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

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator
Mr. Lignos, Chairman called the Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Monday, October 21st, 2013 in the Council Chambers of the Borough Hall to order at 8:01PM. He stated that the meeting was being held in compliance with the provisions of the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. He advised that the Board adheres to a twelve o’clock midnight curfew and no new matters would be considered after 11:00 P.M.

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

The following Planning Board members and professional persons were present at the meeting:
Mayor Heymann
Councilwoman Amitai
Mr. Lignos, Chair
Mr. DiDio
Mr. Pialtos-8:07PM
Ms. Stella- (alt # 1)
Mr. Nyfenger- (alt # 2)
Mr. Weiner, Acting Board Attorney
Mr. DeNicola, Board Engineer
Paul Nyfenger, Acting Planning Board Coordinator

The following Planning Board members and professional persons were absent from the meeting:
Dr. Maddaloni- Vice Chair
Mr. Baboo
Ms. Isacoff
Mr. Sinowitz
Mr. Chagaris- Board Attorney
Rose Mitchell, Planning Board Coordinator

Item # 1

Block 1607 Lot 1 (BL 1310/ L 2) 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. Nyfenger & seconded by Mr. DiDio to adjourn meeting. Meeting was adjourned at 9:25PM.
STATE OF NEW JERSEY
COUNTY OF BERGEN
BOROUGH OF CLOSTER

IN THE MATTER OF
SPECIAL MEETING

The Application of:

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

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

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

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. NJ1746500
CHAIR LIGNOS: I call to order this special meeting of the Borough of Closter, New Jersey, being held on this day, Monday, October the 21st, year 2013, in the council chambers of the borough hall. This meeting has been duly advertised in accordance with the Open Public Meetings Act, the State of New Jersey.

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

Please join the board in the pledge of allegiance.

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

MR. DEMAREST: Sure. Mayor Heymann.

MAYOR HEYMANN: Here.

MR. DEMAREST: Councilwoman Amitai.

MS. AMITAI: Here.

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

MS. STELLA: Here.

MR. DEMAREST: Mr. Lignos.

CHAIR LIGNOS: Here.
MR. DEMAREST: Mr. Chagaris.

MR. WEINER: Ira Weiner here for Art Chagaris.

MR. DEMAREST: Mr. DeNicola.

MR. DENICOLA: Here.

MR. DEMAREST: Mr. Sinowitz. Mr. DiDio.

MR. DIDIO: Here.

MR. DEMAREST: Ms. Isacoff.

Mr. Pialtos. Mr. Nyfenger.

MR. NYFENGER: Here.

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

Item 1 on our agenda this evening, block -- and only item on our agenda this evening, block 1601, lot 1, 19 Vervalen Street, application P2013-03. The applicant is Closter Marketplace, LLC., Centennial AME Zion Church. Mr. Basralian is the attorney. This is a subdivision, site plan and soil movement application, which was received back in May the 16th, was deemed perfected, with mentioned stipulations, on June the 5th work session meeting. The application was continued
and received final perfection on June the 27th’s regular monthly meeting. Hearings have now taken place on July the 11th, the 18th, August the 7th, and 8th, the 29th, September the 12th, October the 2nd, the 10th and the 17th. And the application will be continued this evening here on October 21st, 2013 special meeting.

Mr. Basralian, welcome.

MR. BASRALIAN: Good evening.

MAYOR HEYMANN: Mr. Chairman.

CHAIR LIGNOS: Yes.

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

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

CHAIR LIGNOS: That meeting was cancelled.

MAYOR HEYMANN: No, the 26th was cancelled.

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

MS. AMITAI: We got an agenda for that night.
MR. DENICOLA: We'll look into it.

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

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

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

MR. DIDIO: And then we left.

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

CHAIR LIGNOS: Something like that.

That was the 20 -- I think that was the --

MR. BASRALIAN: 19th.

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

MR. BASRALIAN: Right.

CHAIR LIGNOS: Correct.

MAYOR HEYMANN: I'm sorry.

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

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

CHAIR LIGNOS: Okay. So, Mr. Basralian welcome. I think we left off. But maybe you tell us where we left off.
MR. BASRALIAN: Yes, we had finished with the board's traffic expert. And I said I was going to recall Mr. Keller for certain questions in rebuttal.

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

CHAIR LIGNOS: Okay.

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

MR. BASRALIAN: Thank you.

EXAMINATION BY MR. BASRALIAN:

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

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

A Well, there were a number of steps involved in the evaluation of the parking. First off, you know, we obviously looked at the site as it exists today, and recognized that we have less parking than is desirable. We also have a parking system that's inefficient. So, our first goal is working with the applicant on re-purposing, rehabilitating the center, was to look at the site. And, you know, improve the efficiency, and come up with the most efficient parking layout that we could. You know, today there is 720 parking -- 720 parking spaces that serve 211 -- a little over 211,000 square feet. The ratio of, I believe, 3.4. We've increased the parking on the site. Just -- the site, as it exists, you know, the application that's before you. We're not talking about the subdivided lot. We're just talking about the main lot where the shopping center is.
CHAIR LIGNOS: Excuse me,
Mr. Keller, I just want the record to note that
Mr. Pialtos joined the board at 8:0 -- 8:07.
Thank you. I'm sorry. Please continue.

MR. KELLER: Sure.
A So, we now have 820 parking spaces, an
increase of 100 spaces over what exists today.
And the application before you is actually a
reduction in the square footage of the shopping
center, down to 208,337 square feet. Gets us to
the ratio of 3.96. So, there's an increase in
parking by 100 spaces. And a reduction in the
square footage of the center by approximately
3,000 square feet.

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

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

We look at the total, and our parking analysis, we did include a 6,000 square foot building on that subdivided lot. And that it would be parked at the same ratio as the overall center. And what we found, with that, was that with all that demand, with all the different land uses, the point at which we have the lowest amount of parking available, and there's still parking available, is in the 1 to 2 o'clock hour; we have 62 spaces that are available, which is 7 percent of the total on the whole site. Saturday, using -- following the same process, again, the restaurants peak midday and evening. The bank peaks at a lower volume than the weekday peak. But, again, peaks in the early afternoon, late morning. The retail peaks a little bit earlier. It -- between -- no, I'm sorry, same time; around 12 to 3. And the cinema peaks into the evening. And what we found there, was at between 12 and 1 we had 45 spaces available on-site, which is the
lowest amount of surplus that would exist. And
that's 5 percent of the total parking supply.

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

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

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

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

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

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

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

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

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

MR. KELLER: Well, look, when you're 0 and 6, yeah anything is important. Anyhow, one of the things -- this study, the ULI study, parking requirements for shopping centers, was
based on data that was collected during the Christmas season of 1998. So, the data in here, and the recommendations in here, are based on the absolute peak time. And what they said, for community shopping centers, was, a ratio of 4.0. Now, we're 13 spaces short of 4.0. Now, honestly 13 spaces out of 844 spaces is a percent and a half. And what that means, is not that that's not parking available, that there's not enough for the customers, for the employees, and this happens in any shopping center at any time, is that it may take that person a little bit longer to circulate through the lot and find that parking space that they want or that is open.

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

With any shopping center, as the lot fills, the spaces that are available generally, or
the greater majority of those spaces that are available, are further away from the store. Now, during peak times, retailers will direct their employees to park further out. Now, there's nothing that enforces that. It's only, you know, you can tell an employee, you have to park there. They don't. But that -- what that does, is, during those peak times, is keep the available spaces closer to the store, or the majority of the spaces closer to the store.

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

We also, you know, in developing the
layout of the parking lot, and how much spaces we
came up with, you know, we said what -- we needed
to reach a balance. I mean right now that parking
lot has essentially no landscaping in it. Nothing
in the front of that shopping center at all.
Except, you know, a couple of scattered trees.
And we only have 720 spaces. We looked at this
and we wanted to reach a balance between
maximizing the parking and providing landscaping.
Which, you know, we know is something that's
important. It improves the center. It improves
the esthetics of the center and it improves the
street appeal of the center. And it goes with the
architecture. So, we reached a balance of
landscaping and parking. Can we squeeze out a few
more spaces, absolutely. But some of that is
going to come out of landscaping. So, we felt
that we reached the appropriate balance with the
amount of parking for the center, with the
landscaping, and meeting the demands that the
industry guidelines say that we should provide.
And what my experience -- my 35 years of doing
parking and traffic studies has shown me over the
years, in a variety of centers, I think this is a
more than sufficient amount of parking for the
center. And it will adequately support the parking demands for this center.

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

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

Q     Thank you.

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

CHAIR LIGNOS: Okay. The way we're going to do this, is, we're going to let the board ask their final questions in regard to what Mr. Keller just said, and then I'll open up the meeting to the public, and then we'll go onto
whatever other witness you may have.

   We'll begin with the mayor. Mayor,

any questions?

   MAYOR HEYMANN: I will pass.

   CHAIR LIGNOS: None. No questions.

Councilwoman.

   MS. AMITAI: Pass.

   CHAIR LIGNOS: Ms. Stella.

   MS. STELLA: What happens when a

parking lot does fill up? What -- where does the

backup go? People line up out in the street to

get in or --

   MR. KELLER: No. It's a very good

question. What happens is people circulate

through the lots. Because they're looking for a

space. There's always a space available at some

point. Because it's a constant flow of traffic.

People go into the store, which every one of the

stores that they're in, they're there for a period

of time, and then they come out. And that's --

it's finding that space that becomes available as

that person leaves and the next person comes in.

And that kind of goes along with what -- why we do

a shared parking analysis. Shared parking

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

CHAIR LIGNOS: Okay. Did that
answer your question?

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

MR. KELLER: No. They will -- they
will back up. Because they will be coming in the
various driveways around the site. And they'll be
circulating through the parking lot. It's part of
the flow of traffic. You wouldn't be able to
distinguish, unless you were watching a car, and
watching it go through the lot. From normal
un-parking and parking maneuvers, where those
people are traveling from whatever entrance they
came in, to their parking space and then back out,
they're traveling through the lot. The people who
are looking for a space, in those times when it's
very busy, are just part of the normal flow of
traffic within the parking lot. They're not --
we've designed the access -- it doesn't back up
into the street. Because we've designed the
entrance so that you can get into the site and not
be blocked by, you know, parking activities.

MS. STELLA: Okay.

CHAIR LIGNOS: Mr. Nyfenger.

MR. NYFENGER: I have no questions.

Thank you.

CHAIR LIGNOS: Mr. Pialtos.

MR. PIALTOS: No questions.

CHAIR LIGNOS: Mr. DiDio.

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

CHAIR LIGNOS: Well, it may be.

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

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

MR. KELLER: Well, that's covered in the shared parking analysis. Granted, on Saturdays they have matinees. And that was accounted for in the study. As far as on average,
how many, you know, the matinees are generally
lower attended than the evenings. You know, based
on --

MR. DIDIO: Not necessarily.

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

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

MR. KELLER: But at 3 o'clock when
the matinee is over and when you go over to Rudy's
for something to eat, that's not the peak time for
the restaurant. That's past lunch but before
dinner. So, you're taking advantage of that time
when the restaurant is in a little bit of a valley
between the lunch people and the dinner peak. The
supermarket and the rest of the retail, by 3
o'clock is already started to drop off. You know,
the use -- I'm not saying that there's nobody in
the store. But it's down from the peak. I mean
it's down about a third over the peak usage. So,
if we look at 3 o'clock on a Saturday, there's
over 200 spaces available in the parking --
parking lot. Because, you know, the theater is
let out. You have chosen to stay. But other
people have decided to go home, for whatever reason, and they're not in the center anymore. Also, you know, this doesn't account for somebody going to the theater and the restaurant at the same time. But it's all accounted for in here, in how the usage of those land uses varied by hour. And it sums them all up. So --

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

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

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

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

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

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

MR. DIDIO: Right. Right.

MR. WEINER: Even though we understand your testimony, that that doesn't
happen, if you took an hour and said those were all going to be at their peak, what would the ratio be?

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

MR. DIDIO: In the entire center?

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

MR. DIDIO: But it's conceivable.

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

MR. DIDIO: Okay. Thank you.

CHAIR LIGNOS: Mr. DeNicola.

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

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

MR. KELLER: Well, again --

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

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

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

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

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

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

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

MR. KELLER: So, I think, while, as
a general guide, you know, the ULI indicates that you should use a sliding scale when you go over 10 percent.

MR. BASRALIAN: Ten or twenty?

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

MR. DENICOLA: Well, the bottom line is the ULI, if you do it by the book is 4.09?
MR. KELLER: Well, it's a recommendation. It's a guide.

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

MR. KELLER: Right. Correct.

MR. DENICOLA: Okay.

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

MR. WEINER: No.

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

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

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

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

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

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

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

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

MR. KELLER: Yes.

CHAIR LIGNOS: Councilwoman, do you
have a question?

MS. AMITAI: Yes. First off, thank
you, Nick, for clarifying that. Because I kept
hearing a lot of words and I wasn't quite -- thank you so much. You mentioned something about anchor stores make a center successful. So, what was your point? Were you saying so the anchor store looked at this site plan and the parking and they think it's okay? Or otherwise they wouldn't come into the center?

MR. KELLER: Absolutely. That's correct.

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

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

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

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

MS. AMITAI: Five plus what?

MR. KELLER: Campbell.

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

MR. KELLER: So then there's 6.

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

CHAIR LIGNOS: Three Vervalen, 2
Homans and 1 Campbell.

MR. KELLER: Right.

MS. AMITAI: Two on Homans.

CHAIR LIGNOS: Three on Vervalen, 1 on Campbell.

MS. AMITAI: There's one on --

CHAIR LIGNOS: Do you have the exhibits?

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

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

MS. AMITAI: Oh, I see. I got it.

Okay. Five and then Campbell would be the exit.

CHAIR LIGNOS: Any other questions, councilwoman?

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

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

MR. BASRALIAN: Yeah, but it's well below the peak because the meeting starts at 8
o'clock and the place is empty.

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

    Any other questions?

    MS. AMITAI:  No, that's it.
    CHAIR LIGNOS:  No other questions.
    MR. BASRALIAN:  I have one question.
    CHAIR LIGNOS:  Yes.
    MR. BASRALIAN:  Mr. DiDio came up
with a hypothetical saying that if all those
businesses peaked at the same time what the
availability of parking would be, your testimony
was that they wouldn't peak, except for the
purpose of the hypothetical, because each of those
uses has different peak periods, is that correct?

    MR. KELLER:  Yes, that's correct.
    MR. BASRALIAN:  And, so, in your
opinion, that you would not have the peak of the
shopping center -- the supermarket, the gym, if
there were one, or exercise, or -- and the theater
at the same time, given the types of businesses
that they are?

    MR. KELLER:  That's correct. They
will not peak at the same time.
MR. BASRALIAN: So, your responses as to the available spaces is based upon his hypothetical that everything would peak at the same time or could peak at the same time?

MR. KELLER: That's correct.

MR. BASRALIAN: Thank you.

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

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

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

MR. KELLER: Yes.

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

MR. KELLER: Yes.

MR. ROSENBLUME: Okay. And you've
probably worked on the drawings in some way.

MR. KELLER: Yes.

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

MR. KELLER: A bank.

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

MR. KELLER: Yes.

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

MR. KELLER: No.

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

MR. KELLER: Okay.

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

MR. KELLER: No.

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

MR. KELLER: Okay. It is what it is
today. And we have a center that's been operating
for 20 years with 720 parking spaces.

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

MR. KELLER: Something like that,
yes.

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

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

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

MR. KELLER: I'm not sure what the
question is. And if it's about traffic, I didn't
talk about traffic tonight so.
CHAIR LIGNOS: Let's see if I can formulate his -- and I think it's a simple question. The K-mart today, in its totality, generates X parking spaces. If that space is transformed into two stores in the future, then those two stores have a more heavily populated use, more popular use, did your analysis take into consideration that two larger stores may or may not have a larger percentage of parking, under your study?

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

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

MR. KELLER: Sure. Sure.

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

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

MR. KELLER: That's correct.

MR. ROSENBLUME: Okay.

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

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

MR. KELLER: No, that's not what I said. I said, it wouldn't have parking demand -- a peak parking demand any different than what it is. It's not to say that it won't bring in more customers. Looking at how much occurs in that peak time of the day, it may be busier throughout the day. It's not -- or they spend more money than they did in the Stop and Shop. We're looking at a limited period of time within the entire day of when that parking will peak.
CHAIR LIGNOS: So, Mr. Keller, if I could, again, paraphrase the question, and correct me, Mr. Rosenblume, if I'm wrong. What he's saying, and he's asking, is, whether it's a Stop and Shop, whether it's a Shop-rite, whether it's an A&P, whether it's a Whole Foods, as a food retailer, your numbers are basically dealing with a food retailer, and you basically expect any one of those to generate roughly the same amount of cars?

MR. DENICOLA: At the peak hour.

CHAIR LIGNOS: At the peak hours.

MR. KELLER: During the peak hours, yes.

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

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

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

MR. ROSENBLUME: I'm just going by common sense. Thank you.
CHAIR LIGNOS: I would also imagine that some days the popularity of a particular retailer also may fall off. And sometimes it may also increase. Depending on, you know, the popularity of something.

MR. ROSENBLUME: Are you talking about Radio Shack?

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

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

MR. KELLER: Yes.

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

MR. KELLER: Well, the ITE parking generation manual has been updated twice since the late 90's. We're up to the 4th generation. I testified last time, you know, we looked at that parking demand as well. That was part of our research. So, that is more current than the ULI study. But the ULI study is focused on shopping centers and looking at design ratios that should
be provided. Recommendations for how much parking should be provided in a shopping center. Where the ITE parking generation manual is telling you what they found as the peak demand in a variety of different land uses.

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

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

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

MR. KELLER: For a retail center, absolutely.

MR. ISAACSON: Okay. And, you know, once again, your peak readings, do they really apply to Saturdays? Because people are home. Everybody is home. Kids are going to the movies. Moms and dads are going shopping. You know, everybody is in the shopping center. I mean that's why I'm questioning the peak demands for parking on Saturday. Just one day a week.
MR. KELLER: Well -- and that's what the study looked at. ULI study looked at Saturdays. They looked at the second Saturday in December. Because that -- between Thanksgiving and Christmas is the peak time, and the second Saturday in December is the peak within that peak. So, it's a Saturday.

MR. ISAACSON: Okay. Also, by our ordinance, how many parking spaces has the shopping center always needed? About 1800, 1500? I don't remember the exact number.

MR. DENICOLA: Ballpark.

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

MR. KELLER: I can't answer why the mayor and council has not made any changes to that. So, if you go back to the 70's when the ULI shopping center study was first done, five and a half spaces per thousand, was what the number was. And -- but I can't say why they haven't decided to re-exam it. Parking demands for retail centers
have, from the 70's to the 1980 study that was
done, to the 1990 study -- 1999 study that we're
using now, the parking demand ratios have dropped.
They dropped for community centers. But, you
know, they, in the trend, is, they believe is less
than 4, but there wasn't enough information that
they felt comfortable that it should be less than
4. So, they left it at 4.0.

CHAIR LIGNOS: Mr. Isaacson,

Mr. Keller has testified to that prior. And since
his testimony today wasn't anything about that, is
there anything else that's specific to this --

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

MR. KELLER: Correct.

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

MR. KELLER: Community center is,
and I talked about this I think the first night
maybe, a community shopping center is not an
appropriate -- is not -- it maybe is a little
misleading. But it's not drawing just from the
Borough of Closter. It's drawing from a 4-mile
area. So, in that sense it's a community. A regional shopping center draws from 10 to 15 miles.

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

MR. KELLER: Ridgewood, Englewood, Paramus.

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

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

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

MR. KELLER: I don't know.

MR. ISAACSON: Thank you.

CHAIR LIGNOS: Thank you. Any other member of the public have any questions?
Mr. Segreto, please.

MR. SEGRETO: Yes, thank you.

EXAMINATION BY MR. SEGRETO:

Q Good evening, Mr. Keller.

A Good evening.

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

A Yes.

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

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

MS. AMITAI: A little louder, please.

Q In table 1 and 2, in the shared parking analysis, you use the retail land use classification, indicating 182,000 square feet of retail. And when you did that analysis you could have broken up that retail into supermarket use 41,256 square feet, and then the remainder of retail, isn't that correct?
MR. BASRALIAN: That wasn't anything he testified to. And I'm not quite sure why breaking out the supermarket from the rest of it is relevant. He's already testified as to the parking ratio for retail, which includes the supermarket.

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

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

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

MR. SEGRETO: All right. A Let me answer it this way: As I said, on a trip generation, this isn't the right way to do it, this is a conservative way to do it, because it ends up generating more traffic, and I would be more conservative in my approach. A shopping
center is a mix of stores, including supermarket.
The only time I would use a supermarket instead
of -- splitting up the retail to have
supermarket -- I wouldn't split up the retail. If
I had a stand-alone supermarket and I had a
theater, then I would deal with it that way. But
I would not do a supermarket and then do general
retail next to it. Because it's all part -- it
was all retail. And you have to treat the
shopping center as a whole. We only did it for
the trip generation so that we ended up generating
more traffic than we would otherwise show of a
handful. That's why I did it differently.

Q You'll agree with me, had you broken
it up into supermarket and retail, you would be
showing more cars in a shared parking analysis,
isn't that true?
A I don't know that. I didn't do the
analysis. I couldn't tell you what the results
would be.

Q Well, if you used it for the trip
generation, because you wanted a more conservative
approach, isn't it true if you used the
supermarket you would have more cars showing in
the parking lot? Under the same logic; if more
cars are coming to the -- coming there, then more
cars are going to be in the parking lot under the
shared parking analysis.

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

MR. WEINER: Well, it's asked and
answered. It's not necessarily true. If you want
to lay a foundation for that, go ahead but -- I
mean because more cars, there's more trip
generations doesn't necessarily mean there's more
parking. It's length of stay. It's a -- there's
a whole bunch of issues there. So --
Q     You're telling me it's not
necessarily true, is that correct?
A       That's correct.

Q     Now, Mr. Chase told us that the ITE
manual recommends, for a community shopping
center, a ratio of 4.9 spaces per thousand,
correct?
A       No.

Q       That's incorrect?
A       That's -- that's the observed parking
supply found in the subcategory of community
shopping centers. The amount of parking that
exists on a site has no relationship to how much
demand is generated. It's nice -- you know, the ULI does the same thing, they say how many parking spaces do you have. I have 5.5 per thousand. Great. So, if I only have a demand of 4, I have one and half spaces per thousand square feet of parking, that's vacant, that's paved, that's creating more run-off, that's, you know, a negative impact. It's less landscaping. How much parking supply you have is not relevant. And they talk about that in ULI, saying that the parking demand found was always less, and in some cases up to, you know, a space per thousand, less than what the supply was. So, the supply is irrelevant.

Q All right. So, the 4.9 percent ITE manual is not a recommended ratio?
A No. No.

Q And what is it exactly? I didn't understand.
A It just -- they said -- they examined all these shopping centers and they said how many spaces -- how many parking spaces do they have on the property. And they converted it to a ratio and said the average for community shopping centers is 4.9 spaces per thousand square feet available. But the demand is 4 at the peak times.
Q     I get closest ratio is 5.72, is that correct?
A     Correct. Somewhere around there.

CHAIR LIGNOS: Anything else, Mr. Segreto?

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

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

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

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

MR. WEINER: Yes. Oh, as a ratio.

Okay.

MR. KELLER: But it doesn't mean that I necessarily get more parking. The ratio goes up, yes.
Q You'll have more parking spaces available, right, pursuant to your shared parking analysis?
A There would be a higher parking supply on a ratio basis than if -- than what we have now, if I reduce the amount of square footage.
Q And where you're showing surpluses there would be greater surpluses, correct?
A Yes.

MR. SEGRETO: No further questions.

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

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

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

MR. PIALTOS: It's not a question.

MR. WEINER: It's probably better to hold your comments for later. Let them put their
case in. Write it down. And if you want to make
a comment later. Unless there's a question
attached to it.

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

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

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

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

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

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

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

MS. AMITAI: Does he have any
comments on what Mr. Keller said?

CHAIR LIGNOS: Okay. Okay. Then

Mr. Chase can you please step forward? You actually heard Mr. Keller's testimony. Is there anything in particular that you do not agree with?

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

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

MR. WEINER: Thank you.

MS. AMITAI: Thank you.

CHAIR LIGNOS: Thank you very much.

At this point we are through with traffic. Do you have any other witnesses?

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

MR. WEINER: Mr. Roncati, you were

sworn last time. You understand you are still

under oath?

MR. RONCATI: Yes, sir.

MR. WEINER: Go ahead Mr. Basralian.

CHAIR LIGNOS: Now, Mr. Basralian,

before Mr. Roncati talks here, testifies, I just

want to set the limits of the questioning.

Meaning, I believe the board's concern was, as a

percentage of area, for each one of the individual

buildings, how much will be demolished as far as

area is concerned, am I correct? Is that how you

remember the question being asked?

MR. BASRALIAN: Well, I don't know

if it was in a percentage, but you asked for the

amount of space, i.e., square footage.

CHAIR LIGNOS: Square footage,

right. Square footage. Same thing.

MR. BASRALIAN: Right.

CHAIR LIGNOS: And what else did you

say?

MR. BASRALIAN: And how much new

would be constructed.

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

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

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

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

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

Moving to the east of the building, that starts with the jewelry store and ends with
the theater, the existing area is 56,992 square feet. The area to be removed is 42,925 square feet. And the area to remain is 14,067 square feet.

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

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

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

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

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

MR. BASRALIAN: Now, going to phase
II, since there's a change in the K-mart building, would you indicate the amount of new area that was added. You already indicated that you're removing over 15,000 square feet, reducing that building to around 68,000 square feet.

MR. RONCATI: Right.

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

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

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

MR. RONCATI: Yes.

MR. BASRALIAN: Thank you.

Mr. Lignos, do you have any other questions?

CHAIR LIGNOS: I do. We've heard the word, enterprise, during this -- during this
11 or so hearings. Of the enterprise, of the site, what is the total being -- what is the existing total? And what is the total being demolished? You can take your time because I'm sure --

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

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

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

CHAIR LIGNOS: Yeah, in other words --

MR. RONCATI: Compared to the whole?

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

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

MR. RONCATI: Okay. Mr. Chairman.

CHAIR LIGNOS: Yes.

MR. RONCATI: Out of the -- we start
with 211,553 square feet. We are removing a total of 111,424, which works out to 52.67 percent.

CHAIR LIGNOS: Okay.

MR. RONCATI: In its entirety.

MR. WEINER: Being removed.

MR. RONCATI: Being removed.

CHAIR LIGNOS: Okay. Now, members --

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

CHAIR LIGNOS: Yeah, and of the 100 --

MR. RONCATI: I need my calculator again.

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

MR. WEINER: Subtract that number.

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

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

CHAIR LIGNOS: So, of the 111,000 you're demolishing, you're only putting back
96,000?

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

CHAIR LIGNOS: Gotcha. Okay.

Members of the board, questions of this witness? Literally to the two points that he's made. Questions mayor?

MAYOR HEYMANN: No.

CHAIR LIGNOS: Councilwoman?

MS. AMITAI: No.

CHAIR LIGNOS: Ms Stella.

MS. STELLA: No.

CHAIR LIGNOS: Mr. Nyfenger?

MR. NYFENGER: No.

CHAIR LIGNOS: Mr. Pialtos?

MR. PIALTOS: No.

CHAIR LIGNOS: Mr. Didio.

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

MR. RONCATI: Okay.

MR. DIDIO: Present coverage.

MR. RONCATI: I'm sorry.

CHAIR LIGNOS: No.

MR. DENICOLA: No.
CHAIR LIGNOS: Only specific to what he testified.

Mr. DeNicola.

MR. DENICOLA: No.

CHAIR LIGNOS: Mr. Weiner.

MR. WEINER: I have no questions.

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

MR. RONCATI: Yes.

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

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

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

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

MR. DIDIO: Connected to the other building?

MR. RONCATI: No, it's all one
continuous building. One structure.

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

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

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

MR. DIDIO: Yes.

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

MR. DIDIO: Yes.

MR. RONCATI: No.

MR. DIDIO: Okay.

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

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

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

Members of the public, do you have any questions as they pertain to those two points
made by this witness? Yes, sir.

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

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

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

MR. RONCATI: It's 14,000 --

approximately 14,500 square feet.

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

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

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

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

MR. ROSENBLUME: No, my question is: You're rejuvenating a 50 year-old shopping center. And one building you're leaving 20 percent of the old structure. And the other one 30 percent. What was the -- what was the thinking, by the
owner, as to leaving that portion remaining
instead of just tearing it all down?

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

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

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

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

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

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

    MR. WEINER: We're not going there.
He's here to testify only as to the numbers.
That's it. Not as to anything else or anything
else anybody else knows. That was done in
previous testimony and you could have asked it
then. He only came back for this limited purpose.

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

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

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

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

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

    MR. WEINER: Right.

    MR. ROSENBLUME: Thank you.

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

    MR. SEGRETO: Yeah, a few questions.

EXAMINATION BY MR. SEGRETO:
Q  Mr. Roncati, I'm looking at page 7
of the Omland plan. That's the overall plan for
phase II. It indicates that the K-mart building
will be 73,040 square feet at the end. And I
think you said it's going to be roughly 72,000.
Do you know why there's a discrepancy between your
numbers and what the engineer provided?
A    You're talking about new area?
Q    Well, they're showing at the -- at
the end of phase II, that the K-mart building will
be 73,040 square feet.
A    I didn't testify to that.
Q    I know you didn't. I'm just -- I'm
asking you why your end number is different than
the one that is on Omland's plans, that's all.
A    I'm not sure what two things you're trying
to compare. But I know that my number --
MR. WEINER: Mr. Roncati, what he's
saying is the plans show that the building is
going to be 73,000. You said it's going to be 72.
He's asking why.
MR. RONCATI: I didn't. I didn't.
MR. WEINER: Oh, okay well then
explain that.
MR. RONCATI: I said that the area
remaining is 68,480.

BY MR. SEGRETO:

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

A 68,480.

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

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

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

Q   Omland plan.

A   Omland plan.

Q   On the 73.

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

MR. SEGRETO: Yeah, that's one.

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

A   Yes, that's correct.

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

A   Approximately, yes.

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

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

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

A   Correct.

Q   And the other remaining space you
don't know if there's a current tenant in that space now?
A  It was -- there's at least about 5,000 square feet, which is a current tenant.
Q  And you don't know who that tenant is?
A  No.

MR. SEGRETO: No further questions.
CHAIR LIGNOS: Okay. Well --
MR. BASRALIAN: Mr. Chairman, I have no further questions of this witness either.
CHAIR LIGNOS: I'm sorry. I'm so happy about that. Ladies and gentleman -- you have a question?
MR. ROSENBLUME: Just one. Jessie Rosenblume, 65 Knickerbocker Road. Can I ask Mr. Roncati what he knows about the existing leases on the property?
CHAIR LIGNOS: He didn't testify --
MR. BASRALIAN: He didn't testify to them at all.
CHAIR LIGNOS: He only testified to the square footage of the demolition.
MR. ROSENBLUME: Right. But my question is similar to Mr. Segreto's in that why
is that space remaining and if it relies on a tenant --

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

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

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

MR. ROSENBLUME: No, but on, let's take the dollar -- let's' say the money store. Dollar Store. When does the lease run out?

Because we were told --

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

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

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

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

CHAIR LIGNOS: That's the only thing I had heard.
MR. ROSENBLUME: Right. Right.

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

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

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

MR. BASRALIAN: No.

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

MR. BASRALIAN: No.

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

CHAIR LIGNOS: Okay. But not during this testimony.

MR. ROSENBLUME: No. No. Thank you.

CHAIR LIGNOS: Okay. Members of the board, I'm going to close this portion of the meeting to the public. Members of the board, congratulations, after 11 or so meetings, I think
we have concluded with the witnesses of the applicant.

MR. BASRALIAN: Applicant.

CHAIR LIGNOS: Correct?

MR. BASRALIAN: That's correct.

CHAIR LIGNOS: Okay.

MR. WEINER: Do you rest?

MR. BASRALIAN: Never.

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

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

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

MR. SEGRETO: Yes, I hope so.

CHAIR LIGNOS: Okay. So, right now we are scheduled for only November the 14th, as far as special meetings. We have our work session on that Wednesday, whatever that day is. We have our October 31st. We have our regular monthly meeting next week, next Thursday. We have our work session the first Wednesday of November. We have no regular monthly meeting in November because it happens to fall on Thanksgiving. And
for some unknown reason you all decided to observe Thanksgiving and not come to this meeting, which is fine. After that we have our first -- we have our work session in December. And then, depending on what this application needs, there may or may not be another meeting in December.

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

MR. SEGRETO: Yes.

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

MR. SEGRETO: Traffic, engineering and planning.

MS. AMITAI: Traffic --

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

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

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

MR. SEGRETO: Yes.

CHAIR LIGNOS: Okay. Any member --

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

CHAIR LIGNOS: Okay now --

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

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

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

CHAIR LIGNOS: It would be the
applicant anyway.

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

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

CHAIR LIGNOS: I'm sorry.

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

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

Mr. Pialtos, you have to produce --

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

CHAIR LIGNOS: Thank you so much.

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

(Board talking amongst themselves.)

CHAIR LIGNOS: If there is no other business before this board, this chair will entertain a motion.
MR. NYFENGER: Motion.

CHAIR LIGNOS: Motion is made by Mr. Nyfenger.

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

CHAIR LIGNOS: Yes, thank you. Before I do that, this application, and please tell me if I'm saying this correctly, is going to be carried to November the 14th, at which point the objector will have -- the objectors' attorney will have witnesses to be heard that evening.

That is, again, 8:00 p.m. beginning -- the meeting begins 8 p.m. on November the 14th.

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

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

All in favor?

THE BOARD: Aye.

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

MR. BASRALIAN: To the next meeting absolutely.
CHAIR LIGNOS: Thank you very much. We have a motion for second. If I hear no objection from the board, all in favor?

THE BOARD: Aye.

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

(Meeting concluded.)
CERTIFICATE

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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