

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of Special Meeting
October 17th, 2013
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Special Meeting
Thursday,
October 17th, 2013

Mr. Lignos, Chairman called the Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, October 17th, 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-8:02 PM
Mr. DiDio
Mr. Baboo-8:03 PM
Mr. Sinowitz
Mr. Pialtos
Ms. Stella- (alt # 1)
Mr. Nyfenger- (alt # 2)
Mr. Weiner, Acting Board Attorney
Mr. DeNicola, Board Engineer
Rose Mitchell, Planning Board Coordinator

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

Ms. Isacoff
Mr. Chagaris- Board Attorney

Item # 1

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

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

***Refer to attached transcript.**

Motion was made by Mayor Heymann & seconded by Mr. DiDio to adjourn meeting. Meeting was adjourned at 12:00 A.M.

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

IN THE MATTER OF
The Application of:

TRANSCRIPT OF
PROCEEDINGS

CLOSTER MARKETPLACE (EBA), LLC.,
CENTENNIAL AVE ZION CHURCH, BLOCK
1607, LOT 1 (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
October 17th, 2013
8:00 p.m., Volume X

B E F O R E:

- PLANNING BOARD
- JOHN LIGNOS, CHAIRMAN
- SOPHIE HEYMANN, MAYOR
- VICTORIA RUTI AMITAI, COUNCILWOMAN
- MARK MADDALONI, BOARD MEMBER (8:02)
- DAVID BABOO, BOARD MEMBER (8:01)
- IRENE STELLA, BOARD MEMBER
- ROBERT DI DIO, BOARD MEMBER
- LEONARD SINOWITZ, BOARD MEMBER
- DEAN PIALTOS, BOARD MEMBER
- PAUL NYFENGER, BOARD MEMBER
- ARTHUR CHAGARIS, ESQ., BOARD ATTORNEY
- NICK DENICOLA, P.E., BOARD ENGINEER
- ROSE MITCHELL, BOARD SECRETARY

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

- WINNE, BANTA, HETHERINGTON, BASRALIAN & KAHN, P.C.
- ATTORNEYS FOR THE APPLICANT
- BY: JOSEPH L. BASRALIAN, ESQ.
- SEGRETO, SEGRETO & SEGRETO, ESQS.
- ATTORNEYS FOR THE OBJECTORS
- BY: JOHN J. SEGRETO
- GINA M. LAMM, CSR/RPR, Court Reporter

1 CHAIR LIGNOS: I call to order this
2 special meeting of the planning board of the
3 Borough of Closter, New Jersey, being held on this
4 day, Thursday, October the 17th, the year, 2013,
5 in the council chambers of the borough hall.

6 This meeting has been duly
7 advertised in accordance with the Open Public
8 Meetings Act, State of New Jersey.

9 It is commencing, according to our
10 computer, at 8:00 p.m. sharp.

11 The planning board adheres to a
12 12:00 midnight curfew. No new matters will be
13 considered after 11 p.m. Please join the board in
14 the pledge of allegiance.

15 Thank you all very much.

16 Ms. Mitchell, would you kindly take
17 attendance.

18 MS. MITCHELL: Sure. Mayor Heymann.

19 MAYOR HEYMANN: Here.

20 MS. MITCHELL: Councilwoman Amitai.

21 MS. AMITAI: Here.

22 MS. MITCHELL: Dr. Maddaloni.

23 Mr. Baboo. Ms. Stella.

24 MS. STELLA: Here.

25 MS. MITCHELL: Mr. Lignos.

1 CHAIR LIGNOS: Here.

2 MS. MITCHELL: Mr. Chagaris.

3 MR. WEINER: Ira Weiner here for
4 Mr. Chagaris.

5 MS. MITCHELL: Mr. DeNicola.

6 MR. DENICOLA: Here.

7 MS. MITCHELL: Mr. Sinowitz.

8 MR. SINOWITZ: Here.

9 MS. MITCHELL: Mr. DiDio.

10 MR. DIDIO: Here.

11 MS. MITCHELL: Ms. Isacoff.
12 Mr. Pialtos.

13 MR. PIALTOS: Here.

14 MS. MITCHELL: Mr. Nyfenger.

15 MR. NYFENGER: Here.

16 CHAIR LIGNOS: Let the record show
17 that Dr. Maddaloni joined the board at --

18 MS. MITCHELL: 8:02.

19 CHAIR LIGNOS: 8:02.

20 Item No. 1 on our agenda is block
21 1607, lot 119, Vervalen Street, application
22 P2013-03. The applicant, Closter Marketplace,
23 Centennial AME Zion Church. Mr. Basralian is the
24 attorney. This is the subdivision site plan, soil
25 movement application, received back on May the

1 16th, deemed perfected, with mentioned
2 stipulations, on June the 5th's work session
3 meeting. The application was continued, and
4 received final perfection on June the 27th, 2013,
5 regular monthly meeting. Meetings have now taken
6 place on July the 11th and the 18th, August the
7 7th, 8th and 29th, September 12th, October 2nd and
8 10th of 2013. The application will continue,
9 again, this evening, October 17th, at this special
10 meeting.

11 Mr. Basralian, welcome once again.

12 MR. BASRALIAN: Good evening. Good
13 evening, Mr. Chairman, and members of the board.
14 We were unable to finish up on cross-examination
15 with Mr. Hamilton, our landscape architect. And
16 I'd like to pick that up here.

17 CHAIR LIGNOS: Okay. Let us -- Let
18 us begin. Let the record show that Mr. Baboo has
19 joined the board at 8:01.

20 MR. BASRALIAN: Mr. Hamilton, you're
21 still under oath, having been sworn at the session
22 in which you testified, which I believe was
23 September 12th.

24 MR. HAMILTON: I understand.

25 MR. BASRALIAN: At that time we had

1 finished with the direct testimony and questions
2 from the board, and we had not done
3 cross-examination by any interested parties.

4 CHAIR LIGNOS: Right. At this point
5 I would like to open up this portion of the
6 meeting to any member of the public. Any member
7 of the public with a question of Mr. Hamilton, the
8 landscape architect, regarding this application,
9 please step forward.

10 Sir, can you please give us your
11 name for the record.

12 MR. ROSENBLUME: Sure. Jessie
13 Rosenblume, 65 Knickerbocker Road.

14 Do you know what your -- what the
15 owner's policy is regarding snow plowing in
16 reference to landscaping?

17 MR. HAMILTON: I do not.

18 MR. ROSENBLUME: Any way you can
19 check with an owner's rep?

20 MR. HAMILTON: Umm, sure.

21 MR. BASRALIAN: Excuse me. Before
22 you answer that, we didn't have any testimony
23 about snow plowing. This was a landscape
24 architect. Direct testimony would be the plans
25 that were submitted. You know, I can stipulate,

1 for the record -- I can stipulate for the record,
2 that they promptly take care of all snow removal,
3 because without it the shopping center wouldn't
4 function.

5 CHAIR LIGNOS: Okay. I guess
6 perhaps a question that the landscape architect
7 may answer, is, with typical snow removal, would
8 any of the landscaping be -- be hurt?

9 MR. HAMILTON: No, not in my
10 opinion.

11 MR. ROSENBLUME: Okay. Thank you.

12 CHAIR LIGNOS: Thank you very much.
13 Yes, sir. Mr. Segreto, please step
14 forward. Or don't step forward. Whatever you
15 wish.

16 MR. SEGRETO: Thank you.

17 CROSS-EXAMINATION BY MR. SEGRETO:

18 Q Mr. Hamilton, good evening. How are
19 you?

20 A I'm very good.

21 Q All right. Mr. Hamilton we have a
22 15-acre site here, is that correct?

23 A Yes.

24 Q All right. And there's going to be
25 a complete redevelopment of that site, isn't that

1 correct?

2 A It's going to be a redeveloped site,
3 correct.

4 Q Now, the current impervious coverage
5 is 93.7 percent, isn't that true?

6 A I believe the engineer testified to that.
7 I testified with regard to the planting for the
8 project.

9 Q Yeah, I understand that. And at the
10 end of phase I, when this redevelopment is done,
11 the impervious coverage is going to be 93.02
12 percent, is that your understanding?

13 A Again, I'd have to refer to the engineer
14 on that.

15 Q That doesn't sound like there's
16 going to be much landscaping on the site, does
17 there?

18 A It's significantly more landscaping --
19 excuse me -- than the existing conditions. But,
20 again, my charge was to provide planting. I was
21 not involved with regard to the layout of the
22 site, specifically.

23 Q Right. You'll agree with me that
24 the more landscaping you have, the more pervious
25 coverage you have, as opposed to impervious

1 coverage, am I correct?

2 A The more landscaping -- could you repeat
3 that?

4 Q If you added more landscaping than
5 you propose, then the impervious coverage would be
6 a lot less, wouldn't it?

7 A Potentially.

8 Q Now, you indicated that none of the
9 landscaped islands will be irrigated, is that
10 correct?

11 A None of the landscape islands within the
12 parking fields will be irrigated, correct.

13 Q All right. Is there any other
14 landscaping that's going to be irrigated on the
15 site?

16 A Yeah, I believe I testified that the
17 streetscape, as well as the plaza areas and the
18 areas adjacent to the buildings, would all be
19 landscaped. The only areas that would not be
20 landscaped were those landscape islands within the
21 parking areas.

22 Q What about irrigation --

23 MR. BASRALIAN: Excuse me. Did you
24 mean landscaped or irrigated?

25 MR. HAMILTON: I'm sorry, irrigated.

1 Sorry about that.

2 BY MR. SEGRETO:

3 Q Now, the lawn area on Vervalen,
4 isn't that correct it's going to be in the
5 right-of-way?

6 A A portion of it is within the
7 right-of-way, correct.

8 Q What portion of it is in the
9 right-of-way?

10 A Maybe I could refer to an exhibit. I'm
11 now looking at Exhibit A-12. There is an area.
12 It looks like the right-of-way bisects the grass
13 area that's between the sidewalk and the parking
14 stalls on the southern side of that facility. So,
15 that that right-of-way basically bisects that
16 grass area.

17 Q That's for the entire length of the
18 site on Vervalen?

19 A Correct.

20 Q Is -- similarly, is any part of the
21 landscaping on Homans in the right-of-way?

22 A Again, there are -- there is a grass area
23 between the plantings that are on the northern
24 side of the parking and loading areas along
25 Homans, and that grass area is partially within

1 the right-of-way of Homans Avenue.

2 Q All right. And that's, again,
3 across the entire site, or across the entire
4 portion of that grass area on Homans?

5 A Correct. With the exception of the access
6 drive.

7 Q Why is it that this applicant is
8 proposing landscaping in the right-of-way and not
9 on its property?

10 A Well, in effect, the applicant is
11 proposing streetscape improvements, as the town
12 has directed, to provide a sidewalk, and grassed
13 area. The trees that are being proposed are all
14 proposed within the property itself, and not
15 within the right-of-way of either Homans or
16 Vervalen. So, the only landscaping that's
17 proposed within the right of way is grass.

18 Q How wide is the land -- the grass
19 area on Vervalen?

20 A Let me just check that. I believe it's
21 approximately 13 feet.

22 Q And all of that is in the
23 right-of-way?

24 A No, it's 13 feet from the edge of the
25 sidewalk to the curb line of the parking on the

1 southerly side of the -- of the facility. A
2 portion of that is within the right-of-way, and a
3 portion is within the property.

4 Q Now, you spoke about, or you
5 indicated in your direct testimony, that Eden's
6 maintenance plan, for the landscaping, is going to
7 be a lot better than the landscaping maintenance
8 plan, or lack thereof, that the property has now.
9 Can you tell us what Eden's landscape maintenance
10 program is?

11 A I don't recall testifying to that. Could
12 you repeat that, please?

13 Q Yeah. You said, their, meaning
14 Eden's maintenance, is going to be a lot better.
15 And you were talking about the current maintenance
16 of the landscaping, or lack thereof, and that
17 Eden's maintenance plan will be a lot better.

18 My question is: Can you tell us
19 what their maintenance plan is?

20 MR. BASRALIAN: Excuse me. Could
21 you refer to the page and line number you're
22 reading from in the transcript?

23 MR. SEGRETO: I don't have it. I
24 have it in quotes in my notes, and I'm sure I got
25 it down perfectly.

1 MR. BASRALIAN: Well, do you know
2 what day that was, and what time of the hearing it
3 was?

4 MR. SEGRETO: I have no idea.

5 MR. WEINER: Well, then why don't
6 you ask him a foundation question, whether he
7 remembers saying that. And if he does, then he
8 can answer it.

9 BY MR. SEGRETO:

10 Q Do you remember testifying that
11 Eden's plan is going to be a lot better?

12 A I remember testifying that I have -- I
13 have conferred with Edens, I am familiar with many
14 of their other facilities, and I was impressed
15 with the landscape maintenance that they've had
16 throughout their facilities. I did not, I'm sure,
17 testify as to what their maintenance plan is, for
18 this facility.

19 Q You don't know what plan is then, is
20 that correct?

21 A Correct.

22 Q Now, in your landscaping plan, have
23 you used any boulders or rock outcroppings?

24 A No.

25 Q Have you used any berms or mounds?

1 A No.

2 Q Now, what is the height of the
3 shrubs going to be on Vervalen?

4 A Thirty-six inches.

5 Q And that's going to be planted on
6 flat ground, is that correct?

7 A Correct.

8 Q Is that going to -- is that going to
9 provide a screening so that cars cannot be seen in
10 the parking lot?

11 A The intent is to provide screening for the
12 lower level of the cars so that headlights will be
13 blocked from the cars traveling on Vervalen, for
14 the most part.

15 Q Does any part of your landscaping
16 plan incorporate any part of the Closter
17 sustainability initiative that's found in the
18 master plan?

19 A I am familiar with the master plan and
20 that initiative, and I did not see any specific
21 references in it with regard to the plant
22 material, with the exception, I believe, that they
23 recommended native material, and material that
24 would not have high irrigation requirements, and
25 we have -- we have provided that.

1 Q Is the applicant going to recapture
2 any of the rain water and use it for landscape
3 irrigation?

4 A No.

5 Q Or watering?

6 A No.

7 Q How come?

8 A Well, couple reasons, which I believe I
9 expressed in my earlier testimony. One, is that
10 the rain water that falls on the site goes into an
11 aquifer where the water is drawn from. So, in
12 effect, providing cisterns, or some other
13 mechanism to capture the rain water, is not really
14 going to help in terms of groundwater -- supplying
15 groundwater to the area. And the second is that,
16 you know, we've -- we've looked at the option of
17 providing some sort of cisterns, and it was
18 determined that, because of the fact that we
19 picked material, for the most part, that doesn't
20 have a high irrigation requirement, that
21 irrigation is not going to be significantly needed
22 on this site.

23 The irrigation that's proposed is a drip
24 system, which is one of the most effective and
25 efficient systems for irrigating plants. And, for

1 that reason, we felt that the capturing of the
2 rain water in a cistern would be, not really
3 warranted, for this property.

4 Q Have you provided any landscaped
5 buffers on the site?

6 A Buffers; well, we've provided the
7 landscaping that's shown on the plan, with regard
8 to the shrub plantings and the tree plantings on
9 both of the frontages of the public road.

10 Q And those would be considered to be
11 landscape buffers for the site?

12 A Land -- yeah, they're providing some
13 buffering between the roadway and the parking
14 area.

15 Q You'll agree with me that if the
16 applicant reduced the square footage of the
17 buildings, they would reduce the parking
18 requirement, and that would open the site up
19 for --

20 MR. BASRALIAN: I'm going to object
21 to the question.

22 Q -- isn't that true?

23 MR. BASRALIAN: I'm going to object
24 to the question. There's no relevancy to his
25 testimony regarding the landscaping that is being

1 provided on the site plan, or for the site, on the
2 site plan, before the board. It's a hypothetical,
3 at best.

4 MR. SEGRETO: I know. And he's an
5 expert, and you're allowed to ask hypothetical
6 questions of an expert. And they're asking for a
7 number of variance -- you're asking for a number
8 of variances. And my understanding of the law, as
9 it pertains to the variances that they're asking
10 for, and one of the issues is going to be, whether
11 or not there is a better zoning alternative for
12 this property.

13 MR. WEINER: And you can present
14 that through your expert witness. You can ask him
15 a hypothetical about trees, or what would happen
16 to plants if it was higher or lower. But to ask
17 him if he reduced some other elements, whether it
18 would create more room, that's really an
19 engineering question. And I think -- I think the
20 board understands that if you reduce the size of
21 the parking lot and the building, or whatever,
22 there's going to be more room for landscaping.
23 And I'm not sure you're making any points that
24 anybody doesn't already know. So --

25 MR. SEGRETO: Well, sir, I have to

1 create a record, and I think I have to ask the
2 questions that I think are legally proper, and if
3 you want to sustain the objection, then that's
4 fine, and we'll move on.

5 MR. WEINER: Yeah, I do. I would
6 sustain it.

7 MR. SEGRETO: I have no further
8 questions.

9 CHAIR LIGNOS: Okay. Mr. Basralian,
10 your next witness.

11 MR. BASRALIAN: Thank you.

12 CHAIR LIGNOS: Oh, I'm sorry.

13 MR. ROSENBLUME: Just one.

14 CHAIR LIGNOS: There is one other
15 question. I apologize. I didn't see you.

16 MR. ROSENBLUME: Okay. Jessie
17 Rosenblume, 65 Knickerbocker Road.

18 Has the owner considered planting
19 bulbs for color, and maybe to accent entry points
20 on the property?

21 MR. HAMILTON: The -- I think I
22 mentioned this in my direct. What we're planning
23 on doing, is, putting a lot of planters around
24 this site. And that's where they're going to get
25 a lot of seasonal color.

1 MR. ROSENBLUME: Okay.

2 MR. HAMILTON: So, there is going to
3 be quite a bit of seasonal color throughout.

4 MR. ROSENBLUME: But no bulbs?

5 MR. HAMILTON: I don't believe
6 bulbs, but I'm not ruling that out. There could
7 be bulbs in the planters as well.

8 MR. ROSENBLUME: Thank you.

9 MR. BASRALIAN: I have one question
10 on redirect, if I could.

11 CHAIR LIGNOS: One question on
12 redirect. Okay.

13 REDIRECT-EXAMINATION BY MR. BASRALIAN:

14 Q Mr. Segreto asked you about grass
15 being planted in the right-of-way. Many
16 properties plant within the right-of-way because
17 it covers a distance between the curb, which is a
18 street width, which is typically narrower, or can
19 typically be narrower than the right-of-way. Is
20 it any different in this application, wherein
21 they're planting within the right-of-way because
22 otherwise there would be nothing?

23 MR. SEGRETO: I object to the
24 question as leading.

25 MR. BASRALIAN: Let me ask it --

1 I'll rephrase the question.

2 Q If no grass were planted within the
3 right-of-way what would you propose would be
4 there, separating the end of the property line and
5 the landscaping that's proposed, and the
6 sidewalks?

7 A Well, the soil has to be stabilized with
8 something. So, if it's not grass or some sort of
9 vegetative cover, it would have to be a pervious
10 surface. Perhaps a sidewalk.

11 MR. BASRALIAN: Thank you.

12 CHAIR LIGNOS: Okay. Your next
13 witness.

14 MR. BASRALIAN: We call Mr. Keller.

15 CHAIR LIGNOS: And can you refresh
16 our memories Mr. Basralian?

17 MR. BASRALIAN: Yes. Mr. Keller had
18 completed his direct testimony on his -- on
19 traffic and parking. There were some questions by
20 the board, during the course of his testimony.
21 I'm not sure whether the board has any more
22 questions.

23 CHAIR LIGNOS: I thought we had -- I
24 thought we brought it to the end. But let me ask.
25 Because -- does -- does any member of the board

1 feel that the board has not exhausted the
2 questions they had of Mr. Keller? Mayor.

3 MAYOR HEYMANN: I just want to
4 comment, because it bothered me, and I took
5 Mr. Keller's information as gospel too. But I
6 just --

7 CHAIR LIGNOS: Can you comment in
8 the form of a question, please.

9 MAYOR HEYMANN: Yes. I would like
10 you to prove out your comments about the waiting
11 time making a left turn from Vervalen into
12 Piermont Road. It just took me three full
13 minutes.

14 CHAIR LIGNOS: So, I guess the
15 question, Mr. Keller, is: Could you, once again,
16 explain how you got to your findings and --

17 MR. KELLER: Certainly.

18 MAYOR HEYMANN: And what time.

19 CHAIR LIGNOS: And, why perhaps it
20 seems less than what people are experiencing now.

21 MR. KELLER: Sure. As I
22 testified --

23 MR. WEINER: Mr. Keller, you're
24 still under oath.

25 MR. BASRALIAN: Yes, he's still

1 under oath and brought back from the hearing of
2 October 2nd, 2013.

3 MR. WEINER: Okay. Okay. Thank
4 you.

5 MR. KELLER: We looked at the --
6 well, we looked at a lot of intersections. That
7 particular one of Piermont and Vervalen we looked
8 at two ways. One, we used -- excuse me, the
9 standard capacity analysis software that we all,
10 all traffic engineers use. And being an
11 unsignalized intersection, we input the numbers
12 and used the software to calculate what that
13 average -- that average delay would be for that
14 intersection. And that's the key thing, is that
15 it's an average delay. Mayor, you had to wait
16 three minutes. Maybe the person behind you waited
17 thirty seconds.

18 Now, Atlantic Traffic, in their
19 first review letter said, because of the excessive
20 delay for that left turn movement from eastbound
21 Vervalen onto Piermont Road, asked us to do a gap
22 study. And, yes, we did the gap study in July and
23 August, because I had anticipated being here in
24 August, and I wanted to be responsive. We wanted
25 to be responsive to your consultant's request.

1 So, we did the study. And what that study had, or
2 the purpose of that gap analysis was, recognizing
3 that there's signals on either side of Piermont
4 that create platoons of traffic, that create gaps
5 in the flow. We wanted to understand what those
6 patterns actually were. Because the software that
7 we use, assumes a random pattern of traffic along
8 the road, which you would have if there were no
9 signals close by. So, we know that's not the
10 case. So, in our analysis, in our study of actual
11 gaps that are created by those signals, we counted
12 how many there were, how long they lasted, and
13 based on how many there were, and how long they
14 lasted, we came up with how many vehicles could be
15 occupied -- could move from Vervalen and make that
16 left or come out of the bank and make a left,
17 right, whatever, onto Piermont Road.

18 Now, again, and I think it came out
19 at the last meeting, that doesn't necessarily tell
20 you that you don't have to wait three minutes in
21 that particular instance. But you drive up at
22 another time, and, again, you wait 30 seconds,
23 enough to stop, look both ways, and enter into the
24 flow of traffic. It's not -- in either case, it's
25 not saying that you don't have to wait. And in

1 some cases a longer amount of time. But it's an
2 average. The software gives you an average delay
3 over the period of time.

4 MAYOR HEYMANN: You know, I buy into
5 everything that you explained except for the fact
6 that you took your tests in July and August when,
7 in fact, it's a block away from a school that is
8 not in session at that time. And I don't know to
9 what extent you went into the rush hour traffic
10 that moves towards Piermont Road because --

11 CHAIR LIGNOS: Let's ask that in the
12 form of -- let's ask that in the form of a
13 question. Mr. Keller, do you think --

14 MAYOR HEYMANN: All right. The
15 question was: Did you consider other times
16 besides July and August --

17 CHAIR LIGNOS: -- would make a diff
18 -- would have different results?

19 MR. KELLER: I think we talked about
20 that last time, that, yes, generally in July and
21 August, the volumes are -- are lower. Now, on a
22 Saturday, I don't think that really is the case.
23 While people may be on vacation and not going to
24 work on a Saturday, people still need to go
25 shopping, will go shopping. Maybe it's a little

1 lighter. Because some people are away and not in
2 town. Now, on a -- we did the evening peak hour
3 from 4 to 5, and on Saturday we did the peak hour,
4 I believe it was 12 -- 12 to 1. And because
5 that -- yes, 12 to 1, because those were the
6 defined peak hours based on our counts. Now, the
7 weekday p.m. peak hour, being between 4 and 5,
8 you're really not going to get much school traffic
9 because the students are gone. And, for the most
10 part, the teachers are gone. Maybe there's some
11 there, but -- so, I don't think that having the
12 school there had any effect because we did it in
13 the summertime as opposed to school hours.
14 Because we were after the school hours. So, the
15 baseline traffic volumes, you know, yeah, there's
16 probably some percentage less, but what we -- what
17 I testified to, was that the number of gaps, and
18 the size of gaps, were such that they were -- it
19 wasn't that we need to get 55 cars out during the
20 hour and we were talking about numbers over a
21 hundred. So, even if that hundred and -- let me
22 be specific, 136 on a p.m. peak hour were how many
23 vehicles could make -- could cross the road
24 because of gaps in both directions. So, even if
25 that was down to a hundred, we are still well

1 above the 55 vehicles that are trying to make that
2 turn. So, I'm not saying that you're not going to
3 have to wait, Mayor.

4 CHAIR LIGNOS: Any other member have
5 a question?

6 MS. AMITAI: Yes. I was wondering
7 what your ITE, institute, or whatever it is, how
8 do they calculate the number of truck deliveries
9 to a shopping center of this size?

10 MR. KELLER: I don't know if it's
11 published by ITE. There is a generalized
12 calculation of rate, based on the square footage
13 of the center, and how many trucks would be
14 expected on a daily basis. I don't know what it
15 is off the top of my head. Our trip generation
16 numbers that we -- that I testified to last time,
17 include all vehicles; employees, customers,
18 delivery trucks, anything that goes in and out of
19 a shopping center. But the trip generation manual
20 does not specifically, when they say that, you
21 know, there's an additional 75 trips, they don't
22 say, so much are this type of vehicle, so much are
23 that. They don't break that down.

24 MS. AMITAI: So they include the
25 trucks?

1 MR. KELLER: Yes. Yes, the trip
2 generation includes all the vehicles in to and out
3 of a facility.

4 CHAIR LIGNOS: Any other question
5 councilwoman?

6 MS. AMITAI: No.

7 CHAIR LIGNOS: Dr. Maddaloni.

8 MR. MADDALONI: That 55 vehicles per
9 hour making that left on Vervalen onto Piermont --

10 MR. KELLER: Correct.

11 MR. MADDALONI: -- is that an
12 observed or a calculated number?

13 MR. KELLER: Very good question,
14 Doctor. It's both. In -- as I testified to
15 last -- well, two weeks ago, we counted the
16 intersection. And that's -- that -- those numbers
17 are contained on figure 2-A, which are in appendix
18 6 of my April 26th -- April 26th report. Those
19 are the actual numbers that we counted. Now, as I
20 said, the center is about two thirds full. So, we
21 made an adjustment, based on the data in table 1,
22 to come up with the exist -- what we call existing
23 conditions with the full occupancy of the shopping
24 center. And that's presented in figure 2 of the
25 report. So, those are the volumes that would be

1 there if Edens, or, you know, took that center and
2 said, we're just going to lease it up the way it
3 is, and put tenants into those stores, at the
4 square footage it is now, and not make any
5 changes. We then made an adjustment for
6 background traffic growth, and we also included,
7 at the time there was a pending application for TD
8 Bank over on Piermont Road. We included that
9 traffic. Those numbers are in figure 3.

10 MR. MADDALONI: I don't have it in
11 front of me. So, the observed, rather than the
12 expected, what's the difference between those?

13 MR. KELLER: Okay. The -- in --
14 you're asking about that left turn movement,
15 correct?

16 MR. MADDALONI: Right. Yes.

17 MR. KELLER: Okay. I just want to
18 be clear. What we counted were 42 eastbound left
19 turns on Vervalen to Piermont northbound in the
20 p.m. peak hour. And 56 left turns during the
21 Saturday peak hour. Okay. Those were adjusted up
22 to the no-build condition, which is what would be
23 in place in 2014 if nothing was done to the
24 center, other than fully occupying it. There
25 would be 54 left turns during the p.m. peak hour

1 and 75 left turns during the Saturday peak hour.

2 MR. MADDALONI: Okay. Thank you.

3 CHAIR LIGNOS: Mr. Baboo do you have
4 a question?

5 MR. BABOO: Yes, I have a few
6 questions. I wanted to talk about the --

7 CHAIR LIGNOS: Can you speak up,
8 please. I just want to catch you on the --

9 MR. BABOO: Sure. I want to talk
10 about the drive-thru. I just wondered when it
11 said how many lanes are going through the
12 drive-thru. I understand it was 1 for a, you
13 know, a dedicated drive-thru and then another one
14 that kind of leads into the mall.

15 MR. KELLER: Yes. There is a
16 separate lane which is separated from the parking
17 aisle so-to-speak, by an island that's about 6
18 feet wide. So, the drive-thru lane is up against
19 the building where the window would be, separated
20 by an island, and then you have an 18-foot wide
21 drive aisle, that comes from Homans into the
22 center, and on the bank -- I'm sorry, not on the
23 bank. On the church property, you have the annual
24 parking along the side of the church.

25 MR. BABOO: Okay. And all those

1 lanes are in one direction?

2 MR. KELLER: Correct.

3 MR. BABOO: Coming into --

4 MR. KELLER: They're in a southbound
5 direction into, towards the front of the stores.

6 MR. BABOO: Okay. And the church
7 members, when they leave, they're going to be
8 taking the other road to exit the property --

9 MAYOR HEYMANN: That's going to
10 Lewis Street.

11 MR. KELLER: They would go to
12 Campbell and then to Lewis and head north or
13 south.

14 MR. BABOO: Okay. And you don't
15 envision this road being a main entrance to the
16 mall, you envision all the other pathways being
17 more utilized?

18 MR. KELLER: Correct. I mean today
19 it's not a major entrance. It's -- of all the
20 driveways, other than the dead end parking on the
21 east end of Homans, it's the least used. There is
22 more traffic coming in Campbell today than using
23 that driveway on the side of K-mart.

24 MR. BABOO: And the -- forgive me
25 for not remembering, the queue lengths, what was

1 the calculated queue length, the average queue
2 length --

3 MR. KELLER: Oh, for the drive-thru
4 window?

5 MR. BABOO: For the drive-thru.

6 MR. KELLER: I mean the average is
7 probably less than 1. But at most, you're going
8 to see 1 or 2 vehicles in there.

9 MR. BABOO: Okay. Just based on the
10 fact that they're supposed to only be picking up
11 drugs and nothing else, based on that premise --
12 or based on experience --

13 MR. KELLER: Yes. My discussions
14 and conversations with CVS is that that's all they
15 can use it for.

16 MR. BABOO: Okay. My second
17 question is: I'm trying to figure out how much
18 traffic will be backed up, traveling east on
19 Vervalen, basically coming in from the center of
20 town going east. Did you look at that at all or
21 is that included with delays?

22 MR. KELLER: Well, where on -- where
23 on Vervalen did you -- are you asking, Mr. Baboo?
24 Over at Closter Dock or --

25 MR. BABOO: Yeah, going from here,

1 going down there. And I'm specifically concerned
2 there is a traffic light there, the police station
3 there, and I kind of wanted to see if there would
4 be any type of backup area heading back in the
5 direction. The cars would have to wait.

6 MR. KELLER: Wait as they headed
7 east?

8 MR. BABOO: As they head eastbound.

9 MR. KELLER: No, I mean we analyzed
10 the intersection of Vervalen/Closter Dock and
11 Lewis Street. And that intersection operates very
12 well. This is in table 2 of my report. Because
13 it's a signalized intersection, all of the
14 approach movements operate at level of service B
15 today, and no-build and in build.

16 MR. BABOO: Okay.

17 MR. KELLER: So, there's a nominal
18 to no impact on the level of service in the
19 average delay at that intersection, as a result of
20 the -- the redevelopment of the center. And the
21 levels of service are all -- are all very good.

22 MR. BASRALIAN: Just the, Mr. Baboo
23 and Mr. Keller were referring to Exhibit A-12 when
24 they had the discussion about this and this
25 roadway and that intersection, just to be clear.

1 Thank you.

2 MR. BABOO: Okay. Thank you. Thank
3 you. I think it was last Saturday morning I
4 remember walking on Vervalen, and there was a lot
5 of traffic backed up. I think it's because of
6 Heidenberg Plaza. And I just don't want -- I'm
7 just trying to figure out if that's going to
8 exacerbate the condition. Because Saturday
9 morning is a popular time for people to go
10 shopping, and everything else, it's Sunday --

11 MR. MADDALONI: It was backed up
12 going west on Vervalen?

13 MR. BABOO: Going east. Yeah. And
14 with the traffic light there, I was just sort of
15 wondering if, you know, if it's going to make the
16 situation worse or -- but according to what you
17 said, it's not going to make the situation worse.
18 So, I am just trying to line it up in my head.

19 MR. KELLER: Understood.

20 CHAIR LIGNOS: Any other? I'm going
21 to go around.

22 MR. BABOO: Would you have to make
23 changes to the traffic light frequency or anything
24 like that or the utility would stay the same?

25 MR. KELLER: No. Neither of the two

1 signalized intersections that we looked at, the
2 one at Lewis Street, and the one at Homans and
3 Piermont, need any modifications. They are
4 continuing -- I'm not saying that, you know, the
5 county shouldn't, on a periodic basis, re-examine
6 them, but, based on the counts that we have in our
7 projection, there's no need to make any
8 modifications to those -- to the timing or phasing
9 of those signals.

10 MR. BABOO: Okay. My other question
11 is: Does your traffic study take into account any
12 changes of that subdivision, in terms of is there
13 going to a building there, some sort of
14 restaurant, or fast food, or anything like that?

15 MR. KELLER: Our traffic analyses
16 include a 6,000 square foot retail building on
17 that site.

18 MR. BABOO: On that site. Okay. Is
19 there a significant deviation from a retail
20 building versus a fast food restaurant, such as
21 traffic usage or --

22 MR. KELLER: Well, the thing is,
23 it's a shopping center. So, whether the specific
24 uses in any part of the building are irrelevant.
25 As a shopping center it's, as I testified to last

1 time, anticipates a mix of different retail uses,
2 restaurant uses, and the -- from a trip generation
3 perspective there's no different calculation. And
4 we actually, and your consultants agreed, the way
5 we calculated the trip generation increased for
6 this site, was very conservative. Because we
7 based it on the increase in square footage of the
8 supermarket. Because I didn't want to come in and
9 say, we're increasing the total square footage of
10 this, including whatever goes in on that out
11 parcel on that subdivided lot, by only 2,800
12 square feet. And that would -- if I compared the
13 current shopping center to the future shopping
14 center, we'd add less than 10 trips.

15 MR. BABOO: Okay.

16 MR. KELLER: I'm not going to sit
17 here before you and tell you, it's only going to
18 go up by 10 trips.

19 MR. BABOO: I understand what you're
20 saying based on the fact that the mall has -- the
21 part is not subdivided, it has many entrances and
22 exits. But since this is going to be subdivided,
23 I presume that we are only going to have one
24 entrance and one exit. So, my concern is
25 concentrating the traffic in that area. Because

1 people who are using that particular building will
2 not have any other means of entering or leaving
3 the mall. So, I'm just --

4 MR. KELLER: Maybe I -- that's --
5 that subdivided lot is only going to have access
6 within the shopping center. It's not having its
7 own driveway to Vervalen. It's access will be the
8 same as for the rest of the shopping center.

9 MR. BABOO: Oh, I didn't realize
10 that. Okay.

11 MR. KELLER: Yes. The way you asked
12 the question, I --

13 MR. BABOO: Okay. So, it's going to
14 be open to the internal shopping center --

15 MR. KELLER: Yes. Yes.

16 MR. BABOO: Accessible.

17 MR. KELLER: It's part -- it's part
18 of the center, just like the bank is. Other than
19 it's on its own lot.

20 MR. BABOO: Okay. Okay.

21 MR. KELLER: No different than the
22 way the bank operates.

23 MR. BABOO: I see. Okay. Thank
24 you. That's it.

25 CHAIR LIGNOS: Ms. Stella, any

1 questions?

2 MS. STELLA: No questions.

3 CHAIR LIGNOS: Mr. Nyfenger.

4 MR. NYFENGER: No.

5 CHAIR LIGNOS: Mr. Pialtos?

6 MR. PIALTOS: No questions.

7 CHAIR LIGNOS: Mr. DiDio.

8 MR. DIDIO: With regard to your
9 studies, you testified that the area between the
10 existing K-mart and the church had very little
11 traffic.

12 MR. KELLER: Correct.

13 MR. DIDIO: That may be quite
14 possibly because of the road condition there. Did
15 you look at the amount of traffic that goes in the
16 shopping center between K-mart and the old
17 supermarket? Because that appears to get a lot of
18 more traffic of people entering, than the other
19 entrance. I know that for a fact. In addition,
20 when you increase the size of the supermarket area
21 that entrance is going to be closed, which will
22 force more people to that other entrance by the
23 church and K-mart.

24 MR. KELLER: We did look at that,
25 Mr. DiDio. We looked at how much traffic came in

1 and out of all the driveways. And, yes, there is
2 more traffic using that driveway. And it's about
3 50/50 split, 50 from the west and 50 from the
4 east. So, that traffic that's now coming from
5 Piermont and using that center driveway is going
6 to naturally shift to the east driveway, because
7 they really probably want to enter there anyhow.

8 MR. DIDIO: I would assume.

9 MR. KELLER: And, so, that goes that
10 way. And, yes, the traffic that's coming from the
11 Lewis Street side, since they're no longer going
12 to be entering there, some of that traffic may
13 come past to the east driveway in, but only a
14 small percentage, only because if they're -- if
15 they're destined for retail B, or retail D, which
16 are on the east side of the site, they might find
17 it more convenient, even though they're going a
18 little but further past, to come in that eastern
19 driveway. We did put most of the traffic that
20 makes a right or a left out of that center
21 driveway on Homans, over to the driveway on the
22 west side of what's now K-mart. Now, obviously,
23 with it being one way in, the traffic that wants
24 to exit that way is going to use Campbell to
25 Lewis, which is used -- if I look at the traffic

1 from Campbell to Lewis to Homans, is about equal
2 to what goes out the center driveway and heads
3 west on Homans. So, we're going to shift maybe 80
4 percent of that traffic over to where they're
5 naturally doing it now. I will say that the
6 amount of traffic exiting on the west side of
7 K-mart, and heading west, is very light.

8 MR. DIDIO: Okay.

9 MR. KELLER: So --

10 MR. DIDIO: I'm glad you included
11 that in your calculations because that's a big
12 factor there.

13 MR. KELLER: Yeah. No, we looked at
14 all that.

15 MR. DIDIO: All right. Thank you.

16 CHAIR LIGNOS: Mr. Sinowitz.

17 MR. SINOWITZ: The activity on
18 Homans Avenue with the trucks making deliveries,
19 is that going to be the only area for deliveries,
20 pickups, shipment of goods, receipt of goods?

21 MR. KELLER: Well, it will be for
22 Whole Foods and for at least most of retail F.
23 Now, I'm not going to say that some of the --
24 obviously, some of the smaller stores, if they get
25 deliveries in box vans or smaller trucks, they may

1 come in through the front door, where they don't
2 have convenient access to the rear. But we do --

3 MR. SINOWITZ: But those trucks will
4 they have to block the driveways to make the
5 deliveries in the front?

6 MR. KELLER: Well, it depends on
7 whether there's -- what traffic control signs are
8 placed on those driveways. But it would certainly
9 be short, short durations.

10 MR. SINOWITZ: Are you suggesting
11 parking signs or prohibited area parking signs for
12 provided loading area signs, no loading zones?

13 MR. KELLER: I'd have to --

14 MR. SINOWITZ: Is there going to be
15 any attempt to regulate that?

16 MR. KELLER: Yeah, I would presume
17 that's part of the operational. I'd have to check
18 with Edens as to what their standard practices are
19 in their centers.

20 MR. SINOWITZ: Good. Thank you.

21 CHAIR LIGNOS: Mr. DeNicola.

22 MR. DENICOLA: Yeah, I just have a
23 question. I know the last revision, it seemed
24 like a truck route changed to utilizing Homans
25 Avenue and Piermont Road intersection, rather than

1 Vervalen. Because currently you show the entrance
2 on your soil erosion plan as being through
3 Vervalen. But the truck route is really utilizing
4 Homans and Piermont, which is in conflict with
5 what the plan shows. If you look on the soil
6 erosion plan, there's a stabilized construction,
7 phase I, accessing Vervalen.

8 MR. BASRALIAN: Are you talking
9 about deliveries versus --

10 MR. DENICOLA: I'm talking about
11 construction.

12 MR. BASRALIAN: Well, that's
13 different than the delivery issue.

14 MR. DENICOLA: No, no, no, no, no,
15 I'm talking about during construction. On your
16 soil movement application you showed -- there's a
17 statement where you're utilizing Homans to
18 Piermont, then Piermont north, for your truck
19 route. However, the truck route, on the soil
20 erosion plan, indicates Vervalen is being
21 utilized. The two are not jiving. That's all. I
22 just want to see what the actual truck route is
23 and what --

24 MR. KELLER: Well, that's really a
25 question for the site engineer.

1 MR. DENICOLA: Well, it's a traffic
2 question because it's shown as a traffic route on
3 the soil movement application.

4 MR. KELLER: But that was -- that
5 was not part of my responsibility.

6 MR. DENICOLA: All right. Then
7 we'll just have to question him again, I guess.

8 MR. KELLER: Well -- but the point
9 is, you know, we -- the stabilized -- for this
10 site, the stabilized construction entrance could
11 actually be any one of the existing driveways.
12 It's not a virgin site where we're putting down
13 stone or anything. We note on here that the
14 stabilized construction entrance is an existing
15 paved driveway. So, we could just, as soon make
16 it --

17 MR. DENICOLA: Which one?

18 MR. KELLER: The one on -- we can
19 make it any one of the driveways.

20 MR. DENICOLA: Well, you're closing
21 the one in the middle. The one on the east
22 doesn't exist yet. So, I'm not sure which one
23 you're saying, when you say, any one of them.
24 What does that mean?

25 MR. KELLER: We -- we could -- we

1 could use the one on the west side of K-mart. We
2 could -- we may have to temporally use the one to
3 Vervalen until the demolition of that existing
4 plaza area is done so that we can get access to
5 the east driveway. You know, right now, between
6 building retail B, and retail D, it's a paved
7 plaza area. That could be opened up fairly
8 quickly to make that a truck route, if that's an
9 issue.

10 MR. DENICOLA: Your plans don't
11 indicate these issues. That's why I'm raising
12 them. That's all.

13 MR. KELLER: I mean it's a detail
14 that we can work it out. I mean I don't think
15 it's --

16 MR. DENICOLA: And the reason I
17 bring it up during the traffic testimony is
18 because if they are utilizing Vervalen there will
19 be a problem with those truck moves. Your gap
20 analysis, does that take into account trucks
21 making left hand turn lanes, when they're fully
22 loaded with tandems?

23 MR. KELLER: Well, the -- the gaps,
24 no. I mean --

25 MR. DENICOLA: Right. I didn't

1 think so.

2 MR. KELLER: But we're also, the
3 trucks aren't going to be going out during rush
4 hour. They're not going to be going out at
5 between 4 and 5. They're going to be done. I
6 don't know what -- and I don't know about
7 Saturdays, but, again, you know, this work has to
8 occur around an existing shopping center that's
9 operating. Also, the truck route, I'm not sure
10 where the materials are going. Obviously, we're
11 looking at getting to the county road as soon as
12 possible. They could as soon go out Vervalen to
13 Piermont and head south.

14 MR. DENICOLA: Right. That's
15 correct.

16 MR. KELLER: You know, so, it's
17 going to depend on the route. Obviously, if they
18 have to go north, we want to, on Piermont, we want
19 to get them out to Homans.

20 MR. DENICOLA: Right. All I'm
21 saying is the plans, I think the plans jive with
22 what was given to us at the last revision. That's
23 all. Right now it's little bit of a conflict.
24 One indicates Vervalen. One indicates Homans.
25 So, that's the issue.

1 MR. KELLER: Okay.

2 CHAIR LIGNOS: That's it?

3 Mr. Weiner, do you have any questions?

4 MR. WEINER: Yeah, Mayor was --
5 asked you a question about the gaps. Do you have
6 any sense of, if you perform a gap study now, you
7 know, when it's not summertime, what kind of
8 difference there would be? Do you have any
9 evidence, or is there any reason why the board
10 wouldn't want to see a gap study now with the real
11 traffic, and not the summertime? Would it make a
12 difference?

13 MR. KELLER: Would -- it would
14 result, I believe in fewer gaps. But I don't
15 think it would make a difference in our -- in the
16 results. There would still be more than enough
17 gaps to accommodate that left turning traffic.

18 MR. WEINER: And what's the basis
19 for your opinion?

20 MR. KELLER: Just, I don't think
21 that there's that much of a difference. While,
22 yes, the volumes are going to go up by some
23 percentage, they're still released by the signal
24 on either end. So, you can have 6 cars go by in a
25 group, or you could have 10 cars go by in a group,

1 and you still, you know -- and then there's a gap,
2 because the signal is turning to yellow, and
3 before the next movement comes north, or comes
4 south, you have that gap, where the traffic is
5 more random, and more spread out. So --

6 MR. MADDALONI: Chair, could I ask a
7 related question? Because it has to do with --

8 CHAIR LIGNOS: Let me see if he's
9 finished.

10 MR. KELLER: I'm done.

11 MR. DENICOLA: Is the attorney done?

12 MR. WEINER: Well, go ahead. I'll
13 come back. You go ahead.

14 MR. MADDALONI: You testified that
15 shopping malls of this size, 100 to 300,000 square
16 feet, do not have a great deal of variability in
17 their parking demands, correct, as opposed to
18 regional centers --

19 MR. KELLER: Correct.

20 MR. MADDALONI: -- like you stated
21 that has a huge increase in parking demands during
22 the holidays.

23 MR. KELLER: Right.

24 MR. MADDALONI: And perhaps that, in
25 a sense, addresses that question, that there is

1 not a great deal of variability in parking, which
2 if there's not a lot of change in parking, there
3 would seem to be, not a lot of change in people
4 going in and out, right? That's my premise.
5 But -- okay -- so -- but then you went on to say
6 that, you used an expression, which I'm quite
7 familiar with, you said, malls of this size have,
8 you know, their parking demands have a small
9 coefficient of variations.

10 MR. KELLER: Correct.

11 MR. MADDALONI: Which would be
12 uninitiated as the standard deviation divided by
13 the means. But could you tell me what it is? I
14 mean what's small to you? Because I have my own
15 ideas on what's small. I'd like to hear your's.

16 MR. KELLER: I can tell you exactly.
17 For Friday it's 30 percent. And for Saturday it's
18 24 percent.

19 MR. MADDALONI: Okay.

20 MR. KELLER: Now, I mean you put
21 that --

22 MR. MADDALONI: I would have offered
23 about 20 percent is what I would consider small.
24 Again, the standard deviation under the 20 percent
25 of the mean of --

1 MR. KELLER: Remember one --

2 MR. MADDALONI: That's borderline
3 small as far as I'm concerned.

4 MR. KELLER: One thing I want to
5 clarify on that, this is for all size shopping
6 centers. So, this takes into fact the bigger
7 ones, if you, you know, and this is not in my
8 report. This is not something that's been
9 submitted. When you look at the parking, the
10 actual data points, and then the average line
11 through it, for centers under 500,000 square feet,
12 they're all grouped close to the line. When you
13 get out over a million, they start to spread from
14 the line. That's the co efficiency of variation.

15 MR. MADDALONI: Right. Right. And
16 that's a number though. And, so, that's what I
17 was asking if you could provide that.

18 MR. KELLER: If mean if they had
19 this, and if I had all of the data points, we
20 could calculate it for those centers between 100
21 and 350,000 dollars --

22 MR. BASRALIAN: Square feet you
23 mean.

24 MR. KELLER: What did I say?

25 MR. BASRALIAN: Dollars.

1 MR. MADDALONI: Okay.

2 MR. KELLER: So, it would be
3 completely empty at that kind of price. And that
4 size, I think the coefficient of variation would
5 be much smaller for that size center.

6 MR. MADDALONI: Right. Okay. But
7 you don't have --

8 MR. KELLER: I don't have that.
9 They don't publish that. They publish it for
10 shopping centers as in totality.

11 MR. MADDALONI: Right. Okay.

12 MR. KELLER: So, it's skews it.

13 MR. MADDALONI: Yeah, it does. And
14 it doesn't really help you discern the difference
15 between the smaller centers and the larger
16 centers, if the data is aggregated that way.

17 MR. KELLER: Other than looking at
18 the actual data points, and it shows it very close
19 to the average. Means that the variations --

20 MR. MADDALONI: So, you have to
21 eyeball it, where it's nice to have a number.

22 MR. KELLER: Right. Unfortunately
23 we don't always have all the numbers we want.

24 CHAIR LIGNOS: I'm going to ask the
25 attorney to finish up his questions because I have

1 some from myself.

2 MR. WEINER: I notice you took, you
3 took all your counts on Friday.

4 MR. KELLER: Yes.

5 MR. WEINER: And many traffic
6 engineers don't believe Friday is an appropriate
7 day because the traffic is lighter. People leave
8 early. Especially at -- is there any reason you
9 didn't take it on Tuesday, Wednesday, Thursday, as
10 normal?

11 MR. KELLER: For retail we almost
12 always use a Friday. Because the shopping centers
13 are busier. Because people are stopping for the
14 weekend. In the retail industry we do Fridays.

15 MR. WEINER: Okay. The other
16 question I had, is, and again, forgive me, because
17 I wasn't here before, and, really, honestly, I
18 haven't gone through your report in detail. The
19 increase in the p.m. peak hour, you have as what
20 number?

21 MR. KELLER: This is for the trip
22 generation increase?

23 MR. WEINER: I'm looking at table 4.
24 I don't know if that's the right table. But 239.

25 MR. KELLER: Yes, table 4, the very

1 last line in table 4, net change. So, we have 75
2 increase in -- 75 additional vehicles p.m. peak
3 hour. And 103 on a Saturday.

4 MR. WEINER: That's based on ITE
5 numbers?

6 MR. KELLER: Yes.

7 MR. WEINER: Well, the question is:
8 Did you do any -- did you make any adjustment for
9 those numbers on the basis that your center, which
10 is partially vacant now, is already exceeding the
11 ITE predictions?

12 MR. KELLER: Well, that's back to
13 table 1.

14 MR. WEINER: Right.

15 MR. KELLER: And table 1, is, you
16 know, unfortunately you were not here when I
17 testified --

18 MR. WEINER: Oh, okay. And I
19 apologize for that.

20 MR. KELLER: No, that's okay. What
21 we counted at all of the driveways to the shopping
22 center today, and if I compare that number to the
23 ITE trip generation for that size of occupied
24 space, on a p.m. peak hour we're off by 6 cars.
25 On a Saturday we're off by about 100 cars. But

1 that's a typical -- I think is a reasonable
2 variation for the center.

3 MR. WEINER: Well, that was my
4 question. The ITE predicts for the -- maybe I
5 don't understand the table. Did you do the
6 predictions based upon only the occupied space
7 numbers or the total square footage of the center?

8 MR. KELLER: You mean in table 4?

9 MR. WEINER: No, table 1.

10 MR. KELLER: Table 1.

11 MR. WEINER: The ITE number is based
12 upon the total square footage of the center.

13 MR. KELLER: If you look at table 1,
14 in the top half of it --

15 MR. WEINER: Right.

16 MR. KELLER: -- we have how much is
17 -- would be generated, using the ITE data, based
18 on the center as it is today and if it was fully
19 occupied. There is 66,601 square feet of vacant
20 space. That would generate 235 trips on a p.m.
21 peak hour and 304 on a Saturday peak hour.

22 MR. WEINER: All right. So, you
23 took the ITE, based upon the occupied portion of
24 the center and compared it?

25 MR. KELLER: Yes. Correct.

1 MR. WEINER: Okay. Fair enough.

2 MR. KELLER: And that traffic was
3 added to what we counted out there, and that
4 formed our baseline. Because Edens has the right,
5 today, to just lease up the whole center, and that
6 additional traffic is vested by the square footage
7 of the building that is already there on the site.

8 MR. WEINER: Okay.

9 CHAIR LIGNOS: Mr. Keller, just -- I
10 just want to understand the testimony, and just
11 put this on record. Have gap studies and
12 calculations ever been wrong? Have you come
13 across, where you've made calculations, you've
14 looked at the gaps, you've done actual trip
15 counts, you've looked at the gaps, you've come up
16 with numbers, and you've experienced something
17 different in actuality later on. Does that ever
18 happen? Or are these things pretty much --

19 MR. KELLER: Well, you know, it's
20 a -- it's the approach that we take. I mean, I
21 wouldn't characterize it as wrong. Are numbers
22 different? I can --

23 CHAIR LIGNOS: Yeah, different is
24 fair.

25 MR. KELLER: I can go out there,

1 and, you know, we've counted intersections here a
2 couple of times. I can go out -- and I said that
3 in here, we counted the intersection of Lewis and
4 Campbell in May of 2012, and got a set of numbers.
5 We then counted it in September of 2012, because
6 we made the change for the driveway on the west
7 side of K-mart, and I didn't have counts for Lewis
8 and Homans. And now I'm not putting traffic out
9 through that existing driveway. I need to put
10 them out to Lewis and Homans. So, we counted
11 those two intersections again. In September of
12 2012 the traffic counts at Lewis and Campbell were
13 lower than they were in May of 2012 on that
14 particular Friday and Monday -- Friday and
15 Saturday. So, doesn't mean that they're wrong.
16 It just means that they were different. So, I
17 mean, when we did that, we adjusted them up. Now,
18 what I will say, traffic volumes on any given
19 roadway, at any given site, vary from day-to-day.
20 And what the procedure is, the methodology we use,
21 is that the counts that we take on any given day
22 are representative of the conditions that you
23 would find on average, over, you know, the
24 majority of the year.

25 CHAIR LIGNOS: I may not have been

1 -- maybe I didn't phrase my question correctly.
2 You've anticipated, after the -- the -- the mall
3 is -- the plaza fully occupied, certain gap
4 periods, and certain amount of cars that will be
5 able to get through and make the turn onto
6 Piermont.

7 MR. KELLER: Piermont.

8 CHAIR LIGNOS: I'm sure you've done
9 this for tens of malls in other testimony. In
10 those tens of other applications, testimonies,
11 have you ever thought that you expected a certain
12 amount of -- certain amount of cars being able to
13 make turns, and it turns out, in reality, later
14 on, that it was a lot different than what you
15 expected? Has that ever happened to you?

16 MR. KELLER: Not that I recall.

17 CHAIR LIGNOS: So, nothing
18 significant from what you've expected?

19 MR. KELLER: No. And as I said,
20 I've studied malls as small as a couple thousand
21 square feet, up to a million and a half, with
22 Short Hills and Morristown mall, and a lot of
23 other regional malls.

24 CHAIR LIGNOS: So, there's never
25 been a significant difference from what you

1 anticipated to what is -- what became the reality?

2 MR. KELLER: As it relates to
3 those -- for the impacts to those shopping
4 centers, no.

5 CHAIR LIGNOS: Okay. Is there
6 any -- traffic-wise, any other impacts that were
7 different than what you expected?

8 MR. KELLER: Well, depending on the
9 time frame, and what else is going on in an area,
10 there could be -- you know, cumu -- traffic is
11 cumulative. If you're building something in an
12 area that has a lot of other growth, when you do
13 your analysis you base it on the information you
14 have available. If other things come on, that
15 either come on quicker, or that you didn't know
16 about, or weren't anticipated at the time, by the
17 time you finished construction, you have a
18 different baseline than was anticipated. But, you
19 know, that's not related to that specific project.

20 CHAIR LIGNOS: In your testimony,
21 and please correct me if I misunderstood it, you
22 said that a person who's going to look to go north
23 on Piermont, ultimately coming out of the plaza
24 will use the -- will use the Homans exit.

25 MR. KELLER: The --

1 CHAIR LIGNOS: Do you remember
2 saying that?

3 MR. KELLER: I didn't say that they
4 would only use that, but they're predominant --
5 the desire would be to head to the northeast.

6 CHAIR LIGNOS: Because there's a
7 light there, right?

8 MR. KELLER: Yeah. Yeah.
9 Absolutely.

10 CHAIR LIGNOS: Why would a person
11 want to get to a -- to a corner that has a light?

12 MR. KELLER: Well, I mean it's a --
13 I'm not going to necessarily say it's an easier
14 movement, but it's a controlled movement that
15 eliminates some variability that could occur.

16 CHAIR LIGNOS: Okay. So,
17 Mr. Keller, I have three possibilities of getting
18 out of Vervalen. I have only one way of getting
19 out of Homans. And yet your testimony is that the
20 person most likely, knowing the area, would choose
21 to wait, because there's one, as opposed to three,
22 to get out on Homans, because he has an
23 opportunity to get to Homans and Piermont because
24 there's a light.

25 MR. KELLER: Well -- but the --

1 Mr. Lignos, what you have to look at too, is, if
2 you look at the levels of service, because the
3 movements out of the shopping center convey
4 traffic, not just to that northbound left turn,
5 but southbound traffic that's headed west. If you
6 look at the different levels of service, you know,
7 those on Vervalen, while they're still at good
8 levels of service, are at a level of service C.
9 They may have to wait a little bit because there's
10 other people in front of them. While the Homans,
11 the easterly driveway to Homans has a level of
12 service B. So, they're going to see less delay at
13 that location than they would to Vervalen because
14 they're mixed in with a greater amount of other
15 traffic.

16 CHAIR LIGNOS: Now, you made an
17 interesting comment. And I thought I understood
18 it, and I'm afraid I may not have. Presently the
19 plaza is two thirds occupied?

20 MR. KELLER: Correct.

21 CHAIR LIGNOS: And then you said
22 that if you extrapolate out, with the plaza being
23 fully occupied, you come up with some additional
24 X, of both parking and traffic.

25 MR. KELLER: Correct.

1 CHAIR LIGNOS: The success of a
2 center, of a plaza, does it also intensify the
3 existing square feet? What I mean by that, is, if
4 two thirds of the plaza is presently used today,
5 at some level of use, is there intensification of
6 car use, of population, of driving and parking,
7 for even that original two thirds that is right
8 now occupied, but maybe not as intense a use?

9 MR. KELLER: Possibly.

10 CHAIR LIGNOS: Does that make sense?

11 MR. KELLER: Yes. I know what
12 you're trying to say. And that's why, if you go
13 back to your attorney -- I'm sorry, I don't --

14 CHAIR LIGNOS: Mr. Weiner.

15 MR. WEINER: Ira Weiner.

16 MR. KELLER: I know you're not
17 Mr. Chagaris.

18 CHAIR LIGNOS: He's more handsome
19 than Mr. Chagaris. We can say that because
20 Mr. Chagaris isn't here.

21 MS. MITCHELL: It's on the record.

22 CHAIR LIGNOS: Oh, that's right.

23 MR. BASRALIAN: He will get the
24 transcript.

25 CHAIR LIGNOS: Yes, I know. He's a

1 friend so I'm sure he'll forgive me.

2 MR. KELLER: Just let the record
3 show that that was Mr. Lignos who said that.

4 CHAIR LIGNOS: Let the record show
5 that Mr. Weiner agrees. So now we can go on.

6 MR. KELLER: The bottom of table 1
7 is just that comparison. We looked at Closter
8 Plaza, as counted, with the vacancies, and it
9 comes up with a series of numbers. And then we
10 say, how much would ITE say that the center would
11 generate. And on a p.m. peak hour, it's, for all
12 intents and purposes, a wash. Now, for the
13 Saturday, it's about 10 percent less, what's there
14 now than what ITE says. But when we added -- that
15 goes into the baseline. That's going to be in the
16 base -- existing and in no-build. What we add the
17 traffic, you know, as we did, we added it in the
18 conservative approach, we showed it was, you know,
19 we added more than the ITE numbers.

20 CHAIR LIGNOS: So, you intensified
21 the existing two thirds?

22 MR. KELLER: Correct.

23 CHAIR LIGNOS: And then used that
24 same intensified number for the rest of the 1/3.

25 MR. KELLER: Yes.

1 CHAIR LIGNOS: Okay. From your
2 experience, what happens to a shopping center such
3 as this, if traffic becomes unbearable? Does it
4 effect it's success? Does it -- does it -- what
5 happens? Do people still put up with it? What
6 happens?

7 MR. KELLER: Yeah, I mean I think
8 one of the examples that comes to mind, is, a
9 number of years ago we studied an urban farm
10 shopping center in Franklin Lakes. They had this
11 little store, kind of popular, called the Market
12 Basket.

13 CHAIR LIGNOS: The Market Basket,
14 yes.

15 MR. KELLER: The place is packed.
16 Every time we were out there it's packed.

17 CHAIR LIGNOS: I know it well.

18 MR. KELLER: So, what happens --
19 now, remember we're studying commuter peak hours,
20 or retail peak hours on a Saturday. Because
21 that's when the roadways are their busiest. What
22 people -- retail is a discretionary trip. You get
23 to choose when you go. Unless you are employed
24 there, and then you go when your employer tells
25 you to be there. But most of the traffic is

1 customer based. So, customers have the ability,
2 within, you know, reason, of picking when they
3 decide to go. If the conditions are such that
4 they say, oh, you know, every time I go there it's
5 4:30 in the afternoon, you know, I can't find a
6 parking space I want, I'm parking too far out.
7 So, maybe they go a little later. They go a
8 little earlier. It modifies. Now, the ITE data
9 is based on hundreds of shopping centers. And
10 it's a compilation of all these things. I think
11 the numbers, you know there's a number of land
12 uses that are studied a lot. And this is one of
13 them. And I think we have very, very good data.
14 And I judge that by the past -- the trip
15 generation manual, 7th, 8th and 9th. The trip
16 rates varied very little over the editions because
17 we've studied it so much, we know what the traffic
18 is going to be.

19 CHAIR LIGNOS: From your experience,
20 during holidays, and I'm aware that you said you
21 don't think there would be an increase during the
22 holidays because of the type of mall it is. But,
23 during the holidays, in your experience, have any
24 of these centers found it necessary to provide
25 shuttle services to public lots?

1 MR. KELLER: For this type of a
2 center, and let me -- let me take -- let me
3 clarify one thing. When I talked about not seeing
4 a significant increase in traffic during the
5 holidays, I'm talking about peak hour.

6 CHAIR LIGNOS: Right.

7 MR. KELLER: I'm not saying that you
8 don't have more traffic during the non peak hours,
9 that there's not more traffic to the center.
10 There's not a significant increase in peak hour
11 activity. And that goes for both traffic and for
12 parking. For these type of centers I have not
13 been involved in any, in the 30 years I have been
14 doing this, where a center of this type has, you
15 know, offsite parking, has shuttle service to
16 someplace else. Have I done it for regional
17 malls, absolutely. But not for this type of a
18 center. I've never been involved in one where
19 they do that.

20 CHAIR LIGNOS: By extension, do any
21 centers of this size offer shuttles for their
22 employees, to have employees park offsite?

23 MR. KELLER: No. Actually, the
24 shuttles are always for the employees. They don't
25 ever make a customer park someplace else and take

1 a bus, because they won't do it. The employees,
2 you tell them that you will park over there, and
3 do it. But not for this. Again, that's regional
4 malls.

5 CHAIR LIGNOS: Other than regional
6 you haven't seen it?

7 MR. KELLER: No, no.

8 CHAIR LIGNOS: Any -- okay. I'm
9 going to go one last time. Please, only if you
10 have a question. Because we got to open up this
11 portion of the meeting to the public.

12 Mayor.

13 MAYOR HEYMANN: My question has to
14 do with the gap calculations. And I was wondering
15 whether you're aware of the fact that the traffic
16 light on Homans and Piermont is subject to
17 electronic timing. And, so, therefore, it may --
18 the gap that you measured may not be appropriate
19 for times when the electronic measuring may see
20 traffic move much more rapidly towards Piermont or
21 Homans.

22 MR. KELLER: The signal is, and I
23 don't recall if it's semi actuated or fully
24 actuated. What that means in laymen's terms, is,
25 that there are vehicle detectors of, probably

1 cameras, that determine where the traffic is, and
2 it adjusts the time within a cycle light. There's
3 a fixed amount of time. Again, I don't remember
4 what the cycle length is, 90 seconds. And there's
5 a minimum and a maximum for every movement on the
6 signal. And if one approach doesn't have any
7 traffic, it doesn't get any green time. That
8 happens 24 hours a day, 7 days a week. So, within
9 the 2 hours that we did the gap study, there were
10 adjustments in that signal time, based on the
11 flow. Does that mean that on a different day that
12 timing is a little bit different, probably. But
13 over an hour period of time, I don't think it
14 makes any significant change in the results that
15 we would find.

16 MAYOR HEYMANN: Not over an hour,
17 but over 8 hours, because of the type of traffic
18 that moves. But never mind, you just answered my
19 question.

20 MR. KELLER: Okay.

21 CHAIR LIGNOS: Councilwoman. Last
22 chance.

23 MS. AMITAI: Yes, a few questions.
24 My summer commute, back and forth to my job, is
25 such a piece of cake. It's so easy. It's always

1 faster than fall and winter. So, I question doing
2 the study in July and August, in feeling that
3 we're close to what it really is. So, my question
4 to you, is, a couple. First of all, how do you
5 arrive at that time, rush hour, at 4 to 5:00 p.m.?
6 Is that a given from the ITE? That's what they
7 say? Or is that something -- because I think it's
8 too early, 4 o'clock, to start rush hour.

9 MR. KELLER: Well, no, it doesn't
10 come from the ITE. It came from the counts that
11 we took in May of 2012. We looked at all the
12 intersections, and what we do, is, you're looking
13 for those 4 consecutive 15 minute intervals when
14 the traffic is higher. And some intersections
15 were 4 to 5. Some were 4:15 to 5:15. And what we
16 did, is, we took the major intersections that had
17 the most traffic, and looked at where those were,
18 and it came out that 4 to 5 overall for the system
19 had the most traffic on it. So, what -- when we
20 do our analysis, we want to take that time frame
21 when there's the most traffic on the system. So,
22 yes, it's 4 to 5, but it could just assume be 4:30
23 to 5:30. We're picking the highest baseline
24 traffic and then adding everything on top of it.

25 MS. AMITAI: Do you have the date of

1 that study? May 31st?

2 MR. KELLER: It was -- no. It was
3 Friday May 4th and Saturday May 5th.

4 MS. AMITAI: Okay. Great. Thank
5 you. Do your calculations also include 6,000
6 square foot subdivision?

7 MR. KELLER: Yes.

8 MS. AMITAI: I see. Okay. And
9 could you show me how the trucks are going to
10 travel when they're making deliveries there on the
11 back of Homans, where they might be coming from,
12 where they would be turning and --

13 MR. KELLER: Well --

14 MR. BASRALIAN: It's exhibit 12-A.
15 Exhibit A-12.

16 MR. KELLER: Using Exhibit A-12,
17 depending on which portion of the center they're
18 going to, if they're coming to retail F, they
19 would enter, it's a one-way flow, they would enter
20 on the west side, pull in, go to a loading zone,
21 pull out, and either head east on Homans or make
22 the left out to go west on Homans. The Whole
23 Foods loading area, the loading docks are located
24 on the west end of the store, and the same thing,
25 is, they would either -- most likely they are

1 coming -- coming here, coming from the east. They
2 would turn in and then back into the dock, and
3 then they would head back out east on Homans. The
4 smaller trucks, for retail B, or the smaller
5 trucks for Whole Foods, would travel on the back
6 of the store and then go out on the east driveway
7 to Homans. There is also a loading area behind
8 retail D. They would come in either from Homans
9 or they could come in from Vervalen, come in here
10 and head back in either direction. And then there
11 is another loading area behind the theater, which
12 is an existing, and they would come in off
13 Vervalen, pull in and back up, and then go back
14 out to Vervalen. I know Mr. Thomas or -- we
15 submitted truck turning paths as an exhibit. I
16 would presume that they testified to them.

17 MS. AMITAI: I can imagine we are
18 going to have some difficulty with the trucks
19 turning on the little narrow streets.

20 MR. KELLER: Well, I mean there's
21 trucks coming to the center today. You have, you
22 know, the K-mart trucks, when Stop & Shop was open
23 you had their trucks. You know, with any retail
24 center you're going to have truck traffic. And,
25 you know, on the two lane roads in Bergen County

1 it can be a challenge sometimes. But, you know,
2 they're doing it on a regular basis. So, they --
3 it's why they're licensed and skilled at what they
4 do.

5 MS. AMITAI: So then would you --
6 would you recommend right turns only? Or -- or
7 certain turning restrictions for these trucks
8 coming in and out of the loading areas?

9 MR. KELLER: Given the orientation
10 of the roads, the layout of the roads, I don't
11 believe that it's necessary. I don't know what
12 else has been discussed in the past. I haven't
13 looked at that in detail, because that's really
14 been our site engineer has been dealing with those
15 issues. I haven't looked at that level of -- to
16 that level of detail.

17 MS. AMITAI: I have a question I
18 would like to ask, and it wouldn't relate to him
19 really. But this board, I believe, approved an
20 application for another supermarket in town where
21 a light was installed. And that store was only
22 43,000 square feet. And I'm wondering why the
23 light was necessary for that particular store,
24 where it has so little square footage as compared
25 to this -- I'll call this a huge project, and a

1 light that's not necessary. I'm trying to get my
2 head around it. And I don't know who to ask that
3 to.

4 CHAIR LIGNOS: I think Mr. DeNicola
5 might be able to answer it. But I can tell you
6 that the intersection I think you're talking about
7 is Demarest and Durie. And I believe the traffic
8 was not just generated by that food retailer, but
9 was an ongoing condition, am I correct?

10 MR. DENICOLA: Yeah. It was a poor
11 level of service.

12 CHAIR LIGNOS: It was a poorly --

13 MR. DENICOLA: Level of service.

14 CHAIR LIGNOS: Level of service for
15 that intersection.

16 MR. MADDALONI: Wasn't there a
17 blinking light there?

18 MR. DENICOLA: It was a blinking
19 light.

20 CHAIR LIGNOS: Yes, it was. It was
21 at a blinking light. And, quite frankly, it was a
22 condition because of the traffic. And not
23 because -- and I also believe that that was a
24 county --

25 MR. DENICOLA: That was a county

1 signal, yes.

2 CHAIR LIGNOS: That was a county
3 signal.

4 MS. AMITAI: What does it cost to
5 install a traffic light?

6 CHAIR LIGNOS: Well, let's not -- I
7 don't want to ask it of -- let's move on. And if
8 we have conversations later on when we're
9 reviewing the application. Is it possible,
10 Mr. Basralian, that -- because I'm going to go
11 through this, the board one last time, is it
12 possible that the witness could be available after
13 the board's traffic consultant, if there's any
14 additional questions?

15 MR. BASRALIAN: Yeah. Well, he's
16 going to be here for several purposes. One is
17 I've got a couple of questions to follow up to.
18 We have cross-examination. He's going to be here
19 for the board's consultant to ask questions, and
20 for us to ask questions of the board's consultant.
21 So, he is not going anywhere until we are finished
22 with the -- with the traffic.

23 CHAIR LIGNOS: Okay. Thank you.
24 So, let's -- let's see if we can wrap this up
25 since we'll have an opportunity to ask additional

1 questions.

2 MR. NYFENGER: My only question
3 relates to her question. Was the applicant
4 required to pay for the installation of a light?

5 CHAIR LIGNOS: I believe not, but I
6 don't remember the answer.

7 MR. DENICOLA: Yes, a portion of it,
8 yes.

9 CHAIR LIGNOS: It was a portion of
10 it?

11 MR. DENICOLA: Yes.

12 CHAIR LIGNOS: Then I stand
13 corrected.

14 MR. NYFENGER: Okay. Thank you.

15 CHAIR LIGNOS: There was a portion
16 of it Nick says.

17 Mr. Pialtos, questions? Mr. DiDio.

18 MR. DIDIO: I have a question.

19 CHAIR LIGNOS: Yes.

20 MR. DIDIO: Currently on Homans
21 Avenue side, you basically have, I'm going to use
22 the word, in essence, three entrances and three
23 exits to Homans. You have, by the church. You
24 have between A&P and the old supermarket, and then
25 you have all the way at the end. You can go in

1 and out. Although it's not connected with the
2 main part, people do, including myself, park there
3 and go to the mall.

4 MR. KELLER: Correct.

5 MR. DIDIO: Upon the completion of
6 this project you're really only going to have
7 directly onto Homans, one exit. And that's
8 between at the end of the property, the eastern
9 side between the eastern end and the Burger King.

10 MR. KELLER: Correct.

11 MR. DIDIO: In phase II you're
12 taking the front of K-mart off?

13 MR. KELLER: Correct.

14 MR. DIDIO: And bringing that back,
15 reducing the square footage. If you were to take
16 the side off, as well, and reduce the overall
17 dimensions of that physical building, would it be
18 possible to have an entrance in and out on that
19 side between the edge of the building and the
20 church?

21 MR. KELLER: There's a number of
22 different ways that we could have a two-way
23 driveway on the west side. As I testified to
24 tonight, and last time, the amount of traffic, you
25 know, I understand the question that we have less

1 driveways. But the point of the location of
2 driveways in any shopping center are based on how
3 much traffic you have and where is it destined to.
4 We can afford to eliminate that driveway because
5 we don't have that much traffic that's using that.
6 And we have Campbell and Lewis, which are already
7 used by the shopping center, to accommodate that
8 traffic. And shifting traffic to that -- to those
9 intersections has no impact on the level of
10 service at those locations.

11 MR. DIDIO: Campbell and Lewis are
12 also used by emergency vehicles, the police
13 department, exiting from the side, to get to that
14 part of the town. And that's another concern. If
15 you're having shopping center traffic coming out,
16 that could create issues as well. That's why I'm
17 thinking in my head, if you would reduce the side
18 of that building and make that a two-way you would
19 avoid some of the congestion that's backed up on.

20 MR. NYFENGER: One going this way,
21 one going that way.

22 MR. DIDIO: That would have to be
23 redesigned.

24 MR. NYFENGER: It would be all
25 messed up.

1 MR. DIDIO: It would have to be
2 redesigned.

3 MR. KELLER: I mean the bottom line
4 is that if in shifting the traffic to Campbell and
5 Lewis created operating conditions that were
6 materially different than what they are today, I
7 think a concern about having your emergency
8 services vehicles using that street might be of
9 greater issue that would have to be looked at.
10 We're not changing the level of service. We're
11 not changing the average delay. Yes, there's a
12 few more cars, you know, 20 or 30 cars over an
13 hour. But the amount of traffic that's coming out
14 of the shopping center and using Lewis Street, and
15 just general traffic that's using Lewis Street is
16 very low. So, the fact that we're putting a few
17 more cars there, I don't think has a material
18 impact on your emergency services. So --

19 MR. DIDIO: Okay.

20 CHAIR LIGNOS: Mr. Sinowitz.

21 MR. DENICOLA: One question. You
22 keep on talking about Vervalen and Piermont. Was
23 there a warrant analysis done to see if a signal
24 was warranted there?

25 MR. KELLER: Well, you know, we did

1 a gap study, which was requested by your
2 consultant. Because the software said we had a
3 failing condition. So, the gap study, which could
4 potentially be one of the warrants, would be a
5 peak hour warrant; possible. We did a gap study
6 that showed there was sufficient gaps. That takes
7 that potential out.

8 MR. DENICOLA: That one.

9 MR. KELLER: Right. But the
10 majority of the warrants for a traffic signal
11 relate to volume. Now, we're not meeting peak
12 hour volumes. We're not going to meet a 4 hour
13 warrant and we're certainly not going to meet an 8
14 hour warrant. Now, it's not to say that, you
15 know, we did not study the a.m. peak hour, which I
16 testified to last time, because the shopping
17 center traffic is very small at that point, and
18 the increase related to the addition is small as
19 well. So, we didn't study that. I don't know
20 what the peak hour conditions are there in the
21 morning. And maybe it's warranted. Maybe it's
22 not. But it's certainly not warranted as a result
23 of anything that this applicant is doing. Now,
24 the warrant -- warrants are guides. And they're
25 set forth in the manual and uniform traffic

1 control devices, MUTCD. By the federal highway
2 administration. And there is guidance in there
3 that says, you know, if I looked at just the side
4 street, yeah, there is a lot of traffic using
5 Vervalen, but most of that is making a right-hand
6 turn to go south on Piermont. And you looked at
7 that level of service, even in peak the hour it's
8 a level of service C, on an unsignalized
9 intersection. Signals are good for some traffic.
10 They are bad for other traffic. Traffic that's
11 traveling through on Piermont doesn't have to
12 stop. They have no delay other than the flow of
13 traffic in general. Their speed and their ability
14 to move isn't impeded by anything at that
15 location. You put in a traffic signal and now
16 they're going to be stopped. So, that creates an
17 added delay. That creates air pollution and so
18 on. So, signals are good in certain
19 circumstances. The same thing with the northbound
20 left. Coming up Piermont headed west on Vervalen.
21 Again, there's a fairly heavy left turn movement
22 during the p.m. peak hour. But the level of
23 service is very good. I think it's level of
24 service C because there's not that much southbound
25 traffic that opposes it. The only thing that

1 comes close, you know, from the analysis, that
2 came close to potentially satisfying a warrant,
3 was the eastbound left. And we have one car a
4 minute.

5 MR. DENICOLA: That's the --

6 MR. KELLER: No, no, no, that's
7 what's there today.

8 MR. DENICOLA: Oh, I thought you
9 said it increased by one car.

10 MR. KELLER: No, no, no, I said
11 there's one car a minute today.

12 MR. DENICOLA: Okay.

13 MR. KELLER: Yes, our distribution
14 is adding one car to that.

15 MR. DENICOLA: And out of curiosity
16 that's going left, north on Piermont?

17 MR. KELLER: Correct.

18 MR. DENICOLA: How many people are
19 going, in increase-wise, left on Piermont from
20 Homans, in distribution? Increase --

21 MR. KELLER: Four on a p.m. and five
22 on a Saturday.

23 MR. DENICOLA: So, you're getting a
24 total of, on a weekday, 6 more lefts than occur
25 today, for a peak hour?

1 MR. KELLER: Correct. That's --
2 that's 6 percent -- that's six percent of the --
3 of the site generated traffic.

4 MR. DENICOLA: That distribution was
5 arrived out how?

6 MR. KELLER: It was a combination of
7 the -- we assigned it to the driveways based on
8 the driveway utilization. To the network itself
9 we used the gravity model, which is based on the
10 population of the surrounding area.

11 MR. DENICOLA: Okay.

12 CHAIR LIGNOS: Okay. Mr. Weiner, do
13 you have questions?

14 MR. WEINER: No.

15 MR. BASRALIAN: I do.

16 CHAIR LIGNOS: Okay. We are now,
17 from our standpoint, for this round, completed.

18 MR. BASRALIAN: I have a question.
19 We keep talking about the gap study. If I
20 remember your testimony correctly, you said that
21 the left-hand turns in the p.m. peak are
22 approximately 55 in an hour.

23 MR. KELLER: Correct.

24 MR. BASRALIAN: You testified that
25 the gap study would permit over a hundred

1 left-hand turns per hour, up to a hundred and
2 fifty was the number.

3 MR. KELLER: A hundred and
4 thirty-six on a p.m. and a hundred and
5 seventy-eight on a Saturday.

6 MR. BASRALIAN: Okay. So, even if
7 there was an increase in traffic because you did
8 the gap study on September 6th or 7th, versus when
9 you did do it, the difference between the
10 capability of the traffic, is what's, according to
11 your report, is 135 cars versus 55 that are
12 actually making a left. So, if you did a study,
13 and there was an increase of 10 or 15 percent,
14 would it effect the gap study that you've already
15 prepared?

16 MR. SEGRETO: I object to the
17 question. It's a hypothetical. I thought we were
18 not allowed to ask hypotheticals.

19 MR. BASRALIAN: There was a response
20 --

21 MR. WEINER: Whoa, he is allowed to
22 ask a hypothetical of an expert in his field. All
23 right. You were asking a hypothetical of the
24 landscape architect about an engineering question.

25 MR. KELLER: The number of the gaps,

1 and how many vehicles could be accepted in that
2 gap, is going to be less. But it's still, in my
3 opinion, going to be more than the traffic that's
4 there today.

5 MR. BASRALIAN: The gaps would be
6 greater than the traffic that is there today, or
7 even if there was an increase of, by my
8 hypothetical, of 10 or 15 or 20 percent?

9 MR. KELLER: Correct. Remember, you
10 know that most of this traffic that we counted at
11 that location is there today. They're making that
12 movement. So, there's gaps to accept them.

13 MR. BASRALIAN: Thank you. I have
14 no further questions at this point.

15 MR. BABOO: Mr. Chairman, I don't
16 think we got to complete this part of the circle.

17 CHAIR LIGNOS: Yes, we did. I
18 started like this and then I finished -- oh, did I
19 cut you off?

20 MR. BABOO: Yeah. Well, you cut
21 maybe Mark.

22 MR. MADDALONI: I'm good.

23 MR. BABOO: Yeah. So, Mark is good
24 but I had --

25 CHAIR LIGNOS: Okay. Then I

1 apologize. All me to -- Mr. Baboo. Mr. Baboo and
2 then Ms. Stella and then we're finished.

3 MR. BABOO: I was waiting patiently.

4 CHAIR LIGNOS: I'm sorry.

5 MR. BABOO: No, no problem. Have --
6 have there ever been studies commissioned where
7 there was a mall, it was renovated or rebuilt, and
8 a lot of anchor tenants moved in and the mall
9 became very successful.

10 MR. BASRALIAN: Excuse me. Let's
11 characterize -- this is not characterized as a
12 mall. It's not. It's a shopping center. There's
13 a different connotation. So, let's call it a
14 shopping center. Because that's what it is. Not
15 a mall.

16 CHAIR LIGNOS: Let's keep it to
17 plaza, which is what it is.

18 MR. BABOO: Okay. I'm sorry I used
19 the wrong wording.

20 MR. BASRALIAN: It has a different
21 connotation, Mr. Baboo.

22 MR. BABOO: Yeah, it won't happen
23 again. Okay. So, I'm sorry the right word to use
24 is plaza, shopping mall --

25 MR. DENICOLA: Not shopping mall.

1 MR. BASRALIAN: Shopping center.

2 MR. BABOO: The shopping center.

3 MR. WEINER: The point of the
4 question is, a facility of similar sizing. That's
5 what I think he's asking a question about.

6 MR. BABOO: Okay. So, a shopping
7 center. Has there been a commission study after
8 it was built, and after they realized that,
9 because of the increase in traffic, and increase
10 in anchor tenants, and increase in activity, that
11 they needed to do another study, and maybe come up
12 with remediation for the issue? Has there been
13 anything like that that has happened, that you've
14 come across in your travels?

15 MR. KELLER: I'm sure in the 30
16 years I've been doing this that I have been asked,
17 by a retailer, you know, a shopping center owner,
18 come and look at their center. But it's -- it's
19 not necessarily because of the traffic from that
20 center. It's because of growth in the area. And
21 they're having difficulty with their center. You
22 know, the fact that there's 1, 2, 3 kind of anchor
23 stores within -- within a shopping center this
24 size, doesn't necessarily mean that there's going
25 to be, even though they're very successful,

1 doesn't necessarily mean that there's going to be
2 traffic issues associated with that. You know,
3 the data is, I think very consistent, and very
4 appropriate for analyzing the impacts of shopping
5 centers.

6 MR. BABOO: Okay. If I could be
7 presumptuous and say, if you have a CVS and a
8 Whole Foods, and I'm not sure what other stores
9 are lined up, and let's say there is a big traffic
10 problem. What are some of their remediation,
11 mitigation techniques that a mall could possibly
12 do? A center. I'm sorry. Sorry. Strike that,
13 shopping mall.

14 MR. KELLER: I mean the
15 possibilities are, you know, I don't want to say
16 endless, but there is a lot of different
17 opportunities that could occur. Reconfig -- or
18 changing the flow patterns, the driveways,
19 providing extra turn lanes out.

20 CHAIR LIGNOS: By the way, we've
21 done that to one of our -- in town already.
22 That's one thing we have done already.

23 MR. KELLER: Right. Right. You
24 know, as it relates to the area around it, I mean
25 if there's existing signals, you can modify the

1 existing signals. You can add turn indications at
2 those signals. You know, Homans and Piermont the
3 county, you know, used, recently, kind of quotes,
4 has redone that signal. From, you know -- and
5 added all that type of stuff. You know, in
6 certain centers it's possible that you end up
7 looking to put a traffic signal in. But that has
8 to be, again, any time that you look to put in a
9 signal, at any location, you have to meet
10 warrants. You know, this particular center has a
11 lot of benefits with its access to both -- to two
12 streets. Having a lot of frontage on those
13 streets, that you have multiple points of access
14 in to and out of the center, that don't
15 concentrate the traffic at any one location. And
16 I think when you look at our levels of service at
17 the site driveways, there is adequate capacity in
18 those -- at those driveways today, with no change,
19 to accommodate more traffic during the peak hour
20 and other hours of the day. The same with the
21 adjacent signalized intersection, in that they're
22 operating at level service of B and C on all the
23 approaches. So, there is available capacity in
24 the peak hours, to accommodate more traffic. So,
25 in this particular setting, there is flexibility

1 in the network to accommodate, you know, daily,
2 weekly, monthly variations in traffic conditions.

3 MR. BABOO: You're saying with the
4 numerous exits and entrances you feel that there
5 should be some absorption if there is additional
6 activities that are at the mall due to a widely
7 successful store, more anchor tenants?

8 MR. KELLER: There -- there is
9 plenty of capacity into and out of this center
10 that isn't -- that could be utilized if there was
11 a surge in traffic on any particular day. But I'm
12 very confident that the numbers that we're putting
13 in this report would be representative of an
14 average day, typical condition throughout the year
15 at this center.

16 MR. BABOO: Okay. With a typical
17 shopping mall condition --

18 MR. KELLER: Shopping center.

19 MR. BABOO: -- shopping center
20 condition. The studies that you base this on, do
21 you assume a certain number of anchor tenants?
22 Maybe an average of two or three?

23 MR. KELLER: No. We base it on the
24 square footage.

25 MR. BABOO: Okay.

1 MR. KELLER: And I mean If you took
2 20 shopping centers and 200,000 square foot,
3 250,000 square foot range, they are going to have
4 generally between 2 and 4 major stores. And the
5 rest are smaller stores. But there's nothing in
6 the data that specifically says what they are or
7 how many there are. As I said, the amount of data
8 we have for retail centers, is, I mean tremendous.
9 It's one that office, residential are probably 3
10 of the land uses that we deal with on a regular
11 basis that have a ton of data. Because we've
12 studied them for a long time.

13 MR. BABOO: Okay. But this
14 particular scenario, you're sort of taking the
15 average of all that data and sort of assuming that
16 would be a typical day-to-day condition?

17 MR. KELLER: Well -- we're not --
18 for the shopping centers we don't use the average
19 rate for the center. There is -- they -- they
20 develop formulas. And for this particular one I
21 know it's -- I don't remember my math. It's
22 steeper in the beginning and smaller square
23 footages and then it flattens out. But we use the
24 equation because that, in my opinion, is a more
25 accurate, and more appropriate way to do it. And

1 it counts for, you know, it's not saying it's an
2 average rate of X. Because averages for shopping
3 centers are not really an appropriate way to do
4 it.

5 MR. BABOO: Okay. This is just a
6 hypothetical question. If traffic became a very
7 big concern, especially traffic within the mall,
8 would it be conceivable that you could build
9 another entrance or exit?

10 MR. KELLER: I honestly I can't see
11 in any scenario where the traffic is to such a
12 degree that we need another driveway. You know,
13 so much capacity in the driveways that are there
14 that I do not see any scenario where that happens.

15 MR. BABOO: All right. Thank you.

16 CHAIR LIGNOS: Ms. Stella.

17 MS. STELLA: No questions.

18 CHAIR LIGNOS: Okay --

19 MS. AMITAI: Will we have another
20 opportunity to ask --

21 CHAIR LIGNOS: I think we have asked
22 about every question we can, but we will have an
23 opportunity, I think, of our traffic engineer and
24 then I'm sure there will be cross questioning.

25 MS. AMITAI: So, is that a yes.

1 CHAIR LIGNOS: It's about as yes as
2 I can give you almost two hours into it. Into
3 this meeting. Yeah.

4 MR. NYFENGER: Maybe this is a silly
5 question but we're going week after week after wee
6 and there's a ton of things we've talked about.
7 Are we going to wait till the very end to talk
8 about them amongst ourselves?

9 CHAIR LIGNOS: Correct. And I'm
10 sure you're taking notes, just like I am.

11 MR. NYFENGER: Mm-mm. Okay.

12 MR. BASRALIAN: I'm just going to
13 request for my stenographer here that we take a
14 break.

15 CHAIR LIGNOS: We do that now, and
16 then we come back with questions from the public.
17 Let's take a -- we're going to do this in -- what
18 time is it?

19 MS. MITCHELL: 9:42.

20 CHAIR LIGNOS: We're going to do
21 this for 8 minutes. So, 9:50.

22 (A recess was taken.)

23 CHAIR LIGNOS: Okay. The time now
24 is -- the time now is 9:50. And this meeting is
25 back -- this meeting is back in order. Now, I

1 think we'll do it, it's just going to be more
2 thorough if we do it this way.

3 I'd like to open up this portion of
4 the meeting to the public. Any member of the
5 public that has a question of this witness. I'm
6 going to ask the public, sincerely, that if the
7 board has asked the question, please, please,
8 please, don't reask it. We got our answer. And
9 I'm sure you did too. Just so that we can move
10 this along. So, yes, sir?

11 MR. ROSENBLUME: I think I remember
12 everything that happened.

13 CHAIR LIGNOS: I'm sure if there's
14 one person in the audience --

15 MR. ROSENBLUME: Jessie Rosenblume
16 65 Knickerbocker Road. I believe that currently
17 the shopping center in front of the stores is a
18 designated fire lane, am I correct?

19 MR. KELLER: That would be the site
20 engineer. I don't know.

21 MR. ROSENBLUME: Okay. So, you
22 don't know if this plan has a fire lane in front?

23 MR. KELLER: No. That would be the
24 site engineer.

25 MR. ROSENBLUME: Okay. This is

1 considered a community shopping center, right?

2 MR. KELLER: Yes.

3 MR. ROSENBLUME: Okay. That the --
4 that basically the clientele will come within a
5 4-mile radius?

6 MR. KELLER: That's the primary
7 trade area for a community shopping center, yes.

8 MR. ROSENBLUME: Okay. Do you know
9 of any theaters within 4 miles?

10 MR. KELLER: I don't, no.

11 MR. ROSENBLUME: Do you know how
12 many newer homes were built since that traffic
13 study was done?

14 MR. KELLER: No.

15 MR. ROSENBLUME: Okay. Does the ITE
16 figures differentiate between a community shopping
17 center that is located like this project on two
18 local streets, versus a highway?

19 MR. KELLER: No.

20 MR. ROSENBLUME: There is no
21 difference?

22 MR. KELLER: No.

23 MR. ROSENBLUME: Okay. The Whole
24 Foods loading docks, they're designed to
25 accommodate like 50 foot trailers?

1 MR. KELLER: Yes.

2 MR. ROSENBLUME: Back in that area,
3 the loading area, is there a walk-in door?

4 MR. KELLER: I don't -- I don't know
5 I'm not involved in the internal, you know,
6 details of the stores.

7 MR. ROSENBLUME: Okay.

8 MR. KELLER: That's the site
9 engineer.

10 MR. ROSENBLUME: Because generally
11 bread deliveries or soda deliveries will not use
12 the loading docks. They're looking for an easy
13 way in.

14 MR. KELLER: Well there's -- I know
15 there's a ramp along the loading docks in the rear
16 that goes into the receiving area. The receiving
17 area for the Whole Foods is in the back of the
18 store.

19 MR. ROSENBLUME: But is that ramp
20 like a walk-in type as far as you know?

21 MR. KELLER: As far as I know, yes.

22 MR. ROSENBLUME: Okay. Thank you.

23 CHAIR LIGNOS: Thank you. Any other
24 member of the public. Yes, sir.

25 MR. ISAACSON: Steve Isaacson 97

1 Columbus. Follow up with Mr. Rosenblume asked, I
2 go to the A&P early in the morning, and all the
3 trucks that are servicing the racks, park right in
4 the parking lot. They don't even go in the back.
5 Is that going to cause an issue?

6 MR. KELLER: Well, I can't testify
7 to what A&P does. You know, in Whole Foods, you
8 know, this -- this center is designed that they go
9 in the rear.

10 MR. ISAACSON: Okay. I won't touch
11 that one. Also, how many loading docks are there
12 for Whole Foods?

13 MR. KELLER: I don't know. I
14 believe it's two but --

15 MR. ISAACSON: Okay. What happens
16 if 5 trucks show up at the same time? Where are
17 the other 3 trucks going to queue up?

18 MR. KELLER: The trucks are
19 scheduled, that go to the loading docks are
20 scheduled.

21 MR. ISAACSON: They make
22 appointments?

23 MR. KELLER: Yes.

24 MR. ISAACSON: People don't break
25 appointments, and traffic jams run late?

1 MR. KELLER: They're scheduled.

2 MR. ISAACSON: Okay. I'm just
3 curious, and you have to bear with me, because I
4 came here at 9 o'clock, I do not know if this
5 question was asked. Why were the counts taken
6 when the schools were closed?

7 MR. KELLER: The counts were taken
8 in May and September of 2012.

9 MR. ISAACSON: When the schools were
10 closed.

11 MR. KELLER: School was opened.

12 MR. ISAACSON: School was in session
13 but was the school open?

14 CHAIR LIGNOS: In other words, it
15 was after 3 o'clock.

16 MR. ISAACSON: The time of day the
17 counts were taken.

18 MR. KELLER: Oh, okay, that's a
19 different --

20 MR. ISAACSON: No, that's the same
21 question.

22 MR. KELLER: No. I'm not going to
23 argue about it. The counts for retail centers are
24 done during the p.m. peak hour and on Saturdays,
25 because that's when the shopping center is at its

1 busiest. We don't study a period. We look for
2 the period where the roadway is busy, and the land
3 use is busy. And that's why we selected those
4 times of day and hours of the day.

5 MR. ISAACSON: Okay but you're not
6 from Closter?

7 MR. KELLER: No.

8 MR. ISAACSON: Have you ever been at
9 the intersection of Homans and Piermont when the
10 schools were loading in or when the schools were
11 loading out?

12 MR. KELLER: No.

13 MR. ISAACSON: So, you're not
14 familiar with the peak traffic periods in our town
15 at that particular intersection, is that correct?
16 Simple yes or no.

17 MR. KELLER: It's not a yes or no
18 question. We studied, and I've seen the peak
19 conditions when the streets and the shopping
20 center are at their peak.

21 MR. ISAACSON: Okay. This was done
22 at 2:12. So, there was no time in between 2:12,
23 2012 and 2013 to have done an additional traffic
24 count while the schools were in session, maybe at
25 3 o'clock, maybe at 2:30, or during the holiday

1 peak period when the shopping center is used to
2 its peak, is that correct?

3 MR. KELLER: That's correct.

4 MR. ISAACSON: Okay. Thank you. Do
5 you feel that a bus route going down Vervalen
6 Street would be a good thing for the shopping
7 center, and might help increase or decrease the
8 need for parking in the lot?

9 MR. KELLER: Materially, no. I
10 don't think it would have a material impact on it.
11 As to whether it's a good idea, I don't know.

12 MR. ISAACSON: Okay. And, also, I
13 respect the fact that you took the traffic study
14 in 2012, but it seems like the shopping center may
15 not be completed until 2017. Now -- I'm figuring
16 maybe a year, year and a after the K-mart lease
17 expires in 2015. Do you feel that things will be
18 the same as they were in 2012 in 2017?

19 MR. KELLER: Well, we added
20 background growth to the counts that we took in
21 2012, to 2014. We used 2 percent growth because
22 that's what the DOT says we should use on these
23 roadways. Actual traffic growth in Bergen County,
24 and most of New Jersey isn't 2 percent per-year.
25 Generally it's pretty flat. So, do I think our

1 study is representative of what would happen in
2 2017, yes, I do.

3 MR. ISAACSON: Okay. But these DOT
4 numbers, based upon a road where the shopping
5 center that's being developed over five years, or
6 are they just any old road in the county?

7 MR. KELLER: The growth rates are
8 for a class of road from local up to interstate.
9 And it's divided into rural areas and urban areas.
10 And, yes, there are rural areas as far as the DOT
11 is concerned, in Bergen County. Not around here.
12 This is Urban. So --

13 MR. ISAACSON: So, you consider this
14 to be an Urban area?

15 MR. KELLER: Yes. I don't. The DOT
16 does, yes.

17 MR. ISAACSON: Okay. Thank you very
18 much.

19 CHAIR LIGNOS: Thank you. Anyone
20 else from the public? Mr. Segreto.

21 MR. SEGRETO: Yes. Thank you.

22 CROSS-EXAMINATION BY MR. SEGRETO:

23 Q Mr. Keller, your traffic counts were
24 performed in May and September of 2012, correct?

25 A Yes.

1 Q Now, were they -- were they
2 performed for purposes the 2012 application that
3 this applicant submitted?

4 A We prepared a traffic study for this
5 application that's currently before this board,
6 yes.

7 Q Right. So, you submitted a report
8 with the 2012 plans, did you not?

9 A I don't recall. I don't recall.

10 Q I think you indicated that you went
11 out and performed the studies in September of
12 2000 -- 2012 as a result of, I guess it would be
13 the board's engineer had some questions, and then
14 you went out and performed additional counts, is
15 that correct?

16 A No.

17 Q Is that with regard to the counts
18 you did in 2013?

19 A The counts we did in September of 2012
20 were based on a change to the development program
21 established by the client. The counts -- the only
22 count -- we actually did not do counts in 2013.
23 We did a gap study in 2013.

24 Q All right. What changed in the
25 plans from May of 2012 to September of 2012?

1 A We added a drive-thru on the west side of
2 retail building F.

3 Q And you indicated that you did
4 have -- you've had conversations with CVS, is it
5 contemplated that CVS is going to be going into
6 the K-mart building?

7 A My conversations with CVS were for a
8 project we did in Whippany. Not for this project.

9 Q But it's anticipated that's the
10 reason why you have that drive-thru, it's
11 anticipated that a pharmacy would be going into
12 that area of the K-mart building, is that correct?

13 MR. BASRALIAN: Excuse me. That was
14 not the testimony of the architect. He said he
15 was providing it, if as and when they elected to
16 put in, if they ever got a tenant for that space
17 at that location. There was no indication it
18 would go in. There was no indication who that
19 tenant would be. His reference is correctly
20 stated as he was talking about his conversations
21 with a CVS which he is also familiar. Not for
22 this center.

23 Q Well, this applicant is showing a
24 drive-thru, correct?

25 A Yes.

1 Q And the proposal is that it's going
2 to only be an ingress and not an egress, is that
3 correct?

4 A I don't understand the question.

5 Q At the end of phase II, that
6 driveway that's near the drive-thru --

7 A Yes, it's an ingress only.

8 Q All right. If a pharmacy does not
9 go there and you do not put a drive-thru, will it
10 be an ingress and egress?

11 A I haven't discussed that with the client.
12 Physically if there's no drive-thru that could be
13 a two-way driveway, yes. But we haven't discussed
14 that.

15 Q With regard to table 1, your traffic
16 activity comparison table, am I correct that the
17 observed data, Closter Plaza with the vacancies,
18 p.m. peak hour, there's going to be 810 trips, is
19 that correct?

20 A There are 810 trips. That's counted data.

21 Q Right. Yeah.

22 A Yes.

23 Q Right. And that's under the
24 existing conditions, that's with the K-mart,
25 84,000 square foot K-mart building, right, in the

1 dilapidated condition of the shopping center,
2 right?

3 A Your characterization. But that's the
4 traffic generated by the center today.

5 Q And with the 1/3 vacancies?

6 A Yes.

7 Q And then in the Saturday peak hour
8 it's 975?

9 A Correct.

10 Q The problem I'm having is, is I'm
11 trying to, when I look at table 4, the trip
12 generation, I'm trying to compare those two
13 numbers, that is the existing counts with what you
14 propose the generation will be in the build stage
15 for this shopping center.

16 A Table 4 has nothing to do with vacancies
17 in the center.

18 Q Yeah, I understand that. I
19 understand that. That's what you -- what you
20 propose will be the trip generation for the
21 shopping center, correct?

22 A Yes.

23 Q All right. Am I correct in looking
24 at the line, proposed retail space, that's what
25 you propose this shopping center will generate at

1 the end of phase II, correct?

2 A No, that's only part of what will be
3 generated by this center. You have to take the
4 supermarket, the proposed supermarket, and the
5 proposed retail space, is a total of 214,337
6 square feet.

7 Q With regard to the proposed
8 supermarket you did not take into account the
9 3,000 square foot mezzanine, is that correct?

10 A That's correct.

11 Q And am I correct, in the p.m. peak
12 hour then, your trip generation figures, you're
13 showing for the p.m. peak hour 502 for the
14 shopping center, right?

15 A No, 502 for the supermarket.

16 Q Supermarket. I'm sorry.

17 A Yes, that's correct.

18 Q And for the remainder of the space,
19 919 trips?

20 A Correct.

21 Q Total of 1,421?

22 A Yes.

23 Q Then for the p.m. peak hour, same
24 supermarket, 448 and 1224 for the remainder of the
25 space.

1 A Right. For Saturday, correct.

2 Q For Saturday?

3 A Yes.

4 Q That figure of 173,081 square feet
5 includes restaurants, is that correct?

6 A Yes.

7 Q It includes the freestanding bank
8 that's existing in the parking lot?

9 A Yes.

10 Q And it also includes a 6,000 square
11 foot retail building for the subdivided lot?

12 A Yes.

13 Q Now, why didn't you do a trip
14 generation for the bank and for the restaurant
15 separately than the proposed retail space?

16 A Because the right way to do this, is, to
17 just treat the whole thing as a shopping center.
18 And if I had treated the whole thing as a shopping
19 center, the supermarkets are part of shopping
20 centers, those increases of plus 75 and plus 103
21 would have been plus 5 and plus 10 ballpark. I
22 don't know the exact number. But they would be
23 very small, because the shopping center is
24 increasing by 2,800 square feet. This
25 generally -- this is not the way you do it. But I

1 wanted to have a conservative number so we could
2 add traffic. And I felt that this was the
3 appropriate way to give the board and its
4 professionals a higher than -- a higher estimate
5 of how much traffic would be generated by this
6 redevelopment.

7 Q So, on the line where it says,
8 proposed supermarket, you used the supermarket
9 land use code from the ITE manual?

10 A Yes.

11 Q Now, you concluded that the -- based
12 upon your actual counts, the p.m. peak hour occurs
13 between 4 and 5 p.m. for weekdays, is that
14 correct?

15 A Yes.

16 Q And on Saturday 12 to 1?

17 A Yes.

18 Q You also indicated in your report
19 that the increase in any trip generation
20 associated with the redevelopment is going to be
21 the result of the increase in square footage of
22 the supermarket use, is that correct?

23 A For the reasons that I stated a couple of
24 times, yes.

25 Q And that is because the supermarket

1 space is going from 27,000 square feet to
2 approximately 41,256, right?

3 A Yes.

4 Q And if you include the mezzanine
5 it's an additional 3,000 square feet, right?

6 A As I recall, yes.

7 Q But the ITE manual may tell you that
8 you should not include any type of mezzanine in a
9 supermarket space when you're doing trip
10 generation?

11 A The mezzanine space -- the ITE does not
12 specify how to deal with mezzanine space. But
13 it's support, back office, storage, lunch area.
14 Generally it's not -- if somebody was studying a
15 supermarket and doesn't know that there is a
16 mezzanine in there. So, the trip rates are what
17 you count going in and out of the supermarket, or
18 a shopping center, based on what somebody can see
19 from an aerial, from a site plan, and they don't
20 know that there's a mezzanine in there. So, I
21 think -- I don't think including the mezzanine is
22 appropriate. Plus, the fact that it wouldn't
23 materially change our results.

24 Q I want to talk about your tables 1A
25 and 2A, the shared parking analysis.

1 A Sure.

2 Q Now, in both tables, when it comes
3 to parking provided you indicate that there is 844
4 spaces available. And I believe that the Omland
5 site plans indicate that there will be 830 spaces
6 at the end of phase II.

7 A Actually on site it's 820. The 844 I've
8 treated this, including the subdivided lots. So,
9 because the retail, if you added these up, it
10 comes to 214,337 which includes 6,000 square feet
11 assumed on the subdivided lot.

12 Q And, again, why did you include the
13 subdivision lot in your calculations?

14 A Because I wanted to deal with the
15 potential full development of this tract,
16 including the subdivided lot.

17 Q Now, based upon table 1A, and that
18 deals with the weekday p.m. peak hour, isn't the
19 actual peak hour, as shown on this schedule,
20 between 12 and 1:00 p.m. during the week?

21 A That's for parking.

22 Q Doesn't that -- doesn't that
23 correspond with actual trip generation to the
24 site?

25 A No.

1 Q Why not?

2 A Because parking is not necessarily based
3 on traffic in and out. It's based on duration of
4 stay. It is obviously based on, you have to have
5 people coming in and leaving. But it's also based
6 on duration of stay. It doesn't mean that that
7 period is when you have the most traffic going in
8 and out of the center.

9 Q So, for that period of time, 12 to
10 1, the alleged surplus for spaces is very small,
11 56 and 62, isn't that correct?

12 A You're characterization. Not mine.

13 Q Well, compared to the -- compared to
14 the availability of spaces at every other time
15 period that you show on table 1-A it's
16 substantially less than the rest, correct?

17 A Yes, it's lower than other hours of the
18 day when the center would not be as busy.

19 Q Now, in table 2, the number of cars
20 parked corresponds with the peak hour per
21 Saturday, does it not? The highest use of the
22 parking lot.

23 A Yes.

24 Q And, again, the alleged surplus is
25 substantially smaller during that time than all

1 the other time periods, right?

2 A It's less than other hours of the day,
3 yes.

4 Q You'll agree with me, that, if you
5 reduce the size of the supermarket space you would
6 reduce the traffic generation, correct?

7 MR. BASRALIAN: Objection. It's
8 hyp-- the application is what's before us. It's
9 not a hypothetical to reduce the shopping center
10 in size to accommodate Mr. Segreto's request for
11 an answer.

12 MR. WEINER: Well, I mean I ruled on
13 that before. But I mean if you can answer. We
14 all understand if the shopping center -- the whole
15 center is less it's going to reduce the parking.
16 Is that basically what you're asking?

17 A If there is less square footage of any use
18 you're going to have less traffic generated.

19 Q And a supermarket is one of the
20 greatest traffic generators, correct, of the
21 retail uses?

22 A It's -- yes.

23 Q Now, you didn't do -- for a trip
24 generation purposes, you didn't do separate counts
25 for the theater, is that correct? You just

1 included that in the retail space?

2 A Yeah, the theaters -- the theater is
3 there. No, so we did not do it separately, no.
4 It doesn't change from what it is now to what it
5 will be, you know, when this is -- would be
6 redeveloped.

7 Q Traffic will stay the same?

8 A As it relates to the theater, sure.

9 Q But you included the theater in your
10 square footage for retail space for purpose of
11 traffic generation.

12 A Yes.

13 Q Now, your gravity model says the
14 trade area will be 4 miles.

15 A Yes.

16 Q And then how did you determine that
17 it will be 4 miles?

18 A That's the industry accepted primary trade
19 area for community shopping center.

20 Q And where does one find that
21 industry standard? Or where did you find it?

22 A I don't know. I don't remember. I have
23 been doing this for 30 years. It's something -- I
24 don't look it up anymore. I have -- I have a, you
25 know, I don't have to go back and look it up.

1 It's --

2 Q Is it in the ITE manual?

3 A It's in the ITE. It's in the ULI. It's
4 in other development guidelines that we follow.

5 Q And that guideline is for what,
6 community shopping centers?

7 A Well, they have it for neighborhood. They
8 have it for community and they have it for
9 regional and neighborhood is smaller. Regional,
10 by name, is bigger.

11 Q According to your gravity model the
12 greatest travel distance that customers will be or
13 traffic will be coming from is 3.7 miles North
14 Vale, is that correct?

15 A We looked at a 4-mile radius. I don't
16 understand your question.

17 Q Well, the greatest distance,
18 according to your document and gravity model is
19 3.7 miles, and that's North Vale, isn't that
20 correct?

21 A Well, let me get -- get to my -- that's to
22 the center of the community.

23 Q You have not included in your
24 gravity model Hillsdale, Rivervale, Westwood,
25 Emerson or Old Tapan, correct?

1 A Yes, correct.

2 Q And you don't expect this new
3 redeveloped shopping center to attract traffic
4 from those towns, is that right?

5 A On a primary basis, no. There is
6 competing shopping centers that offer similar or
7 same services that are closer.

8 Q And that's also because those towns,
9 according to you, are outside the trade area, 4
10 miles, right?

11 A The primary trade area, yeah, 4 miles,
12 that's correct.

13 Q And same thing for Oradell and New
14 Milford, you don't expect traffic to be generated
15 to this shopping center from those two towns,
16 right?

17 A Correct.

18 Q And also no part of any of the towns
19 right on the border with Rockland County, such as
20 let's Palisades and Tapan.

21 A Correct.

22 Q Now, councilwoman Amitai, I guess it
23 was at the last meeting, indicated that Whole
24 Foods is not your ordinary supermarket. It's a
25 very special type of market. And I even think she

1 said she drives all the way to Montclair to go to
2 Whole Foods. Now, did you take that into account
3 when you did your trip generation figures?

4 A The trip generation figures, no.

5 Q Do you think that Whole Foods is a
6 special type of supermarket?

7 A Well, I mean let me answer that in a
8 different way. The approach, as said 3 or 4 times
9 now, the approach we took on a trip generation I
10 think accounts for a higher level of activity for
11 this center than I would otherwise calculate if it
12 was a brand new center. Because I wanted to be
13 conservative. So, I would say, yes, I have
14 accounted for maybe a potential draw associated
15 with, not just the Whole Foods, but with the
16 center itself. But any time we do distribution,
17 you know, this isn't the only Whole Foods that
18 exists in Bergen County. So, somebody in
19 Hillsdale may not come here because they're going
20 to drive to Ridgewood. Somebody in, you know, to
21 the -- to the southeast down towards Tenafly is
22 going to go to Englewood. They're not going to
23 come here. Somebody over in -- by Oradell, would
24 go to Paramus. You know, it's -- there's other
25 Whole Foods. There's also Fairway Markets that,

1 you know, if you're in Nanuet or in the towns over
2 the border in Rockland County, would go to the
3 Fairway in Nanuet. So, I'm not saying that they
4 are exactly the same as Whole Foods. But they
5 offer a similar type of service that -- so, you
6 also have to account for that when you look at
7 retail trade areas. This isn't the only, you
8 know -- you know, my clients don't necessarily
9 want to hear, but they recognize there is
10 competition out there. That's what the market
11 place is. That's why we are in America.

12 Q All right. I want to turn to
13 parking.

14 A Okay.

15 Q The K-mart building, at the end of
16 phase I will be approximately 73,000 square feet,
17 correct?

18 A The end of phase I, no, it's the end of
19 phase II.

20 Q Phase II. I'm sorry. Phase II.

21 A Yeah. Correct.

22 Q And according to the parking
23 requirement of 1 space for every 175 square feet,
24 my calculations indicate that that K-mart building
25 would need 417 parking spaces.

1 MR. BASRALIAN: Objection. The
2 calculation of parking is based upon the entire
3 center, and not upon a particular structure or
4 building. We had the same discussion last -- last
5 week with Mr. Burgis. And Mr. Chagaris ruled that
6 you must deal with the center, not individual
7 parking for individual stores.

8 MR. WEINER: I'm not -- where are
9 you trying to go?

10 MR. SEGRETO: Where am I trying to
11 go? Well, I'll ya where I'm trying to go. They
12 are proposing to subdivide a piece of property
13 off -- right in front of the K-mart building. The
14 requirement for parking for that building is 417
15 spaces. And they're only going to provide 206
16 spaces.

17 MR. BASRALIAN: Objection. There is
18 no requirement for that building. It's for the
19 center.

20 MR. SEGRETO: I think it's
21 absolutely relevant for all of the purposes with
22 regard to the variances that they're requesting,
23 and all of the jurisdictional legal issues that
24 are involved in this case. Because they chose to
25 subdivide the property, that I be allowed to ask

1 this question of the witness.

2 MR. WEINER: Everybody -- I don't
3 think that's an issue. I think it's a fact.
4 There's so many spaces on the subdivided lot. Is
5 that an issue?

6 MR. SEGRETO: No, I'm not talking
7 about the subdivided lot. I'm talking about the
8 fact that they are substantially deficient in
9 parking spaces for the K-mart building, and
10 they're choosing to subdivide off a piece of
11 property and make their property smaller, thereby
12 intensifying the use.

13 MR. WEINER: That's your legal --
14 but that's your legal position.

15 MR. SEGRETO: And I know and I'm not
16 allowed to ask an expert about -- about what I
17 want to establish in this case.

18 MR. WEINER: No --

19 MR. SEGRETO: No?

20 MR. WEINER: You want to wait? What
21 I'm saying, is, you're trying to make a legal
22 argument with the traffic engineer. If you want
23 to make a legal argument that because of the
24 subdivision they need a separate parking and they
25 need a variance, there's nothing wrong with that.

1 Make your case. Somebody will decide that at some
2 point in time. The problem here, is, there's a
3 certain number of parking spaces in the parking
4 lot. Period. And now you want to characterize it
5 one way. You have a right to take your position.
6 But to ask the traffic engineer about whether they
7 need a variance, or to try to establish --

8 MR. SEGRETO: I didn't ask him if
9 they need a variance.

10 MR. WEINER: Then what are you
11 asking? Are you asking him a fact that's not
12 known? What is the -- what is the fact you're
13 trying to establish?

14 MR. BASRALIAN: Mr -- last --
15 last --

16 MR. SEGRETO: Substantial deficiency
17 in the amount of the required parking in front of
18 the K-mart building.

19 MR. BASRALIAN: Objection.

20 MR. WEINER: He's the traffic
21 engineer. He's not -- he's not making a decision
22 about how much is needed. He's telling you how
23 much is there. That's a planning question.

24 MR. BASRALIAN: That question was
25 asked of Mr. Burgis last week.

1 MR. WEINER: Which is why it was a
2 planning question.

3 MR. BASRALIAN: Planning question.
4 And what Mr.Chagaris --

5 MR. SEGRETO: No, Mr. Chagaris said
6 that it was an improper question. He did not
7 allow it to be answered.

8 MR. WEINER: So then you didn't want
9 to be guided that ruling. You were going to
10 figure you're going to go back over it.

11 MR. SEGRETO: No, I'm asking now the
12 traffic guy who talked about the parking
13 requirement.

14 MR. BASRALIAN: The reason why he
15 was not permitted to answer it, is because what
16 Mr. Segreto was trying to establish is a separate
17 parking ratio for each structure and use within
18 the -- within the center, rather than the
19 application, which says that at the completion of
20 phase II, there will be 820 parking spaces serving
21 the center, for which the applicant asked for a
22 waiver on parking. That's it. And he's trying to
23 establish separate uses across the board for each
24 structure. And that was overruled. It's not an
25 appropriate question.

1 MR. SEGRETO: It wasn't anything of
2 the sort.

3 MR. WEINER: Well, look, you have a
4 right to make that argument. Get yourself a
5 traffic guy, or whoever you want, bring him and
6 let him make that argument. But to sit here and
7 cross-examine the traffic guy about what the
8 requirements are, and what the interpretation of
9 the ordinance is, as to whether or not there's a
10 separate requirement, per building, as part of an
11 overall plan, I don't think it's appropriate. So,
12 I am sustaining the objection.

13 MR. SEGRETO: And I'm just going to
14 state, for the record, that I didn't ask him
15 anything about variances, waivers or about --

16 MR. WEINER: But you're asking him
17 what the requirement is. That involves an
18 interpretation of the ordinance. And he's not
19 qualified to do that. He just -- he told you this
20 is how many spaces there are. This is how many
21 spaces are required overall per square foot, and
22 this is how many we need. Period. Now we
23 established that. I'm not saying you can't make
24 that argument or you don't have a right to make
25 it. Bring your expert in and let him testify as

1 to that. And that's how -- that's how the board
2 will be able to establish that. Not trying to try
3 and have a traffic guy determine what requirements
4 are, and whether they can be on -- on a -- on a
5 fractional basis based upon what the building or
6 uses are. So, I'm sustaining the objection.

7 BY MR. SEGRETO:

8 Q All right, sir, Mr. Baboo asked you
9 a question concerning if problems arise after the
10 redevelopment of this site, what do you believe
11 can be done to mitigate any traffic problems with
12 regard -- with regard to the -- with regard to
13 driveways near the K-mart building that's going to
14 have the drive-thru, if a pharmacy goes in there,
15 and if a drive-thru is created, and you make it
16 only ingress, if problems arise you're not going
17 to have the avail -- the ability to modify that
18 driveway, make it ingress and egress, isn't that
19 true?

20 MR. BASRALIAN: Excuse me.

21 Objection. Mr. Baboo -- Mr. Baboo. Sorry. Asked
22 whether or not in his experience there were
23 traffic reports done after a shopping center was
24 established, rather than would he do it.

25 MR. WEINER: Yeah, but I think he

1 has the right to ask him -- he asked hypothetical
2 that if there's a problem later, and it has to be
3 modified, based upon whatever he said there,
4 whether or not you would be able to fix it. I
5 think he can answer that.

6 Q You won't be able to make
7 modifications to that driveway, will you?

8 A That's not true. We could make
9 modifications to that driveway.

10 Q All right. Could you make it an
11 ingress and egress if you have that drive-thru
12 window there?

13 A Based on the layout now, no.

14 MR. BASRALIAN: The layout --

15 Q With regard to the existing driveway
16 between the K-mart building, and the old Stop &
17 Shop building, you're going to put the Whole
18 Foods -- Whole Foods building in that driveway,
19 correct?

20 A Yes.

21 Q So, you won't be able to make any
22 modifications with regard to that driveway because
23 it's going to be gone, right?

24 A Yes.

25 Q And there's going to be a building

1 there, right?

2 A Yes.

3 Q All right. Let's go t the next
4 ingress and egress on Homans. What are you going
5 to be able to do with that entrance and --
6 entrance and exit in the event that problems arise
7 with traffic?

8 MR. BASRALIAN: Clarification.
9 Which driveway are we talking about? Because
10 there other driveways on Homans.

11 MR. SEGRETO: The driveway near the
12 Closter Commons.

13 MR. BASRALIAN: That's the northeast
14 corner. Right.

15 MR. SEGRETO: Yeah, I guess so.

16 MR. WEINER: Could you be more
17 specific about what you mean problems with
18 traffic. I think it's a little general.

19 MR. SEGRETO: That's what -- that's
20 what -- I'm just going by what --

21 MR. WEINER: But that was his
22 question. You're now asking it. You're an
23 attorney.

24 MR. SEGRETO: I'm following up. I'm
25 asking the -- I'm following up on his question.

1 MR. WEINER: Hey, listen, the board
2 member asked what the board member was. I don't
3 overrule board members when they want to ask
4 questions. You're now -- you're now an attorney
5 here representing a client. Ask a proper
6 question. If you want to know -- I'm not saying
7 you can't ask it. But tell him what -- what are
8 you saying? Is it too long a queue. There's too
9 many cars. They're parking in the wrong place.
10 What's the problem you're asking him a
11 hypothetical about?

12 MR. SEGRETO: All of that? All of
13 what -- all of what that gentleman just said.
14 What modification can you make in that driveway
15 that mitigate any problems?

16 MR. WEINER: That's not -- rephrase
17 your question. Would you please rephrase your
18 question so he can answer it. Ask a proper
19 hypothetical if you want, but please do it right.

20 Mr. Segreto, you have a question?
21 Mr. Segreto, is there a question? The board is
22 waiting.

23 MR. SEGRETO: Yeah, I know, I'm
24 looking at my plan. I'm formulating -- I'm
25 formulating a question so it won't be

1 objectionable.

2 Now, you indicated with regard to
3 the subdivided lot, there was going to be ingress
4 or egress from Vervalen onto that lot, is that
5 correct?

6 A Yes.

7 Q And how do you -- how do you know
8 that?

9 A That's what we discussed with the client.

10 Q So, the only ingress and egress is
11 it going to be through this parking lot, correct?

12 A Yes.

13 Q Am I right that in phase II you're
14 going to -- there's going to be curb cuts into
15 that subdivided lot from this -- from the existing
16 parking lot?

17 A Yes.

18 Q And they're going to, I guess during
19 phase I, they're going to be blocked off by some
20 type of barrier?

21 A We don't have a layout for that lot at
22 this time, as to how the connection will occur, or
23 what will happen with those areas that are shown
24 as aisles. There's no curb cuts. There's aisles
25 so that it all will function as one shopping

1 center.

2 Q Right. During -- during phase I it
3 will be -- there will be some type of barrier
4 blocking that off so people can't use that area,
5 correct?

6 A I don't know that.

7 Q Last question for you concerns your
8 figure 2, existing peak hour volumes.

9 A Yes.

10 Q And it's your testimony that the
11 majority of the traffic movements will be coming
12 to this site, at least the existing is from
13 Vervalen, is that correct?

14 A That's correct.

15 Q You don't have a figure for the
16 existing Saturday peak hour volumes, do you?

17 A No, it's on here. One number is p.m. One
18 number is Saturday.

19 Q Oh, I'm sorry. That's right one is
20 p.m. and one is Saturday.

21 A I like to save paper and put it all under
22 one figure.

23 Q No, no, I understand that. And do
24 you have a figure that shows the trip, the trip
25 generation in the build stage?

1 A Yes, that's figure 5.

2 Q Figure 5 is showing what, the
3 additional trips?

4 A Correct.

5 Q Now, figure 5, how many additional
6 trips are you showing from Vervalen, both for the
7 p.m. and for the Saturday coming to the site?

8 A Twenty inbound trips in the p.m. and 28
9 inbound trips on a Saturday. And 19 outbound on a
10 p.m. and 28 outbound on Saturday.

11 Q What about for Homans? Same thing
12 inbound/outbound, additional trips.

13 A Fourteen inbound on p.m., 18 inbound on a
14 Saturday. Outbound 8 on a weekday and 12 on a
15 Saturday.

16 Q And then for Campbell, am I correct,
17 additional trips p.m. as well as Saturday would be
18 5 on each?

19 A Correct.

20 Q And that's -- that's, you know, the
21 brand new redeveloped Closter Plaza?

22 A Yes.

23 MR. SEGRETO: I have no further
24 questions.

25 CHAIR LIGNOS: Okay. You have a

1 question, sir?

2 MR. ROSENBLUME: Yeah, just one.

3 CHAIR LIGNOS: Okay.

4 MR. ROSENBLUME: Jessie Rosenblume
5 65 Knickerbocker Road. Do you have any traffic
6 generation numbers for the church, which is part
7 of this application?

8 MR. KELLER: No.

9 MR. ROSENBLUME: No. Should you
10 have included it in some way?

11 MR. KELLER: No.

12 MR. ROSENBLUME: What if the persons
13 using the church exceeded the number of parking
14 spots for the church, wouldn't they spill into the
15 plaza?

16 MR. KELLER: I would presume that
17 they would spill over someplace, whether it's the
18 plaza or the bank. But it's Sunday morning.

19 MR. ROSENBLUME: Well, I don't think
20 the church is only used one day out of the week.

21 MR. KELLER: The other -- generally
22 churches in other times of the week have very low
23 attendance.

24 MR. ROSENBLUME: Okay. Thank you.

25 CHAIR LIGNOS: Okay. If -- I think

1 the best way to do this, is ask our planner, just
2 to take a -- bring a seat up, if you don't mind.

3 MR. BASRALIAN: I do have a question
4 regarding that --

5 CHAIR LIGNOS: Yes.

6 MR. BASRALIAN: With respect to the
7 church, do you know how many parking spaces are
8 required for the church, and how many currently
9 exist?

10 MR. KELLER: I don't.

11 MR. BASRALIAN: Thank you.

12 CHAIR LIGNOS: Okay. Now, would you
13 be so kind as to introduce yourself to the board
14 members, and a little bit about your -- yourself.

15 MR. BASRALIAN: He's got to be sworn
16 in.

17 MR. WEINER: Could you raise your
18 right hand. Do you swear or affirm that the
19 testimony you're about to give shall be the truth,
20 the whole truth and nothing but the truth?

21 MR. CHASE: I do.

22 MR. WEINER: Could you tell the
23 board your name.

24 MR. CHASE: My name is Corey Chase.
25 I am a project manager at Atlantic Traffic and

1 Design Engineers. I'm a licensed professional
2 engineer in the State of New Jersey. I'm also
3 licensed in Pennsylvania, Connecticut, and New
4 Hampshire. I've been with Atlantic Traffic for
5 approximately 11 years. I've performed well over
6 500 traffic studies and provided expert traffic
7 testimony in various municipalities throughout New
8 Jersey, New York, Pennsylvania and Connecticut.

9 CHAIR LIGNOS: Have you done any
10 here?

11 MR. CHASE: I have not testified
12 before this board.

13 MR. WEINER: Any other towns in
14 Bergen County?

15 MR. CHASE: Recently Montvale.

16 CHAIR LIGNOS: Okay.

17 MR. BASRALIAN: Montvale or
18 Montville -- Montvale did you say?

19 MR. CHASE: Montvale.

20 MR. BASRALIAN: Okay.

21 CHAIR LIGNOS: Any objections from
22 the board?

23 MR. BASRALIAN: I have a question.

24 CHAIR LIGNOS: Yes.

25 MR. BASRALIAN: You indicated you

1 have been with Atlantic Traffic for 11 years. How
2 long have you been a PE?

3 MR. CHASE: I have been a PE for
4 five years. Six years. 2007 I was licensed.

5 MR. BASRALIAN: Okay. With Atlantic
6 11 years, PE for 6 years. All right. Thank you.

7 MR. CHASE: Yes.

8 CHAIR LIGNOS: Would you please give
9 us kind of an overview.

10 MR. WEINER: We're going to accept
11 him as an expert?

12 CHAIR LIGNOS: Yeah, I see no
13 objection from the board.

14 MR. WEINER: For the record, he's
15 qualified as an expert in traffic engineering.

16 CHAIR LIGNOS: Thank you.

17 MR. CHASE: Thank you.

18 CHAIR LIGNOS: So, would you be so
19 kind then to give us an overview of your report as
20 you found it and then the board will ask some
21 questions. Obviously you've heard the testimony
22 at this point, of Mr. Keller. I guess the board
23 would be most interested if there is anything that
24 you hear that you're in complete opposition --
25 have a different opinion on.

1 MR. BASRALIAN: Mr. Lignos, I
2 omitted to ask a question. Since Mr. Corey was
3 not here when Mr. Keller testified, I would ask
4 that he -- we had provided a copy of the
5 transcript of that hearing. Has he read it and
6 certified that he has read it and looked at the
7 exhibits. So, if you would put that on the
8 record.

9 MR. WEINER: I'm not sure he has to
10 certify it. He can testify as to that he read it.

11 MR. BASRALIAN: Well, tell me -- you
12 know, he should represent to the board that he's
13 read the entirety of the transcript.

14 MR. WEINER: No, certifying.

15 MR. BASRALIAN: Verbally certify
16 that he's read it, okay.

17 MR. CHASE: Thanks. I was provided
18 a copy of the transcript from Mr. Keller's
19 previous testimony, and I did -- I did review it
20 in detail. So, I am familiar with it.

21 MR. BASRALIAN: Read it. You've
22 read it. You read the entire --

23 MR. CHASE: Yes, I read the entire
24 transcript.

25 MR. BASRALIAN: You said, reviewed

1 in detail. Read the whole thing. That's all I
2 want to make sure. Thank you.

3 CHAIR LIGNOS: Okay. If that's okay
4 we can then proceed.

5 MR. SEGRETO: Mr. Chairman, could
6 you just tell me the date of this report?

7 MR. CHASE: It was last revised
8 September 17th, 2013.

9 We did conduct a review of
10 Mr. Keller's original traffic impact analysis, as
11 well as the update that he provided.

12 You know, I think there are a couple
13 of key issues with the report that we -- and that
14 you guys have been focusing on and that we were
15 also focusing on. I think the primary issue is
16 the intersection of Piermont and Vervalen. You
17 know, we looked at, there is a significant
18 capacity issue out there for the Vervalen Street
19 approach. And I think that Mr. Keller would
20 agree, that really the only solution to
21 alleviating that capacity issue is signaling the
22 intersection. It's an unsignalized
23 T-intersection, a four leg intersection with a
24 bank driveway coming in opposite Vervalen.
25 There's not a whole else you can do at that

1 intersection other than to signalize it.

2 We asked him to perform a gap study
3 at the intersection to see if there were available
4 gaps out there to even accommodate the existing
5 left turns that are out there. And they did
6 perform that in accordance with industry
7 standards, and they found that there were
8 available gaps out there. The gaps were above
9 what they're projecting for left turns at the
10 intersection.

11 The availability of the gaps doesn't
12 necessarily mean that there isn't a capacity issue
13 out there. Because the availability of the gaps
14 may not translate into when those vehicles are
15 arriving. So, in fact, you may still have a
16 capacity issue out there at the intersection, just
17 because you have the excess in gaps, as opposed to
18 the amount of vehicles that we're projecting at
19 that intersection, does not mean that there is no
20 capacity issue out there. Adding any traffic to
21 that intersection exacerbates that capacity issue,
22 as you can see in table 3 of Mr. Keller's original
23 traffic impact analysis.

24 The way the HCS analysis works, is,
25 that once you get to failing level of service, you

1 add one or two additional cars, and it grows
2 significantly. As you can see between the
3 existing no-build and the build, you know, there's
4 a substantial increase in delay, even though we're
5 not adding a huge amount of cars at that
6 intersection.

7 And I know that you mentioned, I
8 believe it was the AP, that previously there was a
9 fair share assessment done for an intersection
10 with a similar scenario. You know, that was
11 something that we had suggested in our letter,
12 that the applicant prepare and potentially
13 investigate, is the possibility of signaling
14 this intersection, you know, what would their fair
15 share contribution be towards that signalization.
16 You know, I wouldn't say that -- the issues at
17 that intersection aren't solely responsible for
18 the plaza. So, I think it would be unfair to
19 expect them to, you know, pay for the entire
20 signalization.

21 Typically in a situation like this
22 we would look at it and we would ask the
23 applicable to prepare a fair share assessment and
24 figure out what their portion of improving that
25 intersection would be. And then hopefully, either

1 through the county, or other means, you know, if
2 the plaza to the east is developed in the future,
3 you know, you're able to collect more fair share
4 money then go through and actually, you know,
5 construct that improvement.

6 The other major issue that we saw
7 with the application, was parking. You know, I
8 know that -- I believe the proposed parking ratio
9 is 3.94 per thousand. For a community shopping
10 center this, you know, ITE recommends a parking
11 supply of 4.0 per thousand. You know, I know that
12 we're just under that. And I think the -- the
13 Urban -- the Urban Land Institute, they actually
14 recommend a 4.90 or 4.09 rather. They have a
15 sliding scale based on the amount of restaurant
16 space and entertainment space to take the 4.0, and
17 then you increase it incrementally for any amount
18 of restaurant, or entertainment space over
19 10 percent. And, I believe -- I believe it's
20 approximately 18 percent of the overall square
21 footage. So, based on that --

22 MR. BASRALIAN: No, it's incorrect.
23 Say that again.

24 MR. CHASE: It's 20,000 square feet
25 of restaurant space and then 8,000 square foot

1 cinema?

2 MR. BASRALIAN: Which is
3 preexisting.

4 MR. CHASE: Understood. But it
5 still factors into calculations.

6 MR. BASRALIAN: When you calculate
7 shared parking. But it's not 18 percent
8 restaurant. Restaurant is less than 10 percent.

9 MR. WEINER: Mr. Basralian, I
10 appreciate the information. Why don't you let him
11 finish his report. You can cross-examine on that.

12 MR. CHASE: We also took a look at
13 Mr. Keller's shared parking analysis, which the
14 methodology utilized to prepare the shared parking
15 analysis was correct with typical industry
16 standards. That shared parking analysis noted a
17 surplus of, and I believe this is with the most
18 recent version, which also considered a fitness
19 center, and the -- as part of the development. It
20 was a surplus of approximately 9 percent during
21 the p.m. and 7 percent on Saturday.

22 ITE indicates that once parking
23 occupancy approaches 80 percent and the 80 to 90
24 percent range, that patrons feel that the parking
25 lot is full, just because the majority of the

1 spaces they see are occupied. So, they perceive
2 the lot is full. That's going to causes them to
3 circulate and, you know, look for spaces and
4 frustrate patrons.

5 So, you know, those were our major
6 concerns; the offsite intersection of Piermont and
7 Vervalen, and, you know, the parking supply that
8 was proposed in association with the application.

9 You know, everything else, the trip
10 generation, the level of service analysis, that
11 was all done consistent with typical industry
12 standards.

13 CHAIR LIGNOS: Okay. Let me -- let
14 me -- is it okay Mr. Basralian, I'm going to go --

15 MR. BASRALIAN: It's your show,
16 Mr. Lignos, not mine.

17 CHAIR LIGNOS: Yes, it is my show.
18 It's the late show too. So, what I'm going to do,
19 is, I'm going to go through our questions first
20 and then we'll allow, you and Mr. Basralian, and
21 society, to ask additional questions.

22 So, mayor since you sit over there
23 normally, I'm going to ask you first.

24 MAYOR HEYMANN: I'm going to pass.

25 CHAIR LIGNOS: You're gonna pass.

1 Ms. Amitai. Councilwoman, I'm sorry.

2 MS. AMITAI: I'm going to pass.

3 CHAIR LIGNOS: You're gonna pass.

4 Dr --

5 MR. MADDALONI: So, Mr. --

6 MR. CHASE: Chase.

7 MR. MADDALONI: Mr. Chase, in your
8 expert opinion, do you think signalization of this
9 intersection of Vervalen and Piermont is indicated
10 for this shopping center?

11 MR. CHASE: Not necessarily through
12 the shopping center. I think that -- I mean I
13 took a look at the peak hour volumes at the
14 intersection, and compared them to the peak. As
15 Mr. Keller said, there's -- there's three really
16 volume related traffic signal warrants there. The
17 8 hour, the 4 hour and the peak hour. All the
18 data that we had available to review, was just for
19 the peak hour. So, I took a look at the peak hour
20 volumes and compared that to the warrants for
21 signalization. From a quick review, I believe
22 that a signal would be warranted during the peak
23 hour. But, like I said, it's not necessarily just
24 a result of the shopping center. The shopping
25 center, obviously, adds to it. And that's why we

1 suggested that, you know, a fair share analysis be
2 prepared to determine what that proportion be.
3 But they're not solely responsible for all the
4 traffic volumes at that intersection.

5 MR. MADDALONI: Right. But
6 regardless, you can't have just a traffic light
7 around the peak hours. You either have one or you
8 don't.

9 MR. CHASE: No. That's a good
10 point. But, like I said, you know, usually what
11 we do, is, we'll evaluate different sets of data.
12 We'll evaluate the peak hour data. We'll also
13 evaluate four consecutive hours -- or four hours
14 worth of data and eight hours worth of data, to
15 see. And there's various thresholds. Depending
16 on, you know, those various scenarios to see if
17 signalization is met.

18 MR. MADDALONI: Thank you.

19 MAYOR HEYMANN: Comment?

20 CHAIR LIGNOS: Comments, no.
21 Question, yes.

22 MAYOR HEYMANN: Question, okay.

23 CHAIR LIGNOS: In the form of a
24 question.

25 MAYOR HEYMANN: You pointed out that

1 the volume of traffic that is potential, is not
2 necessarily all from the shopping center. But if
3 you think of the traffic patterns coming from the
4 west, what traffic could be coming from the west,
5 making a northbound turn at Piermont Road outside
6 of the shopping center?

7 MR. CHASE: There is -- I mean, you
8 would have to do a tracking study to find out, the
9 people leaving the shopping center now, and where
10 they're going.

11 MAYOR HEYMANN: No, I'm not talking
12 about the people in the shopping center. You
13 pointed out that the traffic back up may not
14 necessarily all come from the shopping center,
15 that it's not fully responsible for the additional
16 traffic as well. But from what I'm saying to you,
17 you tell me, what traffic could be coming from the
18 west and turning north on Piermont Road outside of
19 the traffic coming from the shopping center?

20 MR. CHASE: You know, honestly, I
21 don't know. I don't think that all of the traffic
22 at that intersection is associated with the
23 shopping center. I think that there is a portion
24 of traffic --

25 MAYOR HEYMANN: Northbound. I'm

1 talking northbound traffic.

2 MR. CHASE: You're talking Vervalen
3 turning northbound onto Piermont.

4 MAYOR HEYMANN: Vervalen turning
5 northbound on Piermont.

6 MR. CHASE: Right and I can tell you
7 that I can't, without a doubt, say that all of
8 those left turns are directly associated with the
9 shopping center.

10 CHAIR LIGNOS: Mr. Baboo.

11 MR. BABOO: Hi, I have a question
12 about the parking ratio.

13 MR. CHASE: Sure.

14 MR. BABOO: You mentioned that
15 there's a sliding scale based on the population of
16 certain types of stores. And the two major
17 categories were?

18 MR. CHASE: Restaurant and
19 entertainment.

20 MR. BABOO: Restaurant and
21 entertainment. Okay. Do -- in general, do anchor
22 tenants, is there a scale for that?

23 MR. CHASE: There's not. Mr. Keller
24 was correct that, you know, when they factored in
25 all this data for shopping centers, that they

1 assume a variety of anchors throughout. What they
2 found was that, you know, the amount of restaurant
3 space and the amount of entertainment space,
4 typically results in a longer duration of stay.
5 And that's why they had that sliding scale added
6 on. They come up with a base rate of 4 spaces per
7 thousand square feet. And that assumes up to
8 10 percent of restaurant or entertainment space.
9 Anything above and beyond that to 20 percent they
10 recommend a sliding scale. And then beyond
11 20 percent, they recommend that you do a full
12 shared parking analysis.

13 MR. BABOO: Okay. But in order
14 to -- in order to arrive at that parking ratio,
15 you would have to know what's coming in the mall,
16 in the shopping plaza.

17 MR. CHASE: Generally speaking
18 you're right. You would need to know somewhat of
19 the makeup of the shopping center. You would need
20 to know how much restaurant space. And I believe
21 this application is limited to 20,000 square feet
22 of restaurant space, if I'm correct.

23 CHAIR LIGNOS: Correct.

24 MR. DENICOLA: Correct.

25 CHAIR LIGNOS: They've already --

1 that's the application. They stipulated to that.

2 Ms. Stella.

3 MS. STELLA: No questions.

4 MR. BABOO: Sorry. One more
5 question. Sorry. The subdivided portion, in your
6 opinion will that have any negative impact on --
7 in terms of build up of traffic, build up of wait
8 times, left or right turns, things of that nature?

9 MR. CHASE: In my opinion, no. I
10 mean the subdivided parcel, if I'm correct in
11 understanding, will not have any of its own direct
12 access to Vervalen, to the access through the
13 shopping center, which -- which is a benefit,
14 honestly, to the motoring public. You know, the
15 less curb cuts that you have on Vervalen, the
16 better. Because you're concentrating those
17 conflicting turning movements at certain locations
18 rather than, you know, having ten driveways up and
19 down the street.

20 MR. BABOO: Okay. Thank you.

21 CHAIR LIGNOS: Okay.

22 MS. AMITAI: I do.

23 CHAIR LIGNOS: Well, I'm going to go
24 back this way. There's rules.

25 MR. NYFENGER: Yes. So, the only

1 issue that I continue to see, is that intersection
2 of Vervalen and Piermont. I personally avoid it,
3 because not only can it take time, but it can be
4 dangerous at the same time. Is there a type of
5 traffic signal that would minimize the creation of
6 traffic by having red lights where they're not
7 necessary, yet allow the turn to be made when
8 there is a car that needs to make it?

9 MR. CHASE: It is a balancing act
10 when you're talking about signalization. Because
11 right now the traffic on Piermont is free-flow.
12 They don't have to stop. And with the
13 introduction of any traffic signal, that traffic
14 at some point is going to be stopped. That's
15 just, you know, that's why the MUTCE lays out all
16 these volumes because they don't want traffic
17 signals being installed anyway. Because they do
18 in fact, they create a certain amount of delay.
19 What you have to do really, is, you have to weigh
20 the delay that's created on the main line, versus
21 the delay that you're going to take away from the
22 side street, and see if that would be a benefit to
23 the motoring public. In this case, you know, I
24 mean we're talking in upwards of 500 seconds of
25 delay on the side street and that's substantial.

1 I would, in my professional opinion, I would say
2 that signalization of the intersection would
3 have -- be a betterment. Because you're going to
4 reduce that delay significantly. You may incur
5 some additional delay on Piermont, but it's going
6 to be far outweighed by the delay that you're
7 removing from Vervalen.

8 MR. NYFENGER: Is it safe to say
9 that a camera style light could be put in so that
10 it views and monitors that left turn and only
11 changes the light green for that left turn when
12 necessary?

13 MR. CHASE: Yes, the intersection
14 can be actuated so that, you know, they call it
15 maximum recall. So, basically it would always
16 default back to the main line in that the side
17 street would only come up, in this case Vervalen,
18 if it was actuated by a camera.

19 MR. NYFENGER: So, that would be, in
20 your opinion, the way to mitigate the need to have
21 a safe left turn without creating more traffic
22 than necessary?

23 MR. CHASE: More delay than
24 necessary.

25 MR. NYFENGER: More delay than

1 necessary.

2 MR. CHASE: Yes, and the only other
3 thing to consider, is, you would also have to
4 signalize the bank driveway. And that was that
5 the bank had the egress driveway that forms the
6 fourth leg of the intersection. That would also
7 have to be taken into consideration. You wouldn't
8 be able to just signalize the Vervalen and
9 Piermont approaches and then just have that bank
10 driveway operate unsignalized. That would have to
11 be, you know, as part of the scenario.

12 MR. NYFENGER: Okay. Thank you.

13 MR. PIALTOS: That was part of my
14 question too. And I have a second part actually.
15 You had mentioned unsignalization, the fair share.
16 How would that be determined, and who would make
17 that decision also?

18 MR. CHASE: Ultimately it would be
19 up to the borough to determine, you know, the
20 mechanism for determining the fair share.
21 Different agencies have different methods. I know
22 Bergen County uses NJDOT methodology to determine
23 fair share. Some municipalities use your percent
24 volumes at the intersection. You know, they take
25 the total volume of traffic at the intersection.

1 They determine what your percentage of that volume
2 is at the intersection. And that's your fair
3 share. That's the simplest method.

4 MR. PIALTOS: Who would propose that
5 to them then?

6 MR. CHASE: Who would propose
7 preparing the fair share analysis?

8 MR. PIALTOS: No, the NJDOT, who
9 would propose it to them?

10 MR. CHASE: No, it's just NJDOT has
11 a very detailed methodology for determining the
12 fair share. And because it's a set -- set
13 methodology, you know, like Bergen County, for
14 example, they've adopted that methodology so that
15 they don't have to come up with their own way to
16 calculate a fair share. They just say, we're
17 gonna use DOT's, it's already been prepared. It's
18 accepted. We're going to use that in lieu of us
19 coming up with our own way of calculating a fair
20 share.

21 MR. PIALTOS: Do you have any idea
22 what that would be?

23 MR. CHASE: I don't.

24 MR. PIALTOS: Thank you.

25 MR. NYFENGER: Could I ask, does

1 anybody know about how we go about doing that?

2 CHAIR LIGNOS: I think we've --
3 we've done that before for the township. But,
4 again, it's not -- I want to keep focused on --

5 Mr. Didio?

6 MR. DIDIO: No questions at this
7 time.

8 MR. SINOWITZ: In your calculations
9 have there -- there are three major plots of land
10 within a thousand yards of each other from one
11 corner to the next corner. From the light to the
12 next light. Roughly a thousand yards. Were those
13 three properties taken into account for their most
14 likely potential development?

15 MR. CHASE: We didn't --

16 MR. SINOWITZ: I know they're not
17 developed now, to any extent. In fact, they are
18 pretty vacant, but the probability of occupancy
19 within the next, let's say the shopping center is
20 still two years, you know two years, and the
21 probability of success in developing that land is
22 probably pretty high. So, have you taken into
23 account the traffic that that would generate in
24 conjunction with this project?

25 MR. CHASE: We didn't prepare any

1 separate analyses for these intersections. We
2 reviewed Mr. Keller's analysis. And as typical,
3 you know, we take into account what's current,
4 what we know, what is a known value. And then we
5 apply back the background growth to account for
6 potential future development. But without
7 knowing, for sure, you know, what those parcels
8 could be developed as, you know, in my
9 professional opinion, I wouldn't include those in
10 my analysis, and I don't believe Mr. Keller
11 included them in his.

12 MR. SINOWITZ: That's it.

13 CHAIR LIGNOS: Mr. DeNicola.

14 MR. DENICOLA: No.

15 CHAIR LIGNOS: Mr. Weiner.

16 MR. WEINER: You know, maybe I
17 should just make a statement. And I don't know
18 how the board -- I know you have been asking
19 questions about the fair share analysis. Let me
20 just give you a minute. The reason -- this light
21 that you're considering on this property. It's an
22 off tract light. It's not at the corner. It's
23 not at one of their driveways. The law says that
24 if you're going to require that as an improvement,
25 you can't ask one applicant, just because they're

1 here now, to pay the cost of that. Even though
2 this may generate a little bit more traffic. I
3 mean you can make your own judgments about how
4 much. Mr. Keller said it's very little, based
5 upon the facts that there's already an existing
6 shopping center. And there's a process, even
7 assuming that would happen at this one, because
8 the county is involved. First of all you're going
9 to need warrant analysis before the county is
10 gonna even consider it. Once they find that it's
11 needed, and let's assume that it is needed, then
12 the fair share analysis, based upon the
13 methodology will come up. It might be that they
14 have 5 percent. I mean remember it's only one
15 shopping center. This is all the traffic
16 everywhere, from whoever uses the road. So, if it
17 winds up 5 or 10 percent, 90 percent of the cost
18 has to be borne by somebody else. Now, if the
19 town is requesting this from the county, the
20 county might throw some money in, assuming they
21 want to -- have any money and want to do it. But
22 they're gonna look to the town for some of the
23 money probably. Now, if the county came in and
24 said, this is a dangerous intersection, we're
25 gonna fix it, they would fix it. But this is

1 not -- this is not something that you just go to
2 the applicant and say, here, go build a traffic
3 light because you're improving the center. There
4 is a lot of other regulations and steps that have
5 to be gone through. A lot of that is expensive.
6 And if you go to the county and say we want a
7 light there. They might say all right well you do
8 the warrant analysis. And if you ask them to do
9 it, say we're adding five cars an hour there, we
10 don't want to do it. So, there's a lot of
11 different pieces there now. So, just be aware
12 that that's the overall. And, Mr. Chase, if I was
13 wrong about any of that --

14 MR. CHASE: No.

15 MR. WEINER: Is that a correct
16 analysis?

17 MR. CHASE: You're correct.

18 MR. WEINER: I just wanted the board
19 to know that, as you ask your questions.

20 MR. MADDALONI: Thank you. That was
21 very helpful.

22 CHAIR LIGNOS: Mr. Chase I'm going
23 to ask you the same questions that I asked
24 Mr. Keller. I just want to see if you have a
25 different answer. I used to watch a show called

1 Tell the Truth. So, I just want to see which one
2 is --

3 MR. KELLER: I'm not sure how I
4 should take that comment.

5 MR. WEINER: Good thing we got some
6 older folks in this room.

7 CHAIR LIGNOS: These calculations
8 and estimates for what are anticipated to be gaps,
9 the perceived gaps, or what we expect to be the
10 gap, the amount of cars that we calculate to be
11 put into circulation, can they ever be wrong?
12 Meaning, can you ever make -- not make a mistake,
13 but can you --

14 MR. DENICOLA: Under estimate.

15 CHAIR LIGNOS: Under estimate or
16 over estimate.

17 MR. CHASE: The gaps are finite.
18 Like Mr. Keller explained, you're literally timing
19 the gaps between cars that are going on the road.
20 So, for that day, during that hour, that is
21 exactly what the gaps are.

22 Now, like I mentioned before, that's
23 not to say that it's a direct correlation to
24 capacity. Because for those gaps to be utilized
25 you have to have a car at that intersection to

1 take that gap. So, you may have gaps in traffic,
2 and you may not have a car on the approach to
3 Vervalen to utilize that gap. So, there is --
4 those gaps are finite. For that one hour time
5 period that is exactly what the gaps in traffic
6 were for that one hour. But, like I said, that's
7 not to say that if you get gaps that can
8 accommodate a hundred cars, that those gaps are
9 taken by a hundred cars. Because they may not all
10 arrive there at that exact time to take those
11 gaps.

12 CHAIR LIGNOS: But the amount of
13 cars that one estimates to be exiting at a
14 specific time, can the calculation of that,
15 because obviously you can't do a count today. You
16 have to -- you have to do calculations assuming
17 that the -- of the increase intensity because of
18 the, hopefully the popularity of the plaza. Also
19 the assumption that, what used to be, what is now
20 two thirds occupied, to be fully occupied, you're
21 making a calculation on the amount of cars that
22 you anticipate to be exiting this plaza, center.
23 Can those calculations be underestimated or
24 overestimated?

25 MR. CHASE: They could. But that

1 being said, you know, as traffic engineers, we all
2 use the exact same methodology typically to
3 prepare studies and --

4 CHAIR LIGNOS: And the way this was
5 done exactly --

6 MR. CHASE: It follows those
7 standards. You know it's --

8 CHAIR LIGNOS: That's all I wanted
9 to hear.

10 MR. CHASE: Okay.

11 CHAIR LIGNOS: There are three exits
12 coming onto Vervalen. One onto Homans. Mr.
13 Keller said something very interesting, that a
14 person who would tend to go north on Piermont and
15 knows the center, would probably exit Homans.
16 Because there's a light at Homans. And probably
17 knows that once the light turns green he will --
18 he or she will be able to make the left in but
19 there is also three driveways on Vervalen. With
20 those three driveways exiting the plaza, and
21 needing to go north or south, would that not
22 intensify the amount of cars? And I know there's
23 existing cars on Vervalen, but would that not
24 intensify those, the amount of those cars?

25 MR. CHASE: It could. Because if

1 you just look at the way the center is laid out
2 on -- I mean all of the parking, the primary
3 access points are all centered around Vervalen,
4 you know the back of the stores are really facing
5 Homans, it's almost like it's a secondary access.
6 So, you're right, it is. You can assume that the
7 orientation of the center, the magnitude of the
8 parking proximate to Vervalen, you know, and
9 number of access points that that would lend
10 patrons to utilize those access points more than
11 the access to Homans. What you could end up with,
12 is, what we call almost conditioning. Where, if
13 patrons know that they can't turn left off of
14 Vervalen onto Piermont, they may be conditioned to
15 use the Homans access. But just looking at this
16 from afar, you look at the center the way it's
17 laid out, the parking, you know, the access
18 layout, it would lend you to believe that Vervalen
19 is the primary access point for the center.

20 CHAIR LIGNOS: You said something
21 about 80 percent utilization at some point,
22 patrons driving around in cars, probably more
23 havoc than good. Is there at some point, where
24 too much traffic actually jeopardizes the success
25 of a plaza?

1 MR. CHASE: I can't point to a, you
2 know --

3 CHAIR LIGNOS: A specific ans -- a
4 specific example.

5 MR. CHASE: A specific answer. In
6 my professional opinion, you know, I would say
7 that if you frustrate your patrons repeatedly and
8 they're unable to find parking, they're going to
9 tend to go to another establishment.

10 CHAIR LIGNOS: Okay. But if I --
11 and from what I heard, that a patron can also be
12 conditioned to know that 4 to 4:30 or 4 to 5 is
13 not a good time, and that he or she should go at
14 11 in the morning, does that tend to happen?
15 Because quite frankly when I need something --

16 MR. CHASE: It's gonna really --

17 CHAIR LIGNOS: -- I need it. I
18 can't say, you know something, it's not a good
19 time for me to go shopping, or I'll go tomorrow.
20 I can't -- maybe other people do it. And maybe
21 I'm not the normal one.

22 MR. CHASE: It's going to depend on
23 the users. It's really going -- it depends on the
24 users in the center. And, you know, for
25 convenient oriented users, people may change

1 their -- their habits just to, you know, not to go
2 in a certain busy time. But if it's a destination
3 oriented use, you're right when they want whatever
4 material items is at that store, you know, they're
5 going to go there. And it could -- it has the
6 potential to have an impact on the success of the
7 center if there is not sufficient parking
8 provided.

9 CHAIR LIGNOS: We were told that a
10 community plaza such as this center, such as this,
11 really doesn't have much fluctuation around the
12 holidays as far as the amount of traffic that it
13 generates. Do you hold that opinion as well?

14 MR. CHASE: I would say that the
15 fluctuation for a community shopping center is not
16 as great as say a regional mall. But I would
17 still contend that there will be some fluctuation.
18 Even for a grocery store, I would contend that
19 Thanksgiving and Christmas, the holiday times are
20 the busiest times for those users, as well as the
21 traditional retail use. So, they're most
22 definitely, you know, if this was a 25,000 square
23 foot shopping center, you know, with small 3,000
24 square foot stores, I would say that you would not
25 have any sort of fluctuations associated with

1 that. It's over 200,000 square feet. I mean in
2 my professional opinion you're going to see some
3 sort of fluctuation. It will likely not be as
4 great as a regional mall, but there will be some
5 variation, you know, during those November,
6 December months.

7 CHAIR LIGNOS: And in your opinion,
8 providing a bus for employees, to a remote
9 employee parking, is it something that a center of
10 this size would not normally do?

11 MR. CHASE: I think that a center of
12 this size may not normally do it, but you also
13 have to take into consideration the amount of
14 parking that a center would be providing, and
15 weigh that into whether you would consider that
16 normal or not. You know, I think that each
17 situation is unique in that, you know, looking at
18 the way the site is laid out, you know, I don't
19 think they could fit substantially more parking on
20 site. But then that leads you to, are there
21 alternatives for things like offsite parking for
22 employees. You know, the snow -- does there have
23 to be a condition that snow has to be removed from
24 the site during the winter months and not just
25 piled up because, you know, if you get a snowstorm

1 in December and snow is piled, you could lose 50,
2 60, 70 parking spots as a result of the snow.
3 Things like that, you know, I think that you
4 really need to think outside the box when you're
5 looking at a parking supply like this, and see if
6 there are other alternatives, you know, like you
7 said, off site employee parking, you know, snow
8 removal, things like that.

9 CHAIR LIGNOS: Well, no, that's a
10 very good point. Okay. Now -- you always do that
11 to me. Why?

12 MS. AMITAI: I'm sorry. I thought
13 you'd come to me sooner.

14 CHAIR LIGNOS: Well, it should come
15 to you sooner.

16 MS. AMITAI: Well, I'm the first
17 one.

18 CHAIR LIGNOS: No you're not, you're
19 the second.

20 MS. AMITAI: So, my question is
21 this: As a parking engineer, I'm really concerned
22 about the way traffic, that's going westbound in
23 front of the K-mart store. Now that we have only
24 ingress alongside the -- between the church and
25 the K-mart building, going west in front of the

1 K-mart store, there's a jog in the road and it's,
2 you head to cross over the incoming traffic to get
3 onto Campbell Street to exit. That to me looks
4 really clumsy and maybe dangerous.

5 MR. CHASE: I believe, and
6 Mr. Keller will correct me if I'm wrong, but in
7 the latest subdivision, I believe that
8 intersection is always stop controlled.

9 MR. KELLER: Yes.

10 MR. CHASE: And it's always stop
11 controlled. So, basically every approach to that
12 intersection, they're required to stop. What that
13 does, is, that alleviates clumsiness associated
14 with the intersection. Because everyone
15 approaching, they have to stop, and they'll be
16 cognizant of vehicles approaching, pedestrians in
17 the area, and they'll have to yield the
18 right-of-way to any other traffic at that
19 intersection. So, if there was -- if it wasn't
20 stopped on all the approaches, then, yes, you
21 know, there would be issues associated with site
22 distance and other things. But I think that, in
23 my professional opinion, because it is stopped on
24 all approaches, it should operate --

25 MS. AMITAI: How many cars would fit

1 between Campbell Street and Homans if they were,
2 you know, trying to enter that driveway, come into
3 the shopping center? Would you get 6 cars or 10
4 cars?

5 MR. CHASE: You know, I could scale
6 it.

7 MS. AMITAI: I don't know if it's to
8 scale. Is that to scale?

9 MR. KELLER: Yes.

10 MR. CHASE: This is applicant's
11 A-12?

12 MR. BASRALIAN: Yes.

13 MR. CHASE: And you're referring to
14 the distance between Campbell and the on --

15 MS. AMITAI: From here -- well, both
16 if you don't mind. From here to here is what I
17 was thinking. People coming in, how many cars
18 would there be in a line before there is a jam on
19 Homans?

20 MR. CHASE: Approximately --

21 MR. BASRALIAN: Mr. Chase, would you
22 do me a favor and indicate where the councilwoman
23 was talking about so that we know when we read a
24 transcript what we mean.

25 MS. AMITAI: Mall driveway.

1 MR. BASRALIAN: But I didn't hear
2 the word. So, if you just say that so we know
3 exactly what it is.

4 MR. CHASE: Certainly. I'm
5 referring to applicant's A-12. And, specifically,
6 I measured the distance on the westerly side of
7 the shopping center. The ingress only access from
8 Homans as it approaches the, I'll call it the
9 southwest corner of the building. It's
10 approximately 200 feet in length. Conservatively
11 assuming a car queue would be about 20 to 25 feet,
12 you could get 8 cars stacked there before you've
13 reached -- a minimum of 8 cars before you've
14 reached Homans Avenue. Campbell, as you approach
15 Campbell in an easterly direction, as approach the
16 shopping center from Lewis Street, approximately
17 100 feet if you get a minimum of 4 cars in queue
18 on that approach.

19 MS. AMITAI: Four backs into the
20 lane of traffic before it backs into the lane of
21 traffic.

22 MR. CHASE: Correct.

23 CHAIR LIGNOS: Okay. I'm assuming
24 that there are no questions, any other questions
25 from the board, and, therefore, open to the public

1 or I guess Mr. Basralian first.

2 MR. WEINER: Doesn't matter.

3 CHAIR LIGNOS: All right let's go to
4 Mr. Basralian.

5 MR. BASRALIAN: It -- yeah, it
6 matters to me I guess.

7 Mr. Weiner, you really saved me a
8 number of questions regarding the -- the lights
9 and the allocation of costs as amongst the
10 parties.

11 In this instance, though, it is a
12 county roadway and the county would make the final
13 determination as to whether or not it believed
14 there were sufficient warrants to submit to the
15 State of New Jersey or the DOT.

16 MR. CHASE: That's correct.

17 MR. BASRALIAN: And utilizing the
18 share allocation that DOT utilizes, it is not up
19 to the planning board to make that determination,
20 but rather DOT, or the county through the DOT
21 standards, right?

22 MR. CHASE: You know honestly I
23 don't think I could answer that question. It's a
24 county road, would they be the sole determining
25 factor in how that is calculated, I mean I can't

1 answer that, honestly.

2 MR. BASRALIAN: Thank you. It's an
3 honest answer, but in your experiences, you talked
4 about -- about this in your experience as a
5 traffic consultant, it is quite likely that it
6 would be more than one party that would be
7 contributing to a light given the existence of the
8 traffic that already is on the roadway.

9 MR. CHASE: That is correct. And,
10 we, you know, in the application that I worked in
11 Montvale we had a similar situation where we -- we
12 did a fair share calculation and contributed a set
13 amount of money to Bergen County. You know, they
14 were the ones that -- it was county intersection,
15 similar to this, and they were the ones that
16 directed us to use the DOT methodology, and the
17 money was contributed from the county.

18 MR. BASRALIAN: You also talked
19 about warrants. There is more than one test for a
20 warrant, rather than peak period turning, and must
21 there be a satisfaction of more than one warrant
22 in order to make a determination whether or not a
23 light is required, and if it's required whether
24 the county would do it?

25 MR. CHASE: Must there be, no, I

1 think satisfying one warrant in some jurisdictions
2 would be enough. In my professional opinion I
3 would say that you would preferably you'd like to
4 see the 8 in the format as opposed to the peak but
5 usually, yes, you know, if the 8 hour is met, I
6 think that holds more weight than the peak hour.
7 But, you know, it really depends on the
8 jurisdiction. Some jurisdictions will consider
9 meeting one sole warrant.

10 MR. BASRALIAN: When you talk about
11 jurisdictions which do you mean?

12 MR. CHASE: I mean county
13 municipalities. Because DOT has relinquished
14 review of local traffic signals, local and county
15 traffic signals. So, the municipalities, the
16 counties are now responsible for reviewing warrant
17 analyses and determining whether signalization is
18 warranted in an intersection.

19 MR. BASRALIAN: Now, in this
20 instance, since it's a county signal or county
21 roadway, would not the jurisdiction lie within the
22 county as the determination of whether or not it
23 met its criteria and warrant before it submitted
24 to DOT?

25 MR. CHASE: Yes, the jurisdiction

1 would be with the county, but I don't think that
2 they would have -- actually I know they would not
3 have to submit to DOT to confirm that the signal
4 is warranted. The county would be able to make
5 that determination on their own.

6 MR. BASRALIAN: All right but still
7 you have a fair share allocation that county uses
8 the DOT standard, does it not?

9 MR. CHASE: It does.

10 MR. BASRALIAN: Okay. You asked the
11 applicant to make a gap study and in your reports,
12 the revised report of September 17th, 2013, you
13 said that the result of the gap study indicate
14 sufficient gaps in traffic to exist to accommodate
15 the projected turning movements on the Vervalen
16 approach to Piermont Road. Now, if the gap study,
17 as you've indicated, says that there are
18 sufficient gaps, then why is it that the number
19 10, you talked about a excessive delay calculated
20 in the level of service analysis at that
21 intersection? Those two statements seem to be in
22 opposition to each other.

23 MR. CHASE: They are. And as I
24 explained before, gaps are not directly related to
25 capacity. You assess the amount of gaps available

1 in traffic, but that does not indicate that a car
2 is there to take that specific gap. So, while you
3 can have enough gaps to accommodate those specific
4 amount of turning movements, you can also not have
5 enough capacity at that intersection to
6 accommodate the vehicles that are making those
7 turning movements.

8 MR. BASRALIAN: But isn't capacity
9 finite?

10 MR. CHASE: Isn't capacity finite, I
11 mean it's a finite calculation, yes, but the
12 capacity take into -- if you plug these numbers
13 into the highway capacity software, it's assuming,
14 based on the arrival rate, and the peak hour
15 factors and everything else that you input, it's
16 using that same gap, and calculating the capacity
17 for this intersection.

18 MR. BASRALIAN: But then we made an
19 actual visual calculation and study of each of the
20 gaps so that we knew exactly, and you knew
21 exactly, what the gap study results were for the
22 peak period so that you concluded that sufficient
23 gaps in traffic exist.

24 MR. CHASE: We concluded that there
25 were available gaps to accommodate the projected

1 demand, which, as I stated, does not necessarily
2 mean that there's not a capacity issue at that
3 intersection. The results of that gap study would
4 assume that there was a car there to take each one
5 of those gaps. That may not in fact be the case.
6 So, you still end up with a capacity issue at the
7 intersection because the vehicles don't arrive at
8 a specific time when there is a gap there.

9 MR. BASRALIAN: What's the level of
10 have service during the peak period, do you know?

11 MR. CHASE: Level of service at that
12 approach?

13 MR. BASRALIAN: Mm-mm.

14 MR. CHASE: Is F.

15 MR. BASRALIAN: How about turning
16 right?

17 MR. CHASE: It's C I believe.

18 MR. BASRALIAN: Is the ability to
19 turn left, at all inhibited by any obstructions,
20 plant material, as one looks south on Piermont, in
21 order to be able to determine whether the gaps so
22 they can pull out and go north?

23 MR. CHASE: Honestly we hadn't
24 conducted sight distance measurements out there.
25 Driving the network, that left turn is a difficult

1 maneuver to make. It's also difficulties increase
2 when you have a vehicle next to you that's turning
3 right. And there is a high amount of vehicles
4 turning right at that intersection because what
5 the right turn vehicle tends to do, is they'll
6 tend to creep out a little bit ahead of the left
7 turn vehicles just to get around them. And that
8 further inhibits your view as you're looking to
9 the south.

10 MR. BASRALIAN: And if there were
11 further obstruction of shrubberies, trees, et
12 cetera, would that also not inhibit the abil -- if
13 you were in the right-of-way, would that not
14 inhibit the ability of someone to look out?

15 MR. CHASE: It would. It would.

16 MR. BASRALIAN: And would that not
17 slow down the process?

18 MR. CHASE: It would.

19 MR. BASRALIAN: If there was a gap
20 of 20 seconds and 4 cars lined up, how many cars
21 could get out on the left-hand turn?

22 MR. CHASE: Probably accommodate 4.
23 The gap is 7.1 seconds and then there's a
24 follow-up time associated, and with that follow-up
25 time you can accommodate one additional car. I

1 think the follow-up time is 3.5 seconds, if I'm
2 not mistaken. So, you can probably accommodate 4
3 cars. But that's assuming that those 4 cars are
4 aggressive and they're going to pull up to the
5 stop line, stop quick, look and go. I mean if any
6 one of those people hesitate then that gap is
7 going to be gone.

8 MR. BASRALIAN: You made a statement
9 when you opened up and you were talking about that
10 you were sure Mr. Keller would agree regarding a
11 light at that intersection. I don't recall
12 anything he ever said in any of his testimony or
13 any of the reports, that he would agree that there
14 was -- a light was necessary at that intersection.
15 I think that was your opening statement. You
16 said, I'm sure he would agree.

17 MR. CHASE: I didn't stay a light
18 was necessary. I said that a light was the only
19 method to mitigate the capacity issues at the
20 intersection.

21 MR. BASRALIAN: I misspoke it. But
22 even having misstated you, I don't recall anything
23 he ever said, in any of his testimony on October
24 2nd, or today, which indicated that was the only
25 solution.

1 MR. CHASE: I would interested to
2 hear if there was another solution.

3 MR. BASRALIAN: All right. Well,
4 I'm trying to point out you did not characterize
5 testimony properly.

6 MR. CHASE: Apologize that -- for
7 that.

8 MR. BASRALIAN: I also notice that,
9 you know, in your original report which is --

10 MR. WEINER: I don't think he was.

11 MR. BASRALIAN: I beg your pardon.

12 MR. WEINER: I don't think he was
13 mischaracterizing his testimonying. I think he
14 was making a basic statement that this is the only
15 way I see it, I think Mr. Keller would agree, and
16 if Mr. Keller, you can call him on rebuttal and he
17 can give us his opinion whether he agrees or
18 doesn't. I don't think it's a significant point.
19 I think it was more a figure of speech. His
20 testimony is that the only way to fix it is with a
21 light. I got the point.

22 MR. BASRALIAN: Well, if --

23 MR. WEINER: If Mr. Keller wants to
24 disagree with that, that's fine too.

25 MR. BASRALIAN: Well, you know --

1 MR. WEINER: Then call him back and
2 we'll be happy to hear it.

3 MR. BASRALIAN: I'm just trying to
4 clarify, in my mind, what the statement are, and
5 that's why I am asking the questions, as you do,
6 and everybody else would.

7 MR. WEINER: And that's fair and I'm
8 criticizing that. At the same time, if that's an
9 issue, and it's an important issue that you want
10 to clarify, the board would like to hear from
11 Mr. Keller whether he agrees or disagrees. So, we
12 can dispense with the issue as to who said what.

13 MR. BASRALIAN: Not to beat a dead
14 horse, I was just trying to find out how he
15 characterized it because that wasn't in any of the
16 testimony. So, that's all.

17 MR. WEINER: We understand. Thank
18 you.

19 MR. BASRALIAN: It's getting late.
20 I lost my train of thought too. I don't know of
21 your familiarity in determining the fair share
22 allocation, but if this shopping center were not
23 proposed to be improved, and a light was warranted
24 by virtue of the county determination of it, would
25 a fair share allocation be put back to this

1 property owner?

2 MR. CHASE: If there was no
3 expansion of the shopping center proposed?

4 MR. BASRALIAN: Well, if there were
5 no improvements. There's no exp -- there's no
6 expansion of the shopping center being proposed.

7 MR. CHASE: If there was no
8 application associated with the shopping center
9 and the county decided that there was a light that
10 was needed at the intersection, they're not going
11 to go back to someone that's existing and allocate
12 a fair share associated with that use, is that
13 what you're saying?

14 MR. BASRALIAN: Yes. Right.

15 MR. CHASE: Would they go to the
16 existing uses around the intersection and say
17 you're responsible for this, you're responsible
18 for that, no. In my past experience I haven't
19 seen that done. It's typically done when there's
20 an application before the board municipality when
21 those types of things are assessed.

22 MR. BASRALIAN: I understand. You
23 just used the word, expansion, but there is no
24 expansion in the aggregate square footage of the
25 shopping center above what currently exists by the

1 end of phase II. Would that have an impact, at
2 all, as to fair share allocation?

3 MR. CHASE: I thought there was a
4 slight expansion associated with the shopping
5 center?

6 MR. BASRALIAN: No, it's being
7 reduced from 211,000 to 208,000 square feet.

8 MR. CHASE: That 6,000 square
9 foot --

10 MR. BASRALIAN: Well, that's not in
11 the boards yet though. That's not a part of --
12 there's no application for any expansion on that
13 lot or any provision for that lot at this point.

14 CHAIR LIGNOS: He said, just for
15 clarification, the testimony was that the parking
16 and the traffic was included for that 6,000 square
17 feet?

18 MR. BASRALIAN: Yes.

19 CHAIR LIGNOS: So, which one is it?
20 Is it or isn't it?

21 MR. BASRALIAN: He said he did his
22 calculations on traffic by including that, but
23 there is no proposal to have a building of up to
24 6,000 square feet on this property at this point.

25 CHAIR LIGNOS: So, what you're

1 saying, just for our understanding, is that, if
2 and when a 6,000 square foot building appears then
3 that comes into play.

4 MR. BASRALIAN: Then that may come
5 into play, yes.

6 Would you disagree or agree?

7 MR. CHASE: I would agree, if the
8 slopping center is being reduced in size, I mean
9 you're grandfathered the approval for this square
10 footage that's on site now. If you're reducing
11 that then theoretically you are reducing the
12 amount of traffic associated with it and stuck
13 strictly to the ITE equation.

14 MR. BASRALIAN: I understand. With
15 respect to the restaurant entertainment use that
16 you talked about, the total of that, using your
17 18 percent, is less than 20 percent, which, under
18 ULI, and even ITE, would not require an additional
19 or change in the parking ratio that you have for
20 retail.

21 MR. CHASE: That's incorrect. If
22 you -- I'm pretty sure if you're looking at the
23 same table that I'm thinking of is that the ULI
24 parking requirements for shopping center?

25 MR. BASRALIAN: Yeah, I -- I -- I --

1 it talks about, and I'm referring to parking
2 requirements for shopping centers, summary
3 recommendations and research study report, second
4 edition, Urban Land Institute, it refers to, on
5 page 3 to --

6 MR. CHASE: Table 1 recommended --

7 MR. BASRALIAN: I haven't asked the
8 question. So, let me finish it up, okay?

9 MR. CHASE: Okay.

10 MR. BASRALIAN: Table 1 is
11 recommended parking ratios -- table 1 recommended
12 parking ratios is percentage of ULA and
13 restaurants, entertainment and/or cinema space,
14 shopping center size of gross leasable area less
15 than 400,000 square feet, is at 10 percent, 4 per
16 thousand at 11 to 20 percent, 4 per thousand, over
17 that, over 20 percent is shared parking. The
18 calculation then, you and I were both wrong, the
19 calculation for the maximum 20,000 square feet of
20 restaurant and theater of 8,000 square feet
21 equates out to about 13 percent.

22 MR. CHASE: You're right, I was
23 wrong, but the 4. --

24 MR. BASRALIAN: And I went along
25 with it so apologize too.

1 MR. CHASE: The 4.09 per thousand
2 that I quoted was correct. My percentage was off.
3 It's actually 13 percent. And that's where you
4 get the additional .09 that's added onto the 4.0
5 face value.

6 MR. BASRALIAN: Well, as I read this
7 chart, I don't see it quite the same way.
8 Recommended table 1 shoes the recommended number
9 of parking spaces per thousand square feet of
10 gross leasable area.

11 MR. CHASE: If I may, if you read
12 footnote B, it says for each percent above 10
13 percent of linear increases 0.3 spaces per
14 thousand square feet to be calculated.

15 MR. BASRALIAN: .03.

16 MR. CHASE: Right. But every
17 percentage point above 10. So, it's 13 percent so
18 that's 3 percent above 10, which is 3 percent -- 3
19 X's .03 is .09.

20 MR. BASRALIAN: Even when it's
21 preexisting?

22 MR. CHASE: That doesn't come into
23 play.

24 MR. BASRALIAN: This is for shopping
25 centers of less than 400,000 square feet, and I

1 don't see -- let's see, 11 to 20 percent. So,
2 lineal increase of .03 spaces per thousand would
3 increase should be calcu -- what does that come
4 to?

5 MR. CHASE: 4.09.

6 MR. BASRALIAN: 4.09. The
7 parking -- your report indicated that it should
8 have a parking ratio of about 4 per thousand I
9 think is what you said, and as Mr. Keller
10 testified, that we're about 13 -- 13 spaces shy of
11 hitting that ratio of 4 per thousand. And if that
12 13 spaces were added to the existing parking by
13 reducing some landscaping here or other things on
14 the site, would that satisfy the four per thousand
15 that you've recommended is what we should be
16 having?

17 MR. CHASE: The 4 per thousand is
18 really a target minimum. And, you know,
19 Mr. Keller provided a shared parking table that
20 evaluated retail versus restaurant and everything
21 else. The 4 per thousand you can at least
22 reference ITE and say that you meet this standard.
23 Does that make all these issues associated with
24 the parking supply go away completely, I would
25 disagree. You know, I still think that some of

1 the things that we talked about before, you know,
2 offsite parking employees, snow removal, and
3 things like that, I think they still apply. You
4 know, really, when you get below 4, we don't
5 typically see parking supplies below 4 for a
6 shopping center this size. That was really, you
7 know, our target.

8 MR. BASRALIAN: Well, let me ask you
9 something, is not -- do not ITE and ULI really are
10 recommendations, and there are studies of many,
11 many centers, some of which have a much lower
12 parking ratio in the mix, and that is also
13 acceptable under those standards as well, is it
14 not?

15 MR. CHASE: That is. If you can go
16 out and do parking counts in an existing shopping
17 center that's, you know, functioning in a good
18 state, and almost fully occupied, and justify a
19 reduced parking ratio, that would be more than
20 accepted methodology. But you also have to take
21 into account, you know, seasonal variations and
22 other thing. So, there's a lot that goes into
23 evaluating parking supply. Because if you look at
24 ITE for a community shopping center, the average
25 parking supply is 4.9 per thousand. So, that

1 would lend you to believe that there aren't many
2 shopping centers that provide less than 4 per
3 thousand.

4 MR. BASRALIAN: Yeah, but how old
5 were the shopping centers that they examined in
6 that study if they're much older the parking
7 ratios would tend to be higher, would they not,
8 than a new shopping center?

9 MR. CHASE: You know, that may be
10 true. It may not. That's a theory.

11 MR. BASRALIAN: Well, but you don't
12 know whether it is or it isn't, you don't know
13 whether those shopping centers are very high --

14 MR. CHASE: I don't. I'm -- I'm
15 simply stating that the average supply that the
16 manual identifies is 4.9. So, that would lend me
17 to believe --

18 MR. BASRALIAN: As a recommendation.

19 MR. CHASE: As a recommendation. As
20 an average supply.

21 MR. WEINER: Did you say 4.9 or
22 4.09.?

23 MR. CHASE: The ITE in the 4th
24 edition of parking generation, they categorize the
25 average parking supply for variance types of

1 shopping centers. It's 4.9.

2 MR. WEINER: 4.9. Okay.

3 MR. CHASE: For a community shopping
4 center.

5 MR. WEINER: Okay. Thank you.

6 MR. BASRALIAN: Okay, but ULI
7 recommends -- recommends again 4.7 based upon the
8 studies using the same number of shopping centers
9 in its studies. I refer to you the same edition,
10 page 25.

11 MR. CHASE: Yeah, the ULI also
12 recommends 4.5, I believe, in one of their other
13 publications. So, there is a variety of
14 recommendations for parking slides for shopping
15 centers.

16 MR. BASRALIAN: I mischaracterized
17 it by saying a recommendation. They found that
18 that was what the average was in the 104 community
19 shopping centers that they studied.

20 MR. CHASE: The average supply.

21 MR. BASRALIAN: The average supply.
22 That's what -- that's what they talked about,
23 number of centers responding, 104, and that they
24 use the average of 4.7 from those 104 responding
25 shopping centers, community shopping centers. So,

1 it's not a recommendation is what the study shows.

2 MR. CHASE: And I didn't
3 characterize the 4.9 as a recommendation. I
4 characterized it as the average supply.

5 MR. BASRALIAN: I did and I
6 mischaracterized it. So, you were correct in that
7 regard. But it also says in the -- in the ULI
8 second edition, to which I referred to earlier
9 that, parking supply, and I quote this, "Parking
10 supply is higher than the parking demand by an
11 average of almost a full space per 1,000 square
12 feet of JLA for centers of smaller than 600,000
13 square feet. And by about half a space for larger
14 centers. This suggests that the parking supply is
15 not constricting demand. Moreover, it's suggests
16 that building parking spaces will not result in
17 increased traffic volume and subsequently an
18 increased sales and centers." So, the whole study
19 is based upon what they observed out there, but
20 observed also that the supply is higher than the
21 parking demand by an average of almost one car per
22 thousand square feet. Are you familiar with the
23 study?

24 MR. CHASE: I am. And I think that
25 we're all trying to get to the same result. We're

1 all trying to make sure that the center is going
2 to provide enough parking in the end. Because the
3 last thing that I would assume your client wants
4 to see, is a center that doesn't have enough
5 parking. The last thing the borough wants to see
6 is a center that doesn't have enough parking. So,
7 we're all trying to get to the same end point.
8 It's just a question of, is the 3.94 per thousand
9 sufficient. If it's not, are there other
10 alternatives that we can investigate to make sure
11 that that 3.94 is sufficient. You know, I think
12 that the borough requires 5.8 or 5.9 per thousand,
13 and, you know, we acknowledge that that's an
14 unusually high standard for parking for retail.
15 And I wouldn't suggest that the center should be
16 reduced to accommodate that parking demand, but I
17 think that there needs to be some discussion as to
18 if this is the parking supply that's going to be
19 provided for the center, are there other
20 alternatives that can be considered to make sure
21 that there is not a parking issue on site.

22 You know, I think that all of these
23 references, they all recommend that the best thing
24 to do, is, to go out and collect local data,
25 because parking demands are very regionalized.

1 They vary from town to town depending on the
2 tenant mix. So, depending on what users you get
3 in there, that's gonna really --

4 MR. BASRALIAN: Excuse me. This is
5 a retail center with 13 percent restaurant and
6 entertainment. That's what it is. The
7 recommendation by the applicant's proposal, is,
8 for 3.9 parking spaces. And say 4 per thousand if
9 we add the 13. It's making that recommendation.
10 Is it not a good judge of its business demand for
11 what is necessary to operate a successful shopping
12 center?

13 MR. SEGRETO: I object to the
14 question.

15 MR. CHASE: Yeah, I mean --

16 MR. WEINER: I'm sorry, what's --
17 what's the objection?

18 MR. SEGRETO: The objection is, 1,
19 to the form of the question. I think it's an
20 improper question for this witness. He is asking
21 the witness to ask about the determination made by
22 this applicant, that 3.94 is sufficient, when no
23 one has testified to that fact.

24 MR. WEINER: Well, I mean certain
25 sense you're right. You're asking him if the

1 applicant is the best judge of the parking. I'm
2 not sure he knows what the applicant knows.

3 MR. BASRALIAN: On the other hand he
4 just said that really it's the board should know
5 what the -- the board should make a judgment as to
6 what the best parking ratio, and if he's making
7 that statement, then I should be able to ask him
8 whether or not the applicant is not a -- would not
9 the applicable, who is applying for the approval
10 of the center and 3.94 parking spaces per
11 thousand, to be a better judge.

12 MR. WEINER: If the board listened
13 to applicants about how much parking we needed
14 everybody would be parking on the street. We know
15 that. I mean, look, if you want to call your
16 client and have him come up and explain why he --
17 they operate centers and they expertise they have,
18 and why that's enough parking, I think that that
19 would be great testimony for the board to hear.
20 His opinion as to whether your client is the best
21 judge, I'm not sure gets the board any information
22 that's going to help them. But, you know, you
23 want to ask it. I don't think it's -- you know,
24 if he can answer it. Maybe he can. Maybe he
25 can't.

1 MR. BASRALIAN: Well, just --
2 just -- just -- just to respond, you know, it is
3 not just, you know -- just as the municipal land
4 use law applies to applicants it applies to
5 boards. Just as judgments as to what is necessary
6 rests within boards, it rests within the
7 applicant, and this applicant has asked for a
8 waiver, which is within the power of this board to
9 grant for parking. And its put in its case as to
10 why it believes the parking that its provided is
11 adequate for the purpose of this shopping center.
12 This witness is saying, well, I'm not sure, and
13 it's up to the board to really decide. And that
14 was part of what he said. And I'm asking -- I'll
15 rephrase the question, if you wish, just to get on
16 with it.

17 MR. WEINER: That maybe helpful.

18 MR. BASRALIAN: Just to get on with
19 it. Okay.

20 Now, how do I rephrase it because
21 I've now gone so far beyond it. The applicant has
22 made a judgment of to what its parking spaces, and
23 it submitted an application for the parking as
24 provided in the application, which you reviewed.
25 Would an applicant not be the best judge in this

1 instance as to what its parking demand would be
2 for a successful center?

3 MR. SEGRETO: Objection.

4 MR. BASRALIAN: You can say, no, I
5 don't know. Yes, I do. Maybe --

6 MR. WEINER: Listen, I don't think
7 it's -- for what it's worth, I'm going to let him
8 answer. I'm not sure it's going to help the board
9 very much. I think if they want to know what the
10 applicant's opinion is as to their parking, call
11 the applicant. Call an expert from the applicant
12 to talk about why they think it's enough parking
13 and let the board ask some questions. But if he
14 wants to answer, I'm going to allow him to answer.

15 MR. CHASE: I can't definitively
16 answer. I mean --

17 MR. BASRALIAN: Well, does that make
18 a board a better judgment of what -- judge of what
19 the parking requirements should be for this
20 center?

21 MR. WEINER: Mr. Basralian, I'm not
22 gonna have the traffic expert decide whether the
23 board is -- the board is the judge because we're
24 gonna make a decision. So, by definition of the
25 MLU, we get to -- we, the board, gets to decide

1 that.

2 MR. BASRALIAN: I understand it.
3 But he made a statement that the board would be
4 able to judge as to whether or not it's
5 appropriate. That's what he said.

6 MR. WEINER: All right. I think the
7 board recognizes the traffic engineer doesn't
8 decide whether the board is a good judge. I think
9 the board is the judge. So, I don't know that
10 this is significant. Why don't you get to
11 something that would be helpful.

12 MR. BASRALIAN: You indicated that,
13 as a result of question from Mr. Lignos, regarding
14 the possibility of parking or your report
15 indicated perhaps the applicant should explore
16 offsite parking for employees. And as Mr. Lignos
17 asked, whether busing of employees would be
18 appropriate in a shopping -- in a community
19 shopping center like this of 208,000 square feet.
20 In your experience, has that ever been a mechanism
21 employed for a shopping center of this size?

22 MR. CHASE: And my response to that,
23 his question, it's going to be similar to my
24 response to your question, it's the amount of
25 parking provided that's really the mechanism, not

1 the size of the shopping center.

2 MR. BASRALIAN: And if the shopping
3 center provides a function appropriately for the
4 amount of parking it's provided, whether it's 3.9
5 or 4 or some other number, why would anyone ever
6 consider doing something different, such as off
7 street parking or busing of employees?

8 MR. CHASE: If the shopping center
9 was functioning in an acceptable manner they
10 wouldn't consider that.

11 MR. BASRALIAN: And if you correctly
12 stated, the shopping center doesn't provide
13 adequate parking then customers might not come and
14 the applicant would suffer for it.

15 MR. CHASE: That is correct.

16 MR. BASRALIAN: And under those
17 circumstances would a developer of this magnitude,
18 putting this kind of improvement in site -- in
19 place, really want to be in a position of
20 inadequate parking to dissuade customers and
21 tenants?

22 MR. SEGRETO: Objection. Same
23 objection. He keeps asking about developers of
24 this magnitude, developing this, would they want a
25 -- it's improper. It just doesn't make sense.

1 MR. WEINER: I will sustain that.
2 Mr. Basralian why don't you get to something else.

3 MR. BASRALIAN: Well, you know I was
4 curious why, in your -- you have your report of
5 August 8th. You ask for the applicant to make
6 certain additional studies. And then you
7 supplemented your report of -- I'm sorry, July
8 8th. I said August 8th. You supplemented your
9 report -- revised September 17th, 2013. And there
10 were whole areas of the report that were never
11 addressed in the -- your initial letter, without
12 having anything changed within the report. The
13 supplemental report itself. I'm wondering how
14 those issues arose, especially, for example, when
15 you added No. 10, regarding level of service and
16 traffic warrant. Where did that come from, that
17 it wasn't in the first letter that you submitted
18 in response to the applicant's report of July 8th,
19 2013?

20 MR. CHASE: You know, we wanted to
21 evaluate the gaps initially to see how many gaps
22 were out there. You know, if there's a
23 substantial amount of gaps in traffic. Many
24 multiples of what is projected, you know, maybe
25 the intersection does operate better than what the

1 capacity analysis shows. The gap analysis result
2 show that there were available gaps, but there
3 weren't such a substantial amount of gaps
4 available that you could rule that the capacity
5 analysis was providing a negative projection of
6 the operational condition at the intersection.
7 So, based on our review of the gap analysis
8 results we thought that further investigation was
9 warranted.

10 MR. BASRALIAN: Well -- but that was
11 done with the gap analysis. You said there was
12 sufficient gaps through -- in traffic exists to
13 accommodate the projected traffic movement onto
14 Vervalen. But then you jump down and added the
15 whole warrant study and peak hour traffic, and
16 that a signal would be warranted -- a signal --
17 I'm sorry traffic signal warrants would be
18 satisfied. So, I'm just trying to get the
19 connection between those two, how sufficient gaps
20 are indicated, and then down to a warrant study.
21 Which may or may not ultimately be the result.
22 But how did you make that jump?

23 MR. CHASE: As I stated several
24 times, gaps do not directly correlate to capacity.
25 There are gaps that exist out there. We didn't

1 feel that the results of the gap study were so
2 substantial that they did not warrant further
3 investigation as to how to improve the capacity of
4 this intersection.

5 MR. BASRALIAN: But you only were
6 focused on the possibility of the peak period and
7 not any other times of the day.

8 MR. CHASE: Which is the focus of
9 the traffic study.

10 MR. BASRALIAN: But you don't know
11 that that situation would be -- in other times of
12 the peak would be greater or lesser than it is
13 during the peak period.

14 MR. CHASE: You're right, we don't.
15 And that's why we asked for a warrant analysis to
16 be conducted because what that will do is that
17 will provide you several hours, many hours worth
18 of value and then you can evaluate the operational
19 conditions at the intersection through an extended
20 period of time to see if that is in fact the case
21 throughout the majority of the day or if it is
22 just concentrated during the --

23 MR. BASRALIAN: Shouldn't the county
24 be asking for the warrant study?

25 MR. CHASE: As a traffic reviewer,

1 you know, we are tasked with reviewing the traffic
2 impact analysis.

3 MR. BASRALIAN: But shouldn't the
4 request come from the county?

5 MR. CHASE: Not necessarily.

6 MR. BASRALIAN: Well, why would --
7 if there is an existing problem there today
8 shouldn't a warrant of study been done at some
9 point before this applicant came down the road?

10 MR. CHASE: Typically studies are
11 only done if someone asks for them. So, if, you
12 know, no one asks for it then obviously it's not
13 going to be done now. We're analyzing this
14 intersection as a result of this development.
15 This information is being brought forward. So,
16 that's why we are asking it to be done.

17 MR. BASRALIAN: Well, it was
18 Mr. Keller's testimony that as a result of the
19 improvements here or the improvements to the
20 center, would result in additional one car per
21 hour during the peak period -- p.m. peak to the
22 existing traffic on the roadway. The left hand
23 turn rather on Piermont from Vervalen to -- from
24 Vervalen north on Piermont. That was in his
25 testimony.

1 MR. CHASE: I read that but there
2 are -- there is also --

3 MR. BASRALIAN: Would that one car
4 justify -- one additional car, per hour, justify a
5 warrant study under such circumstances?

6 MR. CHASE: You also have to take
7 into consideration the vehicles on Piermont.
8 Because you're not just looking at the left off of
9 Vervalen on to Piermont. You're now adding
10 additional traffic on Piermont, that's going to
11 conflict with those lefts. So, it's a combination
12 of everything. You can't just say that one car,
13 that's the only additional traffic. You're adding
14 through traffic on Piermont. You're adding left
15 turning traffic on Piermont. That all conflicts
16 with these left turns. So, it's not -- it's not
17 just that one movement, that one car.

18 MR. BASRALIAN: Well, I'm just
19 curious where it came about when it wasn't raised,
20 even in the first letter. And you've sort of
21 explained that. But there had been a question or
22 a statement earlier by someone on the board that
23 there are safety concerns at that intersection. I
24 was curious whether or not the warrant study came
25 as a result of whatever those safety concerns

1 might have been at Piermont and Vervalen.

2 MR. CHASE: No.

3 MR. BASRALIAN: There were a couple
4 of other comments in your letter, which were
5 added, again, for example, No. 6 on page 5 of your
6 report, all signal -- single yellow lines striping
7 on the internal circulation aisles should be
8 modified to double yellow line. And you go on to
9 say that the -- although the application, the
10 manual on uniform traffic control devices is not
11 required for all drive aisles within shopping
12 centers, we still recommend yellow striping to be
13 provided on the internal circularized --
14 circulation aisles, to be modified to a double
15 yellow line.

16 Are not the MUTCD road standards,
17 are not internal shopping center standards?

18 MR. CHASE: And that's what it says,
19 but if you read the MUTCD says, although it does
20 not specifically apply to shopping centers it is
21 recommended that you maintain those similar
22 standards. While you don't need to put shopping
23 centers -- stop signs on the end of every aisle,
24 if you're going to put a single yellow line it's
25 not that much additional work to put a double

1 yellow line. You know, in my professional
2 opinion, I always recommend, any site engineer,
3 when they show a single yellow line on the plans
4 that they make that a double yellow line.

5 MR. BASRALIAN: But do you really
6 think they're necessary at all. People are at
7 shopping centers everyday. There are islands at
8 the end of each of the aisles here, which don't
9 exist today. Isn't it indicative that you're
10 coming to an intersection. Why would you add more
11 lines; not one, not -- not even one, two as you
12 recommended, when you have islands with trees at
13 the end of every aisle?

14 MR. CHASE: I would rather see no
15 yellow line than a single yellow line.

16 MR. BASRALIAN: Well, that's what
17 the applicant would prefer as well, but if that is
18 the case, than what is wrong with the applicant's
19 proposal not to put yellow lines, even a single
20 yellow line, because you do have traffic, you
21 know, the islands at the end of each aisle -- at
22 the end of each aisle.

23 MR. CHASE: We didn't say that there
24 was anything wrong with it. You know, we looked
25 at the plan. There were single yellow lines

1 proposed on the plan. We recommended that those
2 lines be double yellow for consistency purposes.

3 MR. BASRALIAN: Well, I like your
4 recommendation that you'd rather see none although
5 that's an alternative. Right.

6 MR. CHASE: It is. I would see
7 double or none.

8 MR. BASRALIAN: You also added a
9 statement regarding in number -- your No. 8
10 regarding MUTCD guidelines with respect to the
11 speed tables, which deals with striping. It was
12 Mr. Keller's testimony that the speed tables would
13 be white concrete as contrasted to -- as
14 contrasted to -- I'm sorry, that was striping. It
15 would be concrete and that contrasts to the black
16 macadam, and that he didn't feel the line
17 striping, which you recommended, was warranted.

18 MR. CHASE: We said and/or warning
19 signage. We said and/or signage. Not necessarily
20 striping and signage. You know, in my
21 professional opinion given that the speed
22 tables -- given they are a little bit higher and I
23 understand, you know, that the applicant's desire
24 to have level crossings, and the genesis for the
25 height of the speed tables, given that they are a

1 little bit higher than, you know, a standard speed
2 table, you're going to cause a little more
3 deflection in the cars. In my professional
4 opinion, I would like to see warning signs out
5 there advising the motorist of the speed table.
6 Because all it takes is one person not paying
7 attention, to hit that at a more than desired rate
8 of speed, and you know --

9 MR. BASRALIAN: Yeah, but that's
10 only about a 6 percent grade, which is about the
11 same as a driveway cut. And that doesn't -- does
12 that really constitute a hazard if it's a
13 6 percent grade which is similar to any driveway
14 cut that we go in and out of. Same thing as any
15 driveway here as well.

16 MR. CHASE: I understand that, but
17 if you look at MUTC's design for speed tables, you
18 know there's excessive warning striping, striping,
19 and signage, to advise the motorist of -- that
20 there is something that they may not potentially
21 expect, coming up, and that they should slow down
22 for this -- for this design in the road.

23 MR. BASRALIAN: But isn't that also
24 a road standard rather than a shopping center
25 standard?

1 MR. CHASE: It is. And I'm not
2 saying that you need to implore the exact striping
3 that they recommend, you know, the chevrons
4 leading up to it. I'm saying that, in my
5 professional opinion, I think that a warning sign
6 should be added, advising motorist of the speed
7 hump in advance of it so that they are aware of
8 it.

9 MR. BASRALIAN: But you're within a
10 shopping center where the traffic is slow. You
11 have traffic in and out. It's not a 25 mile an
12 hour or 30 mile an hour roadway. It is a shopping
13 center roadway. And why would you pollute the
14 ground, and the air, or pollute the ground with
15 striping or signs on the side too warn something
16 that obviously evidenced because it's white verses
17 black?

18 MR. CHASE: I would contend that to
19 every motorist it may not be obvious. And this is
20 my professional opinion. You know, you're allowed
21 to disagree with my but it is my professional
22 opinion I would include advanced warning signs to
23 advise motorists of something that they may not
24 expect coming up. And I understand that it is
25 within the shopping center. It's still, in my

1 opinion, I would think --

2 MR. BASRALIAN: Even though the
3 MUTCD guidelines really refer to roadways rather
4 than shopping centers?

5 MR. CHASE: That's correct.

6 MR. BASRALIAN: Mr. Chairman, I have
7 no further questions at this time. Although, if
8 there are -- there is more questions from others,
9 I may wish to supplement it, and I will call back
10 Mr. Keller on redirect. And I didn't realize it's
11 six minutes to 12.

12 CHAIR LIGNOS: It's 12 to 12. I
13 mean it's 6 minutes to 12. Mr. Segreto, how many
14 questions do you have?

15 MR. SEGRETO: I have no questions.

16 CHAIR LIGNOS: Okay, Mr. Rosenblume.

17 MR. ROSENBLUME: Jessie Rosenblume,
18 65 Knickerbocker Road. There's been discussion
19 about county and traffic light, whatever, can you
20 or Mr. Basralian or Mr. DeNicola tell me if --

21 CHAIR LIGNOS: No, no, no, no, no,
22 hold on. Hold on. I can't have Mr. DeNicola do
23 or Mr. Basralian do it.

24 MR. BASRALIAN: We only think we're
25 traffic experts.

1 MR. WEINER: What's the question?

2 CHAIR LIGNOS: Can you -- the
3 question that's up before --

4 MR. ROSENBLUME: The question is:
5 Did the county receive a set of plans of this
6 project?

7 MR. BASRALIAN: I can answer. Yes,
8 it did.

9 MR. ROSENBLUME: Okay. The other
10 question is: Will shoppers prefer shopping
11 centers with convenience, available parking
12 spaces?

13 CHAIR LIGNOS: Can you say that
14 again?

15 MR. ROSENBLUME: Will shoppers
16 prefer shopping centers with convenience available
17 parking spaces.

18 MR. CHASE: In my assumption, yes,
19 that's a fair assumption.

20 MR. ROSENBLUME: So, when a shopper
21 comes on the property, they would like to know
22 that there is space available basically?

23 MR. CHASE: Correct.

24 MR. ROSENBLUME: Good. Thank you.

25 CHAIR LIGNOS: Okay. I don't see

1 any other questions. Either -- you really.

2 MS. AMITAI: I really do.

3 CHAIR LIGNOS: No, no, I think the
4 public is finished. So, therefore, what other
5 questions can we possibly have. We have been
6 asking questions all night.

7 MAYOR HEYMANN: Our attorney -- our
8 attorney made a statement earlier on, that I think
9 deserves some elaboration.

10 CHAIR LIGNOS: Okay therefore we're
11 going onto Monday because that's going to be new
12 business. And this way we can continue it.

13 The chair will entertain a motion to
14 adjourn.

15 MR. BASRALIAN: Excuse me. I'm back
16 on, on the 21st. Mr. Keller will be back. I
17 assume your expert will be back on the 21st.

18 CHAIR LIGNOS: Are you available on
19 the 21st?

20 MR. CHASE: I'll make myself
21 available.

22 CHAIR LIGNOS: I'm sorry.

23 MR. CHASE: Is it Monday?

24 CHAIR LIGNOS: Yes.

25 MR. CHASE: I'll make myself

1 available.

2 CHAIR LIGNOS: Thank you.

3 MR. BASRALIAN: And under those --

4 MS. AMITAI: Or not?

5 CHAIR LIGNOS: Hold on. Hold on.

6 Hold on. One thing at a time, please.

7 MR. BASRALIAN: And just before you

8 adjourn it, that you announce, again --

9 CHAIR LIGNOS: Yeah, I'm going to do
10 all that.

11 MR. BASRALIAN: Okay.

12 CHAIR LIGNOS: Members of the board,
13 we have -- we need to go -- we have Monday the
14 21st is our next meeting. We have our regular
15 meeting on November -- October the 31st. We have
16 a work session on the 6th of November. And I
17 understand that Mr. Segreto will be ready with his
18 witnesses on -- if we have -- if you so accept
19 this, at a special meeting on the 14th. Any
20 objection to say a special meeting on the 14th?

21 MR. SINOWITZ: What day is that?

22 MR. DENICOLA: Thursday.

23 CHAIR LIGNOS: It's a Thursday.

24 Now, after that, there would be a special meeting
25 on the 21st. But I understand several people are

1 not available. The mayor and one other --

2 MS. AMITAI: I won't be here either.

3 CHAIR LIGNOS: Three people are not
4 available. So, therefore, the only meeting in
5 November, other than our work session would be the
6 14th then we'd have to go into December because
7 Thanksgiving is the next Thursday. So, it's the
8 14th. I'm hoping that we are -- Mr. Segreto, you
9 think your three witnesses would take one day?

10 MR. SEGRETO: Yes.

11 CHAIR LIGNOS: So, it's a very good
12 possibility that we can wrap on the 14th.

13 MR. BASRALIAN: To that end, if
14 Mr. Segreto's witness is going to be submitting
15 reports, I'd like to have a copy of the report
16 before the hearing since all of our's were
17 submitted at least ten days before a hearing date.

18 CHAIR LIGNOS: Mr. Segreto any --

19 MR. SEGRETO: I don't believe we are
20 going to do a report.

21 CHAIR LIGNOS: Okay.

22 MR. BASRALIAN: If they are -- if
23 they are then they should be submitted and I
24 should be provided with copies as well.

25 MR. SEGRETO: I don't know --

1 MR. WEINER: If anybody is going to
2 do a report have them submit it within ten days --

3 MR. SEGRETO: I don't know about
4 providing Mr. Basralian with a copy --

5 MR. BASRALIAN: Provide it to the
6 board and then I have access to it sure.

7 MR. SEGRETO: Mr. Basralian has
8 supplied me with none.

9 MR. BASRALIAN: They have all been
10 filed and they're available to you just as those
11 -- your reports will be available to me.

12 MR. SEGRETO: I understand that
13 Mr. Basralian.

14 MR. BASRALIAN: Semantics John,
15 semantics.

16 CHAIR LIGNOS: So, we are
17 carrying -- this application will be carried to
18 our next hearing, which is a special meeting to be
19 held on Monday, October the 21st. That's this
20 following Monday. Yes, sir.

21 MR. BASRALIAN: Given what
22 Mr. Segreto said about his witness, would it be
23 possible to do maybe the 13th and the 14th? And
24 we can wrap this up. If we're really very lucky,
25 not to carry it into December.

1 CHAIR LIGNOS: Mayor and council.
2 We're on the 14th.

3 MR. WEINER: So, this application is
4 being carried to October 21st.

5 CHAIR LIGNOS: Correct.

6 MR. WEINER: No further notice will
7 be given. Anybody in the public wants to attend,
8 October 21st at 8:00 p.m. here, this application
9 will continue.

10 CHAIR LIGNOS: If the board members
11 have no objection, chair will entertain a motion
12 to object -- to --

13 MR. WEINER: Mr. Chairman, one more
14 thing. There were some other dates discussed.
15 Those may or may not ultimately wind up being the
16 day. So, the only day you have to remember is
17 October 21st. We expect there will be other
18 dates.

19 CHAIR LIGNOS: Mr. DiDio, I'd like
20 to have a motion accepting November 14th, please.

21 MAYOR HEYMANN: So moved.

22 CHAIR LIGNOS: Moved by the mayor.
23 Seconded by Mr. Didio. Can you please poll the
24 board.

25 MS. MITCHELL: Oh, sure.

1 Mayor Heymann.
2 MAYOR HEYMANN: Yes.
3 MS. MITCHELL: Councilwoman Amitai.
4 MS. AMITAI: Yes.
5 MS. MITCHELL: Dr. Maddaloni.
6 MR. MADDALONI: Yes.
7 MS. MITCHELL: Mr. Baboo.
8 MR. BABOO: Yes.
9 MS. MITCHELL: Ms. Stella.
10 MS. STELLA: Yes.
11 MS. MITCHELL: Mr. Lignos.
12 CHAIR LIGNOS: Yes.
13 MS. MITCHELL: Mr. Sinowitz.
14 MR. SINOWITZ: Yeah.
15 MS. MITCHELL: Mr. DiDio.
16 MR. DIDIO: Yes.
17 MS. MITCHELL: Mr. Pialtos.
18 MR. PIALTOS: Yes.
19 CHAIR LIGNOS: Thank you very much.
20 Seeing no objection, this meeting is now
21 adjourned. It is exactly midnight.
22 (Meeting concluded.)

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C E R T I F I C A T E

I, GINA MARIE VERDEROSA-LAMM, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the deposition of said witness(es) who were first duly sworn by me, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

GINA MARIE VERDEROSA-LAMM, C.S.R.
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