

The Regular Meeting of the Zoning Board of Adjustment of the Borough of Hawthorne was held on the above date at 7:00 p.m. in the Council Meeting Room of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey, with the following present:

Chair.....	Raymond Hallock
Vice Chair.....	John F. Gallagher
Board Member.....	Jack B. De Ritter
Board Member.....	Scott Chamberlin
Board Member.....	David A. Schroter
Board Member.....	Victor Terraglia
Board Member (Alternate #1).....	Daniel Melfi
Board Member (Alternate #2).....	Nancy Agnello
Zoning Board Attorney.....	James Delia. Esq.
Zoning Board Secretary.....	Joan Hervé
<b><u>ABSENT:</u></b>	
Board Member.....	Kevin Duffy

**FLAG SALUTE**

Chair, Hallock invited all present to join him in the Pledge of Allegiance.

“Adequate Notice of this meeting has been posted on the Municipal Bulletin Board, published in the legal newspaper of the Borough and a schedule, including date and time, provided to all persons entitled by law to same. “

**BILLS:**

Chair Hallock entertained a motion to approve the bill list and forward it to the Treasurer for payment, moved by Gallagher, seconded by Terraglia. On roll call, all voted yes.

Hawthorne Press for Legal Notices: \$41.34

Joan Hervé for special meeting: \$200.00

**APPROVAL OF MINUTES**

Chair Hallock entertained a motion to approve the minutes of the Special Meeting of February 9<sup>th</sup>, 2015, moved by Schroter, seconded by Chamberlin. On roll call, all voted yes, with exception of Agnello & DeRitter who abstained.

**New Business Hearings**

**PSE&G – 236 Sixth Avenue, Block 241. Lot 1.** Application seeking Variances for pre-existing non-conformities (height of existing lightning mast, rear yard setback encroachment, and front yard setback encroachment) and for height of new structures, fencing height, and front & rear yard setback encroachment.

**PSE&G – 143 Ethel Avenue, Block 244.01 Lot 1.01.** Application seeking Variances for fencing height; Use variance pursuant to NJSA 40:554D-70d(1) to permit outside storage.

Chairman Hallock entertained a motion to carry both applications until March 16<sup>th</sup> meeting, moved by Gallagher, seconded by DeRitter. On roll call, all voted yes.

## **Old Business**

### **Hearing**

**233 Central LLC.** 233 Central Avenue, Block 174, Lot 14.

Chair Hallock recused himself from this application as the applicant has a mortgage on the property with Columbia Bank where he serves on the Board.

Attorney Paul Kaufman on behalf of the Applicant stated he understands in light of what occurred in Avalon & Edgewater, we are in compliance with the Fire Chiefs letter dated November 17<sup>th</sup>, 2014 also he talked to the architect who stated the buildings are going to be equipped with a sprinkler system. Attorney called on Matthew Clarks, Applicant Engineer who explained the changes in the site plans revised December 30<sup>th</sup>, 2014. The plans represents 142 units all (2) bedroom. Moved the leasing building to another location to provide more of a buffer, we provided a 15 foot setback; maintained the 306 parking stalls proposed, even though only 284 are required. Those were the only changes, basically we eliminated the variances. Mike Kelly asked if they will be able to address all the conditions of the resolution of approval. Attorney Kaufman "yes", we will comply with all of them. Board Members De Ritter asked for them to explain the sprinkler system and how the building is going to be constructed. Attorney Kaufman explained the building will be constructed in accordance with the uniform construction code and conformance with the uniform fire code. DeRitter- Does each apartment have a firewall? Kaufman – anything that is required under the code will be complied with. Board Member DeRitter asked Board Engineer Mike Kelly if he was satisfied how this is going to be built. Mr. Kelly – "yes" we can't require them to construct anything greater than what is required in the code. The Applicant's architect, Mr. Lachs added there is (1) hour fire separation required by the code that will be provided between the individual apartments.

### **Public Hearing**

Chairman Hallock opened the meeting to the public. He stated if anyone desires to be heard on the application 233 Central Avenue please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

#### **Rayan Laiosa, 89 Minerva Ave (Environmental Chair)**

Have you addressed any of the storm water coming off the roof drains and the landscaping on the one side of Central Avenue? Mr. Clark, applicants engineer stated we provided more room for buffering, therefore that has been addressed. As far as soil conservation we got their certification, they reviewed and approved the project. Regarding the clean fill, we will comply with all requirements. The project complies with three components of the storm water management regulations. Storm water quality, quantity & ground water recharge. The non-structural element that you are talking about would pertain to the water quality, by the nature of the development and the reduction in the impervious area in more than an acre allows us to satisfy that component.

Board Member DeRitter asked what time table you are putting on this project. Attorney Kaufman - we are planning on having the plans in for the sewer connection permit and the water allocation permit in for the beginning of next week. Therefore, we are looking at starting site work late spring early summer and should be about year to year and a half.

Acting Chairman Gallagher entertained a motion to approve the final site plans for application 233 Central LLC and alternative site 150 Fifth Avenue, moved by DeRitter, seconded by Melfi. On roll call, all voted yes, with the exception of Schroter who voted no & Terraglia who abstained.

**204 Wagaraw Road, LLC**, - Rivergate of Hawthorne, (Block 12, Lot 8 and Block 13.01, Lot 0).

**(Transcript Attached)**

1 ZONING BOARD OF ADJUSTMENT  
 2 BOROUGH OF HAWTHORNE  
 3 HAWTHORNE, NEW JERSEY  
 4 MONDAY, FEBRUARY 23, 2015  
 5 7:00 P.M.

6 RE: 204 WAGARAW ROAD, LLC.  
 7

8 BOARD MEMBERS:

- 9 RAYMOND G. HALLOCK, Chairman
- 10 JOHN F. GALLAGHER, Vice Chairman
- 11 SCOTT CHAMBERLYN
- 12 DAVID SCHROEDER
- 13 DANIEL MELFI
- 14 VICTOR TERRAGLIA
- 15 JACK De RITTER
- 16 MICHAEL KELLY, Engineer
- 17 DONNA HOLMQUIST, Planner
- 18 BERGE TOMBALAKIAN, Traffic Engineer

19 PHILIP A. FISHMAN  
 20 COURT REPORTING AGENCY  
 21 89 HEADQUARTERS PLAZA NORTH  
 22 4 SPEEDWELL AVENUE, SUITE 1440  
 23 MORRISTOWN, NEW JERSEY 07960  
 24 (973) 285-5331 - FAX - (732) 605-9391  
 25

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1 APPEARANCES:

2 PRICE, MEESE, SHULMAN & D'ARMINIO, ESQS.  
 3 BY LOUIS L. D'ARMINIO, ESQ. & KATHRYN J. RAZIN, ESQ.  
 4 Appearing on behalf of the Applicant

5 WELLS, JAWORSKI & LIEBMAN, ESQS.  
 6 BY JAMES J. DELIA, ESQ.  
 7 Appearing on behalf of the Board

8 MR. HALLOCK: Are you handling  
 9 this from now on?  
 10 MR. D'ARMINIO: Looks like it  
 11 came down to me.  
 12 MR. HALLOCK: You are filling in  
 13 for Gail because of a death in the family.  
 14 MR. D'ARMINIO: I think for  
 15 continuity purposes I'm going to go with it.  
 16 MR. HALLOCK: Okay.  
 17 MR. D'ARMINIO: Lou D'Arminio,  
 18 Price, Meese, Shulman & D'Arminio for the  
 19 applicant.  
 20 This is the fourth hearing on this  
 21 matter, 204 Wagaraw Road. The first hearing was  
 22 12/15, we had Mr. Bedrin talking about the  
 23 property and the project a little bit. Mr.  
 24 Petrillo talked about the architectural elements  
 25 that came at the next meeting 1/19. We started  
 with Mr. Fitamant to give some engineering and  
 the last meeting on, I guess it was February  
 9th, we went through most of the engineering  
 issues with Mr. Fitamant.  
 Today what I would like to do is to have  
 Mr. Disario testify as a professional engineer  
 with a special expertise in traffic matters and

1 we hope to complete Mr. Disario.  
 2 We did receive a request from Mr.  
 3 Doyle, who's the attorney for the adjacent  
 4 property owner Kohler, that he would like to  
 5 defer his questions on direct examination until  
 6 the next meeting, obviously it's the boards  
 7 pleasure, but we consented to that if that's  
 8 okay with the board.

9 In terms of exhibits. We have tried to,  
 10 we had a lot of exhibits, we tried to keep it  
 11 pretty efficient for you. I think we went up  
 12 to, what's our next one? 56 is our next one.  
 13 Let me see. No -- 56 is our next one. We have  
 14 just a few, we maybe referring to some of the 1  
 15 through 56, but I believe you have your packets  
 16 and I have given you an exhibit list which  
 17 should make it fairly easy to follow,  
 18 hopefully.

19 And briefly some other housekeeping  
 20 issues. There were some questions that were  
 21 raised at the last meeting, Mr. Disario will  
 22 answer some of them and our planner, Mr.  
 23 McDonough, and of course I have Mr. Fitamant  
 24 here as well from the last meeting but I believe  
 25 Mr. Gallagher mentioned something about whether

1 there was a Phase 1 done. There was a Phase 1,  
 2 Langan did review it according to Langan they  
 3 found no recognizable environmental  
 4 contaminants. It does note there was an active  
 5 rail line in the area, so if there is any other  
 6 tests we will comply with and meet all DEP  
 7 requirements, in terms of tests.

8 I believe Commissioner Duffy went out  
 9 there and there was concern about the fence  
 10 around the property being fenced. We went and  
 11 did confirm, there is pictures actually that we  
 12 do have already in the file and our planner will  
 13 have some more pictures also to confirm the  
 14 fence, but we commit as a condition of this  
 15 approval, should you so approve, that we keep  
 16 that area fenced in and if we have to replace  
 17 the fence or put a new fence up, so if that's a  
 18 concern, a requirement, we certainly will do  
 19 that.

20 I believe it's Ms. Laiosa, excuse me if I  
 21 pronounce that wrong, indicated something about  
 22 that the freshwater wetlands appeal was still  
 23 open. We contacted the attorney with regard to  
 24 that appeal, that appeal has been dismissed and  
 25 in the process of paperwork catching up and that

1 has to do with the old appeal, that was a  
 2 ShopRite attorney, and that's a matter being  
 3 received.

4 And I guess the Chairman had a concern  
 5 about the pool security. We went out to the  
 6 site, we indicated that -- we are indicating now  
 7 that we will put a six-foot high fence, I think  
 8 that's more than required around the site. Also  
 9 the board should be aware that there are  
 10 surveillance cameras around the area, we have on  
 11 site personnel 24/7 and of course during  
 12 swimming times there is a lifeguard on duty.  
 13 There is no access to the location for free  
 14 swimming at non swimming times, so we hope that  
 15 would alleviate some of your concerns.

16 Mr. Disario will get into some of the  
 17 other concerns that had been raised as I  
 18 indicated and unless the board has something  
 19 right now that they would like to raise I would  
 20 like to call Mr. Disario.

21 MR. HALLOCK: Any board member  
 22 want to raise anything now before we get into  
 23 testimony?

24 MR. TERRAGLIA: I have one  
 25 question. How far is the building to the river?

1 The rear of the building, the closest.

2 MR. D'ARMINIO: Okay. I guess I  
 3 would ask Mr. Fitamant to come up. Can you  
 4 answer that question? You got a plan?

5 We are going to -- he's got to look through  
 6 his plans and get that exact number but we will  
 7 get you that by the end of the meeting. Okay.

8 MR. HALLOCK: No other questions  
 9 Counsel, it's yours.

10 MR. D'ARMINIO: Okay. Witness  
 11 please.

12 MR. DELIA: Do you swear the  
 13 testimony you are about to give will be the  
 14 truth the whole truth nothing but the truth.

15 THE WITNESS: Yes, I do.

16 MR. DELIA: State your name and  
 17 business address for the record.

18 THE WITNESS: Certainly. Dan  
 19 Disario, D-I-S-A-R-I-O, River Drive Center, One  
 20 Elmwood Park, New Jersey. Langan Engineering.

21 Q. Mr. Disario, would you kindly provide the  
 22 board with your background experience,  
 23 education, qualifications, licenses?

24 A. Sure.

25 Mr. Chairman, is it okay if I stand at

1 the podium rather than sit on the side.  
2 MR. D'ARMINIO: Easier for him to point  
3 out.

4 Do you have your pointer?

5 THE WITNESS: I do.

6 MR. HALLOCK: Okay.

7 A. Thank you.

8 Education, I have a bachelors of science  
9 in civil engineering from Temple University.  
10 Masters In science in transportation engineering  
11 from NJIT. I am a licensed professional  
12 engineer in the State of New Jersey. I am also  
13 a certified professional engineer, which is a  
14 separate certification, I am a graduate of the  
15 Institute of Transportation Engineers. I am a  
16 member of the Institute of Transportation  
17 Engineers, which is my professional society.  
18 And I have presented before various boards  
19 throughout the state probably on a thousand  
20 different applications and have been accepted as  
21 an expert witness in the field of traffic  
22 engineering.

23 MR. D'ARMINIO: We would like Mr.  
24 Disario to be accepted --

25 MR. HALLOCK: One quick question.

1 Your licenses are in full force and effect right  
2 now?

3 THE WITNESS: Yes, they are.

4 MR. HALLOCK: Okay.

5 Any other questions?

6 Go ahead Counsel.

7 MR. D'ARMINIO: Thank you.

8 Q. Mr. Disario, using whatever exhibit of  
9 the 55 or 56 that we have already, can you  
10 describe the proposal from a traffic  
11 perspective?

12 A. Sure. Referring to Exhibit A-2, you have  
13 seen this one previously.

14 MR. D'ARMINIO: This is in your  
15 package.

16 A. This is an aerial of the area. It also  
17 indicates the site layout in terms of the site  
18 plan and it also shows where the train station  
19 is located. I think that's important as it  
20 relates to this application. There are a couple  
21 things unique with this application that I think  
22 from a traffic perspective is important to point  
23 out. You probably heard a lot of discussion  
24 over the years, most recently in our state there  
25 is always discussion about smart growth. Smart

1 growth. Smart growth. Smart growth, at least a  
2 portion of it involves locating new developments  
3 in close proximity to mass transit. You  
4 probably heard the term, transit oriented  
5 development, and that is the development that is  
6 close to mass transit.

7 In this particular instance the  
8 application that's before you is for a mixed use  
9 development. We have a residential component,  
10 which is the apartment -- 244 apartment units.  
11 We have a retail component, which is 6,000  
12 square feet, and we have an office component of  
13 4,000 square feet. So we have a mixed use  
14 development within walking distance of your  
15 train station. That proposal is the epitome of  
16 smart growth and smart planning, because it  
17 allows the use of mass transit by either the  
18 residents of the proposed project, the workers  
19 in the office or, all though I know you have  
20 heard in previous testimony that the property  
21 owner and the developer of this project is going  
22 to house their operation in the office, the  
23 Bedrins, and the retail allows people working in  
24 retail to use the train station to go to and  
25 from retail. So having this type of development

1 near your train station from a traffic  
2 perspective and over all impact to the area is  
3 advantageous because these types of projects  
4 naturally rely less on automobiles to go from  
5 different destinations. Most important,  
6 particularly as people live in the apartments  
7 and go to work, some of them will use the train  
8 to commute and that allows less reliance on  
9 automobiles.

10 Second advantage to this project, it is a  
11 mixed use project. So you have, you will have  
12 an interaction, if you grant approval for this  
13 project and it is built, between the office and  
14 the retail and the residential. That  
15 interaction also reduces over all traffic  
16 impacts, because you can have residents that  
17 will just walk to the retail. You have people  
18 working in the office that can also walk to the  
19 retail and conceivably you could have somebody  
20 that's living in the apartment that either works  
21 at some of the retail stores or works in the  
22 office. Again, right now the Bedrins are going  
23 to have their operation in that office. So the  
24 mixed use component with the proximity to the  
25 train station combine to reduce the amount of

1 traffic that would be generated by this  
2 development. And, again, it is in keeping with  
3 the smart growth that you probably heard ad  
4 nauseam over the recent years.

5 Not only does this type of project in its  
6 mixed use nature reduce how much traffic would  
7 be generated on the adjacent roadways but having  
8 that mixed use and being close to the train  
9 station will also reduce what you would  
10 otherwise anticipate for its parking needs,  
11 because there will be less reliance on  
12 automobiles. I would anticipate people that  
13 live at this development will have less vehicle  
14 ownership than you would otherwise expect if you  
15 were not close to the train station.

16 You have Exhibit A-19, you have seen that  
17 before, it's the site plan that's proposed.

18 Now, my understanding is that previously,  
19 not before this board but before another board,  
20 there was an approval granted for a retail  
21 development and it was very contentious but  
22 there was an approval granted. What you have  
23 before you this evening is, as I indicated  
24 before, a mixed use residential, office and  
25 retail. The applicant has elected to provide

1 the same level of improvements along the Wagaraw  
2 frontage as the previous approved retail use,  
3 even though the amount of traffic that would be  
4 generated by this proposed mixed use is  
5 significantly and a fraction less than that  
6 previous retail development. So as it relates  
7 to Wagaraw frontage this applicant, you have  
8 heard from the engineer previously, is proposing  
9 some improvements. There would be a brand new  
10 sidewalk along the entire frontage of both lots.  
11 There would be streetscape improvements  
12 consistent with your vision for Wagaraw. There  
13 will be a bike lane that will be provided on the  
14 eastbound side of Wagaraw. And we also are  
15 proposing to create a fourth leg to the  
16 Lafayette intersection so that signalized access  
17 will be provided to this development.

18 Now, in addition I think there was  
19 some questions raised previously in terms of  
20 other means of access, particularly to the  
21 larger lots where most of the development is  
22 proposed. There is an emergency access that  
23 will be gated, or some type of control mechanism  
24 towards the westerly end of the frontage to  
25 provide that second means of access. But Lot

1 10, which is on the east side of the  
2 development, will have its own driveway which  
3 will be stopped controlled and we are proposing  
4 full access for that driveway allowing both left  
5 turns and right turns into and out of that lot.

6 The main driveway at the signal will also  
7 allow left turns and right turns --

8 MR. GALLAGHER: Hold on a second.  
9 We have a logistics problem.

10 A. So the level of improvements associated  
11 with this proposal are identical to what was  
12 previously proposed as part of the retail  
13 project that was approved by another board for  
14 this site.

15 Now, I think it is important just to draw  
16 some distinction between what's before you and  
17 that previous approval. As you are probably  
18 aware that previous approval called for about a  
19 little over 50,000 square feet of retail, it was  
20 going to be a Walmart with a small supermarket  
21 component. If you compare that proposal to the  
22 mixed use proposal, and I think I will refer to  
23 Exhibit -- I don't know if it's marked yet or  
24 not.

25 MR. D'ARMINIO: The report?

1 THE WITNESS: Yes.

2 MR. D'ARMINIO: Why don't we mark  
3 the report.

4 We have provided a report dated April 24,  
5 2014, Mr. Disario is going to testify to it. It  
6 is not in your packets specifically but you have  
7 had it for some time. I am going to mark it A  
8 -- actually a little bit out of order -- I think  
9 we are going to mark it A-58 because we already  
10 premarked some of the other exhibits, if that's  
11 okay Mr. Delia.

12 MR. DELIA: That's fine.

13 (Report is marked as Exhibit A-58 for  
14 identification)

15 MR. D'ARMINIO: This date,  
16 Hawthorne ZBA.

17 Q. Why don't you go through the report, the  
18 pertinent parts of what you were getting to in  
19 terms of comparison to the trip generation table  
20 and put forth the estimates of the trip  
21 generation for this mixed use development and  
22 compare and contrast those estimates to the  
23 previously approved retail.

24 A. These estimates, I prepared them and  
25 they're based on trip rates published by the

1 Institute of Transportation Engineers and  
 2 they're a publication of trip generation which I  
 3 am sure you are familiar with but I will briefly  
 4 explain it for the public's benefit. That  
 5 publication looks at existing development  
 6 throughout the country for a multitude of land  
 7 uses and research counts are conducted at all  
 8 those land uses. This publication compiles all  
 9 of that research and then develops trip rates,  
 10 for instance for retail there are trips per  
 11 thousand square feet of proposed retail. For  
 12 apartments there are trips per each apartment  
 13 unit and for office it is trips per thousand  
 14 square feet. So using those published trip  
 15 rates for the proposed mixed use development  
 16 that's before you, during a weekday morning peak  
 17 hour the single highest hour trip generation  
 18 between seven and nine in the morning the mixed  
 19 use development would see about 157 trips. 47  
 20 would be coming in and 110 would be leaving. If  
 21 you compare that to the previous approved retail  
 22 use and use those, say that trip rate, 114 trips  
 23 coming into the retail use and 74 would have  
 24 been exiting, so the mixed use development  
 25 before you at the weekday morning hour would

1 generate less traffic than the previously  
 2 approved retail use. Similarly during the week  
 3 day peak hour between four and six in the  
 4 evening the proposed mixed use would have 248  
 5 trips, 143 coming in and 105 exiting. The  
 6 previous approved retail use had 287 entering  
 7 and 281 exiting. Again, generating a lot more  
 8 traffic than what's before you in terms of what  
 9 we're proposing with this development.  
 10 Significantly more. And on Saturday midday peak  
 11 hour between 11 and two, single highest hour,  
 12 the proposed mixed use development before you  
 13 would have 137 trips coming in and 131 exiting  
 14 and the previously approved retail use would  
 15 have 337 entering and 302 exiting.  
 16 Significantly more. So as a comparison this  
 17 mixed use development will generate less traffic  
 18 than the prior approved use in terms of retail  
 19 as granted by another board within the  
 20 municipality.  
 21 If you take a step back, that previous  
 22 retail use would also have truck traffic  
 23 associated with it and a lot more traffic in  
 24 general. The proposed mixed use, other than  
 25 moving vans on occasion moving people in and out

1 and maybe some small deliveries to the retail  
 2 users, is not going to generate a lot of truck  
 3 traffic.  
 4 Now, one of the things I think you are  
 5 charged with in terms of making a determination  
 6 of what we're seeking versus permitted uses, the  
 7 site is zoned to allow industrial and warehouse  
 8 type uses. If you would develop the site for  
 9 that type of use it certainly would have a  
 10 different traffic characteristic and most  
 11 probably would be generating truck traffic and  
 12 potentially truck traffic on a 24-hour basis  
 13 with that type of use. We feel, at least from a  
 14 traffic perspective, that the mixed use before  
 15 you is more compatible with the area and in  
 16 particular with the residents that live on the  
 17 north side of Wagaraw proximate to this site.  
 18 We think from a traffic perspective what is  
 19 being proposed in terms of the mixed use is more  
 20 advantageous in terms of the surrounding area.  
 21 Now, at the request of your engineer we  
 22 did prepare some traffic analysis of the  
 23 surrounding intersection and I would point out  
 24 that as you are aware Wagaraw is a county road  
 25 and we will be subject to the county review

1 process, much like the previously approved  
 2 retail use, so we will embark on that process  
 3 when it is appropriate, but you can take comfort  
 4 in knowing that the off-site traffic impacts  
 5 will be reviewed and assessed as part of our  
 6 county review. But, again, I would point out  
 7 that the level of improvements we are proposing  
 8 are consistent with that previous approval for  
 9 the retail use.  
 10 If you breakdown the trip generation for  
 11 the mixed use that's before you and you look at  
 12 the direction that the traffic would be coming  
 13 to and going from, to and from the site, it  
 14 roughly breaks down to 40 percent to and from  
 15 the east along Wagaraw, 40 percent to the west  
 16 along Wagaraw, and 20 percent to and from  
 17 Lafayette. Reasonably when you look at the area  
 18 traffic that's about how it breaks town. You  
 19 apply those percentages to the traffic  
 20 generation that I had discussed with you, in any  
 21 particular peak hour you are never more than one  
 22 additional vehicle in any direction along any of  
 23 the adjacent roadways. Every minute there would  
 24 be one more car traveling in any direction on  
 25 Wagaraw as a worse case. I would submit to you

1 respectfully that that level of traffic  
2 generation is not significant and if you were to  
3 go out there and watch the traffic operation  
4 now, and if you were inclined to grant approval  
5 and this project were developed as proposed and  
6 you went out in the future and you looked at the  
7 traffic operation, again with the project  
8 complete, you would not able to discern any  
9 noticeable difference in traffic operation  
10 because of the traffic associated with this  
11 development.

12 Now, couple of things that I do want to  
13 point out with respect to the analysis that we  
14 did do and the trip generation and the impacts  
15 that we identified in terms of that evaluation.  
16 We did not take any reductions for the proximity  
17 of the train station. So the ITE trip rates for  
18 the apartments, most of that data that comprises  
19 the apartment land use are for apartment  
20 complexes that are in suburban locations that  
21 have no availability to mass transit. Being so  
22 close to the train station I would anticipate  
23 that at least some portion of the residents in  
24 the apartment are going to use the train to  
25 commute to and from work. The other thing that

1 we did not account for that is likely to happen,  
2 and I touched upon it a little bit earlier, is  
3 the interaction between the office and the  
4 retail and the retail and the residential.  
5 There will be internal trips that are made  
6 between those different components on a regular  
7 basis. Those internal trips don't necessarily  
8 create more traffic along Wagaraw or Lafayette,  
9 so somebody living in the apartment and they  
10 want to go, say there is a dry cleaner as an  
11 example in the proposed retail, if they make a  
12 trip to the dry cleaners they can walk down from  
13 their apartment building and walk over to the  
14 dry cleaners and pick up their dry cleaning and  
15 never go out to the adjacent roads. We haven't  
16 accounted for any internal trip making  
17 whatsoever.

18 And then thirdly, the retail will have  
19 something that's called, pass by traffic, which  
20 you may or may not be familiar with. And pass  
21 by traffic is simply traffic that's already  
22 passing by the site, most probably along  
23 Wagaraw, where if the site is built and that  
24 retail is available somebody that's right now  
25 passing on Wagaraw destined to somewhere else

1 may elect to come into the site, park and go to  
2 that retail, get back in their car and then  
3 continue on their way to what their ultimate  
4 destination is. That pass by activity doesn't  
5 create any new traffic to the area because it's  
6 traffic that's already on the adjacent roads.  
7 So those three different elements in terms of  
8 reducing traffic that would be generated by this  
9 mixed use development we haven't accounted for  
10 in our analysis. We assumed based on trip  
11 rates, not all the traffic to the area, so our  
12 analysis is very conservative and even with that  
13 conservative approach we are still only talking  
14 about, at worse, one additional new trip to the  
15 area in any direction during peak hours, which  
16 again I submit to you in my opinion is not  
17 significant. And you can take comfort once  
18 again that the county is going to have a shot at  
19 us in terms of reviewing off-site traffic  
20 impacts, but I believe it's consistent with what  
21 we have done with the previous retail approval,  
22 which I wasn't involved in, but I did review the  
23 file. The level of improvement we are showing  
24 for this project and what was proposed for the  
25 previous use retail development, so from an

1 overall traffic impact perspective it is my  
2 opinion, to sum up, that I don't believe this  
3 mixed use development that's approximate to the  
4 train station and can be considered a transit  
5 oriented development, is really going to impact  
6 the area traffic operations to the extent that  
7 you are going to be able to notice any changes.

8 With that I would like to turn, if you  
9 don't have any questions that relate to off-site  
10 impacts, to some of the on-site elements as they  
11 relate to the traffic aspects of the proposal.

12 MR. HALLOCK: Before you do move  
13 on, what is the entrance to, I guess it's Unit  
14 6, the building closest to the railroad --

15 THE WITNESS: That one?

16 MR. HALLOCK: Yeah. What is the  
17 distance, and you would be able to make, you are  
18 saying, a left turn into that facility,  
19 obviously a right turn also, but what is the  
20 distance from that entrance to the railroad  
21 tracks and the, Wagaraw Road I guess is down  
22 below the railroad tracks, I am worried about  
23 somebody making a left-hand turn.

24 THE WITNESS: We can jump ahead.

25 MR. HALLOCK: You can take care

1 of that, you said you took care of off-site.  
 2 THE WITNESS: Let's go there  
 3 right now.  
 4 MR. HALLOCK: Okay.  
 5 THE WITNESS: If you please flip  
 6 to --  
 7 MR. D'ARMINIO: In your packet  
 8 there is A-50, the ones I gave you.  
 9 THE WITNESS: I think Mr.  
 10 Fitamant may have touched upon this at the last  
 11 hearing and there was a question raised by your  
 12 engineer regarding the sight line and sight  
 13 distance looking under the underpass and this  
 14 instance there is sufficient sight distance. It  
 15 is posted 40 miles an hour and if look at the  
 16 design speed of 45 miles an hour the minimum  
 17 sight distance required for stopping sight  
 18 distance would be 360 feet. If you go out there  
 19 and you take a look at where that driveway is  
 20 projected for Building 6 there is 360 feet of  
 21 available sight distance. You can look under  
 22 the railroad overpass and see sufficiently for  
 23 that distance and more than that quite frankly.  
 24 So we are proposing full access. There is some  
 25 pillars that are holding up the railroad tracks

1 and I would submit to you that you can see  
 2 plenty of distance down Wagaraw looking to the  
 3 east but as somebody is coming down under the  
 4 overpass and behind one of these pillars a car  
 5 will be momentarily blocked. If you are waiting  
 6 at the proposed driveway and making a left and  
 7 looking down Wagaraw you will see sufficiently  
 8 in terms of what is required, but you are going  
 9 to have to make sure that while you are looking  
 10 down the road and you see that no one is coming  
 11 that you just have to check to make sure no one  
 12 is behind the pillar that's on the sag. So we  
 13 did discuss this internally. You get some type  
 14 of intermittent view with the pillars and  
 15 traffic that's coming. That pillar is probably  
 16 100 feet from you, thereabouts approximately, so  
 17 you can look 360 feet down the road with no  
 18 problem, it is the car that maybe close to you  
 19 that maybe obstructed momentarily as they're  
 20 passing behind that building. So if the board  
 21 or your engineers want to prohibit left turns  
 2 out of that driveway because of a concern with  
 23 the bridge pillars obstructing the view of  
 24 someone coming underneath the overpass we are  
 25 perfectly fine with that and that addresses that

1 concern.  
 2 MR. HALLOCK: I am more concerned  
 3 about somebody driving on Wagaraw Road and  
 4 approaching a car that's making a left turn into  
 5 the premises, because there is a local  
 6 establishment there, that I don't frequent, but  
 7 maybe I did in the past, and you make a  
 8 left-hand turn out of that and --  
 9 THE WITNESS: Talking this one  
 10 right here on the corner?  
 11 MR. HALLOCK: No. I have gone in  
 12 there with my family when they were smaller and  
 13 any time I made a left turn out it was difficult  
 14 to see the sight line of somebody coming along  
 15 Wagaraw and somebody making a left turn.  
 16 THE WITNESS: You and I are  
 17 talking about the same thing. Somebody waiting  
 18 to make a left turn here out.  
 19 MR. HALLOCK: I am talking left  
 20 turn into the property.  
 21 THE WITNESS: It's clear. If  
 22 you are waiting for somebody to make -- if  
 23 somebody is waiting to make a left turn in at no  
 24 point as you come underneath the overpass are  
 25 you precluded from seeing somebody on the other

1 side of the upswing of the hill. Because that's  
 2 -- and I looked at it today, as you come down  
 3 underneath the overpass I was able to see the  
 4 used car lot on our site.  
 5 MR. HALLOCK: I never paid  
 6 attention coming that way because I wasn't  
 7 looking at anybody trying to make a left turn.  
 8 My next point would probably be going to  
 9 Lafayette Avenue, but I was little concerned  
 10 about people coming across and now we are going  
 11 to have a left turn there into the property,  
 12 which I guess we probably had before because you  
 13 did have an auto dealership there. But I don't  
 14 think with that business that would be much of a  
 15 traffic issue.  
 16 THE WITNESS: Our concern was  
 17 with the left turn out and ability to see down  
 18 Wagaraw. The overpass is here and here they  
 19 have some big abutments, but the left turn, and  
 20 I will defer to the engineer, I am sure you are  
 21 going to swing it over to them after my  
 22 testimony at some point, I don't have a concern  
 23 with the left in.  
 24 MR. HALLOCK: Okay.  
 25 THE WITNESS: But if the board

1 or engineer has a concern with both lefts in and  
2 out we can certainly talk with the applicant, I  
3 don't think there is an issue with us resolving  
4 that to everyone's satisfaction.

5 MR. HALLOCK: Okay.

6 MR. CHAMBERLIN: Are we widening  
7 the road at any point in front of the  
8 development right there?

9 THE WITNESS: We are not.

10 MR. CHAMBERLIN: Right now there  
11 is a right-hand turn lane and there is a  
12 straight lane.

13 THE WITNESS: Correct.

14 MR. CHAMBERLIN: And now you are  
15 telling me there is going to be enough room for  
16 a left-turn lane as well?

17 THE WITNESS: Yes.

18 MR. CHAMBERLIN: What's  
19 originally there --

20 THE WITNESS: There is a median  
21 right now down the middle of Wagaraw and you  
22 probably haven't noticed it because it is kind  
23 of, it is almost obscured, it's got a sloping  
24 curb that's matching into the pavement, we are  
25 proposing to take that out because it's

1 ineffective, and we are picking up that  
2 additional width by taking that median out.

3 MR. CHAMBERLIN: Okay.

4 THE WITNESS: And I have had  
5 this discussion with other boards and I take  
6 kind of a controlling viewpoint in terms of lane  
7 width. We have always been taught in school  
8 that wider is better, wider is better and I  
9 think given the context often wider is better.  
10 If you are designing an interstate highway or  
11 parkway, wider lanes are better, you want high  
12 speed movement in the traffic. In this instance  
13 you have a business, you have homes, you have a  
14 park that's not far to the west, my opinion is  
15 having narrow lanes forces people to slow down.  
16 Particularly when we are also proposing a bike  
17 lane in the eastbound direction and I am sure,  
18 we all drive, when you have a nice wide lane you  
19 are very comfortable and comfort leads to higher  
20 speeds more often than not. So I am of the  
21 opinion having little narrow lanes is going to  
22 slow traffic down. Because that does impact how  
23 much traffic can be processed by that lane,  
24 absolutely. But given this context I think it  
25 is appropriate to have a little narrower lanes

1 to slow traffic down.

2 MR. CHAMBERLIN: I am concerned,  
3 especially with the snow that we had this year,  
4 you get some snow against those businesses over  
5 there that lane gets jammed so now you have  
6 people that want to make these turns half in  
7 this lane and a half in that lane and I am an  
8 impatient driver that wants to go straight and I  
9 am stuck behind this guy making a left, that's  
10 not -- you are making these narrow just enough  
11 to fit a car, that's going to be a problem.

12 THE WITNESS: There is no  
13 question in terms of the snow, you are  
14 absolutely right. If the snow is adequately  
15 plowed so that it is, which is really put on the  
16 sidewalk, we shouldn't have that issue but I  
17 agree with you there are times when those lanes  
18 will be obscured because of the snow.

19 MR. CHAMBERLIN: Okay.

20 MR. SCHROTER: Have you thought  
21 about the line of sight of someone traveling  
22 south on Lincoln Street? Let's say it's a rainy  
23 day and they're going to drive to the train  
24 station on Saturday, they're going to try to cut  
25 straight across Wagaraw Road, you looked at the

1 line of sight coming out Lincoln and going  
2 straight across into Building 6?

3 THE WITNESS: That's the same  
4 issue. Somebody coming from Lincoln into that  
5 driveway, I don't think there is an issue with  
6 the sight line.

7 MR. SCHROTER: Have you looked at  
8 it, taken a look to see what it is like? I know  
9 what it is like.

10 THE WITNESS: Yes.

11 MR. SCHROTER: I don't think the  
12 sight line is that great. I come down the  
13 street to go to the recycling center but I don't  
14 see you really taking a look at it with the  
15 report here.

16 THE WITNESS: The report didn't  
17 address it, we addressed it in response to one  
18 of the comments raised by your engineer. We can  
19 certainly take a look at that again.

20 MR. SCHROTER: Okay.

21 Q. Do you want to talk about the other sight  
22 line?

23 A. Yeah, since we are on that topic.

24 Q. This is a county road, the county will  
25 definitely have the final say.

1 A. Yes.

2 Referring to Exhibit A-49, which I think  
3 Mr. Fitamant presented to you last hearing. It  
4 is depicting the sight line at the main driveway  
5 at the signalized intersection looking to the  
6 west along Wagaraw Road now, and its sufficient.  
7 There is enough sight distance. That's also the  
8 case looking to the east, there is enough sight  
9 distance as well. Looking to the railroad  
10 overpass, the main driveway is further west  
11 along Wagaraw, so it is not obscured by the  
12 bridge abutments. Sight distance at the  
13 signalized intersection is less critical or  
14 important to provide because you have the signal  
15 controlling it. But I have been doing this over  
16 20 years and you learn something new almost  
17 everyday. I am dealing with a project down in  
18 Middlesex County, same situation, a signalized  
19 access, the county traffic engineer down there  
20 said Dan, I agree the sight distance is not that  
21 important for signalized intersections but the  
22 signal goes to flash mode because the power is  
23 lost it becomes like a stop intersection. So  
24 having adequate sight lines is something that is  
25 advantageous for signalized intersections and we

1 do provide that in this exhibit, that depicts  
2 that as it relates to our proposed signalized  
3 driveway.  
4 Just some other elements in terms of the  
5 site plan, I will go in order of our  
6 presentation. If you go to A-56, please.  
7 A-56 I don't believe you have seen  
8 before, and it's showing a passenger car in the  
9 parking deck. There was some question the last  
10 hearing with the ability for a car that would be  
11 coming up the up-ramp to get to the top level of  
12 the parking deck to be able to make the right  
13 turn and come around and access the parking  
14 that's up on that level. We can provide a more  
15 detailed drawing to your engineers, however this  
16 exhibit is depicting the ability for a vehicle  
17 to make that turn and again it's a parking deck,  
18 it's not a shopping center parking lot. So in  
19 terms of the amount of traffic that's going to  
20 be going to and from and up and down it is not  
21 going to be a lot. It's largely residents that  
22 are going to be using the parking deck, so you  
23 are not going to see a lot of activity at any  
24 particular moment with people trying to get in  
25 and out of parking as it relates to the parking

1 deck.

2 I think there was some question at the  
3 last hearing relating to how you are going to  
4 sign the deck. We had some discussion  
5 internally about it, I think the suggestion is  
6 on one side of the deck, from the west side of  
7 the deck and coming in, you come down it is one  
8 level down and it is a dead-end. I think it  
9 would be appropriate if we were to sign that for  
10 residents only.

11 There was some question about the ability  
12 for vehicles that go down that one way or  
13 dead-end aisle in the parking deck, the one that  
14 takes you down, how they were going to have the  
15 ability to K-turn and get out if all the spaces  
16 are full. Our proposal is to take the last two  
17 spaces and stripe them out as no parking and  
18 then you have a turn key, if you will, at the  
19 end that somebody can pull in -- either pull in  
20 or back into one of those striped areas and then  
21 do a K-turn.

22 MR. GALLAGHER: Would that be  
23 enough for two cars to make that turn at the  
24 same time?

25 THE WITNESS: I think the

1 likelihood of two cars trying to do that at the  
2 same time is very low, but we would do two  
3 spots, one on other either side of the aisle on  
4 that ramp, so two cars could do -- they could  
5 pull in the hatched area at the same time and  
6 then would have to back out and do the K-turn  
7 and then the other one would have to wait. Not  
8 dissimilar when you are in any parking lot and  
9 you are parked and the person across the drive  
10 aisle is parked and you both want to leave. You  
11 both don't, sometimes you back out at the same  
12 time, but more often than not one is going to  
13 wait for the other one and then the second car  
14 --

15 MR. GALLAGHER: I believe the  
16 point we are trying to get across is people are  
17 having to back up.

18 THE WITNESS: Right, so for  
19 instance -- our attorney says do the site plan.

20 Go back to the exhibit that shows the --  
21 MR. D'ARMINIO: A-35 was the  
22 lower deck.

23 THE WITNESS: Now, for purposes  
24 of the record this is the site plan sheet out of  
25 the submitted site plan set.

1 Do we need to mark this as a separate  
2 exhibit?

3 MR. D'ARMINIO: No, we have that.  
4 We have that in several locations. We also have  
5 it on A-35. We have it in a number of places.  
6 This is to help the public take a look.

7 THE WITNESS: Okay.  
8 So just to get oriented, Wagaraw is on the  
9 -- is the left of this exhibit. The parking  
10 deck is in the middle of this exhibit, and if  
11 you were to come in on the east side of the  
12 parking deck and enter you would be coming down  
13 -- you would be heading downward and have a  
14 dead-end aisle, and I will get out of the way.  
15 Our proposal is to take these last two spaces,  
16 so the ones that are furthest west at the end of  
17 that ramp down and stripe them out for no  
18 parking. So if you were to come down this ramp  
19 and find that all the spaces were full you can  
20 either turn in to the southerly space or make a  
21 right turn to the northerly space and then back  
22 out and you could do a K-turn and go on your  
23 way. If both of the spaces are empty you can  
24 just turn in to one of the spaces, back into the  
25 other space and leave. So we are providing that

1 area, that's typical for dead-end parking to  
2 give you the ability to turn and head back out  
3 if all the parking is full.

4 MR. CHAMBERLIN: That's not taken  
5 into consideration in your parking spaces  
6 calculation?

7 THE WITNESS: Correct.

8 MR. CHAMBERLIN: You are going to  
9 lose two more spots?

10 THE WITNESS: Correct. I will  
11 get to the parking discussion a little later so  
12 stay tuned for that.

13 MR. SCHROTER: The next question  
14 is, are you going to do the same thing on the  
15 upper level with the two spots, that would be  
16 six spaces.

17 MR. CHAMBERLIN: Yes.

18 MR. D'ARMINIO: That's also on  
19 A-35, if you want to get to that or you can use  
20 any of the other exhibits.

21 THE WITNESS: Again, looking at  
22 the parking deck, A-56 is the Passenger Car for  
23 the Upper Level of Parking Deck. There was a  
24 question about the dead-end aisles that are  
25 created with the layout on the upper level of

1 the parking deck. We have two suggestions, one  
2 I came up with and one the engineer that's been  
3 doing all the work making Mr. Fitamant and  
4 myself look good at Langan who has been doing  
5 the exhibits for us, he came up with another  
6 suggestion. His suggestion is just to take out  
7 the two spaces in the middle tray of parking to  
8 be hatched areas and very similar to what I  
9 described, if you come down either aisle where  
10 there is a dead-end you can turn into that  
11 hatched area, back out and then make a K-turn  
12 and leave on this aisle. Alternatively -- so  
13 you have two dead-end aisles. Alternatively,  
14 all though it would require the loss of more  
15 parking, we can take out the last four spaces of  
16 the center tray of parking, that would give an  
17 18 foot clear area and then people could  
18 circulate through that area to leave without  
19 having to back up no matter what aisle they were  
20 coming down. So those are two suggestions.  
21 Again, it would result in the loss of parking,  
22 another two to four spaces. If you institute  
23 what we're suggesting on the lower level that  
24 takes you down, so we are talking about a total  
25 of four to six spaces from what's proposed

1 currently as part of the plan.

2 Quickly, I think there was some discussion  
3 also about the tandem spots. There are some  
4 tandem spots up on the upper level parking deck,  
5 again all tandem spots on site would be  
6 delegated to specific units so that the renters  
7 of those specific units have specific tandem  
8 parking spaces assigned to them.

9 As it relates to the upper level of the  
10 deck, other than the tandem spaces my  
11 recommendation would be that they would not be  
12 limited. So if somebody works in an office or  
13 somebody wants to go to the retail or somebody  
14 lives in one of the apartments and doesn't have  
15 an assigned spot in terms of tandem spaces all  
16 the upper level could be used by all those  
17 various users.

18 If you can go back down to the lower level  
19 or back to the site plan, please.

20 Referring to the site plan again, which I  
21 don't remember what the exhibit number is, it is  
22 the site plan in your package. To the south of  
23 where --

24 MR. D'ARMINIO: A-19.

25 THE WITNESS: A-19. Thank you.

1 To the south of where the ramp is. So in  
 2 this area there is going to be parking at grade.  
 3 So you drive into the site, it is at the same  
 4 level. My recollection is also to make that  
 5 parking unrestricted so people that live in the  
 6 apartments that don't have assigned spaces,  
 7 people going to retail, if they want to, or  
 8 people that work in the office, if they want to  
 9 or need to would also be able to park in the  
 10 spaces. So the deck, the lower level would be  
 11 residents only, the tandem spaces on the upper  
 12 level would be residents only, they would be  
 13 part of the assigned tandem spaces and the rest  
 14 of the parking in the deck would be restricted  
 15 in terms of who could use it and who could park  
 16 there and I think that gives great flexibility  
 17 of providing parking, adequate parking for all  
 18 the users on the site, both residents, shoppers  
 19 of the retail and the office. But, again, you  
 20 have heard previously that the office is going  
 21 to be the Bedrins, the owner/operator of the  
 22 development, of the project, and they only have  
 23 a need for six spots.

24 MR. De RITTER: How many assigned  
 25 parking spaces are there for the apartments?

1 Assigned.

2 THE WITNESS: It's all of it.  
 3 Just the tandem spaces would be assigned right  
 4 now.

5 MR. De RITTER: Which is a small  
 6 portion?

7 THE WITNESS: Yes, any spaces in  
 8 the upper level deck and then --

9 MR. D'ARMINIO: Exhibit A-33.

10 **A. So looking at Exhibit A-33, you have 100**  
 11 **tandem spaces. 52 for Building 2, 38 for**  
 12 **Building 3, and four for the upper level parking**  
 13 **deck. So quick math 84, 8, 92, 112 tandem**  
 14 **spots.**

15 **MR. De RITTER: They would be the**  
 16 **only assigned spots?**

17 THE WITNESS: At this point,  
 18 yes, that's what we are suggesting. It's an  
 19 operational issue that management obviously will  
 20 address for purposes of discussion. Those  
 21 tandem spots have to be assigned because it is  
 22 like if you have a house with a garage.

23 MR. De RITTER: I understand  
 24 that. What I don't understand is how is it that  
 25 the other people that are going to be living

1 there, they're more than likely not going to be  
 2 able to park in the same spot everyday.

3 THE WITNESS: That is correct.  
 4 You are correct. That's not -- that is not  
 5 atypical in terms of any type of residential  
 6 development like we are talking about. For a  
 7 great portion of my life and being married with  
 8 my wife we lived in an apartment complex and you  
 9 are correct, I didn't park in the same parking  
 10 space. That is part and parcel to that type of  
 11 residential development.

12 MR. De RITTER: It's a drawback  
 13 you are saying?

14 THE WITNESS: Not whatsoever.

15 MR. De RITTER: It's not a  
 16 drawback to trying to rent out the apartment  
 17 that parking is up to you. Wherever you can get  
 18 it.

19 THE WITNESS: I think there is  
 20 an obligation to provide sufficient parking to  
 21 accommodate the demand and some of that demand  
 22 is going to be accommodated by tandem spaces, so  
 23 they have to be assigned, but the rest of the  
 24 parking, in my opinion, you don't need to assign  
 25 and that is typical of an apartment complex.

1 MR. De RITTER: Is that really  
 2 realistic?

3 MR. D'ARMINIO: You are going to  
 4 get to the sufficiency of parking next, I  
 5 assume.

6 THE WITNESS: Yes, absolutely it  
 7 is realistic and it is done all the time. In  
 8 fact I am working on a project in Ridgewood, I  
 9 forget how many apartments that was, but we are  
 10 looking at one-and-a-half spaces per unit and  
 11 they're all unassigned.

12 MR. De RITTER: Okay.

13 **A. So I think it is a good segue to talk**  
 14 **about parking. I will get back to the**  
 15 **circulation in a minute but since we are talking**  
 16 **about it we might as well talk about it.**

17 **I think there has been a lot of concern**  
 18 **about parking, and rightly so, you want to make**  
 19 **sure you have adequate supply to support the**  
 20 **project. So turning to Exhibit A-59, this**  
 21 **exhibit is entitled, Parking Summary based on**  
 22 **RSIS, the Residential Site Improvement Standards**  
 23 **and your ordinance requirement. And if you**  
 24 **apply the standard that governs the ordinance or**  
 25 **RSIS and you look at the different components of**

1 this mixed use development we provided a  
 2 breakdown of the requirement versus what's  
 3 proposed in supply. So looking at the  
 4 residential, the 244 apartments, the required  
 5 number of spaces are 448 spaces. We are  
 6 proposing 448 spaces for the residential. The  
 7 retail, the requirement is 24 spaces in parsing  
 8 it out, we have about 20 spaces, we are about  
 9 four short. I am on the retail side. The  
 10 office, your ordinance requires 20 spaces and we  
 11 are proposing six spaces. So, again, there is a  
 12 shortfall on the office. You have heard earlier  
 13 that the Bedrins, the owner/operator of the  
 14 development are going to use the office for  
 15 their operations, they have the need for six  
 16 spaces, that is really where the six came from,  
 17 because it is going to be tailored to them. You  
 18 may raise concerns, what if the Bedrins sell the  
 19 project or somebody else moves in or the Bedrins  
 20 want to lease it out to somebody else in terms  
 21 of the office use, you can certainly condition  
 22 an approval that if there is a change in any  
 23 tenant of the office space they have to come  
 24 back before you for review because of the  
 25 concern of the parking.

1 Now, I can tell you I looked at this  
 2 project knowing that it's a mixed use project,  
 3 mixed use projects inherently generate less  
 4 traffic and have less parking demand because of  
 5 the internal activity that occurs between the  
 6 various uses. The fact that it is also close to  
 7 the train station there is an expectation that  
 8 some of the people that live here are going to  
 9 use mass transit and they're not going to rely  
 10 on automobiles. I can give you some examples of  
 11 people that I know, especially young  
 12 professionals coming out of school, they work in  
 13 the city, they don't really have a car. They  
 14 take the train or bus and mass transit and  
 15 certainly we expect some of these types of  
 16 residents, young professionals, to live here.  
 17 So there will be less of a reliance on  
 18 automobiles, as I said before.

19 So I am always charged with looking at  
 20 empirical data and drawing a comparison to  
 21 existing similar developments and what we are  
 22 proposing to try and estimate trip generation  
 23 and parking demand. So I have taken a look at  
 24 ITE, Institute of Transportation Engineers, and  
 25 the parking rates that they have for apartments,

1 retail and office, and we have prepared the next  
 2 slide, which is Exhibit A-60, which is a Parking  
 3 Summary Based on ITE Parking Rates. ITE puts  
 4 out another manual, Parking Generation, just  
 5 like the Trip Generation, but it sets forth  
 6 parking rates for existing developments. Data  
 7 is collected at those existing developments and  
 8 aggregates all the data together and publishes  
 9 and determines parking rates that you can use to  
 10 estimate parking demand. For an apartment  
 11 complex, like we are proposing, the average peak  
 12 parking demand, some developments will have a  
 13 higher demand, some will have less, but on  
 14 average the peak parking demand based on ITE  
 15 information is 1.23 vehicles per apartment. So  
 16 if you apply that to what we're proposing, 244  
 17 apartments, the average peak parking demand of  
 18 what's being proposed would be 301 vehicles for  
 19 the apartments. We are proposing 448 because  
 20 that's what RSIS requires. As you are aware  
 21 RSIS we can get an exception from it. One  
 22 justification for an exception is that you are  
 23 doing a residential development within walking  
 24 distance of a train station. So I think there  
 25 is justification to provide a request for the

1 apartments to the Department of Community  
 2 Affairs for a waiver of the RSIS requirement  
 3 because this is a transit oriented development.  
 4 You look at retail and the ITE parking rates,  
 5 the average peak parking demand is three  
 6 vehicles per thousand square feet. You apply  
 7 that to retail, 6,000 square feet that is part  
 8 of this mixed use development, you have an  
 9 average peak demand of 18 vehicles. We are  
 10 proposing our parking supply of having 20  
 11 vehicles or -- excuse me, 20 parking spaces for  
 12 retail. Those 20 parking spaces based on ITE  
 13 data would be sufficient for the retail that's  
 14 proposed. Similarly for the office, average  
 15 peak parking demand is also three per thousand  
 16 square feet and the office, if you apply the  
 17 proposed office of 4,000 square feet, you have a  
 18 peak average, peak parking demand of 12  
 19 vehicles. But, again, as you heard it is the  
 20 Bedrins, they only have a need for six. A total  
 21 of all those parking estimates based on the ITE  
 22 trip rates, based on the empirical data of other  
 23 developments, you have a peak parking demand on  
 24 average of 331 vehicles. Our proposed parking  
 25 supply is 474 spaces. In my opinion, I believe

1 there is more than sufficient parking that's  
2 proposed as part of this project and I submit to  
3 you that's probably too much.

4 The project I referred to in Ridgewood,  
5 we were coming in with, and I don't know if you  
6 know Ridgewood or not, but this site is the old  
7 car dealership almost similar to this in terms  
8 of proximity to the train station but it is  
9 within walking distance to the Ridgewood train  
10 station, we were proposing about 100 and a half  
11 spaces per thousand square feet, the review  
12 engineer reviewing the traffic consultant had  
13 said, I think that's too much, I think we can  
14 see 1.25 spaces per thousand square feet. He  
15 was forcing the issue of it is a TOD let's make  
16 sure that people are using mass transit, let's  
17 not provide a bunch of parking, let's provide  
18 parking in a way it satisfies the demand but  
19 also encourages mass transit use. So I take a  
20 step back, I look at what's proposed and in my  
21 opinion I think we have too much parking on this  
22 site.

23 MR. HALLOCK: Let me jump in and  
24 ask a question here. Would the requirements --  
25 none of these requirements are matching up with

1 our code here in Hawthorne.

2 THE WITNESS: Yes.

3 MR. HALLOCK: But would it change  
4 -- would your opinion on the retail side change  
5 depending upon the retail aspect that's there?  
6 For example, if it's going to be a restaurant, I  
7 am drawing a conclusion to a recent development  
8 on 208 and a place like Anthony's and suddenly  
9 you are over there you can't find a parking  
10 space, in the summertime especially.

11 THE WITNESS: The one in Fair  
12 Lawn?

13 MR. HALLOCK: Yeah.

14 THE WITNESS: I worked on that  
15 one.

16 MR. HALLOCK: I was pretty close  
17 there.

18 THE WITNESS: That one is  
19 similar in terms of being close to the train  
20 station.

21 MR. HALLOCK: It is.

22 THE WITNESS: It is further than  
23 what this one is, it is a lot further in fact  
24 but that one --

25 MR. HALLOCK: Only easy to get to

1 if you want to look at it because you are  
2 walking down sidewalks and not crossing a major  
3 road.

4 THE WITNESS: Agreed.

5 MR. HALLOCK: Fair Lawn Avenue  
6 where the train passes when the gates come down  
7 people are standing in the street on Fair Lawn  
8 Avenue to get on the train.

9 THE WITNESS: Agreed.

10 MR. HALLOCK: It is a safety  
11 factor, walking to that it is very convenient.  
12 My point is the type of retail that goes in  
13 there could throw that. I will be honest, the  
14 first time I went there, my grandchildren were  
15 there and I was going to get pizza with them and  
16 I said, Jesus, who the heck actually looked at  
17 the parking on this. It's terrible.

18 MR. SCHROTER: Been there, seen  
19 the same thing.

20 MR. HALLOCK: So the type of  
21 retail can change the whole complexity here.

22 THE WITNESS: I don't disagree  
23 with you in terms of restaurant uses versus dry  
24 cleaners, they have different parking  
25 characteristics. I don't disagree with you but

1 I think what is important to note -- if you can  
2 put the site plan back up, please.

3 MR. D'ARMINIO: One point I  
4 think, I will speak to my client. He is a small  
5 -- these are small units, like I think they're  
6 2000 square feet units, the type of use that is  
7 going in there probably is not for a national  
8 chain that would generate that sort of use. And  
9 if there is a concern on the board with regard  
10 to retail, I don't know if you have a change of  
11 tenancy provision in the town, but we can submit  
12 it to your engineer and if there is a concern  
13 that it could generate more traffic than we can  
14 come back and take a look at that with you. But  
15 the anticipation is that it is going to be a  
16 type of ancillary use that really supports the  
17 people who are there rather than bringing people  
18 off-site. That would be the anticipation. Like  
19 you said, a dry cleaners or deli or something to  
20 that effect, not any kind of national chain. I  
21 pass 208, my father lives in Garfield and I  
22 think that was designed to be a different type  
23 of project with major retail, which I don't  
24 think this is.

25 THE WITNESS: The Fair Lawn

1 project, it has got great highway frontage along  
 2 208, yes, it is servicing a larger market area  
 3 in terms of retail than what is proposed here.  
 4 6,000 square feet of retail presumably they're  
 5 going to subdivide it into three 2000 square  
 6 foot tenant spaces, I mean, that doesn't fit  
 7 anything in terms of Anthony's Coal Fire Pizza  
 8 or that type restaurant like that. It really --  
 9 and I was talking to the applicant about this,  
 10 what do you envision it is going to service,  
 11 what type of retail. It is going to be a dry  
 12 cleaners, maybe a realtors office, that type of  
 13 small retail that's really serving the  
 14 neighborhood more so than anything else. And if  
 15 you look at the retail really facing it, it is  
 16 not fronting on Wagaraw, it is on the L shape on  
 17 the west side of Building 1, so it really is  
 18 kind of outward facing and it is probably going  
 19 to serve more people that live in the apartments  
 20 that are proposed, but certainly anybody in the  
 21 community can come there.

22 The other thing that's important is there is  
 23 parking that's proposed right in front of the  
 24 retail but having all of that unrestricted  
 25 parking in the deck and the surface parking

1 that's underneath the deck you are going to be  
 2 able to have shared parking occurring where  
 3 retail patrons can be using the parking that  
 4 some of the residents may not be using at any  
 5 particular time and that's a good thing in terms  
 6 of shared parking where some of the retail maybe  
 7 having high parking demand but residents may not  
 8 be home at that given time, so they get to share  
 9 the same parking and use the same parking  
 10 spaces. And I think I take comfort in knowing  
 11 that, I think there is a lot of parking on the  
 12 site, ITE numbers bear that out, and I don't  
 13 believe you are going to have a parking issue as  
 14 it relates to this proposed project.

15 Particularly given that very small retail and  
 16 the office is the Bedrins with only six  
 17 employees.

18 Q. Would your testimony change in any way if  
 19 there was a loss of six spaces?

20 A. Not whatsoever.

21 MR. CHAMBERLIN: One question.

22 You said 1.2 vehicles per unit, what are you  
 23 basing your ITE says that it is going to be.

24 THE WITNESS: Based on existing  
 25 apartment complexes.

1 MR. CHAMBERLIN: No such thing as  
 2 1.2 cars. You are going to have one car, two  
 3 cars, some people may have three. It is my  
 4 experience, we have four cars, and I know maybe  
 5 younger people now as many people that live in  
 6 the city, I understand don't have cars. You  
 7 live out here the expectation I would think is  
 8 people are going to have cars. So I can't  
 9 imagine how it wouldn't have at least two cars  
 10 per unit and to me that's realistic and then you  
 11 are not going to be close on parking if you have  
 12 two for every one. I am just trying to think in  
 13 my own mind, not being a traffic engineer, but  
 14 seems to me that it is more likely that people  
 15 are going to have two cars rather than one.

16 THE WITNESS: And if you have a  
 17 driver's license in my opinion you are qualified  
 18 as a traffic engineer, I may have studied a  
 19 little more, but I can tell you these types of  
 20 apartment complexes, especially when they're  
 21 near mass transit they cater to a different type  
 22 of renter. It is not going to be a family with  
 23 kids and then the kids grow up and they're  
 24 teenagers and then you have four cars like you  
 25 do. If they get to that point more often than

1 not they're moving out of the apartment complex  
 2 and looking for more suitable space, like a  
 3 single family house, like a town home. So these  
 4 types of apartment complexes really cater to  
 5 young professionals coming out of school and  
 6 getting a job working for the first time.  
 7 Somebody may get married, there may be married  
 8 couples and some of those couples may have two  
 9 cars and I am sure those instances they're going  
 10 to be looking for the tandem spaces to be  
 11 reserved for them. But you get a mix of people  
 12 in these types of complexes and because it is  
 13 closer to the train station you do get interest,  
 14 great interest by people that are either single  
 15 and work in the city or young professionals and  
 16 work in the city and they're not looking to have  
 17 a car. A lot of times the expense of a car,  
 18 between the insurance, the depreciation, the  
 19 purchase of the car, gas -- all though we are  
 20 enjoying some low fuel prices now -- make it  
 21 economically not desirable for somebody and they  
 22 rather live in an apartment that has access to a  
 23 train and can get to the city because that's  
 24 what they would rather spend money on.

25 MR. CHAMBERLIN: I can't argue

1 that fact, I am saying you grow up one way, you  
2 have a mind-set that's how you would have lived  
3 and everybody, you know, lives. You think  
4 that's how everybody lives. That's all I am  
5 basing my opinion on. That everybody, I believe  
6 I know, drives cars.

7 THE WITNESS: And I completely  
8 agree with you and I grew up the same way as you  
9 and if I take a little tangent, in a second you  
10 are going to hear from Mr. McDonough our planner  
11 later at the next meeting, my understanding is  
12 in terms of the trend with the younger people we  
13 all want to move kind of into suburbia, you have  
14 your house, single family house, that was the  
15 American dream. The youth coming up today  
16 they're coming back to the urban areas. They're  
17 not looking to have the house, they're looking  
18 to rent, probably most of their lives. It is  
19 almost like a European model and reliance on the  
20 automobile is going down for the younger people,  
21 because they want to use mass transit. They  
22 want to be in urban corridors where the action  
23 is. So it is kind of a different, it is almost  
24 a reversal of what you and I grew up with and  
25 what I think is good in terms of quality of

1 life. And it is hard sometimes to relate -- for  
2 me to relate to the younger people in our firm  
3 because we do things differently.

4 MR. HALLOCK: I realize that the  
5 units you're planning here, looks like 2000  
6 square feet, three units, you are talking about  
7 6,000 total square feet of retail. Economics  
8 spell out that 6,000 square feet for some dining  
9 facility, and I agree with you that the hub is  
10 around transportation centering was probably  
11 during the last four or five years the only one  
12 I was willing to lend on was apartment houses  
13 because of the value, they did not decrease  
14 while values in suburban towns that had  
15 significant issues going into the city, the  
16 devaluation of their property was more  
17 significant, I understand all that. I would  
18 agree that you are probably going to find a  
19 younger element in here taking transportation  
20 going into the city or going to Hoboken or  
21 wherever they're going to go to work, but they  
22 also may look to say, wouldn't it be nice to  
23 have, once you have that somebody -- if I owned  
24 a property and somebody says to me I can make  
25 more per square foot by making a restaurant I am

1 going to make it a restaurant. That's my only  
2 point about the restaurant situation.

3 MR. D'ARMINIO: Let me speak to  
4 my client, maybe there is a way of meeting your  
5 concerns.

6 MR. HALLOCK: That below parking  
7 way out --

8 MR. D'ARMINIO: Maybe it would be  
9 a matter of bringing a restaurant back if it is  
10 a restaurant user, given the variances that are  
11 necessary for uses that the board, I think, has  
12 a little more leeway in terms of conditions and  
13 if that's a concern, I believe, and I will speak  
14 to my client about it, we don't anticipate that  
15 at all but it is a concern, so we got to make  
16 sure you are comfortable.

17 MR. HALLOCK: Okay.

18 MR. SCHROTER: Two questions and  
19 I will make them brief.

20 What is the ITE basis on what is considered  
21 a community development feet to a train station  
22 or bus stop is a standard for them?

23 THE WITNESS: ITE doesn't define  
24 -- well, let me back up. In terms of retail,  
25 ITE does define different types of retail, not

1 in context of trip rates but in terms of looking  
2 at market area. So a community or neighborhood  
3 retail is like a five-minute drive time. More  
4 of a community level is about ten minutes and  
5 then once you get beyond it is more regional,  
6 like 20 minutes and longer drive time.

7 MR. SCHROTER: I am talking walk  
8 time or how many yards from a development, feet,  
9 does it have to be to be considered a community  
10 friendly development?

11 THE WITNESS: In terms of  
12 transit oriented development, TOD, it is within  
13 a quarter mile of mass transit.

14 MR. SCHROTER: Quarter mile?

15 THE WITNESS: Yes.

16 MR. SCHROTER: You mentioned a  
17 development in Ridgewood, I wouldn't use that as  
18 a piece for you because it is not -- the  
19 residents are close, across Franklin Avenue. I  
20 spend a lot of time there, that's really not  
21 nearly the distance.

22 THE WITNESS: I completely agree  
23 with you.

24 MR. SCHROTER: Now, I never been  
25 an advocate of tandem parking and here is my

1 concern, my wife comes home from work and she  
2 grabs the first tandem spot and I know she's got  
3 to get out before me in the morning and the spot  
4 across the way is open and I grab that. We are  
5 wasting tandem spots. Have you looked at what  
6 impact that might have?

7 THE WITNESS: I have not.

8 MR. SCHROTER: That's a big  
9 possibility would you agree?

10 THE WITNESS: It is possible.

11 MR. SCHROTER: If you're going to  
12 jack the cars later, and I'm watching the  
13 basketball game, I am not going out if I see a  
14 spot across the way. I think that's something  
15 we should look at on our engineering side,  
16 that's a possibility that could happen on a  
17 regular basis.

18 MR. HALLOCK: You are saying your  
19 wife is going to park in the parking garage?

20 MR. SCHROTER: She doesn't really  
21 work Mr. Chairman, but maybe my next wife might.

22 THE WITNESS: Wow, that's on the  
23 record too.

24 MR. SCHROTER: She will never  
25 know I said that.

1 You see where my concern is there? I know  
2 that's what I would do.

3 THE WITNESS: I can tell you I  
4 haven't specifically worked on other tandem  
5 parking projects, but I have clients that do  
6 have tandem parking projects and I will  
7 certainly talk to them and see if that's an  
8 issue. It is certainly a possibility that can  
9 occur but I think you can take some comfort in  
10 looking at the ITE knowing that there is a lot  
11 of parking that's proposed, certainly in excess  
12 of what would other wise be identified based on  
13 empirical data. I think there's enough parking  
14 to accommodate that type of activity if your  
15 wife is home and she has got the first spot and  
16 you don't want to --

17 MR. SCHROTER: Home all the time.  
18 I guess we can look at that on our side and find  
19 out if there is some study that's been done on  
20 projects like this. Got to be some kind of  
21 research to look at that.

2 MR. KELLY: I know tandem parking  
23 spaces are not a typical use or typical  
24 application. They are very rare and they're  
25 rare because they're not that practical.

1 MR. SCHROTER: Okay.

2 MR. KELLY: I know you have a  
3 situation also where somebody using part of  
4 their tandem spot for whatever, maybe garbage  
5 cans or taking up portions of their one tandem  
6 spot where they cannot fit now two cars and  
7 they're willing to park somewhere else on site.

8 MR. D'ARMINIO: Well, that would  
9 be an enforcement issue for management, I  
10 believe. We wouldn't want parking spaces being  
11 taken up other than with cars. Even though  
12 there seems to be substantial amount of parking,  
13 excess parking, at least according to the ITE  
14 and Mr. Disario's analysis, so I think that we  
15 would handle that within management. You can't  
16 have garbage cans in the parking spaces you got  
17 to have cars.

18 THE WITNESS: I think the Fair  
19 Lawn, the new development in Fair Lawn on 208,  
20 the same developer did the apartments that are  
21 next to it, south of it.

22 MR. SCHROTER: It's all tandem  
23 parking there.

24 THE WITNESS: That's correct.  
25 And I was going to ask him.

1 MR. SCHROTER: I don't know those  
2 are full yet. When I been through there to look  
3 at the complex I got it was pretty empty.

4 THE WITNESS: I am not talking  
5 about the new development that got built. There  
6 is an apartment complex next to it, it's called  
7 Fair Lawn Commons. I think they have tandem  
8 parking.

9 MR. SCHROTER: They do in there  
10 also?

11 THE WITNESS: And I know he has  
12 done another -- did you do the financing on that  
13 one?

14 MR. HALLOCK: No, that was a  
15 shortcut for me to get out to play golf going up  
16 that road and I don't remember parking being  
17 there.

18 THE WITNESS: I think there is  
19 tandem parking in that complex. I think there  
20 is another one in Clark that has tandem parking  
21 and way back when I had hair and I was a young  
22 engineer going to college I did a lot of  
23 inspection work in Monroe at those retirement  
24 buildings down there and I know for a fact a lot  
25 of those have tandem parking. Now, some of them

1 are used because they put a golf cart in one  
2 spot and a car in another, but there is tandem  
3 parking down there as well. So we will do some  
4 research and get back to you.

5 MR. D'ARMINIO: We will look at  
6 that and also look at the tandem parking  
7 underneath where the apartment would be so there  
8 is a convenience to having it there as opposed  
9 to trying to go to the deck to park and go back,  
10 so we will take a look at that and he is coming  
11 back anyway so we will come up with something  
12 and I am sure your expert will.

13 MR. GALLAGHER: With the theory  
14 of being able to walk to the railroad station.  
15 What about the theory they're going to get  
16 dropped off by their second half or other half,  
17 wife or husband?

18 THE WITNESS: Yeah, and in that  
19 instance it's probably a one car household.

20 MR. GALLAGHER: I am also  
21 thinking the traffic that is created -- the  
22 extra traffic created at our small little  
23 station.

24 THE WITNESS: It's possible. I  
25 don't think the additional traffic at the

1 station that would be attributed to this project  
2 is going to be over taxing in terms of that  
3 area. I would believe that most of the people  
4 that live here are going to walk to the train  
5 station. I know I would.

6 The only other housekeeping item I have in  
7 terms of my direct testimony is, can you turn to  
8 Exhibit A-57, please. There was a comment from  
9 your fire official in terms of the fire truck  
10 that was modeled, this exhibit is entitled, Fire  
11 Rescue Circulation, Exhibit A-57, and we took  
12 that comment letter and remodeled a 42 foot long  
13 fire apparatus, three axles, as we indicated in  
14 the review letter, and conclusion is that the  
15 access points, the emergency access plus the  
16 main circulation aisle that takes you around Lot  
17 8, is sufficient to accommodate that size fire  
18 vehicle and we will provide more detailed  
19 planning to engineering for review.

20 MR. De RITTER: Only question is,  
21 is that the size of the vehicle that the chief  
22 said that they use?

23 THE WITNESS: Yes.

24 MR. De RITTER: Okay.

25 THE WITNESS: We originally

1 modeled a little shorter one, I think it was  
2 about two foot shorter.

3 MR. D'ARMINIO: 40. That's an  
4 exhibit we already have?

5 THE WITNESS: Yes.

6 Q. I am sure there would be other questions  
7 of you but briefly, it would it be your  
8 testimony that the location operates within  
9 reasonable parameters of traffic safety,  
10 correct?

11 A. Yes.

12 Q. For reasons that you indicated?

13 A. Correct.

14 Q. Won't make any noticeable difference as  
15 you testified to in the area, correct?

16 A. No.

17 Q. And there is substantial benefits to the  
18 application as well as you indicated TOD, and  
19 being compatible to the surrounding area?

20 A. Certainly. If you use the previous  
21 retail outlet that was approved as a benchmark  
22 or a permitted use, which you can do retail on  
23 this site, as well as industrial, because  
24 industrial is allowed as well, you look at the  
25 traffic characteristics of that type of level of

1 retail or industrial use, in my opinion I think  
2 from a traffic perspective the mixed use is more  
3 compatible with the surrounding area.  
4 Particularly because the train station within  
5 walking distance, you have the park and the  
6 residences on the other side of Wagaraw, so I  
7 think it is a nicer mix.

8 Q. And as you indicated even other than the  
9 previously approved permitted uses?

10 A. Yes.

11 Q. And your analysis that you have done  
12 agrees?

13 A. Yes.

14 Q. Okay.

15 MR. D'ARMINIO: That's our  
16 direct. Any questions of the board, your  
17 professionals and public.

18 MR. HALLOCK: Okay. I am going  
19 to switch to, if no one has an objection on the  
20 board, asking questions to the professionals,  
21 asking questions or giving their report from the  
22 engineer side representing us, this way -- is  
23 everybody in agreement with that? All right.

24 Mr. Kelly?

25 MR. DELIA: Do you swear the

1 testimony you are about to give will be the  
2 truth the whole truth and nothing but the truth.

3 THE WITNESS: Yes.

4 MR. DELIA: Please state your  
5 name for the record.

6 THE WITNESS: Berge Tombalakian  
7 from Boswell Engineering.

8 MR. DELIA: Again, for the record  
9 give us your background and field of engineering  
10 and traffic engineering.

11 THE WITNESS: I have a bachelors  
12 of engineering degree from Stevens Tech, I have  
13 a masters in science traffic engineering from  
14 NJIT, Newark. I have been the firms traffic  
15 engineer for about 25 years. I have a license  
16 to practice professional engineering in two  
17 states and I am a certified municipal engineer  
18 as well.

19 MR. HALLOCK: License is still in  
20 force, correct?

21 THE WITNESS: Yes. Check  
22 cleared.

23 MR. HALLOCK: Any questions  
24 counsel?

25 MR. D'ARMINIO: No.

1 MR. TOMBALAKIAN: Assigned  
2 parking, in looking at that site plan I had a  
3 concern that during the summer the resident was  
4 going to want to park closer to the building and  
5 if they leave them there most of the day how  
6 would that effect the retail sites and then on  
7 the flip side when it is snowing or in  
8 anticipation of snow they're going to want to  
9 all go under cover to their assigned spots, if  
10 they have one, so they're not going to have to  
11 clean the car off in the morning and there are  
12 various other combinations we can imagine that  
13 we can all relate to. If it is raining or it is  
14 cold, so that's something the board may want to  
15 think about in conjunction with the applicants  
16 assigned parking for the residential to avoid  
17 some of those potential conflicts. Something to  
18 think about, I don't have an opinion one way or  
19 the other. I think it should be discussed in  
20 further detail.

21 Regarding the sight distance along the  
22 railroad overpass, I share that applicants  
23 engineers concern about the bridge piers being  
24 an area, I think, that needs to get evaluated a  
25 little more carefully and we will probably

1 recommend some restrictions, all though the  
2 county has final say on that since Wagaraw is a  
3 county road.

4 Regarding the analysis, and some of these  
5 are spelled -- most of them are spelled out in  
6 our letter from January. We have some concerns  
7 about the mitigation and about how some of the  
8 delays are being shifted to make the Lafayette  
9 approach a little better and Wagaraw is  
10 suffering as a result of it, I think that needs  
11 to get looked at more carefully and all of the  
12 concerns about the left turn bay, I guess that's  
13 westbound Wagaraw queuing up and blocking the  
14 thruway ultimately, and that needs to get looked  
15 at. That turn lane is a little short, I  
16 understand the idea trying to get a left turn  
17 bay at Lincoln, at the bar, and you have a  
18 little distance between Lafayette and the  
19 bridge, it's tight there and you are trying to  
20 do a lot, that's something that needs to get  
21 flushed out in more detail. We have some  
22 questions, and the applicant needs some time to  
23 go through those things. Also the bike lane, is  
24 that a county request? Is that a complete  
25 street thing you are trying to do? I guess can

1 you provide where that came out of or is that  
2 taken from the Walmart?

3 THE WITNESS: It was requested  
4 by the county as part of the previous  
5 application.

6 MR. TOMBALAKIAN: I guess when  
7 you look at this with your group how the bike  
8 lane is going to end just at the underpass or  
9 where it dips down how that's going to  
10 transition. Need to think about that a little  
11 bit. How you sign it coming in and coming out  
12 of the bike lane, because then you are sending  
13 them off into a regular street, I will call it,  
14 as you head towards Lincoln Avenue and those to  
15 the east.

16 And we had some other comments about the  
17 functional plan, about the signal itself, if you  
18 widen the road you are going to take out the  
19 controller, these sorts of things you need to  
20 explain ultimately how -- some of these are more  
21 construction related, but these things we would  
22 like more information on how that would get done  
23 because the widening will effect those things.  
24 And the tandem parking we are a little uncertain  
25 about that as well. It's something -- it's a

1 cause of a lot of complication. Some of the  
2 other comments I offer are with regard to  
3 sidewalk width and testimony on traffic  
4 variances they provided and that in a nutshell  
5 are my comments on the application so far.

6 MR. HALLOCK: What are your  
7 concerns specifically about? You raised a  
8 couple obviously in your previous report but  
9 after hearing testimony tonight is there  
10 anything that tonight did not appear in previous  
11 plans that you want to comment on, and two,  
12 couple things you said that indicate well, you  
13 got to work on it. What specifically are you  
14 talking about. The one is the tandem parking,  
15 and what is the concern specifically about that,  
16 we need some advice.

17 MR. TOMBALAKIAN: The tandem  
18 parking ties into issues of assigned parking and  
19 the tandem parking is going to be assigned but  
20 the rest of the residential is not. So the  
21 scenario that I believe one of the other board  
22 members brought up, the second wife or the new  
23 one, about parking, about possibly rendering a  
24 space unavailable and then someone parking  
25 somewhere else and making it more convenient, I

1 think that all needs to get looked at more  
2 globally to make sure that the parking is  
3 efficient and clear and everybody's expectation  
4 of what they're going to get. And in addition  
5 to that the retail, all though it's relatively  
6 small, you want to have parking available near  
7 the retail. There is nothing more annoying than  
8 having parking where you don't need it and no  
9 parking where you want it. I can think of, we  
10 can think of say a bagel store that's at the one  
11 end of a strip mall and there is no parking and  
12 the surplus parking is at the other end of the  
13 property. No one wants to walk that distance.  
14 So that's the issue with tandem parking. The  
15 assignment of the parking, I think that needs to  
16 get looked at together, because I think it  
17 effects the operation of how well the site will  
18 park and how well it flows. I think the  
19 applicant makes some good points about possibly  
20 there being a little bit of a surplus of  
21 parking, however there is no margin for error.  
22 If the site doesn't park well there is no where  
23 -- I don't think Kohler next door is going to be  
24 accommodating -- you can't park at the Front  
25 Porch now, they got seven spots in back, I think

1 maybe but, so these are things that need to get  
2 looked at very carefully so the board can make  
3 an informed decision on what they want to do  
4 with regard to this application because there is  
5 no next door in this context. So that's  
6 something regarding those issues.

7 Regarding the capacity analysis, we agree  
8 that the trip generation for this application is  
9 less than what the prior application was.  
10 However, we do see a degradation in the level of  
11 service at the Wagaraw-Lafayette intersection.  
12 The mitigation it seems is that they're sort of  
13 trying to shift the delay to make Lafayette  
14 operate better at the expense of Wagaraw.  
15 Making the delay less on Lafayette and making  
16 the delay on Wagaraw a little more. We are not  
17 sure if that's the right way to go. We  
18 understand there is lane widening, we understand  
19 there are some lanes being added, but the  
20 numbers still show that degradation where it is  
21 getting worse and that's something we want to  
22 have the applicant provide some more information  
23 on how they can maybe make that degradation and  
24 performance not as bad as it currently is so  
25 that we can then provide the board some guidance

1 as to what our feeling is on that. Our letter,  
2 I didn't want to read off the numbers but there  
3 is some pretty big swings in the changes in  
4 delay, some of them are better, some of them are  
5 worse. We want to make sure, this is an  
6 important intersection in town, you want to make  
7 sure they get it right.

8 MR. HALLOCK: Okay.  
9 Counselor, do you understand the testimony?

10 MR. D'ARMINIO: Mr. Disario does  
11 and we can work with them to develop those  
12 parameters?

13 THE WITNESS: Absolutely.

14 MR. D'ARMINIO: Okay.

15 We are confident we can do that.

16 MR. HALLOCK: Okay.

17 Board members, questions of the --

18 MR. SCHROTER: I will be quick  
19 again, I think. My concern is traffic heading  
20 southbound on Wagaraw toward Lincoln Avenue, I  
21 wonder if a study was done to look at how many  
22 cars are backed up there on Saturday waiting for  
23 the light to change on Lincoln Avenue. Seems to  
24 be an issue that we have now in the borough  
25 where traffic is backing up to the ball field.

1 How much traffic is going to be added to that,  
2 because that is probably our, I would say, our  
3 worst traffic area in the borough right now on a  
4 Saturday with backing up to the traffic light at  
5 Wagaraw Road heading south.

6 MR. TOMBALAKIAN: I agree, that's  
7 a problem area. I know the county did a  
8 project, I want to say four or five years ago,  
9 to add one lane I will call it the eastbound  
10 approach on Lincoln. We had a question as to  
11 why it wasn't a right turn lane only to go to  
12 Paterson Route 20, the county had other ideas, I  
13 will leave that for another day. The county did  
14 recognize a problem and Passaic County did work  
15 with Bergen County on getting that widening done  
16 over there, that helped but there are  
17 limitations. You have Granada restaurant there,  
18 you have the gas station across the way, it is  
19 very narrow in that run, say coming out from the  
20 ball field towards Lincoln Avenue, unless the  
21 county or town is going to buy easements it is  
22 going to get difficult to widen that road any  
23 further than it probably did. It is a question  
24 that the applicant should be able to provide  
25 information on. And, you know, we would be

1 happy to look at it and that's something the  
2 board could ask them to do.  
3 MR. SCHROTER: I wonder if you  
4 can count how many cars are backing up Saturday  
5 morning and how many we could add before  
6 Lafayette and Wagaraw Road.  
7 MR. D'ARMINIO: We will look at  
8 that and work on it.  
9 One of the points I think we are making with  
10 this application is that especially on Saturday  
11 morning this area is the center for some retail  
12 aspect as well and when you have, as Mr.  
13 Disario indicated, the residential actually is a  
14 mitigated use, somethings going to go on on that  
15 property. So if you are worried about traffic  
16 on Saturday morning compared to some of the  
17 other uses this is probably a better use. I  
18 think that's one of the points you made,  
19 correct?  
20 MR. SCHROTER: I am not disputing  
21 that, I would like you to look into it.  
22 MR. D'ARMINIO: Absolutely.  
23 MR. SCHROTER: The traffic and  
24 how much more it's going to add on that peak  
25 time Saturday.

1 MR. D'ARMINIO: We will do that.  
2 MR. GALLAGHER: Normal peak hour  
3 early morning and evening are very heavy. I  
4 seen Wagaraw Road backed up almost past  
5 Lafayette Avenue going to Lincoln Avenue. You  
6 have to have a major impact on that. Have you  
7 talked about making left turns before? You are  
8 not going to make a left going either way  
9 because you are going to be frozen in traffic,  
10 so that traffic on Wagaraw Road can get  
11 extremely heavy and unfortunately they don't  
12 believe in even/odds. You sit there until a big  
13 opening. It isn't a little difficult it's very  
14 difficult.  
15 MR. MELFI: Was there a prior  
16 study done with the prior application? Anyone  
17 know.  
18 MR. KELLY: There was. I don't  
19 know if it addressed these concerns but there  
20 was a previous traffic study.  
21 MR. HALLOCK: Specifically on the  
22 Lincoln Avenue intersection?  
23 MR. KELLY: I don't know that. I  
24 have to check.  
25 MR. HALLOCK: Could you do that,

1 please.  
2 MR. KELLY: Yeah. I tend to  
3 believe it doesn't address it, but I will look  
4 at it.  
5 MR. HALLOCK: It is talking --  
6 forget Saturday morning, that's an issue coming  
7 out, but four o'clock, 4:30 in the afternoon.  
8 MR. SCHROTER: Rush hour traffic.  
9 MR. HALLOCK: But also somethings  
10 going to go in there at least, the least damage  
11 to the traffic pattern let's say.  
12 MR. MELFI: Our engineer agrees  
13 with their engineer, agrees residential is less  
14 intensive than retail.  
15 MR. HALLOCK: In terms of  
16 traffic?  
17 MR. MELFI: Yeah.  
18 MR. TOMBALAKIAN: I would say,  
19 yes, it is less intensive but the impacts on the  
20 adjacent network still have to be dealt with.  
21 MR. MELFI: I agree with that.  
22 MR. HALLOCK: Any other questions  
23 from the board members with respect to the  
24 testimony of either party today?  
25 MR. De RITTER: The other

1 question I have, you said this is going to be  
2 run by the management company. The apartment  
3 complex.

4 THE WITNESS: The owner and the  
5 developer is going to be the manager of the  
6 property. They're the ones that are going to be  
7 in the office that's proposed.

8 MR. De RITTER: Those six spaces  
9 are going to be for whoever, might not be Bedrin  
10 20 years from now, it could be somebody else, it  
11 could be sold but those six parking spots would  
12 be for the management company. Now, is the  
13 management company also going to bring in like  
14 this time of year you are going to have a plow,  
15 you got to plow their complex, the salt trucks.  
16 Maintenance, where are these people going to  
17 park?

18 MR. D'ARMINIO: I can bring Mr.  
19 Bedrin up to answer some of those questions but  
20 I would think that like most companies probably  
21 a private contractor. It wouldn't be -- I would  
22 think Mr. Bedrin could answer better, I wouldn't  
23 think that it would be cost efficient to have  
24 your own plows to do that. Maybe lately with  
25 snow it could be --

1 MR. De RITTER: Even the company  
2 you hire out, this is a big complex, we are not  
3 talking 20, 30 apartments that you can just call  
4 somebody in and they're in and out, they don't  
5 leave nothing behind. You are talking 244  
6 units, and maybe somebody not that big that they  
7 can keep bringing equipment in and out and then  
8 the amount of salt that would be needed. The  
9 upkeep.

10 MR. D'ARMINIO: I would think it  
11 would be contracted out. You think about very  
12 large office buildings they don't -- they  
13 subcontract out and people come in. I would  
14 think it would likely be subcontracted out no  
15 matter what. That's not unusual.

16 MR. De RITTER: You are saying  
17 there would be to trucks or vans there? I mean,  
18 because you said as far as maintenance to the  
19 buildings, work vans, I am talking about  
20 lawnmowers, people that are going to cut the  
21 grass, trimming the bushes, stuff like that.

2 That will all be contracted? They would never  
23 be parked there? There is no assignment for  
24 them? There would be nothing to do with plows,  
25 the dumping of salt or sand so people --

1 MR. HALLOCK: Jack, I don't think  
2 first of all right now counsel can answer that  
3 question and I doubt whether the applicant can  
4 answer that question.

5 MR. De RITTER: You talked about  
6 parking.

7 MR. HALLOCK: I am talking about  
8 how he plans to operate the building, I don't  
9 want to hear from counsel. Bedrin is the one  
10 who is going to have to explain it.

11 Don't talk now.

12 MR. D'ARMINIO: If that's --

13 MR. HALLOCK: Talking operation  
14 issue here.

15 MR. D'ARMINIO: I can bring Mr.  
16 Bedrin up to testify to that.

17 MR. De RITTER: I see no parking  
18 for anything like that.

19 MR. D'ARMINIO: I believe the  
20 plan is not to do those sorts of things. It is  
21 to contract it. They come and they do what they  
22 need to do, the landscaping, the snowplowing,  
23 the plumber, whatever it is and then they leave.  
24 I think that's how it works.

25 MR. HALLOCK: I think what I

1 heard here tonight, according to our ordinance  
2 we have a parking issue, we are going to be  
3 short on parking according to our ordinance.  
4 When I look at the ITE formula here we are going  
5 to have a surplus in parking, I don't know if  
6 you're ready tonight, I would like to hear from  
7 the engineering firm, what does that mean. You  
8 were sitting here with the ITE, giving us the  
9 standards that are sort of not as extensive as  
10 our own ordinance and what is the conclusion  
11 that you would get? Does that make any sense  
12 that we should be closer to ITE situation, so I  
13 don't know if you're prepared to answer that  
14 tonight but I would like to have an answer.

15 MR. KELLY: What I would like to  
16 do --

17 MR. HALLOCK: There's a conflict  
18 here.

19 MR. KELLY: If I may, what I  
20 would like to do is review those numbers and  
21 then report back to the board.

22 MR. HALLOCK: Fine.

23 MR. KELLY: We will take a closer  
24 look at it.

25 MR. HALLOCK: All right.

1 MR. KELLY: Could you put up the  
 2 site plan. Previously we had testimony that the  
 3 parking for Building 4 is going to be about  
 4 eight feet below the flood hazard elevation at  
 5 the deepest point, and I guess currently you're  
 6 proposing 12 parking spaces in that area, so  
 7 during the time of a storm, severe storm, there  
 8 may be an evacuation of those parking spaces  
 9 which could further create an issue with the  
 10 over all parking for the site. What is your  
 11 opinion on the layout of that parking?

12 THE WITNESS: Well, my opinion  
 13 is that we can provide it and it is allowed by  
 14 the regulatory agency, I think you should  
 15 provide it. And the instance where there may be  
 16 flooding those cars would be moved to a higher  
 17 point, presumably either at grade parking that's  
 18 available or up in the parking deck. So if you  
 19 momentarily lost those spaces under that  
 20 building because of flooding or other reasons I  
 21 don't think you're going to create parking  
 22 issues on the site.

23 MR. KELLY: And this maybe not so  
 24 much from a traffic standpoint, but what if you  
 25 have occasions where say the tenant can't move

1 their car, say they're away, say you can't get  
 2 in contact with them, I guess that maybe more a  
 3 management issue how they would address that  
 4 situation.

5 THE WITNESS: It is.

6 MR. D'ARMINIO: Yeah, that would  
 7 be.

8 MR. KELLY: Previously there was  
 9 testimony that the Bedrins only need six parking  
 10 spaces for their office and that they have  
 11 proposed to have designated parking outside of  
 12 Building 6, all the way up at the top, which is  
 13 about six or 700 feet from their office. You  
 14 think it is practical to have designated parking  
 15 for the office that far from their office?

16 THE WITNESS: Look, the Bedrins  
 17 made a commitment that they would be happy to  
 18 park there, they have no issue with it.

19 Practically speaking, I don't believe there is a  
 20 parking issue on their site in terms of supply  
 21 versus demand, so I think practically speaking  
 22 the way it is going to operate there's going to  
 23 be plenty of parking available on Lot 8 if they  
 24 choose to park on Lot 8, I don't think it is  
 25 going to be an issue, but they have committed to

1 parking outside of Building 6 and I take them  
 2 for their word.

3 MR. KELLY: Okay.

4 For Building 5, can you show me where you  
 5 expect tenants or people who live there to park?

6 THE WITNESS: They're either  
 7 going to park at times in the parking that's  
 8 next to the retail or they're going to park in  
 9 any of the assigned parking that's at the site,  
 10 whether it be the deck or surface parking.

11 MR. KELLY: Based on RSIS standards  
 12 Building 5 would require about nine parking  
 13 spaces and I guess the area right outside the  
 14 retail area provides for about 22 spaces and  
 15 then you have the retail which would require  
 16 about 24 spaces, I'm a little concerned that  
 17 people from Building 5 are going to park right  
 18 in that retail area. The laundromat is going to  
 19 be closed, or whatever is going to close around  
 20 seven o'clock, eight o'clock at night and people  
 21 are going to come home from work and park in  
 22 that area and then there may be issues with  
 23 retail parking in the morning or throughout the  
 24 day. What I think the board needs to be  
 25 comfortable with is that there is going to be

1 adequate parking, not necessarily just for the  
 2 office, not just for the retail, but the site  
 3 over all. Does nobody any good to have a site  
 4 that doesn't work from a parking standpoint.  
 5 Doesn't do the applicant any good, doesn't do  
 6 the town any good to have vacant stores that are  
 7 not going to be able to be utilized and I think  
 8 the board needs to have a comfort level there's  
 9 going to be adequate parking and I know we are  
 10 going to look a little further into the tandem  
 11 parking spaces, I personally am not a big fan of  
 12 tandem spaces, but I think that the board needs  
 13 to have that comfort level there's going to be  
 14 adequate parking. I think that's a major point  
 15 of the application.

16 THE WITNESS: And we agree and  
 17 our position is that there is adequate parking  
 18 as proposed.

19 MR. KELLY: Okay.

20 And for outside of Building 6 there is no  
 21 indication where the garbage and recycling would  
 22 be and how it would be picked up.

23 THE WITNESS: I don't think it  
 24 was designated on the site plan specifically.

25 MR. D'ARMINIO: I think the

1 testimony was that it is curbside for that  
2 building. The testimony, I believe Mr. Fitamant  
3 indicated that it would be curbside.

4 MR. KELLY: I don't recall that  
5 but that would be curbside.

6 That's all I have for right now.

7 MR. HALLOCK: Okay.

8 MR. MELFI: Since there seems to  
9 be a big parking issue here would the applicant  
10 be willing to get rid of Building 5?

11 MR. D'ARMINIO: Well, of course I  
12 will bring it up to the client.

13 MR. MELFI: I am not going to get  
14 that answer now, but kind of solves your parking  
15 problem.

16 MR. HALLOCK: I think the issue  
17 that I am churning with, you got testimony about  
18 ITE standards and we got 140 extra spaces and  
19 the ordinance doesn't -- has it the opposite  
20 way, not 140 deficiency but certainly a  
21 deficiency. But I need our experts to come back  
22 to us and say what gives us higher relief than  
23 ITE standards or stick with what the ordinance  
24 has. Probably venture to guess but I don't know  
25 the last time the parking requirements for

1 apartments has been reviewed in the planning  
2 process, I am guessing, I don't recall as long  
3 as I have been here. RSIS comes up, we never  
4 used anything else other than that and I think  
5 the state, Jim can correct me, I think the state  
6 requires us to use RSIS.

7 MR. DELIA: Yeah.

8 MR. MELFI: The other one can be  
9 used for comparison but I don't think it means  
10 anything. My opinion only.

11 MR. HALLOCK: All right.

12 The challenge to both of you is to come to  
13 some sort of conclusion on this and get back to  
14 us.

15 Dan, anything else?

16 MR. MELFI: That's it.

17 MR. HALLOCK: Okay.

18 On what was testified here tonight, anyone  
19 in the audience who wishes to be heard? And I  
20 understand that counsel for Kohler is going to  
21 wait until the end of the next meeting.

22 MR. DOYLE: We'll Wait until  
23 after, until the next meeting.

24 MR. HALLOCK: Okay. Fine.

25 THE PUBLIC: Joe Wojtecki,

1 W-O-J-T-E-C-K-I, 20 Elberon Avenue.

2 MR. HALLOCK: You are going to  
3 give testimony or asking questions?

4 THE PUBLIC: Questions.

5 MR. HALLOCK: Okay.

6 THE PUBLIC: First off, everyone  
7 keeps making a comment about the distance from  
8 the site plan to the train station. Has it been  
9 calculated exactly, because I did do a quick  
10 thing using Google Maps and it is much shorter  
11 than I guess I anticipated.

12 MR. D'ARMINIO: Do we have that?

13 THE WITNESS: We do have that  
14 calculation.

15 THE PUBLIC: Google Maps does it  
16 at .3.

17 Have you guys come up with an actual route?  
18 And the reason I bring this up is as opposed to  
19 a bike lane could we request a community lane,  
20 is that possible?

21 MR. HALLOCK: Well, I guess a  
22 bike lane was a requirement of the county.

23 THE PUBLIC: I am sure, I know  
24 some county people.

25 MR. HALLOCK: That was part of

1 the previous application.

2 THE PUBLIC: I am coming to the  
3 next meeting, it could be answered then, I don't  
4 need it now.

5 And the RSIS and the ITE, now I clearly  
6 understand how both comparisons were made but  
7 with recent, I guess growth in Hawthorne have we  
8 ever compared what actually we have in Hawthorne  
9 from engineering. Has Boswell ever said, we are  
10 going to allow, have this amount of spaces, have  
11 we ever swung back and said, you guys have more  
12 than you are supposed to or less, have we looked  
13 at that and say for the rest of the road or  
14 Forest Ave you have this amount or Washington  
15 Avenue, because Washington Avenue promotes the  
16 same distance, have we compared how many cars  
17 are on their lots?

18 MR. KELLY: We have not.

19 THE PUBLIC: We are holding them  
20 to the standard but we are not going back and  
21 looking?

22 MR. KELLY: Correct.

23 THE PUBLIC: So I know that -- I  
24 ask you to --

25 MR. MELFI: Depends when it got

1 built.

2 THE PUBLIC: Washington Avenue  
3 was within the last two years.

4 MR. HALLOCK: John, I suggest  
5 that process that you are asking for is not  
6 germane to the zoning board, we don't do that.  
7 I think that's going to be taken care of in  
8 reviewing the master plan.

9 THE PUBLIC: I am curious about  
10 that.

11 MR. HALLOCK: That's for another  
12 body to look at. I agree with you but I don't  
13 know that we --

14 THE PUBLIC: I am curious though  
15 we are approving at RSIS standard but doesn't  
16 hold truth in Hawthorne. Who knows how many  
17 people on Washington or how many cars they have  
18 per apartment there.

19 MR. HALLOCK: I think, I maybe  
20 going off on a tangent here, but the parking  
21 requirements of width and length of parking  
22 requirements are not in the municipal building  
23 here per our ordinance.

24 THE PUBLIC: His name is Richard  
25 Goldberg.

1 MR. HALLOCK: Probably meets RSIS  
2 standards, I don't think it meets the ordinance.  
3 Is that right Mike? I think it is.

4 THE PUBLIC: Mike, I wouldn't ask  
5 you that.

6 MR. GALLAGHER: They're  
7 undersized.

8 MR. KELLY: I haven't measured  
9 them.

10 MR. HALLOCK: I will be honest,  
11 when it comes to something like that we throw  
12 that out because the size of cars were smaller.

13 MR. GALLAGHER: It is universal.  
14 10 by 20 is no longer, nine by 18 is now  
15 acceptable.

16 THE PUBLIC: Understood. All  
17 right.

18 MR. GALLAGHER: The situation is  
19 number of parking spaces per unit is what Mr.  
20 Hallock is talking about. Are we locked into  
21 these other figures?

22 THE PUBLIC: It makes you  
23 question it.

24 MR. GALLAGHER: That's why we  
25 need both engineering to come up with a feasible

1 answer.

2 MR. HALLOCK: I think the one  
3 thing I heard tonight which sticks with me and  
4 got to be very careful, there is no backup on  
5 this property. There is no place that you can  
6 go beyond this property to service on this  
7 property, so you got to make the right call.  
8 That's why it is important to get the parking  
9 situation resolved.

10 THE PUBLIC: Thank you very much.

11 MR. HALLOCK: Thank you.

12 Anyone else wish to be heard in this matter?  
13 Okay. We are finished with testimony tonight.  
14 So we have to move onto when the next testimony  
15 would be heard, and as I understand the next  
16 testimony would include some more testimony  
17 resolving some issues here tonight, as well as  
18 questions being made by a neighbor. We have a  
19 regular zoning board meeting in March that has  
20 two applications right now on the agenda, that's  
21 the 16th, which includes probably, Mr. Kelly,  
22 probably about two hours at least of Public  
23 Service on two locations and then residential,  
24 so that's going to be a decent part of the  
25 meeting. Let me throw this out. Would the

1 board members have a problem with a special  
2 meeting in March?

3 MR. D'ARMINIO: We could make it  
4 the 23rd.

5 MR. HALLOCK: I want to make sure  
6 the rest of the board members can make it on the  
7 23rd. That's the fourth Monday. Okay.  
8 Everybody okay?

9 MR. KELLY: I have a conflict but  
10 I can try to cover here or there.

11 MR. HALLOCK: Okay. Try to get  
12 it for there.

13 MR. D'ARMINIO: So we're looking  
14 at the 23rd?

15 MR. KELLY: What's the  
16 expectation next time.

17 MR. D'ARMINIO: We would --

18 MR. HALLOCK: Let me finish.  
19 Dan, you have no problem?

20 MR. MELFI: I may be in DC, I  
21 won't know for a day or so.

22 MR. HALLOCK: Let's go a head  
23 with it.

24 MR. MELFI: I can do a  
25 transcript, if they can vote then I wouldn't.

1 MR. HALLOCK: Mr. Duffy -- you  
2 have to check with Mr. Duffy. It is after St.  
3 Patricks Day.

4 MR. GALLAGHER: Almost a full  
5 week after.

6 MR. D'ARMINIO: We would  
7 anticipate hopefully we can get into planning,  
8 there may be some other cleanup that we have  
9 with the engineer but we're hoping to get  
10 through the cross examination of any affirmative  
11 additional testimony and any cross examination  
12 and hopefully move onto the planner and other  
13 witnesses.

14 MR. HALLOCK: I think I may have  
15 stated this somewhere in the beginning of this  
16 process, that I need to hear from our planner, I  
17 think the planning -- I think when that  
18 ordinance was drafted the zone was changed, Mr.  
19 Burgis worked on it, so I have to understand  
20 from his point of view as a planner what was the  
21 rational for coming up with this zone. No  
22 problem doing that?

23 MR. DELIA: Well, we have to tread  
24 lightly on it. The ordinance speaks for itself.  
25 I would like to hear from the applicants planner

1 first to see how they address it, the ordinance  
2 is what it is. Once you start going too far  
3 interpreting why an ordinance was adopted I  
4 think you run afoul of what the true issues are  
5 here. It is either permitted or not permitted.  
6 Obviously it is not that's why they're here.

7 MR. HALLOCK: I understand that.  
8 But it seems to me that there may have been some  
9 discussion in this process that would enlighten  
10 us and give more information.

11 MR. DELIA: There may be but it  
12 may not maybe something that's debatable or  
13 something that could be argued as opposed to  
14 just knowing what the ordinance says and relying  
15 upon that to make a ruling, you can't go wrong  
16 that way. Once you start getting into the  
17 history and why, there could be two reasons why  
18 something happened and you may not get the whole  
19 picture. That's my point.

20 MR. HALLOCK: My point is the  
21 planner at some point espoused on this  
22 application and seems to me that he would have  
23 to indicate why.

24 MR. DELIA: Well, no, really the  
25 standard is really to look at this in terms of

1 positive and negative criteria, so to the degree  
2 that the master plan considerations come into  
3 play and possible consideration come into to  
4 play that's clearly fair game. But I don't know  
5 that you are going to find -- well, unless you  
6 can find those reasons within the four corners  
7 of the document, the master plan or zoning  
8 ordinance, I would try to stay away from it.

9 MR. HALLOCK: I will disagree  
10 with you on it. Okay.

11 MR. GALLAGHER: Can I make a  
12 motion for this to continue on the 23rd.

13 MR. HALLOCK: 23rd of March.  
14 Okay. Seven o'clock on the 23rd of March.

15 MR. D'ARMINIO: Seven o'clock,  
16 23rd of March.

17 MR. DELIA: This room.

18 MR. D'ARMINIO: No additional  
19 notice.

20 MR. De RITTER: Second.

21 MS. HERVE: Mr. Chamberlin.

22 MR. CHAMBERLIN: Yes.

23 MS. HERVE: Mr. De Ritter.

24 MR. De RITTER: Yes.

25 MS. HERVE: Mr. Gallagher.

1 MR. GALLAGHER: Yes.

2 MS. HERVE: Mr. Melfi.

3 MR. MELFI: Yes.

4 MS. HERVE: Mr. Schroter.

5 MR. SCHROTER: Yes.

6 MS. HERVE: Mr. Terraglia.

7 MR. TERRAGLIA: Yes.

8 MS. HERVE: Mr. Hallock.

9 MR. HALLOCK: Yes.

CERTIFICATE

I, ERIC S. FISHMAN, a Shorthand

Reporter and Notary Public of the State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to the action; and that I am neither a relative nor employee of such attorney or counsel; and that I am not financially interested in the action.

ERIC S. FISHMAN, S.R.

Dated: 2/2/15

Chairman Hallock entertained a motion to carry application 204 Wagaraw Road, Rivergate of Hawthorne to the special meeting of March 23<sup>rd</sup>, 2015. Motion by Gallagher, seconded DeRitter , on roll call, all voted yes.

**ADJOURNMENT**

At 9:48 p.m. Mr. Hallock entertained a motion to adjourn the regular meeting, moved by Terraglia, seconded by Schroter. On roll call, all voted yes.

THE NEXT REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT  
WILL BE ON

**~MONDAY, MARCH 16<sup>TH</sup>, 2015 ~**

**THE WORK SESSION WILL BEGIN AT 6:45P.M. WITH THE REGULAR  
MEETING IMMEDIATELY FOLLOWING**

Respectfully Submitted,

*Joan Herve, Secretary*

