

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of Work Session & Special Meeting
October 2nd, 2013
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

**PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Work Session & Special Meeting
Wednesday,
October 2nd, 2013**

Mr. Lignos, Chairman called the Work Session/ Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Wednesday, October 2nd, 2013 in the Council Chambers of the Borough Hall to order at 8:00 PM. He stated that the meeting was being held in compliance with the provisions of the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. He advised that the Board adheres to a twelve o'clock midnight curfew and no new matters would be considered after 11:00 P.M.

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

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

Mayor Heymann
Councilwoman Amitai
Mr. Lignos, Chair
Dr. Maddaloni, Vice-Chair
Mr. Baboo-8:21PM
Mr. DiDio
Mr. Sinowitz
Ms. Isacoff
Mr. Pialtos
Ms. Stella- (alt # 1)
Mr. Nyfenger- (alt # 2)
Mr. Chagaris, Board Attorney
Mr. DeNicola, Board Engineer
Rose Mitchell, Planning Board Coordinator

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

N/A

Mr. Lignos read the correspondence list and asked if any members had any comments.

Motion was made by Mr. DiDio & seconded by Mayor Heymann to approve minutes of 07-18-13. All present were in favor of approval. Motion was made by Mr. DiDio & seconded by Mayor Heymann to approve minutes of 08-07-13. All present were in favor of approval. Motion was made by Mr. DiDio & seconded by Ms. Stella to approve minutes of 08-08-13. All present were in favor of approval. Motion was made by Mr. DiDio & seconded by Dr. Maddaloni to approve minutes of 08-29-13.. All present were in favor. Ms. Mitchell confirmed that those members who missed any of mentioned meetings have listened to CD (or read transcript) and therefore were able to vote.

WORK SESSION PORTION

Item # 1

Block 2209, Lot 3

Applicant: J & EM LLC

13 Arnold Avenue
Application # P2013-05

Attorney: Donna Vellekamp

Mr. DeNicola spoke of his review letter dated September 17th. Ms. Vellekamp commented on same. Mr. DiDio asked about the proposed patio. Ms. Vellekamp responded stating that will be confirmed by engineer. Councilwoman Amitai spoke of trees. Mr. Lignos stated that tree issues will be addressed at hearing. Mr. DeNicola spoke of swales. Motion was made by Dr. Maddaloni & seconded by Ms. Isacoff to perfect application with mentioned stipulations. All present were in favor of perfection. (Mr. Nyfenger did not need to vote).

Item # 2

Block 1309, Lot 1
40 Homans Avenue
Application # P2013-06

Applicant: 40 Homans Avenue, LLC
Attorney: David Watkins

Mr. Watkins spoke of application. Mr. DeNicola spoke of parking issues. Mr. Watkins commented on same. Motion was made by Dr. Maddaloni & seconded by Mayor Heymann to perfect application with mentioned stipulations. All present were in favor of perfection. (Mr. Nyfenger did not need to vote.).

Mr. Lignos announced that item # 5 on agenda (Discussion by Mr. Frank Banisch) will not be addressed this evening.

Liaison's Reports

Councilwoman Amitai reminded the Board of the upcoming music festival. Ms. Stella spoke of revised Certificate of Appropriateness Application (HPC Commission). Councilwoman Amitai spoke of the parking authority's attempt to find a solution for shopper parking. Mayor Heymann spoke of proposed ordinances regarding parking issues.

Open Meeting to the Public

Mr. Isaacson of 97 Columbus Avenue spoke of e-mail he received from N.J. Transit regarding bus stops. (Copy was given to Mr. Chagaris). Mr. Chagaris spoke of document & requested that Mr. DeNicola follow up on mentioned.

Special Meeting Portion

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 Dr. Maddaloni & seconded by Mr. Sinowitz to adjourn meeting. Meeting was adjourned at 10:59PM.

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

IN THE MATTER OF
The Application of:

TRANSCRIPT OF
PROCEEDINGS

CLOSTER MARKETPLACE (EBA), LLC.,
CENTENNIAL AME ZION CHURCH, BLOCK
1607, LOT 1 (BL 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 2nd, 2013
8:00 p.m., Volume VIII

B E F O R E:

- PLANNING BOARD
- JOHN LIGNOS, CHAIRMAN
- SOPHIE HEYMANN, MAYOR
- VICTORIA RUTI AMITAI, COUNCILWOMAN
- MARK MADDALONI, BOARD MEMBER
- DAVID BABOO, BOARD MEMBER (8:21)
- IRENE STELLA, BOARD MEMBER
- ROBERT DI DIO, BOARD MEMBER
- LEONARD SINOWITZ, BOARD MEMBER
- ADRIENNE ISACOFF, BOARD MEMBER
- DEAN PIALTOS, BOARD MEMBER
- PAUL NYFENGER, BOARD MEMBER
- ARTHUR CHAGARIS, ESQ., BOARD ATTORNEY
- NICK DENICOLA, P.E., BOARD ENGINEER
- ROSE MITCHELL, BOARD SECRETARY

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

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

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

GINA M. LAMM, CSR/RPR, Court Reporter

1 CHAIR LIGNOS: Okay. Thank you.
2 Thank you very much. Anyone else? Member of the
3 public? I see and hear no further hands from the
4 public. So, therefore, we close this portion of
5 the meeting to the public. And having done so,
6 close this work session meeting and move right
7 into our special meeting, which we have, our item
8 No. 1, continuation of block 1607, lot 1, 19
9 Vervalen Street, application P-2013-03. Better
10 known as the Closter Marketplace, LLC, and
11 Centennial A.M.E Zion Church. Mr. Basralian, is
12 the attorney. This is the subdivision, soil plan,
13 soil movement application, which was received back
14 in May the 16th, was deemed perfected with
15 stipulations on June the 5th work session. The
16 application was continued and received final
17 perfection on our June 27th regular meeting, and
18 the meetings have now taken place on July the
19 11th, the 18th, August the 7th, and the 8th, the
20 29th, September 12th. We have become rather close
21 at this point, with everyone, and this application
22 is here this evening to continue to be heard at
23 this special meeting.

24 Mr. Basralian, welcome.

25 MR. BASRALIAN: Good evening. Thank

1 you. I'd like to call Eric Keller, our parking
2 consultant.

3 CHAIR LIGNOS: Before -- before you
4 do that, I need to have -- I just need an
5 assemblance of order because of my own schedule
6 keeping. Can you please put on the record what
7 your intended witnesses are. Because we have your
8 landscape architect, who has made a -- has been --
9 has provided testimony, and then was going to be
10 questioned.

11 We haven't finished the questioning,
12 am I correct?

13 MR. BASRALIAN: The only thing that
14 hadn't been finished, was the public portion.
15 Public questions of him and cross by --

16 CHAIR LIGNOS: And cross, right.
17 When do you expect to have him back?

18 MR. BASRALIAN: He will be back on
19 the 17th.

20 CHAIR LIGNOS: 17th. Now, your
21 traffic consultant is here this evening. Is he --
22 obviously, depending on how it goes tonight, he's
23 expected, I assume, to be back again. Because we
24 don't have our traffic expert.

25 MR. BASRALIAN: He will back on the

1 17th as well.

2 MS. AMITAI: Is that November?

3 MR. BASRALIAN: No. October.

4 MS. MITCHELL: We have October 10th
5 and the 17th --

6 MR. BASRALIAN: That's correct.

7 MS. MITCHELL: -- correct?

8 MR. BASRALIAN: And to finish it
9 out, October 10th -- well, it's a little bit out
10 of sequence, given the timing of the consultants.
11 We'll move forward with our planner on the 10th.

12 MR. CHAGARIS: Okay. So, you
13 have -- you have --today you have part of your
14 traffic. On the 10th you would have your planner.

15 MR. BASRALIAN: That's correct.

16 MR. CHAGARIS: Who is Mr. --

17 MR. BASRALIAN: Burgis.

18 MR. CHAGARIS: Burgis. And then on
19 the 17th you're going to continue with traffic and
20 complete landscape?

21 MR. BASRALIAN: That's correct.

22 MR. CHAGARIS: And then I think that
23 there was some questions that the board had of
24 Mr. Roncati. We'll check the record to make sure.
25 And when would he be able to return? On the 31st?

1 MR. BASRALIAN: If there is -- if
2 there is time after Mr. Burgis testifies, I would
3 put Mr. Roncati on at that point to finish up on
4 those questions.

5 MR. CHAGARIS: Okay.

6 MS. MITCHELL: Excuse me. Can I
7 interrupt for a minute?

8 MR. CHAGARIS: Yes.

9 MS. MITCHELL: Is this application
10 going to be on the 31st? Because I didn't think
11 it was. Because we have -- plus these two that
12 were perfected.

13 MR. CHAGARIS: I don't know, we're
14 discussing that now.

15 CHAIR LIGNOS: At this point there
16 are -- no.

17 MS. MITCHELL: Okay. I just wanted
18 to clarify.

19 MR. CHAGARIS: So, not on the 31st?

20 CHAIR LIGNOS: No, it would be --

21 MR. BASRALIAN: What we have
22 scheduled, obviously tonight, the 10th and the
23 17th.

24 MR. CHAGARIS: And the 17th, right.

25 MR. BASRALIAN: On the 10th,

1 Mr. Chairman, Mr. Burgis will be coming from
2 Montville. I'd like to start the meeting at 8:30
3 rather than 8, to make sure that he's here
4 promptly, since he's the principal witness.
5 Unless --

6 MR. CHAGARIS: I'm wondering if you
7 can have Roncati finish up on the 10th.

8 MS. MITCHELL: The 10th. Next
9 Thursday.

10 MR. DENICOLA: Thursday the 10th.

11 MR. RONCATI: I'm trying to check my
12 schedule. Eight o'clock?

13 MR. BASRALIAN: Okay. We'll start
14 at 8 then --

15 CHAIR LIGNOS: This way -- this way
16 -- okay. Now, were you planning -- I thought we
17 also had a meeting, and you have to excuse me at
18 this point, on the 24th?

19 MS. MITCHELL: Not the 24th.

20 MR. BASRALIAN: No.

21 MR. CHAGARIS: Okay. Now, while
22 we're doing housekeeping, I know Mr. Segreto has
23 entered an appearance as an objector.

24 Mr. Segreto, are you expecting to
25 have witnesses?

1 MR. SEGRETO: Yes.

2 MR. CHAGARIS: And you'll be ready
3 to proceed after the completion of the applicant's
4 case in chief I presume.

5 MR. SEGRETO: Yes.

6 MR. CHAGARIS: And, so, we don't
7 have any -- I don't think at this time we have any
8 new dates after the 17th of October. So, we
9 should probably wait until we get closer to that
10 before we schedule --

11 MR. BASRALIAN: I do have a request,
12 however, since we missed the last meeting, was
13 cancelled, I was hopeful that we could get another
14 meeting next week. Either the 8th or the 9th,
15 that's Tuesday the 8th --

16 CHAIR LIGNOS: No, we can do the
17 24th.

18 MR. BASRALIAN: The 24th I'm not
19 here. I'm not available.

20 MR. DENICOLA: That's the council
21 meeting. So, not the --

22 CHAIR LIGNOS: It would have to be
23 November. We can do a special -- a work session
24 and special. Like we did this evening. And that
25 would be November --

1 MR. BASRALIAN: How about the 8th,
2 there's nothing available on the 8th?

3 MR. CHAGARIS: Unfortunately --

4 MR. DENICOLA: All Wednesdays are --

5 MR. CHAGARIS: The room availability

6 --

7 MR. BASRALIAN: Well, the 8th is a
8 Tuesday.

9 MR. DENICOLA: Yeah, no, we have
10 court.

11 MR. CHAGARIS: Municipal court.

12 CHAIR LIGNOS: November the 6th.

13 MR. BASRALIAN: Well, I expect to
14 finish my case in the hearings we have scheduled.
15 And witnesses, any other witnesses, would be
16 somebody else's so --

17 MR. CHAGARIS: So, Mr. Segreto then
18 November 6th?

19 MR. SEGRETTO: That's no good. I'll
20 be coming back from California that night.

21 MS. MITCHELL: So, November 6th will
22 be a work session and special?

23 CHAIR LIGNOS: No. Just work
24 session. Just work session. After that --

25 MR. BASRALIAN: Well, I would -- I

1 would request that in the event that we don't
2 finish up on our direct case by the 17th then we
3 would finish up on the -- on the 6th.

4 CHAIR LIGNOS: Okay.

5 MR. SEGRETTO: Except I won't be
6 here.

7 CHAIR LIGNOS: Oh, I'm sorry, yes,
8 Mr. Baboo has joined the board.

9 MS. MITCHELL: The time was 8:21.

10 CHAIR LIGNOS: Thank you.

11 Now, how does that work, if -- if --
12 if they don't finish and we get to November 6th?
13 Is there someone from your office that could be
14 here?

15 MR. SEGRETTO: No. Both of us will
16 be coming back from California that night.

17 CHAIR LIGNOS: Okay. Let's go to
18 the 17th and figure it out.

19 MR. BASRALIAN: How about something
20 like the 15th or 16th, before the meeting on the
21 17th. That Tuesday.

22 MS. MITCHELL: The 15th says court
23 also. I don't know if they're having a special
24 court. They have court on the 16th.

25 MS. AMITAI: What about the 29th?

1 MR. BASRALIAN: The 29th I'm not
2 here. I'm not available.

3 MR. CHAGARIS: Why don't we --

4 MR. BASRALIAN: I had announced that
5 several meetings ago.

6 CHAIR LIGNOS: One second. One
7 second folks. What?

8 MR. SINOWITZ: The zoning board
9 sometimes has meetings in the senior citizens
10 building. We bring the recording devices there.

11 MR. DENICOLA: The council members
12 are here. The mayor is here. I'm here.

13 MR. CHAGARIS: I think this is
14 enough for now.

15 MR. DENICOLA: I have the council
16 meeting. We can't do two meetings at one shot.

17 MAYOR HEYMANN: The court is usually
18 over well before 8 o'clock.

19 THE PUBLIC: Isn't the environmental
20 commission that night too?

21 MR. BASRALIAN: The 15th. Tuesday
22 the 15th works.

23 CHAIR LIGNOS: Let's go on. Let's
24 go on and as we get closer, we'll -- we'll see
25 what's available. But right now we have, for the

1 record, the 2nd, which is today, traffic. The
2 10th, which is the planner.

3 MR. DENICOLA: And Roncati.

4 MR. BASRALIAN: And Roncati.

5 CHAIR LIGNOS: And the architect.

6 And the 17th, traffic and the landscape architect.

7 And we'll take it from there. Okay. I also --

8 MR. BASRALIAN: I would ask you to
9 consider the 15th, or even the 22nd, the 21st,
10 Monday the 21st.

11 CHAIR LIGNOS: Let's -- let me --
12 let's get closer and maybe next week we can let
13 you know what else we have available as far as --
14 no.

15 MR. BASRALIAN: The 15th is two
16 weeks from tonight. Or two weeks from last night.

17 MAYOR HEYMANN: John.

18 CHAIR LIGNOS: Yes.

19 MAYOR HEYMANN: Why don't you poll
20 us to make sure that if we chose a Tuesday we
21 would be available.

22 CHAIR LIGNOS: I'm trying to see
23 what the room availability too. So, even if we
24 are all available, and the room isn't, it's going
25 to be tough.

1 MAYOR HEYMANN: We can do it for
2 8:31 and then it certainly will be available.

3 MS. MITCHELL: Not necessarily.

4 MAYOR HEYMANN: No?

5 CHAIR LIGNOS: Let me -- let me --
6 let's keep going here and then let me circle back.
7 Okay. The 2nd, the 10th and the 17th. And we're
8 going to plan Mr -- our -- the board's traffic
9 consultant for the 17th.

10 MR. CHAGARIS: Right.

11 CHAIR LIGNOS: So, we should give
12 ourselves a little bit of time there because we'll
13 also have the board's traffic consultant and this
14 way he can ask any questions of your traffic
15 consultant.

16 MR. BASRALIAN: Fine. The
17 transcripts will be ready before that meeting. So
18 they will be available.

19 CHAIR LIGNOS: Right. Because he is
20 not here. Okay. We can proceed.

21 MR. BASRALIAN: Okay. Mr. Keller.

22 MR. KELLER: Yes, sir.

23 MR. BASRALIAN: Come on down.

24 MR. CHAGARIS: Do you swear to tell
25 the truth, the whole truth and nothing but the

1 truth?

2 MR. KELLER: Yes, I do.

3 MR. CHAGARIS: State your name and
4 give us your business address and your occupation.

5 MR. KELLER: Certainly. Eric
6 Keller, K-E-L-L-E-R, Omland Engineering, 54 Horse
7 Hill Road, Cedar Knolls, New Jersey. I am a civil
8 engineer with a specialty in traffic and
9 transportation.

10 MR. CHAGARIS: And you are licensed
11 by the State of New Jersey?

12 MR. KELLER: I am licensed by New
13 Jersey, New York, and Pennsylvania.

14 CHAIR LIGNOS: Now, you have also
15 testified here before.

16 MR. KELLER: A few times, yes. Yes.

17 MR. BASRALIAN: And you've also
18 testified before other boards in the State of New
19 Jersey, is that correct?

20 MR. KELLER: That is correct. I
21 also represent a number of boards. I've also
22 appeared in superior court in Union and Middlesex
23 Counties, and have been accepted as a
24 professional.

25 MR. MADDALONI: Move that he be

1 accepted.

2 CHAIR LIGNOS: Moved to be accepted.
3 Any objection? I see and hear none. So,
4 therefore he is accepted.

5 MR. BASRALIAN: Thank you.

6 EXAMINATION BY MR. BASRALIAN:

7 Q Mr. Keller, in connection with your
8 work you were retained by the Omland Engineering,
9 and you, with respect to traffic, were retained by
10 the applicant in connection with the shopping
11 center facility that's the subject of the
12 application?

13 A That is correct.

14 Q And in connection with your work,
15 did you review the site plans, the architectural
16 plans, the subdivision plans, all of which have
17 been submitted to the board and marked
18 appropriately as exhibits?

19 A Yes, I have.

20 Q And in connection with your work as
21 a traffic consultant, did you prepare a traffic
22 assessment study in conjunction with your
23 investigations?

24 A I did.

25 Q And was that traffic assessment

1 study for Closter Marketplace, EDA -- I'm sorry,
2 EBA, LLC., dated April 26th, 2013, and
3 supplemented on July 26th, 2013, and both of those
4 prepared by you as an engineer?

5 A That is correct.

6 Q And in conjunction with your work,
7 did you also review the Atlantic Traffic and
8 Design Engineers traffic consultant, the traffic
9 consultants retained by the board, did you review
10 their letter report dated July 8th, 2013, and the
11 subsequent -- which was in connection with your
12 report dated July 26th, 2013, as a response?

13 A I did. It was April 26th was my report.

14 Q I'm sorry, April 26th. I'm sorry,
15 the second response rather.

16 A Yes.

17 Q Have you also reviewed the Atlantic
18 Traffic and Design Engineers revised report dated
19 September 17th, 2013?

20 A I have.

21 Q And did you also review the various
22 Boswell reports, as they related to traffic and
23 parking matters?

24 A I did, yes.

25 Q And in conjunction with your work,

1 did you reach a conclusion, the traffic impact on
2 the proposed renovations to Closter Plaza?

3 A I have.

4 Q And did you also reach a conclusion
5 on the adequacy of parking proposed for Closter
6 Plaza?

7 A I have.

8 Q Now, in conjunction with your
9 report, would you please describe the existing
10 conditions, and what you undertook in order to
11 promulgate your traffic report that's been
12 presented to the board?

13 A Certainly. The report has followed
14 standard procedures. It follows the standard
15 methodologies that we use in the -- in our
16 industry, and in our practice, to establish the
17 baseline, to establish what exists there today.
18 We conducted traffic counts at each of the
19 existing site driveways to the center. We've also
20 counted the two driveways immediately to the east
21 of Closter Plaza, at Closter Commons, and we've
22 also counted five offsite intersections. Those
23 five intersections are Homans and Piermont,
24 Vervalen and Piermont, Closter Dock/Vervalen. And
25 Lewis Street and Closter Dock and Perry. And

1 Lewis Street and Campbell Avenue. Those are the
2 same intersections that we had -- we've studied
3 consistently for this. Those counts were taken on
4 Friday, May 4th of 2012, between 4 and 6:30 p.m.
5 And on Saturday, May 5th, 2012, from 11 to 2. We
6 selected those hours of the day, the p.m. peak
7 between 4 and 6:30, because that's the peak
8 commuter hour. Also, we want to examine the
9 impact of the shopping center on the peak commuter
10 hour. And we also picked the period from 11 to 2
11 on a Saturday because that relates to the retail
12 peak of the shopping center.

13 Q Did you also take additional count
14 or counts at Lewis and Homans, from additional
15 times?

16 A We did. As we went through the site plan
17 process there was a change in our access and
18 circulation for the shopping center. And, as a
19 result of that, we needed to conduct an additional
20 count at the intersection of Lewis and Homans,
21 which we had not counted previously. And, to be
22 able to take the May 2012 counts and correlate
23 them to the counts that we did in September,
24 Friday, September 7th, and Saturday,
25 September 8th, we redid the count at Lewis and

1 Campbell so that we could then take the Lewis and
2 Homans intersection information and tie it back to
3 the counts that we did in May. And what we did,
4 is, we took the higher of the two numbers. And --
5 so that it was a conservative amount of traffic at
6 those intersections. The -- now, we counted for
7 several hours, both on a Friday, and on a
8 Saturday, for the purpose to make sure that we
9 count, what we're interested in, is the single --
10 the one hour in that period, where we had the
11 highest amount of traffic in four consecutive
12 fifteen minute intervals. And we found the p.m.
13 peak hour was from 4 to 5 p.m. And the Saturday
14 peak hour was from 12 to 1. And that's the single
15 hour. And both of those peak periods when traffic
16 volumes on the roadway system are at their
17 highest. And we used that baseline network to
18 evaluate the impacts of the change to the shopping
19 center. Now, we all recognize that Closter Plaza,
20 today, has vacancies in it. Currently there's
21 approximately 144,000 square feet of the 211 some
22 thousand square feet that is occupied space. So,
23 what we want to do, is, we want to reflect in
24 there, in our existing conditions, what the
25 traffic conditions would be on the roadway if all

1 those vacancies in the center were occupied. So,
2 we did an adjustment. Table 1 of our report
3 illustrates the occupancy of the center, and the
4 amount of traffic that is in and out of all of the
5 driveways today. We adjusted -- there's 66,601
6 square feet of vacant space in the shopping center
7 today. Using the ITE trip generation manual,
8 which is for traffic engineers, the Bible, what we
9 rely upon to calculate traffic. We've adjusted
10 the counted traffic up, by those numbers, by the
11 incremental difference between the two, a full
12 center, and the existing center.

13 Q Is that standard a standard
14 procedure to reflect baseline conditions of a
15 fully leased center?

16 A Yes, it is. Yes, it is.

17 Q Thank you.

18 A And we then, also compared what we counted
19 at the shopping center to what the ITE would
20 calculate would be the traffic for the center.
21 And we found that the numbers were within reason
22 of what the ITE says. So, we're confident that
23 the occupied space in the center is generating
24 traffic consistent with what the ITE would expect
25 it to generate. And what we found in looking at

1 the driveways, that the majority of the shopping
2 center traffic enters and exits the center from
3 Vervalen Street. And of that traffic that uses
4 Vervalen Street to get into and out of the center,
5 about half is oriented to the west, and half is
6 oriented to the east. Now --

7 CHAIR LIGNOS: Mr. Keller, can I ask
8 you one question as far as to make sure I
9 understand. Your -- your numbers to see the
10 activity in our arterial road system, you use the
11 Friday and the Saturday?

12 MR. KELLER: Correct.

13 CHAIR LIGNOS: Obviously, you're
14 doing that as a baseline, because the plaza
15 itself, right now is definitely not at its peak,
16 based on your own testimony. So, much of it is
17 vacant.

18 MR. KELLER: Yes.

19 CHAIR LIGNOS: The part of it not
20 vacant, did you take into consideration, or do
21 those numbers take into consideration that maybe
22 even those stores aren't operating at their
23 optimal?

24 MR. KELLER: That -- that -- yes.
25 The second part of table 1, is, if this was -- the

1 center didn't exist and we were going to build
2 145,000 square feet, which is what's occupied. I
3 calculated, using the ITE data, how much traffic
4 would be expected by that, and the numbers that we
5 actually counted were within reason to that.

6 MR. SINOWITZ: What is IDD?

7 MR. KELLER: ITE. Institute -- I'm
8 sorry. It's a very good question. I throw these
9 acronyms out. It's the Institute of
10 Transportation Engineers. It's the industry
11 organization that I belong to, and every traffic
12 engineer belongs to. And they're really an
13 educational and technical society. They publish a
14 lot of manuals, how to do traffic studies, speed
15 hump studies, and they publish a trip generation
16 and parking generation manual, which are our
17 guides, where we look to calculate how much
18 traffic or how much parking is needed by a
19 specific land use; in this case a shopping center.

20 CHAIR LIGNOS: Now, Mr. Keller, just
21 so that I just finish the train of thought. So --
22 and maybe I'm oversimplifying this. But if I took
23 the amount of traffic that our arterial road
24 system is generating today, plus the anticipated
25 traffic that a fully occupied center, based on ITE

1 generates, that total would be what you would
2 expect, as far as the number of trips and the
3 amount of traffic that would be there after the
4 center is completed?

5 MR. KELLER: That's our existing
6 conditions. If Edens decided to lease up the
7 entire center, as it stood today --

8 CHAIR LIGNOS: As it stood today.

9 MR. KELLER: As it stands today,
10 this is how much traffic would be on the streets,
11 would go in and out of the driveways, to the
12 center, today, with it fully leased. And that's
13 our baseline. I mean we have an existing
14 facility. You know, it's different than if we're
15 designing for a raw piece of land.

16 CHAIR LIGNOS: Okay. But you'll
17 also have a number, and, again, please correct me
18 if I'm wrong, if Edens doesn't fully lease the
19 center, the way it is now, but spends a lot of
20 money in refacing it and upgrading it, and
21 attracting, maybe more of a trip count.

22 MR. BASRALIAN: If you would, the
23 question is: When they build what is proposed on
24 the site plan, rather than upgrading, refacing it.
25 It is what the site plan -- let's -- just to be

1 specific.

2 CHAIR LIGNOS: That's a very good
3 point. Thank you. I'm sorry. But if they
4 ultimately were to realize the site plan, as
5 everything that's been presented, would those
6 numbers be any different than fully -- fully
7 occupying the center as it is today?

8 MR. KELLER: Yes. And that's what I
9 was about to get to. All's I wanted to establish,
10 was, the baseline. Because in a traffic study we
11 have to establish where are we starting from.
12 Because the traffic study -- what a traffic study
13 does, is, measure the incremental impacts of what
14 our proposal is. We've established a baseline.
15 And our report presents levels of service and
16 average delay for existing conditions. Because
17 that's what we're going to compare back to.

18 Now, we have two -- at this point
19 we're showing two build programs; phase I and a
20 phase II. The phase I results in a net increase
21 of about 7,800 square feet. And that's really
22 associated with the new supermarket. And some
23 adjustments, which Mr. Roncati, I'm sure, has gone
24 through in detail, as to where we're taking out
25 parts and adding parts. All told, that's where we

1 are.

2 Now, also, again, which Mr. Thomas,
3 I'm sure discussed, is, the driveways that exist
4 there today are going to be completely
5 reorganized. And improved to clarify traffic flow
6 and to direct traffic better, not only within the
7 center, but to the public street system that we
8 connect to.

9 And let me just exchange -- I've had
10 Exhibit A-10 up here, which is the existing
11 conditions. I'm going to put up existing --
12 Exhibit A-12-1, which is a phase I plan.

13 Essentially the phase I plan leaves
14 K-mart space as it is today. With that, we're
15 going to take -- we will have three main driveways
16 along Vervalen. There are two main driveways on
17 Homans. One on the west side of the shopping
18 center. One on the east side. And then there is
19 a third driveway at the rear of the supermarket,
20 which primarily provides access to the loading
21 area and to those handful of parking spaces behind
22 retail B. The importance of this, is, obviously
23 the eastern driveway. That driveway cut exists
24 today, but it goes to a dead end parking lot. It
25 doesn't connect through. This plan will connect.

1 MR. BASRALIAN: If you would, just
2 for purposes of illustration, indicate where that
3 is --

4 MR. KELLER: Yeah.

5 MR. BASRALIAN: -- on the northeast
6 corner of the property.

7 MR. KELLER: The east driveway to
8 Homans, today, dead ends at the east end of retail
9 B. We're making that connection through, between
10 retail B and retail D. And then it ties into the
11 main parking lot. We have a complete access and
12 circulation system through the whole center, which
13 will result in better distribution of traffic both
14 within the center and to the adjacent public
15 streets.

16 Now, in phase II, and I'm going to
17 go back to Exhibit A-12, retail F is a
18 reconfiguration of what is now the K-mart space,
19 redoing the parking lot in front of that store.
20 We've also then reorganized the loading, and some
21 parking area behind retail F. There's an
22 entrance -- entrance driveway on the west, and
23 exit driveway on the east, behind retail F. Other
24 than that, all the driveways on Vervalen and on
25 Homans stay the way they were in phase I.

1 Now, in phase II, the shopping
2 center itself will be decreased by 11,000 square
3 feet. From my traffic study perspective and
4 parking evaluation, we've assumed that there's a
5 6000 square foot retail building with 24 parking
6 spaces on the out parcel in the southwest corner
7 of the center.

8 MR. BASRALIAN: That's the parcel
9 that's proposed to be subdivided from the existing
10 tract, is that correct?

11 MR. KELLER: That's correct.

12 MR. BASRALIAN: Thank you.

13 MR. KELLER: From a traffic
14 perspective, we want to look at what the ultimate
15 development of this current tract would be. With
16 that, the net increase in square footage of the
17 shopping center is just under 2800 square feet
18 over what exists today.

19 And, also, in phase II, the existing
20 westerly driveway on the west side of K-mart,
21 today is a two-way driveway. In phase II this
22 becomes an entrance only driveway. And we're
23 showing a drive-up window for a potential tenant
24 in that space, on the west end cap of retail F.

25 MR. BASRALIAN: In your opinion will

1 the revised plan that you've just shown on Exhibit
2 A-12 result in better circulation and be a better
3 plan than currently exists today for the shopping
4 center?

5 MR. KELLER: Without a doubt, it's a
6 far superior plan. It provides for full
7 integration of all the driveways and circulation
8 within the site, that allows all of the parking
9 areas, all of the different parking fields, to be
10 accessed from both roads, very easily and
11 conveniently.

12 Now, the next step --

13 MR. CHAGARIS: One second. You said
14 there's a drive-thru at the location you just
15 talked about?

16 MR. KELLER: On the west end of
17 retail F we're showing a drive-thru window for a
18 potential tenant in that space.

19 MR. CHAGARIS: Is that going to be a
20 two lane entrance or still a one lane entrance?
21 Am I asking the right question? In other words,
22 if someone stopped --

23 MR. DENICOLA: Well, the driveway
24 off of Homans you're talking about.

25 MR. CHAGARIS: Yeah, the driveway

1 off of Homans into the center, if you're stopped
2 at the drive-thru area, there is room for another
3 car to drive past?

4 MR. KELLER: Yes. The drive-thru
5 lane is separated from the drive aisle by a
6 concrete island. So, the drive-thru window and
7 the drive-thru lane is physically separated and
8 that's now an entrance only driveway and not a
9 two-way driveway, which is what exists today.

10 MR. BASRALIAN: Mr. Chagaris, you
11 may recall that Mr. Thomas testified as to the
12 stacking area, and how it was separated. So, it's
13 all part of the original testimony. I'm glad to
14 reiterate it but --

15 MR. DENICOLA: How many cars can que
16 up before impacting the traffic driveway from
17 Homans?

18 MR. KELLER: At least four. And the
19 type of -- it's not -- it's not a fast food. You
20 know, that space is a drug store or some other
21 type of tenant that would have a -- it's for
22 convenience. I mean a drug store, if you have one
23 or two cars in that, it's a lot. So, there's more
24 than enough space in that area to accommodate that
25 and not have any impact to the driveway itself.

1 MR. BASRALIAN: While we're on this
2 subject, do you have any experience in terms of
3 having designed a drug store drive-thru and how
4 they're utilized?

5 MR. KELLER: Yes. We've -- we've
6 designed a couple of CVS's. I just also had --
7 I'm the board engineer in West Orange. We just
8 had a CVS come in, and I sat through many nights
9 of hearing the testimony. And what they talked
10 about, and it was the same, our experience as
11 well, is that in an hour there's five to six
12 people that would use the drive-thru window.

13 MR. SEGRETTO: I'm going to object
14 to his testimony. Obviously hearsay.

15 MR. CHAGARIS: Sustained. Let's
16 talk about this application.

17 MR. KELLER: Okay.

18 MR. BASRALIAN: Well, that's fine.
19 Would you, based upon your knowledge of how this
20 would be utilized, if the applicant puts a drug
21 store in, and there is a drive-in there, how that
22 would function.

23 MR. KELLER: The drug store usage
24 would generate between five and six vehicles in
25 the drive-thru lane in a given hour. And at most

1 you're going to have one or possibly two vehicles
2 in at that -- at any given time. It's a
3 convenient -- it's a convenience usage to allow
4 parents with children or elderly people, to be
5 able to drop off a prescription, or to pick up a
6 prescription, through that window, and not have to
7 go into the store. That's all that you can do in
8 that drive-up window. You can't get bandaids or
9 over-the-counter medicine. All's you can do, is,
10 your prescription. Drop off and prescription pick
11 up. That's it.

12 MR. BABOO: Good point. My brother
13 works at CVS, and as long as your picking up
14 drugs, you could pick up other stuff at the
15 drive-thru window as well too; toilet tissue,
16 batteries, whatever you want.

17 MR. KELLER: That's not what CVS had
18 indicated to us in our discussion.

19 MR. CHAGARIS: In other words, you
20 can -- this applicant has previously said that, I
21 think you said 20,000 square feet would be
22 assigned for restaurant usage. Is it fair to say
23 that there would be no fast food restaurant that
24 would use that drive-thru?

25 MR. BASRALIAN: The testimony was

1 that this was proposed for a potential drug store.
2 It was not proposed for any fast food, whatsoever.

3 MR. CHAGARIS: So, that could be a
4 condition of, if there is an approval.

5 MR. BASRALIAN: It is for a drug
6 store. Possible drug store. There's no guarantee
7 that it would be there.

8 MR. CHAGARIS: But not a restaurant?

9 MR. BASRALIAN: Not a restaurant,
10 drop off, pick up, take out, no.

11 MR. KELLER: Now, what I want to go
12 into next, is, we've established a baseline
13 traffic volume conditions on the street network.
14 What we next -- the next step in the procedures
15 for preparing a traffic study, is to predict and
16 estimate how much traffic will be there. And
17 we've used 2014 as our future analysis year, how
18 much traffic would be on the network at that point
19 in time. Because as we all know, as time goes on,
20 traffic generally goes up. What we used, was,
21 data published by the New Jersey Department of
22 Transportation. They publish annual growth rates
23 for every county in the state, for urban roads, or
24 rural roads, and different classifications of
25 roads. So, we've increased the observed traffic

1 volumes on the roadways by 2 percent per-year.
2 Now, in my opinion and my experience in doing this
3 for over thirty years, 2 percent per-year is
4 really an over estimation of what the traffic
5 volume increases would be, especially in a stable
6 built up environment. But that's what we use to
7 calculate future traffic conditions.

8 Now, in addition, at the time that
9 we were preparing this traffic study, there was a
10 pending application for a bank, on the east side
11 of Piermont Road, between Homans and Vervalen. I
12 got a copy of the traffic study for that bank, and
13 we added the traffic from that proposed facility
14 into our no-build network. The no-build is the
15 future year, 2014, without any changes to the
16 shopping center. We will note that that
17 application was withdrawn and is no longer
18 pending. So, again, our -- our background growth
19 is conservative, it's overstated because we --
20 we're including a project that, at this point, is
21 not scheduled to happen.

22 MR. BASRALIAN: In the same manner
23 in which you included a potential 6,000 square
24 foot building, even though there's no plan pending
25 for the -- for the subdivided parcel?

1 MR. KELLER: That is correct.

2 MR. BASRALIAN: Thank you.

3 MR. KELLER: The board's traffic
4 consultant, Atlantic Traffic, concurred that the
5 way that we calculated the future no-build was
6 appropriate and reasonable.

7 Now -- so that 20 -- what we call
8 2014 no-build conditions are what we are going to
9 compare the impact of this development proposal
10 to, which will be the 2014 build network, build
11 volumes.

12 And, Mr. Lignos, this comes to your
13 question before, we then looked at how much
14 traffic is going to be generated by this proposed
15 development. Now, as I said, including the
16 potential 6000 square foot on the out parcel
17 that -- the subdivided lot, the shopping center is
18 only being increased by approximately 2800 square
19 feet.

20 Now, we recognize that the shopping
21 center is a compilation of many different uses.
22 And what we wanted to do to create a conservative,
23 or a higher estimate of traffic for this change,
24 is that we're taking what is now about a 27,000
25 square foot supermarket pad, and we're going to

1 create a 41,000 square foot and change supermarket
2 pad. So, using the ITE data for supermarkets, and
3 supermarkets have a higher trip generation than
4 shopping centers do. So, in table 4 in our
5 report, we calculated what the impact would be by
6 increasing the supermarket by 14,000 and change
7 square -- thousand square feet, using the ITE
8 data.

9 Now, since we're increasing -- using
10 the supermarket to increase -- or to calculate the
11 trip generation, we have to take a deduction
12 because some portion of that is coming out of
13 general retail space. Because there's space in
14 the center that is essentially being converted
15 from retail space to supermarket space, and that's
16 a second part of table 4, all coming up to the net
17 increase in square footage of 2800 square feet.
18 In the p.m. peak hour we're increasing traffic to
19 this shopping center by 75 trips. And on a
20 Saturday we're increasing it by 103 trips. And
21 that's driven, really, by the supermarket.

22 Now that traffic -- all retail
23 traffic is made up of two components: What we
24 call; primary traffic and pass-by traffic.
25 Pass-by traffic is that traffic that's already

1 traveling on Homans and Vervalen, going to and
2 from their home, to a work, or home, to another
3 shopping, and they're passing by this site. And
4 we're attracting that traffic into the center.

5 Now, the traffic that's considered
6 primary traffic is traffic that's destined for
7 this shopping center as a primary trip. They're
8 coming here solely as a destination.

9 Now, the difference in that, is that
10 the pass-by traffic appears in the driveways.
11 We're increasing -- if we look at each of the
12 driveways, the driveways in total, there's going
13 to be 75 more trips in and out of all the
14 driveways on a weekday, and 103 on a Saturday.

15 MR. BASRALIAN: That's on the
16 driveways in the aggregate, not individually?

17 MR. KELLER: Correct. In the
18 aggregate all of -- all five -- essentially five
19 primary driveways to the center will increase by
20 those numbers. Now, once we move past the
21 driveways, that pass-by traffic is already there.
22 And that traffic does not reach the -- as new
23 traffic, does not reach the offsite intersections.

24 MR. MADDALONI: Is it reasonable to
25 assume that each of these five driveways can take

1 roughly the same percentage of what that total is?

2 MR. KELLER: No, it's not. Because
3 in this -- one of the advantages of having an
4 existing center, we can see how the traffic
5 approaches the site. As I said in my opening, the
6 majority of the traffic to this center approaches
7 from Vervalen. And of that, about half goes west,
8 half goes east.

9 MR. MADDALONI: Four right now?

10 MR. KELLER: There's -- depends
11 exactly how you count them. There's 1, 2, 3, 4.
12 I think there's 5 along -- well, look at Exhibit
13 A-10. There is 1, 2 3, 4, 5, 6 driveways along
14 Vervalen. There's 1, 2, 3, 4, 5 along Homans.

15 MR. BASRALIAN: Well, when you talk
16 about 5 driveways going into the shopping center,
17 you already testified that the driveway on the
18 northeast corner dead ends. So, it is not a drive
19 into the center. Only to a very small portion of
20 it, is that correct?

21 MR. KELLER: That's correct. The
22 driveway on the east side of Homans serves the
23 parking behind retail B and on the east side of
24 retail B. It does not connect to the main parking
25 lot along Vervalen.

1 Atlantic Traffic has also reviewed
2 our trip generation numbers and found that they
3 are appropriate, and it's a conservative approach
4 to use. Those are their words.

5 We -- once we've calculated how much
6 traffic is generated by the expansion and the
7 change in use, it's distributed to the various
8 driveways, as Dr. Maddaloni asked about. So, we
9 have assigned that traffic to each of the
10 driveways, based on the observed traffic patterns
11 that exist today. We know -- now, obviously, the
12 driveway that comes in between K-mart and the old
13 Stop & Shop store, goes away. And what we've
14 done, is, we've separated traffic that uses that
15 driveway, to both either the west or the east on
16 Homans, and we've distributed the traffic
17 increases based on the numbers in table 4 to each
18 of those driveways.

19 In addition to looking at the
20 percentage of traffic to each of the driveways we
21 also prepared a gravity model. The gravity model
22 is the traffic engineer's approach. It's like a
23 marketing study. What is a trade area that this
24 shopping center will attract from. And we looked
25 at a 4-mile radius around the site. Four miles is

1 appropriate for a community center. It's also
2 appropriate in the sense that for this type of
3 community shopping center you'd have to look at
4 competition, where are other supermarkets, where
5 are other retail, retail opportunities for
6 customers to go to, and we selected a 4-mile
7 radius and developed a gravity model, which we
8 used to refine the distribution to the various
9 site driveways. And, again, Atlantic Traffic
10 agreed with our distribution model and the
11 results.

12 MR. BASRALIAN: Did you also do
13 capacity studies, a capacity analysis performed
14 for the intersections you referred to before?

15 MR. KELLER: Yes, we did. And the
16 results of the capacity analyses are summarized in
17 tables 2 and 3 of our report. And table 2 is a
18 signalized intersection. Table 3 is an
19 unsignalized intersection. At the signalized
20 intersection, you can see that all of the
21 signalized intersections under no-build conditions
22 operate at level service C. And under build
23 conditions, those levels of service are maintained
24 with only small incremental increases in the
25 average delay on the various approaches.

1 Essentially, there's no impact at
2 the signalized intersection from the addition of
3 75 to 100 vehicles, peak hour vehicles, from this
4 expansion.

5 Table 3 shows the unsignalized
6 intersections at site driveways, and the other
7 offsite intersections. And, again, the shopping
8 center driveways will all operate at acceptable
9 level of service C. Level of service C is a good
10 level of service. It means that there is
11 acceptable delays. The delays are not excessive.
12 And that there are limited queues of people trying
13 to leave the site and get out onto the public
14 streets.

15 And that's under no-build and build
16 conditions.

17 MR. DENICOLA: For the board's
18 edification, the term -- explain what the
19 acceptable delays are for the range?

20 MR. KELLER: Sure.

21 MR. CHAGARIS: And also you said
22 level C, is that exiting the center and/or
23 entering? Or is it different?

24 MR. KELLER: For unsignalized -- let
25 me take a step back. That's a very good question,

1 Mr. Chagaris. For signalized intersections we
2 measure levels of service, an average delay for
3 every movement. Because a traffic signal controls
4 the movement of traffic at that location.

5 For unsignalized intersections we
6 only analyze the software. The capacity analyses
7 only analyze those movements in which you have to
8 yield the right-of-way to the thru traffic. We're
9 not measuring the level of service of the thru
10 traffic because they don't need to stop for
11 anybody. So, we're measuring -- we're calculating
12 what the level of service and the average delay is
13 for left turns in, right turns in, left and right
14 turns out. So --

15 MR. BASRALIAN: And that level of
16 service remains the same, level of service C, with
17 current conditions and buildings?

18 MR. KELLER: Correct.

19 MR. DENICOLA: The driveways.

20 MR. BASRALIAN: At the driveways,
21 yes.

22 MR. KELLER: At the driveways, yes.
23 And at this offsite signalized intersection, level
24 of service C at an unsignalized intersection, and
25 this is an appendix. Appendix 1 of the report.

1 Level of service C, the average delay is between
2 15 and 25 seconds. So, it's pretty much, you pull
3 up, you look both ways, maybe you wait for a car
4 or two to pass, and then you pull out. Yes?

5 MS. ISACOFF: Does offsite
6 unsignalized intersections include Vervalen and
7 Piermont?

8 MR. KELLER: Yes. We did study
9 that. Now -- and, actually, if you hold -- I'm
10 going to get to that. Because the -- your traffic
11 consultant asked us to do additional studies
12 there. And, I want to -- I'll cover that in a
13 minute.

14 MS. ISACOFF: Thank you.

15 MR. KELLER: The board's traffic
16 consultant also requested that we utilize the most
17 current version of the highway capacity software,
18 which is version 6.5. We reran the levels of
19 service for no-build and build, using that
20 software, and that was contained in our
21 August 16th submittal. And, essentially, there is
22 no change in level of service. There's some minor
23 differences in the average delay. But the results
24 of our study, as contained in the April 26th
25 report were affirmed by using the current highway

1 capacity software. So, really there was no
2 difference at all.

3 MR. BASRALIAN: Let me ask you a
4 question. The Atlantic Traffic reports of
5 September 17th, 2013, at item No. 4, acknowledged
6 that the highway capacity manual, in 2010,
7 recommends the utilization of a signal peak hour
8 factor for intersection analysis. He did say,
9 however, that, perhaps gratuitously, that most
10 jurisdictional agencies typical require
11 utilization of movement peak hour factors in
12 efforts to provide a more conservative assessment
13 of the operational conditions. In your experience
14 what jurisdictional agencies are being referred
15 to?

16 MR. KELLER: I -- I don't know what
17 he's referring to. I've done traffic studies for
18 30 years. And this is the approach that we use.
19 This is what the ITE -- actually, I'm sorry, this
20 is what the highway capacity manual, the written
21 document that tells us how to apply the software,
22 says to use, a single peak hour factor for all
23 approaches. And I submit these to various
24 counties throughout the state, to the DOT, and I
25 have never had anybody reject and tell me to use a

1 peak hour factor on an approach by approach basis.
2 Because the highway capacity manual says that that
3 overstates the impacts and creates a unrealistic
4 result of what the level of service and average
5 delay would be at an intersection.

6 So, you know somebody -- they spent
7 a lot of time in preparing this capacity manual.
8 I mean it's been in effect in various versions
9 since at least 1965. Because when I started in
10 this, that's the book that we used, was a 1965
11 highway capacity manual. And it's been updated
12 over the past, 40, almost 50 years now.

13 MR. BASRALIAN: And the methodology
14 you used in your analysis, is the same as accepted
15 by the County of Bergen, as well as the Department
16 of Transportation, is that your testimony?

17 MR. KELLER: Yes, it is.

18 MR. BASRALIAN: Thank you.

19 MR. KELLER: Now, in our -- in table
20 3 of our report, this goes to Ms. Isacoff's
21 question, the software -- or the results of our
22 capacity analysis at the intersection of Vervalen
23 and Piermont, indicates that the eastbound and the
24 westbound bank driveway, both have failing levels
25 of service today. It'll have failing levels of

1 service tomorrow and in the future with the
2 addition or with the expansion of our project.

3 Now, the only traffic that we're
4 adding to that eastbound left turn, to go up
5 Piermont toward Homans, is one peak hour vehicle
6 in both p.m. and the Saturday condition. And the
7 reason that we're not adding really any traffic to
8 that eastbound left turn movement, is, we now have
9 the direct connection from that eastern parking
10 field, out to Homans. And they go out to Homans.
11 They go to Piermont, and then they go through a
12 traffic signal.

13 Now, that all being said, Atlantic
14 Traffic, in their July review, suggested that we
15 do a gap study. Now, a gap study -- let me take
16 one step back.

17 The unsignalized intersection
18 analyses, assume on the main roadway, which in
19 this case would be Piermont, is that that traffic
20 is approaching the intersection in a random
21 pattern. Now, we have a signal a couple hundred
22 feet to the north at Homans. You have one a
23 couple hundred feet, plus a little bit, to the
24 south, at Closter Dock Road. The traffic flow on
25 Piermont, at Vervalen, is not random. It's

1 affected by the signals at either end, which
2 create platoons. There will be a period when
3 there's a lot of traffic going by, and then a
4 period when there's not a lot of traffic going by,
5 because of the timing of the signals to either
6 side.

7 MR. DENICOLA: They're not
8 synchronized there, you know that, right?

9 MR. KELLER: They're not. Yeah, I
10 know.

11 MR. DENICOLA: Okay.

12 MR. KELLER: But it's not random as
13 if we were in a stretch where there's not a signal
14 within a half mile or mile.

15 MR. DENICOLA: Correct.

16 MR. KELLER: So, we went out there
17 and we did a gap study. And a gap study is
18 measuring the time between vehicles. I'm
19 trying -- I can't -- I'm drawing a blank.

20 MR. BASRALIAN: Gaps in the traffic.

21 MR. KELLER: Gaps in the traffic.
22 So, a vehicle goes by, you measure it until the
23 next one comes by. And that's -- since we're
24 measuring it for left turns, it's a vehicle in
25 either direction. So, it's not trailing vehicles

1 in one direction. It's both. And based on that
2 study that we did, and this was contained in our
3 August 16th memo back to the board and its
4 consultants, is that we found adequate gaps in the
5 flow of traffic on Piermont. And what that means,
6 is, when there's enough gaps, yes, the software
7 says it fails. But when there's enough gaps in
8 the flow, to handle the traffic that's on either
9 side, trying to make that left turn, it means that
10 you have an acceptable level of service. You
11 don't have a level of service F.

12 MR. CHAGARIS: Can you explain to
13 the board, when you say that the intersection
14 fails, what does that mean?

15 MR. KELLER: The -- using the
16 software, the definition of failure at a
17 unsignalized intersection is that there is an
18 average total delay of more than 50 seconds per
19 vehicle, that you're waiting a fairly long time to
20 make that movement. Now, you have, on Vervalen
21 you have a separate left turn lane and a separate
22 right turn lane. The right turn lane, obviously,
23 only has to accept gaps in the southbound flow of
24 traffic. And that flows much more easily. The
25 capacity analysis shows that that's at level of

1 service C. At that level of service, with the
2 gaps that we found, that was affirmed in our
3 study.

4 Now, the level of service F, for the
5 eastbound left turn, and to put this in context,
6 in the 2014 build conditions, during the p.m. peak
7 hour there's 55 eastbound left turns. It's an
8 average of one per minute. On a Saturday, there's
9 76 eastbound left turns. It's a little over one
10 per minute. And our gap study indicated that
11 there were -- that we had the ability to
12 accommodate 136 left turn vehicles during that
13 p.m. peak hour, which is --

14 MR. CHAGARIS: Wait a minute. I
15 don't understand. Excuse me. You said that
16 currently there is one set of numbers. But the
17 gap study shows that there's an additional set of
18 numbers?

19 MR. KELLER: No. Let me -- there's
20 55 left turns. There's 55 vehicles that are
21 headed east on Vervalen and want to turn north to
22 go up towards Homans. I'm saying, from our gap
23 study, from measuring the gaps in the flow of
24 traffic on Piermont, is that there's the ability
25 to accommodate 136 left turns.

1 MR. CHAGARIS: Didn't you just say
2 that the -- that that intersection in the
3 eastbound direction going north is failing?

4 MR. KELLER: Well --

5 MR. CHAGARIS: And that's with the
6 gaps as they are now. I mean you're not going to
7 change the gaps. That's the part I don't get.

8 MR. KELLER: Okay. The failure
9 indication is based on the software, which assumes
10 random flow on Piermont Road. So --

11 MR. CHAGARIS: I get it.

12 MR. KELLER: So, we don't have
13 random flow on Piermont. We have gaps that are
14 created by the signals on either side, and
15 actually creates greater ability for that left
16 turn movement to be made. And that's what
17 Atlantic Traffic asked us to look at.

18 MR. MADDALONI: Let me ask a
19 question. So, how do you account for the gap when
20 a car going north on Piermont is making a left
21 onto Vervalen?

22 MR. KELLER: We counted that.
23 Because that's still a northbound vehicle.

24 MR. MADDALONI: Right.

25 MR. KELLER: The gap study included

1 that.

2 MR. MADDALONI: Yeah, okay. All
3 right. Because now it's stopping. It's just not
4 going straight through.

5 MR. KELLER: No. But when you
6 measure the gaps, it's a vehicle passing that
7 point. So, whether it made a left, or it
8 continued straight to Homans, that affected the
9 available gap.

10 MR. BASRALIAN: Let me ask you a
11 question to clarify. The software to which you
12 refer, showed level of service F based upon random
13 traffic. As a result of the inquiry from, and
14 request by Atlantic Traffic to do a gap study, you
15 did the gap study, and the resulting information
16 you received was different than what the software
17 would have provided. And that is your testimony,
18 that, as I understand it, correct me if I'm wrong,
19 that there is about 55 cars going through that
20 intersection at the peak period, whereas the
21 capacity to make left-hand turns, even considering
22 cars going north on -- on Piermont that are making
23 a left, has a capacity to accept over 130 vehicles
24 per hour, is that correct?

25 MR. KELLER: That's correct.

1 MR. BASRALIAN: And the distinction
2 is between the software program and the actual
3 count in the gap study you produced?

4 MR. KELLER: That's correct. That's
5 correct. The other thing that I want to point
6 out, is, that when we did our distribution of
7 traffic, is, we did not -- today, people who come
8 in and shop in the eastern portion of the shopping
9 center, they -- today they will leave the site, if
10 they're headed north towards Norwood or Alpine or
11 points north, Rockley, they come out to Vervalen
12 and have to make a left at Piermont. With the
13 improvements to the center, they can now go
14 directly to Homans and go through the signal. We
15 did not take any number of trips that currently
16 are making that movement, out of the flow.

17 MR. DENICOLA: They can also go out
18 the driveway between the stores now also.

19 MR. KELLER: K-mart and the old Stop
20 & Shop.

21 MR. DENICOLA: Right. Right.

22 MR. KELLER: Yeah, except they have
23 to travel half -- half -- you know, half the
24 distance of the shopping center.

25 MR. DENICOLA: Half the parking lot.

1 MR. KELLER: -- back out. It's
2 absolutely true, they could do that. And that's
3 why I didn't want to get into 5 vehicles, 8
4 vehicles. I assumed that they would continue to
5 travel the way they are today.

6 MR. BASRALIAN: All right. Your
7 assumptions though, are based upon the most
8 conservative approach, that all those vehicles
9 that currently go out of the shopping center to go
10 east on Vervalen and north on Piermont, continue
11 to do that, but that even though they have the
12 ability, now, to much more easily access Homans
13 from the northeast entrance/exit?

14 MR. KELLER: That's correct.

15 MR. DENICOLA: I thought you only
16 had one vehicle going left?

17 MR. KELLER: Even -- even -- I did.
18 I added -- I took the 75 trips in the p.m. peak
19 hour, and 103 in the afternoon -- and on a
20 Saturday. And the way the distribution works, I
21 still added one there. Again, to be conservative.
22 I really could have said nobody is going to go
23 that way. They're going to go out to Homans. But
24 I wanted to be conservative. And that's the way
25 the distribution worked. And I said, you know --

1 so, we really have, in my opinion, we're not
2 adding any traffic to that eastbound left turn
3 movement. And, likely, we're going to reduce it
4 by some marginal amount. I mean it's not a highly
5 traffic movement today, at least during the peak
6 hours.

7 MR. DENICOLA: And what was the date
8 of your gap study?

9 CHAIR LIGNOS: May.

10 MR. KELLER: No, the gap study was
11 Wednesday, July 31st and Saturday August 3rd.

12 CHAIR LIGNOS: Mayor, did you have
13 something?

14 MAYOR HEYMANN: I have a question.
15 I presumed that Edens, before they engaged in this
16 development, did a lot of studies of their own as
17 to where the traffic was coming from, where their
18 clients were coming from, is that correct?

19 MR. KELLER: I don't know what
20 studies they did.

21 MAYOR HEYMANN: My concern is that
22 all of the different studies that you presented,
23 are based on the kinds of traffic that the
24 traffic -- that the shopping center is generating
25 now. And I'm wondering how that relates to what

1 is anticipated is going to be their traffic crowd.
2 Just as an example, right now there isn't much
3 traffic coming from the north. And you quoted
4 that traffic coming from the south. If there were
5 a Whole Foods there, and there is not one north of
6 here, you would be getting a lot more southbound
7 traffic than you accounted for. I presume, I
8 don't know, but I would imagine that it would have
9 been the better part of wisdom to check with Edens
10 to see where they anticipate their clientele is
11 coming from.

12 MR. KELLER: Well, I'm not sure what
13 they did. And that's why we did the gravity
14 model. Because what the gravity model does, is it
15 looks at population. Because I was concerned if
16 we just used the driveway patterns that exist
17 today, that they may be skewed by the activity of
18 the center. So, we looked at the gravity model.
19 And what that does, is, it looks at population and
20 distance, and it also looks at competing centers.
21 And, you know, that was all contained in there.
22 And we used that to refine our distribution. So,
23 we did not use just the existing activity at the
24 driveway. We also refined it by using the gravity
25 model, which looked at the population centers

1 around. So, I think what we've done, and your
2 own, the board's own consultant agreed with our
3 distributions of the site.

4 MR. BASRALIAN: It was your
5 testimony, was it not, earlier on, that the
6 gravity model used an estimated trade area of
7 approximately a 4-mile radius around the center,
8 as the primary trade area, and all of that
9 information went into the gravity model, which you
10 produced, and which Atlantic Traffic said was an
11 appropriate methodology for the center?

12 MR. KELLER: That's correct.

13 MR. BASRALIAN: So, the information
14 that you put together is based upon the trade
15 area, irrespective of what the applicant may have
16 done independently, this is your opinion, as a
17 professional, that the trade area, is, as you
18 described it, and the gravity model works?

19 MR. KELLER: Yes. It's an accepted
20 methodology we've used for years.

21 MAYOR HEYMANN: I understand that.
22 And, Mr. Basralian, explained it perfectly
23 copiously. And I'm just wondering whether the
24 theoretical gravity model is appropriate, when at
25 least one major tenant is already anticipated,

1 that may generate a different kind of traffic.

2 I'm only asking. I'm not an expert.

3 MR. KELLER: No, the approach that
4 we followed is accepted. I don't know if there's
5 market studies, but, you know, this is an accepted
6 approach. And I feel that the numbers are
7 representative of what we would find at the
8 center.

9 MS. AMITAI: I have a feeling that
10 that may be the appropriate numbers, and way of
11 doing things for most stores or most supermarkets,
12 but Whole Foods is a very special supermarket. I
13 personally have traveled from here to Montclair,
14 and from here to Edgewater. So, that's a lot more
15 than 4 miles. I expect we're going to get people,
16 not only from a 4-mile radius, but a lot further
17 north and south, coming up to that store.

18 MR. KELLER: That is entirely
19 possible. But the point of a gravity model, is,
20 you're looking at the bulk of the traffic. You
21 know that traffic, that like you, Councilwoman
22 Amitai, who's willing to drive 45 minutes to go to
23 the store, is not a frequent trip. And what we're
24 doing with our traffic studies is looking at the
25 typical representative patterns to the center.

1 So -- and, yes, while Whole Foods is certainly a
2 significant portion of the center, there's a lot
3 of other space in here that I'm sure Edens is
4 going to fill with very desirable tenants that
5 will be attractive to people in this immediate
6 area. And, yes, to a great -- to some extent, to
7 some people outside. However, you also have other
8 retail opportunities in Paramus, in Ridgewood,
9 Montvale, Englewood, that somebody is going to
10 say, which way do I want to go. And it may depend
11 on the time of day. So, we're looking at typical
12 representative conditions. And we feel that this
13 is appropriate for the center as a whole.

14 MR. DENICOLA: How about, you did
15 your gap study in, I think you said July 17th or
16 July --

17 MR. KELLER: July 31st and
18 August 3rd.

19 MR. DENICOLA: That's really
20 summertime traffic, where you have anywhere from
21 10 to 20 percent lighter volume. How would that
22 affect your numbers?

23 MR. KELLER: Well, if the volumes
24 were higher, there might -- there would be some
25 reduction in number of gaps. But I mean we're

1 looking at, right now we're at 40 percent of the
2 available gaps that we measured, being counted. I
3 don't see that you're going to have that
4 significant a change. But I got their letter in
5 July. And, you know --

6 MR. DENICOLA: I see.

7 MR. KELLER: But I think there would
8 be somewhat fewer gaps. Now, the other thing too,
9 is that the gaps -- there's a minimum gap that --
10 of 7 seconds, that needs to be -- you need to have
11 for a left turn movement to occur. If you have a
12 20 second gap, which occurs at points, you're not
13 getting 1 car out, you're getting 4 cars out or 5
14 cars out. And there is -- you know, it's all in
15 our reference manuals as to how many vehicles you
16 get out, depending on the length of the gap.
17 Those longer gaps are likely to shrink. I think
18 you're still going to keep the shorter gaps.
19 Because they're driven by, not necessarily, by
20 volume, but by the pattern of the signals. So,
21 yeah, I think we lose some of those. But we're so
22 far underneath. I think there's more than
23 adequate gaps.

24 MR. MADDALONI: Just following up on
25 Mr. DeNicola's point, where you said that traffic

1 could be as much as 20 percent lower in the
2 summertime. Your words. Is there any standard
3 way, when you do traffic counts, of adjusting the
4 counts for the time of year? Because I understand
5 you can't wait until Christmastime, when probably
6 it would be highest, to do your traffic counts,
7 because the application is now. But is there an
8 adjusting mechanism?

9 MR. DENICOLA: You wouldn't do it
10 during Christmas. You would do it during a normal
11 time, which would be, you know --

12 MR. MADDALONI: Right. In October
13 maybe. Right.

14 MR. DENICOLA: Right. Right.

15 MR. MADDALONI: Not when it's
16 highest or not when it's lowest, which clearly is
17 during the summer.

18 MR. DENICOLA: Right.

19 MR. MADDALONI: So, is there an
20 adjusting mechanism that you have, to take, you
21 know, should it be adjusted by a certain percent
22 because it was taken during a time of year when
23 traffic is relatively lighter?

24 MR. KELLER: I don't have any
25 seasonality factor to apply to this. You know --

1 and really the bottom line, you know, your traffic
2 consultant asked for us to do a gap study. We did
3 it. I want to come back to the point, is, that
4 we're adding, you know, next to no traffic to that
5 left turn movement. So, what it is today, and I'm
6 sure it varies by day, my commute varies by day as
7 well. We're not changing it from what it is
8 today. So, the volumes on that left turn, which
9 we counted in May of 2012, are on the order, you
10 know, of one vehicle every minute. I mean that's
11 not a lot of traffic. And that's what's there
12 today.

13 MR. BASRALIAN: Let me just
14 reiterate. You -- you said that -- you said that
15 the gap that you measured would accommodate
16 approximately 135 vehicles making a left-hand
17 turn, but the actual number at peak was 55 during
18 the p.m. peak and 100 and --

19 MR. KELLER: It was 76 on a
20 Saturday.

21 MR. BASRALIAN: Seventy-six on a
22 Saturday. Which represents, in your words, and
23 just correct me if I'm wrong, again, even if there
24 was an increase in traffic of 20 percent, or
25 there's no basis to say it's 20 percent, assuming

1 that, is it your testimony that you're well below
2 the capacity of the gaps, to accommodate all those
3 vehicles, even should it increase beyond 55 during
4 the p.m. peak and 75 on a Saturday peak?

5 MR. KELLER: Yes.

6 MR. BASRALIAN: Thank you.

7 CHAIR LIGNOS: Mr. Keller, and,
8 again, I have to apologize, because I guess I
9 don't get traffic like I don't get economics.
10 Because there's something called taste. No one
11 knows who the tenants ultimately are, and what our
12 tastes are going to be for that tenant. Because
13 if our taste is high for that tenant, all of this
14 stuff to me, makes no sense. Because if the plaza
15 is popular, it's going to be visited. So, I can't
16 figure out how traffic engineers can figure out
17 that thing called taste and my desire to be there.
18 So -- but I do want to ask, the breakdown of the
19 uses within the plaza, that you took into
20 consideration when you put these models to use,
21 i.e., I see that you basically consider 20 percent
22 entertainment and restaurants, is that -- am I --
23 am I correct?

24 MR. KELLER: No.

25 CHAIR LIGNOS: Or what percentage

1 did you use for restaurants?

2 MR. KELLER: Well, let me take a
3 step back. For trip generation we created this as
4 a shopping center. And a shopping center in the
5 ITE -- and let me take a -- the ITE trip
6 generation manual is a compilation of actual
7 counts that are taken at existing shopping centers
8 throughout the country.

9 CHAIR LIGNOS: Yeah. Yeah.

10 MR. KELLER: So -- which contain a
11 variety of different uses. In this size center,
12 you have supermarkets, apparel stores. Those type
13 of things --

14 CHAIR LIGNOS: Great. So, if you
15 can --

16 MR. KELLER: -- so, there's a mix.

17 CHAIR LIGNOS: -- if you can tell
18 me -- if you can tell me what the percentages are,
19 we'll keep this application to those percentages.
20 See, what I'm getting at, is, there are, by the
21 ITE, there are -- they're plazas, they're malls,
22 they're plazas, that are -- that fall into this
23 typical range, and they come up with these
24 numbers, based on a variety of these plazas, am I
25 correct? Isn't that how you just described it?

1 MR. KELLER: Yes.

2 CHAIR LIGNOS: Now, they have to be
3 based on a percentage of medical facilities, a
4 percentage of gyms, a percentage of restaurants, a
5 percentage of clothing retail, a percentage of
6 jewelers, a percentage of cinemas, a percentage
7 of --

8 MR. DENICOLA: All different uses.

9 CHAIR LIGNOS: -- food retailers.
10 So, if -- what are those percentages in the
11 aggregate as an average?

12 MR. KELLER: There's no -- there's
13 no standard. Every shopping center is different.

14 CHAIR LIGNOS: Great. So, now I
15 have to ask the next question. If you, Edens
16 decides to make -- and I'm not saying they will,
17 but a mega mall of restaurants and gyms.

18 MR. BASRALIAN: Well, except that,
19 remember the application maxes out at 20,000
20 square foot for restaurants.

21 CHAIR LIGNOS: So, now I have to --

22 MR. BASRALIAN: And that's what the
23 application calls for. It doesn't call for 21,000
24 or 25,000.

25 CHAIR LIGNOS: No, no, that's fine.

1 Now we have the restaurant component at
2 20 percent. Okay.

3 MR. DENICOLA: 20,000.

4 CHAIR LIGNOS: I'm sorry, 20,000. I
5 apologize, 20,000. Did the averages that the ITE
6 used, were those numbers at 20 percent?

7 MR. BASRALIAN: No, not --

8 CHAIR LIGNOS: I'm sorry, at 20 --

9 MR. BASRALIAN: It's 10 percent.

10 CHAIR LIGNOS: At 10 percent,
11 correct.

12 MR. BASRALIAN: It's actually less
13 than 10 percent.

14 CHAIR LIGNOS: Yeah, yeah, I know
15 9..

16 MR. KELLER: The ITE trip generation
17 manual is not to publish --

18 CHAIR LIGNOS: So, what I'm getting
19 at, and the reason why --

20 MR. BASRALIAN: Mr. Lignos.

21 CHAIR LIGNOS: Yes.

22 MR. BASRALIAN: If he could just
23 finish the answer to that, okay? Would you just
24 --

25 MR. KELLER: The -- I mean let me

1 just see this. This is from the parking
2 generation manual, but the definition of a
3 shopping center in the trip generation manual is
4 the same. A shopping center is an integrated
5 group of commercial establishments that is
6 planned, developed, owned and managed as a unit.
7 Shopping centers composition is related to its
8 market area in terms of size, location and type of
9 store. They don't publish what the individual
10 components are, in a shopping center. Now, the
11 ULI also talks about shopping centers having non
12 retail uses, which would be --

13 MR. BASRALIAN: Would you just
14 explain what ULI is. You're using another
15 definition.

16 MR. KELLER: Oh, I'm sorry. Urban
17 Land Institute, which is a nationally recognized
18 organization that is broader -- they don't look
19 just at traffic. They look at land use. The ULI,
20 you know, there is non retail uses, medical
21 offices, offices, banks, fitness centers,
22 theaters, recreation -- other recreational uses.
23 So, that's what a shopping center is. It's a
24 compilation. It's a composition of many different
25 stores. And those stores are higher generators

1 and other ones are low. And that's why when we
2 look at -- in of all the uses in the trip
3 generation manual, shopping centers, we have a lot
4 of data. Because there is a lot of shopping
5 centers that are developed. There's a lot of
6 developers that rebuild them, build new ones. So,
7 we've studied them. I can't tell you how many
8 shopping centers I've done from a 3,000 square
9 foot strip, to a million and a half square foot
10 Short Hills Mall. I mean I've looked at it from
11 the smallest to the biggest. And, you know, we've
12 looked at a lot of trip generation. And the ITE
13 trip generation manual, for shopping centers, is
14 very representative.

15 I have a shopping center in
16 Parsippany that I've been working on for 20 some
17 years. And we've done counts at it over time, and
18 it's in the same size as this, a little over
19 200,000 square feet. And the numbers are similar
20 to what ITE predicts we should have.

21 CHAIR LIGNOS: If I tell you the
22 center, the plaza, the way it is now, you can't
23 find parking. The way it is now, on certain days,
24 would you believe it?

25 MR. KELLER: That you can't find

1 parking?

2 CHAIR LIGNOS: Yeah. In a section.
3 Because people, you know, the other thing you know
4 very well, is that people tend to want to park,
5 literally inside the store if they could. So they
6 don't have to walk to it. So, there are times
7 that you can't, in the condition it's in now,
8 potholes, craters and all, and yet you can't find
9 parking on certain days.

10 MR. BASRALIAN: Mr. Lignos, there's
11 a -- you're distinguishing between traffic that
12 we're talking about here, and parking. And it
13 wouldn't be fair to say, you can't find parking in
14 certain sections, when parking is an entire
15 center. Any more than it's fair to say that you
16 can't find parking at Garden State Plaza because
17 it's -- you can't park next to the store, but
18 there are 10,000 spaces if you move a distance.

19 CHAIR LIGNOS: No, no, what I'm
20 getting at, no, you gotta give me credit that I'm
21 a little more complex than that. I am simple but
22 I am a little bit more complex.

23 MR. BASRALIAN: No, but the
24 statement was you couldn't find parking spaces
25 now. Okay. That was your statement. And then

1 you corrected to say in certain areas. Yes.

2 CHAIR LIGNOS: But I have to tell
3 you that when the popularity of the plaza
4 increases, which I hope it will tremendously, I am
5 concerned that the amount of different uses --
6 we -- we don't know what they're going to be. We
7 don't know what the square footage of the building
8 is going to be. Just as Edens doesn't know who
9 they're going to attract. But from your own
10 testimony, there are certain uses that are heavier
11 in their traffic, in their parking. Restaurants
12 are one. And we know we have 20,000 square feet
13 of those. Gyms? Are they?

14 MR. KELLER: See now we're -- we're
15 mixing traffic and parking. And I haven't even
16 touched on parking yet. From a traffic
17 perspective, when you look at the peak hours,
18 which is what we analyze from a traffic
19 perspective, some of those uses aren't necessarily
20 high traffic generators during those time frames.
21 Or they happen to have a much higher level of
22 pass-by traffic. If you had a QuickChek, yes, it
23 has a lot of traffic, but during the peak hours,
24 and I'm not saying they're putting a QuickChek in
25 there --

1 CHAIR LIGNOS: No, no, no, no, --

2 MR. KELLER: I don't want anybody to
3 get the miss --

4 CHAIR LIGNOS: No, no, no, we
5 understand.

6 MR. KELLER: Eighty percent of that
7 traffic is already on the street. They're just
8 going in and out because nobody is going to go out
9 of their way, for the most part, to go to a
10 QuickChek. Because you go down the block and
11 there's a 7-11 or there's, you know, a Quick Mart,
12 or something. But they may generate a lot of
13 traffic, but it's not necessarily all new traffic.
14 So -- so, it doesn't add to the load on the
15 traffic -- on the street network, which is what
16 we're trying to do with the traffic component of
17 our traffic studies.

18 CHAIR LIGNOS: I see. Okay. Then
19 I -- then I -- please continue.

20 MR. KELLER: Okay. Where were we?

21 MR. BASRALIAN: Gravity models.

22 CHAIR LIGNOS: Mayor. The mayor has
23 a question.

24 MR. KELLER: Oh, I'm sorry, Mayor.

25 MAYOR HEYMANN: I want to continue

1 with the thought that I was trying to express
2 earlier on. The traffic right now, you're saying
3 that you have a 7 second gap that you discovered,
4 and that is adequate to move at least 1 car. If
5 you had a 20 second gap you can move 4 or 5 cars,
6 is that correct?

7 MR. KELLER: Correct.

8 MAYOR HEYMANN: I don't deny for a
9 minute that that's what you uncovered when you
10 took the tests. But I drive that section all the
11 time, and the gaps, they may be 7 second gaps, but
12 it may take 45 seconds for a gap to happen. In
13 the meantime, many cars accumulate. I have been
14 concerned enough, that even before Edens took over
15 and made its presentation, I have often thought
16 that either the traffic pattern has to be changed
17 entirely with one way planning, or you need
18 another traffic light at Vervalen and Piermont.
19 And I was hoping that your testimony would go in
20 that direction. What would happen if there were a
21 traffic light at Piermont and Vervalen. Because
22 to me, that's the only way that you can move
23 traffic readily out of that particular street.

24 MR. KELLER: Well, Mayor, I -- I
25 understand the concern. And, obviously, you are

1 all much more familiar with this intersection than
2 I am. I mean I've been up here in the six years
3 I've been working on this project, you know, a
4 number of times. But I'm not there everyday. And
5 we've done the studies that have -- that we had in
6 our original report. The study that your
7 consultant has asked for, and from what we've
8 found, and from our numbers, you know, there is
9 not -- there's not, in my opinion, a justification
10 for a signal at this location. And if there is,
11 it's not because of our development. We're not
12 adding any measurable amount of traffic to the
13 movements that would require a traffic signal to
14 improve their flow. So --

15 MAYOR HEYMANN: It's not -- it's not
16 only improving the flow. It's considering safety.
17 Because there is a bend in the road at that
18 particular point. There's no thru traffic. It
19 goes into north and south, as you're aware, and
20 trying to make a left turn out of Vervalen is
21 sometimes extremely difficult, and you have to be
22 very patient. So, obviously that didn't happen to
23 you otherwise you would have noted it.

24 MR. KELLER: Well, I mean I'm not
25 saying that when we measured the gaps that we

1 looked at the entire hour, that there might not be
2 a ten minute period or a five minute period when
3 you're waiting. But the point, in those five
4 minutes, you're going to have some cars that back
5 up in that line. That que can get somewhat
6 longer. But we're looking at volumes that are not
7 very heavy. I mean it -- from our own counts
8 there's around one vehicle a minute. So, it's not
9 a high volume movement. And certainly the bank
10 driveway is not even, you know, is less than half
11 of what we found on the Vervalen -- the eastbound
12 left.

13 MAYOR HEYMANN: Right.

14 CHAIR LIGNOS: But, again, there are
15 times during the day when people are dropping off
16 their children up on the Homans east side and the
17 school.

18 MR. KELLER: Certainly. And maybe
19 during the morning peak hour, depending on
20 commuter traffic, what the patterns are. So,
21 we're looking -- we didn't look at the a.m. peak
22 hour. We don't look at the a.m. peak hour for
23 shopping centers. Because shopping centers, you
24 know, the supermarket, obviously would be open,
25 but a lot of the other stores would not even be

1 open during the morning peak hour. And the volume
2 out of a shopping center in the morning is very
3 low. So --

4 CHAIR LIGNOS: See, but if you have
5 a gym, for instance in the morning, it could be a
6 place that people would go to. If you had a
7 breakfast deli, or a bagel place. You see you
8 would go there on the way to the school. So --
9 and I think the mayor's point here, is, not so
10 much just in pure numbers, quantitative, but the
11 qualitative trip that the person has to make, and
12 concern about safety. We have seen people waiting
13 at Vervalen and Piermont and getting frustrated
14 with not being able to make the left-hand turn,
15 that they just go ahead and ease out into the
16 intersection. And then finally said, enough with
17 this, and you hear them, you know, frustratedly
18 make that left turn just to get onto -- onto
19 Piermont.

20 When we have more and more people
21 using the new plaza, the renovated plaza, does the
22 likelihood of those types of drivers, getting
23 frustrated, put them and other's into an unsafe
24 situation? We are concerned about that.

25 MR. KELLER: I understand your

1 point. And I think what we're doing with the
2 shopping center, we're certainly not going to add
3 to that. And I think we're going to take, you
4 know, some of that traffic away. Because people
5 in the shopping center, especially during those
6 times when it is busy, they're going to go right
7 out to Homans and go to the signal at Piermont.
8 They're not -- they're just going to stay away
9 from that intersection because they can.

10 MAYOR HEYMANN: That's probably
11 true.

12 MR. KELLER: So, the people who are
13 coming out of the center today, you know if they
14 went to Massage Envy, or one of the other stores
15 over there, that now go out to Vervalen. They're
16 not going to do that. They're going to go out to
17 Homans.

18 CHAIR LIGNOS: You're hoping that a
19 person who's used the center, the market plaza a
20 couple of times, will say to themselves, you know
21 something, if I can just go around to Homans I can
22 beat this whole idea of having to make that left.

23 MR. KELLER: They're going to go to
24 a traffic signal.

25 MR. BASRALIAN: I would like to ask,

1 you have to distinguish, and I'd like you to
2 reiterate, for the board, there is traffic on the
3 roadway now. And if there's a condition that
4 exists, it already exists. And Mr. Keller's
5 testimony, when he gets back from having water can
6 answer it, what traffic is generated from the
7 center. Even at its peak, no matter what the uses
8 are, is a nominal increase of what goes through
9 the intersection. If that's your response. So,
10 let's distinguish between what everyone thinks are
11 the conditions now. There's traffic on the
12 roadway. You've analyzed the traffic on the
13 roadway. Reiterate what's going to be added based
14 upon your study with respect to center and the gap
15 study that you have done, and how that will
16 function. So, let's separate the two.

17 CHAIR LIGNOS: Well, we heard that,
18 right?

19 MR. BASRALIAN: Yeah, but we have
20 gone far afield, because we have, rightfully a
21 personal opinion of people saying, look, I go
22 through that, it's tough, and the people inch in,
23 but, you know, you really have to do it based upon
24 the numbers and the study. And I would just like
25 to reiterate, for the record, the fact what his

1 answer was so we don't confuse that point.

2 CHAIR LIGNOS: Are you saying that
3 this is a science so I could take this to the
4 bank?

5 MR. BASRALIAN: It is the best one
6 that exists for analyzing traffic flow from, not
7 only a shopping center, but everything else that
8 ITE studies. And that's what we utilized, and
9 that's what all these studies are based upon, plus
10 his own experience, and the application of
11 those -- those numbers. So, if you indulge me,
12 let him put it back on the record again,
13 Mr. Lignos.

14 CHAIR LIGNOS: A year from now, we
15 can have him come back and visit us when there is
16 a concern that --

17 MR. BASRALIAN: Well, I don't use
18 the word, concern, very often. But I'm concerned
19 when you say, whether you meant it or not, well,
20 we're going to hold him to the percentages of what
21 they have. Because that's not what a shopping
22 center is. As a matter of fact, when you analyze
23 shopping centers, and I'll ask the question of --
24 first answer the question that I asked, was, let's
25 talk about what's there, and what you're adding

1 and how it is affected by the gap study. So I get
2 that back on the record again.

3 MR. KELLER: We're adding one
4 eastbound left turn from Vervalen onto Piermont.
5 One vehicle in the p.m. peak hour and one vehicle
6 on a Saturday peak hour.

7 CHAIR LIGNOS: So I can -- this is
8 the response. So I understand that after this
9 renovation we're going to add one left --

10 MR. KELLER: One additional.

11 CHAIR LIGNOS: One additional to
12 what's already there. One additional left-hand
13 turn.

14 MAYOR HEYMANN: Over what period of
15 time?

16 MR. KELLER: In a single hour.

17 CHAIR LIGNOS: In a p.m.

18 MR. KELLER: In a p.m. peak hour and
19 a Saturday peak hour.

20 MR. DIDIO: The mall is a failure.

21 MR. DENICOLA: It's doesn't seem
22 right.

23 MAYOR HEYMANN: Okay. That makes
24 sense.

25 MR. BASRALIAN: Unfortunately you

1 haven't had the experience of a fully operational
2 mall in here for some time. And, so, what you
3 must take, is, what is planned and the expert
4 opinion of a traffic consultant, who studies this,
5 along with your own traffic consultant, who agreed
6 to the methodology, and asked for these things to
7 be done. So, you know, that's the best
8 information we have. And it's far better than my
9 personal opinion or anybody else's, because this
10 is the way it functions.

11 MR. BABOO: We don't have experience
12 with the operation what we have now, but we've
13 gone to other malls that are fully operational.

14 MR. BASRALIAN: Yeah, but it's
15 different roadways, Mr. Baboo, it's different
16 intersections. You have to study what is here.
17 You have to study the trade area, the gravity
18 model.

19 MR. BABOO: We have much more
20 experience than this local mall. We actually
21 leave town from time-to-time.

22 MR. BASRALIAN: Right. I
23 understand. But we're talking about this
24 particular center and the roadways. And you've
25 heard his testimony regarding the opening up of

1 that northeastern entrance/exit so that it
2 accommodates the center. Traffic could go out to
3 the left and people do what best accommodates
4 them. Now, if there is something, because there's
5 a traffic concern or a safety concern in this
6 municipality, because of the existing conditions
7 that are there at Piermont and Vervalen, then
8 that's something that should be addressed by the
9 municipality and the county, which has to make the
10 decision. It's not this applicant, because it's
11 not adding the traffic -- it's not exacerbating
12 what's there. It may be bad, but it's not
13 exacerbating it.

14 CHAIR LIGNOS: No, the testimony
15 says --

16 MR. BASRALIAN: That's correct.
17 That's the testimony of this expert and his
18 credibility is at stake when he testifies that
19 way.

20 CHAIR LIGNOS: We understand. We
21 understand.

22 MR. BASRALIAN: Okay. If we can
23 continue.

24 MS. AMITAI: I just want to clarify
25 one thing. So, to go north, you're suggesting

1 that everyone from the plaza is going to go up
2 towards the Burger King and out, out onto
3 Vervalen, turn right and go to the traffic signal?

4 MR. KELLER: Yes.

5 MS. AMITAI: That's the only two
6 way, right, that's an in and an out?

7 MR. KELLER: That's correct.

8 MS. AMITAI: The only exit to the
9 north?

10 CHAIR LIGNOS: No, there is two,
11 right.

12 MS. AMITAI: Well, Lewis Street if
13 you go the other way.

14 MR. KELLER: Then you go out to
15 Lewis Street. Because in phase II, after the
16 K-mart is reconfigured, the driveway on the west
17 side -- excuse me, K-mart is one way in.

18 CHAIR LIGNOS: Oh.

19 MR. KELLER: So -- but I mean if
20 you're -- if you're in the parking field in front
21 of retail F, let me put Exhibit A-12 back up. If
22 you're in this parking field here, you have, you
23 know, you have choices. You can either come out
24 Campbell to Lewis and head to the east, or you can
25 come out to Vervalen, or you can come along

1 through the center and go out this way. You know,
2 people are going to make that decision based upon
3 their experiences, their preferences, and we're
4 saying, on the overall, we're assigning 75 p.m.
5 peak hour trips that we're calculating to be added
6 to this center, or a 103 on Saturday. The number
7 that are headed to the northeast, we believe in
8 the design of the center, orients them to Homans
9 and through the signal, and not to the
10 unsignalized left via Vervalen.

11 Now, obviously, if you're headed
12 south on Piermont, or you want to go down Piermont
13 to Closter Dock and head over towards Alpine and
14 that area, you're going to go out to Vervalen and
15 make a right, which is a very easy movement to
16 make. Obviously, once you've stopped and looked
17 to the north to make sure that there's not
18 southbound traffic coming down from Homans. And
19 the capacity analysis, because we're only looking
20 at traffic coming from one direction, shows that
21 that operates at a level of service C, with a very
22 low average delay for the right turn. So, that
23 right turn movement is very easy.

24 MR. SINOWITZ: You say level of
25 service C. How many different categories are

1 there? Levels.

2 MR. KELLER: Six; A is the best, F
3 is the worst. For this type of environment, you
4 know, a level of service D, and possibly in
5 certain circumstances, a level of service E, as
6 long as the average delay is close to the D side,
7 is acceptable for an unsignalized intersection on
8 a major roadway. We are level service C. I mean
9 that's very good.

10 MR. BASRALIAN: If I could continue.
11 In referring to the Atlantic Traffic report, they
12 indicated a peak hour signal warrant would be
13 satisfied presumably at Piermont and Vervalen.
14 And in your opinion is it justified, given the
15 additional traffic that's going to be generated
16 from the center?

17 MR. KELLER: In my opinion, no.
18 We've looked at -- the traffic signal warrants are
19 set forth by Federal Highway Administration. They
20 are published in the manual on uniform traffic
21 control devices. MUTCD for short. And looking at
22 it, really the critical movement is that left
23 turn. And I've said it a number of times, that
24 the volumes are low. In the gap study that we
25 did, shows that there's generally enough gap.

1 There's gaps that are available for that movement
2 to be made. With everything we have done, I don't
3 think that a signal is warranted there. And if --
4 it's certainly not as a result of this development
5 or redevelopment of this center.

6 CHAIR LIGNOS: Even though you have
7 three driveways emptying out into Vervalen with
8 one emptying out onto Homans, right?

9 MR. KELLER: Well, no. Mr. Lignos,
10 I'm talking about the need for a signal at
11 Piermont and Vervalen.

12 CHAIR LIGNOS: Correct.

13 MR. KELLER: Which is what Atlantic
14 Traffic is suggesting.

15 CHAIR LIGNOS: No, I understand.
16 But is it possible that Atlantic is suggesting
17 that, because, again, and maybe this is a little
18 too simplistic. But there are three driveways
19 that ultimately, for those people that don't know
20 that, if they want to go north, it would be best
21 to go and find a way to get around and get onto
22 Homans to make that left. There are three
23 driveways that take you out into -- out into
24 Vervalen. They'll make that left. They will get
25 to Vervalen and Piermont and still realize they

1 have to go left. There are three driveways,
2 potentially, just from the plaza. Others from the
3 bank. But, again, just from the plaza there is
4 three. But there's only one on the Homans side.
5 Especially with the phase II being -- the second
6 driveway being an in only, right?

7 MR. KELLER: I really consider that
8 there's two out to Homans, because we're going to
9 use Campbell and Lewis as part of the circulation
10 system of the center. But, again, it goes back to
11 the gravity model of where people want to go to.
12 It's also where they're coming in. Retail trips,
13 they're going to tend to come in through Homans,
14 because they know they can get into the center on
15 that side, and go to the stores, and they're going
16 to return that way.

17 MAYOR HEYMANN: You propose, one of
18 the things that I don't understand, is that you
19 propose, in phase II, to make the Campbell Avenue,
20 that exit that you're proposing there, between the
21 church and the whatever it's going to be. Why is
22 that designated one way going to Vervalen? What
23 was your reasoning for that?

24 MR. BASRALIAN: No, no, that's not
25 correct.

1 MR. KELLER: The driveway on the
2 west side of retail F, on the west side of what is
3 now the K-mart building, is one way in during --
4 in phase II because of the drive-thru window.

5 MS. AMITAI: Unless of course you
6 make the building a little smaller and then you
7 can have two lanes and we can access to Homans.

8 MR. KELLER: With the drive-thru
9 window here, this wants to be one way in. Then
10 you're going to have somebody coming out and
11 traffic going the other way. It's not good
12 traffic circulation. And we already have Campbell
13 and Lewis that functions. Of all the driveways,
14 this driveway is the least used. Because when
15 people are approaching from the center of town,
16 they come in Lewis and Campbell. They don't come
17 alongside here.

18 MAYOR HEYMANN: Correct. Then why
19 are you having it go one way into the shopping
20 center?

21 CHAIR LIGNOS: It's not Lewis that's
22 doing that.

23 MR. KELLER: Because it works with
24 the parking with the church. It works with the
25 drive-thru lane. And people, again, when they're

1 leaving, they're also coming out Campbell and
2 Lewis, today, to go left. They don't come out
3 here. So, we're keeping this driveway, because we
4 want circulation on the west side of the building,
5 and also to access the church parking spaces and
6 the potential drive-thru, on that end cap.

7 CHAIR LIGNOS: How difficult would
8 it be to do an end cap study this time of year, as
9 opposed to July 31st and August 3rd? How much
10 work does that involve?

11 MR. KELLER: Well, it's getting --

12 CHAIR LIGNOS: Because now you'll
13 see the schools in action. You know, you'll
14 really get a much more accurate --

15 MR. KELLER: Well, the schools -- I
16 mean we're looking at the p.m. peak hour and we're
17 looking at Saturday. So --

18 CHAIR LIGNOS: You'd be surprised.

19 MR. KELLER: I'm not saying that
20 there's not, you know, but we're not going to see
21 school buses, for the most part at that point,
22 except for those related to sports. I mean -- so
23 --

24 MR. BASRALIAN: If you're doing the
25 p.m. peak, which is -- which is after schools are

1 closed, you're not going to see the school buses
2 on the roadway. And on Saturday you're not going
3 to see the school buses on the roadway.

4 Mr. Lignos, you can shake your head,
5 there might be school buses for sports but not the
6 same number of school buses that transport kids
7 back and forth on a school day. You just can't
8 have the same number on a Saturday.

9 CHAIR LIGNOS: Can you answer my
10 question, how much work is it -- is it difficult
11 to do?

12 MR. BASRALIAN: Well, it's also
13 costly, but it's other factors, sure.

14 MR. KELLER: It's time and money.
15 And it's a matter of getting that information
16 done, getting it analyzed, and having it, you
17 know, at a meeting. If, you know -- it was an
18 accommodation -- your traffic consultant asked for
19 the study. We did it. And there was a debate
20 about whether we were going to do it, because
21 we're not adding a lot of traffic to that
22 intersection. So, you know, I recognize that
23 there may be operational difficulties at points
24 today, but we're not going to make them any worse.

25 MR. BASRALIAN: I guess, you know,

1 it seems to me, I get the feeling that somewhere
2 along the line, and I say this, not in a
3 pejorative sense at all, so, don't misunderstand
4 me, that people feel there should be a light or a
5 signal at Piermont and Vervalen. And I seem to
6 get the sense. Because I've heard the word,
7 safety. I've heard the inching out of cars trying
8 to make a left. And, if that is so necessary, it
9 was necessary, irrespective if this center remains
10 the way it is, disappears, or is built. Because
11 building it doesn't change things. If it's
12 necessary now then it's necessary, and that's what
13 --

14 CHAIR LIGNOS: The amount of cars,
15 again, in my opinion, and I'm not sure the light
16 is the answer, but I just can't imagine the center
17 fully occupied, functioning as beautifully as, you
18 know, the renderings that are shown, and the way
19 it's been designed, will not generate more traffic
20 at that intersection. That's just me. And,
21 again, maybe the science is something different.
22 I'm just not sure if it's science. That's all. I
23 just -- my gut tells me there's going to be
24 more -- more traffic.

25 MR. BASRALIAN: May I request, we'll

1 pick this up, may I request a break for my
2 stenographer.

3 CHAIR LIGNOS: Absolutely. I was
4 going to do that at 10:00. And we're going to
5 take -- is five minutes okay? Ten. A ten minute
6 recess. We'll come back a 10:10. Thank you.

7 MR. BASRALIAN: Thank you.

8 (A recess was taken.)

9 CHAIR LIGNOS: I call the meeting
10 back to order. It's 12 minutes after -- after 10.
11 Mr. Basralian, you -- let's try to get as close to
12 11 as possible for tonight.

13 Members of the board, is the 21st, a
14 Monday, a date instead of the 24th, which I
15 thought there was a meeting, but there isn't. So,
16 it would still be one a week. Would the board be
17 willing to add a meeting on the 21st, Monday the
18 21st?

19 MR. DIDIO: In addition to the 24th?

20 CHAIR LIGNOS: No, no, instead of
21 the 24th.

22 MR. DIDIO: Instead of. That's what
23 I'm clarifying.

24 MS. MITCHELL: We didn't have the
25 24th.

1 CHAIR LIGNOS: We didn't have the
2 24th. I thought it was.

3 MR. DIDIO: So, Monday night?

4 CHAIR LIGNOS: Monday for that week.
5 So, there would be a meeting everyday -- I'm
6 sorry, one for the rest of our lives.

7 MR. BASRALIAN: That's good for me.

8 CHAIR LIGNOS: There will be a
9 meeting once a week for the month of October. So,
10 can you just -- can we poll the board for their
11 availability for Monday the 21st.

12 MS. MITCHELL: Sure. And just to
13 confirm. I won't be here, but I will ask
14 Mr. Demarest, if he would cover.

15 Mayor Heymann.

16 MAYOR HEYMANN: Yes.

17 MS. MITCHELL: Councilwoman Amitai?

18 MS. AMITAI: Yes.

19 MS. MITCHELL: Dr. Maddaloni.

20 MR. MADDALONI: I will be out of
21 town.

22 MS. MITCHELL: Mr. Baboo.

23 MR. BABOO: I'll be out.

24 MS. MITCHELL: Ms. Stella.

25 MS. STELLA: Yes.

1 MS. MITCHELL: Mr. Lignos?

2 CHAIR LIGNOS: Yes.

3 MS. MITCHELL: Mr. Sinowitz.

4 MR. SINOWITZ: I should be all
5 right.

6 MS. MITCHELL: Mr. Didio.

7 MR. DIDIO: Yes.

8 MS. MITCHELL: Ms. Isacoff.

9 MS. ISACOFF: Yes.

10 MS. MITCHELL: Mr. Pialtos.

11 MR. PIALTOS: Yes.

12 MS. MITCHELL: Mr. Nyfenger.

13 MR. NYFENGER: Yes, but I'll have to
14 vote that night, won't I.

15 CHAIR LIGNOS: Okay. So, let's
16 schedule it to include the 21st for October.

17 Okay. Continue, please.

18 MR. BASRALIAN: Okay. Let's move
19 on, if we can. Let's talk about parking. Present
20 situation and what's being proposed for parking
21 for the center.

22 MR. KELLER: Currently, the shopping
23 center has 720 parking spaces, which is a ratio of
24 3.4 spaces per thousand. So, when we look at
25 parking for retail centers, we have to look at the

1 type of centers that this is. Because there's
2 different demands and different requirements,
3 depending on the type of center. This is a
4 community shopping center, which is defined by the
5 Urban Land -- Urban Land Institute, as a center
6 between 100,000 and 350,000 square feet, with
7 anchors generally consisting of a supermarkets,
8 general merchandise stores, Kohl's, that type of
9 store, convenient stores, and occasionally large
10 specialty apparel stores.

11 Now, as we've discussed earlier
12 tonight, the limitation on restaurant is 20,000
13 square feet, out of the 214 some thousand square
14 feet, that would be in this center. And all of my
15 numbers, when I talk about 214, include the
16 potential for 6,000 on the subdivided lot. And,
17 you know, as I said before, shopping centers
18 contain a mix of uses. And some of those uses are
19 non retail. Non shopping type stores, which are
20 offices, banks, fitness centers. And in the
21 retail -- the restaurant space.

22 Now, the ITE, Institute of
23 Transportation Engineers, has also published a
24 similar manual to traffic -- to traffic
25 generation. They published one on parking

1 generation. They're now up to fourth edition.
2 And, again, the parking generation manuals is a
3 compilation of data that has been collected at a
4 variety of centers throughout the country, from
5 smaller ones up to super regional malls like
6 Garden State Plaza. And those parking ratios are
7 encompassing of a variety of different uses within
8 those shopping centers, and there's no
9 differentiation between customer parking and
10 employee parking. It's all -- cause they're just
11 -- we're just counting cars. So, it's the total
12 demand generated by a shopping center, both for
13 the employees and the customers, based on a
14 variety of different stores. And most of the data
15 has been suburban shopping centers. So, the
16 public transit usage in those centers is generally
17 non existent or very small. So, the data that's
18 been collected is representative and appropriate
19 to apply to Closter Plaza.

20 Now, Atlantic Traffic raised the
21 question about, you know, December, non December.
22 And, certainly, if this was a regional mall, if
23 this was Paramus Park or Garden State Plaza, we
24 would be interested in the December data. Because
25 that's when those type of shopping centers peak.

1 This type of a community shopping center, when you
2 look at the data, points in the parking generation
3 manual, for this size center of under a 100 --
4 under 500,000 square feet, the data points follow
5 right along the average line. When you look at
6 the bigger centers, there is a lot of variation
7 above and below the average. So, the parking
8 generation manual also says, as long as the, what
9 they call, the coefficient of variation,
10 statistical measure, as long as that is small and
11 stays close to the average, the average parking
12 demand is what you should design for. And that's
13 what we have with this type of a center.

14 We're not using the 85th percentile
15 which means that only 15 percent of the days or
16 hours have parking demands greater than this. We
17 use the average. Now, you say, well, average.
18 It's the average of the peak demands that you look
19 at. They're not counting at 9 o'clock in the
20 morning and saying there's 42 cars parked in the
21 lot, and saying that that's an average peak
22 demand. We all know in the industry that when you
23 do parking demands, you're doing them in the
24 middle of the day, you're doing them at the end of
25 the day, and on weekdays, and you're doing them in

1 the middle of the day on a Saturday. And that's
2 what gets published within this ITE. And that's
3 what the average is calculated on. The average of
4 the peak period usage of a shopping center. So,
5 the data contained in this ITE parking generation
6 manual is an appropriate measure for a retail
7 center.

8 Now, the ULI, in their study, and
9 they've done this study of shopping center; they
10 started in the early 70's, they published the
11 first manual in 1982, and they just recently --
12 recently -- in 2000, 1999/2000 or so, they
13 published a second edition. And what they say for
14 community shopping centers, is, the data indicates
15 that we should park them at 4 per thousand. So
16 that there is a trend in the industry that this
17 type of shopping center can be parked as low as
18 3.7. And that's -- you know, shopping centers
19 have evolved from the 1960's. The tenants have
20 evolved. They're not building as large a store.
21 There's more internet sales. There's less brick
22 and mortar, of going to the center and actually
23 purchasing it. Even the supermarket industry has
24 changed, where you go online, you tell them what
25 you want, they put it together, you drive up to

1 the door, they have your bags all ready, and you
2 load them in the car and you go home. You're not
3 walking around the aisles of the store for an
4 hour. So, the industry -- the retail marketplace
5 has changed as well, and with that, the parking
6 requirements have changed.

7 Now, the proposed redevelopment of
8 this site will increase the parking supply to 844
9 spaces. That's 820 on the main lot. And then 24
10 spaces on the subdivided lot, which go along with
11 the 6,000 square foot retail store. So, that's an
12 increase of 124 parking spaces over what we have
13 there today. And that results in a parking ratio
14 of 3.94 spaces per thousand.

15 MR. NYFENGER: Can I? I thought
16 since the beginning we're not counting that
17 subdivided lot. Because that's not what we're
18 talking about.

19 MR. KELLER: From a traffic and
20 parking perspective, you want to look at the
21 overall, you know, the overall -- even -- for
22 parking, if we take out those 24 spaces we're
23 still parked at 3.94 spaces per thousand.

24 So, for parking, if it makes the
25 board more comfortable, I can just talk about the

1 center itself, which means we have 820 spaces,
2 which -- because then it's 208 thousand and change
3 square footage in the main mall itself. Still
4 comes out to 3.94 spaces per thousand.

5 MR. NYFENGER: Okay. Same ratio.

6 MR. KELLER: It's the same ratio.

7 MR. NYFENGER: It doesn't matter.

8 MR. KELLER: From a parking, we're
9 talking about ratios.

10 MR. MADDALONI: It doesn't matter.

11 MR. KELLER: It doesn't change.

12 MAYOR HEYMANN: Are you including
13 that lot in order to get at that figure, is that
14 correct?

15 MR. KELLER: The 820 spaces are on
16 the shopping center lot itself. The 844 would
17 include that separate lot.

18 MAYOR HEYMANN: And that's where you
19 get the 3.9?

20 MR. KELLER: We get 3.94 either way.

21 MAYOR HEYMANN: Either way.

22 MR. KELLER: Yeah. I meant it's a
23 small -- it's 6,000 square feet. So, it still
24 comes out to 3.94 no matter how we calculate it.

25 MR. NYFENGER: Okay. Thank you.

1 CHAIR LIGNOS: Is a mall such as the
2 one in Westwood, where the K-mart is, is that
3 considered a community shopping center?

4 MR. KELLER: I don't know the square
5 footage of it.

6 CHAIR LIGNOS: See, I'm wondering,
7 is a community shopping center one that ideally
8 serves just the community as opposed to the
9 northern valley, where this one would be?

10 MR. KELLER: No. That would be a
11 neighborhood shopping center, where it really
12 serves the community. It's under a hundred
13 thousand square feet. A community shopping
14 center, maybe the term is a little misleading. It
15 means more than the community in which it's
16 located.

17 CHAIR LIGNOS: Like a regional?

18 MR. KELLER: No. A regional is
19 Paramus Park, Garden State Plaza. Well, Garden
20 State Plaza is a super regional. That's a special
21 case. Paramus Park.

22 MR. MADDALONI: Fashion Center.

23 MR. KELLER: Fashion Center. Bergen
24 Town Square. Those are regional shopping centers.
25 You have --

1 CHAIR LIGNOS: Something like Tices
2 up in --

3 MR. KELLER: That would be a
4 community shopping center. That one I'm familiar
5 with.

6 CHAIR LIGNOS: Okay. That one is
7 not the size of this, right? I mean that's got to
8 be a lot of smaller than this.

9 MR. KELLER: No, no.

10 CHAIR LIGNOS: No?

11 MR. KELLER: That's -- I don't know
12 the exact square footage.

13 CHAIR LIGNOS: But that's the kind
14 of --

15 MR. KELLER: Yeah, right.

16 CHAIR LIGNOS: And they're parked at
17 roughly at around 3.94?

18 MR. KELLER: I don't know. I don't
19 know what they're parked at, no.

20 MR. MADDALONI: But you said, you
21 used a term that actually I'm quite familiar with.
22 The coefficient of variation in community parking
23 lots is small, which means that there isn't much
24 variability between the number of spots and the
25 square footage. It doesn't vary much.

1 MR. KELLER: Not the number of
2 spots. The spaces occupied.

3 MR. MADDALONI: Spaces --

4 MR. KELLER: Right. And that was
5 one point that your traffic consultant pointed
6 out, that the IT data says that the average
7 parking supply was 4.9. How many parking spaces
8 you put on a piece of property has really no
9 relation to the parking demand. The number of
10 parking spaces you place on a piece of property
11 generally are guided by zoning regulations. And
12 this is what the municipality, the city, whatever,
13 say you need to put on there. Doesn't mean that
14 they use them.

15 And part of my business, is, to go
16 to municipalities and say, look, we don't need
17 that many parking spaces. And it's very -- it's
18 much easier to do it when you have -- this is a
19 bad example because you have a shopping center
20 that has a lot of vacancies, and it's not a true
21 picture of what the parking demand is, but we've
22 gone to other shopping centers in other towns and
23 said, okay, here's what the demand is at this
24 facility, here is what we want to do, we don't
25 need 4.9 spaces per thousand because --

1 MR. MADDALONI: It doesn't vary as
2 much.

3 MR. KELLER: -- one and a half, you
4 know, two spaces per thousand, are not being used.
5 What we've observed is numbers that are
6 significantly less.

7 CHAIR LIGNOS: Although I do have to
8 tell you that if Tices is a community plaza
9 center, I have experienced a difference in parking
10 around the holidays. So, it's interesting. Even
11 though they say community, from what you testified
12 to, I have seriously encountered it to be
13 different around the holidays.

14 MS. AMITAI: Difficult?

15 CHAIR LIGNOS: Yeah. More, more,
16 more, cars. Anyway, continue, please.

17 MR. KELLER: Okay. Now, excuse me.
18 One thing when we look at static numbers, and you
19 look at parking ratios, and that's based on a mix
20 of uses in a shopping center. Now, one thing
21 that's not factored into that, is that certain
22 uses have different peaking characteristics than
23 other uses. For example, you know, theaters,
24 restaurants and banks have different peaks than
25 general retail space. And that's all set forth in

1 the parking generation manual. Retail, for
2 example, peaks between 12 and 3 on a weekday.
3 Theaters are peaking between 8 and 10.
4 Restaurants on a weekend are peaking after 6
5 o'clock, between 6 and 8. And banks are in the
6 morning or early afternoon, and they would peak
7 with a lot of banks having longer hours, those
8 peaks are spreading out, and they're not as sharp
9 as they used to be. So, they're all occurring at
10 different times of the day. And that's one thing
11 with parking, is the parking demand is a function
12 of the turn over of the space and when that demand
13 is needed. So, if you have all retail in a
14 shopping center, the parking is all going to
15 occur, generally, in that same time frame. But
16 when you mix in restaurants and you mix in a
17 theater, and you mix in maybe a fitness center,
18 those peaks don't all occur in the middle of the
19 day. And the way that we examine that, the
20 temporal variation, the way we examine that --
21 excuse me, is by doing what is a shared parking
22 analysis. Because a shared parking analysis takes
23 into consideration the different uses that you
24 have, and how those uses vary during the day,
25 during different hours of the day. And that was

1 contained in our original traffic report in
2 appendix 5. And what we also, because there has
3 been discussion, there is no commitment or
4 anything, but we looked at and said, well, what if
5 we had a fitness center in this shopping center,
6 what would a fitness center do to the parking
7 demand.

8 Now, in our original traffic report,
9 with a shared parking analysis, during the
10 weekday, we had a surplus of 62 parking spaces at
11 1 o'clock. On a Saturday we had a surplus of 45
12 spaces at 12 o'clock.

13 Now, in our August report or
14 response to Atlantic Traffic, we did another one,
15 with a 30,000 square foot fitness center. Because
16 the fitness center peaks either -- really peaks in
17 the late afternoon, we end up with a surplus of 76
18 spaces on a weekday, as opposed to 62. And on a
19 Saturday we have a surplus of 57 versus the 45.
20 So, actually taking general retail space out of
21 the center, and putting in a fitness center helps
22 your parking. And, you know --

23 MR. BASRALIAN: Isn't there a
24 fitness center, isn't the early morning hours of
25 time, and that's most utilized and phase out for

1 the day, is that what you're saying?

2 MR. KELLER: There is a peak in the
3 morning but it's also in the afternoon as well.
4 And that's what the, you know, some people are
5 morning people. Other people are afternoon
6 people.

7 CHAIR LIGNOS: But Mr. Keller, you
8 yourself said that different uses have different
9 peaks. And since we don't really know what the
10 uses are going to be, it's really hard to figure
11 out those peaks, right? I mean --

12 MR. KELLER: No, no, no, no, when I
13 say different uses, I'm talking about retail. And
14 retail is a supermarket. It's a jewelry store.
15 It's a, you know, anything selling a product falls
16 into that retail group. And that's what has been
17 studied. And that's what the ULI and ITE look at.

18 Now, they have separate categories
19 for restaurants and theaters and fitness centers.
20 And, you know, other uses as well. Because they
21 are different in their parking demand during the
22 day. But retail, on a broad base --

23 CHAIR LIGNOS: So, when you did
24 these numbers you used what?

25 MR. KELLER: We used --

1 CHAIR LIGNOS: You used 20,000
2 square feet of restaurant.

3 MR. KELLER: Correct.

4 CHAIR LIGNOS: You used our
5 theaters, because our theaters are existing.

6 MR. KELLER: Correct. We used the
7 bank. Because the bank is there.

8 CHAIR LIGNOS: The bank is existing.

9 MR. KELLER: Correct. And we used
10 retail.

11 CHAIR LIGNOS: And you used the
12 whole rest as retail.

13 MR. KELLER: Right because that's
14 what --

15 CHAIR LIGNOS: So, no medical
16 facility, because that would generate additional
17 parking, right? Kind of like a mergi center or
18 something like that. That's not there.

19 MR. KELLER: The medical, you know,
20 if it was there, would be -- would be even during
21 the day. It would drop off. It would most likely
22 wouldn't have any usage on the weekends. And
23 that's really when your peak demands are.

24 CHAIR LIGNOS: Like a mergi center.
25 Like a -- because you don't know when they show

1 up. You know, emergencies happen 24/7. But --
2 but -- so, for purposes of me understanding how
3 these numbers were generated, the whole center,
4 other than 20,000, which was restaurant, was
5 calculated as retail.

6 MR. KELLER: No, no, no, no. We had
7 20,000 retail. We had --

8 CHAIR LIGNOS: 20,000 are
9 restaurants.

10 MR. KELLER: Yeah, thank you.
11 20,000 of restaurants. 3,000 for a bank.
12 Theater, it's 8,500 square feet. But we do it on
13 seats. There's 371 seats in the theater. So, we
14 take out the 8,500. Retail comes out to just
15 under a 183,000 square feet of space. And this is
16 including the 6,000 square feet. Because when I
17 look -- when I want to do a shared parking
18 analysis, nobody out there is going to know where
19 that line on the ground is for the lot between the
20 two. So, you know, if I take out the 6,000 it's
21 176,000 and change. So --

22 Now, when I did in the August 16th
23 response, we reduced the retail space by 30,000
24 square feet to account for a fitness center.

25 CHAIR LIGNOS: Okay.

1 MR. KELLER: So, that's how we do
2 it.

3 So, in summary, I believe that the
4 amount of parking that we're providing for the
5 center, the 820 spaces for 208,000 square feet, at
6 a ratio of 3.94, is appropriate. It's sufficient
7 to serve the needs of this center. And that the
8 waiver from the borough code for the number of
9 spaces that would otherwise be required is
10 supportable and is appropriate.

11 MR. BASRALIAN: You keep mentioning
12 the ratio. And I think in your discussions you
13 indicated that in order to achieve 4 per thousand
14 you would have to add 13 more parking spaces to
15 the totality of the site, is that correct?

16 MR. KELLER: That's correct. That's
17 correct.

18 MR. BASRALIAN: So, if you added 13
19 more spaces to get to 4 per thousand for the
20 shopping center, including the 6,000 retail, okay,
21 maximum retail, in order to do so, you would have
22 to do what?

23 MR. KELLER: We'd need to have less
24 landscaping to get those additional 13 spaces.

25 MR. BASRALIAN: But if we wanted to

1 get to a numerical number of 4.0 you can do that
2 is what I'm saying, correct?

3 MR. KELLER: Yeah. Yeah. We could
4 get to that.

5 CHAIR LIGNOS: By the way you could
6 also leave the landscaping and reduce building.
7 In case you're wondering.

8 MR. BASRALIAN: The application --
9 the application -- the application is not to do
10 that. The application is what it is. The point
11 of the matter is your own, you know, your
12 consultants, you know, said, well, it should be
13 4.0 and I'm saying, well, if you add 13 spaces
14 you're at 4.0, so, you know, it's a numerical
15 number, but the important part of it, is,
16 Mr. Keller's testimony, you have to look at
17 capacity, not the number of parking spaces.

18 MR. KELLER: Right. You know, we
19 also have a couple of design waivers and some
20 other issues that were raised by the board's
21 professional. The parking space size that we're
22 proposing, is 9 X 18. It's generally -- I mean is
23 the accepted industry standard. It fits the
24 vehicle fleet. We do have 119 spaces. Federally
25 along Vervalen and where there's a two foot

1 overhang, where those spaces are actually 16 feet
2 of pavement and 2 feet of overhang. I've seen
3 that. We did that at Short Hills mall. It's been
4 done elsewhere. We still have a usable effective
5 space. And you keep the green space with it.
6 Because those spaces at the fringe are the ones
7 that are used only at the peak times. So, for the
8 most part those are used infrequently.

9 Another one, drive aisle width. We
10 are proposing 24 feet within the parking bays,
11 which, again, is a standard. 9 X 18 spaces with
12 24 foot aisles are very common. That's what we
13 use. Along the frontage of the store and other
14 main aisles we're using 26 feet. Obviously the
15 main driveway is in front of the Whole Foods that
16 goes out to Vervalen. It's wider where we widen
17 out to get a separate left turn/right turn lane at
18 Vervalen.

19 Mr. DeNicola had raised a question
20 as to whether or not it would be appropriate to
21 put stop signs at the end of each of the parking
22 bays within the parking lot. I don't feel that
23 it's necessary or appropriate. You're within a
24 parking lot. You know that as you travel along,
25 and you get to the end where the end aisles are,

1 you need to stop. What we've shown on the site
2 plans, we have put a stop bar and a single yellow
3 line, just to demarcate the fact that you've
4 reached the end, or you're approaching the -- the
5 main drive aisle.

6 I think putting up stop signs, it's
7 a visual clutter. It's a maintenance issue. And
8 it just is not necessary within a shopping center.

9 CHAIR LIGNOS: And if you'd confirm,
10 because the civil engineer, I think testified to
11 it, there are the hairpin parking spaces, correct?

12 MR. DENICOLA: Yeah, all the
13 striping I think is hair pin. It's on the plans.

14 MR. KELLER: I believe that's what
15 he testified to.

16 CHAIR LIGNOS: That's what he
17 testified to.

18 MR. BASRALIAN: That's what he
19 testified to. Well, the stop bars he's talking
20 about are at the end of each aisle as
21 distinguished from the hairpins. Yeah, okay. I
22 missed the seg-way so I was just clarifying it for
23 myself.

24 MR. NYFENGER: There are no stop
25 signs within -- within the lot?

1 MR. KELLER: Not entirely. But what
2 I'm saying, is that every one of these parking
3 spaces at either end, you don't need a stop sign
4 to say, hey, I've reached the front of the -- I'm
5 at the main drive aisle, I need to stop.

6 MR. NYFENGER: Correct. What about
7 that main?

8 MR. KELLER: Now, we have a stop
9 sign here. There's a stop on -- you can see it.

10 MR. BASRALIAN: Exhibit -- just
11 reference the exhibit, please.

12 MR. KELLER: A-12. Where this drive
13 aisle comes out to the main drive, there is a stop
14 sign here. Obviously, there's a -- a stop sign at
15 Vervalen. There's a stop sign here. There's a
16 stop sign on Homans driveway. On the east
17 driveway at Homans, those main --

18 MR. NYFENGER: What about that
19 intersection at the current front corner of
20 K-mart?

21 MR. KELLER: At Campbell. I need to
22 check that.

23 MR. NYFENGER: Yeah. Because that's
24 a blind spot currently.

25 MR. DENICOLA: Yeah, there is a stop

1 sign.

2 MR. NYFENGER: There is?

3 MR. DENICOLA: I think there is.

4 MR. BASRALIAN: It's coming back
5 though, the building.

6 MR. NYFENGER: Oh, true.

7 MR. KELLER: Let me look at the
8 phase II.

9 MR. NYFENGER: Well, you need
10 something there. Because people come like that or
11 like that.

12 MR. DIDIO: In only? Campbell in
13 only?

14 MR. BASRALIAN: Yeah, but what --

15 MR. KELLER: Campbell is two way.

16 MR. BASRALIAN: Campbell is two way.

17 MR. DIDIO: Okay. Coming in from
18 Homans.

19 MR. BASRALIAN: It's the driveway
20 that's immediately adjacent to the current K-mart,
21 that we convert to one way. But, remember, the
22 K-mart is being pulled back substantially and so
23 you change a lot of the visual effects.

24 MR. NYFENGER: Even if that was a
25 stop coming in that would satisfy.

1 MR. KELLER: Today, today there's a
2 stop sign when you come in Campbell into the
3 shopping center. We're adding a stop sign on the
4 way out. Coming along the front of the store
5 there is a stop sign there. There's a stop sign
6 as you come down from Homans and there's a stop
7 sign -- this is the only parking bay where we put
8 one, because it's -- I'm sorry, it's an all way
9 stop. So, each leg of this intersection stops.
10 So, that's the one parking bay where we have a
11 stop sign.

12 Now, and, again, Atlantic Traffic
13 raised the point, and I wasn't clear as to what
14 they necessarily asked for. We're providing a
15 single yellow line in each of the parking bays,
16 really just as a marker, as a definition. If this
17 was a public street we would have to use a double
18 yellow line. And we're using double yellow lines
19 on the main driveways. But we don't feel it's
20 necessary or appropriate to do that in each of the
21 parking bays. We're just going to put a yellow
22 line just to kind of give an indication that this
23 is the inbound. This is the outbound lane. And
24 we have a stop bar at that location.

25 MR. NYFENGER: Technically you can't

1 -- you're not supposed to cross a double yellow
2 line.

3 MR. KELLER: No. You can cross a
4 double yellow line if you're making a left turn
5 out of a minor street on to a major road. They
6 don't -- they don't make breaks at every driveway
7 and in this case you're not going to make a break
8 at every parking bay because you'd have 20 feet of
9 double. You know, so you can't, if you're
10 traveling longitudinally you can't cross the
11 double yellow line to pass somebody, but you can
12 to make a turn if you're coming from the side.

13 MR. BASRALIAN: Boswell letter.

14 MR. KELLER: Yes, another --
15 Mr. DeNicola raised a point about adding another
16 speed table in front of retail F. And after some
17 examination of the grades and the light out, we're
18 going to provide another speed table right where
19 the center handicap parking spaces are. And then
20 the transition will be beyond the handicap spaces
21 and back down.

22 Now, this leads right into a
23 question that Atlantic Traffic raised, or concern.
24 All of these speed tables are concrete. The
25 shopping center driveways and parking lots are all

1 asphalted. So, there is a very clear cut
2 demarcation between, here is a speed table, and
3 here is a parking lot. Now, the speed tables in
4 this setting, they referenced MUTCD guideline,
5 manual and uniform traffic control devices. The
6 MUTCD only deals with striping for speed humps,
7 speed tables. The ITE has actually published a
8 recommended guideline for the design of speed
9 humps and speed tables. That design guideline is
10 for residential streets. Where this really came
11 up was controlling traffic to residential streets
12 that either was speeding or should have been there
13 and you needed to control that. So, the design of
14 the speed tables in this shopping center are
15 different. And we are designing it to different
16 standards than you would on a residential street.
17 I've designed them on a lot of different
18 residential streets. And what you're trying to
19 do, is, you get people to travel the posted
20 25 miles an hour. Well, the design of a shopping
21 center, you don't want people doing 25 miles an
22 hour. Especially along the store fronts. Because
23 you have that interface between the people walking
24 from their cars to the front of the store. And
25 it's a shopping center like this, you have your

1 flow of vehicles around the front of the store.
2 So, you want to create a compromise between
3 vehicular movement and pedestrian movement. In
4 this case you -- we want the speed table to be at
5 the level of the sidewalk. So, when you are
6 coming out of the store there's that smooth
7 transition. There's not a drop. And not that,
8 you know, at lot of other, you know, retail stores
9 and whatever you have, your typical accessible
10 ramp in front. There's nothing wrong with that.
11 But that's not the design approach that we wanted
12 to do here, and that Edens wants to build, and
13 have for their center. So, these speed tables are
14 at the height of the sidewalk, and they pitch out
15 from the driveway so the ramps are somewhat
16 steeper than if I was designing this for a public
17 street. But I'm also designing a different speed.
18 I want to have people traveling at 10 to 15 miles
19 an hour in these areas because I believe areas of
20 concentrated pedestrian traffic. So, while I
21 understand the point that Atlantic Traffic is
22 trying to make, I don't think it's appropriate for
23 a shopping center is what we've designed I believe
24 is. And it better controls traffic and provides
25 appropriate path for pedestrians to get in.

1 MR. BASRALIAN: Let me ask you a
2 question to make sure I understand it. The
3 differentiation is visible to the driver because
4 it's a raised concrete?

5 MR. KELLER: Well, concrete is a
6 whitish gray. It's going to stand out from black.

7 MR. BASRALIAN: The distinction is
8 the color differential alerts --

9 MR. KELLER: The motorist.

10 MR. BASRALIAN: The motorist to the
11 differential.

12 MR. KELLER: Yeah, absolutely.

13 MR. BASRALIAN: And did I understand
14 you correctly to say that the MUTCD guidelines,
15 which Atlantic Traffic referenced in its September
16 17th letter, really relates to residential streets
17 and not to shopping centers?

18 MR. KELLER: Yeah. The MUTCD talks
19 about striping and signage on a residential
20 street. Because that's where a lot of these are
21 being installed.

22 MR. BASRALIAN: And in your opinion
23 that's not applicable to a shopping center, given
24 the design that's being proposed for the speed
25 bumps, is that correct?

1 MR. KELLER: That's correct.

2 MR. BASRALIAN: Thank you.

3 MR. DENICOLA: Is there a certain
4 standard you use to guide your design in this
5 particular circumstance?

6 MR. KELLER: There's no published
7 data on this. But we have done this in other --
8 in other shopping centers. And, you know I --

9 MR. DENICOLA: I guess it's the
10 height of it, is that what --

11 MR. KELLER: Yeah. Because normally
12 you're only coming up three inches.

13 MR. DENICOLA: Three or four,
14 right?

15 MR. KELLER: Three or four. Because
16 you're trying to maintain 25 miles an hour.

17 MR. DENICOLA: Right.

18 MR. KELLER: Well, here we want to
19 bring it up to the level of the sidewalk which is
20 6 inches. We're also designing to a much slower
21 speed so that it's an appropriate transition --
22 transition from the parking lot up to the speed
23 table and then back down.

24 MR. DENICOLA: Couldn't you just
25 taper the sidewalk area down by two inches over,

1 you know, over ten feet? If you do the math.

2 MR. KELLER: It's -- physically,
3 yes, you could, but that's not what we want to do.

4 MR. DENICOLA: How about the other
5 end of the speed humps, obviously if it's meeting
6 the six inches of the curb height, on the other
7 end of the speed hump or speed table.

8 MR. KELLER: Well, either side it
9 ramps up to the same six inches.

10 MR. DENICOLA: Right. You're
11 talking about going in traffic. I'm talking about
12 people walking on it or the other side, the other
13 end of it. What's going on at the other end of
14 it, away from the sidewalk, the opposite end of
15 the sidewalk.

16 MR. MADDALONI: How does it slope
17 off?

18 MR. DENICOLA: Yeah.

19 MR. KELLER: It slopes back down.
20 Now, the other thing too is --

21 MR. DENICOLA: What kind of rate?

22 MR. KELLER: The parking lot is also
23 sloping. So, the transition is not as great in
24 that direction. Because we're sloping out and the
25 parking lot is sloping in. So, it's not --

1 MR. DENICOLA: Because some of these
2 are used by pedestrians, right, pedestrians are on
3 these?

4 MR. KELLER: Yes.

5 MR. DENICOLA: You need to make them
6 ADA acceptable. You can't just have it slope down
7 on the opposite end. It has to be, you know,
8 whatever the slope is.

9 MR. KELLER: Well --

10 MR. DENICOLA: For ADA purposes,
11 5 percent maximum.

12 CHAIR LIGNOS: Well, it's cross
13 slope actually.

14 MR. DENICOLA: No, it slopes in the
15 direction of travel, and they are going on top of
16 these speed tables.

17 MR. KELLER: The only place -- the
18 two places where we have that, is in front of
19 retail B and retail A.

20 MR. DENICOLA: Right.

21 MR. KELLER: We'll double check, but
22 I'm sure that the grades in that area are no more
23 than 2 percent where the slope is.

24 MR. DENICOLA: Okay.

25 MR. MADDALONI: You said you're

1 going to add another one?

2 MR. KELLER: Well, yeah, that's in
3 front of retail F. But in this place the handicap
4 parking spaces are up against the store fronts.
5 So, they are on an area that we're not changing
6 the longitudinal grade. In this area we are just
7 raising it simply from where it is. The whole
8 thing comes out. So, the accessible route is on
9 that -- they're on the speed table. So, they
10 actually end up with a flatter. They don't have a
11 ramp from the space up to the sidewalk. They are
12 all right at the sidewalk level.

13 MS. AMITAI: So, the concrete, does
14 that make it more susceptible to ice conditions?

15 MR. KELLER: No, no, no, you have
16 the same -- the same, you know, maintenance
17 activity of salting it.

18 MAYOR HEYMANN: Black ice.

19 MR. KELLER: And it's all sloped
20 appropriately so that, you know, it will, you
21 know, drain off. But you can, you know, they have
22 to treat the concrete so that the salt doesn't
23 damage it. But that's all part of the
24 construction procedures.

25 MR. DENICOLA: So, is there going to

1 be proper signage? Will there be signage for
2 these speed tables? Or just striping for them?
3 Or no striping? Or no signage or just be there by
4 themselves?

5 MR. KELLER: Right. Because -- I
6 mean there's a -- there's a significant color, you
7 know, differentiation with that.

8 MR. DENICOLA: Of course.

9 MR. KELLER: The shopping center is
10 illuminated and the concrete is going to reflect
11 more light because it's white or whiter, and even
12 at night, with the parking, it's right, you know,
13 they are all up against the storefronts. It's
14 probably of any place the brightest area of the
15 site.

16 MR. DENICOLA: How about emergency
17 vehicles? I mean if you get a possible problem.
18 That's all.

19 CHAIR LIGNOS: Fire engines.

20 MR. KELLER: They certainly can
21 traverse it. But, again, they would also have
22 to -- they're not going to be driving 30 miles an
23 hour down this driveway across the storefronts to
24 get, you know, and go over those. I mean it's
25 always an issue. You know, I think it's certainly

1 a greater issue on a public street when they are
2 trying to get to somebody's home, or whatever, and
3 they're traveling a distance, and they have to go
4 over these. They are certainly traversable.

5 MS. AMITAI: How long is that slope
6 from the height of a 6-inch. My car is very low
7 to the ground. Am I going to scrape my bumper?

8 MR. KELLER: No. They are not --

9 MR. NYFENGER: Chairman, it's kind
10 of separate to this, but does anybody know why
11 they removed the speed bump in the circle at
12 Hillside school? They removed the speed bump. Is
13 there any -- does anybody know? I am just
14 curious, why they would do something like that.

15 CHAIR LIGNOS: Let's not do that.

16 MR. NYFENGER: Any relevance to the
17 world of that?

18 CHAIR LIGNOS: I want to try --

19 MR. BASRALIAN: We're almost done
20 with direct.

21 MAYOR HEYMANN: Our police
22 department does not favor speed bumps.

23 MR. BASRALIAN: We are talking about
24 public roadways I presume, rather than a parking
25 lot to the shopping center. There's a distinction

1 between them.

2 CHAIR LIGNOS: This happens to be in
3 a parking lot right in the school.

4 MR. NYFENGER: It's the drive-thru
5 at the Hillside school. I am only bringing it up
6 because it's a curious thing in the context of
7 what we are talking about.

8 CHAIR LIGNOS: Let's -- let's stay
9 with what we're talking about, the testimony.

10 MAYOR HEYMANN: The high school has
11 them.

12 MR. KELLER: Just to put it in
13 perspective, the slope of the -- up to the speed
14 table is a little over 6 percent. Where as a
15 handicap ramp is 8 percent. A driveway apron is 8
16 percent. So, this is flatter than a driveway
17 apron. So, it's certainly traversable. You know,
18 if you're doing 30 and you hit it with, you know,
19 your low car, you might scrape that front air damn
20 on there a little bit.

21 MR. PIALTOS: Are you driving a
22 Ferrari?

23 MR. BASRALIAN: Mr. Lignos, I don't
24 have any further questions on direct at this
25 point.

1 MR. DENICOLA: I have a couple
2 questions real quick. It's on the same subject.
3 With regard to the striping about the stop signs
4 and what not. I guess stop bars. What about like
5 snow conditions and stuff like that? I'm not
6 talking about the people that go there everyday.
7 I am just talking about people that go to the
8 mall, you know, once in awhile during the winter.

9 MR. KELLER: I mean in the -- at the
10 end of the parking space, I mean even with the
11 snow on the ground or whatever, you still know
12 you're you've gotten to the end of the aisle. And
13 maybe you can't see the striping there but I don't
14 think you need a stop sign to remind you that you
15 should stop at that location where you're along
16 the main drive aisle where, you know, you have a
17 more major "intersection" within the center.
18 Absolutely. We have stop signs in those
19 locations. But to put it at the end of the
20 parking bay, I just, you know, for that short
21 period of time when there might be snow covering
22 the striping, if, you know, I don't think it's
23 necessary.

24 MR. MADDALONI: I hope they will
25 have adequate snow removal so it wouldn't be a

1 long-term problem.

2 CHAIR LIGNOS: That's it?

3 MR. BASRALIAN: Retail merchants do
4 a pretty good job in their shopping centers to
5 remove snow very, very quickly. And as a --

6 MR. DENICOLA: I hope so.

7 MR. BASRALIAN: -- as, you know, as
8 a closing statement, if there aren't any more
9 questions, the truth of the matter is most of us
10 have been to shopping centers we know when we're
11 at the end of an aisle whether it's a stop sign or
12 not, you got to slow down. You have to look in
13 both directions. And to create a bunch of signs
14 just to put a stop sign to remind people who
15 haven't visited that particular center that they
16 have to stop, just seems to be, in a personal
17 opinion beyond what is necessary for people to
18 properly exercise discretion and caution within a
19 shopping -- within any parking lot.

20 MS. AMITAI: I suppose you could
21 print it on the ground. I have seen that, stop,
22 on the ground.

23 CHAIR LIGNOS: Haven't you, tell you
24 what you have seen or not seen. Okay. It is
25 three minutes to eleven. So, let's just do re

1 cap. In eight days on the 10th you'll have your
2 planner here. And Mr. Roncati. Eight o'clock.
3 Planner here 8:30.

4 MR. BASRALIAN: Finish up the four
5 questions, right.

6 CHAIR LIGNOS: The following will be
7 your, back to traffic. This time we'll have
8 our -- the board will have their traffic
9 consultant. This way if they have any questions,
10 he has any questions, can be addressed, and you'll
11 bring back the landscape architect at that time.

12 MS. AMITAI: On the 10th we have
13 traffic and landscape?

14 CHAIR LIGNOS: Correct. And then --

15 MR. BASRALIAN: The 22st --

16 CHAIR LIGNOS: 21st, now, you'll
17 wrap, I guess.

18 MR. BASRALIAN: I propose to be
19 concluded before then. So, if Mr. Segreto has a
20 witness, they would be appropriate to start that
21 day.

22 CHAIR LIGNOS: Okay. Mr. Segreto,
23 if, obviously, we finish up on the 17th, if you
24 can kindly have your witnesses prepared for the
25 21st, that would be great. And we'll know as we

1 get closer to the date.

2 Is there anything else? I think --

3 MR. BASRALIAN: Yes, I do. I would
4 like, if possible, for the chair to announce that
5 the next meeting is on the 10th. But there is a
6 meeting on the 17th and a meeting on the 21st, all
7 of which will commence at 8 o'clock.

8 CHAIR LIGNOS: Didn't I just do
9 that?

10 MR. BASRALIAN: No, but I just --
11 no, but the official announcement that this is
12 carried to the next meeting and so on and so
13 forth.

14 CHAIR LIGNOS: For the record, this
15 application is now carried to the 10th at 8
16 o'clock. Following that there will be a meeting
17 on the 17th beginning at 8 and following that on
18 the 21st beginning at 8.

19 MR. BASRALIAN: Thank you very much.

20 CHAIR LIGNOS: Thank you all and
21 have a very good night. Meeting is adjourned.
22 Motion made by Dr. Maddaloni and seconded by
23 Mr. Sinowitz. All in favor?

24 THE BOARD: Aye.

25 CHAIR LIGNOS: I see no objection.

1 Therefore, this meeting is adjourned at 10:59.

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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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