

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of Special Meeting
October 21st, 2013
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Special Meeting
Monday,
October 21st, 2013

Mr. Lignos, Chairman called the Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Monday, October 21st, 2013 in the Council Chambers of the Borough Hall to order at 8:01PM. 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
Mr. DiDio
Mr. Paltos-8:07PM
Ms. Stella- (alt # 1)
Mr. Nyfenger- (alt # 2)
Mr. Weiner, Acting Board Attorney
Mr. DeNicola, Board Engineer
Paul Nyfenger, Acting Planning Board Coordinator

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

Dr. Maddaloni- Vice Chair
Mr. Baboo
Ms. Isacoff
Mr. Sinowitz
Mr. Chagaris- Board Attorney
Rose Mitchell, Planning Board Coordinator

Item # 1

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

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

***Refer to attached transcript.**

Motion was made by Mr. Nyfenger & seconded by Mr. DiDio to adjourn meeting. Meeting was adjourned at 9:25PM.

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

IN THE MATTER OF
The Application of:

TRANSCRIPT OF
PROCEEDINGS

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

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BOROUGH OF CLOSTER MUNICIPAL BUILDING
295 Closter Dock Road
Closter, New Jersey
October 21st, 2013
8:00 p.m., Volume XI

B E F O R E:

- PLANNING BOARD
- JOHN LIGNOS, CHAIRMAN
- SOPHIE HEYMANN, MAYOR
- VICTORIA RUTI AMITAI, COUNCILWOMAN
- IRENE STELLA, BOARD MEMBER
- ROBERT DI DIO, BOARD MEMBER
- DEAN PIALTOS, BOARD MEMBER (8:07)
- PAUL NYFENGER, BOARD MEMBER
- IRA WEINER, ESQ., BOARD ATTORNEY
- NICK DENICOLA, P.E., BOARD ENGINEER
- PAUL DEMAREST, BOARD SECRETARY

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

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

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

GINA M. LAMM, CSR/RPR, Court Reporter

Job No. NJ1746500

1 CHAIR LIGNOS: I call to order this
2 special meeting of the Borough of Closter, New
3 Jersey, being held on this day, Monday, October
4 the 21st, year 2013, in the council chambers of
5 the borough hall. This meeting has been duly
6 advertised in accordance with the Open Public
7 Meetings Act, the State of New Jersey.

8 It is commencing, according to our
9 computer, wow, 8:01 p.m. The planning board
10 adheres to a 12 o'clock midnight curfew. No new
11 matters will be considered after 11 p.m.

12 Please join the board in the pledge
13 of allegiance.

14 CHAIR LIGNOS: Thank you very much.
15 Paul, would you kindly take
16 attendance.

17 MR. DEMAREST: Sure. Mayor Heymann.

18 MAYOR HEYMANN: Here.

19 MR. DEMAREST: Councilwoman Amitai.

20 MS. AMITAI: Here.

21 MR. DEMAREST: Dr. Maddaloni. Mr.
22 Baboo. Ms. Stella.

23 MS. STELLA: Here.

24 MR. DEMAREST: Mr. Lignos.

25 CHAIR LIGNOS: Here.

1 MR. DEMAREST: Mr. Chagaris.

2 MR. WEINER: Ira Weiner here for Art
3 Chagaris.

4 MR. DEMAREST: Mr. DeNicola.

5 MR. DENICOLA: Here.

6 MR. DEMAREST: Mr. Sinowitz. Mr.
7 DiDio.

8 MR. DIDIO: Here.

9 MR. DEMAREST: Ms. Isacoff.
10 Mr. Pialtos. Mr. Nyfenger.

11 MR. NYFENGER: Here.

12 CHAIR LIGNOS: Okay. Let the record
13 show that the board has not received, nor sent out
14 any correspondence regarding to the Closter Plaza
15 application.

16 Item 1 on our agenda this evening,
17 block -- and only item on our agenda this evening,
18 block 1601, lot 1, 19 Vervalen Street, application
19 P2013-03. The applicant is Closter Marketplace,
20 LLC., Centennial AME Zion Church. Mr. Basralian
21 is the attorney. This is a subdivision, site plan
22 and soil movement application, which was received
23 back in May the 16th, was deemed perfected, with
24 mentioned stipulations, on June the 5th work
25 session meeting. The application was continued

1 and received final perfection on June the 27th's
2 regular monthly meeting. Hearings have now taken
3 place on July the 11th, the 18th, August the 7th,
4 and 8th, the 29th, September the 12th, October the
5 2nd, the 10th and the 17th. And the application
6 will be continued this evening here on
7 October 21st, 2013 special meeting.

8 Mr. Basralian, welcome.

9 MR. BASRALIAN: Good evening.

10 MAYOR HEYMANN: Mr. Chairman.

11 CHAIR LIGNOS: Yes.

12 MAYOR HEYMANN: I think the 19th of
13 September was omitted from that list. So, you
14 might want to put it in.

15 MR. DENICOLA: That was the
16 cancelation I think. That was the cancelled
17 meeting.

18 CHAIR LIGNOS: That meeting was
19 cancelled.

20 MAYOR HEYMANN: No, the 26th was
21 cancelled.

22 CHAIR LIGNOS: Okay. Let me -- let
23 me find out exactly.

24 MS. AMITAI: We got an agenda for
25 that night.

1 MR. DENICOLA: We'll look into it.

2 MS. AMITAI: You mean we received an
3 agenda and then it was cancelled?

4 CHAIR LIGNOS: Yeah. Remember we
5 came here and there was --

6 MS. AMITAI: Oh, that's the night we
7 all sat here.

8 MR. DIDIO: And then we left.

9 MS. AMITAI: Because Mr. Basralian's
10 people couldn't come.

11 CHAIR LIGNOS: Something like that.
12 That was the 20 -- I think that was the --

13 MR. BASRALIAN: 19th.

14 MS. AMITAI: That must have been the
15 19th.

16 MR. BASRALIAN: Right.

17 CHAIR LIGNOS: Correct.

18 MAYOR HEYMANN: I'm sorry.

19 CHAIR LIGNOS: That's okay. I'm
20 glad you --

21 MS. AMITAI: Followed -- she's
22 reading every line.

23 CHAIR LIGNOS: Okay. So,
24 Mr. Basralian welcome. I think we left off. But
25 maybe you tell us where we left off.

1 MR. BASRALIAN: Yes, we had finished
2 with the board's traffic expert. And I said I was
3 going to recall Mr. Keller for certain questions
4 in rebuttal.

5 Mr. Keller is still under oath and
6 he is here as a rebuttal witness on certain
7 aspects of the testimony.

8 CHAIR LIGNOS: Okay.

9 MR. WEINER: Okay. I think
10 Mr. Basralian is correct in his recollection of
11 where we are. Just to let the board know, what
12 we're dealing with now, is just this rebuttal.
13 So, whatever he testifies now, everybody is free
14 to ask any questions about anything he testifies
15 tonight. This is not an opportunity to go back
16 and recross-examine or ask questions about things
17 that happened last time or the time before. So,
18 let's try, everybody, to restrict your questions
19 to whatever information that Mr. Keller is going
20 to testify to this evening.

21 MR. BASRALIAN: Thank you.

22 EXAMINATION BY MR. BASRALIAN:

23 Q Mr. Keller, you're called as a
24 rebuttal witness and I want to go over one or two
25 items with you.

1 A Sure.

2 Q My question is: What was the basis
3 of your determination regarding adequacy of the
4 parking proposed for the Closter Plaza, and what
5 studies did you undertake in making that
6 determination?

7 A Well, there were a number of steps
8 involved in the evaluation of the parking. First
9 off, you know, we obviously looked at the site as
10 it exists today, and recognized that we have less
11 parking than is desirable. We also have a parking
12 system that's inefficient. So, our first goal is
13 working with the applicant on re-purposing,
14 rehabilitating the center, was to look at the
15 site. And, you know, improve the efficiency, and
16 come up with the most efficient parking layout
17 that we could. You know, today there is 720
18 parking -- 720 parking spaces that serve 211 -- a
19 little over 211,000 square feet. The ratio of, I
20 believe, 3.4. We've increased the parking on the
21 site. Just -- the site, as it exists, you know,
22 the application that's before you. We're not
23 talking about the subdivided lot. We're just
24 talking about the main lot where the shopping
25 center is.

1 CHAIR LIGNOS: Excuse me,
2 Mr. Keller, I just want the record to note that
3 Mr. Pialtos joined the board at 8:0 -- 8:07.
4 Thank you. I'm sorry. Please continue.

5 MR. KELLER: Sure.

6 A So, we now have 820 parking spaces, an
7 increase of 100 spaces over what exists today.
8 And the application before you is actually a
9 reduction in the square footage of the shopping
10 center, down to 208,337 square feet. Gets us to
11 the ratio of 3.96. So, there's an increase in
12 parking by 100 spaces. And a reduction in the
13 square footage of the center by approximately
14 3,000 square feet.

15 We then examined the parking. We
16 researched, ITE, ULI, the ENAL foundation, a whole
17 series of industry publications, that we utilize
18 as traffic engineers when we look at parking. We
19 also reviewed the ULI study on shared parking.
20 Because on this, we recognize that we have an
21 existing cinema. We have existing restaurants.
22 And a basis of this application is that there's a
23 maximum of 20,000 square feet of restaurant space
24 that could exist within the center, in addition to
25 the cinema, which puts us at roughly 13 percent of

1 entertainment, cinema, restaurant space, within
2 the center.

3 And we all recognize that restaurants
4 have -- and cinemas have different parking demands
5 by hour of the day then retail does. And I just
6 want to spend a little bit of time on the shared
7 parking that was contained in our traffic report
8 dated April 26th. And this is contained in
9 appendix 5 of the report. And what we've done,
10 is, we have restaurant, we have drive-in bank,
11 because we have a stand-alone bank, retail, and
12 then theaters. And in looking at the table, and
13 we did this for both weekday and for Saturday.
14 Starting with weekday the restaurants peak at
15 lunch time. There is also a secondary peak at the
16 dinner hour, which makes sense. People are going
17 to eat. So, there's a peak in the midday period,
18 and then a smaller peak in the early evening.
19 Banks peak in the middle of the day, as does the
20 retail. It builds up in the morning from the low
21 numbers, to the peak, in the 12 to 2 period. And
22 then it drops off as the day wears down, is what I
23 testified to, I believe the first night. When
24 retail peaks between, 12 and 3, the theater really
25 does not start to see any activity until the early

1 afternoon. And then it peaks after 8 o'clock at
2 night. So, you have some percentage of the
3 shopping center that's really generating very
4 little parking demand in the middle of the day
5 with the theaters.

6 We look at the total, and our parking
7 analysis, we did include a 6,000 square foot
8 building on that subdivided lot. And that it
9 would be parked at the same ratio as the overall
10 center. And what we found, with that, was that
11 with all that demand, with all the different land
12 uses, the point at which we have the lowest amount
13 of parking available, and there's still parking
14 available, is in the 1 to 2 o'clock hour; we have
15 62 spaces that are available, which is 7 percent
16 of the total on the whole site. Saturday,
17 using -- following the same process, again, the
18 restaurants peak midday and evening. The bank
19 peaks at a lower volume than the weekday peak.
20 But, again, peaks in the early afternoon, late
21 morning. The retail peaks a little bit earlier.
22 It -- between -- no, I'm sorry, same time; around
23 12 to 3. And the cinema peaks into the evening.
24 And what we found there, was at between 12 and 1
25 we had 45 spaces available on-site, which is the

1 lowest amount of surplus that would exist. And
2 that's 5 percent of the total parking supply.

3 Now, one thing to remember with parking
4 occupancy, is that it's not a static event. It
5 changes. It's dynamic. There's constantly people
6 that are leaving the stores, going to their cars,
7 getting in and pulling out, while there's other
8 people coming in. So, while at the peak time,
9 while there may not be a space immediately
10 available, or is not apparently available, as
11 people circulate through the lot, they do become
12 available. Now we're saying, here, that without
13 it -- without any of that activity there's still
14 between 45 and 60 available on a minimum. The
15 literature, when you're looking at, if we go out
16 and did a parking study and found X number of
17 spaces, the peak demand was X number of spaces,
18 they talk about, is, you should design in a safety
19 factor between 5 and 10 percent to account for
20 un-parking activities, turn-over of parking
21 spaces, minimizing circulation through the lot.
22 Our design has that. We have between 5 and
23 7 percent.

24 In our supplemental study that we
25 submitted in August, we looked at this, what if a

1 fitness center was part of the mix in this center.
2 And, actually, introducing a fitness center frees
3 up parking during the midday period because the
4 fitness center isn't heavily used in the middle of
5 the day. It's used early in the morning. And,
6 generally, the peak that we found, from our own
7 studies, and what the literature says, is later in
8 the afternoon. And, in the later in the afternoon
9 the retail is already dropping off. I mean it's
10 still used, but it's not used at the same level of
11 activity as occurs in the middle of the day. So,
12 having a fitness center actually increases the
13 surplus to what we determined was the surplus. It
14 would be 76 on a weekday. Up from 62. And that's
15 9 percent of the available supply. And on a
16 Saturday, it would increase to 57 or 7 percent of
17 the supply, as opposed to 45.

18 So, we've looked at this in a number of
19 different ways. And I've been doing this a long
20 time. I've studied a lot of different shopping
21 centers. And the parking that we've provided, the
22 parking layout I think is more than adequate and
23 will serve this center, the tenants and the
24 customers very well.

25 Now, I do want to touch on the ULI study

1 because we've talked about that a lot. Myself,
2 Mr. Chase, and, you know, I remember when the 1980
3 study came out, and then this one, which came out
4 in 1999, and it's been a long time, because I've
5 used it on a regular basis. I haven't really read
6 all the different pages. So, I decided not to
7 watch football because the Giants were on tonight,
8 and didn't really much care. So, I read this
9 yesterday, in a lot more detail than I have in a
10 long time.

11 MR. WEINER: It's a pretty good
12 thing I'm not voting.

13 MR. BASRALIAN: We assumed you were
14 a Jet fan. That's all.

15 CHAIR LIGNOS: Just for the record,
16 it was an important game yesterday. But keep
17 going. Which you missed.

18 MR. KELLER: Yeah, I did. I did.
19 I'm missing an important game --

20 CHAIR LIGNOS: I'm not so sure about
21 that.

22 MR. KELLER: Well, look, when you're
23 0 and 6, yeah anything is important. Anyhow, one
24 of the things -- this study, the ULI study,
25 parking requirements for shopping centers, was

1 based on data that was collected during the
2 Christmas season of 1998. So, the data in here,
3 and the recommendations in here, are based on the
4 absolute peak time. And what they said, for
5 community shopping centers, was, a ratio of 4.0.
6 Now, we're 13 spaces short of 4.0. Now, honestly
7 13 spaces out of 844 spaces is a percent and a
8 half. And what that means, is not that that's not
9 parking available, that there's not enough for the
10 customers, for the employees, and this happens in
11 any shopping center at any time, is that it may
12 take that person a little bit longer to circulate
13 through the lot and find that parking space that
14 they want or that is open.

15 You all go shopping. I go shopping.
16 And you see people that have to have that space up
17 close to the store. And they sit and wait for
18 somebody to pull out of that space so they can get
19 that one. In the meantime, I've parked 6, 8
20 spaces back, I walk by them and they're still
21 waiting for that space. It's not that there's not
22 space available in the center. It's that it's not
23 right exactly where you want it to be.

24 With any shopping center, as the lot
25 fills, the spaces that are available generally, or

1 the greater majority of those spaces that are
2 available, are further away from the store. Now,
3 during peak times, retailers will direct their
4 employees to park further out. Now, there's
5 nothing that enforces that. It's only, you know,
6 you can tell an employee, you have to park there.
7 They don't. But that -- what that does, is,
8 during those peak times, is keep the available
9 spaces closer to the store, or the majority of the
10 spaces closer to the store.

11 So, 13 spaces short, I think that
12 it's a number. It's not a hard and fast number.
13 There's nothing that says, park, you have to have
14 4.0 or, you know, it fails. That's not the case.
15 And we also have to remember that this is at the
16 peak season, which is a limited number of days in
17 a limited number of hours. Even if you look at
18 the shared parking analysis; when does it peak.
19 It peaks in the middle of the day. You go an hour
20 or two earlier, or three, or an hour or two later,
21 or three, you have that much more parking. So, if
22 you shift, as little as a couple of hours, there's
23 plenty of parking. The 4.0 is the peak time.
24 It's in the peak hours in those peak days.

25 We also, you know, in developing the

1 layout of the parking lot, and how much spaces we
2 came up with, you know, we said what -- we needed
3 to reach a balance. I mean right now that parking
4 lot has essentially no landscaping in it. Nothing
5 in the front of that shopping center at all.
6 Except, you know, a couple of scattered trees.
7 And we only have 720 spaces. We looked at this
8 and we wanted to reach a balance between
9 maximizing the parking and providing landscaping.
10 Which, you know, we know is something that's
11 important. It improves the center. It improves
12 the esthetics of the center and it improves the
13 street appeal of the center. And it goes with the
14 architecture. So, we reached a balance of
15 landscaping and parking. Can we squeeze out a few
16 more spaces, absolutely. But some of that is
17 going to come out of landscaping. So, we felt
18 that we reached the appropriate balance with the
19 amount of parking for the center, with the
20 landscaping, and meeting the demands that the
21 industry guidelines say that we should provide.
22 And what my experience -- my 35 years of doing
23 parking and traffic studies has shown me over the
24 years, in a variety of centers, I think this is a
25 more than sufficient amount of parking for the

1 center. And it will adequate -- more than
2 adequately support the parking demands for this
3 center.

4 Q Thank you, Mr. Keller. In your
5 experience, is it typical for shopping centers of
6 this type, a community center, wherein the anchor
7 tenant, in this case, an anchor tenant that we all
8 know of, to have approval rights over the parking
9 in the center?

10 A Absolutely. I mean the anchors are what
11 makes a center successful. And the anchor tenant,
12 whether it's in a regional mall, or in a community
13 shopping center, such as this, has requirements,
14 has, you know, establishes a right to review the
15 site layout, as well as other factors in the
16 design, to meet their requirements. Absolutely.

17 Q Thank you.

18 MR. BASRALIAN: I don't have any
19 further questions of this witness at this time,
20 Mr. Lignos.

21 CHAIR LIGNOS: Okay. The way we're
22 going to do this, is, we're going to let the board
23 ask their final questions in regard to what
24 Mr. Keller just said, and then I'll open up the
25 meeting to the public, and then we'll go onto

1 whatever other witness you may have.

2 We'll begin with the mayor. Mayor,
3 any questions?

4 MAYOR HEYMANN: I will pass.

5 CHAIR LIGNOS: None. No questions.
6 Councilwoman.

7 MS. AMITAI: Pass.

8 CHAIR LIGNOS: Ms. Stella.

9 MS. STELLA: What happens when a
10 parking lot does fill up? What -- where does the
11 backup go? People line up out in the street to
12 get in or --

13 MR. KELLER: No. It's a very good
14 question. What happens is people circulate
15 through the lots. Because they're looking for a
16 space. There's always a space available at some
17 point. Because it's a constant flow of traffic.
18 People go into the store, which every one of the
19 stores that they're in, they're there for a period
20 of time, and then they come out. And that's --
21 it's finding that space that becomes available as
22 that person leaves and the next person comes in.
23 And that kind of goes along with what -- why we do
24 a shared parking analysis. Shared parking
25 analysis is two different uses that have different

1 temporal, hourly variations in when they seek a
2 demand. So, you can have -- that space can be
3 used by multiple people at different times of the
4 day -- or -- well, so that when one use is
5 peaking, and the other is lower, there's more
6 available space for that particular use than later
7 in the day. Like the cinema, they don't really
8 need anything at 2 o'clock in the afternoon,
9 except for maybe an employee coming in, or
10 whatever. At 8 o'clock, when the show starts,
11 that area is going to be full, while the
12 supermarket is less, or another retailer is less.
13 So, they're using those spaces multiple times for
14 multiple purposes.

15 CHAIR LIGNOS: Okay. Did that
16 answer your question?

17 MS. STELLA: Yes. To some extent.
18 There's no danger if it should back up to
19 emergency vehicles getting in and out?

20 MR. KELLER: No. They will -- they
21 will back up. Because they will be coming in the
22 various driveways around the site. And they'll be
23 circulating through the parking lot. It's part of
24 the flow of traffic. You wouldn't be able to
25 distinguish, unless you were watching a car, and

1 watching it go through the lot. From normal
2 un-parking and parking maneuvers, where those
3 people are traveling from whatever entrance they
4 came in, to their parking space and then back out,
5 they're traveling through the lot. The people who
6 are looking for a space, in those times when it's
7 very busy, are just part of the normal flow of
8 traffic within the parking lot. They're not --
9 we've designed the access -- it doesn't back up
10 into the street. Because we've designed the
11 entrance so that you can get into the site and not
12 be blocked by, you know, parking activities.

13 MS. STELLA: Okay.

14 CHAIR LIGNOS: Mr. Nyfenger.

15 MR. NYFENGER: I have no questions.

16 Thank you.

17 CHAIR LIGNOS: Mr. Pialtos.

18 MR. PIALTOS: No questions.

19 CHAIR LIGNOS: Mr. DiDio.

20 MR. DIDIO: Your scenario with
21 regard to the theater, the key times the
22 supermarket and gym, if it's a gym, but I'm not
23 going to exclude that from my question.

24 CHAIR LIGNOS: Well, it may be.

25 MR. DIDIO: All right. Okay. And a

1 restaurant. Hypothetically in theory it sounds
2 like it's going to work. But the reality, is,
3 there's matinees on Saturday. I take my children
4 to a matinee on Saturday. It's 3 o'clock in the
5 afternoon. The matinee gets out. I say to my
6 kids, let's stay at the shopping center, and let's
7 go over to have dinner and Rudy's, or whatever
8 restaurant is in there. So, now that parking spot
9 that I am in, instead of turning over on a regular
10 basis, is now being occupied for an extended
11 period of time.

12 Mr. Lignos is cooking dinner at
13 home. Oh, I need sour cream to make something.
14 Now he gets in his car, he shoots over to the
15 supermarket. That's another spot occupied.
16 Because that's a peak time, just before diner.
17 The restaurant is the peak time. The dinner hour.
18 The theater is now a matinee. That's a peak time.
19 So, in that scenario, you're eliminating the
20 number of parking spaces. How does that calculate
21 out in your plan?

22 MR. KELLER: Well, that's covered in
23 the shared parking analysis. Granted, on
24 Saturdays they have matinees. And that was
25 accounted for in the study. As far as on average,

1 how many, you know, the matinees are generally
2 lower attended than the evenings. You know, based
3 on --

4 MR. DIDIO: Not necessarily.

5 MR. KELLER: Even -- even -- you
6 know --

7 MR. DIDIO: Let's do peak. Let's do
8 matinee is peak. So, matinee is peak. Restaurant
9 is peak and supermarket is peak.

10 MR. KELLER: But at 3 o'clock when
11 the matinee is over and when you go over to Rudy's
12 for something to eat, that's not the peak time for
13 the restaurant. That's past lunch but before
14 dinner. So, you're taking advantage of that time
15 when the restaurant is in a little bit of a valley
16 between the lunch people and the dinner peak. The
17 supermarket and the rest of the retail, by 3
18 o'clock is already started to drop off. You know,
19 the use -- I'm not saying that there's nobody in
20 the store. But it's down from the peak. I mean
21 it's down about a third over the peak usage. So,
22 if we look at 3 o'clock on a Saturday, there's
23 over 200 spaces available in the parking --
24 parking lot. Because, you know, the theater is
25 let out. You have chosen to stay. But other

1 people have decided to go home, for whatever
2 reason, and they're not in the center anymore.
3 Also, you know, this doesn't account for somebody
4 going to the theater and the restaurant at the
5 same time. But it's all accounted for in here, in
6 how the usage of those land uses varied by hour.
7 And it sums them all up. So --

8 MR. DIDIO: What would happen in the
9 case where the theater, the restaurants, and the
10 supermarket all are at peak? What is your empty
11 space ratio then?

12 MR. KELLER: Well, that -- the
13 theater --

14 MR. DIDIO: Or available space ratio
15 I should say.

16 MR. KELLER: Right. The theater is,
17 you know, I don't know what time, you know, 12
18 o'clock there's low usage of the theaters.

19 MR. DIDIO: I'm not saying low. I'm
20 saying maximum.

21 MR. WEINER: Are you asking that if
22 each of those was at peak at the same time?

23 MR. DIDIO: Right. Right.

24 MR. WEINER: Even though we
25 understand your testimony, that that doesn't

1 happen, if you took an hour and said those were
2 all going to be at their peak, what would the
3 ratio be?

4 MR. KELLER: If the theater peaked
5 at the -- in the middle of the day, you would have
6 5 to 10 spaces available in the center.

7 MR. DIDIO: In the entire center?

8 MR. KELLER: In the entire center.
9 If that happened to align, and that's not what the
10 broad based data that we have for shopping centers
11 indicates.

12 MR. DIDIO: But it's conceivable.

13 MR. KELLER: Anything is possible,
14 but to have that alignment. And, again, this is
15 at the very peak of the time. This is not what
16 you normally find for most of the year. I mean
17 this is a very limited number of hours on a very
18 limited number of days that you're guiding to this
19 level of activity.

20 MR. DIDIO: Okay. Thank you.

21 CHAIR LIGNOS: Mr. DeNicola.

22 MR. DENICOLA: Yeah, just one. I
23 think last meeting we were talking about a sliding
24 scale in ULI. Did you investigate that a little?

25 MR. KELLER: Yes.

1 MR. DENICOLA: The theater. And was
2 that -- what's that ratio then? Including the
3 sliding scale for the theater --

4 MR. KELLER: Well, again --

5 MR. DENICOLA: Are you still getting
6 numbers 4.09 or whatever it was?

7 MR. KELLER: 4.09 is what it would
8 be for 13 percent.

9 MR. DENICOLA: Okay. So, it's
10 really not 4. It's 4.09 we're looking at?

11 MR. KELLER: Based on the sliding
12 scale, yes. But I think you have to look at it,
13 and, you know, the ULI talks about using a shared
14 parking analysis only when the percentage of
15 entertainment, cinema, restaurant exceeds 20
16 percent.

17 MR. DENICOLA: I thought it was
18 under 10 percent.

19 MR. KELLER: No. But a shared
20 parking analysis -- but a shared parking analysis
21 is always appropriate for when you have a variety
22 of uses.

23 MR. DENICOLA: Oh, yeah, I'm not
24 debating that.

25 MR. KELLER: So, I think, while, as

1 a general guide, you know, the ULI indicates that
2 you should use a sliding scale when you go over 10
3 percent.

4 MR. BASRALIAN: Ten or twenty?

5 MR. KELLER: Over 10 percent of
6 entertainment/restaurant space they should use a
7 sliding scale. And then when you get to a larger
8 number then you go to shared parking. I don't see
9 why you have to wait. I think a shared parking
10 analysis because what you're looking at, is how
11 does it vary within the day. And that's what a
12 shared parking analysis is, is, you're looking at
13 multiple uses, you know, wanting to use the same
14 parking spaces and being able to do that, because
15 there are peaks to align. I mean the ultimate is
16 in a mixed use center where you have residential
17 and office. Same -- pretty much the same space
18 can be used, you know, almost on a 1 for 1 basis,
19 because the residential is overnight, and office
20 is during the day. But you still have the same
21 with retail. It's just not that dramatic. It's
22 not a complete opposite. It's just shifting of
23 the peaks because of the uses.

24 MR. DENICOLA: Well, the bottom line
25 is the ULI, if you do it by the book is 4.09?

1 MR. KELLER: Well, it's a
2 recommendation. It's a guide.

3 MR. DENICOLA: Right. It's a
4 guideline.

5 MR. KELLER: Right. Correct.

6 MR. DENICOLA: Okay.

7 CHAIR LIGNOS: Mr. Weiner, do you
8 have any questions?

9 MR. WEINER: No.

10 MS. AMITAI: I do now, when you're
11 done with your questions.

12 CHAIR LIGNOS: For the western most
13 stores, if the parking lot were full in that area,
14 or approaching some sort of peak parking, could
15 you conceivably see people parking in the
16 municipal lot, as opposed to waiting for a space
17 on the eastern most section of the plaza? I mean
18 they're across the street, right? You're
19 literally across.

20 MR. KELLER: Right. Right. No, I
21 think they would circulate within the site. I
22 mean the way -- we don't have any exhibits up.
23 The way the site is laid out, the circulation
24 pattern would flow through the area for the Whole
25 Foods, out to Vervalen. I think they would look

1 within the site. They're not going to look --

2 CHAIR LIGNOS: So, you think even a
3 person who may know the township, and know the
4 circulation, would rather drive around, as opposed
5 to park here and walk over to the western most
6 stores?

7 MR. KELLER: I think in general
8 that's what would happen. I'm not saying that
9 somebody who's very familiar might say, you know
10 what, I'm just going to park there and walk. I
11 mean it's certainly possible. But --

12 CHAIR LIGNOS: Your testimony was
13 that you would, "Squeak out" the 13 spaces if you
14 had to, by reducing some landscaping. In so
15 doing, if you were to do that, would you increase
16 the impervious on site?

17 MR. KELLER: Yes. It would still be
18 less than what it is today.

19 CHAIR LIGNOS: Would you increase
20 the impervious from what you're proposing today?

21 MR. KELLER: Yes.

22 CHAIR LIGNOS: Councilwoman, do you
23 have a question?

24 MS. AMITAI: Yes. First off, thank
25 you, Nick, for clarifying that. Because I kept

1 hearing a lot of words and I wasn't quite -- thank
2 you so much. You mentioned something about anchor
3 stores make a center successful. So, what was
4 your point? Were you saying so the anchor store
5 looked at this site plan and the parking and they
6 think it's okay? Or otherwise they wouldn't come
7 into the center?

8 MR. KELLER: Absolutely. That's
9 correct.

10 MS. AMITAI: So, have they looked at
11 this?

12 MR. KELLER: Yes. And they're very
13 happy with what we have put together for the whole
14 center, and for them in specific.

15 MS. AMITAI: And there are 5
16 driveways, right?

17 MR. KELLER: To the site, 5
18 driveways plus Campbell.

19 MS. AMITAI: Five plus what?

20 MR. KELLER: Campbell.

21 MS. AMITAI: Oh, yeah, I'm thinking
22 of Campbell as a driveway.

23 MR. KELLER: So then there's 6.

24 MS. AMITAI: So, 1, 2, 3, 4.

25 CHAIR LIGNOS: Three Vervalen, 2

1 Homans and 1 Campbell.

2 MR. KELLER: Right.

3 MS. AMITAI: Two on Homans.

4 CHAIR LIGNOS: Three on Vervalen, 1
5 on Campbell.

6 MS. AMITAI: There's one on --

7 CHAIR LIGNOS: Do you have the
8 exhibits?

9 MR. KELLER: They're -- they're in
10 the back.

11 MR. DENICOLA: Three on Homans, 1 on
12 Campbell --

13 MS. AMITAI: Oh, I see. I got it.
14 Okay. Five and then Campbell would be the exit.

15 CHAIR LIGNOS: Any other questions,
16 councilwoman?

17 MS. AMITAI: I park across the
18 street when I come to this meeting. I never park
19 in the borough lot. So, I can't imagine why other
20 people wouldn't be parking --

21 CHAIR LIGNOS: So, what you're
22 saying is every time you come to this meeting
23 you'll be taxing that parking lot?

24 MR. BASRALIAN: Yeah, but it's well
25 below the peak because the meeting starts at 8

1 o'clock and the place is empty.

2 CHAIR LIGNOS: But midnight, when we
3 get out is she going to find her car or is it
4 going to be towed away?

5 Any other questions?

6 MS. AMITAI: No, that's it.

7 CHAIR LIGNOS: No other questions.

8 MR. BASRALIAN: I have one question.

9 CHAIR LIGNOS: Yes.

10 MR. BASRALIAN: Mr. DiDio came up
11 with a hypothetical saying that if all those
12 businesses peaked at the same time what the
13 availability of parking would be, your testimony
14 was that they wouldn't peak, except for the
15 purpose of the hypothetical, because each of those
16 uses has different peak periods, is that correct?

17 MR. KELLER: Yes, that's correct.

18 MR. BASRALIAN: And, so, in your
19 opinion, that you would not have the peak of the
20 shopping center -- the supermarket, the gym, if
21 there were one, or exercise, or -- and the theater
22 at the same time, given the types of businesses
23 that they are?

24 MR. KELLER: That's correct. They
25 will not peak at the same time.

1 MR. BASRALIAN: So, your responses
2 as to the available spaces is based upon his
3 hypothetical that everything would peak at the
4 same time or could peak at the same time?

5 MR. KELLER: That's correct.

6 MR. BASRALIAN: Thank you.

7 CHAIR LIGNOS: We've now heard --
8 we've asked our questions. I'm going to open up
9 this portion of the meeting to the public. Any
10 member of the public having questions of this
11 witness. Please allow me to clarify. Of this
12 witness, literally, to the testimony that he's
13 given here this evening.

14 Can I start back there with you and
15 end with you, if it's okay. Sir, please step
16 forward.

17 MR. ROSENBLUME: Jessie Rosenblume,
18 65 Knickerbocker Road. Just to make sure you have
19 a correct picture of this shopping center, you're
20 aware that it's about 50 years-old, right?

21 MR. KELLER: Yes.

22 MR. ROSENBLUME: And you've walked
23 the property, I would assume.

24 MR. KELLER: Yes.

25 MR. ROSENBLUME: Okay. And you've

1 probably worked on the drawings in some way.

2 MR. KELLER: Yes.

3 MR. ROSENBLUME: Okay. Do you
4 recall what business is on the adjoining
5 properties in the southwest corner?

6 MR. KELLER: A bank.

7 MR. ROSENBLUME: Bank. That's an
8 office building?

9 MR. KELLER: Yes.

10 MR. ROSENBLUME: Okay. Are you
11 aware that in 1985 that piece of property was part
12 of the shopping center?

13 MR. KELLER: No.

14 MR. ROSENBLUME: Well, it amounts to
15 like 6/10ths of an acre.

16 MR. KELLER: Okay.

17 MR. ROSENBLUME: Okay. Does that
18 change anything in your analysis of the parking?

19 MR. KELLER: No.

20 MR. ROSENBLUME: Okay. What I want
21 to show, is that the property was bigger,
22 years-ago. In other words, the buildings are the
23 same, basically now, and in the future. But the
24 property has shrunk.

25 MR. KELLER: Okay. It is what it is

1 today. And we have a center that's been operating
2 for 20 years with 720 parking spaces.

3 MR. ROSENBLUME: Right. Now, Whole
4 Foods, their space as an anchor, is around 42,000?

5 MR. KELLER: Something like that,
6 yes.

7 MR. ROSENBLUME: Okay. The K-mart
8 building, if it's subdivided into two stores,
9 let's say one is the CVS, could those two
10 properties, as K-Mart, be considered anchors?

11 MR. KELLER: A CVS wouldn't. But
12 it's certainly something to go into that when the
13 K-mart leaves, go into that space and be
14 considered an anchor.

15 MR. ROSENBLUME: Okay. So,
16 basically you could have more traffic coming out
17 of that space than you get out of K-Mart today,
18 because each new tenant would have a following
19 that would be greater than, call it wasted space
20 as the K-mart, because it sells appliances and
21 people don't buy appliances like, you know, that
22 often. I'm just bringing it up.

23 MR. KELLER: I'm not sure what the
24 question is. And if it's about traffic, I didn't
25 talk about traffic tonight so.

1 CHAIR LIGNOS: Let's see if I can
2 formulate his -- and I think it's a simple
3 question. The K-mart today, in its totality,
4 generates X parking spaces. If that space is
5 transformed into two stores in the future, then
6 those two stores have a more heavily populated
7 use, more popular use, did your analysis take into
8 consideration that two larger stores may or may
9 not have a larger percentage of parking, under
10 your study?

11 MR. KELLER: Well, if the retail
12 uses, the parking is the parking, whether it's a
13 K-mart or -- cause we're not talking about actual
14 usage. We're talking about the potential demand
15 for the center as a whole. Retail is retail.

16 CHAIR LIGNOS: Right. So, it didn't
17 matter whether that piece of K-mart got cut up
18 into four stores or two large stores. You're
19 expected parking, and I'm just trying to
20 paraphrase the question so that we have a
21 satisfactory answer.

22 MR. KELLER: Sure. Sure.

23 CHAIR LIGNOS: It didn't really
24 change the parking count?

25 MR. KELLER: That's correct.

1 MR. ROSENBLUME: Okay. In other
2 words, what you're saying, is that some of the
3 smaller spots is not -- is equal to one K-mart?

4 MR. KELLER: That's correct.

5 MR. ROSENBLUME: Okay.

6 MR. KELLER: Well, to one large
7 store. Whether it's a large space or smaller
8 space, it's -- the parking demand is, you know,
9 the same.

10 MR. ROSENBLUME: Okay. So,
11 basically you would have to say, yes, to the same
12 situation, if the Whole Foods space, which is
13 replacing the Stop and Shop, will not bring in any
14 more clientele than the Stop and Shop did in the
15 past?

16 MR. KELLER: No, that's not what I
17 said. I said, it wouldn't have parking demand --
18 a peak parking demand any different than what it
19 is. It's not to say that it won't bring in more
20 customers. Looking at how much occurs in that
21 peak time of the day, it may be busier throughout
22 the day. It's not -- or they spend more money
23 than they did in the Stop and Shop. We're looking
24 at a limited period of time within the entire day
25 of when that parking will peak.

1 CHAIR LIGNOS: So, Mr. Keller, if I
2 could, again, paraphrase the question, and correct
3 me, Mr. Rosenblume, if I'm wrong. What he's
4 saying, and he's asking, is, whether it's a Stop
5 and Shop, whether it's a Shop-rite, whether it's
6 an A&P, whether it's a Whole Foods, as a food
7 retailer, your numbers are basically dealing with
8 a food retailer, and you basically expect any one
9 of those to generate roughly the same amount of
10 cars?

11 MR. DENICOLA: At the peak hour.

12 CHAIR LIGNOS: At the peak hours.

13 MR. KELLER: During the peak hours,
14 yes.

15 CHAIR LIGNOS: During the peak
16 hours, yes. All right. Do you understand?

17 MR. ROSENBLUME: Yeah. My opinion
18 is it doesn't seem plausible. A certain name will
19 draw more than another name.

20 CHAIR LIGNOS: At this point, being
21 that I don't know anything about parking, and I'm
22 not a parking engineer, and I'm suspecting that
23 you're not either, I have to go by what I'm --

24 MR. ROSENBLUME: I'm just going by
25 common sense. Thank you.

1 CHAIR LIGNOS: I would also imagine
2 that some days the popularity of a particular
3 retailer also may fall off. And sometimes it may
4 also increase. Depending on, you know, the
5 popularity of something.

6 MR. ROSENBLUME: Are you talking
7 about Radio Shack?

8 CHAIR LIGNOS: Okay. So, that is
9 the one -- yes, sir.

10 MR. ISAACSON: Thank you. Steve
11 Isaacson, 97 Columbus. I just want to get it
12 clear, you said that the holiday stats that you
13 quoted from were from 1998?

14 MR. KELLER: Yes.

15 MR. ISAACSON: Okay. Nothing has
16 been done in the past 15 years, and nothing has
17 changed in 15 years?

18 MR. KELLER: Well, the ITE parking
19 generation manual has been updated twice since the
20 late 90's. We're up to the 4th generation. I
21 testified last time, you know, we looked at that
22 parking demand as well. That was part of our
23 research. So, that is more current than the ULI
24 study. But the ULI study is focused on shopping
25 centers and looking at design ratios that should

1 be provided. Recommendations for how much parking
2 should be provided in a shopping center. Where
3 the ITE parking generation manual is telling you
4 what they found as the peak demand in a variety of
5 different land uses.

6 MR. ISAACSON: Okay. But it's still
7 15 years-old, the information.

8 MR. KELLER: The ULI data is 15
9 years-old.

10 MR. ISAACSON: Okay. Going back to
11 your peak data, I mean I'm not worried about
12 Sunday, because we still have Blue Laws. Monday
13 through Friday I'm not around. So, I don't really
14 care. Saturday, would you consider Saturday the
15 busiest day of the week?

16 MR. KELLER: For a retail center,
17 absolutely.

18 MR. ISAACSON: Okay. And, you know,
19 once again, your peak readings, do they really
20 apply to Saturdays? Because people are home.
21 Everybody is home. Kids are going to the movies.
22 Moms and dads are going shopping. You know,
23 everybody is in the shopping center. I mean
24 that's why I'm questioning the peak demands for
25 parking on Saturday. Just one day a week.

1 MR. KELLER: Well -- and that's what
2 the study looked at. ULI study looked at
3 Saturdays. They looked at the second Saturday in
4 December. Because that -- between Thanksgiving
5 and Christmas is the peak time, and the second
6 Saturday in December is the peak within that peak.
7 So, it's a Saturday.

8 MR. ISAACSON: Okay. Also, by our
9 ordinance, how many parking spaces has the
10 shopping center always needed? About 1800, 1500?

11 I don't remember the exact number.

12 MR. DENICOLA: Ballpark.

13 MR. ISAACSON: Okay, well, that's a
14 ballpark. So, even at 820 spaces you're deficient
15 from our borough ordinance. And I'm just curious,
16 what do you think -- why do you think that our
17 mayor and council decided on that number, if it
18 wasn't a necessary figure?

19 MR. KELLER: I can't answer why the
20 mayor and council has not made any changes to
21 that. So, if you go back to the 70's when the ULI
22 shopping center study was first done, five and a
23 half spaces per thousand, was what the number was.
24 And -- but I can't say why they haven't decided to
25 re-exam it. Parking demands for retail centers

1 have, from the 70's to the 1980 study that was
2 done, to the 1990 study -- 1999 study that we're
3 using now, the parking demand ratios have dropped.
4 They dropped for community centers. But, you
5 know, they, in the trend, is, they believe is less
6 than 4, but there wasn't enough information that
7 they felt comfortable that it should be less than
8 4. So, they left it at 4.0.

9 CHAIR LIGNOS: Mr. Isaacson,
10 Mr. Keller has testified to that prior. And since
11 his testimony today wasn't anything about that, is
12 there anything else that's specific to this --

13 MR. ISAACSON: Well, I had one other
14 question, but I can't ask that because it wasn't
15 about -- but do you know what the -- you mentioned
16 that we're in a community shopping center.

17 MR. KELLER: Correct.

18 MR. ISAACSON: Do you consider Whole
19 Foods to be a community store or a regional store?

20 MR. KELLER: Community center is,
21 and I talked about this I think the first night
22 maybe, a community shopping center is not an
23 appropriate -- is not -- it maybe is a little
24 misleading. But it's not drawing just from the
25 Borough of Closter. It's drawing from a 4-mile

1 area. So, in that sense it's a community. A
2 regional shopping center draws from 10 to 15
3 miles.

4 MR. ISAACSON: I understand that.
5 But I think it might have been discussed, and I'm
6 not trying to put you on the spot, but where is
7 the closest Whole Foods to Closter?

8 MR. KELLER: Ridgewood, Englewood,
9 Paramus.

10 MR. ISAACSON: Okay. How many miles
11 away is that? That's more than 4 miles. The
12 point is it's more than 4 miles. I'm trying to
13 establish the fact that you can call it a
14 community shopping center, but in my opinion it's
15 still a regional store, and it's going to be
16 drawing it's clientele from a lot further.

17 MR. WEINER: And at the appropriate
18 time when it's public comments you can make the
19 point.

20 MR. ISAACSON: One other question
21 perhaps. What will the hours of Whole Foods be?

22 MR. KELLER: I don't know.

23 MR. ISAACSON: Thank you.

24 CHAIR LIGNOS: Thank you. Any other
25 member of the public have any questions?

1 Mr. Segreto, please.

2 MR. SEGRETO: Yes, thank you.

3 EXAMINATION BY MR. SEGRETO:

4 Q Good evening, Mr. Keller.

5 A Good evening.

6 Q All right. With regard to your
7 table 1-A and 2-A, that's your shared parking
8 analysis, you use the land use code, retail, and
9 you have 182,771 square feet, is that correct?

10 A Yes.

11 Q You could have broken that up into
12 41,256 square feet for the supermarket use and
13 then the remainder to be the retail, isn't that
14 correct?

15 MR. BASRALIAN: Could you ask that
16 question again? I didn't quite get it.

17 MS. AMITAI: A little louder,
18 please.

19 Q In table 1 and 2, in the shared
20 parking analysis, you use the retail land use
21 classification, indicating 182,000 square feet of
22 retail. And when you did that analysis you could
23 have broken up that retail into supermarket use
24 41,256 square feet, and then the remainder of
25 retail, isn't that correct?

1 MR. BASRALIAN: That wasn't anything
2 he testified to. And I'm not quite sure why
3 breaking out the supermarket from the rest of it
4 is relevant. He's already testified as to the
5 parking ratio for retail, which includes the
6 supermarket.

7 MR. WEINER: Mr. Segreto, what --
8 where are you going with this? Are you trying to
9 demonstrate that if you break it out there's --
10 you come up with a different number?

11 MR. SEGRETO: In the trip generation
12 numbers he specifically broke it up as the
13 supermarket use and the remainder, retail. Now,
14 in a shared parking analysis he did it
15 differently. He doesn't break it up into
16 supermarket and retail, and that's why I'm asking
17 him.

18 MR. WEINER: I think that's a fair
19 question.

20 MR. SEGRETO: All right.

21 A Let me answer it this way: As I said, on
22 a trip generation, this isn't the right way to do
23 it, this is a conservative way to do it, because
24 it ends up generating more traffic, and I would be
25 more conservative in my approach. A shopping

1 center is a mix of stores, including supermarket.
2 The only time I would use a supermarket instead
3 of -- splitting up the retail to have
4 supermarket -- I wouldn't split up the retail. If
5 I had a stand-alone supermarket and I had a
6 theater, then I would deal with it that way. But
7 I would not do a supermarket and then do general
8 retail next to it. Because it's all part -- it
9 was all retail. And you have to treat the
10 shopping center as a whole. We only did it for
11 the trip generation so that we ended up generating
12 more traffic than we would otherwise show of a
13 handful. That's why I did it differently.

14 Q You'll agree with me, had you broken
15 it up into supermarket and retail, you would be
16 showing more cars in a shared parking analysis,
17 isn't that true?

18 A I don't know that. I didn't do the
19 analysis. I couldn't tell you what the results
20 would be.

21 Q Well, if you used it for the trip
22 generation, because you wanted a more conservative
23 approach, isn't it true if you used the
24 supermarket you would have more cars showing in
25 the parking lot? Under the same logic; if more

1 cars are coming to the -- coming there, then more
2 cars are going to be in the parking lot under the
3 shared parking analysis.

4 MR. BASRALIAN: I think it was asked
5 and answered already.

6 MR. WEINER: Well, it's asked and
7 answered. It's not necessarily true. If you want
8 to lay a foundation for that, go ahead but -- I
9 mean because more cars, there's more trip
10 generations doesn't necessarily mean there's more
11 parking. It's length of stay. It's a -- there's
12 a whole bunch of issues there. So --

13 Q You're telling me it's not
14 necessarily true, is that correct?

15 A That's correct.

16 Q Now, Mr. Chase told us that the ITE
17 manual recommends, for a community shopping
18 center, a ratio of 4.9 spaces per thousand,
19 correct?

20 A No.

21 Q That's incorrect?

22 A That's -- that's the observed parking
23 supply found in the subcategory of community
24 shopping centers. The amount of parking that
25 exists on a site has no relationship to how much

1 demand is generated. It's nice -- you know, the
2 ULI does the same thing, they say how many parking
3 spaces do you have. I have 5.5 per thousand.
4 Great. So, if I only have a demand of 4, I have
5 one and half spaces per thousand square feet of
6 parking, that's vacant, that's paved, that's
7 creating more run-off, that's, you know, a
8 negative impact. It's less landscaping. How much
9 parking supply you have is not relevant. And they
10 talk about that in ULI, saying that the parking
11 demand found was always less, and in some cases up
12 to, you know, a space per thousand, less than what
13 the supply was. So, the supply is irrelevant.

14 Q All right. So, the 4.9 percent ITE
15 manual is not a recommended ratio?

16 A No. No.

17 Q And what is it exactly? I didn't
18 understand.

19 A It just -- they said -- they examined all
20 these shopping centers and they said how many
21 spaces -- how many parking spaces do they have on
22 the property. And they converted it to a ratio
23 and said the average for community shopping
24 centers is 4.9 spaces per thousand square feet
25 available. But the demand is 4 at the peak times.

1 Q I get closest ratio is 5.72, is that
2 correct?

3 A Correct. Somewhere around there.

4 CHAIR LIGNOS: Anything else,
5 Mr. Segreto?

6 Q You'll agree with me that if you
7 reduce the amount of square footage below the
8 208,000 square feet, you would increase your
9 ratio, correct?

10 MR. BASRALIAN: Objection. We went
11 through this in his direct testimony and his cross
12 already. And the answer is, yes, if you reduce --
13 if you reduce the amount of square footage you
14 would increase the availability in parking.

15 MR. WEINER: Parking is calculated
16 based on square footage. We presume if you reduce
17 it, the parking demand will be lower, is that
18 correct?

19 MR. KELLER: The amount of parking
20 provided on site would go up. As a ratio.

21 MR. WEINER: Yes. Oh, as a ratio.
22 Okay.

23 MR. KELLER: But it doesn't mean
24 that I necessarily get more parking. The ratio
25 goes up, yes.

1 Q You'll have more parking spaces
2 available, right, pursuant to your shared parking
3 analysis?

4 A There would be a higher parking supply on
5 a ratio basis than if -- than what we have now, if
6 I reduce the amount of square footage.

7 Q And where you're showing surpluses
8 there would be greater surpluses, correct?

9 A Yes.

10 MR. SEGRETO: No further questions.

11 CHAIR LIGNOS: Okay. Members of the
12 board, and I'm only imagining that there's no more
13 questions of our traffic consultant. Does anyone
14 have any questions of our traffic consultant? I
15 see and hear that no one --

16 MR. PIALTOS: I don't have a
17 question, but I have a comment. There was a
18 question asked about Saturdays being peak time in
19 the cinemas and let's say --

20 CHAIR LIGNOS: Well, we really --
21 the comments will come during comment time. We
22 had our chance with questions, right?

23 MR. PIALTOS: It's not a question.

24 MR. WEINER: It's probably better to
25 hold your comments for later. Let them put their

1 case in. Write it down. And if you want to make
2 a comment later. Unless there's a question
3 attached to it.

4 MR. PIALTOS: No, it's actually a
5 comment.

6 MR. WEINER: I'm not ruling you
7 can't. I'm just making a recommendation.

8 CHAIR LIGNOS: Can you make your
9 comment in the form of a question? Because I'll
10 have to open up again --

11 MR. PIALTOS: No, it's not a
12 question.

13 CHAIR LIGNOS: Okay. Then hold your
14 comment. Please hold your comments. I've asked
15 everyone at this point, and I'm not going to open
16 up the meeting anymore to the public. It's
17 finished. There are no questions though, of our
18 traffic consultant?

19 MS. AMITAI: My question is: Will
20 our traffic consultant be able to rebut any
21 comments made by Mr. Keller?

22 CHAIR LIGNOS: So, you want to ask
23 our traffic consultant if he has anything
24 different? Does he agree --

25 MS. AMITAI: Does he have any

1 comments on what Mr. Keller said?

2 CHAIR LIGNOS: Okay. Okay. Then
3 Mr. Chase can you please step forward? You
4 actually heard Mr. Keller's testimony. Is there
5 anything in particular that you do not agree with?

6 MR. WEINER: Mr. Chase, you're still
7 under oath.

8 MR. CHASE: Understood. I have no
9 further comments to add beyond what I testified to
10 last time.

11 MR. WEINER: Thank you.

12 MS. AMITAI: Thank you.

13 CHAIR LIGNOS: Thank you very much.
14 At this point we are through with traffic. Do you
15 have any other witnesses?

16 MR. BASRALIAN: Yes. I would like
17 to recall Mr. Roncati. There were several
18 questions the board asked. We never got to them
19 at the last meeting, or the meeting before. So, I
20 would like to recall him for the very limited
21 purpose of answering the board's questions,
22 which -- which were as follows: How much of the
23 existing building is going to come down, and how
24 much of the -- how much new -- new structures will
25 be constructed on the site. Those are the

1 questions. So --

2 MR. WEINER: Mr. Roncati, you were
3 sworn last time. You understand you are still
4 under oath?

5 MR. RONCATI: Yes, sir.

6 MR. WEINER: Go ahead Mr. Basralian.

7 CHAIR LIGNOS: Now, Mr. Basralian,
8 before Mr. Roncati talks here, testifies, I just
9 want to set the limits of the questioning.
10 Meaning, I believe the board's concern was, as a
11 percentage of area, for each one of the individual
12 buildings, how much will be demolished as far as
13 area is concerned, am I correct? Is that how you
14 remember the question being asked?

15 MR. BASRALIAN: Well, I don't know
16 if it was in a percentage, but you asked for the
17 amount of space, i.e., square footage.

18 CHAIR LIGNOS: Square footage,
19 right. Square footage. Same thing.

20 MR. BASRALIAN: Right.

21 CHAIR LIGNOS: And what else did you
22 say?

23 MR. BASRALIAN: And how much new
24 would be constructed.

25 CHAIR LIGNOS: Correct. Okay.

1 Thank you very much.

2 MR. BASRALIAN: Okay. Mr. Roncati,
3 the questions have been laid out. If you would,
4 just tell us what exhibit you're referring to.

5 MR. RONCATI: I'm referring to
6 Exhibit A-10. This is an aerial photograph of the
7 site prepared by Omland, inasmuch as I'm going to
8 be referencing to certain areas of the project, I
9 thought I would use this exhibit for reference.

10 As I was asked, please state what
11 the areas were, the existing buildings, how much
12 area is being removed, and how much of that
13 current building area is to remain.

14 The areas that K-mart building is
15 currently, approximately 84,020 square feet. We
16 are removing, in phase II, 15,540 square feet.
17 The areas remain in this building area is 68,480
18 square feet.

19 We move over to the building that
20 houses Rudy's and the Dollar Store. The existing
21 area is currently 67,519 square feet. The area to
22 be removed is 52,959 square feet, leaving an area
23 remaining of 14,500 square feet.

24 Moving to the east of the building,
25 that starts with the jewelry store and ends with

1 the theater, the existing area is 56,992 square
2 feet. The area to be removed is 42,925 square
3 feet. And the area to remain is 14,067 square
4 feet.

5 The only other area on the site, of
6 course, is the bank building. That's 3,022 square
7 feet. Remains as is. No reductions at 3,022
8 square feet.

9 MR. BASRALIAN: Now, the next
10 question was: How much square footage will be
11 built in the place of the removed area.

12 MR. RONCATI: To make it a little
13 easier, I'm going to refer now to A-12 exhibit.
14 This is the proposed site plan diagram prepared by
15 Omland. The building at the top, the larger
16 structure along Homans Avenue will be
17 approximately 155,271 square feet.

18 The next building, which encompasses
19 the movie theater on the east side of the lot, as
20 I'm indicating, the proposed area of 50,044 square
21 feet.

22 And then, of course, as I mentioned,
23 the bank building in the front doesn't change,
24 3,022 square feet.

25 MR. BASRALIAN: Now, going to phase

1 II, since there's a change in the K-mart building,
2 would you indicate the amount of new area that was
3 added. You already indicated that you're removing
4 over 15,000 square feet, reducing that building to
5 around 68,000 square feet.

6 MR. RONCATI: Right.

7 MR. BASRALIAN: It's not a separate
8 building because it's all one building upon the
9 completion of phase II. How much will be added to
10 the 68,000 square feet of -- through the existing
11 K-mart building, by virtue of the loading docks
12 that are being added?

13 MR. RONCATI: The entire building
14 along Homans at the rear has a total new area of
15 72,231 square feet.

16 MR. BASRALIAN: And that is after
17 the reduction of the K-mart building and the
18 addition of new loading docks in the southwest
19 corner?

20 MR. RONCATI: Yes.

21 MR. BASRALIAN: Thank you.

22 Mr. Lignos, do you have any other
23 questions?

24 CHAIR LIGNOS: I do. We've heard
25 the word, enterprise, during this -- during this

1 11 or so hearings. Of the enterprise, of the
2 site, what is the total being -- what is the
3 existing total? And what is the total being
4 demolished? You can take your time because I'm
5 sure --

6 MR. DENICOLA: You're talking about
7 the square feet after --

8 CHAIR LIGNOS: Correct. Well, we
9 can figure out the percentage once we figure out
10 the square feet. I'd like to see it in the form
11 of -- just to give me an idea. Is it 50 percent?
12 Is it 40 percent of the whole?

13 MR. RONCATI: You're asking a total
14 being removed --

15 CHAIR LIGNOS: Yeah, in other words
16 --

17 MR. RONCATI: Compared to the whole?

18 CHAIR LIGNOS: Correct. So, we have
19 an existing of 2,000 -- 200 and -- 211 I believe,
20 existing. Of the 211 what is being demolished?

21 MR. WEINER: If you could just add
22 up those numbers you just gave us.

23 MR. RONCATI: Okay. Mr. Chairman.

24 CHAIR LIGNOS: Yes.

25 MR. RONCATI: Out of the -- we start

1 with 211,553 square feet. We are removing a total
2 of 111,424, which works out to 52.67 percent.

3 CHAIR LIGNOS: Okay.

4 MR. RONCATI: In its entirety.

5 MR. WEINER: Being removed.

6 MR. RONCATI: Being removed.

7 CHAIR LIGNOS: Okay. Now,
8 members --

9 MR. BASRALIAN: The next question
10 would be, well, how much is being built back.

11 CHAIR LIGNOS: Yeah, and of the
12 100 --

13 MR. RONCATI: I need my calculator
14 again.

15 MR. BASRALIAN: Well, one goes with
16 the other.

17 MR. WEINER: Subtract that number.

18 MR. BASRALIAN: Right. It's 211,
19 minus 111 plus the difference between that number
20 and 208.

21 MR. RONCATI: Okay. The total
22 amount of new square footage, again, in the
23 aggregate across the property, 96,913 square feet.

24 CHAIR LIGNOS: So, of the 111,000
25 you're demolishing, you're only putting back

1 96,000?

2 MR. RONCATI: We're taking down
3 111,424, we're rebuilding much less, 96,913.

4 CHAIR LIGNOS: Gotcha. Okay.
5 Members of the board, questions of this witness?
6 Literally to the two points that he's made.
7 Questions mayor?

8 MAYOR HEYMANN: No.

9 CHAIR LIGNOS: Councilwoman?

10 MS. AMITAI: No.

11 CHAIR LIGNOS: Ms Stella.

12 MS. STELLA: No.

13 CHAIR LIGNOS: Mr. Nyfenger?

14 MR. NYFENGER: No.

15 CHAIR LIGNOS: Mr. Pialtos?

16 MR. PIALTOS: No.

17 CHAIR LIGNOS: Mr. Didio.

18 MR. DIDIO: I'm just thinking about
19 something. I don't know if it's got relevancy to
20 your testimony or you can answer it.

21 MR. RONCATI: Okay.

22 MR. DIDIO: Present coverage.

23 MR. RONCATI: I'm sorry.

24 CHAIR LIGNOS: No.

25 MR. DENICOLA: No.

1 CHAIR LIGNOS: Only specific to what
2 he testified.

3 Mr. DeNicola.

4 MR. DENICOLA: No.

5 CHAIR LIGNOS: Mr. Weiner.

6 MR. WEINER: I have no questions.

7 MR. DIDIO: Wait. I could rephrase
8 that question. With regard to the building
9 structures.

10 MR. RONCATI: Yes.

11 MR. DIDIO: The new building, that's
12 being planned to be built in front of the theater,
13 correct?

14 MR. RONCATI: There's an addition to
15 the theater building that will be new
16 construction.

17 MR. DIDIO: Okay. That building is
18 going to be connected with the other buildings by
19 an overhang or something?

20 MR. RONCATI: Well, it's one
21 building. Certain portions are a roof overhang,
22 yes.

23 MR. DIDIO: Connected to the other
24 building?

25 MR. RONCATI: No, it's all one

1 continuous building. One structure.

2 MR. BASRALIAN: No, I think the
3 question is, is that building going to be
4 connected to the long building along Homans. And
5 the answer is, no, it is not. It's
6 interconnected.

7 MR. DIDIO: Okay. And there's --
8 there's nothing -- no roof?

9 MR. RONCATI: If I may, just so
10 we're clear. You're asking if there's a physical
11 connection here?

12 MR. DIDIO: Yes.

13 MR. RONCATI: I'm looking at Exhibit
14 A-12.

15 MR. DIDIO: Yes.

16 MR. RONCATI: No.

17 MR. DIDIO: Okay.

18 MR. RONCATI: This is open to the
19 sky separating the three --

20 MR. BASRALIAN: Okay. That's it.
21 you've answered the question. Thank you.

22 CHAIR LIGNOS: Okay. There are no
23 more questions from the board.

24 Members of the public, do you have
25 any questions as they pertain to those two points

1 made by this witness? Yes, sir.

2 MR. ROSENBLUME: Jessie Rosenblume
3 65 Knickerbocker Road. In the -- in your
4 breakdown, the Rudy's building, you're going to be
5 leaving about 20 percent of the structure. In
6 other words, about 14,500 square feet. Roughly
7 20 percent, right?

8 MR. RONCATI: I didn't do the math.

9 MR. ROSENBLUME: Okay. Well, I did.
10 In other words, it's 14,500 added with 67.

11 MR. RONCATI: It's 14,000 --
12 approximately 14,500 square feet.

13 MR. ROSENBLUME: Okay. And in the
14 theater building you're leaving 30 percent.

15 MR. RONCATI: If you're going to ask
16 me percentages on a building basis --

17 MR. ROSENBLUME: No, no, just
18 approximately. No, no, just approximate.

19 MR. RONCATI: -- I haven't done
20 that.

21 MR. ROSENBLUME: No, my question is:
22 You're rejuvenating a 50 year-old shopping center.
23 And one building you're leaving 20 percent of the
24 old structure. And the other one 30 percent.
25 What was the -- what was the thinking, by the

1 owner, as to leaving that portion remaining
2 instead of just tearing it all down?

3 MR. WEINER: Mr. Rosenblume, he was
4 only here to give information on the amount being
5 taken down. It's not a question about thinking or
6 design or planning at this point. If you have
7 questions about his calculations, you can ask him.
8 Everything else was already -- is not before the
9 board right now.

10 MR. ROSENBLUME: No questions on
11 calculations but as the architect --

12 MR. WEINER: Yeah, but the point is
13 this is a very limited testimony. And that's all,
14 we're asking questions about right now.

15 MR. ROSENBLUME: Right. But as the
16 architect he didn't make these changes on his own.
17 It was directed by the owner.

18 MR. WEINER: And why ask him
19 questions about what the owner has to say?

20 MR. ROSENBLUME: Because the owner
21 must have told him.

22 MR. WEINER: We're not going there.
23 He's here to testify only as to the numbers.
24 That's it. Not as to anything else or anything
25 else anybody else knows. That was done in

1 previous testimony and you could have asked it
2 then. He only came back for this limited purpose.

3 MR. ROSENBLUME: Yeah, well, now we
4 come back to a statement I made at a prior
5 meeting. Shouldn't the board hear from the owner?

6 MR. WEINER: Mr. Basralian gets to
7 present his case his way.

8 MR. ROSENBLUME: Yeah, but I can't
9 cross examine him.

10 MR. WEINER: I know that, yeah, you
11 can't. But he presented his case the way he
12 wanted to present it. If the board, either wanted
13 him to appear they could have asked. And even if
14 they don't want him to appear, if they felt he
15 should have appeared and they have information
16 they didn't get then they have a right to say no,
17 and turn down.

18 MR. ROSENBLUME: Right. It's up to
19 the board.

20 MR. WEINER: Right.

21 MR. ROSENBLUME: Thank you.

22 CHAIR LIGNOS: Any other member of
23 the public with questions? Yes, Mr. Segreto.

24 MR. SEGRETO: Yeah, a few questions.

25 EXAMINATION BY MR. SEGRETO:

1 Q Mr. Roncati, I'm looking at page 7
2 of the Omland plan. That's the overall plan for
3 phase II. It indicates that the K-mart building
4 will be 73,040 square feet at the end. And I
5 think you said it's going to be roughly 72,000.
6 Do you know why there's a discrepancy between your
7 numbers and what the engineer provided?

8 A You're talking about new area?

9 Q Well, they're showing at the -- at
10 the end of phase II, that the K-mart building will
11 be 73,040 square feet.

12 A I didn't testify to that.

13 Q I know you didn't. I'm just -- I'm
14 asking you why your end number is different than
15 the one that is on Omland's plans, that's all.

16 A I'm not sure what two things you're trying
17 to compare. But I know that my number --

18 MR. WEINER: Mr. Roncati, what he's
19 saying is the plans show that the building is
20 going to be 73,000. You said it's going to be 72.
21 He's asking why.

22 MR. RONCATI: I didn't. I didn't.

23 MR. WEINER: Oh, okay well then
24 explain that.

25 MR. RONCATI: I said that the area

1 remaining is 68,480.

2 BY MR. SEGRETO:

3 Q So, at the end of phase II when the
4 K-mart building is no longer a K-mart, and you
5 take the front off, according to your plans it's
6 only going to be 68,000 square feet.

7 A 68,480.

8 MR. BASRALIAN: It is not a separate
9 building at phase II. It is all one structure.
10 What he testified to is what the overall
11 structure square footage would be.

12 MR. WEINER: Okay. Let's get that
13 on. Fair enough.

14 MR. RONCATI: Well, what -- just to
15 clarify. What I testified to, and what I was
16 asked to respond to, I thought, earlier this
17 evening, was, once the deductions are made from
18 the building, each building area, what remain to
19 start back from. So, I continued to testify that
20 what we're calling the K-mart building after phase
21 II, has a reduction down to 68,480 square feet.
22 That's what I was asked to testify to. Then
23 there's new construction that goes back on that
24 building at the rear, where the truck bay loading
25 area is. And that gets it back up to the number

1 that we find on the --

2 Q Omland plan.

3 A Omland plan.

4 Q On the 73.

5 CHAIR LIGNOS: Okay. Mr. Segreto
6 does that answer your question?

7 MR. SEGRETO: Yeah, that's one.

8 Q With regard to what is now the
9 existing building D, when you say that 14,500
10 square feet is going to remain, is that the space
11 that currently houses the Dollar Store?

12 A Yes, that's correct.

13 Q And then when we go to building D,
14 as in Dog, you indicate that the remaining square
15 footage, that is square footage that's not going
16 to be demolished as 14,067?

17 A Approximately, yes.

18 Q All right. Is there a present user
19 to that space?

20 A There's the theater that remains, and
21 possibly one other tenancy.

22 Q All right. So, part of that 14,067
23 is the theater, which is 8,500 square feet, right?

24 A Correct.

25 Q And the other remaining space you

1 don't know if there's a current tenant in that
2 space now?

3 A It was -- there's at least about 5,000
4 square feet, which is a current tenant.

5 Q And you don't know who that tenant
6 is?

7 A No.

8 MR. SEGRETO: No further questions.

9 CHAIR LIGNOS: Okay. Well --

10 MR. BASRALIAN: Mr. Chairman, I have
11 no further questions of this witness either.

12 CHAIR LIGNOS: I'm sorry. I'm so
13 happy about that. Ladies and gentleman -- you
14 have a question?

15 MR. ROSENBLUME: Just one. Jessie
16 Rosenblume, 65 Knickerbocker Road. Can I ask
17 Mr. Roncati what he knows about the existing
18 leases on the property?

19 CHAIR LIGNOS: He didn't testify --

20 MR. BASRALIAN: He didn't testify to
21 them at all.

22 CHAIR LIGNOS: He only testified to
23 the square footage of the demolition.

24 MR. ROSENBLUME: Right. But my
25 question is similar to Mr. Segreto's in that why

1 is that space remaining and if it relies on a
2 tenant --

3 CHAIR LIGNOS: But he told you -- he
4 said it was existing tenant but he didn't know
5 what the tenant was. That's what I just heard.

6 MR. ROSENBLUME: No, he said it was
7 the Dollar Store on one building.

8 MR. DENICOLA: He said on D he
9 didn't know what it is.

10 MR. ROSENBLUME: No, but on, let's
11 take the dollar -- lets' say the money store.
12 Dollar Store. When does the lease run out?
13 Because we were told --

14 CHAIR LIGNOS: I think that was
15 brought up earlier --

16 MR. ROSENBLUME: We were told that
17 K-mart has the longest lease to 2015.

18 CHAIR LIGNOS: No, that's not what I
19 heard at all.

20 MR. BASRALIAN: There was no such
21 testimony. The only testimony, Mr. Rosenblume,
22 was that the K-mart lease expired in August of
23 2015.

24 CHAIR LIGNOS: That's the only thing
25 I had heard.

1 MR. ROSENBLUME: Right. Right.

2 CHAIR LIGNOS: And during -- during
3 this hearing I had heard that the Dollar -- the
4 Dollar Store had a lease, and there was one other
5 lease on the eastern most section. That's all I
6 --

7 MR. ROSENBLUME: So, we can't get
8 the year for the Dollar Store?

9 CHAIR LIGNOS: Let me ask you, do
10 you happen to know?

11 MR. BASRALIAN: No.

12 CHAIR LIGNOS: Not you Mr. Roncati.
13 Do you happen to know, Mr. Basralian?

14 MR. BASRALIAN: No.

15 MR. ROSENBLUME: Because in the
16 prior application, two, three years ago, from what
17 I heard, the K-mart has the longest lease.

18 CHAIR LIGNOS: Okay. But not during
19 this testimony.

20 MR. ROSENBLUME: No. No. Thank
21 you.

22 CHAIR LIGNOS: Okay. Members of the
23 board, I'm going to close this portion of the
24 meeting to the public. Members of the board,
25 congratulations, after 11 or so meetings, I think

1 we have concluded with the witnesses of the
2 applicant.

3 MR. BASRALIAN: Applicant.

4 CHAIR LIGNOS: Correct?

5 MR. BASRALIAN: That's correct.

6 CHAIR LIGNOS: Okay.

7 MR. WEINER: Do you rest?

8 MR. BASRALIAN: Never.

9 CHAIR LIGNOS: And therefore, at
10 this moment, the applicant rests, and I believe,
11 Mr. Segreto, that you will have witnesses
12 beginning at our meeting on the 14th of November.

13 MR. SEGRETO: 14th, that's right.

14 CHAIR LIGNOS: And you expect that
15 to be roughly one evening, sir?

16 MR. SEGRETO: Yes, I hope so.

17 CHAIR LIGNOS: Okay. So, right now
18 we are scheduled for only November the 14th, as
19 far as special meetings. We have our work session
20 on that Wednesday, whatever that day is. We have
21 our October 31st. We have our regular monthly
22 meeting next week, next Thursday. We have our
23 work session the first Wednesday of November. We
24 have no regular monthly meeting in November
25 because it happens to fall on Thanksgiving. And

1 for some unknown reason you all decided to observe
2 Thanksgiving and not come to this meeting, which
3 is fine. After that we have our first -- we have
4 our work session in December. And then, depending
5 on what this application needs, there may or may
6 not be another meeting in December.

7 MR. WEINER: Mr. Segreto, you said
8 you have three witnesses, three experts?

9 MR. SEGRETO: Yes.

10 MR. WEINER: What fields of
11 expertise just so the board knows?

12 MR. SEGRETO: Traffic, engineering
13 and planning.

14 MS. AMITAI: Traffic --

15 CHAIR LIGNOS: Engineering and
16 planning. And, Mr. Segreto, do you expect to have
17 their reports to the board two weeks prior? I
18 would imagine.

19 MR. SEGRETO: No, I don't expect any
20 of them to do reports.

21 CHAIR LIGNOS: Oh, they're just
22 going to provide testimony that evening?

23 MR. SEGRETO: Yes.

24 CHAIR LIGNOS: Okay. Any member --

25 MR. WEINER: And, Mr. Segreto,

1 they're not required to do that. But specifically
2 with respect to traffic, if there's any studies or
3 any data that your guys are going to rely on, that
4 wasn't already submitted to the board, then I
5 would recommend you ask him to supply it. If he's
6 just going to, you know, comment on the other
7 reports, that's fine. But if he says he went out
8 and counted or any other thing, any other data
9 that he did, based on studies, he should submit a
10 report if he's going to do that. So --

11 CHAIR LIGNOS: Okay now --

12 MR. DENICOLA: So then we're not
13 going to need any of our traffic expert going
14 forward then, right?

15 CHAIR LIGNOS: I do not believe we
16 need our traffic expert going forward, unless we
17 call back after we've heard something else or --

18 MR. WEINER: Well, all right. I
19 mean as long as he will be able to read the
20 transcript if you want him to come back, if
21 something gets said that you have questions on,
22 that's up to the board.

23 CHAIR LIGNOS: It would be the
24 applicant anyway.

25 MR. WEINER: Okay.

1 CHAIR LIGNOS: Just some
2 housekeeping. Mr. Nyfenger, I know that you had
3 to leave about 5, 6 minutes early at the last
4 meeting. If you'd be so kind to listen to the
5 testimony.

6 MR. NYFENGER: Yes. As soon as it's
7 available.

8 CHAIR LIGNOS: I'm sorry.

9 MR. NYFENGER: As soon as it's
10 available.

11 CHAIR LIGNOS: It is available. And
12 I understand that the court stenographer has
13 completed it and she'll get a copy.

14 Mr. Pialtos, you have to produce --

15 MR. BASRALIAN: Mr. Chairman, there
16 is the full transcript for the last hearing is now
17 available. So, I will make sure it's sent on.

18 CHAIR LIGNOS: Thank you so much.

19 Mr. Pialtos, there is about a six
20 minute, this hearing, that if you'd be so kind as
21 to catch up to those six minutes.

22 (Board talking amongst themselves.)

23 CHAIR LIGNOS: If there is no other
24 business before this board, this chair will
25 entertain a motion.

1 MR. NYFENGER: Motion.

2 CHAIR LIGNOS: Motion is made by Mr.
3 Nyfenger.

4 MR. BASRALIAN: Just please again
5 repeat that this is carried.

6 CHAIR LIGNOS: Yes, thank you.
7 Before I do that, this application, and please
8 tell me if I'm saying this correctly, is going to
9 be carried to November the 14th, at which point
10 the objector will have -- the objectors' attorney
11 will have witnesses to be heard that evening.
12 That is, again, 8:00 p.m. beginning -- the meeting
13 begins 8 p.m. on November the 14th.

14 MR. WEINER: There will be no
15 further notice of the meeting.

16 CHAIR LIGNOS: Thank you. Mr.
17 Nyfenger makes the motion to adjourn. Mr. DiDio
18 seconds it.

19 All in favor?

20 THE BOARD: Aye.

21 MR. WEINER: One more thing.
22 Mr. Basralian you're going to extend the time to
23 act, I assume, to the next meeting?

24 MR. BASRALIAN: To the next meeting
25 absolutely.

1 CHAIR LIGNOS: Thank you very much.
2 We have a motion for second. If I hear no
3 objection from the board, all in favor?

4 THE BOARD: Aye.

5 CHAIR LIGNOS: I heard and saw no
6 objection. This meeting is adjourned at the time,
7 9:25.

8 (Meeting concluded.)

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C E R T I F I C A T E

I, GINA MARIE VERDEROSA-LAMM, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the deposition of said witness(es) who were first duly sworn by me, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

GINA MARIE VERDEROSA-LAMM, C.S.R.
LICENSE NO. XI2043

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