But the point is that this application
2 is being considered in its entirety, and not just
3 phase I, and then come back to phase II. This is
4 what's presented, is both phases. So, in order to
5 assure that the second phase is complied with, or
6 accomplished, then there would be -- there is a
7 method of requiring the applicant to post a bond.
8 And the bond would be sufficient to -- for the
9 cost for the municipality to demolish the portion
10 of the K-mart, and do the repairs, as set forth in
11 the plans, if the applicant, for whatever reason,
12 is unable to or chooses not to. Yes.

13 MR. SINOWITZ: Is there going to be
14 a time restraint on this bond?

15 MR. CHAGARIS: Yeah, until the
16 second phase is completed.

17 MR. SINOWITZ: Yeah, but is there a
18 time of when the second phase could be -- has to
19 be completed by a certain time?

20 CHAIR LIGNOS: I think it's a very
21 good point.

22 MR. DENICOLA: We can put something
23 in.

24 MR. CHAGARIS: The representation
25 was that as soon as the K-mart facility is

1 available in 2016 then they would proceed with
2 phase II. And I suppose, you know a two year time
3 period after commencement is a reasonable time
4 period of time or less or more.

5 CHAIR LIGNOS: Right. I think a two
6 year limitation following the taking back of the
7 K-mart would be a fair time frame.

8 MR. NYFENGER: And if they were to
9 fail?

10 MR. CHAGARIS: Then that's what the
11 bond is used for.

12 MR. SINOWITZ: Then they forfeit the
13 bond.

14 MR. CHAGARIS: The bond is used by
15 the municipality.

16 MR. NYFENGER: If they start in the
17 25th month now what do we do?

18 MR. DENICOLA: The borough has
19 discretion too. I mean they may exercise the bond
20 or not.

21 MR. NYFENGER: Okay.

22 MR. CHAGARIS: And if there is a
23 reasonable reason for not proceeding, you know,
24 it's not --

25 MR. NYFENGER: So, we can waive it

1 based on --

2 MR. DENICOLA: The bond will be in
3 place should the borough need it.

4 CHAIR LIGNOS: But you see here's
5 what the bond does do; The work is done under
6 phase I, and then we have what looks -- what is
7 the existing K-mart building remaining, looking
8 the way it does, and obviously it really would be
9 a detriment, again, to the overall site. So, it
10 gives the town some protection that that work will
11 in deed get done, because there's money set aside
12 for that work to be done if it doesn't get done.

13 MR. NYFENGER: The only reason that
14 we would anticipate that not getting down, is, if
15 the applicant was in financial trouble, in which
16 case, you know --

17 MR. DENICOLA: Or they didn't want
18 to do it.

19 MR. CHAGARIS: Or they chose not to
20 do it, for whatever reason. Maybe it's not the
21 current applicant. Maybe it's sold to somebody
22 else who says, you know what, I'm making a lot
23 more money this way, I don't want to do it.

24 CHAIR LIGNOS: The starting point
25 was, remember, decisions we make today, you may

1 have to live with for the next 50 years. And
2 that's the kind of planning we need to do as a
3 planning board.

4 MR. CHAGARIS: And long that lines
5 of the bonding, I think the chairman talked about
6 the culverts. I think that should be -- an amount
7 should be set aside to make sure that that's done,
8 the repairs.

9 MR. DENICOLA: Well, once we get to
10 site improvement, absolutely.

11 CHAIR LIGNOS: And that would be
12 part of site improvement.

13 MR. DENICOLA: Right.

14 CHAIR LIGNOS: There was testimony
15 specific to the lighting at the intersection of a
16 driveway and a public street. If -- I don't know
17 if you caught it. I happen to know, and I did ask
18 our engineer, who verified, that one footcandle is
19 a standard as a minimum at an intersection between
20 a driveway and a public street. There wasn't
21 testimony specific that that one footcandle would
22 be maintained. So, I would like to see that one
23 footcandle be maintained at the intersection of a
24 driveway and a public street.

25 MR. NYFENGER: So, you've checked

1 the plans and there's no notation about it?

2 CHAIR LIGNOS: No, we have testimony

3 --

4 MR. DENICOLA: I have, and there was
5 letters on that issue.

6 MR. NYFENGER: And they were not
7 addressed?

8 MR. DENICOLA: Not as of this date.

9 MR. NYFENGER: All right.

10 MR. CHAGARIS: Could you explain to
11 the rest of the board, if they don't know, what is
12 meant by the one footcandle.

13 MR. DENICOLA: Basically there
14 wasn't sufficient light at the intersection of the
15 road and the ingress and egress drives.

16 MR. CHAGARIS: The one footcandle
17 would do what?

18 MR. DENICOLA: Would be a minimum
19 for the lighting of the intersection of the
20 driveway and the roadway.

21 MR. NYFENGER: Would you want to see
22 more than one footcandle?

23 MR. DENICOLA: It could be more than
24 one --

25 CHAIR LIGNOS: But watch what

1 happens, if you go after -- you may have a -- you
2 may have bright spots compared to the --

3 MR. NYFENGER: Especially on the
4 residents on High Street, which we discussed that
5 at one point.

6 CHAIR LIGNOS: Correct.

7 MR. DENICOLA: I'm not saying it's
8 got to be 1. I'm saying the minimum is 1. If
9 it's 1.2, that's fine, 1.5 is fine. One would be
10 the minimum.

11 MR. NYFENGER: Aren't there lights
12 going all the way down?

13 CHAIR LIGNOS: Well, we're going to
14 get there. We're getting there.

15 MR. NYFENGER: Vervalen.

16 MR. DENICOLA: Right now there's
17 Cobra head lighting that does not produce the one
18 footcandle in certain locations.

19 CHAIR LIGNOS: As far as connecting
20 the plaza to the downtown; let's understand that
21 it's almost physically impossible to do it
22 architecturally. But it may not be physically
23 impossible to do it through the maintaining of our
24 light poles, the very traditional light poles that
25 we have. And some of us have voiced an opinion

1 that the quality of the light that comes off of
2 those light poles are less than desirable. So,
3 leaving that open, because there is some work
4 being done to try find what is the best way --
5 what is best bulb and color rendition index on the
6 bulb, to use to maintain throughout our downtown,
7 keeping that off this discussion, at least that
8 the pole that is used for the rest of the downtown
9 be maintained through Vervalen.

10 Yes.

11 MR. NYFENGER: If those lights were
12 so important when they were done downtown why
13 weren't they continued all the way to Piermont
14 Road?

15 CHAIR LIGNOS: I don't know.

16 MS. AMITAI: It was part of the
17 grant just for the renaissance district.

18 MR. DENICOLA: I think it's in the
19 applicant's plans to do that now. So, I don't
20 think -- it's already there so --

21 CHAIR LIGNOS: We're not --

22 MR. NYFENGER: Are you challenging
23 the style?

24 MR. DENICOLA: No, to continue it.

25 CHAIR LIGNOS: No. What I'm saying,

1 is, there is certain things that have come up for
2 discussion that I want to make sure we get
3 memorialized in the resolution so that no one ever
4 has a question that it wasn't discussed or it
5 wasn't part of, and, therefore, didn't get done.

6 MR. NYFENGER: But are these lights
7 in the plan or not? Aren't they in the plan?

8 MR. DENICOLA: They are.

9 CHAIR LIGNOS: Yes. We are
10 memorializing the type and the style and making
11 sure that it's part of the resolution. Mr. --

12 MR. NYFENGER: Oh, I'm sorry to keep
13 going, but isn't that the case with every single
14 thing in the plan?

15 CHAIR LIGNOS: Maybe. Maybe not.

16 MR. NYFENGER: Well, isn't the plan
17 the plan, and that's what we're approving, they
18 can't make changes to that plan, right?

19 CHAIR LIGNOS: Correct.

20 MR. NYFENGER: So, I'm trying to
21 understand why you're singling out this one item.

22 CHAIR LIGNOS: Because some of the
23 things that were brought up during testimony were
24 brought up as conceptual.

25 MR. NYFENGER: Oh, okay.

1 CHAIR LIGNOS: And I want to make
2 sure that we differentiate between the discussion
3 of conceptual and the one that the board believed
4 they were -- was part of the application and
5 expected during the time of construction.

6 MR. NYFENGER: So, how do we specify
7 that --

8 CHAIR LIGNOS: I'm doing -- what I'm
9 doing in the resolution.

10 MR. NYFENGER: Oh, okay.

11 CHAIR LIGNOS: If we were to approve
12 this. And, again, if you think something that I'm
13 saying should not be part of, then, you know, we
14 ought to consider not having it.

15 Yes, Mr. Sinowitz.

16 MR. SINOWITZ: In the discussions
17 earlier, in one of the earlier meetings, this was
18 discussed, and it was, I thought, agreed upon by
19 the applicant, or alluded to, that he would be in
20 compliance as well as discussed with the
21 whatever -- whatever is resolve for downtown;
22 light posts, lighting and so forth, they would
23 comply, to bring the continuity of that lighting
24 system up through Vervalen Street all the way
25 through.

1 CHAIR LIGNOS: Correct. That's
2 exactly what I said. I didn't change anything.
3 that's exactly what I said. Sometimes there's a
4 difference between a condition and a stipulation.
5 They've already stipulated to that. I'm just
6 reiterating it as part of the resolution.

7 MR. SINOWITZ: And another way of
8 visually, I know architecturally you're not going
9 to have the continuity, but visually speaking, you
10 can tie the two districts, let's use the word two
11 districts, the two areas, together, by visual
12 impact, using the same kinds of sidewalks for
13 instance.

14 CHAIR LIGNOS: That was the next
15 thing I was getting to.

16 MR. SINOWITZ: Okay. Bring the
17 same -- bring the same sidewalks up through, all
18 the way through Vervalen Street, as well as the
19 streets. The roadway.

20 CHAIR LIGNOS: Correct. That was
21 the next thing --

22 MR. NYFENGER: It's called pavers.

23 MR. SINOWITZ: Whatever it is,
24 pavers or whatever.

25 CHAIR LIGNOS: A combination of the

1 pavers and the concrete the way it's used in our
2 downtown, to be continued along on Vervalen.

3 MR. NYFENGER: When I see pavers, I
4 see pavers that go like this everywhere.

5 MR. SINOWITZ: That's in
6 Williamsburg, Virginia.

7 MS. STELLA: The lights of the
8 pavers that are downtown --

9 MR. NYFENGER: Correct. Eventually
10 pavers go like that.

11 CHAIR LIGNOS: Because the proper
12 way to do a paver is to actually have a subsurface
13 of concrete and then put the dust on top of that.
14 That's actually the very proper way to do it.

15 MR. NYFENGER: Instead of gravel.

16 CHAIR LIGNOS: But in maintaining
17 the esthetic that everyone is looking to continue
18 our downtown, I think this would go a long way.
19 Along with that I think the police report of the
20 striping the way the re striping, I think makes a
21 lot of sense, and will help shoppers drive in to
22 the center. It actually would be a benefit I
23 think to the center itself.

24 MS. MITCHELL: Excuse me. Did you
25 get that email today? I forwarded this to you

1 today?

2 MR. BASRALIAN: No, I didn't get it.

3 MS. MITCHELL: Do you want me to
4 make a copy?

5 MR. BASRALIAN: Yeah, it would be
6 nice.

7 MS. MITCHELL: I just got it today
8 and I forwarded it to you.

9 MR. NYFENGER: Mr. Chairman, do you
10 want me to keep -- I feel like if I keep
11 commenting -- is it okay to do that?

12 CHAIR LIGNOS: Yes, please.

13 MR. NYFENGER: So, I fully agree
14 with you, because it's almost like a race, who is
15 going to pass who, who is going to go behind, you
16 know, that guy is going to make a left, everyone
17 is going to go around him, the gullies where the
18 drains are, as Dr. Maddaloni referred to, but
19 the -- so, can the applicant, and I'm unaware, can
20 the applicant be required to contribute to the
21 improvement of the borough's street for this?

22 CHAIR LIGNOS: I'll leave it to Mr.
23 --

24 MR. CHAGARIS: Well, the
25 improvements -- well, the law is that if it's --

1 if the street is impacted, like say for example,
2 widening, we're not talking about widening here,
3 we're certainly -- if it has to be widened that
4 would be an offsite improvement required as a
5 consequence of the development. Now, if striping
6 is required, that could be considered like a
7 widening. In other words, it's not a maintenance,
8 like filling in potholes or putting in, you know,
9 concrete. But if necessary to do the striping so
10 that the site can be better accessed, that can be
11 an offsite improvement.

12 MR. NYFENGER: So, striping
13 includes -- would need to be paved first.

14 MR. CHAGARIS: Well, whatever
15 striping --

16 MR. NYFENGER: So, what do we do,
17 you have the Bank of America, which is not their
18 property, and you have the Closter Commons, which
19 is not their property. So, we're just going to
20 cut out a section?

21 CHAIR LIGNOS: Just that section.

22 MR. NYFENGER: That would be
23 ridiculous.

24 CHAIR LIGNOS: Well, it's ridiculous
25 but he borough can do the rest.

1 MR. NYFENGER: Okay. Then that
2 would make it not ridiculous.

3 CHAIR LIGNOS: The whole -- the
4 whole point is that it would help shoppers be able
5 to turn in, having a turn off lane.

6 MR. NYFENGER: But the paving --

7 MS. HEYMANN: John.

8 CHAIR LIGNOS: Yeah, I'm sorry, yes.

9 MS. HEYMANN: I think that -- and I
10 am grateful for our PD for recommending the three
11 lanes. Because I think that will go a long way,
12 in my mind, to solve some of the traffic problems
13 on that street. But I do want to point out that
14 you can't stripe a broken up paver. And the
15 street needs to be redone. And I think that that
16 should be one of the issues that --

17 CHAIR LIGNOS: Well, I did say that.
18 I think -- but, again, just for the portion
19 that's -- that's the plaza. Obviously, they can't
20 go do --

21 MS. HEYMANN: Right. Because the
22 borough would then be, presumably, responsible for
23 the rest.

24 CHAIR LIGNOS: Correct. Right. No,
25 you can't -- you can't stripe cracked up pavement,

1 you know, pavement. But the whole point at the
2 same time, it's for the section that's literally
3 in front of the plaza.

4 MS. HEYMANN: I think that, you
5 know, having three lanes, with a turnoff lane on
6 one on the right and one on the left, will
7 facilitate the traffic. And that's, I think one
8 of the issues that many of us have been contending
9 with, because it is a limited area and the parking
10 is going to be consume the entire area, and having
11 an extra lane, which I think, incidentally, is
12 possible with the width of Vervalen the way it is
13 now, you asked that question before, it does
14 demand a redone street, repaved, and I can
15 understand that the applicant wouldn't want to
16 pave the entire street. So, I think that Closter
17 has to pick up somewhere along the way.

18 CHAIR LIGNOS: Right. I think that
19 Closter will be very happy if the applicant is in,
20 and the plaza has been fixed up, it becomes
21 something I think that the borough would be happy
22 to do it.

23 MR. DENICOLA: Right.

24 CHAIR LIGNOS: During construction I
25 think we have to find a way to limit truck

1 traffic. I asked Mr. DeNicola, perhaps limiting
2 the trucks during construction to -- limited to
3 Homans to Piermont, to prevent the trucks from
4 coming out to borough roads.

5 MR. NYFENGER: Through town.

6 CHAIR LIGNOS: Just during
7 construction.

8 MR. DENICOLA: That's not really
9 changing what the applicant already stipulated to
10 in their soil movement documentation. This is
11 more or less memorializing that as a point of
12 fact, to make sure it gets in the resolution.

13 MR. NYFENGER: Can we go back to the
14 paving? This is more of a question to the
15 applicant.

16 MR. DENICOLA: You can't. No, no,
17 no.

18 CHAIR LIGNOS: No, you can't ask
19 the --

20 MR. NYFENGER: Then a clarification.
21 I don't have the plans in front of me. Currently
22 the sidewalk on Vervalen abuts the curb and the
23 road.

24 MR. DENICOLA: Correct.

25 MR. NYFENGER: Is that modified at

1 all? Is that setback at all in the new plan?

2 MR. DENICOLA: It depends on what
3 section you're at.

4 MR. NYFENGER: Because that lends
5 more reason to reduce the lanes to three. Because
6 right now if you're in that right lane you are --

7 MR. DENICOLA: Correct. The
8 sidewalk is adjacent to the curb the entire lane.

9 MR. NYFENGER: So, by adding three
10 lanes where there were four --

11 MS. AMITAI: Could you repeat that
12 again, Nick.

13 MR. DENICOLA: The sidewalk is
14 adjacent to the curb along the plaza.

15 MR. NYFENGER: -- you could actually
16 have a stripe two foot, three foot area almost
17 like where a bicycle would ride --

18 MR. DENICOLA: Exactly right.

19 MR. NYFENGER: -- to give yourself
20 some room on the right side of the car and the
21 people walking on the sidewalk. It's very tight.
22 It's a little dangerous.

23 MR. DENICOLA: Very narrow lanes.

24 MR. MADDALONI: And that's also
25 where the sewer plates are.

1 MR. NYFENGER: Yeah so that would
2 kind of help that out.

3 MS. HEYMANN: That's why when they
4 talk about complete streets that's exactly what we
5 want to do.

6 MR. DENICOLA: That's exactly right.

7 CHAIR LIGNOS: Councilwoman.

8 MS. AMITAI: I have a question --

9 MR. DENICOLA: It's reference to DOT
10 criteria in development.

11 MS. AMITAI: -- for our
12 professionals, for our attorney. In Jessie
13 Rosenblume's packet, on JR-15, that's the
14 agreement with the old Closter Plaza, Grand Union,
15 Citizens National Bank, and Borough of Closter.
16 And inside there they talk about -- I want to know
17 whether or not it puts the borough at jeopardy,
18 since the borough is mentioned in that agreement.
19 Do these things translate to the next agreement
20 with the new -- there's one thing in there.

21 MR. CHAGARIS: That agreement, which
22 was entered into between the then owner and the
23 borough, has to be discussed by the mayor and
24 council. We don't have jurisdiction to alter,
25 amend or change that. It has to be the mayor and

1 council.

2 MS. AMITAI: So then maybe you have
3 to give us your professional opinion as to whether
4 or not this plays any role in getting us in
5 trouble if we don't address it.

6 MR. CHAGARIS: Well, I really can't
7 because two reasons: One is that there was no
8 testimony. I don't know what the intention of the
9 parties were. And, secondly, that's not a
10 complete agreement. My perusal of it is it's only
11 part of an agreement. And even though it was
12 marked for identification purposes, it's not
13 marked as an exhibit, that we can rely upon in
14 these deliberations to base our decision on.

15 MS. AMITAI: So, may I just ask my
16 question then?

17 MR. CHAGARIS: Go ahead.

18 MS. AMITAI: This -- specifically
19 what I'm most concerned, it says here, there shall
20 be no road opening made allowed or constructed at
21 the east end of the shopping center, which would
22 open the center to vehicular traffic from Homans
23 to Vervalen Street, through the shopping center.
24 And this plan is opening -- making that opening.
25 So, my question is --

1 MR. NYFENGER: It's actually taking
2 away that opening. That opening exists between
3 K-mart and Grand Union straight through to --

4 MR. DENICOLA: No, she said easterly
5 end. Burger King.

6 MS. AMITAI: No, I'm talking about
7 at the Burger King end. Now you cannot pass
8 through from the shopping center to Homans.

9 MR. CHAGARIS: The only way I can
10 answer the question is this: This application
11 that's before this board is what's before this
12 board. If, let's say for the sake of discussion,
13 that the application is approved, and the
14 applicant wants to do what is prohibited by that
15 agreement, then it would be for the mayor and
16 council and the -- to enforce, or not enforce,
17 that agreement. Maybe the agreement has been
18 modified. I don't know.

19 MS. HEYMANN: Arthur, an agreement
20 that's made with principals that are no longer in
21 the picture, still hold true?

22 MR. DENICOLA: Depends. Depends.

23 MR. CHAGARIS: Sure. It depends. I
24 mean you can have, for example, you can have
25 restrictions on a deed that carries on after the

1 parties are deceased. Sometimes you can.
2 Sometimes you can't. But, again, we weren't
3 parties -- this board was not a party to that
4 agreement. And we don't know what other
5 subsequent agreements there were. Or
6 modifications to that agreement, if any. We have
7 no idea. And that also as I said that agreement
8 is not the complete agreement. So, that's -- if
9 the board, for sake of discussion, approves this
10 application, and it is determined that that
11 agreement does not allow this application -- this
12 development, that doesn't effect our decision.
13 Our decision is whether or not, at a planning
14 basis, it can go through. Now, if there is some
15 legal impediment that we're not aware of, then
16 there's a legal impediment.

17 MS. AMITAI: Okay. So then my
18 second question, I guess Nick or Lenny, this
19 relates to, in our code, this particular JR-35
20 that I'm looking at says, landscaped open space
21 area, this paragraph shall be changed to indicate
22 a minimum of 15 percent of total lot area to be
23 maintained. They're talking about landscaping.

24 MR. DENICOLA: You're speaking to an
25 article we don't even know what it is.

1 MR. CHAGARIS: Again, which item
2 were you looking at now?

3 MS. AMITAI: Well, it's the old code
4 numbers. So, my question is --

5 MR. DENICOLA: Right. But is that
6 code still in effect?

7 MS. AMITAI: That's my question. Is
8 the code still in effect?

9 MR. CHAGARIS: What's the number?
10 What's the exhibit number?

11 MS. AMITAI: It's JR-35.

12 MR. DENICOLA: The applicant
13 currently is seeking a waiver in such that they're
14 below the minimum required open space, but they
15 are increasing what is existing today, if that
16 answers your question.

17 MR. CHAGARIS: JR-35.

18 MS. AMITAI: So, we don't have to --
19 even if it's in the code. JR-35F down at the
20 bottom of the page.

21 MS. ISACOFF: If this is old code
22 why is this --

23 MR. NYFENGER: Even if it's new code
24 it wouldn't matter.

25 MS. AMITAI: No, it's the old code

1 number. The numbering of the code was changed.

2 MS. HEYMANN: Arthur, I think we
3 discussed this, the new code, not too long ago, on
4 another matter, and it was determined in that
5 discussion that the wording was, this law will now
6 supersede everything that came before it.

7 MR. CHAGARIS: Yeah, I just want to
8 clarify one thing -- from what I'm reading here,
9 this letter of April 4, 1985, this is a letter
10 from the then chairman of the planning board,
11 Harold Enders, to the mayor and council, approving
12 or recommending certain things occur or be
13 adopted. But there's no reference that this ever
14 was adopted. And we don't know that --

15 MS. AMITAI: Well, I'm saying does
16 anybody know what our code is?

17 MR. CHAGARIS: Again, even if it was
18 recommended by the board, that doesn't mean, as I
19 said, doesn't mean it was adopted or wasn't
20 adopted, or even if it was adopted if it was taken
21 into account, or whether all of these items, or
22 any of these items were ever adopted. So, I don't
23 think -- you know, it's being misleading. Because
24 we don't really know the whole story. What we do
25 know, is the application, and we do know what the

1 ordinances are at this time. So, what percentages
2 are required, what buffers are required, and what
3 the ordinances are required, that's what governs
4 for this application. Not what may have or may
5 not have been approved in 1985.

6 MR. DENICOLA: Maximum impervious
7 area is 80 percent. It's currently over 90
8 percent. The applicant still over 80 percent, but
9 less than what was existing. If that answers your
10 question.

11 CHAIR LIGNOS: Okay.

12 MS. AMITAI: I do have one last
13 question. And we talked about it during the
14 hearings, during the testimony. I never really
15 quite got it. And it relates to the interior
16 ceiling height. If this building, if this
17 shopping center were to be sold to another
18 developer, as the plan is now, could a second
19 story be made on the interior of the buildings,
20 making that a two-story multiuse? I don't know
21 what.

22 MR. CHAGARIS: Well, they would have
23 to come back to the planning board for that.
24 Because what's being approved is the square
25 footage of usable space that's on the application.

1 So, what you would be suggesting -- and there is
2 two stories are permitted --

3 MS. AMITAI: Say it again.

4 MR. CHAGARIS: Two-story structures
5 are permitted in this area on this site. But
6 that's not what's being presented. And if in
7 fact, a later applicant, or a later owner, wants
8 to have a second story added, they're going to
9 have to come back here.

10 MS. AMITAI: Okay.

11 CHAIR LIGNOS: It would have to be
12 approved by this -- by this board. All right.
13 Let's -- let's -- we talked about construction.
14 Traffic. I have to agree, I believe with
15 Dr. Maddaloni, who said, and I believe one or two,
16 Lenny, I think you may have said it also, the only
17 light that we have right now existing is the light
18 on Homans and Piermont. My guess is that once
19 people understand how the traffic flows through
20 the plaza, that side, Homans, would become a
21 preferred route, because at least the light allows
22 you to make the left turn or so on and so forth.
23 So, with that kind of planning in mind I would
24 like to see the Homans driveways be ingress and
25 egress for both of them. I think it would serve

1 the people who want to go out on Homans, and go
2 east to utilize the light, and local traffic for
3 us, who live in town, to go Homans west.

4 MS. AMITAI: Could you just repeat
5 which driveway you're referring to.

6 CHAIR LIGNOS: The two driveways --

7 MS. AMITAI: Both driveways that
8 abut Homans?

9 CHAIR LIGNOS: Correct.

10 MS. AMITAI: You would like both
11 directions?

12 CHAIR LIGNOS: Both in and out.

13 MR. DENICOLA: Well, there's a
14 couple of driveways. Because it's a big parking
15 lot. You're talking about the most eastern one
16 and the most western one.

17 CHAIR LIGNOS: Thank you. That's a
18 better way to say it. Thank you.

19 MR. NYFENGER: Mr. Chairman. So,
20 that would eliminate the opportunity to have the
21 drive-thru?

22 CHAIR LIGNOS: No.

23 MR. DENICOLA: Not necessarily.

24 CHAIR LIGNOS: No, I'm not telling
25 anyone how to design it.

1 MR. NYFENGER: Well, you're going to
2 have cars going at each other the wrong way like
3 over in England.

4 CHAIR LIGNOS: I beg to differ.

5 MR. NYFENGER: This one's going to
6 be coming in this way to have the drive-thru, and
7 this one's going to be coming this way, and that
8 one's going to be coming this way again.

9 CHAIR LIGNOS: No, it's --

10 MR. NYFENGER: They want to go back
11 and make a left or make a right they go to --
12 what's this, Lewis Street, right?

13 CHAIR LIGNOS: Look, I certainly can
14 design it if the applicant asked me to, but I'm
15 not in that business or part of this application.
16 I'm sure their professionals would know how to do
17 that. But for the purposes of the people wanting
18 to use the only light to control the ability to
19 make a left, or for that matter, a right on
20 Piermont. That is the only light.

21 MR. NYFENGER: Right. So, you want
22 to be able to go in and out by -- close to Burger
23 King?

24 CHAIR LIGNOS: Yes.

25 MR. NYFENGER: And you want to be

1 able to go in and out to the left of K-mart?

2 CHAIR LIGNOS: Yes.

3 MR. NYFENGER: As opposed to just
4 going a little further and making a right onto
5 Lewis -- it is Lewis, right? I keep saying. And
6 making a right on to --

7 MR. DENICOLA: Campbell to Lewis.

8 MR. NYFENGER: Campbell. I'm sorry.

9 CHAIR LIGNOS: Correct.

10 MR. BABOO: So, Mr. Chairman, if we
11 make this stipulation, obviously they will have to
12 change some thing. Will there be someone going to
13 approve these plans?

14 CHAIR LIGNOS: Yes, obviously the --

15 MR. DENICOLA: Come back to the
16 board.

17 CHAIR LIGNOS: It would come back to
18 the board for that specific -- not for the whole
19 plaza.

20 MR. BABOO: Okay. Just that
21 specific section.

22 CHAIR LIGNOS: -- just that specific
23 section.

24 MR. DENICOLA: All the board has to
25 do is look at it and say, yes, it complied. Done.

1 CHAIR LIGNOS: In other words, yes,
2 it comes in, it's an ingress egress.

3 MR. BABOO: Okay. But as
4 Mr. Nyfenger said, if you have a drive-thru and it
5 becomes three lanes, or four lanes or something
6 crazy, there's going to be someone to look it over
7 and say, no, this is not safe.

8 CHAIR LIGNOS: We are.

9 MR. BABOO: We are.

10 CHAIR LIGNOS: The board.

11 MR. BABOO: Okay. Great.

12 CHAIR LIGNOS: I'm concerned about
13 the planting. Because if planting isn't done
14 right, or if it dies, we have such an opportunity
15 for something nice and green, that if we don't
16 properly maintain it, I am -- I'm concerned. So,
17 I respect the fact that Edens is a top notch
18 landlord. And I think they would do a great job.
19 So, originally I was a believer that this whole
20 site should be irrigated. But I believe Edens
21 will do what needs to be done to keep the
22 irrigation, as part of, you know, like a water
23 truck or something, that comes through and
24 properly irrigates. But my concern is that on
25 Homans and on Vervalen, those strips, literally

1 right on the roadway, that irrigation be provided
2 for that, because it's the furthest most away from
3 the building itself. And it's the buffer to the
4 town. And I -- and I think by having irrigation,
5 I know somebody may say, yeah, by having
6 irrigation, if they don't turn it on. It doesn't
7 make sense to put irrigation in and not have it
8 turned on. And it's not that huge of a cost item
9 if you limit it to those two straight runs of
10 Homans and Vervalen. And I think that a bond
11 needs to be, obviously maintained, or held for the
12 unirrigated plantings for a period of two years so
13 that those plantings take hold, and make sure that
14 they survive.

15 MS. HEYMANN: I have a question
16 about that. When you're talking irrigation,
17 you're talking the sprinkler type?

18 CHAIR LIGNOS: It could be a drip.
19 It could be a drip. It doesn't matter. As long
20 as it's properly --

21 MS. HEYMANN: Because I would
22 strongly recommend if there's irrigation, it
23 should be drip irrigation.

24 CHAIR LIGNOS: Yeah, I don't want
25 anybody to waste water by any means. I just,

1 properly -- they have some nice Laurel up against
2 Homans. And, look, I'm not a horticulturist. I'm
3 not a landscape architect. But I know that that
4 Laurel does really well getting it's proper --

5 MS. HEYMANN: You know on a strip
6 like that you can easily put in drip irrigation.

7 CHAIR LIGNOS: Just a drip. That's
8 fine. That's fine. I love the idea of the green
9 walls, that are displayed not only in the plans,
10 but on those renderings. So, I just -- because
11 words were mentioned, as you know, it's
12 conceptual, I want to make sure that those green
13 walls are not just conceptual, but literally
14 become part of the final design. I'm not saying
15 they weren't going to be, but I just want to make
16 sure it's part of the resolution.

17 MR. NYFENGER: Do they need to be
18 irrigated?

19 CHAIR LIGNOS: Well, here's what's
20 nice about that. I thought about that. But if
21 the irrigation is kept to the extreme -- it's very
22 costly then to bring it back in again. If
23 something dies and it's up against your store, I
24 think somebody is going to say something.
25 Especially if they pay rent. So, I almost feel

1 that that would be market driven. I think
2 deliveries for the center, some stores, I'm going
3 to believe are going to be dropped off at the
4 front, and come in through the front door, because
5 I was trying to figure out how every store will
6 get a delivery. I think it would behoove us that
7 the deliveries would come in off of Homans.
8 Because then we control -- it's controlled as to
9 that's the closest route to the store, as opposed
10 to having to go through the parking lot with a
11 larger truck, which would be a larger truck
12 normally for delivery.

13 MR. NYFENGER: What about the stores
14 that are going north/south?

15 CHAIR LIGNOS: You would still use
16 the Homans east, come in around, and up. You can.
17 You can get there from --

18 MS. STELLA: From here to here from
19 these stores?

20 CHAIR LIGNOS: Yeah. You go in and
21 around.

22 MS. STELLA: From here?

23 CHAIR LIGNOS: Correct. You can
24 also stop and park in the --

25 MR. NYFENGER: Mr. Chairman, are we

1 asking the applicant to bind the tenant, to bind
2 the vendor to drive a certain way?

3 CHAIR LIGNOS: No. I'm asking --
4 I'm asking the board whether they think it's a
5 good idea to keep deliveries off of Vervalen.

6 MR. NYFENGER: I'll say it again.
7 Are you asking the applicant the bind the tenant
8 to bind their vendor --

9 MR. DENICOLA: That's the only way
10 to do it.

11 CHAIR LIGNOS: That's the only way
12 to do it.

13 MR. SINOWITZ: It's feasible to
14 think in terms of deliveries after hours, say
15 after 11 o'clock or 12 o'clock at night, to be
16 able to make deliveries in the front, if they
17 wanted to, when there's no retail operations going
18 on.

19 CHAIR LIGNOS: By the way, again, if
20 the board doesn't think the delivery -- that --
21 see, again, think about one thing. Think about
22 one thing. There's people using the plaza.
23 There's children crossing the main loop. To be
24 able to take the truck traffic and control it so
25 it's not in the front, may make a lot of sense.

1 If you don't think that's the case, then that
2 stipulation is out.

3 MR. SINOWITZ: No, I think it would
4 be important to control it in that sense. During
5 the day, during the shopping hours, then the
6 traffic, the truck traffic should come in through
7 Homans, come in and deliveries made at the rear.
8 But after hours, early mornings, late nights, I
9 hardly imagine where the deliveries are made.

10 CHAIR LIGNOS: Okay but stores that
11 go northeast, I'm sorry, that run north/south.

12 MR. SINOWITZ: The ones on the side.

13 CHAIR LIGNOS: Correct. Would still
14 have to come in and then go to the front. In most
15 cases, I wouldn't be surprised if they then, you
16 know, come out Homans. So, if you don't think
17 that the deliveries are an issue then we can
18 strike it.

19 MS. AMITAI: It's definitely an
20 issue.

21 MS. HEYMANN: I've made deliveries
22 at shopping centers so I can tell you that
23 sometimes, especially if this shopping center
24 thrives, it will have backups in deliveries. So
25 that I think you should pay attention to what

1 Lenny is saying, that you're absolutely correct,
2 during working hours, daytime hours, even movie
3 hours, they shouldn't be deliveries except on
4 Homans. But I think it should be an option, which
5 I think is probably used in the early morning
6 hours for having it approach somewhere else as
7 well. So, you can control --

8 CHAIR LIGNOS: So, you're saying
9 while the -- while the retail --

10 MR. DENICOLA: While it's in
11 business. Business hours.

12 CHAIR LIGNOS: Right.

13 MS. HEYMANN: While there is public
14 --

15 CHAIR LIGNOS: No. You can't say
16 public.

17 MR. DENICOLA: Just say business
18 hours.

19 CHAIR LIGNOS: During normal
20 business hours deliveries would come in off of
21 Homans. Any time thereafter they can come in from
22 whichever way they wish.

23 MR. SINOWITZ: I wouldn't use the
24 word, normal business hours. During retail
25 business hours. Period.

1 MR. DENICOLA: Well, with the movie
2 theater is that retail?

3 CHAIR LIGNOS: No, you can't do --
4 you can't do movie theater. Because movie
5 theaters end at 12 in the morning sometimes.

6 MR. DENICOLA: When kids are coming
7 out.

8 MS. HEYMANN: I would include the
9 movie theater because I think what we're talking
10 about is much more likely to happen in the early
11 morning hours than the late night hours.

12 MR. MADDALONI: Why don't you just
13 define it by the time then. Say before eight and
14 after ten p.m or something like that.

15 MR. NYFENGER: Can I ask; what kind
16 of deliveries are we talking about? I mean a
17 tractor trailer is going to pull up behind the
18 whatever the grocery store is or behind --

19 MS. HEYMANN: Not all deliveries are
20 in tractor trailers.

21 MR. NYFENGER: I understand. But a
22 tractor trailer -- so, are we telling the FedEx
23 guy he has got to come in Homans to go into the
24 parking lot and still walk in the front door?

25 CHAIR LIGNOS: Where does the FedEx

1 come in and stop?

2 MR. NYFENGER: Usually it goes right
3 to the front of the store.

4 CHAIR LIGNOS: And you have a loop
5 that's 24 feet wide. And you're going to park in
6 the front of a store, and you're going to then
7 negotiate, in order for the cars to use that same
8 loop, you're going to negotiate around it.

9 MR. NYFENGER: So, where is it going
10 to go?

11 CHAIR LIGNOS: Well, that's the
12 whole point. If you come in off of Homans --

13 MR. NYFENGER: Right.

14 CHAIR LIGNOS: -- there's other
15 place to perhaps stop. Now, do you have to walk
16 to a store, yes. Again, if you think that this
17 doesn't make sense we can strike it.

18 MR. BABOO: I don't think it's
19 enforceable. That's the problem.

20 MR. NYFENGER: Maybe that's what I'm
21 getting at. I mean it's great conceptually.

22 MS. HEYMANN: Paul, I'm thinking of
23 a bakery being there, just as an example.

24 MR. NYFENGER: Right.

25 MS. HEYMANN: And a panel truck

1 coming. Not a trailer truck. A panel truck could
2 be coming to make a delivery. And that's, you
3 know, if you make it too inclusive, it would
4 exclude smaller type of deliveries which can go to
5 the front of the store.

6 MR. NYFENGER: Right. So, why are
7 we going to put it in the --

8 MS. HEYMANN: Because we don't want
9 the trailer trucks.

10 CHAIR LIGNOS: Can I assume for a
11 second -- that -- could we put this point on the
12 side and just keep going. All right. Because so
13 far it's the only one that I think is causing us
14 some grief.

15 MS. STELLA: A simple thing is a box
16 truck over a certain size.

17 CHAIR LIGNOS: That's another thing
18 we can do.

19 MR. DENICOLA: Any box truck.

20 MS. STELLA: Or any box truck.

21 CHAIR LIGNOS: Let's come back to
22 that one.

23 The crosswalk at Campbell Avenue to
24 the plaza should be landscaped, a decorative
25 walkway as approved by the borough engineer.

1 MR. NYFENGER: Where is it,
2 Mr. Chair?

3 CHAIR LIGNOS: Mr. DeNicola, you
4 want to explain this?

5 MR. DENICOLA: Yeah, I think someone
6 brought that up too, about the walkways through
7 the plaza. I think it was Vicky. Yeah, I
8 think -- and I think it was in one of my letters
9 also going back over them. The crosswalk around
10 Campbell Avenue it's a three or four-way
11 intersection there. And just to basically
12 highlight the fact that pedestrians are going to
13 be there, a visual aspect, having a crosswalk
14 being in red, or a decorative crosswalk, that's
15 like through the rest of the plaza, would enhance
16 the pedestrian safety at that location.

17 MS. AMITAI: Are you talking about
18 the little raised brick thing?

19 MR. DENICOLA: It could be raised.
20 It could be brick paver, red. Whatever. You
21 know, whatever. Something distinguishing though.

22 MS. STELLA: Are you talking about
23 the one that goes from the K-mart across to
24 Campbell to the parking lot of the bank, or
25 whatever that corner building is, that one?

1 MR. DENICOLA: That's correct.

2 MS. HEYMANN: There's no reason why
3 it can't be landscaped?

4 CHAIR LIGNOS: Right. Exactly.
5 Now, I heard a lot of you talk about a stoplight
6 on Vervalen and Piermont. I think that if a
7 stoplight at Vervalen and Piermont was ever to be
8 warranted, if there was ever, if or when it was
9 required to be installed, that a pro rata basis --
10 that a portion of that, at a pro rata basis be by
11 their developer. Obviously -- now, Mr. DeNicola
12 you have to enlighten us a little bit. The county
13 is ultimately the one that makes the decision
14 whether --

15 MR. DENICOLA: That's correct.

16 CHAIR LIGNOS: -- whether a
17 stoplight is warranted.

18 MR. DENICOLA: Is signal is
19 warranted, right.

20 CHAIR LIGNOS: At that point the
21 county would be in a position to say, you know,
22 10 percent, 20 percent of the traffic is used by
23 the plaza, whatever that percentage is.

24 MR. DENICOLA: There would be a fair
25 share analysis done by the county and you can

1 make, I guess, the developer responsible for their
2 fair share.

3 CHAIR LIGNOS: Just for the -- just
4 for their fair share as determined --

5 MR. DENICOLA: Right. As determined
6 by the county. If it's even warranted. That's
7 number one if it's warranted.

8 CHAIR LIGNOS: And, by the way, it
9 may not be warranted.

10 MR. MADDALONI: That sounds like a
11 good approach.

12 CHAIR LIGNOS: So, in case anyone
13 thinks that a light may show up.

14 MR. PIALTOS: And how do you get the
15 county to consider that, by sending them this
16 report by the police chief?

17 CHAIR LIGNOS: No, what you do, is,
18 you ask the county for their review, and don't be
19 surprised if they come and say, we don't see a
20 reason, quite frankly, because Homans has one
21 right down the block, and then Closter Dock on the
22 other side, and, quite frankly, they're going to
23 be too close. So, to make us say that, oh, we
24 think a light is, you know, necessary there. I
25 even looked at the accident reports. Somebody in

1 the audience last week said that, oh, my God,
2 there's accidents upon accidents from on that.
3 And there weren't. I mean they were accidents.
4 But it wasn't an unusual amount. So, I don't know
5 if a light will ever be warranted there. But to
6 say that it is, and we should do it now, and it
7 should be paved, I just don't see that. So --

8 MR. NYFENGER: Could we recommend or
9 could we make a motion that we recommend that the
10 borough and council request a review by the county
11 to do that light?

12 MR. DENICOLA: Well, I think the
13 application has been sent to the county for their
14 review.

15 MR. NYFENGER: It has.

16 MR. DENICOLA: It has.

17 MR. NYFENGER: Oh, okay well then we
18 have done what we can do.

19 CHAIR LIGNOS: Okay. Dr. Maddaloni
20 has stepped out. So, I am, because I want to make
21 sure that everybody hears this, I think he stepped
22 out to the men's room. I'm going to take a five
23 minute recess, if that's okay with everyone. The
24 time now is 9:52.

25 (Short recess taken.)

1 CHAIR LIGNOS: All right, I call
2 this meeting back to order. The time now is 9:58.
3 I'd like the record to show that Dr. Maddaloni had
4 stepped away, for about a minute, during the last
5 answer that we were going through. At that point
6 I stopped the meeting because I wanted
7 Dr. Maddaloni to be part of all discussions. And,
8 therefore, he is now back. We are all back in
9 session.

10 The next item that I'd like to make
11 sure we have, as a condition, is that the name and
12 the contact information of the contractor be
13 supplied to the borough engineer, as is required
14 by the soil movement application. Again, this is
15 very straight forward, but along with that, that
16 no soil be permitted to be imported to the site
17 without a clean fill certificate from a testing
18 laboratory, as to the quality submitted to, and,
19 again, approved by the borough engineer. And,
20 again, very straight forward. I just want to have
21 that made as part of our conditions.

22 I'm not a fan of speed tables, but
23 there's some shown in front of the retail
24 buildings as part of the schedule that the Omland
25 drawings had -- were prepared and dated back on

1 October the 10th. And that those speed tables be
2 maintained because they were considered to be
3 important speed control. And I think that that is
4 something that I guess we do want to make sure
5 that the safety of the users of the plaza have.

6 The member of the public who was
7 very adamant about bus routes, and I respect and
8 appreciate his comments. He's not in the -- he
9 just stepped away. But that a bus shelter be
10 installed in front of, or near to the movie
11 theater, as it was shown as part of Exhibit C,
12 again, in the Omland --

13 MR. DENICOLA: Mr. Chairman.

14 CHAIR LIGNOS: Yes.

15 MR. DENICOLA: Not that the bus
16 shelter be installed, but provisions be made.
17 Because that, you know, they're not actually
18 installing a bus shelter, that's the bus company.

19 CHAIR LIGNOS: Correct.

20 MR. DENICOLA: The provisions being
21 made for it to maybe be there, but the
22 applicant --

23 CHAIR LIGNOS: That the pad -- that
24 the space be allotted -- allocated so that a pad
25 can be --

1 MR. DENICOLA: And I think, again,
2 in the Omland plan, one of the alternatives
3 submitted had that. I think it's that same date
4 letter, October the 10th.

5 CHAIR LIGNOS: Yeah, October the
6 10th.

7 MR. MADDALONI: If it should come to
8 pass.

9 MR. DENICOLA: Right. Exactly. If
10 it doesn't, so be it.

11 MS. HEYMANN: You know, for the
12 benefit of everybody who is listening to this
13 discussion, the county provides those shelters for
14 us. That is the reason why we need the space.
15 But we don't need the shelter itself.

16 MR. DENICOLA: Well, transit does.

17 CHAIR LIGNOS: Now, I think that --
18 I think this application, in accordance with our
19 zoning, was way under parked. But, I also heard
20 very, very good testimony as to why the
21 professionals thought that our parking
22 requirements are just too strict. And I do
23 respect the fact that the internet has taken away
24 some physical shoppers, and that a more realistic
25 ratio of parking was around 4 cars per thousand.

1 As a matter of fact, based on the applicant's own
2 testimony, from their own professionals, that it
3 was set, in their minds, as a minimum. With
4 respect to that, I believe that the application is
5 about 14 parking spaces short of that minimum, and
6 that our -- our parking fund be -- what's the
7 word?

8 MR. NYFENGER: Compensated.

9 CHAIR LIGNOS: Compensated or --

10 MR. NYFENGER: Funded by.

11 CHAIR LIGNOS: Funded by, I think
12 it's \$1,200 an hour in our ordinance.

13 MR. DENICOLA: Per space.

14 CHAIR LIGNOS: Per space. For those
15 1,400 spaces.

16 MR. BASRALIAN: You said fourteen
17 hundred. You said 1,400.

18 CHAIR LIGNOS: I thought 1,200.

19 MR. DENICOLA: It's 1,200.

20 MR. BASRALIAN: Fourteen spaces.

21 CHAIR LIGNOS: It's \$1,200 per
22 space. And there was 14 spaces, that, by
23 admission of their own testimony, was the minimum.
24 I think that comes out to like \$16,800 I believe.

25 Now, my -- as a planner, as a member

1 of the planning board, I think one of the most
2 important things that we can do, is, think about
3 what happens, not if, but when this plaza becomes
4 the success that I believe it's going to become.
5 I want to have the ability, in the future, to have
6 a connection to the commons. To that end I can't
7 force anyone to open up openings between the
8 commons and the plaza. But I would like to see
9 that a 24 foot wide easement be incorporated into
10 the plans to be used for future ingress/egress
11 into the commons, should -- and I'm not saying it
12 ever will, but should, an agreement ever be
13 reached at a later date with the commons
14 concerning the use of that easement for a common
15 driveway between the two properties.

16 Now, to that end, I think it would
17 further alleviate traffic if the plaza becomes the
18 success that I think it will become. And I also
19 think that we can start to look at that whole
20 development as a retail enclave in our town. I
21 think that easement should be next to retail area
22 D, leading from the driveway to Homans Avenue to
23 the easterly property line. I have -- there's a
24 dumpster there now. Nothing needs to change.
25 Because I'm not saying that that easement would

1 ever been used. But in case there was an
2 agreement, ever, we have that opportunity. And it
3 doesn't mean --

4 MS. AMITAI: It's only 3 spaces
5 wide?

6 CHAIR LIGNOS: Yeah, 24 would be
7 about 3 spaces wide.

8 MR. NYFENGER: Is that where that
9 small lot is?

10 CHAIR LIGNOS: Correct.

11 MR. DENICOLA: Yes. That's where
12 the driveway is actually. That's where the
13 driveway is.

14 MR. NYFENGER: And then there's a
15 liquor store.

16 CHAIR LIGNOS: Correct.

17 MR. NYFENGER: Makes a lot of sense.
18 That makes a lot of sense.

19 MS. AMITAI: Don't take away the
20 green -- the green buffer next to the garbage.

21 CHAIR LIGNOS: Nothing. Nothing.
22 Absolutely nothing. It's being designed and kept
23 exactly the way it is. That's, if in the future,
24 if it was ever to be an issue, we have another
25 opportunity for planning, yeah.

1 MS. AMITAI: I think it's a great
2 idea.

3 MR. NYFENGER: So, there's nothing
4 currently planned for that area?

5 CHAIR LIGNOS: No. There's a
6 dumpster and there's some parking spaces, and some
7 green area. Nothing changes. Keep that exactly
8 the way it is.

9 MR. DENICOLA: And then even if, I
10 think what we want to do, if that does happen, you
11 know, you're not going to require the applicant to
12 come back to the board for losing those spaces. I
13 think that should be in there too.

14 CHAIR LIGNOS: If -- in the future
15 if the applicant was to lose those few spaces they
16 would not be coming back to the board as part of
17 the easement.

18 MR. MADDALONI: All right. No
19 brainer. Let's move on.

20 CHAIR LIGNOS: On Black Friday this
21 mall that everyone thinks is dysfunctional today,
22 was packed with cars. I happened to be there.
23 And I'm wondering where they were. Where the cars
24 were. Where they came from, where they were
25 shopping. So, I'm thinking about the snow that's

1 coming on Saturday night, and I'm wondering that
2 if we have 4 cars per thousand, I would like to
3 see the snow when it's -- when it's plowed, be
4 taken offsite. Because, quite frankly, when you
5 plow that snow into an aisle, or a finger, you are
6 going to potentially lose somewhere around 10 to
7 20 percent of parking spaces, if not more. And
8 being that the winter months also tend to probably
9 be the ones that have the most business, at least
10 from, you know, November to January, I think that
11 snow removal be made a condition, that it be
12 offsite.

13 MR. NYFENGER: Do we have a
14 threshold like more than "X" inches. I mean, you
15 know, what happened a couple of days ago, there's
16 no need to --

17 CHAIR LIGNOS: Well, that's -- where
18 you gonna put -- no, you can't --

19 MR. NYFENGER: What I'm saying, you
20 know, if it's going to be an enforceable.

21 CHAIR LIGNOS: That's a fair --
22 that's a fair question. And I think that's a very
23 fair question.

24 MR. NYFENGER: It has to be a
25 certain amount before --

1 CHAIR LIGNOS: Right. I mean are we
2 talking about 6 inches to a foot. Again, the
3 point being that if you plow it, and it takes up
4 20 percent of the parking spaces, we could have --
5 we could have a condition, that, again, is
6 dangerous.

7 MR. PIALTOS: That's also
8 detrimental to them. So, I'm sure they made plans
9 to do something anyway.

10 CHAIR LIGNOS: And if they don't --
11 if they didn't, I just want them to --

12 MR. PIALTOS: They don't want to see
13 snow piles all over their driveway.

14 MR. DIDIO: Don't they have the
15 machines that melt them?

16 CHAIR LIGNOS: Oh, yeah, or melt
17 them. It doesn't matter. Meaning that they can't
18 give up parking spaces.

19 MR. NYFENGER: With all due respect
20 to this, it's similar to if they needed more
21 spaces than they allow, and people will just drive
22 by and not go in. So, the tenants will then
23 demand that the snow be removed. So, we could not
24 -- we could consider not putting this in, because
25 it's a natural market factor. Or we could put it.

1 It's jut another way of looking at it.

2 CHAIR LIGNOS: That's correct, we
3 could put it in and leave it up to --

4 MR. DENICOLA: Good point.

5 MR. NYFENGER: Because, you know,
6 it's a strange thing to have to enforce.

7 CHAIR LIGNOS: Can I -- it's very
8 simple. You can say over, you know, 8 inches or
9 something that, you know, at least -- because
10 8 inches becomes --

11 MR. DENICOLA: That's a lot.

12 CHAIR LIGNOS: Even 6 could be. You
13 know, but something like that. I'm going to
14 circle it as something to come back to.

15 MR. NYFENGER: How about, snow may
16 not reduce the parking by 'X' number of spaces?

17 MR. DENICOLA: How about snow can't
18 be stockpiled on site. Leave it at that. Because
19 where are you going to stockpile it? You're not
20 going to stockpile where a tree is. You're not
21 going to stockpile where the sidewalk is.

22 MR. NYFENGER: Again, if you have
23 one inch, you're going to have some piles. But
24 they're not material most likely. If it's that
25 nasty out people don't even go out. I just don't

1 want to put an undue hardship on the applicant.

2 CHAIR LIGNOS: That's fair. I'm
3 going to put it aside so we could discuss it.

4 We heard a lot about signage. But I
5 just want to clarify that illuminated signs, be
6 the channel type that are backlit. Okay. And the
7 purpose of it, is, that we haven't really heard
8 about what signage -- and we're about to give an
9 approval here, about the sizes of signs and so on
10 and so forth. I believe that signs have to be
11 lit. Because, quite frankly, if they're not lit I
12 can't see them at night. And the night is when
13 I'm really shopping. So -- but at the same time I
14 don't want to see neon. But I do respect the need
15 to light them. And if they were channeled and
16 backlit then they're illuminated without having,
17 you know, the glare of neon and so and so forth.

18 MS. AMITAI: Just refresh my memory;
19 what does it mean to have channels? Is it
20 separate letters that are --

21 CHAIR LIGNOS: The letter -- the
22 itself is opaque and all the light comes from a
23 halo around it. So, it's lit without having a
24 direct neon face.

25 MS. AMITAI: Thank you.

1 MR. BABOO: Are you talking about
2 the signs on the stores? Above the stores?

3 MR. DENICOLA: Anywhere.

4 MR. BABOO: Oh, anywhere.

5 MR. NYFENGER: Would that be
6 considered very common nowadays?

7 CHAIR LIGNOS: Yeah, most of -- most
8 of --

9 MR. DENICOLA: In most towns.

10 CHAIR LIGNOS: Most towns that have
11 a controlled sign ordinance usually have a channel
12 backlit.

13 MR. NYFENGER: If you were the
14 applicant would you be saying, oh, God, I got to
15 do that? Or would you say, okay? I'm just
16 curious. Is that a huge deal?

17 CHAIR LIGNOS: Most of the signs
18 that I see are channel backlit.

19 MR. NYFENGER: Okay.

20 CHAIR LIGNOS: Now, finally, it's
21 the last one. We saw some really wonderful
22 materials, and I asked the question, specifically,
23 are we going to see this material on the
24 buildings. And the answer was, we're presenting
25 this materials -- this material board as a concept

1 of the materials that we see for the plaza. Well,
2 I don't know what concepts are. And I have -- I
3 have a real tough time with the word, concept.
4 Because I feel that for some people the word
5 concept means we want it to look kind of like
6 this. I want to say that all the material boards
7 that were made as part of the evidence be the
8 materials that will be used on this -- on this
9 project in their totality. Meaning that they were
10 promised, to your point, Vicky, that the dumpsters
11 and you brought it up again today, and I'm glad
12 you did, that they would be concrete block
13 surrounded. They have some beautiful materials
14 that they called for on the surrounds, that they
15 would be those vinyl fronts, the gates -- I'm
16 sorry, they were metal gates. That's right. They
17 would be painted to match the building. Again, I
18 thank you. Because that truly is a classy way of
19 doing it. I just want Edens to know that we heard
20 that loud and clear. And I just -- that the
21 materials that they presented, we respect, and
22 thank them for it, but that we are in the
23 resolution saying that we heard it, and we expect
24 that those are the materials that you're going to
25 use.

1 MR. SINIOWITZ: I agree with you.

2 MS. AMITAI: I think part of that
3 was no stucco on the lower part of the building.
4 Is that my imagination?

5 CHAIR LIGNOS: We had mentioned that
6 if there was any use of stucco -- as a matter of
7 fact, the majority of the things they were going
8 to use, were actually not stucco.

9 MS. AMITAI: That's a good thing.

10 CHAIR LIGNOS: But if any stucco was
11 going to be used, I understood it would have any
12 -- the vandal resistant backing mesh that prevents
13 anyone from taking a broken bottle and cutting it
14 or defacing it.

15 Those are my points. And since I
16 haven't heard many people object to them, other
17 than two, I'm going to bring up those two, because
18 we can just strike them, if you don't -- if you
19 don't agree with them.

20 That deliveries be limited to
21 Homans.

22 MR. DENICOLA: From Homans.

23 CHAIR LIGNOS: From Homans.

24 MS. AMITAI: I say do not strike.
25 My opinion.

1 CHAIR LIGNOS: Okay. And, again, I
2 can hear both directions.

3 MR. NYFENGER: I say strike. I
4 think it's just petty and unnecessary.

5 CHAIR LIGNOS: Okay, you know, we
6 might want to do is just get a general show of
7 hands. This way we can move the hearing along.

8 MR. NYFENGER: Because I don't think
9 it's so much going in that way or going out that
10 way. I think what you're trying to prevent, is
11 people stopping and standing on the road that's in
12 front of all the buildings.

13 CHAIR LIGNOS: I'm actually -- I'm
14 also concerned about safety of kids crossing.

15 MR. NYFENGER: What makes you think
16 there's more kids on Vervalen than Homans? Kids
17 are walking on Homans to get to Hillside.

18 CHAIR LIGNOS: No, it's not the
19 Homans I'm worried about. I'm concerned about the
20 access drive around the plaza. Within, inside the
21 plaza. Inside the site of the plaza.

22 MR. DENICOLA: I think what
23 Mr. Nyfenger is concerned about is how do you
24 actually make deliveries to one of those stores
25 there then? If they're not using that driveway

1 how are you going to do it.

2 MS. STELLA: There appears to be a
3 hallway through the D. There's a narrow --

4 CHAIR LIGNOS: No, it's -- it's
5 existing. It's actually existing. It's going to
6 be filled in.

7 MR. PIALTOS: You don't know what
8 type of tenants are there either.

9 CHAIR LIGNOS: That's fair. That's
10 fair. Look, again, I'm sure other's have other
11 conditions, but, that's fine. We'll strike that,
12 if that's the case.

13 MR. NYFENGER: That's something the
14 applicant maybe wants to create their own rule, if
15 they see it fit.

16 CHAIR LIGNOS: And the removal of
17 snow; I'm going to tell you that this plaza will
18 be successful. Not that I'm a soothsayer, fortune
19 teller. It's going to be successful. And parking
20 and traffic is going to be a premium. So --

21 MS. ISACOFF: Where does the snow
22 get removed to?

23 CHAIR LIGNOS: It doesn't matter.
24 It's offsite.

25 MS. AMITAI: The woods.

1 CHAIR LIGNOS: You melt it and use
2 it for irrigation. And then we take care of the
3 sustainability issue.

4 MS. ISACOFF: No, but seriously,
5 what -- how does --

6 MR. NYFENGER: They put it in a dump
7 truck and they take it away.

8 CHAIR LIGNOS: There's two ways to
9 do it, you either actually put it in a dump truck
10 and take it off site, and just dump it off site.

11 MS. HEYMANN: How do you think they
12 do it in New York City. They cart it away.

13 MR. NYFENGER: They do it at the
14 Palisades, I mean they can't --

15 MR. SINIOWITZ: They dump it in the
16 river.

17 CHAIR LIGNOS: We can put it in
18 the Turnkill -- no, I'm kidding. Because you
19 can't do that.

20 MR. NYFENGER: How many spots are
21 there?

22 CHAIR LIGNOS: Eight hundred -- off
23 the top of my head --

24 MR. NYFENGER: 840? 860?

25 MR. BASRALIAN: 820.

1 CHAIR LIGNOS: 820.

2 MR. NYFENGER: And the ratio -- so,
3 they're down by 14.

4 CHAIR LIGNOS: Look, I can strike
5 it. I'm telling you, Black Friday --

6 MS. ISACOFF: No, I don't think you
7 should strike it.

8 MR. MADDALONI: You know, there's
9 one other point, and I've noticed it at Heidenberg
10 Plaza, which is generally a nice looking plaza,
11 but after a heavy snowfall they just plow it into
12 one corner. And after a few days that really
13 starts to look grungy. You know, it's all dark.
14 And people start throwing garbage on it and stuff.
15 It's not --

16 CHAIR LIGNOS: And it turns yellow
17 all by itself.

18 MR. MADDALONI: It's not a good
19 esthetic, a big pile of snow that's been there for
20 a week or two.

21 MR. PIALTOS: Not just Black Friday,
22 a lot times I'll go there and the lot is filled
23 and you wonder where all the people are also.

24 CHAIR LIGNOS: Yeah, I don't know
25 where they are though. Rudy's must be great.

1 MR. PIALTOS: How are they going to
2 police that also? Maybe people are leaving their
3 cars there and carpooling into the city.

4 CHAIR LIGNOS: Well, again --

5 MR. DENICOLA: That's on them.
6 That's on the applicant.

7 MS. ISACOFF: I agree with the snow.
8 I just think that there should be some reasonable
9 aspect of it.

10 MR. MADDALONI: Six inches in a 24
11 hour period.

12 CHAIR LIGNOS: Well, we could do
13 what Mr. Nyfenger just said --

14 MR. NYFENGER: I have an idea. I'm
15 just making a number up. No more than 40 spaces,
16 5 percent, can become unusable due to snow.

17 MR. SINIOWITZ: That would be --

18 MR. NYFENGER: Who is going to
19 police them taking it away?

20 CHAIR LIGNOS: We have trouble with
21 people -- they are, let alone town parking spaces.
22 Mayor.

23 MS. HEYMANN: I agree with Mark on
24 this, because piles of snow are really
25 unattractive after a few days. I would imagine

1 that the owners of the plaza, would, themselves,
2 want the plaza to be attractive. So, I see
3 nothing wrong with making a mandate of moving that
4 snow that gives them an out, with their own
5 clients, and it's not an impossible thing to do.
6 It doesn't happen very often, and it's not a
7 difficult thing to do.

8 CHAIR LIGNOS: Why don't we call it
9 6 inches.

10 MS. HEYMANN: No, but -- you know,
11 Mark is so right --

12 MS. AMITAI: Cart it away.

13 MS. HEYMANN: -- if you remember, I
14 do a lot of walking in this town, and some places,
15 in front of our own firehouse we pile up snow, and
16 it looks terrible after a few days.

17 MR. NYFENGER: So, today it snows 6
18 inches and tomorrow it's going to be 60 degrees.
19 We're going to make them move the snow. It's just
20 a little bizarre. And if it's a triple net lease
21 we're putting the onus on the tenants to pay for
22 that.

23 CHAIR LIGNOS: So, if it snows 6
24 inches and tomorrow we have global warming and
25 goes to 60 --

1 MR. NYFENGER: Hey, it's happened
2 before.

3 MR. DIDIO: Mr. Chairman, can we
4 just take a vote?

5 MR. NYFENGER: On that item?

6 CHAIR LIGNOS: Well, let's see if
7 there's any other way to solve it. And then if
8 not I'll be happy to, if there's no other way.

9 MS. AMITAI: Let's talk about other
10 things and come back to it.

11 CHAIR LIGNOS: No, there is nothing
12 else. There's no other things on this list.
13 Let's finish this list and I'll listen to each and
14 every one of you.

15 Yes.

16 MS. HEYMANN: All right, when you
17 add -- I'm concerned about parking also. And
18 there's no doubt in my mind that it's going to be
19 tight parking, no matter how you slice it. One of
20 the things that I'd like to recommend is that
21 employee parking, in the busy seasons, at least in
22 the busy seasons, if not all the time, should be
23 offsite. And there needs to be a methodology
24 developed --

25 CHAIR LIGNOS: Mayor, I thought --

1 MR. PIALTOS: Who's going to police
2 that?

3 CHAIR LIGNOS: Hold on. I though --
4 I was thinking of that. And, quite frankly, the
5 only times that I -- I thought it might be
6 beneficial to that extent would be from
7 Thanksgiving to January 1st. And, quite frankly,
8 not even everyday. Maybe on Saturdays.

9 MS. HEYMANN: You know, actually I
10 hope you're wrong. Because I know they're going
11 to be busy all the time. And we are now
12 instituting on our Main Street, that employees
13 cannot park in the regular parking area. If we
14 institute that on Main Street, to safeguard the
15 parking spaces for customers rather than
16 employees, we certainly need to do it at the
17 plaza. And I think that methodology and spaces
18 can be made available. They're doing it in the
19 north parking lot on Main Street for all of those
20 who don't know about that yet.

21 MR. PIALTOS: It's a great idea but
22 who is going to be there to say, this person
23 working, let's say in Whole Foods, didn't park in
24 a parking space, and then walk into Whole Foods.
25 Nobody is going to be there to watch that. Who is

1 going to watch that?

2 MR. NYFENGER: We want them to take
3 their -- we want them to take their requirements
4 and put them on the borough?

5 MS. HEYMANN: Frankly, I think that
6 the vendors need to be made aware of that. And
7 I'm not saying it's going to get a 100 percent
8 satisfaction, but in Main Street area we're going
9 to be having police policing that, and making sure
10 that nobody parks longer than two hours.

11 MR. NYFENGER: Well, that exists
12 already. That exists already.

13 MS. HEYMANN: No, it's a new
14 ordinance.

15 MR. NYFENGER: Well -- so, we can
16 police what goes on on the street, but where are
17 they going to park if they don't park at the
18 plaza? Where are they going to go? Who is going
19 to get them back and forth? Are they going to
20 have a shuttle bus? I mean, you know, that's a
21 little --

22 MS. HEYMANN: Well, that's right,
23 you need a shuttle sometimes.

24 MR. PIALTOS: And on a Saturday
25 they're probably spending more than two hours

1 shopping.

2 MR. NYFENGER: No, we're talking
3 about employees.

4 MS. AMITAI: We're talking about
5 employees --

6 MR. NYFENGER: Where are the
7 employees going to park? How are they going to
8 get back and forth? Who is going to enforce it?
9 I think it's -- it's just not practical. I don't
10 think it's practical.

11 MS. ISACOFF: I agree. I'm not in
12 favor of it.

13 MR. MADDALONI: I agree with Paul on
14 that too.

15 CHAIR LIGNOS: So, the majority of
16 you are --

17 MR. MADDALONI: I just think you
18 suck it up on holidays.

19 MR. NYFENGER: A large tenant, it
20 would behoove a large tenant, to say we're going
21 to make arrangements for you to park somewhere
22 else so that customers can still come here. But
23 not as a law or rule or an ordinance or whatever
24 you want to call it. I'm not even sure what you
25 call it. A caveat to the approval.

1 MR. DIDIO: Well, employees can park
2 in the back by Homans, in that back parking lot.

3 CHAIR LIGNOS: Well, there's a lot
4 of places you can park. I'll give you an example.
5 There's, you know, there's two schools that have
6 empty parking lots. I mean -- on weekends. On
7 weekends. No, no, on weekends on Saturdays and
8 Sundays. But, again, I hear the majority of you
9 saying, you don't like it. Let's hear other's.

10 Did you have something --

11 MS. AMITAI: My other list, the rest
12 of it.

13 CHAIR LIGNOS: Yes.

14 MS. AMITAI: Okay, couple things. I
15 notice these very lovely pictures are not
16 representative of what we saw in the slide show,
17 meaning that interesting roofline and also the
18 mechanicals to hide the air conditioning duct work
19 and things of that nature. So, is that what we're
20 going to get?

21 CHAIR LIGNOS: The -- as far as I --
22 as far as I remember that these renderings are the
23 renderings except they're on glossy paper, that
24 were presented before.

25 MR. DENICOLA: In the slide show.

1 CHAIR LIGNOS: In the slide show.
2 The difference is, and even in that slide show,
3 they did not show the mechanical screens. And the
4 mechanical screens were put on record to be
5 enclosures with the materials actually spelled
6 out. So, we can -- we can remind them that the
7 mechanicals should be screened, as provided by
8 testimony.

9 MS. AMITAI: Okay. And also the
10 mezzanine at the food store, do we have to talk
11 about that at all? And get anything on the
12 record?

13 CHAIR LIGNOS: It was presented that
14 it was for storage.

15 MR. DENICOLA: Right, maybe we'll
16 put that as a condition.

17 MS. AMITAI: So, put that in the
18 record.

19 CHAIR LIGNOS: It was office and
20 storage. It was not going to be used for retail.

21 MS. AMITAI: So, you'll put that in
22 the record.

23 CHAIR LIGNOS: We certainly can.

24 MS. AMITAI: And also we talked
25 about the different kinds of trees. We talked

1 about the possibility of London Plane trees or
2 holly, and other kinds of landscape material --

3 CHAIR LIGNOS: There's Mt. Laurel --
4 there's Mt. Laurel that will -- a Laurel, and,
5 again I'm not a landscape architect, a Laurel
6 hedge along Vervalen.

7 MR. DENICOLA: And Homans I thought.

8 CHAIR LIGNOS: And Homans.

9 MS. HEYMANN: I'm glad Vicky brought
10 that up about the London Plane trees because
11 London Plane trees have roots that rise up all
12 around the tree. They are -- they have really
13 very large horizontal roots.

14 MS. AMITAI: That's a problem.

15 MS. HEYMANN: That's a real problem.
16 And I'm surprised that the landscape specialist
17 who recommended that, would have put in London
18 Plane trees. Because all over Closter, London
19 Plane trees are raising sidewalks. It's not a
20 good tree to plant.

21 MR. DENICOLA: Are those actually
22 planned in a parking lot area or are they planned
23 on a grass area.

24 MS. HEYMANN: It doesn't matter
25 where you plant them because the roots come up

1 room size.

2 MR. DENICOLA: If it's in the back
3 of K-mart in the grass area it wouldn't matter.

4 MS. AMITAI: Ten foot wide would
5 that be big enough for a London Plane tree?

6 MS. HEYMANN: Why use a tree that
7 becomes a problem when there are lots of other
8 trees.

9 MS. AMITAI: So, do we know what the
10 trees are?

11 CHAIR LIGNOS: They were -- they
12 were reviewed by the environmental commission.

13 MR. DENICOLA: Do we have that
14 report?

15 MS. MITCHELL: I have it.

16 MR. DENICOLA: I'm pretty sure they
17 approved the plantings but I mean I can't --

18 MS. HEYMANN: You know when they
19 were presenting that I made myself a note. I
20 think it's right on here, that I thought that was
21 a real mistake.

22 MS. AMITAI: Well, you recommended
23 -- oh, I thought you recommended it because --

24 MS. HEYMANN: No, no, no, I wrote it
25 down.

1 MS. AMITAI: Shade tree.

2 Consideration should be given to increasing soil
3 volumes for plantings along Vervalen. Consider
4 using structural soil under adjacent sidewalks to
5 planting beds to allow tree roots to exist under
6 walks with reduced interference. They didn't say
7 what to use. That's not very helpful.

8 MR. MADDALONI: I would like to ask
9 to expand on one of the items that the governing
10 body over here was referring to, and that is the
11 trees on Vervalen, I recall in the application,
12 they had proposed keeping a couple of them and
13 then filling in with new ones. And I just thought
14 it would be better if they put all new ones in for
15 consistency sake. I didn't think they were that
16 attractive to be worth preserving.

17 MR. NYFENGER: How many are there?

18 MR. MADDALONI: I think there were 3
19 or 4 on Vervalen.

20 MR. NYFENGER: Well, if we were to
21 put that in, I would say that we grant them the
22 approval to take the trees down and waive the fee.

23 CHAIR LIGNOS: Well, that's not an
24 issue. I don't think that's an issue.

25 MR. NYFENGER: No, I'm just saying

1 if you really feel that strongly, we're not going
2 to penalize them for doing what we want to them
3 do.

4 MS. AMITAI: Does anybody remember
5 what the landscape architect was suggesting they
6 were going to use?

7 MS. HEYMANN: They said London
8 Planes.

9 MR. BASRALIAN: London Planes.

10 MR. DENICOLA: London Planes, no,
11 she's saying she doesn't want them there.

12 MS. AMITAI: What else is on the --

13 CHAIR LIGNOS: No, you can't ask
14 them. Don't ask them please.

15 MR. MADDALONI: Make it a condition.

16 MS. AMITAI: There are all kinds of
17 wonderful evergreens that last through the summer
18 months.

19 CHAIR LIGNOS: Can I ask you this.
20 Can we ask for three alternate trees that the
21 board, the stipulation be that they provide us
22 with three alternates so that we can --

23 MS. AMITAI: Tress, shrubs and --

24 CHAIR LIGNOS: No, not tress and
25 shrubs. Just trees. The shrubs I'm fine with.

1 MR. DENICOLA: The applicant
2 shall -- the applicant shall propose three trees
3 to be utilized in plaza area, which trees shall be
4 approved by the environmental commission. Period.
5 End of discussion.

6 MS. AMITAI: What about the -- there
7 were some shrubs that they were using also.

8 CHAIR LIGNOS: They look fine.

9 MS. AMITAI: I know but what are
10 they?

11 CHAIR LIGNOS: The Laurel? If look
12 at the front it says, boxwood and Laurel. Look at
13 the drawings.

14 MS. HEYMANN: I just want to point
15 out, in our back parking lot we have Oak trees,
16 two different kinds, and they look lovely. They
17 have long roots instead of horizontal roots and
18 they would make a much better choice.

19 CHAIR LIGNOS: Can I just ask so
20 that, again, it's now approaching 10:30, that we
21 ask them to overturn this and let our board --

22 MR. MADDALONI: Let the experts --

23 CHAIR LIGNOS: Let our board experts
24 tell us. And that's only for the trees. Again, I
25 think the rest are landscape. I don't want to

1 reinvent, you know, their application.

2 MR. MADDALONI: Right. Yes. That's
3 fine. Let's just move on.

4 CHAIR LIGNOS: Anybody else?

5 MR. NYFENGER: Things to eliminate?

6 CHAIR LIGNOS: To eliminate? No,
7 any other stipulations or conditions you want to
8 make.

9 MR. NYFENGER: Well, I want to go
10 back to your No. 8, eliminating the drive-thru.
11 My understanding is the drive-thru was in
12 conjunction with possibly a pharmacy-style-tenant.
13 I see that drive-thru's are becoming more regular.
14 There is one in Northvale.

15 CHAIR LIGNOS: I'm not telling you
16 to get rid of the drive-thru.

17 MR. NYFENGER: I thought you were.

18 CHAIR LIGNOS: No. I never said get
19 rid of the drive-thru. I said --

20 MR. NYFENGER: Oh, you want to have
21 it too -- okay.

22 CHAIR LIGNOS: In and out.

23 MR. NYFENGER: So, then in my
24 ability to envision things, I don't envision it
25 working.

1 CHAIR LIGNOS: And I -- and I
2 envision it working. As a matter of fact, to such
3 an extent, that I would be inclined to not approve
4 this application if I don't have -- if I don't see
5 two means of egress out of -- out of --

6 MR. NYFENGER: Deal killer.

7 CHAIR LIGNOS: Yeah, for me that
8 would be a deal killer. I am telling you that
9 people will need a stoplight to get to, to go
10 north on Piermont. And Homans will be the only
11 place that will provide that.

12 MR. DENICOLA: As they testified to.

13 CHAIR LIGNOS: As their own
14 testimony said that that's how -- they would count
15 on that light to get north of --

16 MR. MADDALONI: The point is he
17 wants to have as much egress onto Homans as
18 possible, and cutting that one out --

19 CHAIR LIGNOS: Again, that's just
20 me. It doesn't mean that the rest of the board
21 should agree with me.

22 MR. NYFENGER: With all due respect,
23 you're a professional architect --

24 CHAIR LIGNOS: No, it doesn't mean
25 anything.

1 MR. NYFENGER: No, but I'm saying
2 that you reviewed the plans and you believe it's
3 possible.

4 CHAIR LIGNOS: Yeah, but as a member
5 of the planning board. Not as an architect, nor
6 as a professional planner. I'm just a member like
7 you are.

8 MR. NYFENGER: I understand. I'm
9 trying to hold onto the drive-thru.

10 CHAIR LIGNOS: But it could be done.

11 MR. NYFENGER: So, that's what I'm
12 saying, if you say it can be done and it will work
13 then I don't need to --

14 CHAIR LIGNOS: Well, I'm saying
15 there's a way to do it. Now whether they like the
16 way that I do it, is, again it's up to them. We
17 don't design it for them.

18 MR. BABOO: I feel as long as it
19 comes back to us, that specific portion, and we
20 look at it, and if it's okay, then I think it's
21 good.

22 MR. NYFENGER: I'll agree.

23 MR. BABOO: Yeah. If it doesn't
24 come back to us --

25 MR. NYFENGER: I'm happy to keep the

1 drive-thru. I'm happy to have the two-way, the
2 ingress and egress, as long as it's not going to
3 create a head-on collision.

4 MR. DENICOLA: As long as it works.

5 MR. NYFENGER: Absolutely.

6 CHAIR LIGNOS: Absolutely.

7 MR. NYFENGER: I just can't envision
8 how it works, which is why I don't want to put it
9 in.

10 CHAIR LIGNOS: Anybody else have a
11 stipulation they want to see or omit?

12 MS. AMITAI: The roof interest.

13 CHAIR LIGNOS: The roof interest?

14 MS. AMITAI: Yeah.

15 CHAIR LIGNOS: The roof interest was
16 on the plans. It literally is the plans. I don't
17 want to -- I don't want to cutback on the non --

18 MS. AMITAI: But this is showing
19 everything straight.

20 CHAIR LIGNOS: Well, these happen to
21 be straight. But, you know, for instance, the
22 Whole Food brick is higher than the adjacent
23 white, which is then lower than the far left.
24 There -- there's changes to the --

25 MR. DENICOLA: Vicky, if you go to

1 the architectural plan it shows it on one of the
2 sheets at elevation views.

3 MS. AMITAI: I'm sorry, I don't have
4 it.

5 MR. DENICOLA: Okay.

6 MR. CHAGARIS: Do you have your
7 booklet -- I mean you're --

8 CHAIR LIGNOS: No, just pass the
9 whole thing.

10 MR. NYFENGER: While we're doing
11 that, the parking shortfall, I recall, twice, that
12 I had proposed payment to the parking fund, both
13 at the rec. as well as the most recent bakery, the
14 Shitolla building. So, I fully support, you know,
15 the fact that we're giving away a requirement by a
16 few hundred spaces, that a payment for the 14
17 spaces is warranted.

18 CHAIR LIGNOS: Is fair.

19 MR. NYFENGER: Yup.

20 CHAIR LIGNOS: Okay. I don't see
21 any more stipulations.

22 MR. BABOO: Well, I --

23 CHAIR LIGNOS: Oh, you do.

24 MR. BABOO: Yeah, I think the
25 subdivision should be done later after phase I.

1 CHAIR LIGNOS: I have to tell you
2 what I think about the subdivision, Mr. Baboo, is,
3 it cuts down on the parking and I am in favor of
4 the subdivision because when you put a building
5 there, it actually does what we are all asking
6 for, and that is to keep fronting along Vervalen.
7 And, quite frankly, if there were more along
8 Vervalen, and the cars were hidden behind that
9 frontage, I think it would be that much more of a
10 plus. But, that, again, that's me. So, I'm not
11 in favor of --

12 MS. AMITAI: I agree I think
13 visually that would be great.

14 MR. BABOO: But we don't know if the
15 building is going to be there.

16 MR. NYFENGER: But that's subject to
17 another application at which time you can say, we
18 don't want it. Maybe you do and maybe you don't.
19 But that's a different decision in the future.

20 CHAIR LIGNOS: See, that still comes
21 back here as to what that's -- what's put there.
22 I mean they're getting a subdivision of the lot,
23 but the actual building itself is an application.

24 MR. BABOO: Yeah, my concern is that
25 it will be owned by somebody else, if things work

1 out. And we're never going to have -- you know,
2 we already have it broken up. We have the other
3 area, which we can't even access, and if this is
4 taken over by another entity, then it may become a
5 separate part, and I just don't want to see the
6 mall be broken through the ages into different
7 pieces.

8 MR. DENICOLA: Just to set the
9 record straight, it's not definitely going to come
10 back to the board. If they have something, by
11 right, meaning that if they meet all the
12 stipulations, all the criteria of the zone;
13 setbacks, parking, lighting, whatever, they don't
14 come back to the board. If they don't, then they
15 come back to the board.

16 MR. BABOO: Yeah, that's even more
17 reason I think it why it should be done later.

18 MR. SINIOWITZ: Whatever use is
19 applied for, will be a retail use. It will be
20 what is permitted in district 3. And if it's
21 contrary to the requirements of district 3 it will
22 go to the zoning board. So, either way it's going
23 to be under control.

24 MR. BABOO: Yeah, but I think it
25 gives us flexibility. Because if something were

1 to happen, we can then use that for something
2 else. I don't think it's a big deal for them just
3 to come back after phase I, and say we want to do
4 the subdivision. Then we just approve the
5 subdivision, if everything goes well.

6 MR. NYFENGER: But that changes so
7 many other things.

8 MR. CHAGARIS: First of all, that
9 changes this application. The application is for
10 a subdivision. So, that's -- that would be, you
11 know, basically a deal killer, because it's not a
12 condition. You're just saying, well, we deny the
13 subdivision. That would be a denial.

14 MR. NYFENGER: It could go back to
15 being a zoning board application.

16 MR. CHAGARIS: Well, no, it wouldn't
17 necessarily be a zoning board application.

18 MR. BABOO: I don't see how that's
19 going to happen. I mean if we don't subdivide it
20 now, everything goes forward, then they come back.

21 MR. CHAGARIS: Well, no, the vote
22 would be to deny the subdivision.

23 MR. BABOO: But that doesn't kill
24 the whole application.

25 MR. CHAGARIS: Yeah, because that's

1 an interregal part of the application. It's --
2 the application for a subdivision and site plan.
3 So, if you can't approve the site plan portion of
4 it because the site plan portion of it is
5 dependent upon the subdivision.

6 MR. BABOO: Can't we have the
7 subdivisions done later contingent upon completion
8 of phase I?

9 MR. CHAGARIS: Well, then you would
10 have to do it the other way. Well, no, because
11 you can't because then once it get started you
12 can't approve it subject to revisiting it after
13 phase I, because then, you know, you've committed
14 them to spending money and do development without
15 a final approval. You know, that's not happening.

16 MS. AMITAI: By the same token,
17 they're asking us to approve something that we
18 don't know what's going to happen.

19 MR. CHAGARIS: Well, what you do
20 know is that you know what the zoning ordinance
21 is. And as of right they can put something there.
22 They're not barred from putting construction or a
23 building or whatever, on this subdivided lot. But
24 the application is for a subdivision. So, you
25 can't -- and, I'm repeating myself, but it's an

1 integral part of the site plan. Because they have
2 designed the parking, the egress, all this stuff
3 around this concept. So, if you say, well,
4 approve everything but the subdivision. Well,
5 that's not what's being presented. What is being
6 presented is the subdivision and site plan.

7 MR. NYFENGER: It's a line item
8 detail.

9 MR. CHAGARIS: Yeah, it's not a line
10 item.

11 MS. ISACOFF: I agree with both our
12 counsel's legal analysis, but also our chair's
13 practical statement about the effect. Because
14 although we don't know exactly what's going to be
15 there, something that would be there would have a
16 beneficial effect on the frontage of Vervalen.
17 So --

18 MS. AMITAI: Unless of course it's a
19 Burger King or a Wendy's.

20 MR. BABOO: Well, my concern is,
21 like a previous application, there are many people
22 waiting in the wings to do things. And if, for
23 some reason, the application doesn't go forward,
24 and somebody gets sick and tired and says, you
25 know what, we're just going to sell this off to

1 somebody else. Someone else takes it, they're
2 like, oh, great, we have a subdivision, we're
3 going to take this and do something different, or
4 we're just going to make it -- we're going to sell
5 it off and have it owned by somebody else --

6 MR. CHAGARIS: Yeah, no, that could
7 happen.

8 MR. BABOO: This is my concern.

9 MR. CHAGARIS: But watch this, this
10 is what happens. First of all, that could happen,
11 and that's --

12 MR. BABOO: Because we've been
13 through this before. Last year we spent the same
14 amount of time.

15 MR. CHAGARIS: Well, what happened
16 before, is that it was slightly different. There
17 was a bankruptcy involved and it's a little bit
18 more complicated than that. But what could
19 happen, yes, if this is approved, they could do a
20 number of things. They could say, you know what,
21 economic times are bad, we're not going to do
22 anything. They don't have to proceed with this,
23 you know, approvals. Obviously it's a lot of
24 money. They probably, you know, there's momentum
25 to do so, but there could be a stock market crash

1 tomorrow or next week and they say, you know what,
2 we're just not going with this. So, nothing could
3 happen. Because even though you approve it.
4 Secondly, what could happen, is that the whole
5 site could be sold to somebody else, with these
6 approvals. Because that increases the value of
7 the place.

8 MR. BABOO: But that subdivision
9 could be sold off.

10 MR. CHAGARIS: Thirdly, they could
11 say, well, we're going to develop this part and
12 we'll sell off the other site.

13 MR. BABOO: Is there anyway we could
14 prevent that from being sold off? Maybe
15 without --

16 MR. CHAGARIS: No.

17 MR. NYFENGER: It would be a new
18 deeded property.

19 MS. AMITAI: Deed restriction? Deed
20 restriction?

21 MR. CHAGARIS: No, no, no, no, that
22 would be -- you know that would be taken by
23 eminent domain. What are the restrictions going
24 to be?

25 MR. NYFENGER: Yeah, but what are

1 you worried it's going to be?

2 MR. CHAGARIS: Let me just finish
3 the thought. So, they can say, you know what, we
4 are going to develop our piece, the big piece, and
5 the other piece we'll sell off to somebody else.
6 However, if you recall, from the conceptual
7 review, proposed almost a year ago, maybe more,
8 there was a feeling that this subdivision --
9 subdivided lot is significant to the whole
10 development and is part of their plan. That's why
11 they're coming in this way. So, you know, is
12 there any guarantees, no. But the probability is
13 that it will be developed and there will be put to
14 some use that compliments the rest of the site.

15 MR. BABOO: I think -- I think my
16 concern is we already have Closter Commons on that
17 side, which is not separate. Then we have Bank of
18 American, which is separate. I'm thinking 20, 30,
19 40 years from now this is one of -- one of the
20 things you have to do as part of being a planner,
21 I'm afraid of them all being broken into more
22 pieces and more pieces and more pieces.

23 MR. CHAGARIS: Well, that is
24 development. Sometimes that happens. Because in
25 fact this -- I think we were just discussing today

1 that the Bank of America lot was probably part of
2 this mother lot years ago. And maybe it's going
3 to be another bank of this subdivided lot. I mean
4 that seems to be the trend. Maybe not.

5 MR. BABOO: And every piece may have
6 its own architecture.

7 MR. CHAGARIS: Consistent with the
8 zone.

9 CHAIR LIGNOS: That's what happens
10 in a democracy.

11 MR. NYFENGER: Which kind of takes
12 you back, you know, trying to look like the
13 downtown. What, the downtown like Heidenberg
14 Plaza looks. The downtown like -- with all due
15 respect to our favorite retailers, like the shoe
16 store looks, like the Red Maple. I mean I go
17 there all the time. But do we want this to look
18 like that. No, not really.

19 MR. CHAGARIS: Yeah, but you
20 can't -- you can't tell the applicant -- you can
21 only act on it or vote on what is being presented.

22 MR. NYFENGER: I understand.

23 CHAIR LIGNOS: Okay, I have, at this
24 point -- listen folks, do you have anything else
25 Vicky, that was a condition? We have now -- we

1 have now talked about conditions. I have heard
2 the majority of the people being in favor of this
3 application, and then I heard the majority of the
4 people, if not all of you, say, other than two of
5 the comments I made, and then Vicky's comments on
6 making sure that the mechanical screens for the
7 roof are put in as part of the stipulations, that
8 you are in favor. So, the chair will entertain a
9 motion.

10 MS. AMITAI: Are we finished?

11 CHAIR LIGNOS: I asked you and you
12 said --

13 MS. AMITAI: Did we talk about
14 pedestrian walkways to the plaza?

15 MR. DENICOLA: Only from Campbell we
16 talked about.

17 CHAIR LIGNOS: From Campbell we did.

18 MS. AMITAI: What about the
19 pedestrian crossing that you asked about from
20 Vervalen to the shopping center? You said how all
21 the people walk from Vervalen to the front of the
22 shopping center, safely.

23 CHAIR LIGNOS: Do we have -- do we
24 have a -- do we have a walk off of the Boulevard.

25 MS. AMITAI: To the front of the

1 shopping center safely.

2 CHAIR LIGNOS: I saw that on my
3 notes.

4 MR. DENICOLA: Only at the -- by the
5 movie theater.

6 CHAIR LIGNOS: We have the one at
7 the movie theater.

8 MS. AMITAI: You were hoping to get
9 one at the main entrance.

10 MR. NYFENGER: They would have had
11 to had walked past either the movie theater.

12 MS. AMITAI: I take my baby
13 carriage.

14 MR. NYFENGER: Because no one lives
15 on Vervalen. They would have to either walk past
16 the movie theater or past the Bank of America to
17 get to the middle of Vervalen. So, there would be
18 no reason to do that.

19 CHAIR LIGNOS: So, in that case you
20 could come --

21 MS. AMITAI: So then we have to go
22 through the parking lot with the baby carriage?

23 MR. NYFENGER: No, you would have to
24 go through the parking lot no matter what you do.

25 MR. DENICOLA: The sidewalk on Lewis

1 and Campbell.

2 MS. AMITAI: Oh, you go over to
3 Campbell --

4 MR. DENICOLA: That's why we wanted
5 a decorative crosswalk on the Campbell Street
6 intersection just to provide more of a, you know,
7 a visibility issue for the --

8 MS. AMITAI: Appearance.

9 MR. MADDALONI: I think that's
10 sensible. I think paul makes a good point, that
11 there's no one that's going to be walking to get
12 to that middle one you would have already had
13 access to one of the corner sidewalks.

14 MR. NYFENGER: And not for nothing,
15 this is not a walking town. It's not. It's not
16 going to become one. People don't do that. And
17 it's a great idea, oh, wouldn't that be great.

18 MS. ISACOFF: I do.

19 MR. NYFENGER: You do. Not many
20 people live close enough to downtown to walk there
21 and then to carry their bags back.

22 MS. AMITAI: But that's the trend.
23 Biking and walking. That's the --

24 CHAIR LIGNOS: But the biking, the
25 biking was made part of testimony. They will

1 have --

2 MR. NYFENGER: Bike racks.

3 CHAIR LIGNOS: Bike racks. As a
4 matter of fact, if you would like to stipulate --
5 stipulate that we have two racks, one on the
6 eastern most, one on the western most, and that
7 each one, you know, be able to have at least ten
8 bikes. I mean that could be a stipulation. But,
9 again that was brought up.

10 MS. ISACOFF: I walk from the west
11 side of town, I live not far from Knickerbocker
12 Avenue, almost all the time when we visit Rudy's,
13 or the theater, or wherever, we walk into town,
14 and we either, as Paul said, we either go -- if
15 we're going to the movie theater we walk all the
16 way down and go in that way. And otherwise we go
17 in near the Bank of America. And that's enough.
18 And it doesn't need to be in the middle of a lot.
19 Even though I'm a walking person.

20 MS. AMITAI: I defer to our
21 architect. Our architect here seems to know about
22 those thing.

23 MR. MADDALONI: I'm ready to make a
24 motion.

25 MR. NYFENGER: Where did we end up

1 with the snow? We're not going to put a snow
2 caveat?

3 MR. DENICOLA: No snow.

4 CHAIR LIGNOS: Okay. I'm going to a
5 motion.

6 MR. BASRALIAN: No, can you give me
7 -- it's a long motion.

8 CHAIR LIGNOS: I'm going for a
9 motion.

10 MR. BASRALIAN: You know, it's all
11 well and good to -- and I don't mean to interject
12 what you're doing, but, you know, there were some
13 misstatements here, because I want to clarify a
14 couple of things. One is -- you know, you can --
15 there has to be -- you know, there were some
16 things that were incorrectly stated. And I just
17 want to clarify, because the plans do call for
18 certain things.

19 MR. CHAGARIS: Why don't we take a
20 break for the stenographer.

21 CHAIR LIGNOS: I think at this point
22 we're going to go into recess. The time is --

23 MS. MITCHELL: 10:44.

24 CHAIR LIGNOS: 10:44; for five
25 minutes.

1 (A recess was taken.)

2 CHAIR LIGNOS: I call this meeting
3 back to order at 10:53.

4 Mr. Chagaris asked me to go over
5 these -- these stipulations. So, the first one
6 was:

7 1. The maximum of 20,000 square
8 feet specific for restaurant, not to exceed.

9 2. The existing culvert under
10 K-mart to be repaired.

11 3. All culverts, the rest of them
12 on the property, to be cleaned out.

13 4. Escrows to be posted.

14 5. A bond for phase II.

15 And, again, I'm bullet pointing them
16 because they're on the stenographer's report.

17 6. Local intersections to have a
18 minimum of 1 footcandle.

19 7. The existing lighting types,
20 meaning the poles that are on Vervalen, be
21 maintained.

22 8. The light source, the color of
23 the bulb, because the majority of the people --
24 because the majority of the people don't even like
25 what's in the downtown, we'll leave to their

1 discretion. Their's may be better than our's, in
2 which case then we can find a solution to fix
3 our's.

4 All right.

5 MS. AMITAI: Excuse me. But no --
6 no lamps on the Homans side?

7 CHAIR LIGNOS: No.

8 MS. AMITAI: Just the Vervalen.

9 CHAIR LIGNOS: 9. Pavers on
10 Vervalen. Now, in light of the fact that the
11 waviness that you talked about, and Dr. Maddaloni,
12 you mentioned it as well I believe --

13 MR. MADDALONI: Yeah, there could be
14 I think an option for colored concrete to be used
15 instead.

16 CHAIR LIGNOS: Like an intervaled
17 color concrete.

18 MS. ISACOFF: I think that's a very
19 good idea. It's probably less --

20 MS. HEYMANN: Score colored
21 concrete.

22 MR. NYFENGER: Designer concrete. I
23 agree.

24 MS. ISACOFF: As an option.

25 MR. MADDALONI: As an option. Okay.

1 Next.

2 MR. NYFENGER: So, what do we say?

3 CHAIR LIGNOS: I would -- I would
4 say the option, because quite frankly, the
5 interval -- and I'm not sure about the scoring, in
6 all fairness, because I think if it reads as a
7 block of color, if it's scored or not, it just
8 becomes a nuisance more than anything else. I
9 think the roadway is actually, the striping of the
10 roadway is much more important in light of what I
11 hear from the police department. Then we talked
12 about construction during -- I'm sorry, traffic
13 during construction. The east/west entrances off
14 of Homans being two way. The planting areas along
15 Homans and Vervalen to have irrigation. The rest
16 just to be bonded. The green wall that was stated
17 as part of the testimony, to be realized. The
18 crosswalk at Campbell to be landscaped decorative
19 crosswalk.

20 MS. AMITAI: Well, what do you mean
21 by decorative crosswalk, now that we're talking
22 about concrete.

23 CHAIR LIGNOS: No, no.

24 MR. DENICOLA: It would be what they
25 call, put paver pattern etched in the pavement.

1 It's usually epoxy resin or some other based
2 product, to make it look like brick pavers, to
3 highlight the crossing for pedestrians.

4 MR. NYFENGER: It can't be pavers.
5 I don't know, are pavers ADA compliant?

6 MR. DENICOLA: It depends on what
7 kind of pavers they are. But pavers become a
8 problem again, over time they settle. So, you
9 know --

10 MR. NYFENGER: They become
11 dangerous.

12 MR. DENICOLA: When I say pavers,
13 it's a scored paver, epoxy based product or
14 something.

15 MR. MADDALONI: Continue Chairman
16 Lignos.

17 CHAIR LIGNOS: The stoplight on
18 Vervalen/Piermont, if and when it was ever, they
19 would have a pro rata basis, providing the name
20 and contact information of their contractor. No
21 soil to be permitted to be imported without a
22 clean fill certificate. The speed tables that
23 were part of the unlimited part to be realized,
24 the bus shelter that was part of the Omland
25 report, to have a space allocated in the front of

1 or near the movie theater. The 14 parking spaces.
2 The easterly -- at the easterly end of the plaza
3 towards the commons a 24 foot easement in case of
4 future ingress/egress. We talked about the
5 channel light and backlit signs. Mr. Chagaris
6 brought to my attention that in their presentation
7 there are some national chains that have a front
8 face, and some that are not lit, and some that are
9 not lit but backlit, as opposed to -- and what
10 they apparently show that there is a, also the
11 types, and I forgot about that, the ones that are
12 perpendicular to the wall.

13 MS. STELLA: Blade.

14 CHAIR LIGNOS: The blades. So,
15 actually --

16 MR. MADDALONI: I would ask for some
17 flexibility on that.

18 CHAIR LIGNOS: Yeah, I think if it's
19 okay with everyone, that we say that the signage
20 that was made part of the testimony and
21 presentation be the signage that be realized on
22 the project.

23 And we talked about the materials.
24 I think all the materials that were presented,
25 that if -- if they're going to vary from that,

1 that the board take a look at what it is that they
2 vary with, if they were to vary from them. Like,
3 for instance, they're pretty straight forward,
4 there's stone, there's brick, there's some
5 laminated panels, there's some tile. If, you
6 know, that material is fine, they presented it.
7 If it's going to vary from that, I think the board
8 may just want to feel confident that the materials
9 that they are varying towards are equally --

10 MR. MADDALONI: Attractive.

11 CHAIR LIGNOS: Attractive and
12 durable.

13 The mechanical screens, that they be
14 realized as they were discussed in testimony. And
15 the two bike racks of about ten bikes.

16 MR. CHAGARIS: There's also the car
17 chargers.

18 CHAIR LIGNOS: Oh. That was made
19 part of the testimony that there would be two car
20 chargers in the parking lot. We forgot to say
21 that before. Does anyone have an objection that
22 they said that it part of the testimony that they
23 were going to provide two car chargers.

24 MS. AMITAI: We also didn't talk
25 about the benches.

1 CHAIR LIGNOS: The hard scape was
2 part of the testimony so --

3 MS. HEYMANN: I'm just a little bit
4 concerned about the fact that your signage is on
5 the vague side. Because we just had an issue on
6 the zoning board, where the zoning board wasn't
7 specific, and they had to come back to the, I
8 guess back to the building department to get
9 specific permission for the signs and it was going
10 to have to be redone. I think we have to
11 indicate -- you have to indicate very clearly that
12 the signage, according to the testimony, and
13 according to the borough ordinances.

14 MR. NYFENGER: Could that be
15 conflicting?

16 MR. DENICOLA: Yeah, why don't we
17 name the types we want.

18 MR. CHAGARIS: Rose, what is the
19 booklet that was presented, what exhibit was that?
20 What exhibit No. do you know?

21 MS. MITCHELL: What, with the
22 different rules?

23 MR. CHAGARIS: No, the book.

24 MR. NYFENGER: Can we overrule the
25 sign ordinance?

1 CHAIR LIGNOS: Hold on. Folks,
2 stop. Stop. Please stop for a second. The
3 architect, Conrad, made a presentation. And it is
4 labeled, 'Closter Plaza,' and it went on and
5 talked about designer's sculpture.

6 MS. MITCHELL: I think it was A-2.
7 Hard copy of power point, CD presentation that?
8 Sixty-four pages.

9 MR. CHAGARIS: That was it, A-2.

10 CHAIR LIGNOS: Exhibit A-2. So, the
11 signage, as it was described or illustrated on
12 page 45 and page 46 of Exhibit A-2.

13 MR. MADDALONI: Would have to comply
14 with that.

15 CHAIR LIGNOS: And we could say page
16 47 as well, because that was the ground signs.

17 MS. STELLA: You can't comply with
18 this. You have to say similar.

19 MR. MADDALONI: Consistent with.

20 MS. ISACOFF: Consistent with.

21 CHAIR LIGNOS: Okay. So -- and I
22 just been handed, by Mr. DeNicola, the parking fee
23 presently, I was incorrect.

24 MR. DENICOLA: I misspoke in the
25 beginning.

1 CHAIR LIGNOS: It's not 1,250. It's
2 1,650.

3 MR. MADDALONI: Well, that's what it
4 is.

5 CHAIR LIGNOS: So, that is --

6 MR. MADDALONI: I'll make a motion.

7 MS. AMITAI: We also talked about
8 increasing the green space. The plaza space.

9 CHAIR LIGNOS: I don't have -- I
10 didn't. But if anybody else. I will not be going
11 to a mall to find my green recreation. I still
12 believe that parks and natural places are place
13 for me for green. I don't see plazas being the
14 place I'm going to go to throw a frisbee. But
15 somebody else thinks --

16 MS. AMITAI: I don't mean a park. I
17 mean just a little bit larger space.

18 CHAIR LIGNOS: Am I going to picnic
19 there?

20 MR. PIALTOS: We have nice fields
21 here in Closter.

22 MR. MADDALONI: Councilwoman, I
23 thought about the same thing, but I think that
24 would require some sort of redesign of buildings.
25 I mean you have to get it from somewhere.

1 MR. DENICOLA: Or reduction of
2 parking.

3 MR. MADDALONI: And to me it's just
4 one of the things that I'm willing to swallow hard
5 on and compromise.

6 MS. AMITAI: You mean aside from the
7 subdivision phantom thing that we're also going to
8 swallow hard.

9 MR. MADDALONI: Well, you know
10 what --

11 CHAIR LIGNOS: Again --

12 MR. MADDALONI: If we had a little
13 bit more compromise in Washington I wouldn't have
14 been sequestered.

15 CHAIR LIGNOS: I truly believe that
16 the application that's been put before us has been
17 given a lot of thought. And a good application is
18 not 100 percent of what an applicant wants. Nor
19 is it 100 percent of what a governing body wants
20 or a board wants. But rather what is good for the
21 town. And for this to make sense, for them to
22 come in and do what they're planning on doing,
23 requires some understanding of negotiation. And,
24 quite frankly, I think they've done a great job in
25 their presentation. I would have loved to see

1 some other things. But, quite frankly, I think
2 what we see here is going to make a wonderful
3 addition to our town. So, I want to thank them.
4 And, by the way, I truly want to thank you for the
5 amount of hours that you've put into this
6 application.

7 MR. MADDALONI: On that vote I'll
8 make a motion --

9 CHAIR LIGNOS: On that point I would
10 like to see a motion.

11 Dr. Maddaloni.

12 MR. MADDALONI: To accept, subject
13 to all the conditions that have been articulated.

14 MS. ISACOFF: Second.

15 CHAIR LIGNOS: Second by
16 Ms. Isacoff.

17 Discussion.

18 MR. CHAGARIS: Before we further --
19 since we have a full compliment here, the two
20 alternates are not eligible to vote. And, also, I
21 did receive from the secretary, the certified
22 statements that the people who had missed a few
23 meetings during the course of these proceedings
24 have listened to the tapes or read the transcripts
25 and have signed certifications to that effect.

1 MR. NYFENGER: Have we left anything
2 open-ended as far as needing definition i.e. the
3 bonds?

4 MR. DENICOLA: By developer's
5 agreement. There's going to be a developer's
6 agreement in place as part of this application.
7 That will be covered.

8 CHAIR LIGNOS: Okay. Ms. Mitchell,
9 please poll the board.

10 MS. MITCHELL: Mayor Heymann.

11 MS. HEYMANN: Yes.

12 MS. MITCHELL: Councilwoman Amitai.

13 MS. AMITAI: I really am
14 uncomfortable about that subdivision. I feel that
15 it's putting the town and the board in a
16 precarious situation.

17 CHAIR LIGNOS: So you're voting?

18 MS. AMITAI: Yes.

19 MS. MITCHELL: Dr. Maddaloni.

20 MR. MADDALONI: Yes.

21 MS. MITCHELL: Mr. Baboo.

22 MR. BABOO: Yes.

23 MS. MITCHELL: Mr. Lignos.

24 CHAIR LIGNOS: Yes.

25 MS. MITCHELL: Mr. Sinowitz.

1 MR. SINIOWITZ: Yes.

2 MS. MITCHELL: Mr. DiDio.

3 MR. DIDIO: Yes.

4 MS. MITCHELL: Ms. Isacoff.

5 MS. ISACOFF: Yes.

6 MS. MITCHELL: Mr. Pialtos.

7 MR. PIALTOS: Yes.

8 CHAIR LIGNOS: Okay. Everyone, it's
9 unanimous. This application is approved
10 unanimously.

11 This is the last meeting. I thank
12 you, wish happy holidays to everyone.

13 In our public, members of the board
14 this is our last -- this is our last meeting for
15 the year.

16 Mr. Sinowitz.

17 MR. SINIOWITZ: What is going to be
18 the status of Monday's meeting?

19 CHAIR LIGNOS: The meeting on Monday
20 is no longer necessary. Therefore, the Monday
21 meeting is cancelled. I need a motion to cancel
22 the regular meeting of December 26th. That motion
23 is made by Mr. DiDio. Seconded by Dr. Maddaloni.

24 All in favor?

25 THE BOARD: Aye.

1 CHAIR LIGNOS: I see no objection.

2 The meeting of December 26th is cancelled.

3 MR. DIDIO: When is our next
4 meeting?

5 MS. MITCHELL: January 6th.

6 CHAIR LIGNOS: It's a Monday
7 meeting. Happy New Year.

8 MS. MITCHELL: Wait, we don't have a
9 motion to adjourn.

10 CHAIR LIGNOS: The motion to adjourn
11 is made by Mr. Pialtos and seconded by Mr.
12 Nyfenger.

13 MR. NYFENGER: I cannot second it.

14 CHAIR LIGNOS: Seconded by
15 Dr. Maddaloni. All in favor of adjourning our
16 meeting? Our last one of the year.

17 THE BOARD: Aye.

18 CHAIR LIGNOS: I see no objection.
19 This meeting is adjourned at 11:08.

20 (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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