Mr. Lignos, Chairman called the Regular Monthly Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, August 29th, 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. DiDio
Mr. BaBoo-8:09PM
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. There was no further discussion regarding mentioned.

Motion was made by Mr. DiDio & seconded by Ms. Stella to approve minutes of 07-25-13. All present were in favor of approval.

**Item # 1**

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

*Refer to attached transcript.*

Motion was made by Mr. DiDio & seconded by Dr. Maddaloni to adjourn meeting. Meeting was adjourned at 11:26PM.
STATE OF NEW JERSEY
COUNTY OF BERGEN
BOROUGH OF CLOSTER

IN THE MATTER OF
REGULAR MEETING
The Application of: TRANSCRIPT OF
CLOSTER MARKETPLACE (EBA), LLC., PROCEEDINGS
CENTENNIAL AME ZION CHURCH, BLOCK
1607, LOT 1 (BL 1310/L 2) 19 VER
VALEN STREET (7 CAMPBELL AVE.)
APPLICATION #P-2013-03

BOROUGH OF CLOSTER MUNICIPAL BUILDING
188 Closter Dock Road
Closter, New Jersey
August 29, 2013
8:00 p.m., Volume VI

BEFORE:
PLANNING BOARD
JOHN LIGNOS, CHAIRMAN
SOPHIE HEYMANN, MAYOR
VICTORIA RUTI AMITAI, COUNCILWOMAN
DAVID BABOO, BOARD MEMBER (8:07)
MARK MADDALONI, BOARD MEMBER
IRENE STELLA, BOARD MEMBER
LEONARD SINOWITZ, BOARD MEMBER
ROBERT DI DIO, BOARD MEMBER
ADRIENNE ISACOFF, BOARD MEMBER
DEAN PIALTOS, BOARD MEMBER (left at 10:22)
PAUL NYFENGER, BOARD MEMBER
ARTHUR CHAGARIS, ESQ., BOARD ATTORNEY
NICK DENICOLA, P.E., BOARD ENGINEER
ROSE MITCHELL, BOARD SECRETARY

APPEARANCES:
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. NJ1704626
CHAIR LIGNOS: Item No. 1 on our agenda, and the only item on our agenda, is, block 1607, lot 1, 19 Vervalen Street, application P2013-03, Closter Market Place, and Centennial AME Zion Church are the applicants. The attorney is Mr. Basralian. Let me remind everyone that this is a subdivision and site plan soil movement application, which was received back on May the 16th, deemed perfected, with stipulations, on June the 5th, at that work session. The application was continued and received final perfection on June the 27th's regular monthly meeting. Special meetings have now taken place on July the 11th, on the 18th, August the 7th, and the 8th, and this application is here this evening to be continued at this August the 29th regular monthly meeting. Mr. Basralian welcome back.

MR. BASRALIAN: Good evening. Good evening. Did I hear that there was correspondence regarding Edens, that you referenced?

CHAIR LIGNOS: Yes. Yes. I would be more than happy to share this with you. It was an article from the New York Times, that the mayor just passed around to everyone. It's a nice interview with the chief executor -- executive of
Edens, an interview.

MR. BASRALIAN: Oh, it didn't deal with the application?

CHAIR LIGNOS: No.

MR. BASRALIAN: Fine. That's all.

CHAIR LIGNOS: But because it was received by this board --

MR. BASRALIAN: I'll look at it and give it back. Thank you.

I'd like to recall Chuck Thomas, our engineer, who we concluded with on August 8th. Mr. Thomas, you're still sworn.

MR. CHAGARIS: Correct.

EXAMINATION BY MR. BASRALIAN:

Q Mr. Thomas, during the course of the last hearing on August 8th, there was a question from the board, regarding the color image with respect to the proposed use of LED lights for the pedestrian areas, and different lights in the parking area. Would you please explain or address that question on behalf of the applicant.

A Certainly. We are proposing, as you know, 25-foot high lamps in the parking area, and 14-foot lights in the pedestrian area. Both are metal halide lights. Those are the whiter lights.
We did -- we had checked the light bulbs, light bulb color is measured in kelvin degrees, if you will. That's how it's looked at. The lights in the parking lot will be a white light with maybe a bluish tint to those. That's a very bright light. That's a very bright intensity. Whereas, along the pedestrian ways, that will be your clear white light. So, they will work together well. It won't be two different shades or anything like that.

To explain what the kelvin is, maybe this might help you, is, picture -- kelvin is a temperature like Celsius, Fahrenheit, and kelvin is an extreme temperature measurement, where it starts at negative 278 degrees. What that is, is Celsius. What that means, is, picture a bar that starts to get heated. They start heating it up. And it turns red. Okay. As it turns red, that is maybe 2,000 kelvin. And as it starts getting hotter and hotter, it will eventually start to turn yellow, maybe 3,000 kelvin. Then it will start to turn white, which is now 4,000 kelvin, and then eventually it will be get blistering white, white-ish blue, which is 5,000 kelvin. So, that's how they measure color scheme. That's how
the eye perceives it. So, that's the table they use. So, we had it checked out on the bulbs. We researched those. So, we are using a white-ish light in the pedestrian areas. We have a nice clear light where you're walking, and a little bit brighter light in the parking lot.

CHAIR LIGNOS: Do you know your bulbs just out of curiosity?

MR. THOMAS: On the -- sure, in the parking area it's fourth. I'm sorry. In the pedestrian area it's 4,000. In the parking area it's 5,000.

CHAIR LIGNOS: So, 3 and 4.

MR. THOMAS: I apologize.

CHAIR LIGNOS: Okay. Say that again, please.

MR. THOMAS: Three thousand in the pedestrian area and 4,000 in the parking areas.

CHAIR LIGNOS: Okay. That's actually a lot better. Thank you.

MR. BASRALIAN: That's why we take notes.

CHAIR LIGNOS: I didn't know you doubled up as a lighting consultant.

MR. BASRALIAN: You know, lawyers
think they can do everything. We are only
licensed for one thing, however. So, we keep our
mouths shut most of the time.

CHAIR LIGNOS: So I hear.

BY MR. BASRALIAN:

Q Is there any discernible difference
to the eye in terms of the lighting between the
pedestrian area and the lights that are in the
parking lot?
A No. No, you won't -- you won't see that.

Q All right. There was also a
question about the location of the car chargers
and where you would locate them. Would you please
address that for the board as well.
A Certainly. Our recommendation would be to
leave them in the theater area adjacent to that
parking area. The thinking here, is, it's a more
long-term use for the charger. That people will
be there for an hour and a half, two hours maybe.
Or the restaurants are there, the same thing. So,
you can plug the car in and leave it in that area
for an extended period of time. Most people, when
they go to a shopping center with an electric car,
it's already charged. They usually leave the
house charged. But this gives them an added
benefit of having a car, it will be plugged in for an extended period of time.

Q     Okay, one of the other questions that was asked, was, your opinion about the best location for a bus stop along Vervalen, should the route be changed or altered to come down Vervalen or back on Vervalen, I guess it's east and west on Vervalen. Did you do an investigation? Are you able to tell the board which location is the best, in your opinion?

A       We looked at -- we looked at the street in our area, and the bus stop, we were trying to understand the best way to utilize the bus stop, to connect shopping centers and downtown. So, if you look at -- I'm walking over to Exhibit A-17 --

CHAIR LIGNOS: Let the record show that Mr. Baboo joined the board.

BOARD SECRETARY:  8:09.

CHAIR LIGNOS:  8:09. I'm sorry, keep going.

MR. THOMAS:  Sure.

CHAIR LIGNOS: I apologize.

MR. THOMAS: The intersection of Lewis and Vervalen, actually is a nice central location point for a bus stop to be -- to have a
bus stop. Because now you have the shopping
center. You have the shopping center located to
the east, and you have downtown to the west. And
also you can access Lewis Street to get to the
shops along Homans. So, this is a nice location
over here. I know we were talking about on our
site, but we thought this was a nice location.

MS. HEYMANN: Does Lewis Street stop
close to downtown --

CHAIR LIGNOS: Mayor, why don't we
allow the witness to finish and then I'll ask the
board for questions.

BY MR. BASRALIAN:

Q Okay. Lastly, there was a question
regarding the size of the transformer on Homans.
The board was concerned that we had shown one size
and that when it came to fruition there would be
another size. Were you able to review that with
the appropriate authorities and determine whether
or not the size represented on the plans is in
fact what would be utilized?

A Yes, we -- we had met with Orange and
Rockland some time ago and they gave us our
guidelines. We went back and revisited that. The
size of the transformer, we depict, is accurate.
However, we had increased the size of the pads slightly. So, if you look on the drawings you'll see that it's -- it's about an extra foot by foot wider now.

Q     So, this is the largest transformer that would be located here, as shown on your plans, it wouldn't be larger than that?
A     That's our understanding, correct.

MR. BASRALIAN: Thank you. I believe that addressed the questions --

CHAIR LIGNOS: Did we ask something about pedestrian walks? I seem to -- just from notes, there was a question on the clarification of the pedestrian walk from Vervalen back to the plaza.

MR. BASRALIAN: And I thought we said we would address that with our traffic consultant.

CHAIR LIGNOS: Fine. Fine.

MR. BASRALIAN: There was a question about some of the, you know, the bike rack, and so on. But that's another witness who will testify to that. So, we're limiting it here to what was directly asked of him and within his province to respond to.
MR. DENICOLA: Can you point out where the transformer is? Only one transformer?

MR. THOMAS: No, there's several.

CHAIR LIGNOS: Well, let me ask you this, Mr. Basralian, is this witness now complete?

MR. BASRALIAN: Yes.

CHAIR LIGNOS: Okay.

MR. BASRALIAN: Subject to our bringing him back for rebuttal.

CHAIR LIGNOS: Well, what I'd like to do now, is, ask the board for questions, wrap up the board's side. I'm going to start with Nick, because he started, and then I'll go around. And then we'll open up the meeting to the public for the public's questions.

Nick, why don't you ask your questions.

MR. DENICOLA: The transformers, can you show us, location by location, how many there are, where they're located, and how they're screened.

MR. THOMAS: The transformer pads, we have several. We have one located adjacent to the theater. And if you've been out there you've already uncovered it, great. Adjacent to the rear
of the theater. And we have another transformer that is located in the back, by building D, in the corner opposite from the theater. We have a transformer that's located on the entrance off of Homans, as it comes in, behind retail D, and the side parking area. We have a transformer located at the corner of the Homans entrance as well. There is another transformer located directly behind retail B, almost behind -- between retail A and B. Behind retail A we have two transformers that will be constructed. And then last but not least, behind the former K-Mart will be an additional transformer. So, all together we have 1, 2, 3, 4, 5, 6, 7, 8; 8 transformers that we're showing.

MR. DENICOLA: So, there's nothing behind building -- K-mart building?

MR. THOMAS: Yes.

MR. DENICOLA: Oh, there is, I'm sorry.

MR. THOMAS: There's one located right by the loading dock, and then two are adjacent to the back of retail A.

MR. DENICOLA: Okay. Gotcha. And they're all screened? They all have fencing
around it I assume and --

MR. THOMAS: Landscaping. We have landscaping.

MR. DENICOLA: No fencing around the transformers?

MR. THOMAS: No, fencing. No. Right, no landscaping.

MR. DENICOLA: No landscaping?

MR. THOMAS: I mean no fencing. No fencing, right.

CHAIR LIGNOS: Do we have any concern about children getting near those transformers?

MR. THOMAS: Well, they're sealed units.

CHAIR LIGNOS: So, you wouldn't --

MR. THOMAS: Yeah, I'm not worried about that.

MR. DENICOLA: And, again, they were all reviewed in size by Rockland already?

MR. THOMAS: We used their guidelines and then eventually we will be submitting the full power calculations and have the final sizes. But we're confident, based on their guidelines that we are okay.
MR. DENICOLA: Okay. All right.

The ground face block, there's going to be a sample of that at a later date?

MR. THOMAS: Yes, I have it here.

MR. DENICOLA: Okay.

MR. THOMAS: If you want to pass it around. We talked about the painted metal front door. That's this. And then we talked about the ground face block. This is what will be considered a nicer finish. And we'll also pass that around as well.

MR. DENICOLA: Now, is that color accurate? Or is that color accurate?

MR. THOMAS: That color is accurate.

MR. BASRALIAN: It's also noted, for the record, that we've added to the revised exhibit list, which I've provided to the board, revised through August 29th, 2013, as Exhibit 14-A. It includes the materials on the sample board that was presented -- that was presented by Mr. Roncati, as well as these two items, and they're listed each individually on the exhibit list.

MS. AMITAI: Would that be this?

CHAIR LIGNOS: No, that is --
MR. BASRALIAN: There is an exhibit list. There should be copies for everyone.

MR. DENICOLA: Going back, you mentioned about the bus stop. You're not showing a bus stop on the plan though, but you're saying it could be located on I guess not in front of your property but in front of the TD bank?

MR. THOMAS: Well, we think that's a great location for it. Just because it puts it between all of our facilities.

MR. DENICOLA: Right.

MR. NYFENGER: You mean the Bank of America?

MR. BASRALIAN: Yes, near Lewis Street and Bank of American, right.

MR. THOMAS: Yeah, right across the street.

MR. DENICOLA: There was a little talk about -- I'm not sure what the conclusion was about it, conceptual connection to the commons?

MR. BASRALIAN: Yeah, there was a question about that, and I can respond on behalf of the applicant.

MR. DENICOLA: Sure.

MR. BASRALIAN: We don't have an
objection to having some kind of connection. However, it requires three parties' consent. Obviously, consent -- requires the consent of this applicant, the adjacent property owner, and the board, with respect to whatever happens and how it comes about. For the purpose of this application, we haven't provided it. If in the future the parties negotiate and can come to an agreement on how to do that, we don't have an objection to providing that in the future.

CHAIR LIGNOS: Can you just -- can you repeat your question one more time? I'm sorry I was asked --

MR. DENICOLA: Yeah. I know the board was speaking of, I guess coming up with a conceptual connection to the Closter Commons, as well as pedestrian-wise. That's what prompted the response.

MR. BASRALIAN: Yeah, I think, just to expand --

CHAIR LIGNOS: If that was to happen. If that was to happen.

MR. BASRALIAN: -- I'll ask him where it would be located.

CHAIR LIGNOS: That's it.
MR. BASRALIAN: Okay. If you would address where you would locate it, it does bring about the loss of some parking spaces, and rather, a relocation of a -- of a dumpster compactor, and that's -- all of those are considerations. Plus you have to have an agreement, obviously, with the adjacent property owner and his -- and its willingness to accommodate the connection.

MR. THOMAS: Coming off the Homans easterly entrance into the site, you have this side parking lot, that we have -- that we have shown. There is a bank, a row of parking that's on the adjoining property. This would be the location where we think -- well, where it would work out to connect these two properties. We would have to -- there would be a lot of reconstruction. It would involve Burger King, the commons, the plaza as well, to get this to work, because of the great differential --

CHAIR LIGNOS: So, Mr. Basralian, if I understand you correctly, if -- if the commons were to agree, if Burger King was to agree, the applicant --

MR. BASRALIAN: And Edens would agree, in terms by way of the terms of whatever it
entails to do, because it's a lot of construction
to do that sort of thing.

    CHAIR LIGNOS: Right. Okay.

    MR. DENICOLA: That was it for me.

    CHAIR LIGNOS: Okay. I'm going to
go around, starting with the mayor, asking any
questions. This will be your last -- our last
chance of asking this witness any questions. Then
we will open up the questions to the public.

    Mayor.

    MS. HEYMANN: Yeah, I was concerned
about the location you proposed for the bus stop
because, as I visual it, the stop on Lewis Street
is very close to the downtown bus stop we already
have. And much further than I anticipated from
the next bus stop, which is the Closter Dock and
Piermont Road. And, ideally, this stop should be
in the middle, between those two stops. Which, I
think if you put it closer to theater than to
Lewis Street. And I think maybe Mr. Isaacson, who
has been pushing for that bus stop, may have an
opinion on this.

    CHAIR LIGNOS: Well, why don't we
let that -- let Mr. Isaacson, if he does have an
opinion, do it during the questions of the public.
MS. HEYMANN: Okay.

CHAIR LIGNOS: Mayor, any other questions?

MS. HEYMANN: That's it.

CHAIR LIGNOS: No other questions.

Councilwoman.

MS. AMITAI: I do have a few questions. In the new plans, I wasn't able to see the building sizes. Could you just show me each building and tell me the length, the width and the height of each building.

MR. THOMAS: Each building on the site plan?

MS. AMITAI: Yes. Also, I think you referred to building F.

MR. BASRALIAN: Well, for the height you'd have to go back to the architectural plans. And that's what Mr. Roncati already testified about. But that's not on these plans per se. He can give you the building -- the building sizes, because he's got the square footage on the plans.

MR. THOMAS: Yeah, those are all -- those -- all those dimensions are on the architectural plans.

MR. BASRALIAN: Well, if we could,
let's deal with the -- the -- what the
councilwoman was asking about, which is the square
footage and the length of the building.

MS. AMITAI: I'm trying to figure
the -- what it's going to look like. You know, I
know that the movie theater is 29 feet high, yes?

CHAIR LIGNOS: But, again, the
heights were really architectural issues. The
site plan relates to horizontals. Meaning the
length and the width.

MS. AMITAI: Okay. Nick, do you
know the heights on the building.

MR. DENICOLA: Yes. I can look them
up on the architectural plan. They're shown on
the architectural plan numerically. They're
numerically shown in height.

CHAIR LIGNOS: In other words, the
dimensions are given on the drawing.

MS. AMITAI: Yes. Okay so never
mind then.

MR. DENICOLA: I can answer that
then.

MS. AMITAI: I was having a hard
time figuring out, what we have now, what's going
to be demolished, and what's going to be built.
And I know I've seen it in a couple of different ways, but if I could have it like all on one page. Do we have it all on one page?

MR. BASRALIAN: Yeah, as the Chairman asked two meetings back, that we present that. And we will do that when we conclude with this, because that's really coming through the architectural plans. We will have that.

MS. AMITAI: Okay. That's good.

Because I know we got these. But we didn't get that piece.

MR. BASRALIAN: Right. There is a notation on one of the sheets in the engineering plan that says you have to refer to the architectural plans because -- and we'll bring back Mr. Roncati to testify on that.

MS. AMITAI: Okay. That's all I have at this point.

CHAIR LIGNOS: That's it? Okay.

Dr. Maddaloni.

MR. MADDALONI: Yes. You mentioned the lighting, in the pedestrian and in the parking lot areas. It sounds like it's going to be fairly bright, which clearly you don't want inadequate lighting, but there could be too much of a good
thing too, perhaps. I can just recall one time
buying some cheapo fluorescent lights for my
kitchen, and they were just bright beyond
description. And it gave the kitchen a very
institutional look. And I quickly got rid of them
and bought some soft white lighting. Is that not
a concern here? I mean surely we want, you know,
adequate lighting. But, is white/blue, the way we
want our plaza to look?

MR. THOMAS: Well, there is a
difference between these type of the lights you
see in a building. These lights are recessed in
the head. So, when you're away from them, the
light is coming down. These are night sized
lights. So, we don't want to reflect light up.
You don't want them to go out. You don't see the
bulb unless you're almost directly underneath the
bulb and looking up into it. So, from a distance,
you'll just see, the light is just coming down
onto the ground illuminating the ground. So,
we're not flooding it with colored light. It's
not like that at all. It is -- it's just a white
clear light that comes down.

CHAIR LIGNOS: Could you just tell
Dr. Maddaloni, perhaps, the footcandle to give him
a sense of comfort.

MR. THOMAS: Sure. Sure. A shopping center is typically 6 foot candles is what they look at. And in this project it's 5. -- we're under that. We're at 5-footcandles on this project. So, we're a little lower than the industry standard. We had to hit the 5-footcandles because that's Whole Foods requirement.

MR. MADDALONI: All right so it won't be glaring?

MR. THOMAS: No, no, it's not glaring or anything.

CHAIR LIGNOS: And on Dr. Maddaloni's point, were you able to confirm what the street lighting, presently, the type of lighting we have in our -- on Vervalen, the type of bulb, top of light.

MR. DENICOLA: That's LED.

MR. THOMAS: Yeah, that's an LED.

CHAIR LIGNOS: Correct. And do you happen to know the color of those?

MR. NYFENGER: Kelvin.

MR. THOMAS: No, I don't know -- I don't know the color.
MS. AMITAI: You mean in the Renaissance district?

CHAIR LIGNOS: Yeah.

MR. DENICOLA: You're talking about Vervalen?

CHAIR LIGNOS: No, I'm talking about all of Vervalen.

MS. AMITAI: Well, we're supposed to, according to our master plan --

CHAIR LIGNOS: Well, that's why I asked the question.

MS. AMITAI: Led.

MR. DENICOLA: You see LED lighting only on Vervalen from the borough hall going east.

CHAIR LIGNOS: Correct. But for some reason I'm picturing them cooler, and yellower. That's the only reason.

MR. THOMAS: If they're yellower they're cooler, yes.

CHAIR LIGNOS: Right. And I'm picturing them cooler. So, I guess -- you know, that's the only reason.

MS. ISACOFF: Cooler is yellower?

CHAIR LIGNOS: Yeah, it's contrary to the sun.
MS. ISACOFF: Okay. Because I know that I'm not up yet, but I have exactly the same questions, concerns. I have, even though it's not my turn, I have exactly the same questions and concerns that councilwoman Amitai raised it last week, the last session, that the LED lights that we currently have, although energy efficient, and that's wonderful, have -- they're really esthetically very unpleasing. I hate the way the Renaissances district looks right now.

CHAIR LIGNOS: Is it the color? Is it the color?

MS. ISACOFF: It's the color.

MR. DENICOLA: LED is not in the Renaissances district.

MS. ISACOFF: What do we have in the Renaissance district.

MR. DENICOLA: It's a standard I guess it's --

CHAIR LIGNOS: Sodium. It might be sodium.

MS. ISACOFF: Whatever they are, they look blue, and they're not warm, and I really want to avoid that. I want it to look warm. Not withstanding the need to be safe.
MR. DENICOLA: Well, what -- out of curiosity, the lighting you're proposing on the street, on your, I guess you have lighting behind the sidewalk, proposed on Vervalen, as well as -- not Homans. Not Homans. On Vervalen, what kind of light is that? Is that also the same as the parking lot lighting?

MR. THOMAS: Yes.

MR. DENICOLA: It is. Okay.

CHAIR LIGNOS: What do you have proposed for pedestrian lighting?

MR. THOMAS: On Vervalen? Hold on.

CHAIR LIGNOS: I thought you were going to match --

MR. THOMAS: I'm sorry, yes, he is correct, yes. The pedestrian lighting along the sidewalk on Homans and Vervalen is the 14 foot mounted pedestrian light.

MR. DENICOLA: That's the same light as in the plaza area?

MR. BASRALIAN: Within the walkways in the plaza area. The other is only within the parking lot.

CHAIR LIGNOS: Okay. Well, you know, just so we can put this to rest, what I'm
going to ask you to please do, please confirm what
the lighting is in our -- Vervalen, down to
Closter Dock. So that we don't have a mishmash of
different colors. That's where our concern is.
Having a white light, or having a 3,000 kelvin is
probably adequate. We just don't want one to be
blue, the other to be yellow, and then all of a
sudden we have a third in white. So, just please
confirm the existing, as it exists, so that we
have some sort of --

MR. DENICOLA: Mr. Chairman, you're
talking about on Main Street?

CHAIR LIGNOS: Yeah, yeah, I'm
talking about the Main Street.

MR. DENICOLA: That's going to be
the -- sodium.

MS. HEYMANN: I would just comment
that the lights on Vervalen are experimental.

MR. DENICOLA: That's the LED
lighting.

MS. HEYMANN: Experimental on the
part of O&R. And they may not remain, because
they're unique in that particular location. The
street posts on Vervalen, that were installed by
O&R about 3, 4 years-ago, would you say?
MR. DENICOLA: About 4 years-ago, yeah.

CHAIR LIGNOS: Okay, the description --

MS. HEYMANN: I don't know if they will remain that way.

CHAIR LIGNOS: Okay, the description of an LED on Vervalen, would not be a yellow light.

MR. DENICOLA: That's correct. No, I understand that. What I'm saying is you're asking them to confirm going, west I guess, from the plaza.

CHAIR LIGNOS: Right.

MR. DENICOLA: We know that already.

CHAIR LIGNOS: That is already sodium. So, we can't have a yellow light. So the ideal will now be that if we make -- if we make the pedestrian level at around 3,000, and make that our standard, we may want to look at the street lighting eventually, and have it go the other way around, as opposed to having them following the existing standard. We'll match them.

MS. AMITAI: We'll match them.
Good. Thank you.

CHAIR LIGNOS: All right so scarp what I asked. Thank you very much.

MR. DENICOLA: Fixtures along Vervalen, are they going to match downtown?

CHAIR LIGNOS: That's what we wanted to make sure, that the fixtures that we have along our main street --

MR. DENICOLA: Are consistent.

CHAIR LIGNOS: -- be consistent --

MR. THOMAS: They'll be matching our lights in size.

CHAIR LIGNOS: The bulb, yes. We're asking that the -- could -- all right, I mean we have to do it in the form of a question.

MR. DENICOLA: Fixtures.

CHAIR LIGNOS: Can we have -- would you -- would the applicant consider the fixtures that we use along our main street to be a continuation down to --

MR. DENICOLA: Only along Vervalen.

CHAIR LIGNOS: On Vervalen.

MR. THOMAS: I'd have to ask them the question.

CHAIR LIGNOS: Could you please.
MR. THOMAS: We have to look at the fixture involved to see --

CHAIR LIGNOS: Okay. So, you'll let us know.

MR. THOMAS: Do you have a plan?

MR. DENICOLA: I will send you the plan in detail.

MR. THOMAS: Okay. That'd be great.

CHAIR LIGNOS: They're all gold.

MR. BASRALIAN: Solid or plated?

CHAIR LIGNOS: Solid.

MR. BASRALIAN: And conveyed to the municipality, correct?

MR. DENICOLA: Yeah.

CHAIR LIGNOS: Dr. Maddaloni, thank you. Good question. Mr. Baboo.

MR. BABOO: Last year during Hurricane Sandy we had a power outage that lasted a couple of weeks.

MR. BASRALIAN: Could you speak up a little, please.

MR. BABOO: Sure. Last year during Hurricane Sandy we had a power outage that lasted for about a week. For some people it was a little more than a week. Given that there's so many
transformers in this plan, do we know if this mall is connected to one grid or more than one grid?

MR. THOMAS: It's coming -- it's coming off of one grid. It's coming off of Homans, the power is coming. Except for the theater. The theater is coming off of Vervalen. I don't know if it's the same grid.

MR. BABOO: Okay. It would be interesting to -- just to know, you know, how power. I mean it's going to be such a big mall, so many people, and I'm sure it's going to be successful, so, it would be nice if there was an opportunity to take advantage of more than one grid. It would be great to do that.

CHAIR LIGNOS: Well, I think you're also asking, Mr. Baboo, and, correct, me if I'm wrong, is the center planning one or more generators.

MR. THOMAS: At this time it's going to be each retailer will have to make their decision if they want a generator. That's the position.

CHAIR LIGNOS: Okay. Do you know if your major retailer, which I believe has been -- you testified, or has been testified --
MR. BASRALIAN: The answer is, no. We don't know what they're planning to do. If you're talking about Whole Foods, no, I don't have any response. They have not advised us.

CHAIR LIGNOS: Okay. I guess that's where you were going.

MR. BABOO: Yeah, something. Some sort of assurance.

MR. BASRALIAN: Well, let me just clarify the question. You want to know whether or not the power comes from one or more grids, to the shopping center. We'll find out, and in a letter that he will address to Mr. DeNicola, along with the fixtures, we'll address that.

CHAIR LIGNOS: Could you also find out, from Whole Foods, what their plan is as far as a generator is concerned? I think having a food retailer without a generator, I see a lot of spoiled food. But it's just my -- it's just me. And that's something you may want to find out.

Any other questions, Mr. Baboo?

MR. BABOO: Yeah, just in regards to the transformers, do we have more transformers now than we did in the current implementation of the mall?
MR. BASRALIAN: I'm sorry.

MR. BABOO: Do we have more transformers with a proposed plan versus what's there now?

MR. THOMAS: You have more ground transformers, that's correct. The transformers will come -- transformers were on the pole outside. And now we're coming onto -- now we're going underground. And then we're going to come into the site. Then we have our transformers. So, now we're updating. This is how it's done now. That was old school. This is now the new.

MR. BABOO: So, currently all the transformers are on the poles?

MR. THOMAS: Some are.

MR. BABOO: Some are. And there's some actually --

MR. THOMAS: Yeah, we will have more transformers though.

MR. BABOO: Okay. And I guess all the wires have to now be run underground --

MR. THOMAS: Yes.

MR. BABOO: -- to each transformer.

MR. THOMAS: Yeah. There will be no wires from the street to the building. They all
go down under ground from the street.

    MR. BABOO:  Okay.  Are the
transformers put on any type of -- what I'm trying
to get to, is, is if there's a flooding issue, a
water issue, are they put above certain height up
above the ground, or are they sealed?

    MR. THOMAS:  They're sealed.  That's
right.

    MR. BABOO:  For water penetration?
    MR. THOMAS:  Yes.  They are sealed.

I was -- I can give you a personal story about it.
I have underground wires in my neighborhood.  And
I have a transformer right in my front yard.  My
yard got flooded during Irene.  I had two and a
half feet of water up on the transformers.  I
never lost power.

    MR. BABOO:  No kidding.  Wow --
    MR. THOMAS:  Yup, I never lost power
through the whole storm.
    MR. BABOO:  And the cables I guess
were sealed to or --
    MR. THOMAS:  They're underground,
they're sealed, they're in conduit, and they come
up, that's correct.

    CHAIR LIGNOS:  The other side of the
story is New York City, down on the east side in
the downtown area where the opposite happened.
So, it depends on how well they are sealed.

    MR. THOMAS: Right.

    CHAIR LIGNOS: Water is water.

    MR. BABOO: Okay. Are there
standards for, you know, depending on the water
table level, and the amount of rain that falls
from there, do they have standards? Do you follow
protocols?

    MR. THOMAS: In this case we're not
in a flood plain. So it will be just set on
grade, and they will use the standard water tight
unit in these areas.

    MR. BABOO: Okay. Thank you.

    CHAIR LIGNOS: Okay. Ms. Stella.

    MS. STELLA: No questions.

    CHAIR LIGNOS: No questions. Let me
go from Mr. Nyfenger back.

    MR. NYFENGER: Yes. Just, are the
transformers supplied by Orange and Rockland or is
that the --

    MR. THOMAS: Yes, they are supplied
by them.

    MR. NYFENGER: So whatever they say
is going to work?

    MR. THOMAS: Whatever they tell us.

    MR. NYFENGER: Has to work?

    MR. THOMAS: Yes.

    MR. NYFENGER: Okay. Just to get back to the lighting, and it's only from the context, I have a friend who lives on High Street, which would be parallel to Vervalen, and he has often, in the past, complained about excessive lights at night, and the sweeper that drives around, the guy with the backpack blower. We're not talking about the backpack blower guy. But are those light going to, do you think, in your opinion, going to be adversely affecting mood of the block, one block over, at, you know, after say 10 o'clock at night?

    MR. THOMAS: No, the lights will be shutting down one hour after the last business is closed. They'll go into the security mode, where much of the lighting will then be shut off, except for a few security lights, will be stayed on, they can power down the system. Again, these light bulbs are recessed, they're not bulbs sticking out bright and -- so, those few security lights at night will just be focused right down. And it
won't be -- the best example, is, when you go past a gas station that has those lights that hang out underneath the canopy, you can see those for a mile coming up, and that's what they want you to do. You won't have that. The bulbs are recessed.

MR. NYFENGER: And I understand that, but what about the ones that are along the sidewalk?

MR. THOMAS: Same thing. Those are -- those are street lights.

MR. NYFENGER: Right.

MR. THOMAS: So, that will be -- the town will have those on, assuming they stay on 24 for the town. So, those, again, are the same thing though, they're lower now than the ones in the parking lot. And those, again, are recessed heads up in -- into -- into -- the lights are recessed up into the heads. So, you don't see the bulb. There won't be that glow coming out towards the homes.

MR. NYFENGER: Okay. I actually thought that they would be similar, because we're talking about the ones that are downtown, which are more like lampposts, am I correct?

CHAIR LIGNOS: No, we're asking --
MR. NYFENGER: We're not talking about the lampposts?

CHAIR LIGNOS: We're asking -- we're asking, and they're looking into, whether we use the same type of lamppost that we've used in our downtown, to continue, so that the streetscape looks the same.

MR. NYFENGER: Gotcha. So, if that's what we want as a town --

CHAIR LIGNOS: Now, but based on his question, just as a clarification, presently the lighting fixture that's in the parking lot now is not a shoebox recessed lamp, is that correct?

MR. THOMAS: Right.

CHAIR LIGNOS: And the reason I'm asking, is, to give a level of comfort here, the fixture you're proposing is a totally recessed head that should spill no light horizontally.

MR. THOMAS: That's correct. It will focus down onto the ground.

MR. NYFENGER: So, this will be an improvement?

MR. THOMAS: Yes.

MR. NYFENGER: Okay. Great. That's all I want to hear.
CHAIR LIGNOS: At least that's what I'm hearing.

MR. NYFENGER: That makes sense.

Thank you.

MR. DENICOLA: I have a question on lighting. On the intersection, I'm looking at the revised plan, one of my -- one of my letters requested more lighting to be shown, the light levels at the intersection of the driveways. It doesn't look like -- you have some lighting at the pavement edge. But nothing at the -- in the road where the driveways intersect. I'm looking at the one Homans Avenue intersection, it looks like you have lighting of under 20 -- under 1 at the intersection of Homans, easterly driveway in the rear. I was hoping to get like a better idea what the actual light level is in the street at the intersection.

MR. THOMAS: Well, you have streetlights as well.

MR. DENICOLA: Right. Right. I was hoping to get that level. We don't know what that level is off hand. Is that level adequate for a driveway there, or not?

MR. THOMAS: Well, we're
illuminating this area. You're going to have almost a footcandle. Typically --

MR. DENICOLA: Right. For an intersection, that's bare minimum for an intersection.

MR. THOMAS: And parking lots, office parking lots, use, most time, they're actually .3.6.

MR. DENICOLA: Right. But for intersections I think under 1 is bare minimum.

MR. THOMAS: But we will have streetlights up and down.

MR. BASRALIAN: Maybe we can clarify the question. He's saying there's already streetlights there. And, in addition, you're illuminating, within the center, or at the intersection, is that what you're saying? Just so I understand the question and the response.

MR. DENICOLA: What I'd like to do, is, see what the actual lighting level will be, given the street lighting, plus your lighting. I don't know what the answer is. I don't think anybody knows the answer right now.

CHAIR LIGNOS: I guess the answer to Mr. DeNicola's question, do you happen to know
what the foot candles of the existing street --

    MR. DENICOLA:  You would have to go
g out and take a --

    MR. THOMAS:  We would have to go out
and take light readings.

    MR. DENICOLA:  Until we get a
comfort level if there isn't adequate lighting at
the actual intersection where the driveway meets
the road.

    MR. BASRALIAN:  This is the
intersection you're talking about so that will be
included in the letter to you with respect to the
other things, okay?

    MR. DENICOLA:  That's fine.  Okay.
    MR. BASRALIAN:  Okay. Fine.
    MS. AMITAI:  Is that next to Burger
King?
    MR. DENICOLA:  Yeah. Any
intersection, really --
    CHAIR LIGNOS:  I think all of them.
    MR. DENICOLA:  All the
intersections, and we'll send a letter to make
sure they are covered.
    CHAIR LIGNOS:  Okay. Mr. Pialtos.
    MR. PIALTOS:  Yes. Going back to
the issue of the generator. When I had asked you,
last meeting, it's not only for whether Whole
Foods will have a generator, but will there be a
generator that lights up the parking lot and the
pedestrian walkway, that for security reasons
also? Let's say Whole Foods does have a
generator, everything else is going to be dark.
So, will the lighting be -- will have -- that's in
the lot, and the pedestrian walkway have a
generator for safety precautions also?

MR. THOMAS: No, we're not proposing
any generator. We investigated it. It's a
very -- it would be a very large generator to
power up a parking lot, as well as this entire
plaza.

MR. PIALTOS: Because I had asked
you last time you said, well, if we can't put a
generator to light up all the stores, which is
understandable. But the parking lot is going to
be very dark if we have a black out, for the
pedestrians and for the lot. So, if Whole Foods
has a generator, how are people going to go there
in the lot, won't it be dangerous?

MR. BASRALIAN: Well, let just
respond. That's an assumption that Whole Foods
will have a generator. And it's an assumption
that they would have a generator to run the whole
store. They may have one, if they have one at
all, it may be only to take care of their -- their
-- their produce, and not to operate the store and
cash registers.

    MR. PIALTOS: That would be smart on
their part, wouldn't it?

    MR. BASRALIAN: Well, that may be,
but then you wouldn't have anyone in the stores
anyway because the stores wouldn't be open, which
is typically what happens, has happened during
Sandy, many of them -- many of the supermarkets
had --

    MR. PIALTOS: Well, we're trying to
look ahead of this so we don't have it happen like
Sandy again. We want to be covered. And if they
do have a generator that lights up their produce
area so people can go into -- where are they going
to have a generator --

    MR. BASRALIAN: No, you
misunderstood me. What the supermarkets do, is,
all they do is have enough generation to take care
of their -- their refrigeration, but not to
operate the store. It doesn't open up.
MR. PIALTOS: So, let's say people wanted to go get milk?

MR. BASRALIAN: You wouldn't be able to because the isn't opened.

MR. PIALTOS: The store is closed?

MR. BASRALIAN: Yeah, it's just for, if they have one at all. And all I'm saying is that many of the supermarkets during the last black out, if they had generation, it was only to take care of their frozen foods.

MR. PIALTOS: So, let's say the black out lasted for a week, they would want to be out of business for a week?

CHAIR LIGNOS: Now, there is other retailers that do have generators. So, you may go to that one.

MR. NYFENGER: Can I ask a question. If in the future, for you guys actually, if they were to want to put a generator, would they have to file for a building permit?

CHAIR LIGNOS: Yes. And also come back here. It's actually a site plan.

MR. NYFENGER: So then you can say you can only put a generator in if you put a generator in to manage the lots. Yes? No? Maybe
so?

CHAIR LIGNOS: Say that again, I'm sorry.

MR. NYFENGER: We could restrict permission to put a generator in for Whole Foods based on them putting a generator in to light the parking lot.

CHAIR LIGNOS: At the time they come back for a generator --

MR. NYFENGER: Correct.

CHAIR LIGNOS: -- or if the building department issues it.

MR. NYFENGER: Correct.

CHAIR LIGNOS: I can see them restricting it.

MR. NYFENGER: Okay.

MR. PIALTOS: So, wouldn't they want to think of doing that ahead of time though.

MR. BASRALIAN: Let me rephrase it then, just to be perhaps direct with it. There's no present intention to have a generator in, that runs the parking lot lights, or anything else. If tenants elect to put generators in, that is up to them, and then the owner of the shopping center would have to make a determination as to what it
wanted to do and view, not just putting a
generator, it's the economics, how you operate it,
how big it has to be, and where it would be
located. Those are factors that would have to be
considered at the time. Right now there is no
intention to put a generator in. That may be in
the future. A lot of things change in the future
so --

MR. PIALTOS: It would be more
expensive later on though, to do it, wouldn't it?

MR. BASRALIAN: Perhaps. Perhaps.
But it is not the intention to do it now. And
they're not intend -- it's not in the plans and
it's not part of it, nor is there any indication
that anyone else will have a generator at this
time, including -- including Whole Foods.

MR. BABOO: There will be emergency
lighting in the store if the electricity goes out?

CHAIR LIGNOS: That's a code issue.

MR. BABOO: That's a code issue.

CHAIR LIGNOS: That's a code issue.

Any other questions Mr. Pialtos?

MR. PIALTOS: No.

CHAIR LIGNOS: Okay. Ms. Isacoff?

MS. ISACOFF: No.
CHAIR LIGNOS: No questions.

Mr. Didio.

MR. DIDIO: The concern that I have is with all these transformers. There is a lot of transformers going in. On Homans Avenue on the eastern end of Homans Avenue, where that entrance is, my understanding, by looking at the plans, is, that there is two transformers practically right at the driveway at the main entrance there. They're not going to be really screened, except for some shrubbery perhaps. But I'm sure that they'll still be extremely visible. Would it be possible to move those transformers away so they're not in direct line of sight as people enter through Homans Avenue?

MR. THOMAS: The one -- there is one transformer at that -- near the entrance of Homans Avenue.

MR. DIDIO: It seems to be right there.

MR. THOMAS: Right.

MR. DIDIO: I don't think it's a good spot in terms of visual effects.

MR. MADDALONI: And what would be the height of the transformer above grade?
MR. THOMAS: About four feet.

MR. DIDIO: It's a big -- it's a big box.

MS. AMITAI: Are they screened?

CHAIR LIGNOS: Hold on. Folks, stop. Hold on. Let's go through some sort of order.

Mr. Didio, finish your question first.

MR. DIDIO: So, my concern with the generator at the entrance there, is that if that could be moved to a different location, and moved down more, and then with regard to the other generator, which --

MR. NYFENGER: Transformer.

MR. DIDIO: Transformer. We were talking about generators.

MR. BASRALIAN: That's trying to slip in there.

MR. DIDIO: With regard to the other transformer, it also appears to be looking at the plans in direct sight of people coming in and going from that entrance.

MR. DENICOLA: And they typically have a big box around too --
MR. DIDIO: Right. Right. It's an eyesore. And we're trying to create a nice shopping center. A nice visual architectural design.

CHAIR LIGNOS: Well, I think we would be best to ask you to please look at that.

MR. BASRALIAN: Well, I was going to say, really that's a question that may or may not be in the sole discretion of Orange and Rockland. And not necessarily the applicant. And we can ask about it. And I will include that one in the letter as well, if there is a response.

MR. DIDIO: Because my feeling, is, since it has to be added, fine, but add it someplace else in a different location.

MR. BASRALIAN: It sounds logical to us, the layman, it may not be logical for the people who install it. So, we really have to check with them. We'll try to do that, yes.

MR. DIDIO: And the other point that I want to make, is, I agree with the mayor with regard to the location of the bus stop. I too feel that the bus stop should be moved down more towards the theater, because that's a big span for people.
MR. NYFENGER: Where was it going to be again, roughly? Maybe just point on the map.

MR. BASRALIAN: Why don't you point out where it is.

MS. HEYMANN: Right by borough hall. Right here.

MR. NYFENGER: But that's a traffic light. That's not a -- that's not a good spot.

MR. DIDIO: Right now --

MR. THOMAS: It widens out over here. We are looking at this location being more central, is what we're looking at. One of the things that we had looked at, initially, was at the theater area. And the concern over here was the same, similar over here, was, that we were concerned that this is a driveway entrance. Buses stopping here and people trying to go around the bus. Where this is an intersection, and traffic stoplight control. So, that's why we thought that this might be better. That it's at the central location between the two as well.

MR. DIDIO: With regard to the bus stop though, wouldn't it be possible to design like an in, cut-in, in the curb?

MR. THOMAS: No. By doing that we
would come right into the plaza area that we're trying to create.

MR. DIDIO: All right. Well, take a look and see if you can -- thank you.

MR. BASRALIAN: I think at the last hearing, Mr -- I know Mr. Thomas said that it's a four lane roadway, and that putting in a pull-off wasn't really necessary or practical, because of the impact. And up and down Vervalen or any wide street, the buses stop at the curb and not at the pull-in. And as he mentioned, the concern was because cars might pull around to try to get beyond the stopped bus to go in, or cars pull out without looking that there's traffic in the second lane. It is a four lane roadway, although not busy necessarily, it's a four lane roadway. So, it's very wide for a bus stop.

MR. DIDIO: All right. Thank you.

CHAIR LIGNOS: But you having just said that, their request, I think then sounds reasonable, in the sense, that if there is four lanes, as you had testified at the last meeting, one of the lanes could be taken up by the bus that is slowing down, stopping, in which case, since all of Vervalen is four lanes, that bus can stop
anywhere along Vervalen. So, therefore, I ask
you, again, if the board feels that the bus stop
should be closer to the -- to the other end, and
since it's four lanes along all of Vervalen, and
since one bus would never stop traffic because a
car can go around it, could you stop the bus
before the indicated stop that you were
contemplating?

MR. THOMAS: Before --

CHAIR LIGNOS: In other words --

MR. BASRALIAN: Before Lewis Street.

CHAIR LIGNOS: -- further -- further
east.

MR. DIDIO: Towards the movies.

MR. NYFENGER: Is that entrance by
the movie theater a two-way entrance?

MR. THOMAS: Yes, this is a two-way.

MR. BASRALIAN: Yes.

MR. NYFENGER: Oh, it is. Okay.

MR. THOMAS: You're right, there are
locations. Again -- there was a walk along
here --

MR. NYFENGER: You can go in between
the two.

CHAIR LIGNOS: John, councilwoman, I
just want to make sure that everyone is listening
to this. So, I don't want to have -- I want -- I
want the witness to please answer. What we're
getting at, is, if it's four lanes all through,
then I can imagine that you could work with our
ingineer and find an ideal location for a shelter
of some sort that would not get in the way of the
center, and a bus could stop.

MR. BASRALIAN: You know, the
question I asked him, is, after reviewing it,
what, in your opinion, was the best location for
it to be. And he indicated, or very specifically
testified, that he felt closer to Lewis Street
because it gave access to downtown, it gave access
to the going north on Lewis Street to the shops,
and gave access to the shopping center. You asked
him what his opinion was. If the board has
another opinion, they can designate where they
think they would like to have it, and it's
subject, of course, to the bus company for the
relocation. So, it can be anywhere. Yes.

CHAIR LIGNOS: I respect that. But
in his opinion, as a professional, I have to then
ask: Did he see the fact that, where he is
proposing the bus stop, within 300 feet, there was
another one, right across the street, right in front of the municipal building. So, what I'm asking, is, that perhaps that was an oversight, and would he please, you know, would you reconsider, that being that Vervalen is four lanes, that any place along Vervalen could make a very plausible, you know, stop.

MR. NYFENGER: Would there be one on both sides of the street, to pick up and drop off?

CHAIR LIGNOS: Right now we're talking about for one side.

MR. DENICOLA: Only the one side.

But there could be one on the other side of the borough --

MR. BASRALIAN: We don't -- we don't control the other side of the street.

MR. NYFENGER: Sure, sure, sure.

CHAIR LIGNOS: But I'm assuming that perhaps the applicant would be willing to work with our engineer to find an ideal location along Vervalen, am I correct?

MR. BASRALIAN: It assumes the bus lasts, it assumes the bus line will relocate, and all of those things.

CHAIR LIGNOS: Yeah, of course, of
MR. DIDIO: I have no further questions.

CHAIR LIGNOS: Thank you very much.

Mr. Sinowitz.

MR. SINOWITZ: Are you in agreement with what our chairman just spoke of? I didn't hear your answer.

MR. DENICOLA: He'll look into it.

MR. THOMAS: Yes, we're going to look into it. I'm going to work with your engineer, and we're going to look at potential locations for a bus stop.

MR. SINOWITZ: Thank you.

MS. AMITAI: Just one question.

CHAIR LIGNOS: Hold on. Hold on. I want to make sure everyone is finished on this end. Only because I've -- I've seen a few more questions pop up. I'm going to ask one more time if there's any other questions. Because I would like to open up this meeting to the public and keep this going.

Mayor, any other questions?

Councilwoman. Dr. Maddaloni. Mr. Baboo.

Okay, Ms. Stella. Yes, I'm sorry.
MS. STELLA: Yes. How will one -- how will a passenger get from the bus to a store where they work or want to shop? Any pathways? Or would you make openings in the bushes so they can get to walk in the parking lot? I mean how will one get from the bus to the store?

CHAIR LIGNOS: For instance, can you confirm that there's a sidewalk, and then there is clear paths of travel for pedestrians to get back to the center.

MR. THOMAS: Right. There is a sidewalk proposed all along Vervalen. And there are sidewalks, particularly along -- in front of the plaza area over here, to allow -- to allow them to go in. But we haven't really worked out the details with the subdivision yet in this area for that. Obviously pedestrians can walk through the parking lot, as everyone will who parks there.

MS. STELLA: So, from the sidewalk they'll just walk through the bushes, through the trees?

MR. THOMAS: Well, if there's a bus stop, you would work a path. You know, it's a bus stop. For sure you just wouldn't, you know, trail blaze.
CHAIR LIGNOS: So, you're not -- you're not suggesting that the parking lot be used for pedestrian travel. You're saying they would walk along the sidewalk, to a legitimate entrance sidewalk entrance into the mall, which happens to be by the theater complex, and then you can walk wherever you want, am I correct? Is that what I'm seeing?

MR. THOMAS: Yes.

MS. AMITAI: That's where the bus should go then.

MS. STELLA: Oh, yeah. I understand, but I see how people do this.

CHAIR LIGNOS: No, I understand. I understand.

MR. BASRALIAN: The general nature is people are going to go where they want. They walk through parking lot. They walk -- they'll walk all the way from the parking space closest to Vervalen, through the parking lot, in any case -- way, the shortest distance between two points.

CHAIR LIGNOS: And water still travels on the path of least resistance.

MR. BASRALIAN: Right.

CHAIR LIGNOS: Okay, councilwoman.
MS. AMITAI: Are the transformers screened?

MR. THOMAS: Yeah, we -- yes, we are -- there is screening for the transformers. The landscape architect --

MS. AMITAI: As in green bushes or --

MR. THOMAS: Green bushes, yes.

MR. BASRALIAN: Yeah, our landscape architect will go there, yes. He indicated they are landscaped screened already. And the architect will testify to it.

MS. AMITAI: And then I have another question, but I guess it doesn't relate to you. So, I don't know when to ask it.

CHAIR LIGNOS: Who does it relate to?

MS. AMITAI: Well, I suppose, the attorney.

CHAIR LIGNOS: He's not testifying.

MS. AMITAI: I know. So, when do I get to ask the question?

CHAIR LIGNOS: What is the question?

MS. AMITAI: The question is: I looked at the Eden's website, of all of their
shopping centers, and even those that aren't built have stores that are buying space. In other words, people know what stores are going into the shopping centers. So, how is it that we can't get some kind of handle on the kinds of stores that would be filling the shopping center?

MR. BASRALIAN: I will tell you each location in the country is unique in how you lease and pre lease. This shopping center has a long way to go before it's approved and will be built. I'm telling you what the basic is. This shopping center doesn't have a start time for construction. We know what we would like to do. We would start the day after we got approval, if that were possible. And, so, it's much harder to pre lease other than Whole Foods, which we know has been in existence since 2009. So, it is different in each locale in the country. And when you have a start time and a finish time, you can lease. You can't lease stores two years from now.

MS. AMITAI: Okay.

CHAIR LIGNOS: Councilwoman, anything else?

MS. AMITAI: I don't have anything else.
CHAIR LIGNOS: Okay. Any other member of the board having any questions? I see and hear none, and, therefore, we're going to open up this portion of the meeting to the public. Members of the public, this is an opportunity to ask, this witness a question that you may have. Please refrain from comments. Please ask questions of this witness. Who would like to --

MR. ISAACSON: Steve Isaacson, 97 Columbus Street. Can I ask if there will be an opportunity to question the cubic volume of the shopping center in the future? You said you were bringing the architect back. He would be the person to answer that question?

MR. CHAGARIS: Can this witness answer that question?

MR. BASRALIAN: The cubic volume of the stores in the shopping center?

MR. ISAACSON: Yes.

MR. BASRALIAN: No, that's not -- that's not within his purview to ask. Answer rather.

MR. ISAACSON: So, who would be able to answer that question?
CHAIR LIGNOS: Well, that would have been of the engineer -- the architect.

THE WITNESS:

MR. THOMAS: The architect.

MR. ISAACSON: Right. But I thought I heard recently that you would be bringing back Mr. Roncati to answer questions --

MR. BASRALIAN: Only for a specific -- the specific direct or redirect -- direct he's going to give on issues that have been raised since his testimony. That's all he's brought back --

CHAIR LIGNOS: Do you have a specific concern about volume?

MR. ISAACSON: I'm just basically -- I mean I appreciate the fact that the size of the shopping center, the footprint is coming down 3,000 feet. But I'm just curious how much the cubic volume of the shopping center is going to increase, or decrease, as the case may be. I mean because that may have an affect on usable square footage within the buildings, number of people who could be working in the buildings, parking requirements based upon those things.

MR. CHAGARIS: It doesn't sound --
it doesn't sound like this witness is --

MR. BASRALIAN: It's not this witness, nor is it relevant, because the square footage, the footprint square footage is -- is the retail space. That's what all the calculations are based upon it in every way, shape or form. And not on cubic area.

MR. ISAACSON: No argument with that. But many stores put in balconies, mezzanines.

CHAIR LIGNOS: But according --

MR. ISAACSON: Restaurants do the same thing. I'm just curious.

CHAIR LIGNOS: According to testimony -- and that's a fair concern. But according to the testimony they would not be able to put in a mezzanine, or a balcony, without increasing the square footage. In which case -- in which case, they wouldn't have an approval for that. Because any approval or denial from this board would be based on a -- on the witness and submitted square footage.

MR. ISAACSON: Okay. Also, to go along --

CHAIR LIGNOS: No, no, what I'm
saying it's existing on these drawings, and its
been -- in other words, it can't be anything
beyond what's on the drawings.

MR. BASRALIAN: If we wanted to add
any second story or mezzanine, we would have to
come back.

MR. DENICOLA: Right.
CHAIR LIGNOS: Correct.

MR. BASRALIAN: We all agree.

MR. ISAACSON: Okay. Thank you very
much. Also, just to go along with Mr. Pialtos' --
lights go out when lights go out. Let's say it's
the wintertime, it's 6 o'clock, the lights go out,
people are in a movie theater, there are emergency
lights, but if the whole parking lot and the
sidewalks are icy, and in the dark, that's a
safety concern. I'm sure that's what he was
concerned about, about generators to cover areas.
And I appreciate the fact that if there was a
blackout, that the shopping center would be
closed. But what happens until that point when it
does -- when it is closed, how can people who are
stuck in an emergency situation safely exit the
shopping center? That was my concern.

CHAIR LIGNOS: Just please make your
concerns in the form of questions.

MR. ISAACSON: Okay. Also, it was stated that all the store owners would be asked whether they want to put in a generator.

MR. BASRALIAN: Excuse me. That was not the question. That was not the response. The response was, that, it would be up to a store owner to put in a generator. We never said we would ask them.

MR. ISAACSON: Okay. So, where would they put these generators? And if every store puts a generator in, where would those generators be? On the roof?

CHAIR LIGNOS: They would have to come back here and show us.

MR. DENICOLA: Get a permit.

MR. ISAACSON: And now let's talk about the -- the bus, just for a second. My concept -- can I do it without a question?

CHAIR LIGNOS: You'll have chance -- no, you'll have an opportunity for comments. Right now it's questions.

MR. ISAACSON: Okay. Once again, this was to follow-up with our mayor.

CHAIR LIGNOS: If you can do it in
the form of a question. You will have a chance
for comments later on. I promise.

MR. ISAACSON: Are you aware that
it's up to the county to determine where bus stops
are placed? It's not up to the engineer. It's
not up to you. It's up to the county. It's up --
are you aware of that?

MR. THOMAS: I don't know if that's
a true statement or not.

MR. ISAACSON: I'll state it's a
true statement.

CHAIR LIGNOS: You are not
testifying, Mr. Isaacson.

MR. DENICOLA: It's up to county on
a county road. Vervalen is not a county road.

MR. ISAACSON: Okay so, this is not
a county road. So, okay. Well, are you also
aware that the county will provide free shelters,
free benches, and free receptacles?

MR. THOMAS: No, I don't know that.

MR. ISAACSON: Okay. Also, are you
aware that there is a pathway through the woods
here, that currently the buses go down Closter
Dock Road? Are you aware that there are two bus
stops in between Piermont Road and the borough
hall, and that the passengers who normally get on and off at those stops, will want to get access to Vervalen, are you aware of that?

MR. THOMAS: That the passengers --

I don't know if every passenger wants access to Vervalen.

MR. ISAACSON: Well, if they want to get on the bus, how are they going -- they're going to have to walk through the woods, to get to Vervalen, where there's going to be a bus stop.

Now, currently our buses go this way. And Perry Street is over here. Are you aware that we do not have a bus stop currently there?

MR. THOMAS: I do not know that.

MR. ISAACSON: Okay. Are you aware that the buses would be coming up county road and making a turn on Vervalen and coming west, this way?

CHAIR LIGNOS: That's if we get them to --

MR. ISAACSON: If we get them. And if we get a traffic light installed there too, as well.

MR. THOMAS: I'm not in a position to tell them where to put their buses.
MR. BASRALIAN: You know --

MR. ISAACSON: Do you feel that it might be better to put a bus stop by the movie theater because this is where you're concentrate the people --

CHAIR LIGNOS: Mr. Isaacson, what they have testified to is that they would work with our engineer, and, obviously, the bus --

MR. DENICOLA: Bus company.

CHAIR LIGNOS: -- company to find the best location for it.

MR. ISAACSON: Okay. Because, like I say, this is your recreation area. This is where people, if they don't want to be DWI, they may get on a bus, you know, they get off from work, they may want to toss down a cool one, and then go to a movie and watch a movie. This might be a better location then all the way over here where there's no bus stop currently. And would you consider possibly putting in two bus stops?

MR. BASRALIAN: Excuse me. You know, I appreciate your questions and your concern. First of all, this is all speculative. You have to assume that the bus company is going to agree to re route it's buses here. I think the
whole discussion of where a bus stop should go
before there is even a decision that the bus stop
-- bus will even go down Vervalen is speculative
at best.

CHAIR LIGNOS: I agree.

Mr. Isaacson, they have already testified.

MR. ISAACSON: I appreciate that but
I've already -- I've already researched this. The
bus company will do it if certain conditions were
met. The DOT says that they have no problem with
it.

CHAIR LIGNOS: Well, Mr. Isaacson, I
know you've researched it. Unfortunately --

MR. ISAACSON: I'm just following
off of Sophie's lead.

CHAIR LIGNOS: It's still hearsay.

Unless you're testifying. So, for the time being,
it is suffice that they have, at least agreed to,
that they will review the location or locations,
depending, with our engineer, and the bus company
that will ultimately be responsible for that
route.

MR. BASRALIAN: When the bus -- when
the bus company makes a determination to do that.

CHAIR LIGNOS: Correct. Correct.
MR. ISAACSON: Do you feel that it would be advantageous to the shopping center to have buses passing by your shopping center?

MR. BASRALIAN: He is not qualified, nor did he ever testify as to the necessity for it. So, it's a good question, but that's -- but that's not what he testified to. You really have to relate to what he asked -- what he talked about.

MR. ISAACSON: Thank you very much.

CHAIR LIGNOS: Thank you.

Any other member of the public having a question? Yes, ma'am.

MS. HARTWELL: Ree Hartwell, One Bradwick. I was wondering if you or any members of your team read the article about the march of the modern mall. It's in the Sunday Record. And there's certain elements that today's mall developer seek to draw in shoppers. One is an opened-air sign with a strollable street layout, brick work, rather than concrete. I know you have concrete in all of your plans. Faux facades provide architectural designs that look like a collection of different buildings rather than a uniform box, which all of this looks like.
CHAIR LIGNOS: Hold on, ma'am, again, your questions have to be --

MS. HARTWELL: Well, I was just wondering -- okay -- if they read this.

CHAIR LIGNOS: If I may. If I may finish.

MS. HARTWELL: Okay.

CHAIR LIGNOS: Your questions must be related to his testimony. Your question of whether he read that, that's fair. Have you read that?

MR. THOMAS: Yes.

CHAIR LIGNOS: You have read that?

MR. THOMAS: Oh, yeah.

CHAIR LIGNOS: Okay now --

MS. HARTWELL: And are you taking any of these elements, is this an important part of your design --

CHAIR LIGNOS: Now, here's the -- here's the difficult part to that. His testimony, as the engineer, would be to the engineering aspects, and not the architectural.

MS. HARTWELL: Okay. Who do I address --

CHAIR LIGNOS: Well, you could have
addressed the architect at the -- at the meeting,
two meetings ago.

    MS. HARTWELL: This was just in the paper.

    CHAIR LIGNOS: Yeah, but I can't help it.

    MS. HARTWELL: When can I address it because I would like for this group to take these elements in order to get shoppers into our town.

    CHAIR LIGNOS: Well, what I'd like you to do then --

    MS. HARTWELL: --

    CHAIR LIGNOS: Hold it -- hold it off for comments and just, please, give it as a comment that pleases the applicant would take those under consideration. Okay?

    MS. HARTWELL: Okay.

    MR. BASRALIAN: May I just interject. There was extensive testimony, by the architect, to design a center that didn't look like a bunch of similar boxes. And if, Ms. Hartwell will look at the exhibits, copies of which are here, and read the transcripts, she will hear all of that testimony. And that might be helpful. We're not bringing back a witness for --
the architect for anything other than specific
issues.

CHAIR LIGNOS: Okay. Other members
of the public? Yes, sir.

MR. ROSENBLUME: Jessie Rosenblume,
65 Knickerbocker Road. Mr. Nelson, are you a
professional engineer?

MR. THOMAS: Thomas --

CHAIR LIGNOS: Again, we have put
that on the record what his qualifications were
and how those qualifications were accepted by the
board.

MR. ROSENBLUME: You're associate,
Mr. Keller, is he a professional engineer?

MR. THOMAS: Yes, he is.

MR. BASRALIAN: Well, until
Mr. Keller comes, it's not relevant.

MR. ROSENBLUME: Right.

MR. BASRALIAN: You'll have a chance
to ask that question of him when he testifies.

MR. ROSENBLUME: You testified that
there are four structures on the property?

MR. THOMAS: No, I didn't. I didn't
testify as to the number of structures. That was
under the architect.
MR. ROSENBLUME: Can you answer the question, how many structures are on the property?

MR. THOMAS: Four.

MR. ROSENBLUME: Four.

MR. DENICOLA: Structures or buildings?

MR. ROSENBLUME: Whatever.

MR. DENICOLA: Well, they're different.

CHAIR LIGNOS: No, no, no, you can't say whatever.

MR. DENICOLA: What are you talking about? Clarify what you're talking about.

MR. ROSENBLUME: His firm's documents called them structures.

MR. DENICOLA: You're talking about buildings.

MR. ROSENBLUME: Okay, regardless of the definitions of Edens, whatever. Are you aware that Mr. Keller testified before this board, a few years ago, that there were 5 buildings or structures on the property?

MR. BASRALIAN: Again, it's a question that's not before the board at this point.
MR. CHAGARIS: This witness didn't testify about that.

MR. ROSENBLUME: No, no, but there seems to be a difference. He says there are 4. Mr. Keller says there are 5.

MR. CHAGARIS: Well, you have to -- I don't know if that's 5 or 4. Whether or not there's any testimony before, about 5 buildings or not, has not been presented in this application at this time.

MR. ROSENBLUME: Okay. Well, what is your basis for saying there are 4 buildings or structures on the property?

MR. THOMAS: Proposed. We are proposing --

MR. ROSENBLUME: No, currently.

MR. THOMAS: Oh, currently.

MR. CHAGARIS: Maybe just to rephrase it, how did you -- I think you testified that there are 4 buildings or 4 structures. How did you conduct your count?

MR. BASRALIAN: Just refer to the exhibit number, please.

MR. THOMAS: Referring to Exhibit A-10.
MR. BASRALIAN: And tell them what that is, that exhibit is.

MR. THOMAS: Existing conditions. We have 4 buildings; K-mart, Stop & Shop, what we are referring to as building D, and then the theater as well. So, 1, 2, 3, 4. I'm sorry, 3 -- 4.

MR. ROSENBLUME: Can I show him Mr. Keller's letter?

MR. CHAGARIS: Can I see it, please. Mr. Basralian, I would like to show it to you. Do you have an objection?

MR. BASRALIAN: Yeah, I do. It's not -- it's not relevant. As a matter of fact, both the board and this applicant, when it first presented the application, it was believed there were 5 structures. Five buildings. As Mr. DeNicola pointed out, there were only 4, in October of 2012, because two of those buildings had been connected by a roof. Therefore, there were only 4 buildings. So, whether this letter is germane to what was then the opinion of the board in 2009 versus what it is today, is much different. There are only 4 structures now, as certified to, and testified to, by your own
MR. CHAGARIS: Maybe so we could just put this issue to rest. Maybe Mr. DeNicola, would you like to expand upon on that?

MR. DENICOLA: Well, Mr. Basralian is correct. There were, back then, there was testimony to 4 structures, whatever --

MR. BASRALIAN: Five structures.

MR. DENICOLA: Five structures. But in going out there, at the time --

MR. BASRALIAN: Buildings.

MR. DENICOLA: Buildings. There was a roof connecting parts of building D to the other part of building D, which made that 1 building, instead of 2.

MR. ROSENBLUME: Well, that's your opinion.

MR. DENICOLA: According to the definition of the BOCA code, yes.

MR. ROSENBLUME: Okay. Could you quote the portion of the code?

MR. DENICOLA: If you like me to. You can read it also.

MR. ROSENBLUME: Well, just for the record.
MR. DENICOLA: It's in my letter.

It's in my first letter.

MR. ROSENBLUME: I didn't notice it.

MR. DENICOLA: Well, you should have. It's a point that I made.

MR. ROSENBLUME: You covered it?

MR. DENICOLA: I covered it, yes, in the first letter.

MR. ROSENBLUME: Does the lot 1.01 have a sewer connection?

MR. THOMAS: 1.02 will have a sewer connection, that's correct.

MR. ROSENBLUME: Okay. Were you ever told that when there are heavy rain falls that the K-mart floor gets wet, northeast corner?

MR. BASRALIAN: I guess -- I guess the question is: Are you aware of any flooding or wetness?

MR. THOMAS: Inside?

MR. CHAGARIS: Have you done any studies?

MR. THOMAS: No, no, I'm not aware of that, no.

MR. ROSENBLUME: You mentioned that the drainage pipes, corrugated pipes, under the
property, may have a life -- the life of 80 years.
Now, they have been in the ground for 50. What is
the rationale for keeping them in rather than
taking them out?

MR. THOMAS: We videotaped them.
We've inspected them. They seem -- they are in
good shape. There is a couple -- we pointed out
that there is an area that needs to be repaired,
but otherwise we feel the pipe is in good shape.

MR. ROSENBLUME: Okay. So, what
would be the actual remaining life?

MR. THOMAS: Well, according to
Contect, who makes these pipes, we talked to
the -- or read their guideline on actually, it
was -- it can go to a hundred years. They give
you a range. But we took 80, which was more the
median.

MR. ROSENBLUME: So, you feel,
rather than disturb the property in the future,
you prefer to leave them in?

MR. THOMAS: At this time we are
leaving them in the ground, correct.

MR. ROSENBLUME: Okay. Thank you.

CHAIR LIGNOS: Any other member of
the public having a question? Yes, ma'am.
MS. BREWSTER: Do you feel --

CHAIR LIGNOS: Can you state your name, please.

MS. BREWSTER: Ann Brewster, 15 Skaylon Terrace. The transformers are going entrances to the -- to the parking lot. Now, you're going to screen these transformers with bushes. Is this going to obstruct the vision of cars coming out?

MR. THOMAS: No. No. There is only one transformer at the -- at an entrance. The rest of the transformers are more internal to the site. We are going to screen them. And, no, we will make sure they're not going to have any visual impacts. And we are looking at relocating one as it is. So, that one that was --

MS. BREWSTER: My second question is: The streetlamps in the Renaissance district were changed, naturally, when they remodeled the town. Now, these streetlamps, if you go down at night, are very dark. And they are very low. They do not give proper lighting. I would not like to see that up the rest of the street.

MR. CHAGARIS: Do you have a question, ma'am?
MS. BREWSTER: My question is: Are you going to have the same lighting up Vervalen as there is on Main Street?

CHAIR LIGNOS: They weren’t planning on. We were asking them to. So, I have a feeling what I'm going to do, is, ask our engineer that we do an assessment of this, and work with the applicant, and come to a conclusion of what makes sense, as an interface between the town. And if the lighting isn't proper, then shame on us. As a town, we should fix that, and not ask them to come up to a level that we're not happy with. So, I'm going to ask our engineer that we do a little bit of the research ourselves here.

MR. BASRALIAN: I think, for the record, it was really to determine the fixture and not the -- not the -- not the -- it's not the foot candles and the lights so --


Any other question from the public? I see and hear no other questions from the public, and, therefore, I -- I close this meeting. There are no other questions, I close -- you just squeaked in there. Yes, sir.
MR. SEGRETO: Well, I figure when you talk about the public, you're talking about members of the public, not attorneys who are sitting at a table representing objectors.

CHAIR LIGNOS: Oh, is that a different --

MR. CHAGARIS: No, I think as they close of the last session there was a suggestion that Mr. Segreto could ask questions as well.

CHAIR LIGNOS: Yeah, of course. Of course, that's why I was asking. I'm sorry.

Mr. Segreto, please.

MR. SEGRETO: Yes. Thank you.

CROSS-EXAMINATION BY MR. SEGRETO:

Q All right. Good evening, Mr. Thomas, how are you?

A Fine.

Q All right, Mr. Thomas, you were the author of the plans for the 2009 application, is that correct?

A I was, yes.

Q And 2012?

A I am, that's correct.

Q And as well as this new application, correct?
A    That's correct.

Q    Now, the 2012 plans depicted a

building G, in what now is the proposed subdivided

lot, is that correct?

MR. CHAGARIS: He didn't testify

about the 2012 plans today.

MR. BASRALIAN: No, as a matter of

fact the plans were revised through 2013 in many

instances.

MR. SEGRETO: It's absolutely

relevant to the question of jurisdiction.

MR. CHAGARIS: Well, I mean you can

-- you can bring in your own witness as to other

plans or other designs, but this witnesses didn't

testify about the 2009 or 2012 plans in this

proceeding. And this proceeding he just testified

about the 2013 plans.

MR. SEGRETO: Do you know why there

is a subdivided lot now and there was no

subdivided lot in the 2012 plans?

MR. THOMAS: The lot was created for

--

MR. BASRALIAN: Let me object --

object to the question. Because the applicant

made the determination to have a subdivided lot,
and a separate lot for the shopping center. His job, Mr. Thomases' job, is as scrivener to develop the plan. Not to make a determination as to why that subdivision was created.

MR. CHAGARIS: Objection sustained.

MR. SEGRETO: Tell me why you have a subdivided lot now and not a proposed building?

MR. CHAGARIS: The question is why doesn't matter what the reason.

MR. BASRALIAN: I object to the question.

MR. SEGRETO: You think that's irrelevant to this proceeding?

MR. CHAGARIS: Yes, it's irrelevant. The question is what is being presented. Not why it's being presented. What is being presented.

MR. SEGRETO: Okay. All right.

BY MR. SEGRETO:

Q All right, I want to talk to you, Mr. Thomas, about the existing nonconformities on this property. You'll agree with me that this is a nonconforming shopping center, is that correct?

MR. BASRALIAN: Object to the question. That's not -- that's not really relevant to him. That's a planning question, if
in fact such a question is appropriate. He's presenting plans only. He didn't testify as to conformance or nonconformance. His job is to be here as an engineer, civil engineer, to testify as to the site plan, drainage, et cetera.

MR. CHAGARIS: You're going to have a planner testify?

MR. BASRALIAN: Yes, we will.

MR. CHAGARIS: So, those are questions that would be appropriate to the planner.

MR. SEGRETO: He prepared plans with a zoning schedule. In that schedule he's talking about existing variances, existing waivers, and various nonconformities.

MR. CHAGARIS: Yeah, you can ask him about those questions about the variances.

MR. SEGRETO: But I can't ask him question about the shopping center, whether or not it's a nonconforming shopping center?

MR. CHAGARIS: You can ask him about the variances that he sought.

Q You'll agree with me that in his -- in the town of Closter, that you're only permitted to have 1 building per lot, is that correct?
MR. BASRALIAN: Objection. That is not true for the entire --

MR. SEGRETO: One principle building.

MR. BASRALIAN: No, that is not true throughout the Borough of Closter. And, so, you have to relate it to, perhaps the zone, but not the entirety of Closter.

Q Is this zone. Is that correct, that you're only permitted to have 1 principle structure per lot?
A That's correct.
Q And you've indicated that there's 4 principle structures on this lot, is that correct?
A That's correct.
Q The existing square footage is 211,553 square feet?
A That's correct.
Q All right. Now, at the end of phase I, I believe the plans indicate that it will be 219,317 square feet, is that correct?
A At the end of phase I there will be 219, -- that's correct.
Q Does that include the 3,000 mezzanine in the Whole Foods?
MR. SEGRETO: I don't think it's appropriate for Mr. Basralian --

MR. BASRALIAN: No, I said, look at your plans.

MR. SEGRETO: Oh, all right. Say it a little louder so that I can hear.

MR. CHAGARIS: I'll confirm that that's what Mr. Basralian said.

MR. THOMAS: Hold on one second.

MR. BASRALIAN: You don't know the question and answer because it was something -- if he doesn't know the answer, that should have been directed to the architect, and that's more appropriate here.

MR. CHAGARIS: Do you know the answer to the question?

MR. THOMAS: I was just figuring it out. 211,000 that was included in the -- the mezzanine was included.

Q The mezzanine is included in the 219,317 figure?

A Sorry. Let me just double check it.

Q I'm talking about the end of phase I.

A Oh, phase I, I'm sorry.
Q    End of phase I.
A    No, the mezzanine is not included.
Q    Can you tell me why it's not included in the total square footage that you testified about, and what's on your plans?
A    It was -- when we did the calculations it was -- it was assumed that the mechanical mezzanine area, is not an area that's used for the employees, for the public. It is strictly used for equipment only.
Q    All right. Wasn't it your -- wasn't it your testimony that that would be used for, not only storage of items that would be sold at the Whole Foods, but also for office use, didn't you testify to that?
A    I don't recall if I did.
MR. BASRALIAN: I don't recall whether it was this witness or possibly Mr. Roncati.
MR. SEGRETO: No, it was this witness.
Q    All right. So, that means that you did not include the 3,000 square foot of that mezzanine in the calculations for number of parking spaces required?
A       We did not.

Q     You'll agree with me that if they don't have a mezzanine, where they can store items, and they can have office space, that that would -- they would need to use that -- take space up on the floor for that purpose, isn't that correct?
A       Again, it's a mechanical mezzanine.

Q     What mechanicals are going to be in that mezzanine in the Whole Foods?
A       Equipment.

Q     What equipment?
A       I'm not sure exactly which.

Q     Do you have any idea about any equipment that's going to be Whole Food's mezzanine?
A       It was -- they were looking at electrical and other items up there.

Q     What else are they looking at to put in that mezzanine?
A       I'm not sure.

Q     Now, that subdivided lot, I see that there are curb cuts into the Closter Plaza parking lot, is that correct?
A       That's correct.
Q     And as a temporary measure, I see on
your plans that there's going to be wood
guardrails blocking those curb cuts so nobody can
go into that new lot?
A     That's correct.
Q     And there's no ingress or egress
from Vervalen to that lot, is that correct?
A     That's correct.
Q     Isn't that so, because this
applicant is going to go in at a future date, and
propose to put a building there, and the building
is only going to have access to the parking lot?
MR. BASRALIAN: Objection. The
testimony has been there's no present intention to
put any structure on that building at this time.
MR. CHAGARIS: Sustained.
Q     The applicant is just going to keep
that parking lot, as is, is that correct?
A     I don't know.
MR. BASRALIAN: I would ask the
board for Mr. Segreto to address two plans; 1: Is
what the current conditions are, and what is
proposed for that subdivided lot. And if you go
to the site plan, you'll notice that it is not
connected to -- there are no driveway accesses
between that subdivided lot and the rest of the center. And the question should be directed to that.

MR. SEGRETO: Well, I'll ask questions that I want to ask. And --

MR. CHAGARIS: Ask your next question.

Q All right, I think you testified that the subdivided lot is a fully complying lot, is that correct?

A That is correct.

Q All right. But how come you're seeking a variance for that lot? Aren't you seeking a variance?

MR. BASRALIAN: Excuse me. Objection. There's no variance sought for that lot.

A Oh, it's an existing -- because of the existing impervious that's on the property.

Q So, you're asking for a variance for that?

A Yes. We're not removing the pavement from the lot at this time.

Q Why don't you remove the pavement to bring it into compliance with the zoning
ordinance?
A       To keep -- we are just not removing the
pavement. That's all.
Q       I understand you're just not doing
it, but you're asking for a variance. And I want
to know the reasons why you want a variance.

MR. CHAGARIS: That's not a question
for him. He is not here to supply the reasons for
it. He is just testifying as to what he did draw
and what he did propose.

MR. SEGRETO: It's the site
engineer. They're asking for a variance and I'm
asking the question as to why he is not bringing
the lot into conformance and why.

MR. CHAGARIS: That may be a proper
question for the planner.

MR. SEGRETO: Come on, Arthur,
please.

MR. CHAGARIS: That's my ruling.

MR. SEGRETO: You're sustaining the
objection. And that's your ruling?

MR. CHAGARIS: Yes.

BY MR. SEGRETO:
Q       All right. So, with the mezzanine
for the Whole Foods, actually at the end of phase
I you're going to be increasing the square footage by 11,000 square feet, roughly, is that correct?

A       After phase I, 219,000.

Q       Right. But if you add in the mezzanine now you're increasing the square footage in the shopping center, approximately 11,000 square feet, right? Including the mezzanine. I know you didn't include it, but including the mezzanine.

A       We're at 208,337. The mezzanine was not included at 208,000.

Q       I'm talking at the end of phase I. Not phase II.

A       Phase I would be from 2 -- is at 219,000.

Q       Right. If we include the mezzanine it's another 3,000. So you're increasing the square footage if you include the mezzanine 11,000 square feet at the end of phase I.

A       Oh, I see what you're saying.

Q       Right?

A       If we were to include the mezzanine, which we don't think is appropriate.

Q       Right. Right. Okay. So, can you tell me how, if you're increasing the square footage by 11,000 square feet, and you're
decreasing the size of the lot by more than 25,000 square feet, how are you decreasing the impervious coverage?

A Because you took -- you're adding something that's inside a footprint already. So, we're not changing the outside footprint of the building. You're assuming that we've made the building 3,000 bigger when you add the mezzanine on it. That's not accurate.

Q All right, let's go with just building footprints here. You're adding 8,000 square feet of building footprint, aren't you, at the end of phase I? 8,000 square feet. Roughly.

A Roughly at the end of phase I, 8,000 square feet, correct.

Q Right. And you're decreasing the size of the lot by 25,500 square feet?

A That's correct.

Q And all of the plazas are concrete, right? They're not pervious surfaces, they're concrete, right?

A Right. Mm-mm.

Q So, tell me how you are decreasing the impervious at the end of phase I.

A We said that we -- well, we are
decreasing. However, from the previous submission, we're not decreasing it as much. So, our number has changed. So, we have decreased, but not as much as we had in the beginning.

Q     What does that mean?
A       It means that we had to, because we are decreasing impervious area, we took out a piece of impervious area. But the ratio -- overall we are taking out-- if you were to add the lot together, we are decreasing. Obviously. We are still decreasing, just because you subtracted out this subdivided lot, the percentage got smaller in the amount of the reduction because of that.

Q     Right. In phase II you are going to eliminate approximately 11,000 square feet of the front of the K-mart building, is that correct?
A       11,000.

Q     It's going to go from 84 to 73, is that correct?
A       Right. Yeah. Mm-mm.

Q     Is there anything that prevents this applicant from doing the same with the rear of the K-mart building? And that is, eliminating all the way across the K-mart building, eliminating square footage from the back of the building.
MR. CHAGARIS: That wasn't this witness' testimony. I mean you could take down the whole building. But that's not his testimony. His testimony was what he did --

MR. SEGRETO: It's a hypothetical question to an expert.

MR. CHAGARIS: He can take down the whole building, yeah, what does that prove.

MR. SEGRETO: Arthur, what are the proofs that they have to put in this record with regard to the variances that they're asking for?

MR. CHAGARIS: Mr. Segreto, please. Will you please obey the rules of this board and ask the questions that are appropriate to this witness' testimony.

MR. BASRALIAN: And directed to his testimony. None of which was based upon a hypothetical.

MR. SEGRETO: He is the engineer, the site engineer --

MR. CHAGARIS: Yes, I know that. That's why you should ask questions about what his drawings were. Not hypotheticals.

MR. SEGRETO: I can ask -- I can ask him any question --
MR. CHAGARIS: Oh, no you cannot, sir.

MR. SEGRETO: -- about the plans that he did. This specifically deals with the plans that he has done.

MR. CHAGARIS: It does not deal with the plans he has done. You said, can he change those plans by reducing the size. Of course he can. But that's not what he's presenting. Ask your question, sir.

MR. SEGRETO: I cannot ask hypotheticals to the expert --

MR. CHAGARIS: Ask your question.

MR. SEGRETO: I asked him: Is there anything that prevents him, from an engineering standpoint, to do the same with the rear of the K-mart building, as they're doing with the front of the K-mart building, and that is eliminating square footage.

MR. CHAGARIS: Do you have an objection to that question?

MR. BASRALIAN: He can ask the question. I think --

MR. CHAGARIS: You can ask the question.
MR. BASRALIAN: Ask the question.

MR. SEGRETO: I asked the question.

Can you answer the question?

MR. BASRALIAN: Answer -- answer the question. I'm sorry.

A       It's all down to a program that is in place for the building, backed by the owner. They tell us how the building is going -- needs the building to work.

Q     So, your answer, is, that there's nothing from an engineering standpoint that prevents you from eliminating square footage from the rear of the K-mart building?

A       They could eliminate all of the buildings just as we were just saying.

Q     I'm just talking about eliminating part of the rear. I'm talking about eliminating part of the rear of the K-mart building. Let's say, to open it up for the loading, for the turning of the trucks.

A       Well, that's the purpose of it.

Q     Right. That's what I'm talking about.

A       The purpose -- the purpose of the back of that area is for loading so the trucks have easy
access for backing up into a loading dock.

Q     If you remove part of that
building --

MR. BASRALIAN:  Excuse me. Excuse
me. I'm going to object, because I allowed the
witness to answer the one question, was; could you
reduce the size of the building. And, as he said,
you could do that, you could remove all of the
building. There is nothing more to be said.
You're just trying to go -- you're trying to go
far afield from what the plans are. And that's
what I asked the board to direct Mr. Segreto --

MR. CHAGARIS:  Objection sustained.

Q     And you'll agree with me that with
regard to the K-mart building, the new Whole
Foods, and building B, you could remove a portion
of the back of each of those buildings, again, to
open the back parking lot, open up Homans, you
could put landscaping on Homans, isn't that
correct?

MR. BASRALIAN:  Objection. That
question is no different -- objection. That
question is no different than the question you
asked for the K-mart building.

MR. CHAGARIS:  Sustained.
Mr. Thomas, with regard to prior subdivisions, you're aware of any prior subdivisions that the Irony's did, concerning this property?

MR. BASRALIAN: Objection.

MR. CHAGARIS: Sustained.

MR. SEGRETO: Why is that an improper question?

MR. CHAGARIS: Because this is not about any other application. It's about this application.

MR. SEGRETO: It's not about the fact that they keep --

MR. CHAGARIS: If you want to bring in your own witnesses, you can.

MR. SEGRETO: Arthur, please.

MR. CHAGARIS: John, please. Will you stick to the point?

MR. SEGRETO: I'm sticking to the point.

MR. CHAGARIS: No, you're not. You're going to another application that's not before this board. Go to the application that's before this board.

MR. SEGRETO: If an applicant
continues to subdivide off their property, and
then asks for variances, all right, because they
have substandard parking, you don't think that's
relevant to this proceeding?

MR. CHAGARIS: If you present a
witness to testify to that, then we'll hear that
witness. But that's not what this witness
testified about.

MR. SEGRETO: Yeah, I understand.

BY MR. SEGRETO:

Q     The K-mart building in phase II,
that's the 73,000 square foot building. What is
the parking requirement for that 73,000 square
foot building?
A       Approximately 420.

Q     And on your phase II plan, how many
parking spaces do you provide in front of that
K-mart building?

MR. BASRALIAN: I would allow the
witness to answer that question. But the parking
is for the entirety of the center. It doesn't --
there isn't a parking requirement to be matching
the building on which -- in front of which it's
located. But for informational purposes it's on
the plans. He can answer it.
For the record, I'm going to allow him to answer it. But this is an exercise in adding up numbers that has no relevancy to the overall parking scheme for the center.

MR. SEGRETO: It absolutely has relevance.

A 275.

Q That's a substantial deficiency, is it not, in front of that building?

MR. BASRALIAN: Objection.

MR. CHAGARIS: What is substantial or not, is a relative term. You can answer it.

MR. SEGRETO: Well, I'm asking him his opinion as an expert; is it substantial or it is not.

MR. CHAGARIS: He didn't give his opinion as to whether the parking is substantial or is insubstantial. He gave number you a number. He counted the spaces. That's what he did, which you could have done as well.

MR. SEGRETO: I did it Arthur.

MR. CHAGARIS: Okay, and what did your number come out with? Was it different than his?

MR. SEGRETO: 232.
MR. CHAGARIS: It was different than this?

MR. SEGRETO: Yes, by 40.

MR. CHAGARIS: Okay. Was that substantial?

MR. SEGRETO: All right. I don't think he should be talking to Mr. Basralian when I am cross-examining him. He doesn't need help.

MR. BASRALIAN: It would only be relevant if Mr. Basralian responded, which he did not. Okay.

MR. SEGRETO: But I mean he has done this before. We've seen him here before.

MR. CHAGARIS: All right, ask a question. What's your question?

MR. SEGRETO: The question is: Is it substantial -- is there a substantial deficiency?

MR. CHAGARIS: Sustain the objection. Whether substantial or not is not relevant.

MR. SEGRETO: Doesn't matter. All right.

Q There is a deficiency, correct?

MR. BASRALIAN: Objection. If
you're trying to get the witness to say there is a
deficiency of parking spaces in front of K-mart, I
object.

MR. CHAGARIS: Sustained.

Q All right, you'll agree with me, Mr. Thomas, that the customers who are going to
frequent that K-mart building with the three new
users are more inclined to park in front of that
building than let's say park by the theater, isn't
that correct?

MR. BASRALIAN: Objection.

MR. CHAGARIS: That's something for
the engineer.

MR. SEGRETO: Traffic engineer?

That's relevant to the traffic engineer?

MR. CHAGARIS: It might be more
relevant to the traffic engineer than this
witness.

MR. SEGRETO: No. Is it going to be
relevant or not relevant?

MR. CHAGARIS: Well, you've asked
that -- you're going to bring a traffic engineer,
Mr. Basralian?

MR. BASRALIAN: Yes, we'll have a
traffic engineer who will -- who has submitted a
report, by the way, and will testify.

MR. CHAGARIS: Okay. That would be appropriate for the traffic engineer.

Q You would agree with me, if you were not subdividing off that lot right in front of the K-mart building it would be available for parking, yes?

MR. BASRALIAN: Objection. Wait. The application is to take and subdivide out a lot of X square feet. Period. The application is for the shopping center with 820 parking spaces. One hundred more than currently exist. Ask questions relative to his site plan, his engineering studies, is drainage calculations and his lighting. That's what he testified to. Not as to anything else.

MR. SEGRETO: I know, but Mr. Basralian, don't tell me about what questions I should ask. If you find it objectionable say, objection, and then we'll argue about it and Mr. Chagaris will rule.

MR. BASRALIAN: Fine. I object. I object to your question, all right.

MR. CHAGARIS: Sustained.

Q All right, Mr. Thomas, your
application, all of your paperwork indicates that there are 720 existing parking stalls on this site.

A       That's correct.

Q     Is there any document, that you prepared, that would show us all the existing parking spaces so that someone like me could count them and verify whether or not there is 720?

A       There was an existing survey that was submitted.

Q     Is that accurate as to the stripping of the parking lot?

A       Hold on one second.

Q     Sure.

A       I don't remember if -- I don't have the actual survey but --

Q     What about -- what about page 3 of 34 in your plan?

A       That's the demolition plan.

Q     No, that's the major subdivision plot.

MR. BASRALIAN: Nick, do you have a set of plans there? We're missing page 3.

MR. DENICOLA: Right here, the revised set. The revised set, right?
MR. BASRALIAN: Revised set.
MR. DENICOLA: Yes.
MR. SEGRETO: Page 3 was revised?
MR. BASRALIAN: Was the revised set.
MR. DENICOLA: Revised set I said.

A       Okay, yes.
Q     Those are the actual existing parking stalls in this parking lot?
A       I believe so, yes. I know we went out and we did a physical count as well.
Q     All right. You did do a physical count?
A       Yes.
Q     And it's 720?
A       720, that's correct.
Q     Can you tell me why you're increasing the building square footage 8,000 square feet in the -- at the end of phase I, but you're only providing 10 additional spaces in a lot more parking spaces for that 8,000 square feet, than the 10 that you're proposing, isn't that true?
A       That is true.
Q     You'll agree with me that if you did not increase the square footage by 8,000 square
feet you wouldn't need additional parking, would you, because you have an existing 720 spaces?

    MR. BASRALIAN: Excuse me.

Objection. That's -- that really is a parking issue and goes to our expert. It doesn't go to this expert, who just put down the numbers and created the new parking plan.

    MR. CHAGARIS: Correct. Sustained.

Q     Okay. This witness created addendum 3, which was attached to the application, did you not, Mr. Thomas?

A       Addendum 3?

Q     Yeah, Addendum 3. It has a list of variances and a list of waivers, right, you did that, didn't you?

A       With the planner, yes, myself and the planner.

Q     You did that with Mr. Burgess?

A       Yes.

Q     So, you did not increase the number of parking stalls to a complying number with the amount of square footage that you're increasing, correct?

A       That is correct. For phase I, that's correct.
Q From now on I'll stick with that addendum 3. You have a list of exception design waivers from article 10. It's your contention that front yard parking setbacks, side yard parking setbacks, number of parking stalls, size of stalls, that those are design waivers and not variances?

A That's correct.

Q And why is that? Why do you consider them waivers and not variances?

A Because they are from the design standards.

Q From the site plan ordinance?

A And not from -- not from the zoning, no, articles.

Q Are you aware of any provision in the zoning ordinance that specifically refers to the standards that are set forth in site plan ordinance?

MR. CHAGARIS: Could you repeat that question, sir?

Q Are you aware of any provision in the zoning ordinance, that not only refers to, but incorporates the design standards into the zoning ordinance?
A       I'm not familiar with that.

CHAIR LIGNOS: Mr. Segreto, excuse me for a second. Members of the public, I'm asking you to please stay quiet, because we're -- we're starting -- I'm having a little bit of trouble actually hearing Mr. Segreto. If anybody needs to talk, I would just, please, ask you to do that outside. Mr. Segreto, you can continue.

MR. SEGRETO: Yeah. Okay. Thank you.

Q     Am I correct that the -- the entire 730 parking spaces, at the end of phase I, not one of them complied with the requirement that they be 10 X 20, is that correct?

A       That's correct.

Q     And why can't this applicant comply with what the zoning ordinance requires, and that is 10 X 20 parking spaces?

MR. BASRALIAN: I have an objection because the plan speaks for itself as to what is proposed. That is what it is. And there is nothing else that's been testified to as to each one of the parking spaces, and why it is that way. The planner will testify as to why he may -- he thinks it is or is not appropriate for these
spaces. Not this witness.

    MR. CHAGARIS: Sustained.

    MR. SEGRETO: The site engineer, who
designed all of these parking stalls, and the
sizes that they are, can't answer that question?

    MR. CHAGARIS: That's right. Your
objection is noted. But there is another witness
who will testify about the size of the stalls.

    MR. SEGRETO: We did this at the
2009 application, and that is, that every time I
was cross-examining a witness my questions were
always inappropriate for that witness, and it was
always referred to the next witness, or another
witness. And then when it came time for
Mr. Segreto to ask those questions of those
witnesses, they were still inappropriate and
irrelevant. So, we never got around to it.

    MR. CHAGARIS: I disagree with that.
Do you have another question?

    Q    Could you propose a plan with 10 X
20 parking spaces on it for this shopping center?
A    Yes.

    Q    All right. And you did a lot less
parking spaces, right?
A    Or a lot more impervious.
Q     You're going to have the same amount
of impervious, aren't you?
A     No, you'd reduce whatever landscaping you
have. If I was to attempt to increase the -- I
don't know. That's what would happen.
Q     I know, but you'll agree with me
that you could reduce the size square footage of
the retail on the site, and that would open the
site up for 10 by 20 parking spaces, wouldn't it?
A     Yeah.
Q     It would reduce the amount of 10 X
20 parking spaces that would be required, right?
A     By reducing the square footage --
MR. BASRALIAN: Excuse me, could you
restate the question. I'm not quite sure I heard
it.
MR. SEGRETO: I need the young lady
to please read it back.
(Whereupon, the requested portion of
the testimony is read back by the
reporter.)
A     If you reduce the square footage --
Q     From the building.
A     It changes the parking calculation, that's
correct.
Q: Right, it reduces the amount of parking that you need, right?
A: That's correct.
Q: And it also opens up the -- opens up the site to putting in more landscaping, right?
A: Not necessarily.
Q: Not necessarily?
A: No.
Q: The Whole Foods is going to be a brand new building, correct?
A: Yes.
Q: And it's going to go where the existing, or the old Stop & Shop building is, is that right?
A: Approximately, yes.
Q: Now, the Stop & Shop building has four exterior walls?
A: Not four-- I'm sorry, one second.
CHAIR LIGNOS: Mr. Segreto, could I understand something. You said four exterior walls?
MR. SEGRETO: Yes.
CHAIR LIGNOS: Okay.
A: It has three exterior walls and a partial 4th, yes.
Q     What is a partial 4th?
A      The entire side of the building is not exposed as it abuts up to continuous buildings.
Q     On your sheet 7, that's the overall plan, phase II, you refer to the Whole Foods as retail A, is that correct?
A      That's correct.
Q     And you refer to the rest of that building there as retail B?
A      That's correct.
Q     And on the plans from 2009, you refer to the Whole Foods as building A, and then there was building B, right?
MR. BASRALIAN: Objection. We're only talking about plans currently before the board.
MR. CHAGARIS: Sustained.
Q     Are you going to remove the concrete slab in that Stop & Shop building?
A      I don't know. I'm not part of the demolition.
Q     When the Whole Foods is built it's only going to have 3 exterior walls and then that internal wall with building B?
A      It will have -- it will have the front and
the back exposed. It will have 2 fronts actually. A front on Homans and a front towards Vervalen.

Q     Is it going to have its own structural wall next to the K-mart and next to the rest of building B?

MR. BASRALIAN: Excuse me. He never testified as to the structure of the walls. That's really architectural. If you ask him about what walls are exposed on the plan then he can answer that. But otherwise he cannot.

MR. SEGRETO: That was an objection?

MR. BASRALIAN: Objection. It was an objection.

MR. CHAGARIS: Sustained.

Q     You're increasing the supermarket use in the shopping center approximately 64 percent, is that correct, from the existing Stop & Shop, to the new Whole Foods, in terms of square footage?

MR. BASRALIAN: I would ask the chair to ask Mr. Segreto to rephrase his question since there is no supermarket use in the shopping center today. It's a vacant structure/building.

Q     The old Stop & Shop building, you're replacing with the new Whole Foods and you're
increasing that shopping center space -- I mean, I'm sorry, that supermarket space by more than 60 percent, isn't that correct?

A I don't know the square footages for comparison. I haven't done that calculation.

Q All right. Do you know how long the Stop & Shop building has been vacant?

A I don't know.

Q Whole Foods is proposing outdoor seating, is that correct?

A Yes, they are. Yes, the shopping center is, correct.

Q But specifically, specifically right in front of the Whole Foods there's going to be outdoor seating, is there not?

A Off to the side.

Q Did you add that into the parking requirement?

A No.

Q Is that part of the proposed 20,000 square foot of restaurant?

A No.

Q Have you proposed a 10-foot landscape buffer around the property line?

A No.
Q  You're seeking a design waiver variance for that?
A  Not at this time.
Q  All right. With regard to the width of the two-way driveway, two-way driveway, you're asking for design waivers, is that correct?
A  That's correct.
Q  And we're talking about that's the main drive from Vervalen?
A  No, that's -- that's the other driveways.
Q  Which other driveways?
A  That's for the entrance by the theater, I want to say 24 feet by the theater, 24 feet, the exit behind retail F.
Q  Retail F is the K-mart?
A  Retail F is the K-mart, right. And also the Homans exit at the easterly side.
Q  And what is the -- what's the requirement for those drives?
A  Thirty to fifty feet.
Q  That's what the design criteria is, 30 to 50?
A  That's correct.
Q  How do you determine if it's 30 or 50?
A It's a range between 30 and 50 feet, is
what's recommended, or shown in the ordinance. We
are proposing 24 to 26 feet at those entrances.
Q Why can't you comply with the zoning
ordinance?
A We don't feel it's necessary. It is not
necessary to use a width of 30 to 50 feet.
Q The zoning ordinance of this town
requires it. And I understand you don't think
it's necessary, but why?
A Twenty-four feet is a standard.
Twenty-six feet is even over that size. Thirty to
fifty is an increase in impervious area that we
don't feel is necessary, because the radiuses
coming out into the roadways become very large.
Q You're asking for a design waiver
with regard to the curb return radius, right?
A Yes, we are.
Q Could that be eliminated by
enlarging the width of the drive?
A In that case it's because the driveway, as
it's exiting, we're making a right only for --
onto Homans. So, the curb return on the left side
is a small curb return. You don't need it. It's
unnecessary.
Q     Now, the existing ground sign on
Vervalen is 15 feet, is that correct?
A       Fifteen feet with respect to what? What
dimension?
Q     The -- the main ground sign.
A       Fifteen feet wide? What are we talk --
Q     Height. Height. Height. I'm
sorry.
A       Oh, okay. I believe it's -- hold on. Let
me just check that. I don't have that.
MR. BASRALIAN: Speak up if you
don't have it, say you don't have it.
A       I don't have it on my plans. That was
presented separately from me.
Q     All right. Well, I'm looking at the
addendum 3 that you and Mr. Burgess put together.
A       Right.
Q     And you're asking for maximum height
of ground signs. You're showing that the
ordinance limitation is 15 feet. Existing site
condition you have greater than 15 feet. Do you
know what that means? Slightly above 15 feet?
A       It's 23 feet.
Q     That's what you're proposing?
A       That's right.
Q     Oh, all right. But what is the
existing?
A       Forty-five feet.
Q     We're talking about the same signs,
the main Closter plaza sign on Vervalen?
A       That's right.
Q     Existing is 45?
A       Forty-five, right.
Q     You're increasing the building
coverage, obviously, in phase I, is that correct,
in terms of percentage?
A       That is -- that is correct.
Q     And the reason that the -- that the
building coverage has to be increased is because
the plan is what it is, right?
A       That is correct.
Q     Why are the plazas proposed to be
concrete and not some other material, like a
pervious material like pavers?
A       Pavers aren't necessarily pervious.
Q     There are pervious pavers, right?
A       Not for a plaza, you wouldn't want to use
those, that's for sure. The plaza is concrete.
It's a consistent material. It's for people to
avoid the multiple joints, that's why we want
concrete. People are much more comfortable on
this type of a concrete layout. And we're also
going to have many site amenities all over the
plaza areas. So, again, this all works together.
This is something that the Edens has talked to me
about. They are very comfortable using this
system. They have been very successful using it
as well.

Q     Now, why is it you can't comply with
the number of loading bays that are required by
the zoning ordinance?
A       We didn't feel -- they aren't necessary.
The positioning of a loading zone is to be used by
multiple tenants.

Q     Now, the driveway behind building E, is that going to be improved at all?
A       Yes, it is.

Q     The new plans depict improvements to
that driveway?
A       Yes, it does.

Q     Now, Mr. DeNicola, in his letter of
July 11th, 2013, specifically No. 16, indicates
that the applicant is dramatically reducing the
plaza area in front of the theater by adding
additional building and extending existing
storefronts west. Do you see that?

MR. BASRALIAN: Do you have the letter to which you're referring, available?

MR. SEGRETO: Yeah, I have it. Take a look at mine. No. 16.

A Okay.

Q All right. Can you tell me what the rational is for dramatically reducing that plaza area in front of the theater?

A This is so that the owner worked up into their program for the shopping center. This is what -- we're also adding plaza areas. We're working around buildings to have it all integrate together. And this is the -- this is how the owner feels that this program will work well for the shopping center.

Q Have you made -- I'm sticking with Mr. DeNicola's letter of July 11th. No. 40 talks about the site distance at the egress driveway to Homans is impaired. Has anything been done?

A Yes. We've pulled the curb line away from the corner, and we've made it a right turn out, only.

MR. SEGRETO: That's all the questions I have.
MR. BASRALIAN: Thank you.

CHAIR LIGNOS: Okay. Any other member of the public have questions of this witness?

Yes, sir, you can step forward.

MR. ROSENBLUME: Jessie Rosenblume, 65 Knickerbocker Road. Regarding the subdivided lot, you think it would be desirable for the owner to come to the board and testify?

MR. CHAGARIS: Objection. Next question.

MR. ROSENBLUME: Regarding that subdivided lot, is it covered with pavement?

MR. THOMAS: Yes, it is.

MR. ROSENBLUME: Will it stay covered with pavement?

MR. THOMAS: At this time.

MR. ROSENBLUME: Would you consider that pavement an improvement?

MR. BASRALIAN: That's not a relevant question. It calls for an opinion that's outside of his testimony.

MR. ROSENBLUME: Is that pavement considered a structure?

MR. CHAGARIS: Again, really, you
had your chance to ask questions before. If
you're asking questions based on what Mr. Segreto
and some of the other witnesses asked, that's one
thing. But they didn't ask anything about the
pavement and the subdivided area.

MR. ROSENBLUME: They did.

Mr. Segreto --

MR. CHAGARIS: It's a pre-existing
condition. It's there. They're not changing
anything. It's right there.

MR. ROSENBLUME: Generally you don't
create a lot with improvements on it.

MR. CHAGARIS: I don't know what
generally is done. But I'm just saying the
testimony is that this lot is being subdivided.
It's staying the same.

MR. ROSENBLUME: Okay. Thank you.

CHAIR LIGNOS: Any other -- yes sir.

MR. DESSER: Paul Desser.

can you do compact spaces for compact cars?
Because as we're putting charging systems in, and
we're seeing cars getting smaller and smaller, car
size -- or parking spaces of that size seem
excessive, is that something that is being
contemplated?

MR. THOMAS: It's a good question. We are not contemplating it at this time.

MR. DESSER: Wouldn't it make logical sense, looking at what's happening with cars, and car design, and parking lot designs and parking -- construction of parking garages to make it smaller and more efficient, which could also increase your number of cars or increase your impervious, or your non impervious surface so you could put more landscaping, and things like that?

MR. THOMAS: Again, parking decks, while they do have -- tend to have some smaller stalls, that's when you have more of a transient type of a parking deck where it's long-term parking. In this case --

MR. DESSER: Or if you have stackers. Or if you have obstructions. Or if you have drainage systems. There is lots of reasons they're doing it. One of the reasons its being done is --

MR. CHAGARIS: You have to let him answer the question.

MR. THOMAS: In this case we're in a shopping center with a high volume turn over. So,
the tall -- the wider stalls or the bigger stalls
are a little bit more comfortable for shoppers to
use than narrow tight ones where you have to bring
your packages and put them in a car.

MR. DESSER: Okay.

CHAIR LIGNOS: Thank you, sir. Any
other member of the public having a question? I
see and hear none, and, therefore, I close this
portion of the meeting to the public.

Mr. Basralian, I am assuming you
have another witness.

MR. BASRALIAN: Yes, I do.

CHAIR LIGNOS: I would like to --
the board to take a 5 minute recess. I am
sure the court stenograph -- 10? She's asking for
10. And I'm willing to go 10. The time now is 12
minutes after 10. We will resume in 10 minutes.

Thank you.

(Short recess taken.)

CHAIR LIGNOS: Members of the board,
because I want to --

MR. NYFENGER: Mr. Pialtos had an
emergency and had to get home.

CHAIR LIGNOS: I'm sorry. Okay.

I'll put that on record. Mr. Pialtos had to leave
the meeting at 10:22. It's exactly 10 minutes for our recess. I thank you very much. This meeting is back to order.

Members of the board, only because we need to take care of some housekeeping, we have a work session meeting scheduled for October the 2nd. And then our regular monthly meeting is October the 24th. I'd like us to schedule --

MR. MADDAلونI: What about September's meeting, did we cancel?

CHAIR LIGNOS: September's we already have.

BOARD SECRETARY: We cancelled the work session.

CHAIR LIGNOS: We cancelled the work session but we have the 12th, 19th and the 26th. Then we have October the 2nd. I'd like to add, through a motion, special meetings on the 10th and the 17th of October. Would someone like to make that motion?

MR. DIDIO: I'll make that motion.

MS. ISACOFF: Second.

CHAIR LIGNOS: It's made by Mr. DiDio. Seconded by Ms. Isacoff.

Ms. Mitchell, would you please poll
the board.

BOARD SECRETARY:  Sure.

Mayor Heymann.

MS. HEYMANN:  Yes.

BOARD SECRETARY:  Councilwoman Amitai.

MS. AMITAI:  Here.

MR. MADDALONI:  Isn't it yes?

MS. AMITAI:  Yes. Oh, yes.

BOARD SECRETARY:  We already figured out you were here about two hours ago.

CHAIR LIGNOS:  I just -- I need a yes or a no at this point.

MR. NYFENGER:  10th and 17th?

CHAIR LIGNOS:  Yes.

BOARD SECRETARY:  I'm sorry, was that two yes's on that end?

MS. AMITAI:  Yes.

BOARD SECRETARY:  Dr. Maddaloni?

MR. MADDALONI:  I am here too. Yes.

BOARD SECRETARY:  Mr. Baboo.

MR. BABOO:  Yes.

BOARD SECRETARY:  Ms. Stella.

MS. STELLA:  Yes.

BOARD SECRETARY:  Mr. Lignos.
CHAIR LIGNOS: Yes.
BOARD SECRETARY: Mr. Sinowitz.
MR. SINOWITZ: Yeah.
BOARD SECRETARY: Mr. DiDio.
MR. DIDIO: Yes.
BOARD SECRETARY: Ms. Isacoff.
MS. ISACOFF: Yes.
BOARD SECRETARY: Mr. Pialtos. Oh, he is gone.

CHAIR LIGNOS: Okay. And that takes us all the way to October the 24th, which would be our regular monthly meeting, if there's business. Okay. Mr. Basralian.

MR. BASRALIAN: Yes. I would like to present my next witness. Mr. Chagaris, would you swear him in, please.

MR. CHAGARIS: Could you raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth.

MR. HAMILTON: I do.

MR. CHAGARIS: Please state your name and give us your business address.

MR. BASRALIAN: Thank you.

CHAIR LIGNOS: Wow, you had a trek up here, didn't you?

MR. HAMILTON: I live in Hohokus so it's not too bad.

CHAIR LIGNOS: Oh, that's not bad.

Sir.

MR. BASRALIAN: Yes. Would you -- would you state your occupation and with whom you're associated with.

MR. HAMILTON: Sure. I'm a principle in the firm of Omland Engineering Associates. I'm a licensed professional planner and a licensed landscape architect in New Jersey. I'm also licensed as a landscape architect in Pennsylvania and New York. I've been practicing in the field for about 30 years now. First licensed in 1985. I testified before boards throughout the state. I have been in front of many boards in this area, including your board.

MR. MADDALONI: Move to accept his credentials.

CHAIR LIGNOS: Thank you. Now, would you, just, Mr. Basralian, please clarify, that even though your witness is both a registered
MR. BASRALIAN: He's testifying as a landscape architect.

CHAIR LIGNOS: Only as a landscape architect?

MR. BASRALIAN: That's correct.

CHAIR LIGNOS: I see no objection, and, therefore, please, please continue.

EXAMINATION BY MR. BASRALIAN:

Q Referring to exhibit -- the current conditions exhibit, which was a photograph, we've used it before. I just got to get the right exhibit number here. Existing conditions, Exhibit A-10. Would you -- which is up on the board. Would you, please, briefly describe the existing conditions and landscaping using that exhibit. And if you wish to go to that. Just speak up so the microphones could pick you up.

A I'd be happy to. I'm going to concentrate just on the plans, because you've heard testimony from Mr. Thomas and Mr. Roncati, a lot about the existing conditions on the site, and I know you all know the property. So, starting at the lower end of Exhibit A-10, Vervalen Street, there are some plantings along Vervalen. Some street trees
that are there. They're a little more regular on
the western side of the property. And, as you
move easterly along Vervalen they are more
sporadic. They're mostly a mixture of Maples and
Oak. Some in poor condition. Some in fair
condition. And then as you move down closer to
the movie theater in the plaza area, adjacent to
the movie theater there are a number of Maples in
that area, 7 total. There are also some
understory shrubs along Vervalen, as you know,
again, very sporadic, most of them in fairly poor
condition. And we're going to talk about what's
being proposed there in a minute.

Now, moving up to Homans, there is also
some understory planting there, a little more in
terms of the quantity, but there's really no shade
trees along Homans, with the exception that behind
the existing K-mart there are some trees that are
somewhat off of the Homans right-of-way, within
the parking field itself, as you see in looking at
this exhibit, there's very few trees. I count 5.
And then there's a few trees within the plaza
area, sort of on the eastern side of the property,
between what I believe is referred to as building
B and D in the application for the proposed
addition. So, total we have 41 trees on site.

And what we've done, is, we've established that, we've calculated what we believe to be the effective canopy of those trees. And it comes down to about a half an acre. And that's based upon our calculations on the aerial photographs that you see here. And we're going to talk about that later when we talk about what we're proposing, and what the difference is in the canopy coverage in the proposed conditions.

Q Okay. Going to the Exhibit A-12, which is described as the overall landscape plan, and it's colorized and over-layered on the aerial photograph, would you describe the landscape design and the elements that have gone into the redesigning of the landscape and landscape field within the shopping center?

A Sure. When we looked at the landscape design for this project we really looked at it in three different areas. We looked at the streetscape. We looked at the parking field landscaping and planting, and then we looked at the plaza areas that Mr. Roncati described to you in the earlier testimony. Starting with the streetscape, what we did, was, we decided, let's
supplement the planting that's there that's good along Vervalen. And we're going to save 1, 2, 3, 4, 5 of the trees that are in front of the store. We're going to supplement that with London Plain trees, planted at 40 feet on center. It's a very tolerant tree. It's a very stately tree. It has character in terms of the bark during the winter months, and it's a great tree that can survive conditions adjacent to roadways and parking lots. In addition, we're proposing evergreen shrubs along the entire perimeter along Vervalen, both between Vervalen and the parking lot. And, also, as you move up into the site at the various entry points to the west, and in the center of the site, and we're going to detail the shrubs in a minute, but those shrubs are basically going to be 30 to 36 inches, maintained at that level. Again, they're evergreen, for the most part. They're Cherry Laurels, as well as Chip Laurels. So, we have a total of 12 trees being proposed along this perimeter.

Q    Is that 12 additional trees or 12 --
A    Twelve additional trees.
Q    All right. Thank you.
A    But existing number shrubs. Looking over
to the back of the site on Homans, again, we thought there, there is no existing trees. So, we're proposing the same trees being at the same space 40 feet on center, throughout that entire back property line. In addition, just like we talked about in the front, we're going to provide shrubs in the back here that will provide a visual buffer to the parking spaces, the loading areas in the rear, as well as to compliment the back architecture that Mr. Roncati described.

Q Does that include landscaping around the transformer, which we've discussed earlier in the evening, at the Homans Avenue ingress/egress?

A Yeah, actually we provided landscaping around all 8 of the transformers, but particularly at the entrance we have provided some landscaping there. We may allow the shrubs to grow a little higher there. Those structures are going to be about 4 feet high and we want to make sure that we have proper screening of them. Again, Mr. Thomas suggested the may look at another location, we'll see. But at the moment we feel we've got sufficient landscaping in that area.

Looking at the parking field then, we went from 5 trees to, now, about 88 trees. And the 88
trees are within just this central area in the parking lot. That's not including the plaza areas and the streetscape. If you look as those areas as well, we're up over 140 trees is what we're proposing. In the parking lot itself, we've picked red maples and going with honey locusts. Again, they're very hardy trees. They will provide the shade that's required in the parking lot during the summer months. And, again, you can see in this illustration on A-12, the extent of islands that are being proposed, and the number of trees over -- significantly over what the existing condition is.

Within the parking islands themselves, we're not just putting mulch down. We're actually going to plant those with evergreen ground cover, Creeping Lily Turf. And that will provide, I think the softening of those areas, and not your traditional, you know, wood mulch or cedar mulch.

Before I go into the plaza areas, I do want to just, before I get away from it, introduce a new exhibit.

MR. BASRALIAN: Which is listed on the exhibit list as Exhibit A-16 Vervalen Street concept plan.
MR. HAMILTON: A-16.

MR. BASRALIAN: Right.

CHAIR LIGNOS: And Mr. Basralian, you're going to provide these exhibits for us to keep after you're all through with them, am I correct? Because we don't have -- we don't have Mr. Roncati's material.

MR. BASRALIAN: Yeah, he will bring that. Yes, he will bring that. We've listed as an exhibit, but you also have the CD's of everything he's done and hard copies as well.

CHAIR LIGNOS: No, I understand.

And just -- and if you would be so kind as Mr. Thomases' samples today, if they could be included.

MR. BASRALIAN: Yes, they are included on that as well. They can't be physically mounted, but they'll be included in those attachments to it. What we will do, is, we'll provide copies of these, usually is more -- it's safer for us to keep the finals. You will get -- you will get copies for your -- for your -- for your files, okay?

CHAIR LIGNOS: That's fine.

MR. BASRALIAN: Go ahead, please.
This exhibit, we've had marked as A-16 is entitled, 'Concept Sketch, Closter Plaza.' Closter Plaza. And what it is, is, in looking, first of all, from upper left, we've got a photograph of the existing condition on Vervalen. And we're looking in a west to east direction. And you can see the existing condition which you're all familiar with. There's a sidewalk, approximately 6 foot wide, designed directly to the macadam, and there are some shade trees, and different planter areas along that frontage. Just below that on the lower left of the sheet, we're showing a section of what's proposed on the plan, just to give you a little better feel for what it's going to look like. And, as you can see, we've moved that parking lot back somewhat, and we've now provided a landscape island of a little over 14 feet, between the back of the proposed sidewalk to the curb line where the parking stalls are within the parking lot. And then we have a 6 foot sidewalk along Vervalen, which is consistent with what you have today, and pretty much standard within the industry. Moving to the right side of the sheet, both on the upper section and on the lower section, two different views, a
perspective, artist rendering, just to give you a feel for what this space will look like, probably in five years from now, when you've got the growth of the shrubs, where they formed a solid mass, again, then 3 feet high or so. And the trees that we're proposing, the London Plain trees are now at a sufficient height where they are providing a real canopy along the roadway. The trees are located in such a situation -- or such locations where they're not interfering with the lights that are being proposed as well, along the road.

Q     Is it anticipated that that evergreen hedgerow will be grown to sufficient thickness or density so as to effectively block up that -- block, approximately, the height of the hedgerow and the cars that are behind it --

A       That's correct, that's the intent. So that any lights that you have on cars that are parked facing Vervalen will be blocked by this --

    by this hedgerow.

Now, going back to A-12, we talked about the streetscape, we talked about the parking lot. Now, let's talk about the plaza areas that Mr. Roncati described to you. And if you look on sheets 20 of -- 20 to 22 of the site plan, which
I'm sure you have, you'll see that the 5 public plaza areas, as well as the restaurant, outdoor seating area, are detailed on those plans. Now, what we've done for the presentation, is, we've prepared a new rendering, which puts all that information onto one sheet so we can talk about it and walk you through it.

MR. BASRALIAN: That's marked as an exhibit already. It's a combination of those sheets. It's marked as Exhibit A -- A-13, combined.

MR. HAMILTON: A-13?

MR. BASRALIAN: Yes.

CHAIR LIGNOS: Has that already been marked you said?

MR. BASRALIAN: No. It's on our exhibit list --

CHAIR LIGNOS: I understand that --

MR. BASRALIAN: -- and he's just going to put the A-13 on there.

CHAIR LIGNOS: That's fine.

This is a -- again, it's a combination of all the details that are shown on sheets 20 and 22. It's entitled, "Plaza Details." It's dated 8/5/13. Looking at the left side of the sheet on
the lower level, there's an overall map of the site, where we've highlighted the various plaza areas that have been described to you. And then looking at the details, and I'm going to start with detail A, you can see what's being proposed in those areas. Detail A is the area just to the east of the Whole Foods. It's a fairly large plaza area. There's going to be ground cover adjacent to, or underneath that sign that Mr. Roncati described, with the old signage for the facility. That's going to have lily turf with an evergreen ground cover, which provides some separation between the driveway and the sitting area. Within that sitting area, you're going to have a number of benches, tables, planters, a gathering place for -- for the visitors to the center. The planters, by the way, both in this plaza and in the other areas of the site, are going to be used for seasonal plants. So they're going to change, as the seasons progress from fall, actually even through winter.

Actually, before I go into the others, I'd like to talk a little bit about the amenities that really are going into these plazas. And we detailed some of them on the plans, but we have
one exhibit that gives you sort of a flavor of what -- what you're looking at.

MR. BASRALIAN: That's exhibit -- marked as Exhibit A-15 on the exhibit list. Mark it, please, as A-15.

MR. HAMILTON: Okay. I've marked this as A-15. It's an exhibit that labeled, 'Trash Receptacles, Benches and Other Site Amenities.' And, looking at it, again, I'll just start on the upper left. You can see the type of quality of materials that Edens uses on their projects. They call them jewelry. And this is consistent what we show on the plans, and consistent with what you saw in the presentation that Mr. Roncati prepared and presented at the first hearing. Again, this is a trash receptacle. Has sort of a -- a wood look to it. It's actually a metal structure. The benches are steel and teak, which is, you know, high quality. Bike racks are very sleek. Planters, again, are sleek, that are going to be in colors that are consistent with the architecture. As you know, the architecture of these various tenants is going to change a little bit, from tenant to tenant, based upon the tenant, and we're going to modify the
planters, perhaps even the benches, to be consistent with the architecture of the various tenants. So, while this is typical, there may be additional types of planters and benches and things of that like, that are proposed as part of the common areas, consistent with the tenants that are adjacent to those areas. And, again, moving to the right, just examples of dining tables and chairs. And you can again see the quality of materials, of both the wood chairs and marble tables, things of that nature. So, as you're looking at these plaza areas, you'll just get a feel for the type of materials that we're talking about. We talked about detail A.

Detail B is -- it's actually on the western side of the Whole Foods. This will be mostly constructed as phase II. And, again, there's a sitting area there, there's a shade tree. A shade tree with a fairly large planting area underneath. Again, we're going to use lily turf there. The shade tree actually brings down the scale, a little more human scale. Softens the vertical element of the building. And, again, we're providing planters and benches in that area.

Moving to area C, as you're moving
across the main building in a west/east direction,
again, we've highlighted this area with ground
cover to separate it. Again, from the traveled
way. Here we've introduced two shade trees
consistent with the architecture at the corner of
the building. Again, providing shade in the
summer. And some tables and chairs located at the
corner, as well, for use by the public that's
visiting the center.

Detail D, that is down, kind of in
the area where currently you have, I think it's
Massage Envy and Radio Shack. This is -- this has
a little different feel. You know, we felt we'd
change it up a little bit. Here we've got some
grass introduced in this area. Not just lily
turf. A little, you know -- it still separates
from the traveled way in terms of a physical
separation. But we thought it would just be a
nice different feel. We have benches again,
planters with a seasonal planting. And then here
we also have an area with table and chairs that
can be used by the -- by the customer.

Area E is the more private space.
It's that restaurant space that Mr. Roncati
described. He described that green wall. It's
going to be -- separate this from the property to the east. Adjacent to that green wall is a row of Avila, which is a flowering shrub. It's a semi evergreen. It's going to provide some buffering as well as some interest. And adjacent to that, both to the south and to the north, we have a more formal buffering with a U-buffer. So, it's really going to define that space and make it private for the restaurant users who have outdoor seating. And then finally we have ground cover there. And we have 3 trees, which will provide a canopy to the space and really make it almost a feel of an internal space, but yet be outside.

And then finally we have area F, which is adjacent to the movie theater. It's been somewhat redesigned. We've provided -- we've held some of the trees -- I think there is 5 trees out by Vervalen. We are going to keep those trees. They are in pretty good shape. We're going to rebuild around them. We're going to use Avila again to make that separation with lily turf ground cover. Benches will be on the -- on the mall side of the -- shopping center side of those planting areas. But we're really defining that space by these tree planters that separate the
sidewalk on Vervalen with the more plaza use within the site. And we've got a feature tree here, an anallanchor, that's an ornamental tree. It's a native understory, white flowers. We thought that would make a good point feature point. Underneath it we have tables, benches. And then we have a green wall, which I think Mr. Roncati described as well, along the, I guess it's east and north face of this new building within the plaza, and that's going to lead you through this sort of green corridor. Actually it's going to be on the north face of the corridor, as well as the south face of the corridor. So, as you walk in, I guess it's a north and then a west direction, from the plaza area, to get to the remainder of the -- of the mall, you're going to walk through this really nice green area, which takes you then into an outdoor sitting area. And will service all the customers of the mall. Unlike, you know, the area in area E, which is a more private space.

In general, as we look at all the planting that we've proposed, you know, we tried to pick low maintenance material that will provide visual interest throughout the year. Where
appropriate, we have proposed species with limited irrigation requirements.

We are proposing to irrigate the site. Well, portions of the site. Going back to A-12, which is a rendering of the proposed conditions, we're going to irrigate everything along the front of the plaza, front of the stores, the plaza areas, as well as along the perimeter on Vervalen, and the areas up into the site. The only areas we're not irrigating are the individual islands where the trees are proposed within the parking field. Everything else is going to be irrigated. It's going to be a drip irrigation system, which is very water efficient. And goes along with the general philosophy of the project to be sustainable wherever possible.

Overall, and I think I've mentioned this earlier, we're looking at an upgrade of to about 140 trees and over a thousand shrubs, what's being proposed. When we look at the site as a whole, I talked earlier about that canopy coverage. We calculated it now, based upon a 5 year gross of what's being proposed here, and we're going from that .5 up to over an acre within that time period. And we anticipate that within
double that period we're going -- we're going to
double that canopy. So, when we get to 10 years,
we're going to have over two acres of canopy
coverage.

That's what we're proposing.

MR. BASRALIAN: Thank you. All the
details of the plants, and each and every one --
each item is already listed on the -- on a
landscape schedule that's part of the plans.

I have no further questions of this
witness at this point.

CHAIR LIGNOS: Okay. Members of the
board, I'd like to do, is, ask your questions of
this -- of this witness. If there's any member of
the board have a question, we'll start then from
the left this time and we'll go around.

Yes.

MR. NYFENGER: So, traditionally
there's been a problem with liter blowing across
the parking lot, across Vervalen, and into the
wooded area. I know personally because as a
member of the Lyons Club I've volunteered many
times to go pick it up and clean it up. With your
proposed plan, do you believe that liter will be
better contained within the parking lot area?
MR. HAMILTON: Oh, absolutely. With the -- with the plans that we're proposing all along the perimeter of Vervalen, it's going to be very difficult for the litter to get through those.

MR. MADDALONI: You could get someone to pick it up.

MR. HAMILTON: And I think that Edens, you know, they run a lot of these facilities. I think their maintenance is going to be quite a bit better than it probably has been.

MR. NYFENGER: Sure. Well, I mean if it's on their property their going to have a vested interest to clean it up. When it blows across then it's somebody else's property. So, if it's contained then I would think they would clean it up.

MR. HAMILTON: It's going to be contained.

MR. NYFENGER: Thank you. That's it for me.

MS. ISACOFF: I have one question about the seasonal plantings that you're talking about. Is that something that Edens itself will be handling?

MR. HAMILTON: Yes.
MS. AMITAI: I didn't hear the question.

MS. ISACOFF: We talked about the seasonal plantings. And I wanted to know who was going to be responsible for that. He said that it would be Edens. Go ahead.

CHAIR LIGNOS: Mr. DiDio.

MR. DIDIO: During your testimony you're talking about Vervalen Street and discussing the shrubbery and the height of the shrubbery with regard to stopping headlights of the cars shining through. But the next statement that you made after that, I believe, check it if need be, and then we have a 6 foot wide sidewalk. I don't know if you were implying that the current sidewalk is less than 6 feet or currently 6 feet wide. And are you planning to replace the entire sidewalk?

MR. HAMILTON: We are going to replace the entire sidewalk, yes, at a 6 foot width.

MR. DIDIO: What is the current width now?

MR. HAMILTON: I believe it's 6 feet.
MR. DIDIO: Then my other question is with regard to irrigation system. You talked about the drip irrigation system. And you describe the fact that it would be around the perimeter of the front of the building and along Vervalen Street. But your plans also show several planters. What do you propose for that?

MR. HAMILTON: They'll have irrigation as well. For example, the green wall, they will all have the drip irrigation system. I was just considering that to be the planter landscaping. But they will all have that system.

MR. DIDIO: Okay then my other concern --

MS. AMITAI: I didn't hear your answer on that.

MR. HAMILTON: I'm sorry. We will be irrigating the planted areas within the plazas themselves. For example, where we have a green wall, we're going to irrigate by drip irrigation in that area.

MS. HEYMANN: Drip irrigation when the wall goes right up with, just the roots from the entire wall are --

MR. HAMILTON: Well, the way it
works, is, we picked plant varieties that are
going to be in a planter, that's going to have
irrigation, and the plant itself grows up the
wall. So, there won't be any irrigation on the
wall. It will just be within the containers.

MS. HEYMANN: I was under the
impression architect describe that, that the wall
was composed of various units that had plantings
at various levels. I was wrong?

MR. HAMILTON: Yeah, that's not our
proposal.

MS. HEYMANN: Okay.

MR. DIDIO: My other concern is the
fact that the east hill section is known for
having deer. I live up in these hills. Deer come
down from Alpine from the woods from the boy scout
camp.

CHAIR LIGNOS: Can you keep it
contained to your part of the neighborhood?

MR. DIDIO: It would be nice, right.

MR. BASRALIAN: We'd appreciate that
by the way.

MR. DIDIO: And I know the deer are
also attracted to the farm across the street. Are
the shrubs and plantings that you're considering
deer resistant?

MR. HAMILTON: For the most part.

You know, when deer are hungry they'll eat anything. But the one -- the one shrub that they do like are used. But we've only used those in a limited area of the site. And I think it will be difficult for deer to get back there. But on the perimeter we've chosen plants that we believe will not be so attractive.

MR. DIDIO: And those are deer resistant?

MR. HAMILTON: Yes.

CHAIR LIGNOS: Did you ask about bear and coyote too?

MR. BASRALIAN: And fox.

CHAIR LIGNOS: And fox. I mean, you know, we want to make sure we have ample diet for the coresidents of our town.

MR. SINOWITZ: The Homans Avenue, the service area facing that street, that will probably produce a lot more litter and materials being brought around, and so forth. Is that also going to be protected in the same manner as Vervalen, for litter being blown across the street onto the other properties north?
MR. HAMILTON: The same trees are proposed on that road, correct.

MR. SINOWITZ: And what specifically is that tree?

MR. HAMILTON: It's a mixture of cherry and skip laurel. They're evergreen shrubs. They grow 4 to 6 feet. We're planting them pretty close together. Excuse me, I'll just show you on A-12 I think it is. Again, we've planted them throughout the back of this area. So, I think it's going to provide a pretty good separation between the loading areas and the streets.

MR. SINOWITZ: Thank you.

MR. HAMILTON: You're welcome.

MR. DIDIO: With regard to the irrigation system are you using recycled water from the roof system at all?

MR. HAMILTON: No, we're not.

MR. DIDIO: Okay. Thank you.

MS. AMITAI: Why not?

CHAIR LIGNOS: Let me get to your -- let me keep going.

MR. DENICOLA: When you talked about the drip irrigation system, you said along the interior islands, the pedestrian plazas, and
Vervalen. You didn't say Homans. Is it Homans also --

MR. HAMILTON: Yeah.

MR. DENICOLA: Okay. That's all.

CHAIR LIGNOS: Mayor.

MS. HEYMANN: I have a couple of questions. First of all, did you say you were planting London Plains?

MR. HAMILTON: Yes.

MS. HEYMANN: They have very, very wide horizontal roots that can impact some of your pavement. I mean have you considered that?

MR. HAMILTON: We have. We have a pretty good planting area there. On Homans we have 7 feet minimum and on Vervalen we have over 14 feet. You know, it's a trade off. You want a plant that is hardy. You know, London Plain are, you know, they are well established. If you go to New York, I think they said 20 percent of the street trees in New York are London Plain trees. Because they survive and they have characteristics -- characteristics that are -- that are --

MS. HEYMANN: I have two of them.

MR. HAMILTON: Yeah. And that was our through process. We think we have enough room
there and they can survive.

MS. HEYMANN: I'm not worried about
the trees. I'm worried about the surrounding
pavement and sidewalks.

MR. HAMILTON: Yeah, I understand.

MS. HEYMANN: You feel that they are
not going to impact that?

MR. HAMILTON: I do.

MS. HEYMANN: How are you dealing
with maintenance? Are you -- is it all going to
be in-house on a regular schedule or -- that's a
lot of trees and shrubs to be maintained. You
know, who is setting up the irrigation system?

MR. HAMILTON: Well, I'm not sure.
I believe, though, Edens, who is the developer, is
going to be responsible for that. And I suspect
they're going to hire outside firms for that.

MS. HEYMANN: My next question has
to do with the benches, and you said they were
teak and steel. And I'm wondering, particularly
since you're proposing to being sustainable, that
you're not using recycled plastic which lasts much
longer than wood.

MR. HAMILTON: You know, we'll give
some thought to that. Our focus is really on a
high quality product. And that's what we have chosen here. The materials may change a bit. And maybe we can use some recycled materials on some of the benches or planters. But we were just trying to give you a flavor for the type of amenities.

MS. HEYMANN: But you're not wedded --

MR. HAMILTON: No, we're not married to what we are showing here.

MS. HEYMANN: The last question really refers back to the first point. I am concerned that you are not giving enough space for your trees to grow and be healthy. Because a lot of the coverage is impervious and trees need space. And when you talk about trees on islands, how much space are you giving? And what kind of -- you're not using mulch? You're using ground cover instead?

MR. HAMILTON: We are using ground cover, yes.

MS. HEYMANN: And is it going to be adequate to keep those shrubs and trees alive? Because we've had trouble in other shopping areas, where we've lost all the trees.
MR. HAMILTON: You know, it's a good question. We have various sizes of islands with what we're proposing. Some of the smaller ones, we recognize that the trees may not grow as quickly and as full as they would in a larger islands or as they would if they were in your front yard. But it's a trade off. You know, Edens is very interested in getting as many trees as they can on the property, which is -- and I do a lot of retail work. That's unusual for a retailer. So, you know, they instructed us to -- to put as many trees as we could. We could take those smaller islands and not put trees in or just put ornamental grasses in or whatever. But we just feel with the trees, even though, you know, some of the islands are on the smaller side, where you may have a 6 X, you know, 36-foot island with the trees in, it's still sufficient to, you know, to support the Red Maples and the Honey Locusts, is what we're proposing. So, that's kind of our philosophy on it.

MS. HEYMANN: There are systems for using enriched soil, and replacing the entire base for the trees. Have you thought of that? Are you using any of that?
MR. HAMILTON: I'm familiar with it. It's structured soil, is what you're talking about. And Cornell University has been researching it for a number of years. I've -- I've expected -- I shouldn't say never expected, but I never had a project constructed with it. But in looking at that, we just didn't feel it was appropriate. And I'll tell you why. The structured soil is really a mixture of an aggregate, a clay, and some organic material, and then there's a binder that they put in there. So that it does support pavement. And it will allow some growth of roots into the system, where it becomes more difficult, obviously when the sub surface is compacted under the pavement. But there's some downside too, in that the water does go through that system a little quicker than it would under normal planting beds. So, you have to provide drainage in the bottom. Otherwise the water will collect and it's not good for the roots with the water collecting at the bottom. So, you have to drain it, No. 1. And, No. 2, you know, it's quite extensive what you have to do, because you have to take out the soil. First you have to take out the pavement. Then you have to take out
the soil. And then you have to put in this
material. And, from what I read, it seems that
irrigation is recommended in most cases for those,
because of the fact that, you know, that soil --
water doesn't stay as long in the soil as it does
in native soil. So, we looked at it. We didn't
feel it was appropriate, given the sizes of, you
know, the islands that we have. So, we didn't
propose it.

MS. HEYMANN: My last question has
to do, again, with irrigation. In that there
is -- the project, apparently, is not going to re
use water, that is draining, rain water or
anything like that. Is there any chance,
whatsoever, in these plans, of using water that's
recycled rain water? Because so far no one has
mentioned anything to that effect.

MR. HAMILTON: Yeah. It's -- the
way you would do it, is, most commonly cistern or
something like that. But particularly on an
existing center, it's often difficult to redesign
roofs and centers to collect water. But that
aside, it's a -- it's a very labor intensive and
expensive procedure to do that. And what we
found, and you can just confirm this, once you get
these plants established, you know, you have to, you have to irrigate them for the first few years. Irrigation requirements after that are not that significant. You know, most of the plants that we've chosen are low -- that don't require a lot of water. But the irrigation is needed really to get them going. It's the same with the trees that we're planting within the islands. We're going to have to water those, particularly for the first year, but even after that, until they're established. But after they're established they really don't need irrigation. They can grow naturally. So, we thought about it, but we just didn't think it was appropriate for this site.

MS. AMITAI: Okay. Let's see. I don't know what a London Plane looks like. But are they tolerant of -- I mean our Closter Plaza is fairly low? Are they London Planes that you're putting in the islands?

MR. HAMILTON: No. Only along the street. In the islands we have Red Maples, which can tolerate, you know, your high water table, as well as Honey Locusts. And the London Planes can as well. If you know what a Sycamore looks like, a London Plane is the same thing, except the color
is a little more yellow. That's all. It's a very stable tree.

MS. AMITAI: Evergreens. So, the evergreens you said you're planting them fairly close. The London Planes on 40 foot center. So, how close are the shrubs?

MR. HAMILTON: You know, I would have to check that.

MS. AMITAI: Eight feet. Ten feet?

MR. HAMILTON: No, no, they're closer than that. I think they're about 4 feet on center. Somewhere. It's not 8 feet.

MS. AMITAI: And are you doing curbs also? Sidewalks and curbs?

MR. HAMILTON: Yes.

MS. AMITAI: How large are the islands? I remember seeing the figure, but right now -- 7 X 20 or -- I forgot.

MR. HAMILTON: I think the smallest island, to my recollection, is, 5 feet X 36. But for the most part they're larger than that.

MS. AMITAI: Why is that one so small? How many are there at that very small --

MR. HAMILTON: About 30 percent of the islands are at that smaller area. The rest
are larger. And, again, it was a trade off. You know, we need the parking for the facility, do we plant these islands with lower shrubs, or do we plant it with a tree that we know isn't ideal, but at least it will grow, and we know that Edens has, you know, superior landscaping, maintenance and things of that. So, the decision was, let's put the trees in, and maintain them, and get them going.

MS. AMITAI: Okay. I was curious, what is this green line?

MR. HAMILTON: Oh, those are shrubs as well. Same shrubs that we have out along the streetscape.

MS. AMITAI: Okay. And then this is on the -- let's see, which one is it on?

MR. HAMILTON: I have --

MR. BASRALIAN: Just read off the -- Bill, just read off the exhibit number that you're referring to for the councilwoman.

MR. HAMILTON: Oh, okay. A-16 you mean?

MS. AMITAI: Yes. Thank you. What is this?

MR. HAMILTON: That's grass.
MS. AMITAI: This is grass. And this is?

MR. HAMILTON: Oh, these are -- these are either -- I think those are just smaller ground cover underneath the shrubs. Lily turf.

MS. AMITAI: I don't know what lily turf is. What does it look?

MR. HAMILTON: It's a perennial. It's an evergreen. You've probably seen it. It's pretty common as a ground cover. And it has, I guess a white spikey flower. But it's, you know, it grows 8 inches, 12 inches.

MS. AMITAI: It's not pachysandra?

MR. HAMILTON: No, no.

MS. AMITAI: By a different name?

MR. HAMILTON: No, it's a perennial.

MS. AMITAI: It's what, a perennial?

MR. HAMILTON: Yes.

MS. AMITAI: Does that mean it dies in the winter?

MR. HAMILTON: No, it pretty much lasts the winter. You will get a little bit of browning, but it's a ground cover that's going to maintain it's color pretty much throughout the winter.
MS. AMITAI: Our master plan keeps talking about joining the shopping center with our Renaissance district downtown Closter Dock Road. And the sleek look at some of these very beautiful pots and, jewelry, I think you referred to it as.

MR. HAMILTON: Yes.

MS. AMITAI: Doesn't seem to really seem to go with our historic, whatever historic architecture we have downtown? Would there be other things, that you might consider, to try to tie the two areas together?

MR. HAMILTON: Sure. We would be happy to work with the -- with the borough on that. You know, we've developed a standard that we think will go best with our tenants and tie the center together. But, we're always open to incorporating elements of other parts of the town into the center to try to make -- design.

MS. AMITAI: That is the intent in the master plan.

MR. HAMILTON: Yes.

MS. AMITAI: And the grasses that you talked about in level -- in detail D I think it was, were they high grasses?

MR. HAMILTON: No, that's just going
to be a mowing grass.

MS. AMITAI: A mowing grass. And I don't know what Avila is either.

MR. HAMILTON: Avila is a brand of flowerage called glossa vial. It's a -- it's a small shrub. It's an evergreen as well. It has light pink flower in late summer to fall. You know, we tried to pick plantings that would have flowers at different times of the year, that we could use in conjunction with the planters. But it's a very hardy and a common shrub material.

MS. AMITAI: Would hollies, are there any kind of hollies that work? Birds love the little berries on the hollies.

MR. HAMILTON: Hollies, you know, hollies would work in certain areas. You know, certain varieties of hollies. We wouldn't be probably picking the varieties with berries, simply because of maintenance issues. But that would be another option.

MS. AMITAI: And maybe you would consider that. And retail F, you talked about the public seating area?

MR. HAMILTON: Yes.

MS. AMITAI: Where is that? Is it
under the roof or --

MR. BASRALIAN: Bill, just refer to the exhibit again.

MR. HAMILTON: This is Exhibit A-13.

In looking at the detail F, at the bottom right corner. It's underneath this walk-through. There is a few tables that are outside, but it's under as well. But it's partially covered.

MS. AMITAI: And are there plants in there?

MR. HAMILTON: There are no plants under the -- under the roof. But, again, you have the green walls and the planters at the edges. Not to say that there wouldn't be planters there but that's not what we're proposing.

CHAIR LIGNOS: Anymore questions, councilwoman? Dr. Maddaloni.

MR. MADDALONI: This looks like a very nice landscape plan. I do share my colleague's concerns about maintenance. Picking up liter, mowing the lawn, trimming the bushes, gathering the voluminous amount of leaves that will fall every October. So, you know, it only looks as good as the way you maintain it. And that's been a huge issue with the current. So, I
think people are extremely sensitive to that. So, I don't think we can over emphasize the importance of good maintenance. I just had one question. You talked about those -- what did you call them, London Planes along the front?

MR. HAMILTON: Yes.

MR. MADDALONI: So, you're considering --

MR. HAMILTON: You're now looking at A-12.

MR. MADDALONI: -- the large amount of resources you're putting into this, and I understand your appreciation, and your desire to conserve as much as possible. But, frankly, there is not much worth conserving on that property. And you have this beautiful line of trees here. And these trees I think will look out of place with this otherwise very nice stately tree.

MR. HAMILTON: We'll take another look at that.

MR. MADDALONI: And this is the main entrance here. And I just don't see what the, you know, the value is in saving those three trees. I think it will detract from the overall appearance.

MR. HAMILTON: We'll take another
look. You know, we try to maintain, to preserve
as much as we can. But it's a good point.

CHAIR LIGNOS: Maybe like the sign
we could re purpose it.

MR. MADDAلونI: Yeah, re purpose it.

Yeah, we'll put it in your yard.

CHAIR LIGNOS: Anything else?

MR. MADDA론I: No, that's enough

for me.

CHAIR LIGNOS: Mr. Baboo.

MR. BABOO: On Vervalen and Homans,

but mostly Vervalen, you're going to go from
cement to grass then to the brush, or the
bushes?

MR. HAMILTON: Yes.

MR. BABOO: Is there a transition,
or a separator between the concrete and the grass?

MR. HAMILTON: Just going back to

A-16.

MR. BABOO: Yes.

MR. HAMILTON: This is the travel
way to Vervalen. You then have a 6 foot sidewalk.

You then have 9 1/2 feet of grass, roughly. You
then have 2 rows of shrubs. You know, the ground
cover, which is the ariapy, and then the shrubs.
MR. BABOO: My concern is, during the wintertime, when the snow blowers come out, and the salt, and everything like that, I know on my block, the snow blowers, they just go right up into your grass and they eat it up. And it takes about a year to recover. I don't know what damage the salt does, but is there any way to mitigate that by putting transition markings so that during the wintertime that people know that grass versus sidewalk during a snowstorm?

MR. HAMILTON: I don't think so. I mean I think what we're going to do, is, you know, we've irrigated that area. We're going to maintain it. If the grass suffers during the winter, we're going to replant it, and if you have irrigation, it grows back a lot quicker than if you don't. So, you know, a temporary fence, I'm not sure --

MR. BABOO: Yeah, I'm not speaking of fence. I'm speaking, I mean, you know, something that's more -- I just wanted to see --

MR. HAMILTON: I mean you could put a mulch border, but then you lose a little bit of a green field.

MR. BABOO: Okay. Have you used
this type of arrangement before in other of your
malls?

MR. HAMILTON: Yes.
MR. BABOO: No issues?
MR. HAMILTON: No issues.
MR. BABOO: Okay. Second question,
is, I'm originally from Queens, New York. So, I
don't know if this is going to be applicable here
or not, but I know in Queens if you were to do
this, the people that walk their dogs, would liter
all over that grass. And this happens
sporadically on my block. I live on Durie Avenue.
That's one of my concerns as well. It's just --
it's an open grass field, and it invites dogs, and
people who walk, who kind of liter on it. So, you
know, any way we can mitigate that, or any
thoughts to that, would be appreciated. Because
it's very nice and I just don't want it to be
spoiled by people because people do what people
do.

MR. HAMILTON: I hear you. But, you
know, it's really no different than somebody's
front lawn, in town. You know, you walk your dog
down your street, you have to maintain it.
MR. BABOO: Yeah, the problem is I
do see that on front lawns. So, you know, I
just -- it's a lot of work, being put into it, you
know, yeah. That's it. Thank you.

CHAIR LIGNOS: Okay. Ms. Stella.

MS. STELLA: I just have to put in a
word for that beautiful, I think it's a Locust.
Beautifully shaped multi branched tree that's
growing so gorgeously in front of the empty old
supermarket. Anyway to use it in the property?
It's just beautiful and it's doing so well.

CHAIR LIGNOS: I told you we should
re purpose things.

MR. HAMILTON: It's probably the
nicest tree out there. I agree. But, you know to
move it, would be extremely difficult. And
because of the width of that tree, you know, it's
pretty wide. There is really not a lot of room
for it on site.

MS. STELLA: Okay. I had to put in
a word for it. It's just growing so beautifully
there.

MR. HAMILTON: I'm familiar with the
tree.

CHAIR LIGNOS: Anything else?

MS. STELLA: That's it.
MS. AMITAI: One last question. One last question.

CHAIR LIGNOS: Well, you can have after me. I'm allowed a question or two.

MS. AMITAI: Sorry boss.

CHAIR LIGNOS: Thank you. Let's -- please describe a little bit the green wall one more time. The material is an ivy type of material that's a climber?

MR. HAMILTON: Correct.

CHAIR LIGNOS: And it will climb on a structure that you will -- that you will install, allowing the climber to do its job and climb up the side of the building.

MR. HAMILTON: That's exactly correct. It's going to take a little bit of time to establish.

CHAIR LIGNOS: Yeah, yeah. Right. And as long as the time issue, what kind of caliper are we talking about as far as these trees at day 1?

MR. HAMILTON: The -- all the shade trees are going in at a minimum of 3-inch caliper, which is fairly significant. And the ornamental trees, the 3 amalankers, are going in at a height
of a minimum of 8 feet.

CHAIR LIGNOS: Okay. So, we're really looking somewhere in the 5, or after range, for them to start to take on the characteristic of what they're supposed to be doing, having the canopy that it's supposed to have, or at least begin to have. My concern, is, on the -- on the curbs themselves. The canopies, appear, from your sketches, to be much greater than the curb, than the planted area that's below that. And, typically, and you know better than I do, the canopy really should be the -- the grass below, the soil below, should be, really, the size of the canopy above. Are you concerned, that, because of the size of these planted areas, that the trees will survive? I just want to hear you say that the size, species that you've selected, will in deed, live just fine in the size planting areas that you've selected in the parking lot now I'm talking about.

MR. HAMILTON: Absolutely. We've done many, many shopping centers. And we've had success with trees. And we've talked about --

CHAIR LIGNOS: Without irrigation.

MR. HAMILTON: Without irrigation.
Now, that said, we've talked to Edens quite a bit about making sure that these trees are established. The problem becomes, if they never get established correctly, that's when you have trouble with the tree. Once they get established and they're -- and they're growing, we don't really have as many problems.

CHAIR LIGNOS: But irrigation is a very big part of that establishment. How do you establish -- how does that tree get established without irrigation?

MR. HAMILTON: They're going to have to water those trees in the islands until they're established.

CHAIR LIGNOS: Right. Now, how do you get water to those islands?

MR. HAMILTON: They're telling me, Edens this is, tells me that they've done this on other projects, and they have mechanisms to do it. Whether it's a water truck with their landscaper. Probably the easiest way.

CHAIR LIGNOS: So, are you saying in your testimony that Edens will be watering these from a water truck?

MR. HAMILTON: I don't know from a
water truck. But they will be watering these
trees to get them established.

CHAIR LIGNOS: Okay. So, you're
saying that you know that they will -- that part
of their maintenance program, will be to water
these trees in the parking lot to get them
established?

MR. HAMILTON: Yes.
CHAIR LIGNOS: Okay.
MR. NYFENGER: May I ask a question?

It's related to that.

CHAIR LIGNOS: Okay.
MR. NYFENGER: If a tree should die,
will it be replaced?

CHAIR LIGNOS: Well, we have -- we
have that part of our maintenance code. And it's
required.

MR. NYFENGER: Okay. So that sort
of serves that concern.

MR. BASRALIAN: Yes, absolutely.

CHAIR LIGNOS: You showed something
that was really nice in the hard scape, in the
landscape furniture. And then you took it back by
saying, we're not wedded to teak, or to things
we've showed you. That concerns me a little bit.
You can show us these things, and then when a comment is made, we're not wedded to them, then I'd like to know what you're wedded to.

MR. BASRALIAN: Excuse me. Let me interrupt. I think that was in response to a question of the mayor that said, would you consider alternate materials beside teak. And he responded, well, we're not wedded to that. I mean that's what we're proposing, but we would work with you if you prefer to have something else.

CHAIR LIGNOS: Okay. So, what you're -- what the testimony is basically saying, is, what we did see here, is in deed --

MR. BASRALIAN: The type of materials they would use.

CHAIR LIGNOS: -- the type of materials. It is teak. It is metal. And then wood face. It is -- there are those bike racks. There are those planters. And they appear to be, either a resinous material, or some sort of concrete casted material. I understand about the color, and wedding the colors to the facades, and so on and so forth. So, those materials we can expect. Now, quite frankly, some of the reusable plastics and things, maybe they'll last longer.
But that means we have to see them longer also. And quite frankly, I'm not one for them. And as far as -- as far as the buffer from going from a public street on to a more semi private parking lot, of having the lawn to a ground cover, to a shrub, to a tree, I have to, respectfully, with Mr. Baboo, I think the responsibility is for us to maintain that. And, quite, frankly, if -- I really do think it's a very nice way of softening up the street to the -- to the parking lot, and also keeping the headlights from becoming intrusive. So, I really do like that. And I think it is the proper way to go. Now, whether people curb their dog or not, is really the responsibility of those people who walk their dogs and liter and do all sorts of things. And that's why we should enforce -- enforce that. So, Lenny.

MR. SINOWITZ: Smoking is still legal in this country. And I was wondering if the plaza is going to make accommodations for the cigarette butts that they accumulate. You know, those containers, they're a certain design containers that when you go into a building you put the cigarette butts into the container instead of the floor.
CHAIR LIGNOS: Or for that matter if there's a smoking -- designated smoking area, is that --

MR. SINOWITZ: Well --

MR. DIDIO: That too.

MR. SINOWITZ: Well, that's a question. The first question was; is there going to be accommodations for those people who do smoke, to get rid of their butts?

MR. HAMILTON: I would have to confer with my client, but I got to think that this has come up on other projects of their's. And I'm sure they will handle that appropriately.

MR. SINOWITZ: And I might as well ask it, is there going to be a special smoking area, in the event, that smoking is not permitted in the --

MR. BASRALIAN: If the law changes, we'll comply with the law, whatever is required.

CHAIR LIGNOS: Councilwoman --

MR. DENICOLA: I just got one thing.

CHAIR LIGNOS: Yes.

MR. DENICOLA: On the trees -- just one thing. On the tree scape to the curb, what is the offset from the tree to the curb? The little
bushes, 6 inches? A foot?

MR. HAMILTON: Which ones? I'm sorry.

MR. DENICOLA: The bushes. The shrubs.

MR. HAMILTON: Oh, along the parking lot?

MR. DENICOLA: Yeah, around the parking lot. A foot? Six inches?

MR. HAMILTON: You know, it's a little difficult to scale. I think we're going to put them probably 6 feet off. Five or 6 feet.

MR. DENICOLA: Behind the curb.

Okay. So you're going to have an overhang areas for the cars?

CHAIR LIGNOS: For at least 2 feet from the curb.

MR. DENICOLA: You need a minimum 2 feet, 2 1/2 feet.

MR. HAMILTON: Yeah, absolutely.

CHAIR LIGNOS: Councilwoman.

MS. AMITAI: We didn't talk about the landscaping on Vervalen. I mean on Homans.

CHAIR LIGNOS: It's the same as Vervalen.
MR. HAMILTON: Yeah, it's the same as Vervalen.

MS. AMITAI: Oh, it is. Fourteen feet --

MR. HAMILTON: Forty feet on center. Yup, same tree.

MR. NYFENGER: Grass as well or no grass?

MR. HAMILTON: No grass on Homans.

MR. DIDIO: Distance between the shrubs is also the same?

MR. HAMILTON: Let me just verify that.

MS. AMITAI: Homans? Now we are talking about Homans.

CHAIR LIGNOS: No, it's exactly the same is what your testimony --

MR. HAMILTON: It's grass as well. It's just not as wide.

MS. AMITAI: How wide is it?

MR. HAMILTON: It's 7 feet. I believe the grass area between the sidewalk and the plants on Homans. And it's wider on Vervalen.

CHAIR LIGNOS: And it's what on Vervalen?
MR. HAMILTON: Wider. About 14 feet.

CHAIR LIGNOS: All right, members of the board, any other questions? At this point I think this is the logical place to stop this evening. The board has asked their questions and we will begin the next meeting with opening up the meeting to the public for questions of this witness, if that's okay with you, Mr. Basralian. Did you have --

MR. DIDIO: What is the date of our next meeting?

CHAIR LIGNOS: The next meeting is the 12th.

MR. BASRALIAN: September 12th, if you would announce that I would appreciate it.

CHAIR LIGNOS: So, this application will be carried to our next meeting of September 12th. And because I see no further business here this evening, the chair will entertain a motion that was made by Mr. Didio to adjourn, seconded by Dr. Maddaloni. Your witness after this is traffic. So, we should have our traffic expert here.

MR. BASRALIAN: I have already told
Mr. DeNicola.

CHAIR LIGNOS: All in favor for the adjournment?

THE BOARD: Aye.

CHAIR LIGNOS: Seeing no objection, this meeting is adjourned at 11:26.

(Meeting concluded.)
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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