

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of Work Session & Special Meeting
December 4th, 2013
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Work Session & Special Meeting
Wednesday,
December 4th, 2013

Mr. Lignos, Chairman called the Work Session/Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Wednesday, December 4th, 2013 in the Council Chambers of the Borough Hall to order at 8:00 PM. He stated that the meeting was being held in compliance with the provisions of the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. He advised that the Board adheres to a twelve o'clock midnight curfew and no new matters would be considered after 11:00 P.M.

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

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

Mayor Heymann
Councilwoman Amitai
Mr. Lignos, Chair
Dr. Maddaloni, Vice-Chair
Mr. Baboo- 8:04 PM
Mr. Sinowitz
Mr. DiDio
Ms. Isacoff
Mr. Paltos- 8:04 PM
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. There were no comments at this time.

Motion was made by Mayor Heymann & seconded by Mr. DiDio to approve minutes of October 10th. All present were in favor of approval. Motion was made by Mayor Heymann & seconded by Mr. DiDio to approve minutes of October 17th. All present were in favor of approval. Motion was made by Mayor Heymann & seconded by Mr. Paltos to approve minutes of October 21st. All present were in favor of approval. Motion was made by Mayor Heymann & seconded by Councilwoman Amitai to approve minutes of October 31st. All present were in favor of approval with the exception of Mr. Baboo, Mr. DiDio & Mr. Paltos who abstained. Motion was made by Mayor Heymann & seconded by Mr. DiDio to approve minutes of November 6th. All present were in favor of approval with the exception of Councilwoman Amitai who abstained.

Item # 1

Block 2105, Lot 19
13 Sherman Avenue
Application # P2013-07

Applicant: Cohen
(on behalf of Homeowner)
Even-Chen/Avtalion
Attorney: N/A

Mr. Cohen introduced himself & spoke of review letter received from Mr. DeNicola. Mr. DeNicola also commented on review letter. Ms. Stella asked for clarification of tree removal. Mr. DeNicola & Mr. Cohen responded. Councilwoman Amatai asked about existing curb ramp. Mr. DeNicola responded. Motion was made by Dr. Maddaloni & seconded by Ms. Isacoff to perfect application with mentioned stipulations. All present were in favor of perfection. (Alternate members did not vote).

Liaison's Reports

There were no comments at this time.

Open Meeting to the Public

There were no comments at this time.

Motion was made by Mr. DiDio & seconded by Mayor Heymann to approve 2014 Planning Board meeting dates. All present were in favor.

The Board discussed escrow fee increase. Motion was made by Dr. Maddaloni & seconded by Councilwoman Amatai to recommend to the Mayor & Council an increase in legal escrow. All present were in favor. (Engineering escrow was not discussed at this time.)

Mr. Chagaris spoke of resolution regarding 40 Homans Avenue. Motion was made by Mayor Heymann & seconded by Mr. DiDio to approve mentioned resolution. All present were in favor of mentioned resolution with the exception of Councilwoman Amatai who abstained.

Mr. Lignos stated that the resolution regarding 679 Closter Dock Road is still pending.

Mr. Lignos announced completion of work session portion of meeting & the start of the special meeting. Time was 8:22 PM.

Special Meeting Portion

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

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

**Refer to attached transcript.

Motion was made by Ms. Isacoff & seconded by Dr. Maddaloni to adjourn meeting. Meeting was adjourned at 10:36 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 AME ZION CHURCH, BLOCK
1607, LOT 1 (BLK 1310/L 2) 19 VER
VALEN STREET (7 CAMPBELL AVE.)
APPLICATION #P-2013-03

- - - - - X
BOROUGH OF CLOSTER MUNICIPAL BUILDING
295 Closter Dock Road
Closter, New Jersey
December 4th, 2013
8:00 p.m., Volume XIII

B E F O R E:
PLANNING BOARD
JOHN LIGNOS, CHAIRMAN
SOPHIE HEYMANN, MAYOR
VICTORIA ROTI AMITAI
MARK MADDALONI, BOARD MEMBER
DAVID BABOO, BOARD MEMBER
IRENE STELLA, BOARD MEMBER
LEONARD SINOWITZ, 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, ESQ.
GINA M. LAMM, CSR/RPR, Court Reporter
Job No. NJ1769405

1 CHAIR LIGNOS: The time now is?

2 MS. MITCHELL: 8:22.

3 CHAIR LIGNOS: At 8:22, we have,
4 under our special meetings portion of our meeting,
5 this evening, block 1607, lot 1, 19 Vervalen
6 Street, 7 Campbell Avenue, application P2013-03.
7 Applicant is the Closter Marketplace, LLC,
8 Centennial AME Zion Church. Mr. Basralian is the
9 attorney. This is a subdivision, site plan soil
10 movement application, received back on May the
11 16th. Was deemed perfected with mentioned
12 stipulations on June the 5th's work session
13 meeting. The application was continued and
14 received final perfection on June the 27th's
15 regular meeting. Hearings have now taken place:
16 July 11th and the 18th, August 7th, 8th, 29th,
17 September 12th, October 2nd, October 10th, 17th,
18 21st, November 14th. The application is here this
19 evening for continuation at this December 4th,
20 2013, special meeting.

21 Mr. Basralian, once again, welcome.

22 MR. BASRALIAN: Good evening,
23 Mr. Chairman, members of the board. The applicant
24 has concluded its case. Mr. Segreto had proceeded
25 with his first witness. I presume he has the

1 balance of his witnesses this evening. So, it's
2 the objector up on his witnesses.

3 CHAIR LIGNOS: Thank you very much.
4 Mr. Segreto, welcome.

5 MR. SEGRETO: Thank you. Nice to
6 see you all. All right. I have one witness with
7 me tonight. That's going to be our final witness.
8 He is Dr. Bahman Izadnehr. And I'll spell that.
9 It's B-A-H-M-A-N. Last name I-Z-A-D-N-E-H-R. He
10 is a professional engineer, as well as a traffic
11 engineer. Dr. Izadnehr, why don't you come up,
12 please.

13 MR. BASRALIAN: Excuse me, John,
14 could you spell the Doctor's last name again?

15 MR. SEGRETO: Yes. I-Z-A-D-N-E-H-R.

16 MR. IZADMEHR: M-E- M-E.

17 MR. SEGRETO: Oh, M-E-H-R, I'm
18 sorry.

19 CHAIR LIGNOS: One more time then,
20 I'm sorry.

21 MR. SEGRETO: I-Z-A-D-M-E-H-R.

22 MR. CHAGARIS: Can you raise your
23 right hand, sir. Do you swear to tell the truth,
24 the whole truth and nothing but the truth?

25 MR. IZADMEHR: Yes, I do.

1 MR. CHAGARIS: Will you please
2 repeat your name and give us your business
3 address.

4 MR. IZADMEHR: Sure. Bahman
5 Izadmehr, B-A-H-M-A-N. Last name is
6 I-Z-A-D-M-E-H-R. I'm at 550 Coal Fax Road, Wayne,
7 New Jersey, 07074.

8 MR. CHAGARIS: And you are a
9 professional engineer?

10 MR. IZADMEHR: Yes, I am.

11 MR. CHAGARIS: Licensed in the State
12 of New Jersey?

13 MR. IZADMEHR: Yes.

14 MR. CHAGARIS: And you're a traffic
15 engineer?

16 MR. IZADMEHR: I'm also a traffic
17 engineer.

18 MR. CHAGARIS: Okay.

19 EXAMINATION BY MR. SEGRETO:

20 Q Dr. Izadmehr --

21 MR. BASRALIAN: Before -- are you --
22 are you going forward with qualifications or are
23 you --

24 CHAIR LIGNOS: Well, I'm sure he is
25 doing that right now.

1 MR. SEGRETO: Yeah. Qualifications,
2 yeah, of course.

3 BY MR. SEGRETO:

4 Q Dr. Izadmehr, would you please give
5 us the benefit of your educational, professional
6 background as an engineer.

7 A Sure. I have 3 degrees in civil
8 engineering from University of Texas at Austin,
9 bachelor of science in civil, a master of science
10 and a doctorate of philosophy in civil
11 engineering. I'm a professional engineer in the
12 State of New Jersey since 1990. I'm also a
13 certified I.T.E., Institute of Transportation
14 Engineers, Professional Traffic Operation
15 Engineers. I have been practicing in the field of
16 civil engineering, site engineering,
17 transportation engineering, structural
18 engineering, since 1980.

19 I have appeared before numerous boards in
20 the State of New Jersey, in New York, in Texas,
21 and in some other states. I have appeared, also,
22 as an expert witness in Superior Court of New
23 Jersey.

24 I don't believe I have been before this
25 very court. But I have been in neighboring towns.

1 CHAIR LIGNOS: Can you name one of
2 the neighboring towns.

3 MR. IZADMEHR: I have been in
4 Mahwah, in Upper Saddle River, in Paramus.

5 CHAIR LIGNOS: Okay. Members of the
6 board, does anyone have an objection? I don't see
7 any from the board's side. Mr. Basralian?

8 MR. BASRALIAN: Yes. Excuse me, but
9 I want to make sure I get this right, Izadmehr?

10 MR. IZADMEHR: Yes.

11 EXAMINATION BY MR. BASRALIAN:

12 Q Mr. Izadmehr, you said you were a
13 civil engineer and a traffic engineer. In civil
14 engineering, how many site plans have you prepared
15 in the last two years?

16 A Last two years, about -- I do have to
17 guess. I don't know exact number. But over five.

18 Q All right. And how many of those
19 were for shopping centers?

20 A About two.

21 Q Okay. What -- of the five that you
22 prepared, where were the two shopping centers that
23 you prepared?

24 A I have prepared small shopping center in
25 Wayne, New Jersey. And I have also worked on

1 Bergen Mall in Paramus.

2 Q Let's start with, how big was the
3 shopping center in Wayne, New Jersey?

4 A About 10,000 square feet.

5 Q Thank you. Was that a freestanding
6 store or multiple stores?

7 A Multiple stores.

8 Q And you said you were involved
9 with -- you worked on Bergen Town Center. What
10 was your -- in what capacity did you work with
11 respect to the site plan?

12 A I basically reviewed the site plan and
13 provided my professional comments to the site
14 plan. Also, I prepared the master transportation
15 plan for the entire mall, including its on-site
16 parking, parking decks, intersections, roads.

17 Q But you didn't prepare the site
18 plans?

19 A I did not prepare the site plans.

20 Q All right. I thought that's what
21 you had said.

22 A No.

23 Q And you said you practical five site
24 plans. We've covered -- in the last two years,
25 we've covered two. What were the other site

1 plans?

2 A I also prepared the site plan in Jersey
3 City for a gas station with a convenience store.
4 I've also prepared a site plan for a four story
5 medical office building with retail on the bottom
6 floor, in Newark, New Jersey.

7 Q Is the predominance of what you work
8 on, as a civil engineer and site plan, those types
9 of stores, 10,000 square foot store, a gas
10 station, and that type, rather than a shopping
11 center of the magnitude before the board?

12 A Yes.

13 MR. SEGRETO: In terms of site plan
14 preparation?

15 MR. BASRALIAN: As a site engineer.

16 MR. IZADMEHR: Yes.

17 MR. BASRALIAN: He testified he
18 prepared site plans. And I just want to know what
19 areas that he dealt in.

20 MR. IZADMEHR: Yes, I have.

21 BY MR. BASRALIAN:

22 Q Have you -- are you also testifying
23 this evening as a traffic engineer?

24 A I don't believe so.

25 MR. SEGRETO: I'm only offering him

1 for a limited purpose. He's going to compare a
2 conceptual site plan, to the one that's proposed
3 by the applicant. And to the extent that he may
4 talk about some site circulation, in comparison,
5 in comparing the conceptual plan. But he did not
6 review any of the traffic plans, traffic
7 reports -- excuse me, either by the applicant or
8 by the board's engineer. So, we're not going to
9 be reviewing traffic in depth.

10 MR. BASRALIAN: Is he propose -- I
11 ask you, John, is he proposing to submit a site
12 plan of some type as --

13 MR. SEGRETO: Yes. Yes, he has with
14 him a conceptual site plan that he will be
15 testifying to.

16 MR. BASRALIAN: I believe I asked
17 the board if Mr. Segreto was going to be
18 submitting reports or plans, I believe the answer
19 was, no, there were none intended. And, so, at
20 this late date, on December 5th -- 4th, I'm sorry,
21 I understand there is a site plan, a conceptual
22 site plan that's going to be presented tonight,
23 which neither the board, nor I, have had an
24 opportunity to see before. And that was
25 specifically asked on two separate occasions.

1 MR. SEGRETO: This site plan is the
2 site plan that this board entered into evidence in
3 2009 application. Same property. Same applicant.
4 People came in and testified with regard to that
5 plan. It was a conceptual plan that we propose is
6 a better zoning alternative, better site design
7 alternative. That is the plan. There's no
8 surprise. It's the same plan. And I've asked --
9 I've Dr. Izadmehr to review both the site plan,
10 the applicant's site plan that's been submitted
11 here, as well as the L2A plan, which was
12 previously submitted, for the purposes of
13 rendering an opinion with regard to whether or not
14 the better zoning alternative and/or a better site
15 design. So, that's what he's prepared. That's
16 what I'm offering him for those purposes.

17 MR. CHAGARIS: Well, actually it
18 should have been presented ahead of time, at least
19 certainly ten days ahead of time, which the
20 applicant did on its plan.

21 MR. SEGRETO: I know. But there's
22 no required --

23 MR. CHAGARIS: But for purposes of
24 tonight, I think we'll allow him to -- if you can
25 pass it out, I don't know if you want to pass it

1 out now.

2 MR. SEGRETO: I don't have copies. I
3 only have it on the board.

4 MR. BASRALIAN: I do have a question
5 though. This plan was prepared by Mr. Dipple, and
6 not by this witness, then what is the basis for --

7 MR. CHAGARIS: I think what the --
8 Mr. Segreto says is that it's basically a
9 conceptual concept just to help illustrate his
10 testimony. That's my understanding of what he
11 talks about. It's not really a plan for, per say,
12 to be approved or not approved. It's done,
13 designed to illustrate what he's testifying to
14 about, how it's a better circulation plan
15 alternative. I don't think it's technically a
16 matter of evidence. It's more of an illustrative,
17 I'm repeating myself, of his testimony. I think,
18 while it should have been presented earlier, I
19 think we can proceed, because he's not testifying
20 about its accuracy or its -- or its drawn -- being
21 drawn to scale or not, but it's just basically, am
22 I correct, it's basically more or less for
23 illustrating his testimony.

24 MR. SEGRETO: Right. It's our
25 position, in this case, that the applicant was

1 required to prove to this board that their
2 proposal presents a better zoning alternative for
3 this property. Now, I didn't hear any testimony
4 from the applicant with regard to that. But
5 that's certainly to see. What he is going to
6 testify, is, he's going to testify about this
7 plan. The plan has smaller buildings, more
8 plazas, more landscaping, different types of
9 access. And it's going to be his testimony that
10 this conceptual plan offers a better zoning
11 alternative, better site design than that which
12 the applicant has presented to this board for
13 approval.

14 MR. CHAGARIS: In any case, the
15 board, I'm sure, will take this -- the plan, and
16 the testimony for, and give it the weight that the
17 board thinks it deserves. I don't think it's, at
18 this stage, appropriate to bar the use of the
19 proposed plan, but, as I said, the board will give
20 it as much weight as it thinks appropriate.

21 MR. BASRALIAN: Well, two comments.
22 One, I reserve my right to object as the testimony
23 goes forward. Second, I don't believe that our
24 burden was to give a better zoning alternative.
25 We were talking about an alternate site plan, or a

1 site plan modifications to the existing center,
2 not a zoning application. And I think that's a
3 misstatement on the part of Mr. Segreto.

4 MR. CHAGARIS: Okay. In any case,
5 why don't we proceed.

6 MR. SEGRETO: And just one last
7 comment. There's no requirement in the Municipal
8 Land Use Act, that an objector has to present its
9 exhibit ten days prior to their witnesses
10 testifying about those.

11 MR. BASRALIAN: Yeah, but your
12 comment was, you didn't have anything to present.
13 Because the question was asked at the two past
14 hearings as to whether or not there would be any
15 reports or plans, and you said there would not.

16 MR. SEGRETO: I was only talking
17 about reports. I did not anticipate anybody doing
18 a report.

19 MR. CHAGARIS: All right, the point
20 has been made. Why don't we proceed.

21 MR. SEGRETO: All right.

22 BY MR. SEGRETO:

23 Q Dr. Izadmehr, before you -- before
24 you get up and you set up that board, just please
25 tell the board, additionally, the either documents

1 and/or transcripts, or other matters that you
2 reviewed for purposes of your testimony tonight.

3 A Yes. I have briefly reviewed the site
4 plan, which was presented to the board, as well as
5 the previous testimony that have been presented by
6 the applicant. I've also looked at the traffic
7 report, which was prepared by the applicant's
8 consultant.

9 MAYOR HEMANN: Can you speak a
10 little louder. I'm having a hard time hearing
11 you.

12 Q And are you familiar with the site?
13 Have you visited the site?

14 A Yes, I have visited the site.

15 Q Okay. All right. Then I'll ask you
16 to please, put the board -- put the board up.
17 Come to my left actually and set it up there.

18 CHAIR LIGNOS: Mr. Segreto, just for
19 the record, because I misunderstood. You said
20 that the witness had not reviewed the traffic, or
21 did I misunderstand that?

22 MR. SEGRETO: Well, I'm not offering
23 him for review of the traffic. He may have -- he
24 may have just looked at the report. I gave him,
25 you know, I gave him a file. So, he may have

1 reviewed that report. But I'm not offering him as
2 with regard to that report, or any of the traffic.
3 To the extent that he talks about traffic, it's
4 only going to be with regard to this conceptual
5 plan. Doctor, why don't you set it behind the
6 mayor. Unfortunately, the mayor will have to
7 turn. And our proposed ID would be 0-6 for this
8 conceptual plan.

9 MR. BASRALIAN: Just for
10 clarification, it's my understanding that this
11 plan that goes -- this conceptual plan that goes,
12 apparently back to 2009, but there was another
13 application here, is going to be proffered as an
14 alternative to the plans submitted by the
15 applicant, which is different than anything that
16 occurred in 2009. And I don't see the relevance
17 of using a plan from 2009 as an alternative, when
18 it's not the same plan. It's not being compared
19 to the same plan that was submitted in 2009. The
20 plan that was submitted with this application is
21 different.

22 MR. CHAGARIS: Yeah, but my
23 understanding is that he is comparing what is on
24 the easel there now, 0-6, to what is presently
25 proposed.

1 MR. SEGRETO: He's testimony is
2 going to be that it's a better zoning alternative
3 site design than what they're proposing now, here,
4 in 2013. He has indicated he has reviewed the
5 2013 site plan. Yes, it's obviously different,
6 because we think it's a better plan than what
7 they're proposing.

8 BY MR. SEGRETO:

9 Q All right, Doctor, if you can,
10 please start at the -- why don't you start at the
11 K-mart building and walk us through the plan, and
12 why don't you tell us how this plan is different
13 from the plan the applicant is proposing before
14 this board.

15 A The K-mart building is on the upper left.
16 It's basically the first facility building at the
17 existing site, which is going to basically remain
18 in Phase I. And in phase II it will be reduced in
19 size a bit.

20 Q Now, the existing -- the existing
21 square footage of that is approximately 84,000
22 square feet, is that correct?

23 A Yes, 84,000, but we are proposing, in lieu
24 of that 84,000 square foot building, a 61,000
25 square foot building. Basically creating

1 landscaping behind it, with pavers, for
2 pedestrians. So, we are basically opening the
3 shopping center for the pedestrian traffic from
4 Homans Road -- Homans Avenue, to the shopping
5 center, which doesn't really exist today. And,
6 also, we are maintaining that existing driveway,
7 which means the existing K-mart building, which is
8 going to be remaining as part of this proposed
9 site plan, and the previous -- previous vacated
10 supermarket. And, also, we are widening it and
11 landscaping that driveway, and instituting a
12 bikeway. Which is, again, in conformance with the
13 new recommendations by the federal government,
14 State of New Jersey, and New Jersey Department of
15 Transportation and many municipalities. Basically
16 this concept is called a complete street design.
17 That includes all type of users, from walking to
18 motoring.

19 Q All right, and with regard to that
20 existing supermarket space, this conceptual site
21 plan keeps it at 27,000 square feet, is that
22 correct?

23 A That's correct.

24 Q Now --

25 A In lieu of 41,000 square feet.

1 Q All right, which is being proposed
2 by the applicant. If -- on this conceptual plan,
3 if you wanted to make the supermarket larger,
4 let's say 30 or 35,000 square feet, under this
5 conceptual plan could you do it?

6 A Yeah, you could do it by basically taking
7 the space from the neighboring building, which is
8 called building B, and I don't remember what it's
9 called on the applicant's site plan, but
10 immediately to the east of the existing vacant
11 building.

12 Q Now, behind that supermarket space,
13 and the building B, I see you provide parking, is
14 that correct?

15 A Yes, not only parking. But also we're
16 providing a strip of landscaping for a buffer
17 zone, as well as a sidewalks, paver sidewalks.

18 Q Now, when we get to the -- that
19 furthest driveway, I guess that's the easterly
20 driveway on Homans Avenue, are cars able to
21 traverse into the front of the shopping center
22 under this conceptual plan?

23 A Yes, they are.

24 MR. BASRALIAN: Could you please
25 indicate it. It's tough to see it. It's pretty

1 small from here.

2 Q All right. Why don't you show us
3 the driveway that we're talking about, whether or
4 not you can traverse all the way into the front of
5 that property from the driveway.

6 A This is the existing driveway right here.
7 Again, which is part of, I believe, the agreement
8 that was signed by the township, as well as the
9 previous developer, back in 1971. So, they are
10 basically proposing to open this up to the front
11 of the shopping center, and having direct access
12 from Homans Avenue to the front parking lot.

13 Q All right. I was speaking with the
14 driveway to the furthest to, I guess that's the
15 east, is that correct?

16 A Yes.

17 Q All right. Tell us about -- tell us
18 about that driveway, and whether or not you can
19 turn into the front --

20 MR. MADDALONI: Just for the record,
21 I would like to express my displeasure in not
22 being able to see this, and having one single map
23 for the whole room. It's absurd.

24 Q Can you continue with that, please,
25 sir.

1 A Sure. Well, it's right here. Basically
2 it's all the way to the easterly edge of the
3 building, building D on this plan. There's a
4 small driveway that you can have access to the
5 front of the -- to the back of the building on to
6 the --

7 Q But you can't traverse into the
8 front of the front parking lot, can you?

9 A No, you cannot.

10 Q Is that consistent, also, with the
11 agreement that you referred to between the town
12 and the owner of the property?

13 A Yes.

14 MR. BASRALIAN: I object. There's
15 no foundation for any agreements between the town.
16 This -- this witness is here as a engineer. Not
17 as a, an attorney with respect to agreements. And
18 I object to his testimony.

19 MR. SEGRETO: We marked for ID, at
20 the last hearing, O-4, which was an agreement
21 dated April 11, 1973, between Closter Plaza, Inc.
22 and the Borough of Closter.

23 MR. BASRALIAN: That doesn't make it
24 relevant for this particular witness to testify
25 to.

1 MR. SEGRETO: Well, that's a legal
2 argument. But, you know, the man can testify it's
3 consistent with the recorded agreement that is now
4 a restriction on the property. Yes?

5 MR. CHAGARIS: Go ahead, ask your
6 next question.

7 Q All right. Now, I want you to
8 please go down to what you have on there, talk
9 about that very large plaza right there in front
10 of building B in front of --

11 A Again, for this proposed concept plan
12 being a better zoning alternative, as well as a
13 better site plan, we are also proposing quite a
14 bit of plaza in the back of this -- in the back of
15 the parking lot, or in the front of the main
16 building, which will become part of this
17 supermarket. It creates an open space. It
18 creates a place that people can gather. And
19 especially it's within the walking distance of the
20 theater. So, not only are we providing basically
21 an outdoor seating plaza where people can sit and
22 relax and have a cup of coffee, or a drink. We
23 are also providing, immediately next to the
24 theater, another plaza.

25 Q With regard to the amount of plazas

1 on this plan, compared to the plazas that are
2 proposed on the applicant's, is there a
3 substantial difference between the two plans?

4 A Oh, yes, the proposed -- with what is
5 being proposed here, is about three to four times
6 in size of what the applicant is proposing in
7 their site plan. So, of course, this encompasses
8 a lot more area for outdoor seating and plazas.

9 Q All right. Now, I want you to talk
10 about the front of the property there on Vervalen
11 Street. Tell us about that green area that is
12 demarcated on that plan.

13 A Sure. As we walking through the parking
14 lot you will see that we are also introducing more
15 the landscaping islands. Again, trying to break
16 that massive pavement structure for parking, by
17 creating landscape islands, and, also, presenting
18 a better, esthetically better pleasing site. And
19 we are also proposing landscaping next to this
20 bank building. And, as we walk toward Vervalen
21 Street, we are proposing, basically a 20 foot
22 landscaping zone, which we can make it into form
23 of a berm, just to basically, again, break that
24 massive parking, as you're traveling on the road.
25 So, it gives a better, esthetically better

1 pleasing overall site plan. And also creates a
2 green area, so, it would be next to, basically a
3 paver sidewalk. So, we are also promoting people
4 to walk to the site rather than driving from the
5 neighboring communities.

6 Q All right. Now, I'd like you to --
7 I'd like you to talk about the main entrance, main
8 entrance into the property from Vervalen.

9 A The main entrance, the shape of the main
10 driveway, in terms of the number of lanes and the
11 geometry of the road itself, it's kept, again, in
12 consistency with what applicant is proposing.
13 But, here, we are introducing a landscape median
14 as well as a bikeway. So, there is a bikeway.
15 And also all across there are two sidewalks to
16 either side of the driveway. And then there is
17 also a substantial crosswalk right across the
18 driveway, which is paved. So, not only, again,
19 this accommodates the bikes. It also accommodates
20 pedestrians walking to the site, as well as it
21 gives a very pleasing, you know, vista as you
22 arrive to the -- to the shopping center.

23 Q All right. Now, continuing --

24 A And then --

25 Q -- continuing to the west, again,

1 you have that 20 foot landscaped area, is that
2 correct, continues on Vervalen?

3 A Yes. Basically we are extending that from
4 the movie theater all the way across this
5 driveway, and continuing to the next driveway, and
6 then all the way to the end of the property. As I
7 said, that is a 20 foot strip, not only creates a
8 buffer zone, but also is esthetically very
9 pleasing. It gets rid of some of the impervious
10 areas that we have. And it creates a landscape,
11 you know, surround it. Basically landscape
12 perimeter of the entire shopping center.

13 Q All right. And then please just
14 speak about that smaller entrance there on
15 Vervalen.

16 A Yes. And then also, this driveway exist,
17 where we are converting it into two-way driveway.
18 So, there will be traffic, you know, permitted in
19 all directions, through this driveway. Again,
20 there's another access point to this massive
21 shopping center. So, you basically need as many
22 access points as possible. We are not interfering
23 with the main traffic on the roads.

24 Q The total square footage on the
25 retail space, under this -- when I say retail

1 space, including -- including the theater, what is
2 the total square footage on the conceptual plan?

3 A It's reduced from 212,000, to roughly
4 about 180,000.

5 Q Now, with the -- now that the square
6 footage is reduced, what is the parking
7 requirement then for this 180,000 square foot?

8 A Yeah, not only this proposed concept has
9 that advantages that I just actuated, a better
10 landscaping, better plaza, safer and more walkable
11 site. Also, when you are using the site of the
12 proposed building or proposed shopping center, we
13 are also providing a better parking situation.
14 Because as the square footage of the retail area
15 gets reduced, therefore, there is less requirement
16 for parking. And also the traffic will be less,
17 of course. Because there is now smaller shopping
18 center. As you know, I.T.E. determines that there
19 is traffic generation based on the square footage
20 and the number of employees, in this case it's
21 based on square footage. So, not only this
22 reduction in size helps us in terms of parking,
23 but also in terms of the traffic.

24 Q All right. Under -- under this
25 zoning ordinance, what would be the parking

1 requirement for the 181,000 square foot shopping
2 center?

3 A It is roughly about 1,000 parking spaces.

4 Q All right.

5 A As opposed to more than, I believe 1,200
6 that is required for the regional site. And the
7 applicant is only proposing 820. So, we are
8 coming close to what the applicant is proposing.

9 Q All right. If the requirement is
10 somewhere in the neighborhood of 1,000 parking
11 spaces, how many parking spaces are provided on
12 this conceptual plan?

13 A On this conceptual plan, roughly 800.

14 Q All right. Sir, so am I gathering
15 correctly that your -- it's your opinion that this
16 plan, this conceptual plan, offers a better zoning
17 alternative and a better site design for the
18 property, as opposed to what the applicant is
19 proposing, is that correct?

20 A Definitely. Again, as I said before, you
21 will see much larger area of landscaping, a better
22 outside plaza, as opposed to the applicant's
23 proposed site plan, and a safer pedestrian routes
24 throughout the entire shopping center. We are
25 introducing bikeways, which is basically a trend,

1 many municipalities are requiring biking
2 facilities at the sites. And, also, esthetically
3 much more pleasing, and it will fit better with
4 this community.

5 MR. SEGRETO: I have no further
6 questions.

7 CHAIR LIGNOS: Okay. You have --
8 when you say, no further questions, this concludes
9 the testimony, both on the site plan and the
10 traffic?

11 MR. SEGRETO: Yes, that's correct.

12 CHAIR LIGNOS: Okay. Members of the
13 board, is there a question for Dr. Izadmehr?

14 Councilwoman, I'm going to begin --
15 and, Mayor, let me begin with you. Do you have
16 any questions?

17 MAYOR HEMANN: Not at this moment.
18 Except I do want to call attention to the fact
19 that rather than considering the applicant's
20 position, and ameliorating the applicant's plan,
21 this plan is dated from 10/07/09. And isn't
22 relevant to what we have heard up to this point.

23 CHAIR LIGNOS: Right now I'm asking
24 you for questions of this witness.

25 MAYOR HEMANN: Well, would you like

1 to explain why you're using a plan from '09
2 instead of reacting to the plan that is in front
3 of us?

4 CHAIR LIGNOS: Doctor, if I may, and
5 correct me if I'm wrong, Mayor, if you were
6 starting this site plan from scratch, would you
7 have even come up with a better site plan or did
8 you use this particular site plan for a particular
9 reason?

10 MR. IZADMEHR: Well, I used this
11 particular site plan, and because it was prepared,
12 and it was introduced in the prior application,
13 and also because this is what I would have exactly
14 done, based on what I have learned in my
15 profession. And, again, based on the trend that
16 we are following. We are basically trying to get
17 away from that massive pavement structures that we
18 see all over the places. I am pretty sure some of
19 you might have traveled outside of New Jersey, and
20 especially fascinated by what I have seen in
21 California. Most of the shopping centers have
22 just complete gorgeous landscaping. So, I am a
23 big fan of walkability. So, we have to really
24 make sure our residents, our shoppers can walk to
25 places. And also another need, has a health

1 benefit, it also improves the air quality. So,
2 this particular plan introduces the walkability
3 concept to the site plan. It introduces biking.
4 And also landscaping, plaza, people like to gather
5 and chat and communicate. So, in that respect,
6 this plan is a lot better than what was presented.
7 I mean of course we can maximize and use
8 100 percent of the property by just making it all
9 pavement, asphalt and roof of the building.

10 CHAIR LIGNOS: All right. Mayor,
11 does that answer your question as to why the
12 doctor used that site plan?

13 MAYOR HEMANN: Can I use a follow-up
14 question on that? Have you measured -- I mean you
15 are telling us that this plan allows for more
16 bicycling and walking. Have you actually compared
17 the amount of foot traffic that's available on the
18 plan that the applicant provided for us, as
19 opposed to this particular plan?

20 MR. IZADMEHR: Yes. The applicant
21 does not have any footprint between the two
22 buildings, between the K-mart building and the old
23 Stop and Shop. That's just the one example. And
24 not only that, the applicant uses plain concrete.
25 So, we are proposing pavers, which are a lot more

1 pleasing to the eye. And also, it identifies the
2 pedestrian walkways from traffic, from roads.

3 MAYOR HEMANN: You didn't answer my
4 question. I asked --

5 MR. IZADMEHR: No, I did not do
6 exact square footages of what they're proposing,
7 and what this is proposing.

8 MAYOR HEMANN: Okay.

9 MR. IZADMEHR: But, again, comparing
10 them as over all plans, this is a lot more than
11 what they're proposing, but I don't know by how
12 much more.

13 CHAIR LIGNOS: Mayor, any other
14 questions? Councilwoman?

15 MS. AMITAI: Would you just point
16 out, because I'm not quite sure what I'm looking
17 at, could you show me access into the shopping
18 center from all the points that it's possible, on
19 this plan?

20 MR. IZADMEHR: Sure. All the way on
21 the east side there is an access off of Vervalen,
22 here. The very first access by the movie theater
23 buildings. And then as you travel south, you will
24 see the main access, which is sort of in the
25 middle of the site, and then you have the third

1 access, you got all the way in the south portion
2 of the roadway. In the back you have an access
3 all the way to the east. And then you have a
4 access between the K-mart building and the old
5 Stop and Shop supermarket. And that's about it
6 basically.

7 MR. NYFENGER: Just to clarify --

8 MR. IZADMEHR: Oh, no, there is
9 also -- I'm sorry, there is also an access here,
10 all the way in the end of the property.

11 MR. NYFENGER: The northeast --

12 MR. IZADMEHR: So, there are
13 basically three accesses on each side.

14 MR. NYFENGER: I'm sorry, the
15 northeast access, is that a full access into the
16 main parking lot? It looks like it would drive
17 across the plaza.

18 MR. IZADMEHR: The northeast.

19 MR. NYFENGER: Yeah, you pointed to
20 that --

21 MR. IZADMEHR: This one?

22 MR. NYFENGER: Yeah, that one. You
23 said that was an access into shopping --

24 MR. IZADMEHR: Just to the back.

25 MR. NYFENGER: Oh.

1 MR. IZADMEHR: To the back of the
2 property.

3 MR. NYFENGER: Okay.

4 MR. IZADMEHR: Because you have
5 parking spots that you need to have access to. It
6 also provides pedestrian access too.

7 CHAIR LIGNOS: Now, Doctor, I
8 normally wouldn't jump in. I just want to get
9 this clarified. That particular entrance that
10 you're talking about, based on your traffic
11 knowledge and your expertise as an engineer,
12 having a dead end like that, coming into a plaza
13 and dying like that, is good design?

14 MR. IZADMEHR: Well, because we have
15 a building here, and we didn't want to basically
16 go through that plaza there.

17 CHAIR LIGNOS: Why would you open
18 that?

19 MR. IZADMEHR: So, you still have to
20 serve these parking spots, right? We have to have
21 provide access for all these parking spaces here.
22 So --

23 CHAIR LIGNOS: How many are those,
24 Doctor?

25 MR. IZADMEHR: It's nine parking

1 spaces there.

2 CHAIR LIGNOS: So, I'm gonna -- I'm
3 opening up --

4 MR. IZADMEHR: And also it provides
5 an exit for all these parallel -- I'm sorry, for
6 those angled parking spaces.

7 MR. DENICOLA: But if someone pulls
8 in there and there's no parking available what do
9 they do?

10 MR. IZADMEHR: They have to turn
11 around and come out.

12 MR. NYFENGER: You have to park in
13 the fire zone like I do when I park at Closter No.
14 1.

15 CHAIR LIGNOS: Please, please, one
16 at a time.

17 MR. IZADMEHR: We could stripe one
18 of them as a turn-around; the very last parking
19 spot.

20 MR. PIALTOS: But the proposed --

21 MR. IZADMEHR: So, if you come there
22 and there is no parking spaces --

23 MR. PIALTOS: -- the proposed sketch
24 right now, they're showing here about 25 spaces in
25 that -- in that particular area, and a wider exit.

1 And also they're showing nine -- nine entrances
2 and exits. Where you're saying three and three,
3 that's six.

4 MR. IZADMEHR: Yes.

5 MR. PIALTOS: So, they're showing
6 more access and exits. Plus more, instead of a
7 dead end in that one spot, 25 spaces, and also
8 access into the plaza. So, you're showing more
9 confusion, aren't you?

10 MR. IZADMEHR: No.

11 MR. PIALTOS: How?

12 MR. IZADMEHR: As I said --

13 MR. PIALTOS: If it's a dead end, if
14 you pull up to a wall, you have to turn around and
15 go back out with another car coming at you.

16 MR. IZADMEHR: No, but there's
17 enough distance there for two-way traffic.

18 MR. PIALTOS: How much room is
19 there? How many feet are there?

20 MR. IZADMEHR: It's twenty-four
21 feet.

22 MR. PIALTOS: Twenty-four feet.

23 MR. IZADMEHR: Yeah. Also, not only
24 that, we are proposing this angled parking spaces
25 here. So, this access point provides an exit for

1 those.

2 MR. PIALTOS: They had that also
3 though.

4 MR. IZADMEHR: Yeah. So, but, I
5 mean again, this is just to improve the
6 landscaping, increase the amount of plaza and
7 introduce bikeways.

8 MR. PIALTOS: So, are you improving
9 the landscaping or are you improving --

10 MR. IZADMEHR: Both.

11 MR. PIALTOS: Landscaping, yeah.
12 But not access and entrance, no.

13 MR. DENICOLA: Circulation.

14 MR. IZADMEHR: Well, I mean --

15 MR. PIALTOS: Circulation is blocked
16 by the landscaping that you're putting in there.

17 MR. IZADMEHR: As I said, it's not
18 really blocked. I mean this is pretty much common
19 though.

20 MR. PIALTOS: It looks like a dead
21 end to me.

22 MR. IZADMEHR: Well, it's a dead
23 end, but project is acceptable as long as you can
24 get out, right.

25 MR. PIALTOS: How do you get out of

1 a dead end, by turning around and going the other
2 way.

3 MR. IZADMEHR: No, no, you would
4 pull into the last parking space, which is striped
5 for turn around --

6 MR. PIALTOS: And let's say we have
7 about 3, 4 cars coming in at the same time, what
8 are they going to do, you're going to stop at the
9 dead end you're going to back out and back out.

10 MR. IZADMEHR: No, that is very
11 rarely happen. I mean it will happen.

12 MR. PIALTOS: It will happen though.
13 It will happen.

14 MR. IZADMEHR: It may happen but the
15 chances of that happening is very slim.

16 CHAIR LIGNOS: Let me go back to her
17 question and I'm going to come around.
18 Councilwoman can you please finish.

19 MS. AMITAI: So, these are -- this
20 is the current driveway solution? This is the
21 current --

22 MR. DENICOLA: This is existing.

23 MS. AMITAI: -- entrances and exits
24 --

25 MR. DENICOLA: This is the existing

1 plan.

2 MS. AMITAI: Exactly the same as
3 what we have now. Lot's more ways to get into the
4 shops. I like that. I like the idea of having
5 good access. Easy in and out.

6 CHAIR LIGNOS: Any other questions,
7 councilwoman?

8 MR. IZADMEHR: Again, this is
9 concept plan. Could be perfected.

10 MS. AMITAI: No, not right now.

11 CHAIR LIGNOS: Dr. Maddaloni.

12 MR. MADDALONI: I have two
13 questions. Have you done an analysis of the
14 economic feasibility of this plan?

15 MR. IZADMEHR: No. I mean that's
16 not part of the site plan.

17 CHAIR LIGNOS: Yeah, in all fairness
18 it wouldn't be part of the site plan.

19 MR. MADDALONI: Okay. Let me see
20 how this one goes over. You have the supermarket
21 at 27,000 square feet. In your professional
22 opinion is that an adequate size for a modern
23 supermarket?

24 MR. IZADMEHR: Well, they range from
25 anywhere from 5,000 square foot to 50,000 square

1 foot. But if you go, for example --

2 MR. MADDALONI: Let's look at how
3 many square feet is the A&P in Closter?

4 MR. IZADMEHR: I have not --

5 MS. AMITAI: Forty. Forty. Forty.
6 I think it's 40,000 square feet.

7 MR. MADDALONI: Let's just go
8 through it. What's the Shop-Rite in Emerson?
9 What's the Shop-Rite in Northvale? What's the
10 Kings in Creskill?

11 MR. IZADMEHR: I don't know what's
12 coming here but I know --

13 MR. MADDALONI: What's the Fairway
14 in Paramus?

15 MR. IZADMEHR: Fairway in Paramus,
16 if I have to guess, maybe 25,000.

17 CHAIR LIGNOS: Doctor, he, in his
18 testimony, he said that if the food retailer
19 needed to be larger, that particular retailer
20 would creep into building B. In other words, it
21 could be made larger.

22 MR. SEGRETO: Without increasing the
23 square footage of the total shopping center.

24 MR. MADDALONI: Okay.

25 CHAIR LIGNOS: Any other questions?

1 No.

2 Mr. Baboo.

3 MR. BABOO: Could can you highlight
4 the pedestrian entrances again to this proposed
5 design?

6 MR. IZADMEHR: Right very close to
7 the movie theater you have an entrance here. You
8 have a paver crosswalk, and we have this
9 pedestrian walkway, all the way to the main plaza,
10 continuing on all the way to the end of the mall.
11 End of the shopping center. So, we have
12 pedestrian access from here. And then, we have,
13 again, both site access for pedestrian from the
14 main driveway. Again, to the main plaza, all the
15 way to either side of the shopping center. And
16 then we also have access here for the pedestrians,
17 but then the rest of it they have to use up the
18 parking aisles to access the main building.

19 MR. BABOO: So, the current proposed
20 plan by the applicant, the right-hand side, the
21 first one that you were pointing to, that
22 pedestrian access is always -- it's also the same,
23 correct?

24 MR. IZADMEHR: True.

25 MR. BABOO: So, the only difference

1 would be that that main center?

2 MR. IZADMEHR: Main center, which
3 is, again, the main driveway to the shopping
4 center.

5 MR. BABOO: So, that actually goes
6 all the way down?

7 MR. IZADMEHR: All the way down and
8 gets connected.

9 MR. BABOO: To the main plaza.
10 Gotcha.

11 MR. IZADMEHR: To the main plaza and
12 also to the sidewalk in front of building.

13 MR. BABOO: It also has a bikeway as
14 well?

15 MR. IZADMEHR: Bikeway starting from
16 the main driveway, all the way to the main plaza.
17 Again, bike racks here and here. And then we also
18 have a bikeway on this side of the drive in the
19 back.

20 MR. BABOO: Okay. How do you
21 isolate the bikeway from the road? Are you using
22 curbs or --

23 MR. IZADMEHR: No. Basically we
24 have a striping, 5 feet designated, with a bike
25 symbols on the pavement. Every designs have the

1 bike design.

2 MR. BABOO: So, that's both the
3 front and back?

4 MR. IZADMEHR: Yes.

5 MR. BABOO: It's just isolated by
6 a -- by a sign?

7 MR. IZADMEHR: By sign and also by
8 marking on the pavement. And usually they're
9 colored in green.

10 MR. BABOO: Okay. Any issues with,
11 well, possible issue that a car swerving hitting a
12 bicycle or --

13 MR. IZADMEHR: No, that's basically
14 the trend. I don't know if you've seen the new
15 county roads, they introduced now bikeways. If
16 they can do it on both sides, they do it on both
17 sides. If not, on one way. And this is what they
18 mean by complete street design. That we introduce
19 bikeways, greenways, sidewalks. So, basically
20 they're trying to promote other modes of
21 transportation.

22 MR. BABOO: Okay. And you also have
23 pedestrian entrance from the back as well, that
24 green section.

25 MR. IZADMEHR: We have pedestrian

1 entrance from the back here. And also this is
2 landscaping. But we have pedestrian to the west
3 of the building. And then here they have to use
4 basically the driveway side because of the
5 loading. So, we didn't want to have a dedicated
6 pedestrian walkways there.

7 MR. BABOO: Okay. I do like the
8 pedestrian walkway that starts from the main
9 driveway and goes all the way to the end of the
10 plaza. Okay. Thank you. No further questions.

11 CHAIR LIGNOS: Ms. Stella,
12 questions?

13 MS. STELLA: The roadway that comes
14 in between the two buildings, K-mart and the
15 supermarket, that crosses the walkway and then
16 does it match up with one of the lanes? Where
17 does that traffic go when it comes in between the
18 two buildings?

19 MR. IZADMEHR: The traffic either
20 have to make a right or left and use the main
21 aisle in front of the building and then you use
22 one of the parking lots to park. No, we didn't
23 want to put it purposely in front. Because this
24 exists already. So, we couldn't really choose its
25 location. But, also, it's a better idea not to

1 line up directly with a parking lot because it
2 becomes a speeding issue.

3 CHAIR LIGNOS: Thank you.

4 MR. NYFENGER: You said your
5 practice is in Wayne?

6 MR. IZADMEHR: I have an office in
7 Wayne, yeah.

8 MR. NYFENGER: What's that, about
9 20 miles away?

10 MR. IZADMEHR: About 22 miles, yeah.

11 MR. NYFENGER: How many architects
12 do you think there are in a 20-mile radius? Right
13 here. Architects, site plan engineer, people who
14 draw the pictures?

15 MR. IZADMEHR: I assume a lot. I
16 don't know exactly how many.

17 MR. SEGRETO: I have to object to
18 the question.

19 MR. NYFENGER: Fifty? A hundred? I
20 have a reason for my question.

21 CHAIR LIGNOS: Can you get to the
22 question?

23 MR. NYFENGER: Fifty? A hundred?
24 My next question: How many versions of the plan
25 do you think we could look at if everyone put

1 together one?

2 MR. IZADMEHR: Many versions.

3 MR. NYFENGER: Okay. That's my --
4 that's my question.

5 CHAIR LIGNOS: Okay. So, is that
6 your only question?

7 MR. NYFENGER: That's it.

8 CHAIR LIGNOS: Thank you.

9 Mr. Pialtos.

10 MR. PIALTOS: Well, what are the
11 square footage on the building that you're
12 proposing?

13 MR. IZADMEHR: Roughly 180,000.

14 MR. PIALTOS: No, each one. What is
15 each one?

16 MR. IZADMEHR: Oh, each one. The
17 K-mart building, after phase II will be 62,000.
18 The supermarket, 27, which is existing size of the
19 building.

20 MR. PIALTOS: 27?

21 MR. IZADMEHR: 27,000. And then --

22 MR. PIALTOS: I thought the existing
23 is 67.

24 MR. DENICOLA: K-mart.

25 MR. PIALTOS: No, the Rudy's

1 building is 67.

2 MR. IZADMEHR: Oh, there is another
3 building next to it, 39,000.

4 MR. PIALTOS: Yeah, the entire
5 building that's there, what are you proposing?

6 MR. IZADMEHR: That building,
7 39,000.

8 MR. PIALTOS: Together what does it
9 come to?

10 MR. IZADMEHR: Together it will be
11 about 67,000.

12 MR. PIALTOS: That's what it is
13 right now though.

14 CHAIR LIGNOS: Correct.

15 MR. IZADMEHR: No, right now it's a
16 little bit more, isn't it?

17 MR. PIALTOS: No, it's 67,519 square
18 feet.

19 MR. IZADMEHR: Okay. This will be
20 exactly 66,000. So it's very close to that one.

21 MR. PIALTOS: No, not 67, 66.

22 MR. IZADMEHR: 66, yeah.

23 MR. PIALTOS: And your other
24 building?

25 MR. IZADMEHR: The other building,

1 building D, is roughly 18,000 square foot.
2 Building E is about 23 1/2, 23,000. And the movie
3 theater is exactly what I did today, which is
4 8,642.

5 MR. PIALTOS: So, 41 1/2. So,
6 almost 50,000.

7 CHAIR LIGNOS: Almost 50,00 what?

8 MR. PIALTOS: Square feet. Those
9 three together there. The way that's showing
10 them. The one building there is one building,
11 right now it's proposed at 56,992, you're
12 proposing about 50,000.

13 MR. IZADMEHR: No. These are all
14 existing.

15 MR. PIALTOS: Right.

16 MR. IZADMEHR: All these three
17 buildings are existing.

18 MR. PIALTOS: But it's not three
19 buildings though.

20 MR. IZADMEHR: Well, you label the
21 buildings B, D, E and F.

22 MR. PIALTOS: Who labeled it? I
23 don't understand. Who labeled it? You labeled
24 it?

25 MR. IZADMEHR: I said we labeled it

1 here. But not me, but L2A labeled it building B,
2 D, E, and F.

3 MR. PIALTOS: I was under the
4 impression it's one building there.

5 MR. DENICOLA: I don't know what --
6 I don't what he's got up there. I can't see.
7 I've never seen the plan before so I can't tell
8 you.

9 MR. SEGRETO: The difference is in
10 2009 the applicant talked about these being
11 different buildings. And now they changed that.
12 So, that is the slight discrepancy. Because now
13 they say these are one building. In 2009 this
14 applicant told you, and this board found, that
15 they were separate buildings. They were not
16 combined as one building. That's the discrepancy.

17 MR. PIALTOS: So, you're showing
18 62,000 --

19 MR. DENICOLA: So, you're -- I
20 can't -- we don't have the plans so we don't know.

21 CHAIR LIGNOS: Let him finish. I'll
22 come back to you.

23 MR. PIALTOS: Okay. And actually I
24 need for you to go back to that entrance access
25 into the lot in the back northeast area there.

1 How do you propose that working now, when there's
2 a dead end there?

3 MR. IZADMEHR: This one here?

4 MR. PIALTOS: Yeah.

5 MR. IZADMEHR: As I said, this will
6 work for this angled parking. So, the angled
7 parking, well, if they park here, they can exit
8 from this entrance here. And also this is for
9 this nine parking spots on the side.

10 MR. PIALTOS: So, you think that's a
11 better exit and entrance when they're showing four
12 entrances and exits on that back lot.

13 MR. IZADMEHR: We didn't talk about
14 that. It's mainly for the trucks, the loading
15 docks.

16 MR. PIALTOS: I'm asking you how
17 many exits and entrances.

18 MR. IZADMEHR: We have one, two,
19 three, four in the back. And three in the front.
20 Seven.

21 MR. PIALTOS: Okay. You're not
22 showing anything on Campbell?

23 MS. AMITAI: There's one more, yeah.

24 MR. IZADMEHR: Well, there is
25 another entrance too. But I was not focusing on

1 Campbell.

2 MR. PIALTOS: So, you're showing
3 eight all together?

4 MR. IZADMEHR: Eight all together
5 including Campbell.

6 MR. PIALTOS: They're showing nine.
7 But the part -- the one in the northeast, when
8 they're coming in, they're showing nine spaces
9 there. Because you look like you have a lot of
10 landscaping in there, an overabundance of
11 landscaping actually, in that area.

12 MR. IZADMEHR: You mean back here,
13 by the angled parking?

14 MR. PIALTOS: No, come up -- come
15 up. Come down. Right there. Is that -- you have
16 nine spaces there, you're saying, right?

17 MR. IZADMEHR: Yeah.

18 MR. PIALTOS: Nine spaces is better
19 than having 25 spaces. And they're showing access
20 into the entire mall. You're stopping it dead
21 right there. I don't understand how that would
22 work better. You're showing a blockage over
23 there.

24 MR. IZADMEHR: Well, because, as I
25 said, we were trying to protect this plaza.

1 MR. PIALTOS: Protect the -- what do
2 you mean, protect the plaza?

3 MR. IZADMEHR: We didn't want to
4 have a drive through the plaza.

5 MR. PIALTOS: Well, then why are you
6 showing something driving through in between the
7 two buildings there?

8 MR. IZADMEHR: This one here?

9 MR. PIALTOS: Yeah.

10 MR. IZADMEHR: We were trying to
11 introduce a main entrance just like what we're
12 introducing on this one.

13 MR. PIALTOS: Okay. Well, if they
14 have a main entrance on the other side --

15 MR. IZADMEHR: These two main
16 entrance to the shopping center.

17 MR. PIALTOS: Well, they have a main
18 entrance on Vervalen and then they're showing
19 another entrance on the other side there, by that
20 spot that you have a dead end, with extra parking
21 spaces also. So, I don't understand what you're
22 accomplishing there when you're moving it from in
23 between the two buildings there and you're
24 blocking it on the other side. What's the
25 difference?

1 MR. IZADMEHR: Again, the main
2 purpose of what this presents is it's a concept
3 plan. Not a final site plan. What we are saying
4 is that there are better ways of presenting the
5 site plan.

6 MR. PIALTOS: And in fact if you
7 have something coming off of Vervalen here, and
8 you have your other entrance into the main lot
9 over there, that's closer than what's on the other
10 northeast side, and it's easier for them to enter
11 in and exit out that way, than it is to go in
12 between the building at the K-mart. Because you
13 said that to make a left or a right. Where if
14 they make the left there there's a lot of
15 confusion over there, isn't there?

16 MR. IZADMEHR: I don't believe so,
17 no.

18 MR. PIALTOS: Okay.

19 MR. IZADMEHR: Again, this is not
20 going to be the final site plan. All we are
21 trying, we are trying to introduce some concepts
22 here. A concept of better landscaping. A concept
23 of bikeways. A better walkability into the mall
24 from the neighboring streets.

25 MR. PIALTOS: That may be good --

1 that may be good in a park.

2 MR. IZADMEHR: Yeah. I mean we are
3 not saying what they're presenting is not right.
4 We are saying, let's improve on that one. Let's
5 increase the amount of landscaping. Let's
6 introduce bikeways and pedestrian ways and this
7 and that.

8 MR. PIALTOS: Well, maybe in a park.
9 Okay but --

10 CHAIR LIGNOS: Do you have any other
11 questions?

12 MR. PIALTOS: No.

13 MR. NYFENGER: I'm just confused,
14 because its been referred to, this 2009 plan that
15 the applicant submitted, but isn't this a brand
16 new applicant, like corporate entity?

17 CHAIR LIGNOS: Correct. Correct.
18 They just happen to be, from what I'm
19 understanding, they're piggybacking on the 2009
20 because its closest to the conceptually better
21 plan that the Doctor believes is a better plan.
22 So, they just happen to be using the 2009.

23 MR. SEGRETO: We're using that plan,
24 submitted into evidence before this board.

25 CHAIR LIGNOS: This could have been

1 an 1847 plan.

2 MR. SEGRETO: Mr. Chairman, you
3 know, it has nothing to do with 1847 or --

4 CHAIR LIGNOS: No, no, it could have
5 been -- no, it has nothing to do with the year.
6 They found it to be a better plan.

7 MR. SEGRETO: Oh, all right. I
8 thought you were being sarcastic.

9 CHAIR LIGNOS: No, no, no, no, no.

10 MR. NYFENGER: So, these are
11 suggestions of what a plan could be.

12 CHAIR LIGNOS: Correct. Correct.

13 MR. NYFENGER: And as to my point
14 before, we could be looking at 50 different
15 suggestions.

16 CHAIR LIGNOS: You made that point.
17 Ms. Isacoff.

18 MR. NYFENGER: I was very confused.
19 Makes sense now.

20 MS. ISACOFF: Nothing.

21 CHAIR LIGNOS: None.

22 Mr. DiDio.

23 MR. DENICOLA: I understand your
24 philosophy with regard to this plan. There is a
25 few concepts that I like. There is a few that I

1 don't really care for. One of the concepts that I
2 like, is in regard to increasing the green space.
3 I happen to like the fact that on the Vervalen
4 Street main entrance you added a green median
5 through the center.

6 MR. IZADMEHR: True.

7 MR. DIDIO: However, by adding a
8 green median through the center, that has to take
9 away from something. And my assumption is that
10 that something in this specific case would be
11 parking. How many parking spots does that
12 greenway take away?

13 MR. IZADMEHR: Overall we are
14 reducing the number of parking which has been
15 proposed by the applicant by 20. But on the other
16 hand, we have also reduced the footprint of the
17 buildings.

18 MR. DIDIO: Right. I understand.
19 Let me rephrase my question slightly different.

20 MR. IZADMEHR: So, I don't know, to
21 answer your question, I don't know exactly how
22 many is being reduced because of the landscaping,
23 but I'm looking at the overall picture.

24 MR. DIDIO: All right. I'm going to
25 rephrase my question and give it to you in a

1 different way, which you might be able to answer.
2 In this proposal, the total main entrance, from
3 east to west, because the length is the same.

4 MR. IZADMEHR: Sure.

5 MR. DIDIO: So, from east to west is
6 how wide, compared to the applicant's proposal?
7 What is the difference in the width of your main
8 entrance with the greenway versus that of the
9 applicants? And how would that difference
10 translate into parking spaces?

11 MR. IZADMEHR: It's about 20 feet
12 more than what the applicant is proposing.

13 MR. DIDIO: Okay. So, let me just
14 make sure I understand. So, you're saying your
15 proposal is 20 feet wider?

16 MR. IZADMEHR: Exactly.

17 MR. DIDIO: For a length of how many
18 feet?

19 MR. IZADMEHR: For the length of
20 about, I would say 250 feet.

21 MR. DIDIO: Okay. So --

22 MR. MADDALONI: Divide that by 9 and
23 you go the number of spots.

24 MR. DIDIO: Theoretically what would
25 that be in terms of parking spots?

1 MR. IZADMEHR: Roughly 25.

2 MR. DIDIO: Okay. All right.

3 Because I happen to like the greenway. I think
4 that would add a nice flavor to it, so-to-speak.
5 My other question is: I also like the fact of
6 keeping the roadway between K-mart and the
7 supermarket. If you were to do that, building B,
8 how far easterly would you have to go to make up
9 that square footage? How many feet in an easterly
10 direction to make up that same square footage?

11 MR. IZADMEHR: I would say about
12 25 feet.

13 MR. DIDIO: Twenty-five square feet.
14 Twenty-five feet. So, would that be equivalent to
15 one less store there?

16 MR. IZADMEHR: Yeah. Or there is
17 sort of a added building to the K-mart building,
18 that I noticed when I was visiting the site.

19 MR. DIDIO: What do you mean an
20 added building?

21 MR. IZADMEHR: It looks like there
22 was an addition.

23 MR. DENICOLA: --

24 MR. IZADMEHR: Yeah, on the side of
25 the building. Even has a lower roof than the main

1 building. So, possibly the applicant could remove
2 that portion of the building and add it to this
3 driveway.

4 MS. AMITAI: Where they used to
5 serve food.

6 MR. DIDIO: Okay. Okay. Okay.

7 MS. AMITAI: Remember in the olden
8 days.

9 MR. DIDIO: Way back.

10 CHAIR LIGNOS: That was before you
11 were born.

12 MR. DIDIO: Not really. I'm older
13 than you think. I'm older than you. Okay. Thank
14 you for answering my question.

15 CHAIR LIGNOS: Mr. Sinowitz.

16 MR. SINOWITZ: I have no questions.

17 MR. DENICOLA: None.

18 CHAIR LIGNOS: Okay. Concepts are
19 wonderful, but if I can't match apples with apples
20 and oranges with oranges, I don't -- I don't
21 understand things. So, let's begin. The width of
22 your parking space, your width times length of
23 your parking space, what are the two dimensions?
24 You claimed in your testimony you have about 800
25 cars.

1 MR. IZADMEHR: Yes.

2 CHAIR LIGNOS: So, the about bothers
3 me because I need to know exactly what you have so
4 I can compare apples with apples. But let's say
5 you have 800, what is the width of your parking
6 space?

7 MR. IZADMEHR: 9 X 18.

8 CHAIR LIGNOS: Okay. So, do you
9 know what the zoning is in our town?

10 MR. IZADMEHR: For parking?

11 CHAIR LIGNOS: Yeah.

12 MR. IZADMEHR: I don't know exactly.
13 I can't remember now.

14 CHAIR LIGNOS: Okay. But you've
15 made them 9 X 18 because --

16 MR. IZADMEHR: Just a standard
17 parking space.

18 CHAIR LIGNOS: Okay. The width of
19 your aisles, are what?

20 MR. IZADMEHR: Twenty-four.

21 CHAIR LIGNOS: Do you know what is
22 required by our police and/or fire department?

23 MR. IZADMEHR: I believe it's 26.

24 CHAIR LIGNOS: So, right now this
25 conceptual plan would not meet with our fire

1 needs, is that correct?

2 MR. IZADMEHR: That's correct.

3 CHAIR LIGNOS: Okay. So, in
4 essence, what you're showing us, although could be
5 a nice concept, it would not fit, would not meet
6 some of that criteria that we have for life
7 saving, is that correct?

8 MR. IZADMEHR: Well, 24 is a
9 national standard, you know.

10 CHAIR LIGNOS: Twenty-four is a
11 national standard. Do you know the size of our
12 fire truck? Again, I'm asking.

13 MR. IZADMEHR: The same fire truck
14 is all over the country. I mean it's not unique
15 to Closter.

16 CHAIR LIGNOS: Then is your radius,
17 what you're showing, is your radius for a fire
18 truck?

19 MR. IZADMEHR: Yes.

20 CHAIR LIGNOS: What radius are you
21 showing? Because I can't see it again. I have to
22 agree with Dr. Maddaloni, it's at a disadvantage
23 when I can't have an understanding of the drawing.
24 Are you showing a 50 foot radius on your turn?

25 MR. IZADMEHR: No.

1 CHAIR LIGNOS: Okay.

2 MR. IZADMEHR: Fifty, again, is too
3 excessive, in my opinion.

4 CHAIR LIGNOS: And what wouldn't be
5 too excessive?

6 MR. IZADMEHR: I would normally use
7 anywhere from 15 to 35.

8 CHAIR LIGNOS: Fifteen for a fire
9 department -- for a fire?

10 MR. IZADMEHR: No, no, no, I said on
11 a site plan, depending upon the specific location.

12 CHAIR LIGNOS: What do you mean --
13 sir, you're a traffic engineer. What would you
14 use for a fire engine to turn?

15 MR. IZADMEHR: Thirty-five.

16 CHAIR LIGNOS: Thirty-five. Are you
17 showing a 35 on that drawing?

18 MR. IZADMEHR: In some locations,
19 yes.

20 CHAIR LIGNOS: In some locations but
21 not necessarily all of them, correct?

22 MR. IZADMEHR: That's correct.

23 CHAIR LIGNOS: So, again, we're not
24 meeting, necessarily, the life safety on that,
25 with that plan. Can you please tell me the ratio

1 of cars per square footage? Are you getting 4
2 cars per thousand here? What are you getting?

3 MR. IZADMEHR: This is roughly
4 180,000 square feet. You have 800. Right? So,
5 it's about 225, 250.

6 CHAIR LIGNOS: So, you're getting
7 about 4 cars per thousand?

8 MR. IZADMEHR: Four cars about. A
9 little bit more than 4.

10 CHAIR LIGNOS: Okay. Well, we're
11 getting a little bit more than 4, but we haven't
12 met, necessarily, the width criteria, which may
13 actually reduce our. So, in essence, we might be
14 at 4 or a little bit less, which is no different
15 than, I understand we are today with the
16 applicant's site plan.

17 MR. IZADMEHR: Yes, true. And your
18 ordinance requires 1 per 175.

19 CHAIR LIGNOS: Correct. Correct.
20 Right. I know that. By the way, that's a good
21 question. Based on your experience, is 1 per 175
22 excessive for parking for a -- for a site shopping
23 center of this size?

24 MR. IZADMEHR: For a normal shopping
25 center, yes.

1 CHAIR LIGNOS: Okay. Thank you.

2 MR. IZADMEHR: You're welcome.

3 CHAIR LIGNOS: Outdoor eating is
4 something that we've seen with the applicant's
5 plan. Where would you recommend restaurants, if
6 any, would be placed in this conceptual plan?

7 MR. IZADMEHR: I would recommend in
8 this building. We haven't given a lot of thought.
9 Because I don't know. Maybe in this building
10 here.

11 MR. SEGRETO: All right, well, for
12 our purposes you have building -- buildings are
13 identified with letters. So, why don't you tell
14 us.

15 CHAIR LIGNOS: Right.

16 MR. IZADMEHR: Okay, portion of
17 building D.

18 CHAIR LIGNOS: Where would they eat,
19 Doctor, and apologize, if I'm -- where would they
20 eat at B, for instance?

21 MR. IZADMEHR: They could eat here
22 in this plaza.

23 CHAIR LIGNOS: So, the pedestrian
24 plaza would be the place that would also have to
25 have tables? In other words, the restaurant can't

1 have secluded outdoor seating, they would have to
2 be part of the public seating?

3 MR. IZADMEHR: They could have -- we
4 could rearrange this parking, or remove this
5 parking spots here.

6 CHAIR LIGNOS: No, you gave those 9
7 parking spaces with a dead end entrance. It has
8 to be one or the other. I mean I agree with you.

9 MR. IZADMEHR: You're asking a
10 hypothetical question and I'm trying to answer
11 your question.

12 CHAIR LIGNOS: No, no, but what I'm
13 saying, enter very good things about the plan, and
14 I was kind of hoping that you would -- you'd
15 elaborate on them. I'm asking you that if you --
16 if that entrance, which is a dead end entrance,
17 was taken away, you would -- you would be reducing
18 the entrances that Mr. Pialtos was talking about,
19 from 8 to 7, but you -- you would be inclined to
20 put outdoor eating in that area, is what you're
21 just saying now, am I correct?

22 MR. IZADMEHR: Yeah. Yes, you
23 could. That could be one possibility.

24 CHAIR LIGNOS: That's one. What
25 other?

1 MR. IZADMEHR: Possibly here.

2 MR. SEGRETO: When you say, here
3 please --

4 MR. IZADMEHR: Again, in front of
5 building E.

6 CHAIR LIGNOS: You want me to eat
7 right on Vervalen? Now, based on your experience
8 --

9 MR. IZADMEHR: Again, but with this
10 concept plan --

11 MR. SEGRETO: I don't think that's a
12 correct characterization. There's a plaza there.
13 You're not eating directly on Vervalen.

14 MR. IZADMEHR: Not only that you can
15 use the berm, 20-foot landscaped berm to cover
16 that area. So, it will protect the public as
17 they're eating.

18 CHAIR LIGNOS: Doctor, right now
19 there's a sidewalk where you're proposing that
20 berm.

21 MR. IZADMEHR: I understand. So --

22 CHAIR LIGNOS: It's got to be one or
23 the other. Our town has a sidewalk --

24 MR. IZADMEHR: You can still have a
25 sidewalk in front of the berm.

1 CHAIR LIGNOS: I'm talking about --

2 MR. IZADMEHR: I mean --

3 CHAIR LIGNOS: It's another one of
4 those conceptual.

5 MR. IZADMEHR: This is what is
6 called redevelopment plan, right, so, you're going
7 to have to redevelop the site.

8 CHAIR LIGNOS: Now, based on your
9 experience with shopping centers, and I understand
10 it's not extensive, but stores that have this very
11 long facade, seem to be designed in the past,
12 usually we break -- is there a reason why you
13 chose something so linear like that?

14 MR. IZADMEHR: No. Well, as I said,
15 this was not prepared by me, but I liked the
16 concepts that were presented.

17 CHAIR LIGNOS: Correct. So, if you
18 like the concepts that were presented, what about
19 that flat face fast straight edge facade did you
20 like about it?

21 MR. IZADMEHR: Well, that, again,
22 this is a concept plan. It's shown as a square or
23 rectangle. But I'm pretty sure the applicant's
24 architect can introduce beautiful facades, you
25 know, that will break that linear facade.

1 CHAIR LIGNOS: Without reducing,
2 further, the square footage you think?

3 MR. IZADMEHR: Yes, of course.

4 CHAIR LIGNOS: You made an
5 interesting observation. If you kept the roadway
6 between, or the driveway between the present
7 Sears, K-mart, and the old Grand Union, did you
8 put in a planter in that? Did you make that a
9 boulevard, that driveway? Is there a green down
10 the middle?

11 MR. IZADMEHR: Yes, there is.

12 CHAIR LIGNOS: Sir, did you measure
13 that driveway?

14 MR. IZADMEHR: Well, as I said, this
15 is not exactly the existing driveway. We are
16 introducing a new driveway.

17 CHAIR LIGNOS: Oh, you're widening
18 it?

19 MR. IZADMEHR: Widening it, yeah,
20 sure.

21 MR. MADDALONI: Taking it from the
22 K-mart building.

23 CHAIR LIGNOS: You're taking it from
24 the K-mart side?

25 MR. IZADMEHR: Mm-mm.

1 CHAIR LIGNOS: Okay. And let me ask
2 you this: Because you did say in your testimony,
3 that the present square that is about 27,000
4 square feet, and you did admit that big boxes
5 could be up to 50, I think is the number you said,
6 and that you would take further from building B,
7 is it, sir?

8 MR. IZADMEHR: Yes.

9 CHAIR LIGNOS: Do you know whether
10 these big box retailers are willing to live in non
11 rectangular or non square footprints?

12 MR. IZADMEHR: Yes.

13 CHAIR LIGNOS: They can live in
14 abnormal footprint? You know that?

15 MR. IZADMEHR: Yes.

16 CHAIR LIGNOS: Okay.

17 MAYOR HEMANN: John.

18 CHAIR LIGNOS: One second. Finally,
19 I understand from this concept plan that having
20 more pedestrian walkways and having more plazas
21 would be ideal. And I happen to agree with you.
22 It's always something that is welcome. To that
23 end, there's got to be a point where the plaza
24 is -- becomes insignificant, because just by
25 making it that much bigger, you're not gaining

1 that much more attendance, or it's not as
2 necessarily more welcoming, because it's an extra
3 500 square feet. Do you have any idea what that
4 magic ratio is, building to open area?

5 MR. IZADMEHR: I've seen some
6 numbers. I don't know what exactly the magic
7 number is. But I've seen 80, 20, 25, 75.

8 CHAIR LIGNOS: Okay. But clearly,
9 Doctor, you're not saying that you have anything
10 25, 75 here, right?

11 MR. IZADMEHR: No.

12 CHAIR LIGNOS: Would you say here
13 your 5 percent, 95 percent?

14 MR. IZADMEHR: Maybe 10 to 90 here.

15 CHAIR LIGNOS: Okay. Okay.

16 Mayor.

17 That's all I have.

18 Mayor.

19 MAYOR HEMANN: Yeah, I have a
20 question. You are, in this plan, proposing to
21 take some space away from K-mart building, this is
22 building A?

23 MR. IZADMEHR: Or from building B.
24 I don't know.

25 MAYOR HEMANN: No, but on the K-mart

1 building --

2 MR. IZADMEHR: K-mart building or
3 building A?

4 MAYOR HEMANN: On the K-mart. And
5 you want to take space away. There's a lease on
6 that building which lasts until two years hence.
7 Does that mean this project can't begin until two
8 years hence?

9 MR. IZADMEHR: No, this project, as
10 the applicant also is proposing, could be done in
11 phases, in phase A we are not touching --

12 MAYOR HEMANN: So, you're proposing
13 two phases, is that correct?

14 MR. IZADMEHR: I said, I'm not
15 proposing any phases. I'm saying the applicant is
16 proposing two phases. Phase A and phase B. So,
17 if they are not touching K-mart's building in
18 phase A, but they are altering in phase B. So,
19 the same thing could be done with this plan.

20 MAYOR HEMANN: But you couldn't
21 install that double driveway?

22 MR. IZADMEHR: No.

23 CHAIR LIGNOS: Mayor. Mayor. If I
24 may, the Doctor is proposing that he could take it
25 either from Sears or from the old Grand Union.

1 So, in theory, if you have a lease that can't be
2 touched on K-mart, you have to take it off of the
3 present Grand Union, to widen.

4 MR. SEGRETO: Or do it in phase II.

5 CHAIR LIGNOS: Or put the boulevard
6 in in phase II.

7 MR. IZADMEHR: Yeah. Maintain the
8 existing driveway, but then do it in phase II.

9 CHAIR LIGNOS: Any other member of
10 the board having questions? I now open up this
11 portion of the meeting -- I don't see any or hear
12 any, so, therefore, I'm opening up this portion of
13 the meeting to the public. Any member --

14 Mr. Basralian, if it's okay with
15 you, I was gonna do it after the public, is that
16 okay? Is that all right.

17 MR. BASRALIAN: Sure.

18 CHAIR LIGNOS: Sir.

19 MR. ROSENBLUME: Jessie Rosenblume,
20 65 Knickerbocker Road. Does your plan make a
21 better connection between the shopping center and
22 Main Street? A better merger? A better
23 connection?

24 MR. IZADMEHR: I think so.
25 Definitely by introducing two main access points

1 from two main streets.

2 MR. ROSENBLUME: Right. Right.
3 because I believe that the Borough is trying to
4 do. Is there a combination.

5 MR. IZADMEHR: The rear of the
6 shopping center is very blunt. I mean it needs
7 some life.

8 MR. ROSENBLUME: Right.

9 MAYOR HEMANN: In what way is that
10 so?

11 MR. IZADMEHR: There is nothing
12 there. Basically you see a huge wall there. I
13 mean you don't see any windows, you don't see any
14 lights. You don't see any sign of life. So --

15 MAYOR HEMANN: That's all.

16 CHAIR LIGNOS: Any other questions
17 from the public? I see and hear no -- no member
18 of the public having a question of this witness,
19 so now I'm going to go to Mr. Basralian. Mr.
20 Basralian, do you have cross on this?

21 MR. BASRALIAN: I have several
22 questions, yes.

23 CHAIR LIGNOS: Yes, sir, go ahead.

24 EXAMINATION BY MR. BASRALIAN:

25 Q Doctor, did you review the zoning

1 ordinances of Closter?

2 A I have briefly looked at it, yes.

3 Q And you also said that while you
4 didn't design this plan, this is exactly as a
5 concept plan which you would have designed?

6 A Yes.

7 Q When you're -- are you not aware
8 then that the number of buildings you propose,
9 exceeds the maximum that's permitted under the
10 zoning ordinance?

11 A That's correct.

12 Q So that you would not be before this
13 board, because you said that if you started from
14 scratch, this is what you would propose, you would
15 be before another board.

16 MR. SEGRETO: I'm going to object to
17 the -- to the question. In terms of the
18 buildings, all right, again, in 2009, this
19 applicant came before this board.

20 MR. BASRALIAN: That's not -- excuse
21 me, don't refer to this applicant. It's an
22 applicable perhaps.

23 MR. SEGRETO: No, it was this
24 applicant.

25 MR. BASRALIAN: No, it was not this

1 applicant.

2 MR. SEGRETO: I'm not going to argue
3 about it. My understanding is that the Ironny's
4 still have an interest in it. The Ironny's -- the
5 Ironny's came in with an application, and during
6 that application they indicated exactly how it's
7 depicted on our conceptual plan, that their --
8 that their supermarket was building A, and next to
9 it was building B.

10 MR. BASRALIAN: Objection. This is
11 not the question I asked him. This objection is
12 raised to the wrong issues.

13 MR. SEGRETO: I understand. And
14 they had a building C, a building D, a building E.
15 All right. And now they talk in terms of this is
16 retail A, this is retail B. They changed the
17 number of buildings. All right. So, that is the
18 difference between this conceptual plan, all
19 right, which talked about buildings like they
20 talked about buildings, in 2009.

21 MR. CHAGARIS: All right. The
22 objection is overruled. You can continue.

23 MR. BASRALIAN: How can you object
24 -- overrule an objection when the question is,
25 he's referring to something that I wasn't here

1 for, nor was this applicant here for, referring
2 back to 2009.

3 MR. CHAGARIS: No, he had an
4 objection to your question. But you can proceed.

5 MR. BASRALIAN: Well, clearly this
6 witness said that even though he didn't design the
7 plans, this is exactly what he would do, in
8 response to a question; if you starting over, what
9 would you design. He said, this is exactly what
10 it would be. And I asked him whether he was
11 familiar with the zoning ordinances, he's not.
12 But clearly we wouldn't be before this board with
13 a clean slate if you had four buildings.

14 MR. CHAGARIS: Okay. The next
15 question is.

16 BY MR. BASRALIAN:

17 Q So, in addition to the other
18 deficiencies that you've gone through in your
19 plan, this would not be the appropriate board,
20 because you're only permitted one principal
21 building on a lot.

22 A That's correct.

23 Q Now, how many buildings does your
24 plan call for?

25 A Three buildings. Four. Four I'm sorry.

1 There's one here too. Four buildings.

2 Q How many buildings does the
3 applicant call for in its plan?

4 A Two. If I remember correctly, two.
5 Three. I'm sorry. Three.

6 Q Thank you. Okay.

7 A I forgot the bank.

8 Q Well, it's there, and that's what
9 exists. What is the percentage of green area on
10 your plan as to the total site?

11 A I did not calculate that.

12 Q And what is the percentage of plaza
13 area to the total site?

14 A Again, I don't know the exact number.

15 Q Do you know what it is for the
16 applicant's plan?

17 A Yes, I do.

18 Q What is it?

19 A I have to look it up. I remember looking
20 at it before. I believe it's two percent of the
21 overall site.

22 Q Well, if you looked it up you would
23 find that answer is incorrect. The plans speak
24 for themselves. So, there's no reason to go
25 forward.

1 A It's in the plans, but I don't remember.

2 Q Have you designed a site plan with a
3 supermarket?

4 A No.

5 Q Have you ever designed a site plan

6 --

7 A I did work on a plan with a supermarket.

8 Q No, I asked you: Did you design it
9 yourself?

10 A No, not myself.

11 Q Did you -- would it not be
12 reasonable for a site engineer, when laying out a
13 site, to also consult with the applicant as to the
14 feasibility of depth of buildings and layouts, in
15 order to make it an economically feasible project
16 in order to make it successful?

17 A Usually that happens, yes.

18 Q Did you consult with anyone on this
19 site plan, your client, about A&P?

20 A No.

21 Q Did you consult with a party that
22 designed this plan?

23 A No.

24 Q How does the -- or do you know the
25 number of new trees that are being proposed by the

1 applicant in this site plan, to, in his opinion to
2 beautify the shopping center?

3 A I know there are a few of them, but I
4 don't know exactly how many.

5 Q All right. The applicant also
6 proposes to open up the easterly drive because
7 that would allow ingress and egress to the plaza,
8 and allow access from the northeast portion of the
9 project to Homans, and for those cars going east,
10 to the light at Piermont. Why would your concept
11 plan not follow that same theory or same proposal
12 in order to exit cars from the center?

13 A Well, as I said, this was prepared
14 already. And I liked the concept. So, I didn't
15 alter this plan. And that might be another
16 concept plan, another version of this particular
17 concept plan. As I said, this is by no means a
18 final site plan. It's just a concept plan.

19 Q Versus what the applicant has
20 presented as a preliminary and final site plan?

21 A That's correct.

22 Q And his testimony -- have you
23 reviewed the testimony of the engineer with
24 respect to why the plan was laid out the way it
25 was?

1 A No.

2 Q There's also another access point,
3 you gave no credence to, which was to Lewis Street
4 off to the west. There is an access point, is
5 there not?

6 A You mean Campbell?

7 Q Campbell.

8 A Yeah, which ends up in Lewis.

9 Q Okay. But isn't that a viable
10 access point?

11 A Yeah. Well, this also has that access.

12 Q Okay. But so does the plan that the
13 applicant has proposed.

14 A That's correct.

15 Q So, while it eliminates the driveway
16 between the -- pardon me, the existing K-mart and
17 the vacant Grand Union/Stop and Shop, it's plan
18 substitutes it with a full access at the northeast
19 corner.

20 A Yeah, but it's all the way at the
21 northeast corner. It's not at the center of the
22 shopping center.

23 Q Did you do an analysis as to the
24 amount of traffic or the extent of the traffic
25 that goes in and out of the center that utilizes

1 that driveway between the two buildings?

2 A Yes, I looked at the numbers.

3 Q Did you do an analysis?

4 A There were not that many. The existing
5 numbers are not that many.

6 Q Then the loss of that wouldn't have
7 an impact if you have -- a significant impact if
8 you have a two-way access at the northeast corner.

9 A It will not. It may not have that much of
10 an impact.

11 Q Thank you. You also indicated that
12 you were installing a bike lane between the two
13 buildings, and for the main access, with a
14 specific bike lane. Where do those bikes go to a
15 bike lane once they exit the shopping center since
16 there are no shoulders on either Homans or on
17 Vervalen?

18 A Well, they could use, as I said, they
19 could use the public roadways. They could use the
20 sidewalks. But that's the trend. So, we have to
21 start from somewhere, right. So, we cannot do all
22 the bikeways in town in one shot.

23 Q And what's the significance of
24 having a bike lane if they exit into roadways with
25 traffic?

1 A Well, that's the case everywhere else.
2 Bikeways are usually coexist with traffic. They
3 are not unique.

4 Q But what's the purpose of
5 introducing them here then, if there are no bike
6 lanes anywhere else?

7 A As I said, this is a new policy that the
8 federal government is promoting. The State of New
9 Jersey has adopted it. And many towns have
10 adopted it. I'm not sure if Closter has adopted
11 this complete street design features or not. But
12 we -- I just did a gas station in Wayne Township,
13 and I have a bikeway to a gas station. Because
14 there's community need for it. And as a matter of
15 fact, the town required us to put a bike rack next
16 to the community. So, this is, again, is the
17 future trend, and we are trying to promote
18 biking/walking.

19 Q Are you familiar with the
20 applicant's plan to provide bike racks within the
21 shopping center as well?

22 A Yes.

23 MR. BASRALIAN: I don't have any
24 further questions, Mr. Chairman.

25 CHAIR LIGNOS: Okay. Thank you.

1 Mr. Segreto, anything else?

2 MR. SEGRETO: Yeah, I do. Very
3 briefly.

4 BY MR. SEGRETO:

5 Q Doctor, with regard to the line
6 that's shown on the conceptual plan that is
7 separating building A and building B, is there
8 any, you know, significance to that line
9 separating the two buildings in terms of this
10 conceptual plan? And that is, could you simply
11 remove that line, and if it is essentially one
12 building now, make it one building in -- in this
13 conceptual plan?

14 A Sure.

15 Q Now, same thing: With regard to the
16 line that you're showing between existing building
17 D, and existing building E, could you do the same
18 thing, that is eliminate it?

19 A Yes.

20 Q And would it have any effect on the
21 conceptual plan?

22 A No.

23 Q All right. Now, one last question,
24 and that is, that you did indicate that you worked
25 on a -- worked on a site plan. You did not design

1 it, but the site plan of, am I correct, large
2 shopping center, is that correct?

3 A Yes.

4 Q All right. And what was that
5 shopping center?

6 A It was a Walmart supermarket, version of
7 the Walmart in Hawthorne.

8 Q All right. Is that an existing
9 Walmart or was that a proposed?

10 A No, it never materialized.

11 Q Were you the engineer for the
12 applicant?

13 A No, I was not. I was part of the group
14 that worked on it.

15 Q And how large was that Walmart
16 supermarket?

17 A If I remember correctly, it was about
18 60,000 square feet, 50 to 60,000.

19 MR. SEGRETO: I have no further
20 questions.

21 MR. IZADMEHR: And that was a main
22 anchor. There were other retailer stores in the
23 shopping center.

24 CHAIR LIGNOS: I've closed the
25 meeting to the public, sir, because I had a raised

1 hand. I'm sorry, Mr. Segreto, you said you had no
2 further questions.

3 MR. SEGRETO: No further questions.
4 Sorry.

5 CHAIR LIGNOS: All right. I believe
6 that that concludes your witnesses.

7 MR. SEGRETO: That concludes our
8 witnesses. And the only thing I would like to do
9 is move Exhibits O-1 through O-6 into evidence.

10 CHAIR LIGNOS: Okay.

11 MR. CHAGARIS: Do you have -- did
12 you take those back the last time, the exhibits?

13 MR. SEGRETO: I don't believe so. I
14 have more copies if the board does not doesn't
15 have --

16 MR. BASRALIAN: Would you reiterate,
17 for the record, what those were -- those marked
18 for identification, but there was no proffer as to
19 how they come into the evidence other than
20 Mr. Segreto saying two of them, one or two of them
21 were of record.

22 MR. SEGRETO: Exhibit O-1
23 applicant's 2012 plan, part of their 2012 plan,
24 that shows the freestanding building G, and the
25 parking lot where the -- and that was I think

1 sheet 6 of the Omland overall plan, and that to
2 the new proposed building G, where there's now
3 proposed a subdivision.

4 MR. BASRALIAN: Excuse me. What
5 relevance is that plan to the applicant's
6 application before the board, since it was totally
7 withdrawn before the board even acted on any part
8 of it?

9 MR. SEGRETO: Right. And it's
10 related to O-2, which is Arthur Chagaris's letter
11 to Mr. Basralian, dated January 21, 2013. Again,
12 that goes to both of those -- both of those
13 exhibits go to the issue of jurisdiction of this
14 board, because I think it's the opinion that's set
15 forth by Arthur Chagaris's, in his letter of
16 July 21, 2013, with regard to that plan, and why
17 the board did not have jurisdiction, is the same
18 reasoning that should have been applied to this --
19 to this matter, and that is that the board does
20 not have jurisdiction.

21 O-3 is a recorded deed from the
22 Ironny's to Valley Savings and Loan, dated June
23 26th, 1985. And that's when they subdivided off a
24 portion of their property.

25 Exhibit O-4 is the agreement dated

1 April 11, 1973, between Closter Plaza, Inc., and
2 Grand Union and Citizens National Bank, and the
3 Borough of Closter. And that agreement
4 specifically places restrictions on this property,
5 and it's a recorded agreement with regard to that
6 center driveway between the K-mart and the Stop
7 and Shop, as well as the buildings that we've had
8 a lot of discussion -- I mean the driveway we've
9 had a lot of discussion about, which is in, I
10 guess, the northeast corner of the property. And
11 it provides that there should not be a drive-thru,
12 and that is, that you should not allow cars to
13 come into that entrance and go into the front of
14 the property.

15 And, finally, with regard to Exhibit
16 O-5, that was the memorandum of amended and
17 restated lease, Closter Marketplace and Whole
18 Foods. Again, that's a recorded document.

19 Moving ahead. And then, finally,
20 O-6 was the conceptual plan --

21 CHAIR LIGNOS: Can we get a copy of
22 O-6, Mr. --

23 MR. SEGRETO: No, O-6,
24 unfortunately, I only have -- I only have the one
25 on the board. I could possibly get it from --

1 CHAIR LIGNOS: Could we get that --
2 could we get that for the record?

3 MR. SEGRETO: Yes, I will -- yeah, I
4 will provide the board --

5 MR. BASRALIAN: Then I ask it be
6 marked and be left here as part of the record.

7 MR. SEGRETO: Yeah, absolutely,
8 we'll leave it here and then --

9 MR. CHAGARIS: You have to leave it.

10 MR. SEGRETO: Marked tonight then.

11 MR. CHAGARIS: Let's mark it before
12 we close it.

13 CHAIR LIGNOS: Can you mark it 0--

14 MR. SEGRETO: Yeah, we'll mark it
15 0-6, and put the date, December 4th, 2013.
16 Please, Doctor.

17 MR. CHAGARIS: Mr. Basralian, do you
18 have any objection to these exhibits?

19 MR. BASRALIAN: I will state, for
20 the record, I have objections to all of them.

21 MR. CHAGARIS: You do?

22 MR. BASRALIAN: Yes.

23 MR. CHAGARIS: Okay. Let's start
24 with the first one; 0-1. And your objection is
25 based on the fact that it's not the present

1 application?

2 MR. BASRALIAN: That's correct.

3 MR. CHAGARIS: Excuse me. And 0-2
4 is not based on the current application?

5 MR. BASRALIAN: That's correct.

6 MR. CHAGARIS: And 0-3, where is --
7 0-3, is the deed from Ironny's, between Ironny's
8 and Valley.

9 MR. BASRALIAN: There's no proffer
10 of what the purpose of the deed is. All it is, is
11 a proffer of a deed that's a public record without
12 any purpose. There's no -- there were no
13 proofs -- there were no proofs submitted as to --
14 or testimony submitted as to why it's a relevant
15 document to this application.

16 MR. SEGRETO: It's absolutely
17 relevant because this is a nonconforming lot and
18 they continue to subdivide off pieces of property
19 making it smaller and intensifying the --

20 MR. BASRALIAN: Objection. Because
21 it is a conforming lot by many, many acres. So,
22 to make a statement that it's a nonconforming lot
23 is inappropriate and plain wrong.

24 MR. SEGRETO: Well, we'll argue
25 about that another day.

1 MR. BASRALIAN: No, it's -- no,
2 it's -- there is a -- there's a statute -- there's
3 an ordinance requirement for a minimum acre size.
4 A minimum size of a lot. This property far
5 exceeds the minimum requirement for this zone.
6 So, to characterize the property as a
7 nonconforming lot is wrong.

8 MR. CHAGARIS: And O-4, the
9 agreement between Closter Plaza Inc., and the
10 Borough, you object to that as well?

11 MR. BASRALIAN: Again, it's a public
12 record.

13 MR. CHAGARIS: And O-5 is the
14 memorandum of lease?

15 MR. BASRALIAN: Again, it's a public
16 record. There's no -- nothing has been proffered
17 as to why this should be part of the objector's
18 exhibits to this application.

19 MR. CHAGARIS: And O-6, same
20 grounds?

21 MR. BASRALIAN: I've already stated
22 my objection. It's irrelevant. It doesn't
23 conform.

24 MR. CHAGARIS: I think, for purposes
25 of their introduction into evidence, I think some

1 of them may have more relevance than others.
2 Maybe they don't. But I think the board is able
3 to discern the relevance of these documents. I
4 don't think there's any reason not to include them
5 as evidence as part of the objector's case. So,
6 they should be admitted in evidence as part of the
7 objector's case.

8 CHAIR LIGNOS: Now, Mr. Basralian,
9 we have a meeting scheduled, this board has a
10 meeting scheduled for Thursday of next week. I
11 believe it's the 12th.

12 MR. CHAGARIS: Will you be having
13 any rebuttal witnesses?

14 MR. BASRALIAN: No.

15 MR. CHAGARIS: No.

16 CHAIR LIGNOS: Will you be prepared
17 for summation?

18 MR. BASRALIAN: Yes.

19 CHAIR LIGNOS: Okay. In that case
20 then I'm going to ask the board to obviously
21 have --

22 MR. ROSENBLUME: Are you going to
23 open to the public?

24 CHAIR LIGNOS: Open what? I had
25 opened the meeting.

1 MR. SEGRETO: Not for testimony or
2 comments.

3 CHAIR LIGNOS: Oh, for comments.

4 MR. SEGRETO: Or testimony.

5 CHAIR LIGNOS: Or testimony?

6 MR. SEGRETO: Yeah. Yeah, members
7 of the public can testify.

8 MR. CHAGARIS: Mr. Rosenblume, are
9 you going to have any testimony? Are you
10 proposing any testimony?

11 MR. ROSENBLUME: Yes.

12 MR. CHAGARIS: You do.

13 CHAIR LIGNOS: Oh, then I apologize.

14 MR. BASRALIAN: Would you give my
15 reporter five minutes before he starts?

16 CHAIR LIGNOS: Okay. So, this board
17 will take -- we're going to take a five minute
18 recess for purposes of the court reporter. And
19 we'll come right back. I apologize. The time now
20 is?

21 MS. MITCHELL: 9:50.

22 CHAIR LIGNOS: 9:50.

23 (A recess was taken.)

24 CHAIR LIGNOS: Okay. Okay. We are
25 calling this meeting back to order. It's 10:02.

1 Mr. Baboo had to leave the meeting and has left
2 during this recess. During the recess
3 Mr. Rosenblume had passed out, to the -- to the
4 board, a stapled packet of approximately -- no,
5 exactly, 58 marked exhibits from plaintiff
6 Rosenblume. That's what it's labeled at. No. 1
7 to No. 58. At this point, Mr. Chagaris, you've
8 have had a chance to look at this.

9 MR. CHAGARIS: Yeah. Yeah, I mean
10 we just got these during the recess. I really
11 haven't had a chance to evaluate every single one
12 of these 58 documents. And I would say, at this
13 point, rather that hold up these proceedings, that
14 you allow Mr. Rosenblume to testify, as to
15 whatever he's going to testify about, and reserve
16 on the admissibility of these 58 documents until
17 the next meeting, because I can't make the
18 decision like that at this time. Unless, we have
19 a consent by the objector, and the attorney for
20 the applicant as to these documents. If there's
21 no objection then that's different. But if
22 there's going to be objections I want to have an
23 opportunity to review these things, as I'm sure
24 Mr. Basralian and Mr. Segreto will want to as
25 well.

1 MR. SEGRETO: Yeah, well, I can tell
2 you, Mr. Chairman, from our perspective, I don't
3 have any objections to them. I'll note, I know
4 you don't like to talk about the 2009 proceedings,
5 but, many, if not all of these exhibits, were both
6 testified to with regard to where Mr. Rosenberg
7 got all these documents. But they were, in fact,
8 accepted by the board and they were placed into
9 evidence as part of that proceeding.

10 MR. CHAGARIS: Mr. Basralian.

11 MR. BASRALIAN: Well, clearly some
12 of them I don't object to. You know, they go back
13 to the 60's, et cetera. I do have an objection to
14 the plaza rent roll of January 31st, 2005. And
15 the plaza rent roll of July 12th, 2000, the plaza
16 annual statement of 1998, ordinance No. 1986:526,
17 which has been repealed, and Mr. Rosenblume's suit
18 with respect to that repeal, was determined
19 against him with prejudice by the court this year.
20 I don't see the relevance of that kind of -- of
21 that ordinance. No. 58 I haven't got to it, which
22 says, Whole Foods San Francisco. So, I'm not sure
23 what that means.

24 MR. CHAGARIS: It looks like it's a
25 newspaper article.

1 MR. ROSENBLUME: Magazine.

2 MR. CHAGARIS: Or magazine article.

3 MR. BASRALIAN: You know, I just --
4 I just can't be expected to pass on those so
5 quickly. I wasn't party to the litigation in
6 which these may have been submitted. So, I would
7 reserve my right to go through each one of them
8 and have an opportunity to do that.

9 MR. CHAGARIS: Okay. So, why don't
10 we then proceed with them marked in effect -- do
11 you have them?

12 MS. MITCHELL: I wasn't given one
13 for the file.

14 MR. CHAGARIS: Did you give a set to
15 --

16 MR. ROSENBLUME: No, I haven't.

17 MR. CHAGARIS: Well, we had them
18 marked for identification, JR-1 through JR-58, but
19 for identification only at this time. And we'll
20 proceed with the balance of the hearing and
21 reconsider this matter at the next hearing.
22 Reconsider these exhibits, proposed exhibits.

23 CHAIR LIGNOS: Mr. Rosenblume you
24 may continue. Is there anything that you want to
25 say along with these?

1 MR. ROSENBLUME: Yes. If the board
2 members would look at Exhibit 31 and 32.

3 MR. CHAGARIS: First of all, let's
4 raise your right hand. Do you swear to tell the
5 truth, the whole truth and nothing but the truth?

6 MR. ROSENBLUME: I do.

7 MR. CHAGARIS: State your name and
8 your address.

9 MR. ROSENBLUME: Jessie Rosenblume,
10 65 Knickerbocker Road.

11 MR. CHAGARIS: And you said that the
12 board should direct their attention to 30 --

13 CHAIR LIGNOS: Whoa, whoa, whoa,
14 wait a minute. There is one thing I don't
15 understand here. You need to explain to me.
16 Every time we swear in a witness we ask for
17 credentials.

18 MR. CHAGARIS: Well, if they're --
19 if they're experts. He is a fact witness I
20 assume.

21 CHAIR LIGNOS: Basically as a fact
22 witness.

23 MR. ROSENBLUME: I'm a Closter
24 resident.

25 MR. CHAGARIS: And a Closter

1 resident, but you're not testifying as to any --
2 anything that you would need a degree for like in
3 engineering or traffic?

4 MR. ROSENBLUME: No, but I have some
5 experience in finding documents in the board files
6 that the board members don't know about.

7 MR. CHAGARIS: Yeah, but you're not
8 going to be testifying as an expert in terms of
9 investigative research.

10 MR. ROSENBLUME: Oh, yeah, of
11 course.

12 MR. CHAGARIS: And what will you --
13 how is that relevant to this case?

14 MR. ROSENBLUME: I've gone into the
15 board files and found information that the board
16 is not aware of.

17 MR. CHAGARIS: Well, but that's --
18 you're not testifying about how you went about
19 that. You're testifying about what it is you
20 discovered.

21 MR. ROSENBLUME: Yeah.

22 MR. CHAGARIS: Okay. And actually
23 what -- you weren't presenting whatever it is you
24 discovered, you're telling what's in the records,
25 what you saw.

1 MR. ROSENBLUME: Right. I did the
2 investigation.

3 MR. CHAGARIS: Okay.

4 CHAIR LIGNOS: No, but again, and I
5 apologize, because it's very important for me to
6 understand, the relevance of such documents are
7 Mr. Rosenblume's opinion to be of importance to
8 this application.

9 MR. CHAGARIS: You know, I haven't
10 found out --

11 CHAIR LIGNOS: Well, that's what I'm
12 saying, Mr. Rosenblume is going to be saying some
13 things here, and what I'm understanding,
14 Mr. Chagaris, is that, as a fact-finder, that the
15 documents that he claimed so far to be an expert
16 in finding that this board, or anyone else has
17 never come across, are relevant.

18 MR. CHAGARIS: Well, he'll have to,
19 he'll have to show how it's relevant. Just by way
20 of illustration, and not by way of example or
21 anything else, but if you look at his -- the No.
22 JR-7 of his packet here, I'm just using this for
23 illustration. I'm not giving it any credit one
24 way or the other. It's a letter dated
25 January 8th, 1973, apparently signed by William L.

1 Murphy.

2 MR. MADDALONI: Mr. Chair, could the
3 board members be the judge of their relevance?

4 MR. CHAGARIS: No, I was just
5 getting to a different point though.

6 MR. BASRALIAN: Which exhibit are
7 you referring to?

8 MR. CHAGARIS: JR-7. So,
9 Mr. Rosenblume could testify maybe how he came
10 across this document. But he can't testify as to
11 the meaning of this document. Because he wasn't
12 the addressee or the signatory.

13 CHAIR LIGNOS: I gotcha.

14 MR. CHAGARIS: So, he say what it
15 means or doesn't mean. He can say, I got it from
16 the record of the municipality.

17 CHAIR LIGNOS: Gotcha.

18 MR. ROSENBLUME: As Mr. Lignos just
19 stated, this is background material, and each
20 board member can give it whatever weight they
21 wish.

22 MR. CHAGARIS: And in essence, the
23 way I understand it, all these, and, correct me if
24 I'm wrong, Mr. Rosenblume, all of this material,
25 other than like a newspaper or magazine article,

1 came from the records of this municipality.

2 MR. ROSENBLUME: That's right.

3 CHAIR LIGNOS: How does the -- how
4 does the monthly -- how does the bank roll, the
5 rent roll come from the municipality?

6 MR. CHAGARIS: I don't know. I
7 don't have any idea what it is or how he got it.

8 MR. ROSENBLUME: Well, just 20, 30
9 minutes ago Mr. Basralian was questioning the
10 witness about economic feasibility.

11 MR. MADDALONI: That was me.

12 CHAIR LIGNOS: No, no, no, I
13 understand. And, by the way, it was Mr -- yeah,
14 it was Dr. Maddaloni. And we said that it really
15 wasn't relevant. But more importantly, is
16 something like a plaza rent roll public
17 information?

18 MR. CHAGARIS: Well, just as an
19 illustration, JR-50 --

20 MR. ROSENBLUME: It's a borough
21 record.

22 MR. CHAGARIS: -- apparently it's a
23 plaza rent roll for July 20 -- 12, 2000.

24 Apparently looks like it was produced as part of
25 some litigation. Because at the top it says,

1 reference K-mart Corporation versus Borough of
2 Closter.

3 MR. BASRALIAN: I suspect that was
4 for a tax appeal, and this was part of the --
5 for --

6 MR. CHAGARIS: Part of the record
7 for appraisal or something like that.

8 MR. BASRALIAN: What relevance does
9 it have to this application?

10 MR. CHAGARIS: Well, that's a
11 different issue. You're right. That's a
12 different issue. The question -- first question
13 is: Are these authenticated somehow. Or do
14 they -- you know, do they have some validity in
15 terms of authenticity. And if it's part of a
16 public record, or if it's part of a litigation, or
17 if it's a newspaper article, you know, so be it.
18 But whether or not it's relevant to this
19 application is a totally different issue.

20 CHAIR LIGNOS: Gotcha. Okay. I
21 understand.

22 MR. ROSENBLUME: Yeah, well, on that
23 particular subject --

24 MR. CHAGARIS: No, no, let's go
25 right now. So, what is it that you -- now, let's

1 go back to the ground rules. We are reserving the
2 right to determine whether these are admissible.

3 MR. ROSENBLUME: Right.

4 MR. CHAGARIS: But if you want to
5 talk -- testify; now is your chance to say what
6 you want to.

7 MR. ROSENBLUME: Well, I'll make a
8 couple of comments. There was a discussion just a
9 few minutes ago about reducing the retail space.
10 And somebody questioned what -- whether, if we
11 reduced the space too much, would the shopping
12 center be economically feasible.

13 MR. CHAGARIS: Yeah but that's not a
14 planning -- that's not really grounds for a
15 planning issue.

16 MR. ROSENBLUME: I know. But it was
17 part of the discussion.

18 MR. CHAGARIS: Yeah, but that
19 doesn't mean that it was something that the board
20 really deemed is relevant.

21 MR. ROSENBLUME: No, but it's just
22 background material.

23 MR. CHAGARIS: No, you can't even
24 use it. For land use purposes you only talked
25 about the use to which the property is put. Not

1 whether or not it's economically feasible. That
2 is for the developer to figure out. Not the
3 planning board.

4 MR. ROSENBLUME: Right but --

5 MR. CHAGARIS: -- just
6 determining -- just looking at it from terms of
7 land use in the municipality and whether it
8 comports with the master plan and the goals and
9 purposes of the municipality.

10 MR. ROSENBLUME: Right. But what
11 those documents show is there were 42 stores,
12 about ten years ago, and the documents also show
13 that shopping center was 95 percent rented out.
14 In other words, the center has been very viable
15 from day one. It's not an isolated shopping
16 center as it is now. In other words, it was a
17 money maker basically.

18 MR. CHAGARIS: What does that have
19 to do with land use planning?

20 MR. ROSENBLUME: No, to show that it
21 was a viable shopping center.

22 MR. CHAGARIS: Yeah, but again,
23 whether or not it's viable or not viable is a
24 question of whether there's proper planning for
25 the municipality.

1 MR. ROSENBLUME: Right. Well, the
2 argument before was how much retail space should
3 be in the shopping center. And Mr. Segreto's
4 witness said there should be more greenery and
5 less selling space. So, the board has to
6 determine what that mix should be. You know 80/20
7 or whatever.

8 MR. CHAGARIS: And your next point.

9 MR. ROSENBLUME: If you would look
10 at Exhibits 31 and 32, which, 1985, Closter
11 adopted a shopping center ordinance. I don't know
12 if anybody here was aware of that.

13 MR. CHAGARIS: Yes, I recall seeing
14 this ordinance, yeah.

15 MR. ROSENBLUME: Of course it
16 doesn't exist today because it was withdrawn.

17 MR. NYFENGER: Irrelevant.

18 MR. CHAGARIS: What is the relevance
19 to this application? It's no longer an ordinance.

20 MR. ROSENBLUME: Right but this
21 would go to a legal issue.

22 MR. CHAGARIS: Which is what?

23 MR. ROSENBLUME: That there are
24 aspects of the current plaza that are illegal and
25 not prior nonconforming.

1 MS. AMITAI: Could you repeat that,
2 please. Just say it again.

3 MR. ROSENBLUME: There are aspects
4 of the Closter Plaza that are illegal. They're
5 not prior nonconforming.

6 CHAIR LIGNOS: If they're not prior
7 nonconforming, I remember somewhere along my
8 limited education that two negatives make a
9 positive. Does that mean that they are
10 conforming?

11 MR. ROSENBLUME: No. I said or.

12 MR. CHAGARIS: But you're trying to
13 say though, as we delve from the testimony that
14 positives constructed in the 60's and 70's, and
15 that this was an ordinance that was adopted in
16 1985, which is after.

17 MR. ROSENBLUME: No, I'm trying
18 about the 1940 ordinance.

19 MR. CHAGARIS: So, you just directed
20 our attention to JR-31, which is '85.

21 MR. ROSENBLUME: Yeah, that
22 ordinance. The shopping center ordinance.

23 MR. CHAGARIS: The shopping center
24 ordinance went into effect after the shopping
25 center was built.

1 MR. ROSENBLUME: Right.

2 MR. CHAGARIS: And it's not an
3 ordinance -- viable ordinance today. So,
4 therefore, the center had nothing to do -- was not
5 built in conformance with this ordinance and
6 doesn't exist in conformance with this ordinance.

7 MR. ROSENBLUME: The center wasn't
8 in conformance with the 1940 ordinance.

9 MR. CHAGARIS: We're not talking
10 about that.

11 MR. DENICOLA: '85.

12 MR. ROSENBLUME: When they came up
13 with the '85 ordinance, they evidently discovered
14 they had a problem. So, they withdrew it.

15 MR. CHAGARIS: No, no, no, no, you
16 can't say that. You don't know why they changed
17 their minds or didn't change their minds. So, I
18 don't see how '73 would be really admissible.
19 Because it doesn't -- it's not in effect --

20 MR. ROSENBLUME: It's a public
21 document.

22 MR. CHAGARIS: Well, it's not
23 relevant.

24 MR. SEGRETO: Mr. Chagaris can I be
25 heard?

1 MR. ROSENBLUME: We can't argue
2 everything.

3 MR. CHAGARIS: No, he's testifying
4 right now.

5 MR. SEGRETO: I know but can I be
6 heard on the issue of whether or not this 1985
7 ordinance is relevant? I think it is legally
8 relevant.

9 MR. CHAGARIS: Well, yeah, when
10 Mr. Rosenberg -- Mr. Rosenblume -- I'm sorry, has
11 completed, we can get to that question.

12 What's your next point then?

13 MR. ROSENBLUME: When the subject of
14 economic feasibility was mentioned, the success of
15 a shopping center does not depend on the amount of
16 retail space. It depends on the tenant mix.

17 MR. CHAGARIS: Well, no, now you're
18 getting into an area of opinion, and you're not
19 qualified as a planner. So, therefore --

20 MR. ROSENBLUME: No, as a layman.

21 MR. CHAGARIS: No, but a layman --

22 MR. ROSENBLUME: As a shopper.

23 MR. CHAGARIS: As a shopper you
24 can't say that the land use considerations come
25 into play with --

1 MR. ROSENBLUME: As Mr. Lignos would
2 say, how good would the shopping center be if we
3 had 42 nail salons.

4 CHAIR LIGNOS: Mr. Lignos said
5 something about nail salons?

6 MR. NYFENGER: Most of them will go
7 out of business and they'll be replaced by some
8 other stores.

9 MR. CHAGARIS: You can't testify to
10 what makes a successful shopping center. Go
11 ahead. Yes, next.

12 MR. ROSENBLUME: Yeah. As I stated
13 before to the board, the board should subpoena the
14 owner to testify about what the K-mart building
15 would become, and also about the subdivision.

16 MR. CHAGARIS: Okay. Well, that's
17 not -- that's not really testimony.

18 MR. ROSENBLUME: Well, I'm giving my
19 comments.

20 MR. CHAGARIS: No, well, the
21 comment -- this is not time for the comments.
22 This is time for testimony.

23 MR. ROSENBLUME: I thought there was
24 a time for everything.

25 MR. CHAGARIS: Well, not at this

1 time. The comments will be at the next meeting.

2 MR. ROSENBLUME: Oh, at the next
3 meeting.

4 CHAIR LIGNOS: Wait, what? Why?

5 MR. ROSENBLUME: Oh, okay.

6 MR. CHAGARIS: Well, because you're
7 not going to have summation tonight.

8 CHAIR LIGNOS: Oh, summation and
9 then comments.

10 MR. BASRALIAN: Comments come before
11 the summation. So, in other words, comments can
12 effect the summation or the opinions.

13 CHAIR LIGNOS: Why can't the
14 comments be tonight? There's no --

15 MR. CHAGARIS: Well, first of all,
16 has he completed his testimony.

17 CHAIR LIGNOS: After you complete
18 your testimony, Mr. Rosenblume, you can make your
19 comments. Finish your testimony then make your
20 comments. Because everything is going to happen
21 tonight. If I have to stay here until three in
22 the morning it's going to happen tonight.

23 MR. ROSENBLUME: Yeah, well, it
24 seems like a waste of time to talk about the
25 exhibits because you have to look at them really

1 first.

2 CHAIR LIGNOS: No, but
3 Mr. Rosenblume, you have to understand that we
4 take -- you've done a lot of work here.

5 MR. ROSENBLUME: Yeah.

6 CHAIR LIGNOS: And I respect the
7 fact that you've done a lot of work. But at the
8 same time, I have to tell you that I have to know
9 what I'm looking at, and the validity of what it
10 is that I'm looking at. So, if you would be kind
11 enough to give us your testimony, if your
12 testimony is hinged upon some of these, I want to
13 make sure that they're, in deed, relevant. And if
14 they're not relevant, I want to, you know, scratch
15 them out and go onto the next thing. So, what is
16 your testimony? And how do these documents
17 support that testimony? That's what I want to
18 hear.

19 MR. ROSENBLUME: Basically you have
20 board documents. You have public documents. You
21 have documents that were generated by the Borough
22 clerk. Basically it's background material.

23 MR. CHAGARIS: So, you're saying
24 that this packet that you've here shows the
25 history of the plaza?

1 MR. ROSENBLUME: Partially right.

2 MR. CHAGARIS: And what is the
3 point? So, you have a history. Now what? What
4 does the history of the plaza tell us visive this
5 application?

6 MR. ROSENBLUME: Because it tells
7 you what you have today, how it came about. It's
8 not a complete picture. But it gives you the
9 flavor of the planning board then, and the mayor
10 and council.

11 MR. CHAGARIS: Okay. But this
12 planning board has its opinion as to land use
13 issues and also has the benefit of the master plan
14 and the recent master plan re-examination.

15 MR. ROSENBLUME: Right.

16 MR. CHAGARIS: So, does any of this
17 history relate to the master plan and how Closter
18 should be developed? Not how it was developed.
19 But I'm sure historically there used to be horses
20 and buggies. That doesn't have anything to do
21 with the planning going forward.

22 MR. ROSENBLUME: Not when the plaza
23 was built. I don't think there were any horses
24 around.

25 MR. CHAGARIS: Well, I'm saying that

1 the history of the town, they love horses. Okay.
2 We have the lone horseman over there to tell us
3 that. But my point is, what does the history of
4 the plaza have to do with how it should be
5 developed in the future?

6 MR. ROSENBLUME: Right. When I
7 first saw the property where the Closter Plaza is,
8 it was a swamp.

9 MR. CHAGARIS: But what does that
10 have to do with how it should be developed?

11 MR. ROSENBLUME: Well, the applicant
12 comes along and it's basically maintaining about
13 half of the buildings, and half are going to be
14 torn down, let's say. Well, they're all in, let's
15 say in a straight line, good portion of them. As
16 the witness testified, maybe we should break the
17 line, have a more interesting pattern.

18 MR. CHAGARIS: Okay. But you're
19 going off -- first of all, that's your opinion.

20 MR. ROSENBLUME: No, it's not my
21 opinion. The boards can ask the applicants to
22 level all the buildings and redesign.

23 CHAIR LIGNOS: Wait, I think I'm
24 getting to something here, if I may. I don't
25 think that Mr. Rosenblume is using these documents

1 necessarily for testimony. I think what he wants
2 to do -- I don't think he even wants to testify.
3 I think what he wants to do is give us his
4 comments that he's observed over these 15
5 meetings. Would you agree that basically you want
6 to comment, not so much testify, am I correct?

7 MR. ROSENBLUME: Yes. I want to
8 give you a broader picture. Because you're
9 looking at the application --

10 CHAIR LIGNOS: So, I think we should
11 just let him comment. So, there's no testimony.
12 There's really comments. And we're at the point
13 of comments anyway.

14 MR. ROSENBLUME: You're looking at
15 the application based on what is out there on the
16 property.

17 MR. CHAGARIS: Right.

18 MR. ROSENBLUME: As Mr. Segreto's
19 planner suggested, make some changes. The board
20 can ask the applicant to break up the buildings,
21 make it more interesting, reduce the retail space,
22 put in more greenery, connect it with Main Street
23 through a bicycle path, better walkways, et
24 cetera.

25 MR. NYFENGER: Mr. Chairman, just

1 procedurally, can we determine that there is no
2 testimony?

3 MR. CHAGARIS: Yeah, I was just
4 gonna say --

5 MR. NYFENGER: Because otherwise we
6 didn't do that officially.

7 CHAIR LIGNOS: Sure. There is no --
8 I think --

9 MR. NYFENGER: Anybody else in the
10 audience?

11 CHAIR LIGNOS: You're not trying to
12 testify at this point, but give us comments, am I
13 correct?

14 MR. ROSENBLUME: Well, what would
15 you deem testimony? Because it may be in these
16 documents, but I don't know what you're basically
17 looking for.

18 MS. ISACOFF: That's why
19 Mr. Chagaris asked, is there something in the
20 documents that you want to testify about. If not,
21 we'll just listen to your comments.

22 MR. ROSENBLUME: Right. Well, as
23 I -- item 31 and 32 are interesting because, at
24 that time you had Mayor Bianco, and an application
25 came in for Pathmark, where Annie Sez is, in the

1 Commons. And the public came out and said, we
2 don't want any big boxes. So, in 1986 the Borough
3 passed the 40,000 square foot limit because they
4 didn't want big boxes. Now the board is hearing
5 an applicant that wants to go from 40 to 45. You
6 know --

7 CHAIR LIGNOS: You bring up a fair
8 point.

9 MR. ROSENBLUME: It's all connected.

10 CHAIR LIGNOS: It's connected. It's
11 connected. But it's 30 years later. With the
12 master plan that's been redefined every 5 years,
13 in those 30 years.

14 MR. ROSENBLUME: Right. But if you
15 read the master plan, it talks, basically out of
16 both sides of its mouth. It says, we don't want
17 big boxes but we want to work with the applicant.
18 Because you have a choice. You could have six big
19 boxes on the property, or you could have 42
20 stores, as it was back 10 years and more.

21 CHAIR LIGNOS: But you do have to
22 admit, Mr. Rosenblume, that what you had 30 years
23 ago may be a retail philosophy that doesn't --
24 that doesn't exist today. Or doesn't work as well
25 today.

1 MR. ROSENBLUME: The main problem,
2 Closter residents have said, can't we get a name
3 like the Gap. Can't we get name stores. Name
4 retailers.

5 CHAIR LIGNOS: So, we're not --

6 MR. ROSENBLUME: Named retailers.

7 CHAIR LIGNOS: But nobody says here
8 that --

9 MR. CHAGARIS: How about Whole
10 Foods.

11 CHAIR LIGNOS: Like Whole Foods for
12 instance.

13 MR. ROSENBLUME: Yeah, yeah, right.
14 Like Whole Foods.

15 CHAIR LIGNOS: But we didn't hear
16 anything to the contrary here on this application.
17 You're saying that the Closter residents are
18 asking this. I don't think we've heard anything
19 contrary to that. As a matter of fact, if I heard
20 anything, was that the type and quality of the
21 construction was -- was done that way in order to
22 attract that kind of -- that kind of national
23 retailer.

24 MR. ROSENBLUME: Right. But how do
25 you get the quality or the mix that the shoppers

1 in Closter want; it's not the total retail space
2 that the applicant is suggesting; it's getting the
3 greenery in; and all the features that people find
4 desirable. If the applicant gets the right tenant
5 mix then they will make a lot of money. But if
6 they have run of the mill tenants --

7 CHAIR LIGNOS: What you're doing,
8 and I respect your -- your passion for the
9 greenery. I understand that.

10 MR. ROSENBLUME: That's part of it.

11 CHAIR LIGNOS: I understand that. I
12 understand your passion for connecting the plaza
13 to the -- to our downtown some way through
14 branding or somewhat.

15 MR. ROSENBLUME: Doesn't everybody
16 want that?

17 CHAIR LIGNOS: I understand your
18 passion for pedestrian circulation, that maybe is
19 more defined. I understand all that. What I have
20 to tell you, is, though, that the kind of mix that
21 you're talking about, is really a market factor.

22 MR. ROSENBLUME: That's right.

23 CHAIR LIGNOS: Literally, if they
24 don't produce the right mix, they're going to fail
25 as a shopping center. And you and I can't

1 possibly dictate what that mix is.

2 MR. ROSENBLUME: Of course.

3 CHAIR LIGNOS: So, to get back to
4 the authorship that you gave me before, which I
5 never said, they're not going to do very well if
6 they decide to put in 35 nail salons.

7 MR. ROSENBLUME: Why do say that?
8 Because those 35 nail salons will be paying the
9 going rent. So, why does the plaza --

10 CHAIR LIGNOS: Correct.

11 MR. NYFENGER: They won't have money
12 coming in.

13 CHAIR LIGNOS: As long as there's
14 enough fingers and toes coming in.

15 MR. ROSENBLUME: No, that's not
16 their problem. It's the tenant's problem.

17 CHAIR LIGNOS: So, I think at this
18 point --

19 MR. ROSENBLUME: I thought you quit
20 at 11.

21 CHAIR LIGNOS: The point is made.
22 Mr. Rosenblume, in all due respect, members of the
23 board, in all due respect, we understand your
24 passion for the pedestrian, for the green, and for
25 your branding/connection to the downtown. What

1 else did you want to bring to our attention?

2 MR. ROSENBLUME: Well, the last
3 exhibit is the Whole Foods that was built in the
4 District of San Francisco.

5 MR. MADDALONI: Haight Ashbury. If
6 you're suggesting Closter is like Haight Ashbury.

7 MR. ROSENBLUME: No, you been there?
8 Anyway, the store is 18,000 square feet. I don't
9 know about in this application, but in the prior
10 application, I believe it was the mayor, or
11 somebody else, mentioned that in somewhere further
12 south in Jersey, there's a Whole Foods. Yeah, it
13 was a college town of about 30,000 square feet.

14 CHAIR LIGNOS: There's one on 100th
15 Street and Amsterdam. It's probably around
16 18,000, okay. And the relationship to Amsterdam.

17 MR. ROSENBLUME: Okay. Size is
18 unimportant.

19 CHAIR LIGNOS: I won't touch that
20 but depending on the location, depending on the
21 location, where there's an urban location --
22 suburban location, rural location, I can't
23 possibly tell you where the size factor comes in,
24 but there are different size retail -- food
25 retailers. And the one that's interested to come

1 in here, from testimony, I understand is the size
2 that has been brought to our attention.

3 MR. ROSENBLUME: Right.

4 CHAIR LIGNOS: Now, anything else?

5 MR. ROSENBLUME: No.

6 CHAIR LIGNOS: Okay. I thank you
7 very, very much.

8 MR. ROSENBLUME: Thank you.

9 CHAIR LIGNOS: Is there any other
10 testimony here or comments on the application?

11 Yes, ma'am. Please step forward.

12 MS. HARTWELL: Lee Hartwell, 1
13 Bradley Terrace. I just have a few questions. I
14 agree that the appearance of the shopping center
15 will bring people into this town, if you have it
16 like a shop at Woodcliff Lakes, Tices Farm,
17 Ridgewood, or whatever; to have the nice pavers,
18 to have it nice and not make it like an industrial
19 type center. Then you will get the Ann Taylor,
20 the Banana Republic in. So, that does make a
21 difference. But I have a question because I
22 missed some of the meetings: Has there been any
23 discussion about the traffic light at Piermont by
24 Wells Fargo?

25 CHAIR LIGNOS: We've had traffic

1 discussions.

2 MS. HARTWELL: So, what was the
3 decisions about that?

4 CHAIR LIGNOS: Ma'am, you're welcome
5 to come and get the transcripts. Because we
6 can't --

7 MR. CHAGARIS: I don't think there
8 really was any decision. It was a discussion.

9 CHAIR LIGNOS: There wasn't a --
10 there was a discussion. There wasn't a decision.

11 MR. NYFENGER: It's not in our
12 purview to put a light there. Is that what you're
13 talking about?

14 MS. HARTWELL: Yes.

15 MR. NYFENGER: It is.

16 MAYOR HEMANN: There was a
17 considerable amount of discussion.

18 MS. HARTWELL: Has there been any of
19 these, with all the meetings, any discussion, any
20 accident reports about the number of accidents
21 that have been at that light? I mean I had to
22 change my bank. Coming out of Wells Fargo, I have
23 seen so many accidents. There needs to be a
24 traffic light there.

25 CHAIR LIGNOS: A traffic light at --

1 MS. HARTWELL: At Piermont and
2 Vervalen. That is the worst intersection ever in
3 this town. I mean it's dangerous.

4 MR. NYFENGER: Wasn't it deemed a
5 county decision?

6 MR. CHAGARIS: County plays a role
7 --

8 MS. HARTWELL: Well, it plays a
9 role, but I think Closter has the right to say
10 something about it.

11 MR. DENICOLA: The county makes --
12 Closter has input into it.

13 MR. CHAGARIS: So, the question is,
14 if -- how is this application impacting that?

15 MS. HARTWELL: Because we were
16 hoping that it would bring more people into this
17 town, and more traffic, which you will definitely
18 need a light. I mean there have been so many
19 accidents. When they expanded A&P over there,
20 there was never a light at Durie and Demarest
21 Avenue. And when they made that store bigger,
22 there was a traffic light at that intersection.

23 MR. CHAGARIS: Well, I don't know if
24 one has anything to do with the other.

25 MS. HARTWELL: I think it did, yes.

1 MR. NYFENGER: County road?

2 MS. HARTWELL: Yes.

3 MR. DENICOLA: Yes.

4 MS. HARTWELL: And it was put there.

5 I don't care. I mean it was there because of the
6 traffic. And this is going to be major traffic at
7 that intersection. Everybody that lives in this
8 town knows that.

9 MS. ISACOFF: We have expressed that
10 to the applicant.

11 MS. HARTWELL: Well, I just hope
12 that this mayor and planning board, zoning board
13 whatever, will do something and make it a
14 priority.

15 CHAIR LIGNOS: Let me ask you this:
16 Now, based on that, Rose, could you do me a favor,
17 could you please have distributed, in the next 24,
18 48 hours, from the police department, anything
19 that they can give us in the last 24 months, as
20 far as accidents on the corner of the intersection
21 of Vervalen and Piermont. Thank you.

22 MS. HARTWELL: Thank you.

23 CHAIR LIGNOS: Is that all?

24 MS. HARTWELL: That's all.

25 CHAIR LIGNOS: Okay. Thank you very

1 much.

2 Any other member of the public
3 wanting to make a comment? At this point we've
4 heard testimony, I don't know, 13 hearings. We
5 are going to come back next Thursday. We are
6 going to begin summation from Mr. Basralian.

7 MR. CHAGARIS: You are going to have
8 summation?

9 MR. SEGRETO: Yes. I can make
10 summation too, can't I?

11 CHAIR LIGNOS: Yes, yes, yes, you
12 certainly may. You certainly may. And at that
13 point we'll go into deliberation. If the
14 deliberation gets to a point where we can have a
15 vote, we'll do so at the next meeting. So --

16 MR. CHAGARIS: I'm sorry,
17 Mr. Chairman, just so the record is clear, you
18 have -- you're rested, you have no rebuttal
19 witnesses. You rested, you have no surrebuttal.

20 MR. SEGRETO: That's correct.

21 MR. CHAGARIS: Jessie, the same, no
22 other witnesses?

23 CHAIR LIGNOS: Okay. So, at this
24 point, I really ask you to please go over your
25 material and please look at anything you need to

1 review so that we can be prepared in case, during
2 those deliberations, we have a point of vote.

3 MS. MITCHELL: I will mention that I
4 do have some members that still owe me papers that
5 either listened to the CD or read the transcript.

6 CHAIR LIGNOS: I strongly beg you to
7 please make sure you're up to date with all your
8 meetings in case there's a vote, okay?

9 MR. MADDALONI: Motion.

10 MR. DENICOLA: Even the alternates.

11 CHAIR LIGNOS: Even the alternates,
12 you're correct. Now, did you take care of the
13 administrative issue on the vote?

14 MR. CHAGARIS: Yes.

15 CHAIR LIGNOS: Is there any other
16 further business before this board? Anybody else
17 have anything? The chair will entertain a motion
18 to adjourn.

19 MR. MADDALONI: Motion.

20 MR. BASRALIAN: Please, two things:
21 One, we will endeavor to have a transcript well
22 before Thursday, which puts the burden on my
23 friend here. Second, please announce, formerly,
24 that there will be no further notice that the
25 meeting will take place and be carried.

1 CHAIR LIGNOS: Any member of the
2 public here who is interested in this application,
3 the next hearing will be on December 12th.

4 MR. CHAGARIS: And you're extending
5 the time within which the board has time to act,
6 correct?

7 MR. BASRALIAN: Yes.

8 CHAIR LIGNOS: Motion -- hold on.
9 Members of the board -- no, no, I'm going to do
10 that next week. Members of the board, we have a
11 motion from Dr. Maddaloni to adjourn, seconded by
12 Ms. Isacoff. Any objection? I see none, and,
13 therefore, this meeting is adjourned at 10:36.

14 (Meeting adjourned.)

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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.
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