

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
MONDAY, OCTOBER 27, 2014
COMMENCING AT 7:27 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT
APPLICATION# 2014-15 : OF
Varvara Property LLC/Oceanos Oyster : PROCEEDINGS
Bar and Sea Grill :
2-27 Saddle River Road :
BLOCK 1301, LOT 13-15, ZONE R-1-2 :
.....

B E F O R E:

THE BOROUGH OF FAIR LAWN ZONING BOARD

THERE BEING PRESENT:

- TODD NEWMAN, CHAIRMAN
- KEVIN PUZIO, VICE CHAIRMAN
- JAMES LOWENSTEIN, BOARD SECRETARY
- RICHARD SEIBEL, MEMBER
- BRIAN BLECHER, MEMBER
- MARC ZHARNEST, MEMBER
- MR. NAVEH, MEMBER
- BRADFORD POHLMAN, ALTERNATE III
- SAMUEL RACENSTEIN, ALTERNATE II

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
P.O. BOX 505
SADDLE BROOK, NJ 07663-0505
201-641-1812 (201) 843-0515 FAX
LauraACarucciLLC@gmail.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

WINNE, BANTA, HETHERINGTON, BASRALIAN & KAHN, P.C.
BY: BRUCE ROSENBERG, ESQUIRE
Court Plaza South - East Wing
21 Main Street, Suite 101
Hackensack, New Jersey 07601
Counsel to the Board of Adjustment

SOCRATES LAMBRINIDES
84 Kansas Street
Hackensack, New Jersey 07601
Counsel to the Applicant

A L S O P R E S E N T:

ANN PECK, Assistant Zoning Officer

CATHY BOZZA

PAUL JOHN KITTNER, JR., Board Planner

MARK KATARYNIAK, Board Traffic Engineer.

PAUL AZZOLINA, Board Engineer

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
P.O. BOX 505
SADDLE BROOK, NJ 07663-0505
201-641-1812
(201) 843-0515 FAX
LauraACarucciLLC@gmail.com

I N D E X

	W I T N E S S E S	SWORN	PAGE
1			
2			
3	PAUL JOHN KITTNER, JR.	11	
4	MARK KATARYNIAK	11	
5	PAUL AZZOLINA	11	
6	NIKOS PANTELEAKIS	23	
7	Questions of the Board:		27, 129
	Questions of the Public:		42
8	Bernice Katz		43, 143
	2-22 Saddle River Road		
9	Fred Siegel		46, 59,
	2-09 Saddle River Road		157
10	William S. Ruggles		47, 147
	2-10 Saddle River Road		
11	Kenneth Maat		54, 145
	40-14 Brookside Avenue		162
12	Leslie Boghosian		65
	3 Sandow Court		
13	Daniel Fornelius		150
	39-01 Brookside Ave.		
14	Kathleen Biello-Peters		153
	38-55 Brookside Avenue		
15			
16	DEMETRIOS KALTSIS	74	
	Direct Examination by Mr. Lambrinides:		76
17	Questions of the Board:		88, 127
	Questions of the Public:		106
18	Bernice Katz		106
	2-22 Saddle River Road		
19	Kenneth Maat		112
	40-14 Brookside Avenue		
20	Padhu Sundaram		118
	3-10 Saddle River Road		
21	Fred Siegel		120
	2-09 Saddle River Road		
22			
23			
24			
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Ident/Evid</u>	
A-1	Four Photographs	7	164
A-2	Architectural Plan	77	164
A-3	Rendering of Materials	78	164
A-4	Photoboard	86	164
A-5	Photoboard	86	164

1 CHAIRMAN NEWMAN: So with that, the
2 first order of business is commercial business
3 carried from August 25, 2014, Application 2014-15,
4 Varvara Property LLC/Oceanos Oyster Bar and Sea
5 Grill.

6 Counsel?

7 MR. LAMBRINIDES: Good evening.
8 Socrates Lambrinides, 84 Kansas Street, Hackensack,
9 New Jersey.

10 I represent Oceanos Bar and Grill, a
11 seafood restaurant.

12 Good evening.

13 CHAIRMAN NEWMAN: Could you bring the
14 mic closer to you there, please.

15 You might even find it preferable to
16 sit at the table and use that mic.

17 MR. LAMBRINIDES: Okay.

18 CHAIRMAN NEWMAN: It's better. That's
19 fine.

20 THE COURT REPORTER: Sir, could you
21 just state your name again, please.

22 MR. LAMBRINIDES: Socrates Lambrinides,
23 L-A-M-B-R-I-N-I-D, as in David, E-S.

24 THE COURT REPORTER: Thank you.

25 MR. LAMBRINIDES: 84 Kansas Street,

1 Hackensack, New Jersey.

2 Thank you.

3 CHAIRMAN NEWMAN: Thank you.

4 MR. LAMBRINIDES: Gentlemen, I believe
5 you have all the plans submitted, and I'd like to
6 submit as an exhibit two pictures of exactly what the
7 restaurant looks like today, so we have an idea of
8 what we're trying to do there and how we intend to
9 proceed.

10 CHAIRMAN NEWMAN: Mr. Lambrinides,
11 before you proceed, just quick housekeeping.

12 Go ahead, please.

13 MR. LOWENSTEIN: Mr. Chairman, as to
14 this application, I have a certification dated June
15 18th of this year from Alice Lee, tax collector that
16 as of that date, taxes and other charges had been
17 paid current and not in arrears.

18 And we have a posting on or about
19 June 23rd of this year in the sum of \$1,363,
20 essentially an application fee. And we have a third
21 of \$4,500.00 posted to the escrow account also on or
22 about June 23rd of this year.

23 CHAIRMAN NEWMAN: Thank you,
24 Mr. Lowenstein.

25 Mr. Lambrinides, I have to ask you to

1 really speak up into that microphone. We have a lot
2 of the public here today and our audio system works
3 well as long as you --

4 MR. LAMBRINIDES: Speak into it.

5 CHAIRMAN NEWMAN: -- aim right. Yeah.

6 MR. LAMBRINIDES: May I?

7 I've given you a copy of pictures of
8 the existing restaurant on that particular property.

9 If you notice, the first photograph
10 depicts the office that's preexisting.

11 CHAIRMAN NEWMAN: Would you like to
12 mark these as a set?

13 MR. ROSENBERG: We need to mark these
14 as an exhibit, Mr. Chairman.

15 CHAIRMAN NEWMAN: A-1 as the set, is
16 okay?

17 MR. ROSENBERG: A-1 is fine, which
18 consists of, I believe, four photographs.

19 (Whereupon, A Set of Four Photographs
20 is received and marked as Exhibit A-1 for
21 identification.)

22 CHAIRMAN NEWMAN: All right. Counsel,
23 you can go ahead.

24 MR. LAMBRINIDES: The first photograph
25 depicts that existing residence that's there

1 (indicating).

2 And to the right of it starts the
3 beginning of the second picture, the side of the
4 restaurant as existing (indicating).

5 The third picture depicts what the site
6 looks like starting with the home on the left, the
7 restaurant and the barn that's also preexisting
8 (indicating).

9 And behind this, gentlemen, there's an
10 old dilapidated house that's going to be torn down,
11 shall allow us to have more parking spaces.

12 CHAIRMAN NEWMAN: That house is
13 depicted here?

14 MR. LAMBRINIDES: No, it's not.

15 It's behind -- it's behind -- if you
16 look at the awning here (indicating), behind between,
17 the barn and the restaurant in the back. That's an
18 old dilapidated house. It's basically not used for
19 anything. It's a small house. That'll be torn down
20 completely.

21 The barn has been there for years. We
22 intend to make that into a dining room by a short
23 connecting area between the restaurant into the barn
24 and the same thing with the house.

25 The house on the left-hand side, you

1 have the restaurant and then we have the house. It's
2 going to be a short connecting corridor.

3 Other than the corridors themselves,
4 the footprint of these buildings is not going to
5 change at all. We're not asking for a big expansion.
6 But I'm giving you an idea of what the site looks
7 like.

8 And once the site is completed, it'll
9 be tied in together. The only difference being those
10 two corridors, they have to go through the house and
11 through the barn. The house, only the first floor,
12 would be made into a dining area. Not a catering
13 hall.

14 And the barn is also just going to be
15 on the ground floor, a dining area. We don't have
16 enough room here to have a venetian restaurant. It's
17 not that big. We don't intend to have a lot of
18 space. We just have -- we need some space here
19 because there's some pharmaceutical companies that
20 have meetings, ten, twelve people. And they need a
21 designated space because they need to seats. But
22 that's about the only thing we need.

23 But beyond that, we're not going crazy
24 on this plan. We're not expanding the existing
25 structure. It's going to be the same structure with

1 two corridors.

2 And having said that, I have my
3 engineers. I have my traffic engineers. I'm going
4 to let them introduce you to their professional
5 section. I call, first, Mister --

6 CHAIRMAN NEWMAN: Mr. Lambrinides, hang
7 on.

8 MR. LAMBRINIDES: Yes?

9 CHAIRMAN NEWMAN: So do me a favor,
10 review for me the variance relief you're going to be
11 seeking and exactly what professionals you're going
12 to bring up, because I want to try, to the best of my
13 ability, to get a handle on whether or not I think
14 your application is going to be completed this
15 evening.

16 There's a lot of public here. They'll
17 have an opportunity to cross-examine each one of your
18 professionals. They'll also have the opportunity to
19 speak at the public comment tonight.

20 And, as I said earlier, we have another
21 commercial application which showed up this evening
22 with everything in hand, ready to present in public,
23 present here also for that application, so...

24 MR. LAMBRINIDES: I'm going to go down
25 the list that was prepared by the Fair Lawn Zoning

1 Board of Adjustment from CME Associates.

2 I believe you should have that. The
3 report is dated August 18th, 2014, gentlemen.

4 So if you have that, I could go down
5 the list of what the engineer set forth.

6 CHAIRMAN NEWMAN: While we're getting
7 ready to do that, I'm going swear in our
8 professionals.

9 Do you all swear or affirm that the
10 testimony you will give this evening is true and
11 accurate?

12 MR. KITTNER: I do.

13 MR. KATARYNIAK: I do.

14 MR. AZZOLINA: I do.

15 CHAIRMAN NEWMAN: Please, one at a
16 time, state your name and position for the record.

17 P A U L J O H N K I T T N E R, J R.

18 having been duly sworn, testifies as follows:

19 MR. KITTNER: Paul John Kittner, Jr.,
20 CME Associates, Board Planner.

21 M A R K K A T A R Y N I A K

22 having been duly sworn, testifies as follows:

23 MR. KATARYNIAK: Mark Kataryniak, board
24 traffic engineer.

25

1 P A U L A Z Z O L I N A

2 having been duly sworn, testifies as follows:

3 MR. AZZOLINA: Paul Azzolina, Azzolina
4 and Feury Engineering, Zoning Board engineer.

5 CHAIRMAN NEWMAN: Thank you, gentlemen.

6 Mr. Kittner, do you want to chime in
7 while they're doing this or present the information
8 yourself? That's fine.

9 MR. KITTNER: Thank you, Mr. Chairman.
10 Our comments and questions are enumerated in our
11 August 18th, 2014 letter.

12 And in addition to listing all the
13 waivers and variances that are required of this
14 application, we note that this is an expansion of a
15 nonconforming use. It requires a (d)(2) variance.

16 And we ask that the Applicant not only
17 address the waivers and variance relief outlined in
18 our report, but also the items of discussion
19 associated with our letter.

20 We also note that one of the sections
21 in our report discussed Master Plan and Zone Plan
22 compliance with the application.

23 And on page 34, it identifies this
24 property, the Oceanos, and states that any future
25 modifications to this site should be sensitive to

1 potential impacts, i.e., noise, traffic, stormwater,
2 aesthetics, landscaping, lighting, glaring, et
3 cetera, on the adjacent residential neighborhood as
4 well as the site location and a FEMA flood plan.

5 Additionally, the plan states that --
6 states that if onsite circulation changes are
7 considered, the site should incorporate a
8 deceleration of turning lanes to the site from the
9 south.

10 So, again, in addition to the items
11 outlined in our report, we'd like the Applicant to
12 expand on that specifically.

13 And based on the Master Plan, itself,
14 it also indicates that the corridor along Saddle
15 River Road should not be rezoned to permit these
16 types of uses in the future.

17 So, I give that to the Board for
18 consideration and, you know, would entertain the
19 Applicant addressing these issues.

20 CHAIRMAN NEWMAN: Mr. Lambrinides, do
21 you have professionals here this evening prepared to
22 speak to all of those points?

23 MR. LAMBRINIDES: I do.

24 CHAIRMAN NEWMAN: I thought I heard you
25 mention you wanted to bring your traffic engineer up

1 first?

2 MR. LAMBRINIDES: No, no. I want to
3 bring Mr. Panteleakis to give you an overview of what
4 he intends to do. He is one of the general managers
5 at the restaurant.

6 Then I'm going to introduce my
7 architect, my engineer, and my traffic engineer, and
8 my planner.

9 CHAIRMAN NEWMAN: Thank you.

10 MR. LAMBRINIDES: But I'm going to tell
11 you right now, I'm going to try to make it as
12 succinct as possible, this way, I understand there's
13 consideration for --

14 CHAIRMAN NEWMAN: Well, that's okay. I
15 mean I think we go about it as we go about it. If we
16 don't get to the second application, they have to
17 reschedule.

18 MR. LAMBRINIDES: Okay.

19 CHAIRMAN NEWMAN:

20 MR. BLECHER: One of the things you
21 asked him before he starts was to go over the
22 specific variances that they're requesting, and I
23 would like to hear that.

24 MR. LAMBRINIDES: Yes.

25 Mr. Newman, I'm looking at the plan

1 prepared by the engineer, your engineer.

2 MR. KITTNER: Actually, the planner.

3 MR. LAMBRINIDES: Planner, I'm sorry.
4 I apologize.

5 MR. KITTNER: It's okay.

6 MR. LAMBRINIDES: It requires here a
7 minimum front yard. It says existing, is 9.3 feet;
8 proposed is 9.3 feet. Nothing's changing. We have
9 to think about the limitations of the property,
10 what's there.

11 Then he talks about minimum side yard.
12 Required is 12 feet. Existing is 4.9 feet. Existing
13 is 4.9 feet. So we're not deviating from what's
14 there.

15 Then we talk about --

16 MR. KITTNER: Listen, can I interrupt
17 you for one second?

18 Just for the Board's clarification, the
19 actual numbers are not changing. The buildings in
20 these variance instances are not changing. But, in
21 this case, it's actually an accessory structure
22 because -- these measurements are to the accessory
23 structure and when, under the proposed condition, the
24 corridor actually connects the building, so it
25 becomes part of the principal structure. That's a

1 distinction in the setback request.

2 Thank you.

3 MR. LAMBRINIDES: Yeah. Because keep
4 in mind what I said initially, the footprint of this
5 building, other than two corridors attaching the
6 house and the barn, are not changing except we're
7 taking away the old house in the back. So these are
8 existing, but apparently need variances.

9 The maximum impervious coverage
10 required 85 percent; existing 35 percent; existing
11 85.9 percent; proposed 88.6 percent. We're not going
12 -- obviously, that takes care of the two corridors
13 difference.

14 Parking, existing is 59. We only can
15 have 67. But I understand the new Master Plan has
16 been passed, but not put into law yet, but that
17 provides for three-in-one parking. This plan
18 provides for two-in-one. If we apply the
19 three-in-one parking, we're only short 16 spaces.

20 But I understand it's been passed, but
21 it's not into law yet. I don't know if I'm wrong,
22 but that's what I heard.

23 So we have that issue.

24 MR. ROSENBERG: Mr. Kittner, do you
25 concur with that? You have in your chart that 115

1 parking spaces are required?

2 MR. KITTNER: Mr. Chairman, that
3 calculation is -- it's based on our understanding of
4 the ordinance requirements for the parking. The
5 restaurant is based on the seats, one space per two
6 seats and also 20 employees.

7 MR. ROSENBERG: Okay.

8 MR. LAMBRINIDES: My understanding is
9 now they passed a new Master Plan which allows
10 three-in-one. In other words, three seats for one
11 parking spaces because that's -- if that is the truth
12 for the record, then we're only short 16 parking
13 instead of 115 to 67.

14 MR. KITTNER: Mr. Chairman, I'm not
15 familiar with that change. I certainly -- I confirm
16 what's in our report, but the change that he's
17 referring to, I'm not aware of.

18 CHAIRMAN NEWMAN: Mr. Lambrinides, if
19 you were going to present your case based on that, I
20 have to ask you to submit evidence to that fact.

21 MR. LAMBRINIDES: I'll try to find that
22 out tomorrow. I'll call the town because if that is
23 the plan, as to proposed and passed, then we're short
24 only 16 parking spaces instead of whatever, 115 from
25 67; big difference.

1 So I'll check that out for the Board
2 tomorrow.

3 And we have some other requirements.
4 Where the house is in the back, there's a fence and
5 the adjoining property is owned by my clients. It's
6 their personal home. When the house comes down, in
7 order to utilize that space for parking, we intend to
8 use only a one-foot buffer. But there's a -- there's
9 a high fence there between the house, the fence, and
10 then the adjoining house.

11 Basically --

12 CHAIRMAN NEWMAN: Excuse me,
13 Mr. Lambrinides.

14 MR. LAMBRINIDES: Yes.

15 CHAIRMAN NEWMAN: Can anybody tell me
16 what that dinging sound is?

17 MR. LAMBRINIDES: What?

18 AUDIENCE MEMBER: Cell phone.

19 CHAIRMAN NEWMAN: Cell phone. Could
20 you all silence your cellphones, please. Thank you.

21 MR. LAMBRINIDES: Mine is always on
22 vibrate because when you're in court, they yell at
23 you and they make stay there until the end of the
24 session.

25 MR. ROSENBERG: They take it away.

1 MR. LAMBRINIDES: And, by the way, it
2 annoys me also.

3 Those are the basic -- basic variances
4 we need. And the major one is parking. And that's
5 why I follow up to make sure whether or not they
6 changed it to three-to-one because then I'm only
7 looking for 16 spots.

8 But the -- keep in mind, gentlemen,
9 that we're not changing this footprint. It's the
10 same house, the same restaurant, the same barn, but
11 it's going to look nicer on the outside.

12 CHAIRMAN NEWMAN: Mr. Kittner, does
13 that -- does that cover the variance relief?

14 MR. ROSENBERG: No.

15 MR. KITTNER: No, Mr. Chairman.

16 CHAIRMAN NEWMAN: Could you please
17 finish what hasn't been mentioned.

18 MR. KITTNER: The application is
19 expanding the use of the restaurant. And in the
20 R-1-2 zone, it permits single-family houses, not
21 restaurants.

22 Could actually argue, that in some
23 respects, it's less conforming with the ordinance
24 requirements because there're eliminating the
25 single-family use and they're actually converting

1 that into a part of the restaurant use. They're
2 expanding it.

3 So the application does require
4 expansion of a nonconforming use.

5 MR. ROSENBERG: Mr. Kittner, I want you
6 to just --

7 Forgive me, Mr. Chairman. I think this
8 is very important.

9 CHAIRMAN NEWMAN: Go ahead.

10 MR. ROSENBERG: During the course of
11 the testimony that you're going to hear, Mr. Kittner,
12 I want you to be very mindful of all the uses that
13 exist on the site, what lots and blocks they exist
14 on, how they've come to be, and whether or not the
15 Applicant needs not only a (d)(2), but perhaps a
16 (d)(1).

17 I think that that testimony is going to
18 need to be proffered and elicited and analysis
19 conducted with respect to exactly the history of the
20 parcels, the lots, the buildings, and everything else
21 that's occurred on the property, where it is
22 currently, and what the uses are going to be being
23 proposed.

24 MR. KITTNER: Well --

25 MR. ROSENBERG: I will ask that, as our

1 board planner, that you be mindful of the testimony
2 and ask any questions and elicit any testimony from
3 any of the witnesses or anyone else you deem
4 necessary to determine exactly whether it's only a
5 (d)(2) expansion of nonconformity or whether it's
6 coupled with a (d)(1) for a use variance.

7 There are a lot of things going on in
8 this site and so I think you have to be very mindful
9 of that as the application proceeds.

10 Thank you, Mr. Chairman.

11 CHAIRMAN NEWMAN: Thank you.

12 MR. KITTNER: Thank you, Counsel.

13 In terms of the case law that we -- we
14 describe in our report, we actually suggest that
15 Burbridge vs. Mine Hill Board of Adjustment is the
16 appropriate case law for this planning testimony.

17 And in that case the Applicant needs to
18 demonstrate that there is a special reason to permit
19 the expansion of the existing nonconforming use, and
20 it goes on further to say that the Zoning Board
21 should consider a request for a (d)(2) variance, must
22 determine -- the Applicant must determine, A, that it
23 complies with the MLUL; B, that the municipality's
24 Master Plan and Zoning Ordinance would be promoted;
25 and, also, three, the State development and

1 redevelopment plan would also be promoted.

2 So the (d)(2) variance may only be
3 granted for nonconforming use that was established
4 legally prior to the current zoning.

5 MR. LAMBRINIDES: If I can --

6 CHAIRMAN NEWMAN: Mr. Lambrinides.

7 MR. LAMBRINIDES: If I could ask, it
8 used to be Kind's Dairy and --

9 MR. ROSENBERG: Mr. Lambrinides, you
10 can't testify.

11 MR. LAMBRINIDES: Oh, no, I'm sorry.
12 I'm just --

13 MR. ROSENBERG: It -- and,
14 Mr. Chairman, forgive me.

15 MR. LAMBRINIDES: Correct.

16 MR. ROSENBERG: This is very important,
17 that --

18 MR. LAMBRINIDES: That's right.

19 MR. ROSENBERG: -- you've given the
20 attorney a lot of latitude --

21 CHAIRMAN NEWMAN: Yes.

22 MR. ROSENBERG: -- but, for the record,
23 attorneys can't testify. So he can make an opening
24 statement. He can present, as he has, but -- but he
25 cannot testify.

1 He's going to have to present
2 competent, credible witnesses who are going to have
3 to present testimony into the record that is subject
4 to cross-examination with respect to this.

5 MR. LAMBRINIDES: Yes.

6 MR. ROSENBERG: So -- so I just want
7 everyone to be mindful of the fact that you've given
8 him wide latitude as a courtesy, but I think that,
9 you know, he really cannot testify with respect to
10 this issue.

11 MR. LAMBRINIDES: He's correct.

12 CHAIRMAN NEWMAN: Want to bring your
13 first witness in?

14 MR. LAMBRINIDES: Yes. Nikos
15 Panteleakis.

16 CHAIRMAN NEWMAN: Please raise your
17 right hand.

18 Do you swear of affirm the testimony
19 you will give this evening is true and accurate?

20 MR. PANTELEAKIS: Yes, sir.

21 N I K O S P A N T E L E A K I S,

22 2-39 Saddle River Road, Fair Lawn, having been
23 duly sworn, testifies as follows:

24 CHAIRMAN NEWMAN: Please state your
25 name and address of the record.

1 MR. PANTELEAKIS: My name is Nikos
2 Panteleakis. I live at 2-39 Saddle River Road, Fair
3 Lawn, right next door to Oceanos.

4 THE COURT REPORTER: Sir, please spell
5 your name.

6 MR. PANTELEAKIS: My father -- last
7 name is "P", like Peter, A-N-T-E-L-E-A-K-I-S.

8 So my father Peter and I, we run
9 Oceanos, along with my mother, my brother, and now my
10 wife and soon to be baby.

11 And we have been here since the early
12 '80s. And we renovated back in 1989, Peter's Whale.

13 And 10 years ago -- almost 10 years
14 ago, we were before you again for a bathroom addition
15 before we converted to Oceanos. And I was -- and I
16 was here with my old boss, my architect, Harry
17 Clinton (phonetic), and we presented the project.

18 So what we want to show you today is --
19 and the architect, the expert, that's going to come
20 up here will present to you is a nice, really
21 wonderful, wonderful space that we want to make.
22 It's going to be made of durable and pleasant
23 material. We're going to increase landscaping.
24 We're going to make it look very wonderful and update
25 it to what should look nice.

1 Soci (phonetic) mentioned earlier that
2 we are adding corridor space. We're adding exactly
3 300 square feet of corridor space.

4 Now, this is just going to connect the
5 two buildings together. We have one building that
6 was a barn, we're going to make it into a dining
7 room. And another one is the house. We're going to
8 make that into a dining room as well.

9 And the function -- what happens in the
10 restaurant, we're a fine-dining restaurant.

11 So what happens, you know, people eat
12 there. They will take time. Usually dining time is
13 about two hours, sometimes two-and-a-half, three
14 hours.

15 So -- and there's another demand that's
16 out there now and that's these little corporate
17 parties, where pharmaceuticals, corporate operations
18 have these little meetings. They want to have, like,
19 more private space where they can have a projector,
20 internet, WiFi, so they can have a teleconference.

21 And we're going make these little --
22 we're going to make these dining rooms into these
23 little rooms when the time needs it.

24 And that's it. So I want to introduce
25 to you to our architect, Demetrios Kaltsis

1 (phonetic). He's going to walk you through the
2 plans.

3 CHAIRMAN NEWMAN: Mr. Panteleakis, I
4 just have a quick question for you.

5 MR. PANTELEAKIS: Yes.

6 CHAIRMAN NEWMAN: Just referring to you
7 and from your attorney that all that's really being
8 added is this corridor space.

9 Is the sole function of this corridor
10 space to move pedestrian traffic from one structure
11 to the next?

12 MR. PANTELEAKIS: That's correct.

13 CHAIRMAN NEWMAN: There won't be any
14 use of those corridors for seating, for parties, for
15 any use other than to have a path --

16 MR. PANTELEAKIS: Yes.

17 CHAIRMAN NEWMAN: -- from one place to
18 the next.

19 MR. PANTELEAKIS: That's correct.

20 CHAIRMAN NEWMAN: Mr. Kittner, in your
21 review of the plans, do you agree that this space
22 probably isn't usable for anything other than that?

23 MR. KITTNER: The corridors themselves?

24 CHAIRMAN NEWMAN: Or Mr. Azzolina
25 any --

1 MR. AZZOLINA: I would agree.

2 MR. KITTNER: Yeah, I would agree.

3 MR. AZZOLINA: The size, itself, a
4 total of 300 square feet, I believe, 50 square feet
5 on one section and 250 on the other. It really is
6 simply a connector, yes.

7 MR. KITTNER: And based on location on
8 the plan, I can say that clearly is the closest point
9 to both buildings. So, most likely, it's a
10 connecting point just for ingress/egress.

11 CHAIRMAN NEWMAN: Okay. Thank you.

12 MR. PANTELEAKIS: Thank you. Thank
13 you, everyone.

14 MR. LAMBRINIDES: I would like to call,
15 at this time, the architect.

16 CHAIRMAN NEWMAN: Yes. I'm sorry. I'm
17 a little off this evening. Thank God Mr. Rosenberg
18 is here.

19 All right. So let me go over some
20 ground rules. The way these hearings work is that
21 once a witness has been presented and has testified
22 up front, we allow the Board, our professionals, and
23 then the public to ask questions of that witness.

24 The important ground rules are that
25 what the public is allowed to do at this juncture is

1 ask questions of the witness, questions based on the
2 witness' testimony that they just gave.

3 There will be an appropriate time later
4 in these proceedings when the public has the
5 opportunity to ask anything at all and make any
6 statement whatsoever that they would like to make.
7 But that time is not now.

8 The time would be, when you're asked to
9 come up, to ask questions of the witness only based
10 on the witness' testimony only.

11 I will be fairly strict about that.
12 Although, as you heard Mr. Rosenberg say earlier, I
13 do give a fair degree of latitude during these
14 hearings to individuals up until the point that I
15 feel it needs to be reeled in because we all need to
16 be respectful, not only of time constraints, but also
17 of the fact that we have an applicant who has paid to
18 have a hearing, who has a legal right to have this
19 hearing. And a board professionals -- I'm sorry, a
20 board of volunteers who volunteer their time to be
21 here to hear these proceedings, and our professionals
22 who are here who are quite competent and quite
23 concerned with every application that we hear.

24 So with that, any questions from the
25 Board for Mr. Panteleakis?

1 MR. PUZIO: Mr. Chairman, I have one.

2 CHAIRMAN NEWMAN: Yes.

3 MR. PUZIO: Sir, would you testify as
4 to the increase in square footage in the dining area
5 between the two new sections or would you hold that
6 for the architect?

7 MR. PANTELEAKIS: That -- that would be
8 for the architect and the engineer.

9 MR. PUZIO: Okay.

10 CHAIRMAN NEWMAN: Go ahead.

11 MR. SEIBEL: You said you and your
12 family have been there since how long?

13 MR. PANTELEAKIS: The early '80s.

14 MR. SEIBEL: Early '80s.

15 And when you -- you -- it was always a
16 restaurant? You purchased the restaurant.

17 MR. PANTELEAKIS: We purchased the
18 restaurant from Louis and Evelyn Marcos (phonetic).

19 MR. SEIBEL: What was it then?

20 MR. PANTELEAKIS: It was a -- it was a
21 luncheonette, a luncheonette.

22 MR. SEIBEL: Luncheonette --

23 AUDIENCE MEMBER: No. No. Dairy. It
24 was a dairy.

25 CHAIRMAN NEWMAN: Hang on. Hang on.

1 Look after --

2 AUDIENCE MEMBER: It was a dairy.

3 CHAIRMAN NEWMAN: -- after the
4 explanation I just gave, I'm really am pretty
5 disappointed with that.

6 Please don't do that again. Everyone
7 will have their chance to speak. I understand --
8 whenever there's public, not just on this
9 application, whenever the public is here, obviously
10 you have a great concern about the application or you
11 wouldn't be here. You'd be home watching something a
12 lot better on TV. I understand that. And you're
13 going to get your chance to say every last thing
14 you'd like to say.

15 I just ask that you do it at the right
16 time. Please, no more calling out from the audience.
17 No one's been sworn in out there. Nothing you say
18 out there is put into the record or taken into
19 consideration.

20 Thank you.

21 MR. SEIBEL: Well, we just found out
22 who's here for this application and who's here for
23 the other application.

24 MR. PANTELEAKIS: Just, if I can
25 continue.

1 We had purchased it from Louie and
2 Evelyn Marcos, and it was a luncheonette at the time.
3 It was called Kinds' Dairy. They had purchased it
4 from the Kinds.

5 I had met the Kinds family about five
6 years ago. We had lunch together at Oceanos.

7 MR. SIEBEL: They're still around?

8 MR. PANTELEAKIS: They're still around.

9 MR. SIEBEL: Okay. Now, the -- the
10 house that's on Saddle River Road --

11 MR. PANTELEAKIS: Yes.

12 MR. SIEBEL: -- what is that being used
13 for?

14 MR. PANTELEAKIS: That's being used as
15 our office.

16 MR. SIEBEL: The whole structure.

17 MR. PANTELEAKIS: The whole structure.
18 What we have in there, we have two desks and a couch,
19 and we do our paperwork in it.

20 MR. SEIBEL: So you're going to move
21 that --

22 MR. PANTELEAKIS: We're going to move
23 the offices to the second floor. The entrance to
24 those offices will be on the exterior of the
25 building.

1 So we have to exit the restaurant and
2 walk up the stairs to our new offices.

3 The house -- and then, you know, we're
4 going to have steps going from inside the restaurant,
5 because that's a different elevation, to enter the
6 house where the dining area is.

7 MR. SEIBEL: Okay. That's all.

8 MR. PANTELEAKIS: Yes.

9 CHAIRMAN NEWMAN: Any other questions
10 from Board Members? Yes.

11 MR. LOWENSTEIN: I'm not certain if you
12 want to answer this, sir, or if you want to have the
13 architect do so. But when Mr. Lambrinides was
14 reciting the relief sought, maybe it would be for you
15 to address this, he recited figures and numbers and
16 they don't match up with what I have before me.

17 For example, this one says present site
18 has 64 parking spaces and he indicated 59. It says
19 expansion 67, but you said 71 and so forth. And
20 there's a number of these. So I just what to know
21 who's going to give us a definitive response on that.

22 MR. PANTELEAKIS: Both the architect
23 and the engineer will clarify and address anything
24 you have.

25 MR. LOWENSTEIN: Okay. Fair enough.

1 That's all.

2 CHAIRMAN NEWMAN: Okay. Anything else
3 from Board Members?

4 (NO RESPONSE.)

5 CHAIRMAN NEWMAN: Any questions from
6 our professionals?

7 MR. KITTNER: I've got questions.

8 MR. PANTELEAKIS: Yes.

9 MR. KITTNER: Mr. Panteleakis, could
10 you go over what all the existing buildings --

11 MR. PANTELEAKIS: Absolutely.

12 MR. KITTNER: -- that you have and
13 structures and what their uses are?

14 MR. PANTELEAKIS: Yes. So --

15 MR. KITTNER: Both -- both currently
16 and historically --

17 MR. PANTELEAKIS: Absolutely.

18 MR. KITTNER: -- when you first
19 purchased it.

20 MR. PANTELEAKIS: Absolutely. Let me
21 start off, first, with the building, the house.

22 Now, the house --

23 MR. LAMBRINIDES: You want to use the
24 pictures.

25 MR. PANTELEAKIS: Yes. Let's use the

1 picture that was called A-1. The first picture right
2 here (indicating). Okay?

3 So this house currently is our office.
4 It was previously --

5 MR. KITTNER: I'm sorry. Can I
6 interrupt you for a second?

7 MR. PANTELEAKIS: Yes.

8 MR. KITTNER: This is the -- this is
9 the structure that's closest and nearest, Saddle
10 River Road?

11 MR. PANTELEAKIS: That's correct.

12 MR. KITTNER: Okay.

13 MR. PANTELEAKIS: Before that, when we
14 moved here in the early '80s, we used to live in
15 there. And we live right next door, literally on the
16 same property as the restaurant that we renovated
17 into Peter's Whale.

18 So this was our house up till 19 --
19 1990. We lived here. And we moved right next door
20 to 2-39 in about '91.

21 Now, I was 11 years old at that time.

22 Moving on, now, this house here -- now,
23 this house would be converted into a dining room and
24 second floor offices (indicating).

25 The restaurant -- let's go to page 3 or

1 A-3.

2 CHAIRMAN NEWMAN: This is actually A-1,
3 Picture 3.

4 MR. PANTELEAKIS: Oh, A-1, Picture 3.

5 MR. ROSENBERG: Mr. Chairman, if I may,
6 just for clarification?

7 CHAIRMAN NEWMAN: Yes.

8 MR. ROSENBERG: Is the house on a
9 separate lot and block?

10 MR. PANTELEAKIS: No, it is not. It's
11 on the same lot as Oceanos, as the restaurant. Okay.

12 This one right here (indicating) shows
13 the front door of the restaurant, okay.

14 Now, this building that you see before
15 you was built in 1989-1990. Now, when we renovated
16 back in 2005, all we did was add a small bathroom
17 addition to the rear of this building (indicating).

18 The facade hasn't changed since 1989.
19 Only the awnings have been added since then. Behind
20 those awnings would be original greenhouse windows,
21 okay.

22 Next to that is a barn. It's a
23 building that looks like a barn (indicating). It's
24 not a barn. It is a cinderblock building that is
25 actually a three-car garage. The second story is

1 made of wood frame.

2 It was used by the Kinds at one point
3 for parking their trucks. Later, it was used by
4 Eric's Roofing Company by Eric Zimmerman as a storage
5 house for his roofing.

6 Now it's currently used as our liquor
7 room and extra olive oil storage, honey storage, dry
8 storage area for us.

9 Okay. Now, in your packets that were
10 submitted the first time -- it looks like a nice
11 little folder and you have inserts in the back -- you
12 can see that there -- I don't have that in front of
13 me. You can see that dilapidated house that's in the
14 back. Now, that house -- yeah.

15 CHAIRMAN NEWMAN: You can go ahead. Go
16 ahead.

17 MR. PANTELEAKIS: So that house was
18 used by Eric Zimmerman as part of his roofing office.
19 And he was there when we brought it from Louie and
20 Evelyn Marcos back in the early '80s. He was already
21 there. And he stayed a couple years afterwards and
22 he left to a new warehouse.

23 And these -- these four buildings are
24 the structures, which only one of them is going to be
25 removed, and that's the dilapidated house in the

1 back.

2 CHAIRMAN NEWMAN: Thank you.

3 MR. PANTELEAKIS: Thank you.

4 CHAIRMAN NEWMAN: Yes, go ahead.

5 MR. SEIBEL: You said, in 1991, you
6 lived in the house?

7 MR. PANTELEAKIS: We lived up to 1991
8 in the house.

9 MR. SEIBEL: Was that on a separate
10 block, deed block and lot?

11 MR. PANTELEAKIS: No. It's on the same
12 as the restaurant.

13 MR. SEIBEL: All right. And that was
14 residential use?

15 MR. PANTELEAKIS: That was residential
16 use.

17 MR. SEIBEL: Do we know when it didn't
18 become residential use?

19 CHAIRMAN NEWMAN: 1991.

20 MR. PANTELEAKIS: 1991. We use this
21 house as our office, and we have two desks, a couch,
22 and a TV inside.

23 MR. SEIBEL: Okay.

24 MR. PANTELEAKIS: Thank you.

25 CHAIRMAN NEWMAN: Mr. Kittner, anything

1 further?

2 MR. KITTNER: You mentioned one
3 structure being removed, but I think the application
4 actually has two. One is the house in the back and
5 also the trailer shed; is that correct?

6 MR. PANTELEAKIS: Yeah, the trailer
7 shed will be removed.

8 MR. KITTNER: And I'm sorry, the house
9 in the front by Saddle River Road --

10 MR. PANTELEAKIS: Yes.

11 MR. KITTNER: -- when you -- when you
12 purchased the property, that house was constructed
13 around circa 1990?

14 MR. PANTELEAKIS: The house in the
15 front that's on Saddle River Road was constructed --
16 was existing to the property when we purchased it.

17 MR. KITTNER: And when you moved in,
18 the use was --

19 MR. PANTELEAKIS: Residential.

20 MR. KITTNER: -- residential?

21 And one more time, when did -- it's
22 currently residential or it's still an office -- or
23 is being used as an office?

24 MR. PANTELEAKIS: It's being used as
25 office.

1 MR. KITTNER: As offices. And when was
2 that conversion made?

3 MR. PANTELEAKIS: That conversion was
4 made in 1991. We just took out the couches and put
5 in two desks.

6 MR. KITTNER: Thank you.

7 MR. PANTELEAKIS: Thank you.

8 MR. ROSENBERG: Mr. Chairman, if I may?
9 Were any permits secured from the
10 Borough of Fair Lawn to convert the residential
11 dwelling to an office use?

12 MR. PANTELEAKIS: No. No, I don't
13 think so.

14 MR. ROSENBERG: Thank you.

15 CHAIRMAN NEWMAN: You concur with that,
16 Mrs. Peck?

17 ASSISTANT ZONING OFFICER PECK: I can't
18 verify either way.

19 CHAIRMAN NEWMAN: Or not? Okay.

20 Anything further, Mr. Kittner?

21 MR. KITTNER: So the current use of the
22 building is -- under your testimony, the building
23 close to Saddle River Road is actually an ancillary
24 use to the restaurant use?

25 MR. PANTELEAKIS: Yes, that's correct.

1 MR. KITTNER: And the residential
2 structure in the back that was residential, what is
3 the current use now?

4 MR. PANTELEAKIS: Now it's just extra
5 storage.

6 MR. KITTNER: Extra storage.

7 MR. LAMBRINIDES: I don't believe he
8 said it was residential. I believe he said that the
9 roofing place had used it as an office.

10 MR. PANTELEAKIS: That's correct. Used
11 it as an office, the dilapidated building in the
12 back. That's correct.

13 MR. KITTNER: Was the use for
14 commercial use and storage, was that properly
15 permitted when the roofer was using the building?

16 MR. PANTELEAKIS: Yes, it was. That
17 should have been done back in the late '80s, '88,
18 '89, somewhere around there.

19 MR. KITTNER: But, currently, it's just
20 an ancillary use for storage?

21 MR. PANTELEAKIS: Storage for the
22 restaurant; that's correct.

23 MR. KITTNER: So do you have any
24 residential use on the premises now?

25 MR. PANTELEAKIS: No.

1 MR. KITTNER: That's it for now,
2 Mr. Chairman.

3 CHAIRMAN NEWMAN: Thank you.
4 Mr. Azzolina?

5 MR. AZZOLINA: Just following up on
6 that existing structure. The first architectural
7 plan described that as a two-family dwelling. Just
8 wondering if that was ever the case?

9 MR. PANTELEAKIS: Can you say that
10 again?

11 MR. AZZOLINA: The existing dwelling on
12 the first architectural submittal was described as a
13 two-family dwelling.

14 I'm just wondering if that ever was the
15 case?

16 MR. PANTELEAKIS: No, never as a
17 two-family dwelling.

18 MR. AZZOLINA: Thank you.

19 MR. PANTELEAKIS: I believe we made a
20 change at some point and made it an office to give it
21 correct terminology.

22 CHAIRMAN NEWMAN: Mr. Kataryniak?

23 MR. KATARYNIAK: I don't have anything
24 at this time, Mr. Chairman.

25 CHAIRMAN NEWMAN: Thank you.

1 Okay. I'm going to open up the meeting
2 to questions for the witness, based on the witness'
3 testimony only, from residents who live within
4 200 feet of the application.

5 Let me remind you that you're allowed
6 to ask questions and questions only. You cannot give
7 testimony.

8 If you'd like clarification on
9 something the witness said because you potentially
10 disagree with what the witness said, then ask it in
11 the form of a question and see what the witness'
12 answer is and then that's the end of it. We can't go
13 back and forth. We're aren't going to argue. And
14 you can't give testimony at this time.

15 You can give testimony at the end of
16 the application when you're allowed to come up during
17 public comment time. You will be allowed to say
18 whatever you'd like to say at that point in time, but
19 not now. You can't introduce evidence. You can't
20 come up with pictures. I don't want to hear about
21 complaints that have nothing to do with what the
22 Applicant just testified to.

23 So with that, is there anyone who lives
24 within 200 feet of the application, you would like to
25 ask a question, please come up to the podium.

1 Please raise your right hand. Do you
2 swear or affirm the testimony you'll give this
3 evening is true and accurate?

4 MS. KATZ: Yes, I do.

5 B E R N I C E K A T Z

6 having been duly sworn, testifies as follows:

7 CHAIRMAN NEWMAN: Please state your
8 name and address for the record.

9 MS. KATZ: Bernice Katz, 2-22 Saddle
10 River Road, Fair Lawn.

11 CHAIRMAN NEWMAN: And you live within
12 200 feet of the application?

13 MS. KATZ: I live across the street.

14 CHAIRMAN NEWMAN: Do you have
15 questions, Ms. Katz?

16 MS. KATZ: Yes. Because I bought my
17 house in 1982 and I --

18 MR. ROSENBERG: You just testified. I
19 need you to ask a question.

20 MS. KATZ: Yeah. The question is based
21 on I'm living there since 1982, and that you said you
22 bought the house -- I mean the property from the
23 Marcos or --

24 MR. PANTELEAKIS: Louie and Evelyn
25 Marcos in the early '80s.

1 MS. KATZ: Right. And when I lived
2 across the street from that house, I never saw a
3 luncheonette. I don't know what you're referring to
4 and where was it because I see the property the same
5 you said as the dates you purchased it, so where was
6 the luncheonette?

7 MR. PANTELEAKIS: The luncheonette was
8 called Kinds Dairy. Louie and Evelyn Marcos
9 converted it from an ice cream store into a
10 luncheonette.

11 MS. KATZ: Where? Where was it? All I
12 saw was --

13 MR. PANTELEAKIS: The existing
14 property.

15 MS. KATZ: -- a wooden stand with
16 people lined up buy --

17 CHAIRMAN NEWMAN: You're testifying,
18 Mrs. Katz.

19 MS. KATZ: No. I'm asking --

20 CHAIRMAN NEWMAN: Yes, you are.

21 MS. KATZ: -- I'm asking him where it
22 was because I couldn't see it, and I --

23 CHAIRMAN NEWMAN: Then just ask that
24 question.

25 MS. KATZ: All right.

1 Where was it housed, the luncheonette?

2 MR. PANTELEAKIS: The luncheonette was
3 on the site of the restaurant.

4 MS. KATZ: But what did it look like
5 because I don't --

6 MR. PANTELEAKIS: It was white stucco.
7 White stucco.

8 MS. KATZ: Stucco?

9 MR. PANTELEAKIS: Right. I have a
10 picture of it.

11 It had white stucco with a dark brown
12 roof.

13 MS. KATZ: Can you present that because
14 I don't -- I lived there I didn't see that.

15 MR. PANTELEAKIS: No, ma'am. I can't
16 present that right now.

17 MS. KATZ: Well --

18 CHAIRMAN NEWMAN: Do you have any other
19 questions?

20 MS. KATZ: No.

21 CHAIRMAN NEWMAN: Okay. I won't call
22 you up when you raise your hand. If you all can just
23 sort of orderly come in one behind the other, that's
24 usually the way it works. You can just kind of see
25 who's next and work your way up.

1 Please raise your hand, your right
2 hand. Do you swear or affirm --

3 MR. SIEGEL: I have a question to make
4 sure it's proper for me to ask questions at this
5 point.

6 CHAIRMAN NEWMAN: Well, I have to swear
7 you in for you to ask a question.

8 Do you swear or affirm the testimony
9 you'll give this evening is true and accurate?

10 MR. SIEGEL: Yes.

11 F R E D S I E G E L

12 having been duly sworn, testifies as follows:

13 CHAIRMAN NEWMAN: Please state your
14 name and address for the record?

15 MR. SIEGEL: Fred Siegel. My family
16 owns 2-09 Saddle River Road. And I --

17 CHAIRMAN NEWMAN: Do you live there?

18 MR. SIEGEL: That is not my current
19 residence.

20 CHAIRMAN NEWMAN: I'll -- you
21 definitely can ask a question, but I'll ask that you
22 --

23 MR. SIEGEL: I am -- I am a trustee of
24 the trust that owns --

25 CHAIRMAN NEWMAN: Hang on.

1 MR. SIEGEL: -- I am a trustee of the
2 trust --

3 CHAIRMAN NEWMAN: Hang on.

4 MR. SIEGEL: -- that owns a portion of
5 that home.

6 CHAIRMAN NEWMAN: Okay. It's just a
7 matter of order.

8 Why don't we just have the residents
9 who live within 200 feet finish asking their
10 questions. The next people who get to ask are
11 members of the general public, and you can come right
12 up.

13 MR. SIEGEL: Yes.

14 CHAIRMAN NEWMAN: Please raise your
15 right hand.

16 Do you swear or affirm the testimony
17 you will give this evening is true and accurate?

18 MR. RUGGLES: Yes, I do.

19 W I L L I A M S . R U G G L E S

20 having been duly sworn, testifies as follows:

21 CHAIRMAN NEWMAN: Please state your
22 name and address for the record.

23 MR. RUGGLES: William S. Ruggles, 2-10
24 Saddle River Road.

25 THE COURT REPORTER: Spell your last

1 name, please.

2 MR. RUGGLES: R-U, double G, L-E-S.

3 CHAIRMAN NEWMAN: Mr. Ruggles, you live
4 within 200 feet?

5 MR. RUGGLES: Yes.

6 CHAIRMAN NEWMAN: You have a question?

7 MR. RUGGLES: Yes. I have a couple of
8 them.

9 May I call you Mr. Panteleakis?

10 MR. PANTELEAKIS: You can call me Nick.

11 MR. RUGGLES: Okay. Nick, could you
12 tell us what is the property adjacent to yours to the
13 west?

14 MR. PANTELEAKIS: Going west?

15 MR. RUGGLES: Yes.

16 MR. PANTELEAKIS: Towards -- towards
17 Fair Lawn Avenue?

18 MR. RUGGLES: No. Going across Saddle
19 River Road. I think Saddle River Road goes north and
20 south; am I correct?

21 MR. PANTELEAKIS: Yes, Saddle River
22 Road --

23 MR. RUGGLES: That would be to the
24 west?

25 MR. PANTELEAKIS: When you get on to

1 Route 4 West, that's Saddle River Road north.

2 MR. RUGGLES: Yes.

3 MR. PANTELEAKIS: Okay. So the house
4 -- so we're saying my house 2-39?

5 MR. RUGGLES: I think that would be to
6 the north.

7 CHAIRMAN NEWMAN: Mr. Ruggles, when you
8 refer --

9 MR. PANTELEAKIS: You mean across the
10 street?

11 CHAIRMAN NEWMAN: Mr. Ruggles, would
12 you mean across the street.

13 MR. RUGGLES: Pardon me?

14 CHAIRMAN NEWMAN: Are you referring
15 the --

16 MR. RUGGLES: Yes.

17 CHAIRMAN NEWMAN: -- something across
18 the street?

19 MR. PANTELEAKIS: Oh, across the
20 street?

21 MR. RUGGLES: Pardon me?

22 CHAIRMAN NEWMAN: Are you referring to
23 something --

24 MR. RUGGLES: Yes.

25 CHAIRMAN NEWMAN: -- across the street?

1 MR. PANTELEAKIS: Oh, across the
2 street.

3 MR. RUGGLES: Yes. What's across the
4 street.

5 MR. PANTELEAKIS: Brookside Avenue.

6 MR. RUGGLES: And?

7 MR. PANTELEAKIS: And is there
8 something specific?

9 MR. RUGGLES: Well, are there
10 businesses or houses?

11 MR. PANTELEAKIS: There are houses
12 across the street.

13 MR. RUGGLES: Okay. So it's
14 residential?

15 MR. PANTELEAKIS: That's correct.

16 MR. RUGGLES: Okay. What do you have
17 directly to the east of your property?

18 MR. PANTELEAKIS: On the east side of
19 the property?

20 CHAIRMAN NEWMAN: I can speed this up.

21 MR. PANTELEAKIS: Yes.

22 CHAIRMAN NEWMAN: Are you located in a
23 residential zone?

24 MR. PANTELEAKIS: Yes, I am, sir.

25 MR. ROSENBERG: Go ahead, Mr. Ruggles.

1 I think that's what you were getting at.

2 MR. RUGGLES: Well, but, also, I think
3 it's fair to stay that we live adjacent to parks.

4 So we have Saddle River County Park, I
5 believe, to the east.

6 MR. PANTELEAKIS: Uh-huh.

7 MR. RUGGLES: To the -- yes, to the
8 east.

9 MR. PANTELEAKIS: North. Northbound on
10 Saddle River Road, there is a park.

11 We owned the house at the end of that
12 block and we had sold it to Bergen County. Sold it
13 to Bergen County, and they built a new road to
14 entrance into that park.

15 MR. RUGGLES: Okay. What do you have
16 to the south of your property?

17 MR. PANTELEAKIS: South of my property.
18 Okay. The park?

19 MR. LAMBRINIDES: You don't know the
20 directions?

21 MR. PANTELEAKIS: I don't know
22 directions. I can't figure out the direction, I'm
23 sorry.

24 MR. RUGGLES: I believe it's
25 Mr. Madison's house. I just want to make sure you

1 knew.

2 MR. PANTELEAKIS: I don't know -- I
3 don't know the title, no.

4 CHAIRMAN NEWMAN: Mr. Ruggles, we've
5 given you a lot of latitude, but I don't want to keep
6 --

7 MR. RUGGLES: Even though you've been
8 living there the last 40 years, you don't know?

9 CHAIRMAN NEWMAN: -- doing it so --

10 MR. PANTELEAKIS: Mr. Madison's the
11 blue house? Blue house?

12 Is that correct?

13 MR. RUGGLES: You've lived there for
14 over thirty years.

15 These seem to me to be just basic
16 questions for somebody who's lived here for over
17 30 years. I'm not being contentious or rude.

18 CHAIRMAN NEWMAN: Honestly, I couldn't
19 tell you which house is in the north on my street,
20 so...

21 MR. RUGGLES: Okay.

22 CHAIRMAN NEWMAN: If he can't answer
23 the question at this time, I'm sure his professionals
24 can certainly answer questions regarding what
25 structure is in what direction.

1 Is there another question you have at
2 this point?

3 MR. RUGGLES: I just wanted to
4 establish the fact that I think has been missed so
5 far.

6 CHAIRMAN NEWMAN: You can't establish a
7 fact right now.

8 MR. RUGGLES: Okay.

9 CHAIRMAN NEWMAN: You can ask a
10 question.

11 MR. RUGGLES: Okay. By asking a
12 question.

13 What is to the back of your property,
14 as you're facing Saddle River Road, what is back
15 there?

16 MR. PANTELEAKIS: There's a park.

17 MR. RUGGLES: Okay. Thank you.

18 MR. PANTELEAKIS: Thank you.

19 CHAIRMAN NEWMAN: Any other questions?

20 AUDIENCE MEMBER: Yes.

21 CHAIRMAN NEWMAN: Residents still
22 within 200 feet of the Applicant, by the way, sorry.

23 Don't worry, I haven't forgotten.

24 Please raise your right hand. Do you
25 swear or affirm the testimony you will give this

1 evening is true and accurate?

2 MR. MAAT: I swear.

3 K E N N E T H M A A T

4 having been duly sworn, testifies as follows:

5 CHAIRMAN NEWMAN: Please state your
6 name and address for the record.

7 MR. MAAT: Name is Kenneth Maat, 40-14
8 Brookside Avenue, Fair Lawn.

9 THE COURT REPORTER: Can you spell your
10 last name.

11 MR. MAAT: M-A-A-T.

12 CHAIRMAN NEWMAN: Mr. Maat, you live
13 within 200 feet?

14 MR. MAAT: Yes, I do.

15 The first question I have is just kind
16 of general.

17 When this started, we all received
18 letters within 200 feet of their intentions. And
19 then when it was revised, no one got letters.

20 Should we have?

21 CHAIRMAN NEWMAN: Mr. Rosenberg, did
22 this require further notice?

23 MR. LAMBRINIDES: I've been carried.

24 MR. ROSENBERG: No. The matter was
25 carried, Mr. Chairman. So the Municipal Land Use Law

1 doesn't require further notice.

2 You can make a public announcement,
3 which I believe, of course, was made, Ms. Peck.

4 I can't remember exactly which
5 application date --

6 CHAIRMAN NEWMAN: The application was
7 carried and announced that it was carried at a public
8 meeting; that's all that's required by law.

9 MR. MAAT: I mean, would that have
10 followed through if there was a major change to this
11 application?

12 ASSISTANT ZONING OFFICER PECK: No. It
13 wasn't --

14 MR. MAAT: In other words, they
15 fine-tuned it when they resubmitted it, I suppose.

16 But if there had been a major change in
17 these plans, would that just have been carried over
18 then.

19 MR. ROSENBERG: Yes. It still would
20 have been --

21 MR. MAAT: Really?

22 MR. ROSENBERG: -- they can amend,
23 correct.

24 MR. MAAT: Okay. And what Mr. Ruggles
25 was trying to ask, I think I'll try to just finish up

1 on that one.

2 What's next to your restaurant closest
3 to the intersection of Route 208 and Route 4?

4 MR. PANTELEAKIS: Another house.

5 MR. MAAT: Heading in that direction.

6 MR. PANTELEAKIS: It's another house.

7 MR. MAAT: Another house, residential?

8 MR. PANTELEAKIS: Residential.

9 MR. MAAT: Thank you.

10 Okay. Maybe I missed it, but the
11 square footage keeps coming up. I didn't hear about
12 the change in the seating. What's the change in the
13 seating?

14 MR. LAMBRINIDES: He didn't testify to
15 that.

16 CHAIRMAN NEWMAN: He didn't testify to
17 that. We're going to hear it, I'm sure, but we're
18 only asking questions about what he's testified to so
19 far.

20 We can't try to get new testimony out
21 of the witness.

22 MR. MAAT: Okay. Well, that's -- I
23 didn't realize that.

24 CHAIRMAN NEWMAN: He didn't actually
25 testify to it.

1 MR. MAAT: I'm confused about the
2 parking spaces.

3 How many do you currently have?

4 MR. PANTELEAKIS: The architect and the
5 engineer will clarify all that.

6 CHAIRMAN NEWMAN: I did ask the
7 question.

8 MR. LOWENSTEIN: But if memory served,
9 I believe counsel was the one --

10 CHAIRMAN NEWMAN: Okay. So we'll hear
11 that testimony shortly.

12 MR. MAAT: Okay. Because, I mean, we
13 tossed around a bunch of numbers of how many they
14 have, how many they're short now, how many they're
15 proposed to have, how many they're going to be --

16 CHAIRMAN NEWMAN: We're going to get
17 those numbers in this hearing, don't worry.

18 MR. MAAT: Okay. I saw the plans for
19 the original building, I'll note that.

20 Is it true that you -- maybe you don't
21 order them -- I can't ask that one either.

22 When you bought your luncheonette --

23 MR. PANTELEAKIS: Yes.

24 MR. MAAT: -- that was in a zone that
25 was exempt from being residential?

1 MR. PANTELEAKIS: It was in a zone that
2 was an existing restaurant. It was the same zone it
3 is now.

4 MR. MAAT: It was grandfathered because
5 it was there for so long?

6 MR. PANTELEAKIS: It is -- yes. It is
7 the same zone it is now.

8 MR. MAAT: Okay. You said that you
9 wanted to make space available for people that wanted
10 to have meetings. You wanted to maybe have WiFi and
11 have screens so that they could show their plans --

12 MR. PANTELEAKIS: Presentations.

13 MR. MAAT: Yes. Are you trying to make
14 a small convention center out of this?

15 MR. PANTELEAKIS: Not at all, sir.

16 MR. MAAT: You stated that you sold the
17 property to Bergen County.

18 MR. PANTELEAKIS: That's correct.

19 MR. MAAT: I can't ask again. I'm
20 sorry.

21 I keep asking things that, with your
22 clarification, I realize that I can't ask him to
23 expand on things that he has said.

24 CHAIRMAN NEWMAN: I appreciate that.
25 And whatever your questions are, I'm sure they're

1 going to come up and then you'll have opportunities
2 to ask those questions.

3 MR. MAAT: Okay. All right. I'll fill
4 them out later. Thank you.

5 CHAIRMAN NEWMAN: You're welcome.

6 MR. PANTELEAKIS: Thank you. Thank
7 you, sir.

8 CHAIRMAN NEWMAN: Any other residents
9 who live within 200 feet of the Applicant who have
10 questions for this witness?

11 (NO RESPONSE.)

12 CHAIRMAN NEWMAN: All right. Seeing
13 none, I'll close that.

14 Now members of the general public who
15 have questions of this witness.

16 You're first. You were previously
17 sworn. You can ask your questions.

18 Just state your name again, please,
19 sir.

20 MR. SIEGEL: My name is Fred Siegel
21 and, just for context, I grew up at 2-09 Saddle River
22 Road. My family still owns the property. My mom
23 lives there and other people with their children.

24 CHAIRMAN NEWMAN: Can you speak up? I
25 can hardly hear you.

1 MR. ROSENBERG: Use the microphone.

2 (Whereupon, an off the record
3 discussion is held.)

4 ASSISTANT ZONING OFFICER PECK: If he
5 wants to talk loud.

6 CHAIRMAN NEWMAN: Yes, you can proceed
7 if you want to speak very loudly.

8 MR. SIEGEL: I can do that.

9 CHAIRMAN NEWMAN: Okay.

10 MR. SIEGEL: Just put it in context, I
11 grew up at 2-9 Saddle River Road. My mother owns the
12 house.

13 Part of the house is owned by a trust
14 of which I'm a trustee. And I'm intimately familiar
15 with the property, the neighborhood, and the history.

16 You mentioned that you dined recently
17 with the Kinds family.

18 MR. PANTELEAKIS: That was about five
19 years ago.

20 MR. SIEGEL: I see. That's recent?

21 MR. PANTELEAKIS: It was five years
22 ago.

23 MR. SIEGEL: Who did you dine with from
24 the Kinds family? I know the family.

25 MR. PANTELEAKIS: I -- I dined with the

1 two granddaughters.

2 MR. SIEGEL: I see. Are you aware that
3 the family that owned the property is not named
4 Kinds?

5 MR. PANTELEAKIS: They are named Kinds.

6 MR. SIEGEL: They are not named Kinds.
7 Actually, I don't have to tell you that
8 because you're on record --

9 CHAIRMAN NEWMAN: Hang on. Hang on.
10 Hang on.

11 MR. SIEGEL: All right. I'm sorry.

12 CHAIRMAN NEWMAN: This certainly is not
13 the first person to do this, but it is, I guess,
14 natural to want to try to twist the statement into a
15 question.

16 And like I said, I -- I'm -- I give a
17 lot of latitude in these hearings. I don't follow
18 Robert's Rules to the letter. I don't shut people
19 down immediately when they start straying from the
20 ground rules.

21 But I'm going to ask you again, please
22 ask a question. Don't try to elicit testimony. If
23 you have a question based on what he testified to,
24 you can ask it.

25 But when you say, "Are you aware that,"

1 and then give the fact or what you claim is the fact,
2 you're testifying.

3 MR. SIEGEL: Okay. But can I ask the
4 question as to the fact and let him go on the record
5 stating the fact?

6 CHAIRMAN NEWMAN: You can ask a
7 question --

8 MR. SIEGEL: In other words, had I
9 said, "Are you aware that the name of the Kinds
10 family -- the people you are referring to as the
11 Kinds family is not the Kinds family?"

12 CHAIRMAN NEWMAN: No, that's testimony.

13 MR. SIEGEL: Okay. So it's better to
14 say -- leave it who you ate with.

15 Okay. Thank you.

16 You mentioned that there's a
17 luncheonette on the property -- was when you
18 purchased it?

19 MR. PANTELEAKIS: There was when we
20 purchased it.

21 MR. SIEGEL: What kind of food did they
22 serve?

23 MR. PANTELEAKIS: They served
24 sandwiches.

25 And what else did they serve?

1 MR. LAMBRINIDES: I can't testify.

2 MR. PANTELEAKIS: Sandwiches, salads, a
3 typical lunch menu.

4 MR. SIEGEL: How do you know?

5 MR. PANTELEAKIS: Because my father
6 told me.

7 MR. SIEGEL: I see. How did he know?

8 MR. PANTELEAKIS: Because it was there
9 when he bought it.

10 MR. SIEGEL: Okay.

11 MR. PANTELEAKIS: That's correct.

12 MR. SIEGEL: All right, so...

13 MR. PANTELEAKIS: They made pound
14 cakes. I remember because I have the recipes from
15 Evelyn Marcos that was there and she was showing my
16 father how to make the pound cake.

17 MR. SIEGEL: Did they still serve ice
18 cream?

19 MR. PANTELEAKIS: They probably served
20 ice cream.

21 MR. SIEGEL: Did they have seating?

22 MR. PANTELEAKIS: They had seating.

23 MR. SIEGEL: Are you aware of what was
24 there before the luncheonette?

25 MR. LAMBRINIDES: I think this is kind

1 of irrelevant.

2 CHAIRMAN NEWMAN: I don't. I think
3 he's asking very -- he's asking questions based on
4 the testimony --

5 MR. PANTELEAKIS: Before it?

6 CHAIRMAN NEWMAN: -- exactly as I
7 instructed.

8 MR. SIEGEL: Thank you.

9 MR. PANTELEAKIS: Before the
10 luncheonette, whatever history I know on the
11 property, it was a dairy, Kinds Dairy.

12 And at some point, there was a zoo on
13 the property as well, or near the property. That's
14 all I know.

15 CHAIRMAN NEWMAN: Any other questions?

16 MR. SIEGEL: Yes. You mentioned the
17 person, Eric Zimmerman.

18 MR. PANTELEAKIS: Yes.

19 MR. SIEGEL: Yes.

20 And you mentioned that he used it as
21 storage?

22 MR. PANTELEAKIS: That's correct.

23 MR. SIEGEL: Did Eric ever live in what
24 you refer to as the dilapidated house?

25 MR. PANTELEAKIS: I don't know. I knew

1 it as only the office.

2 MR. SIEGEL: When your family bought
3 the property, was Eric living in that house?

4 MR. PANTELEAKIS: I don't know.

5 MR. SIEGEL: Does that mean that you're
6 not sure how that house was being used when you
7 bought the property?

8 CHAIRMAN NEWMAN: I think he answered
9 the question.

10 MR. SIEGEL: Thank you. I'll stop
11 here.

12 CHAIRMAN NEWMAN: Thank you.

13 MR. PANTELEAKIS: Thank you.

14 CHAIRMAN NEWMAN: Any other questions
15 for this witness from members of the general public?

16 Please raise your right hand. Do you
17 swear or affirm the testimony you'll give this
18 evening is true and accurate?

19 MS. BOGHOSIAN: I do.

20 L E S L I E B O G H O S I A N ,

21 3 Sandow Court, Fair Lawn, New Jersey, having
22 been duly sworn, testifies as follows:

23 CHAIRMAN NEWMAN: Please state your
24 name and address for the record.

25 MS. BOGHOSIAN: Leslie Boghosian,

1 B-O-G-H-O-S-I-A-N.

2 THE COURT REPORTER: I'm sorry. Wait.

3 B-O-G --

4 MS. BOGHOSIAN: B-O-G-H-O, "S" as in
5 Sam, I-A, "N" as in Nancy, 3 Sandow, S-A-N-D-O-W,
6 Court.

7 And thank you for letting us ask the
8 questions of you.

9 As the residential structure that you
10 were talking about that you now use as an office --

11 MR. PANTELEAKIS: That's correct.

12 FEMALE AUDIENCE MEMBER: Excuse me.

13 MR. PANTELEAKIS: Oh, I'm sorry.

14 FEMALE AUDIENCE MEMBER: Can you use
15 the mic?

16 MS. BOGHOSIAN: I forgot.

17 CHAIRMAN NEWMAN: Either yell or try
18 and get close to one of the mics.

19 MS. BOGHOSIAN: I think I need one of
20 these.

21 That you now use as an office.

22 MR. PANTELEAKIS: Yes.

23 MS. BOGHOSIAN: Is that going to change
24 as far as the location traffic?

25 MR. PANTELEAKIS: What do you mean?

1 MS. BOGHOSIAN: The traffic, people who
2 come to the restaurant.

3 MR. PANTELEAKIS: People who come to
4 the restaurant --

5 MS. BOGHOSIAN: Because now it's just
6 used as a few people go in and out, right, out of the
7 office?

8 MR. PANTELEAKIS: Out of the office?

9 MR. ROSENBERG: Mr. Chairman?

10 MS. BOGHOSIAN: How is that going to
11 change?

12 MR. ROSENBERG: Mr. Chairman?

13 MR. PANTELEAKIS: As the office? The
14 office is for my personal use only.

15 MS. BOGHOSIAN: So that -- that
16 structure's going to be kept the way it is exactly?

17 MR. PANTELEAKIS: The way -- it's going
18 to be on the same foundation, same footprint, except
19 that we're adding corridor space to connect it to the
20 restaurant.

21 MS. BOGHOSIAN: In the back?

22 MR. PANTELEAKIS: As in --

23 MS. BOGHOSIAN: Or on the side?

24 MR. PANTELEAKIS: On the side. On the
25 side.

1 MS. BOGHOSIAN: Is the front not going
2 to be changed as far as decoration or --

3 MR. PANTELEAKIS: Yes.

4 MS. BOGHOSIAN: -- look?

5 MR. PANTELEAKIS: Yes, we have --

6 CHAIRMAN NEWMAN: It will, so --
7 That's not really been testified to
8 yet, but --

9 MR. PANTELEAKIS: No.

10 MS. BOGHOSIAN: Oh, I'm sorry. I don't
11 know --

12 CHAIRMAN NEWMAN: No, it's okay.

13 MS. BOGHOSIAN: -- because he keeps
14 talking about the residence.

15 CHAIRMAN NEWMAN: I know.

16 MS. BOGHOSIAN: So I don't know if it's
17 going to still look like a residence --

18 CHAIRMAN NEWMAN: It's a gray area.

19 MS. BOGHOSIAN: -- you know what I
20 mean? If it's going to still look like a residence
21 or --

22 CHAIRMAN NEWMAN: If you can glance
23 right behind his head, you can already get a sneak
24 peak, I think, that can answer your question.

25 MS. BOGHOSIAN: Oh, my God. That

1 (indicating)?

2 CHAIRMAN NEWMAN: I think that's their
3 conceptual, but they haven't introduced it yet. They
4 will.

5 MS. BOGHOSIAN: I understand.

6 You actually opened up -- you sold one
7 of the houses on your property to the County?

8 MR. PANTELEAKIS: That's correct.

9 MS. BOGHOSIAN: Can you please tell me
10 why you did that?

11 MR. PANTELEAKIS: We stopped litigation
12 between Bergen County and the Borough of Fair Lawn
13 and we settled the case to sell the property to make
14 an entrance to the park; that's why.

15 MS. BOGHOSIAN: Why did that litigation
16 first become...

17 MR. PANTELEAKIS: Well --

18 MR. LAMBRINIDES: Can I answer that? I
19 was the attorney on that.

20 CHAIRMAN NEWMAN: Sure.

21 MR. LAMBRINIDES: The litigation was
22 between Fair Lawn and the County of Bergen, because
23 Bergen County did not have direct access to the park
24 and they intended to go through the residential
25 street on the other side of the creek.

1 So litigation was -- jurisdiction to
2 Fair Lawn and Bergen County. The matter was before
3 the judge and there was a hearing. That was Judge
4 Contillo.

5 The County Counsel was arguing with the
6 Fair Lawn counsel, and I asked my clients why don't
7 they just sell the end house, which was on this side
8 of the creek (indicating), to the County. Number
9 one, it ends disputes, but it at a fair market price.
10 And I personally walked into Judge Contillo's
11 courtroom while County Counsel and Fair Lawn were
12 arguing a motion. And I asked the Judge to come see
13 me in chambers. And he did, with the two other
14 attorneys.

15 When I walked in he said, "Here comes
16 trouble."

17 I said, "Judge, I just settled this
18 case. Litigation is over because now they don't to
19 go through a residential street."

20 So we sold the end parcel with an old
21 house on there to the County. They bought it and
22 they put the road in. Direct access to the park.
23 The County counsel wasn't too happy with me because I
24 took a way a little spark, Esther Suarez. Okay?
25 That's what happened with that.

1 MS. BOGHOSIAN: Well, I don't think he
2 can testify that the County wasn't happy.

3 The only reason I asked was because I
4 was part of those negotiations for the City of -- for
5 the Town of Fair Lawn and also for Bergen.

6 MR. LAMBRINIDES: Were you?

7 MS. BOGHOSIAN: Yeah, I was
8 residential, part of the residential --

9 CHAIRMAN NEWMAN: You can't --

10 MS. BOGHOSIAN: That's fine, but he --
11 he opened the door, sir, so...

12 CHAIRMAN NEWMAN: Well, he's -- he's
13 counsel speaking as counsel, so...

14 MS. BOGHOSIAN: But I can ask questions
15 and comment on whatever he said.

16 CHAIRMAN NEWMAN: You can ask questions
17 of the witness.

18 MS. BOGHOSIAN: All right.

19 So how come for all those years -- what
20 was their access, for years and years and years and
21 years and years we all lived here, what was the
22 access to the park?

23 CHAIRMAN NEWMAN: The access to the
24 park?

25 MR. PANTELEAKIS: The access to the

1 park was through my parking lot.

2 MS. BOGHOSIAN: And what happened that
3 you made the City of Fair Lawn have to go into a
4 lawsuit with Bergen County and you made Bergen County
5 --

6 CHAIRMAN NEWMAN: All right. I got to
7 shut this down because, you know, I allowed you to
8 ask the question because he did testify to it, but I
9 really have no idea where you're going with this and
10 why it's relevant.

11 MS. BOGHOSIAN: You'll see further on.
12 He -- he opened the door. I wasn't going to mention
13 anything, but you said anything -- sorry -- anything
14 he testified to could be then asked questions of,
15 correct?

16 CHAIRMAN NEWMAN: And I let -- I did
17 let you ask that --

18 MS. BOGHOSIAN: Okay.

19 CHAIRMAN NEWMAN: -- but there's, like,
20 testimony flying back and forth here and I have to
21 shut you down.

22 MS. BOGHOSIAN: You'll see -- you'll
23 see in the future. You'll see. It'll come up. I
24 just wanted to make -- to establish that.

25 CHAIRMAN NEWMAN: Thank you.

1 MS. BOGHOSIAN: Thank you.

2 CHAIRMAN NEWMAN: Any other questions
3 from members of the general public?

4 (NO RESPONSE.)

5 CHAIRMAN NEWMAN: Seeing none, we'll
6 close that then.

7 You could bring up your next witness.

8 MR. PANTELEAKIS: Thank you, Counsel.

9 MR. LAMBRINIDES: I call the architect,
10 Demetrios Kaltsis.

11 CHAIRMAN NEWMAN: Counsel, before we
12 swear in your witness, why don't we take a
13 five-minute recess, allow us to speak to the other
14 applicant to see what they would like to do and we'll
15 let the public here know what that decision is.
16 We're in recess for about five minutes.

17 MR. LAMBRINIDES: Thank you.

18 (Whereupon, a ten minute recess is
19 held.)

20 CHAIRMAN NEWMAN: Let's call the
21 meeting back to order. Please take your seats. Try
22 to quiet down. Thank you.

23 Mr. Lambrinides, before we proceed with
24 your application I just like to take moment to
25 discuss our other commercial applicant that ws on the

1 agenda this evening.

2 (Whereupon, other matters were
3 discussed, but not transcribed herein.)

4 CHAIRMAN NEWMAN: Mr. Lambrinides, it's
5 all yours.

6 MR. LAMBRINIDES: Thank you.

7 Mr. Chairman, I call the architect,
8 Demetrios Kaltsis, for testimony as to the
9 architectural plan.

10 CHAIRMAN NEWMAN: Please raise your
11 right hand. Do you swear or affirm the testimony
12 you'll give this evening is true and accurate?

13 MR. KALTSIS: I do.

14 D E M E T R I O S K A L T S I S,

15 901 80th Street, North Bergen, New Jersey, having
16 been duly sworn, testifies as follows:

17 CHAIRMAN NEWMAN: Please state your
18 name and business address for the record.

19 MR. KALTSIS: Demetrios Kaltsis,
20 K-A-L-T-S-I-S.

21 CHAIRMAN NEWMAN: I'm sorry. Too much
22 feedback. K-A-L-T?

23 MR. KALTSIS: T-S-I-S. Address is 901
24 80th Street --

25 ASSISTANT ZONING OFFICER PECK: Let him

1 use the microphone.

2 MR. KALTSIS: -- North Bergen, New
3 Jersey 07047.

4 CHAIRMAN NEWMAN: And you're a licensed
5 architect in the State of New Jersey?

6 MR. KALTSIS: That is correct.

7 CHAIRMAN NEWMAN: How long have you
8 been licensed as such?

9 MR. KALTSIS: I've been licensed for
10 about eight years --

11 CHAIRMAN NEWMAN: And you testifies --

12 MR. KALTSIS: And I appeared before a
13 number of townships in the State of New Jersey,
14 including this Board before.

15 CHAIRMAN NEWMAN: Okay. This Board has
16 accepted you as an expert witness before?

17 MR. KALTSIS: That is correct.

18 CHAIRMAN NEWMAN: Was I here?

19 MR. KALTSIS: It's been a few years.

20 CHAIRMAN NEWMAN: Just quickly, your
21 education?

22 MR. KALTSIS: I have a bachelor's
23 degree of architecture from NJIT, which I obtained in
24 2001, and have been working in this industry ever
25 since.

1 CHAIRMAN NEWMAN: Pronounce your name
2 again.

3 MR. KALTSIS: Demetrios Kaltsis.

4 CHAIRMAN NEWMAN: Kaltsis?

5 MR. KALTSIS: Yes.

6 CHAIRMAN NEWMAN: Thank you, Mr.
7 Kaltsis.

8 And if there's no objection or other
9 questions by Board Members, I would like to accept
10 you as an expert witness in the field of
11 architecture.

12 DIRECT EXAMINATION

13 BY MR. LAMBRINIDES:

14 Q. Mr. Kaltsis, you are the architect on
15 this particular project?

16 A. That is correct.

17 Q. And you prepared certain plans?

18 A. Yes, I have.

19 Q. And do you have the architectural plans
20 with you today?

21 A. Yes, I do.

22 Q. And will you testify to the Board
23 exactly what the architectural plans are about?

24 A. Certainly.

25 I first would like to start --

1 Q. You want to bring that closer?

2 A. Sure.

3 CHAIRMAN NEWMAN: Mr. Kaltsis?

4 THE WITNESS: Yes.

5 CHAIRMAN NEWMAN: We'll mark that A-2.

6 (Whereupon, Architectural Plan is
7 received and marked as Exhibit A-2 for
8 Identification.)

9 CHAIRMAN NEWMAN: Could you describe
10 what it is?

11 THE WITNESS: This is a set of plans
12 labeled as T-1 and then A-1 through A-5 -- I'm sorry,
13 A-4. And then there's also a rendering prepared by a
14 designer, the exterior facade.

15 CHAIRMAN NEWMAN: Mr. Rosenberg, is
16 that okay as A-2 as a set?

17 MR. ROSENBERG: A-2 is the set,
18 Mr. Chairman, consisting of T-1 and A-1 through A-4
19 and a fifth document, though?

20 THE WITNESS: Fifth, yes.

21 MR. ROSENBERG: Could you explain?

22 THE WITNESS: Well, this -- I just
23 brought that --

24 MR. ROSENBERG: That's not in our
25 package, is it?

1 THE WITNESS: It's just for me to
2 reference the finish materials.

3 CHAIRMAN NEWMAN: Why don't we mark
4 that A-3 separately then.

5 THE WITNESS: Sure.

6 (Whereupon, Rendering of Materials is
7 received and marked as Exhibit A-3 for
8 identification.)

9 MR. ROSENBERG: And that's a document
10 prepared by you.

11 Does it have a date.

12 THE WITNESS: Yes. The date is July
13 17th, 2014.

14 MR. ROSENBERG: What date? I'm sorry.
15 I'm having a hard time hearing you.

16 ASSISTANT ZONING OFFICER PECK: You've
17 got to talk louder.

18 THE WITNESS: July 17th, 2014.

19 MR. ROSENBERG: Okay.

20 ASSISTANT ZONING OFFICER PECK: I can't
21 hear a word he's saying.

22 THE COURT REPORTER: July 17th, 2014.

23 CHAIRMAN NEWMAN: As you start to
24 testify, I ask that you take the mic and hold it
25 close.

1 THE WITNESS: Okay. I would just like
2 to start by describing the existing conditions on the
3 property.

4 As was noted before numerous times now,
5 the property consists of four buildings. The
6 principal building is the restaurant. It's a
7 one-story -- a one-story building, has a footprint of
8 about 3,800 square feet.

9 There are three different seating areas
10 within the building. The first seating area is
11 located on the front right corner of the building.
12 There are some fixed booths located along the front
13 wall, the glass wall of the space (indicating).

14 There's a central seating, tables and
15 chairs as well as an L-shaped bar to the -- located
16 against the back wall (indicating).

17 This space has access to what is now an
18 outdoor seating area, which is located between the
19 existing barn and the restaurant, or the storage
20 building and the restaurant.

21 To the left, the front left corner is
22 the second seating area (indicating), which also
23 consists of booths along the perimeter on the front,
24 left side and rear wall, and also a central seating
25 area of tables and chairs.

1 Just behind these two seating areas are
2 the restroom facilities. And directly behind the
3 restroom is the full service kitchen and food prep
4 area (indicating).

5 The back left corner is the third
6 seating area, which consists of fixed booths along
7 the left-hand side as well as a banquette or a --
8 a -- a bench along the right side wall.

9 The existing building, and as everybody
10 knows, consists of a stucco finish with a lot of
11 glass in the front and side walls.

12 The awnings as everyone can see from
13 the photographs (indicating). The front entrance is
14 accentuated with a stone veneer. The building is a
15 bit outdated as -- as we said previously. Nothing
16 has been done to the exterior for quite some time,
17 and that's the -- the existing restaurant.

18 The second building is the residential
19 building. And it's located on the west side of the
20 property. This is two stories, has a footprint of
21 about 800 square feet (indicating). This is the
22 building that we are proposing to utilize as a dining
23 area.

24 The other -- the third building is what
25 is known as the barn or the storage room on this

1 property. This also has a footprint of about
2 800 square feet (indicating). And it consists of an
3 old stone foundation, stone walls as well as a wood
4 frame on the second floor.

5 And also noted the fourth building,
6 which is located behind this barn (indicating), has a
7 footprint of about 200 plus feet square feet. And
8 this building we're proposing to be demolished.

9 Moving on to Sheet A-2, shows the
10 proposed -- actually, if I may, the total seating --
11 the total seating on the existing, which I know we
12 brought up before, is 135 total seating prior.

13 Basically what we're proposing to do is
14 to create two new areas for dinning. One is on the
15 left-hand side of the first floor of where the
16 existing house is located. This -- this -- this
17 space (indicating), which I believe was asked before,
18 the total square footage, is about six-and-a-half to
19 seven hundred square feet of just the dining area
20 alone.

21 The other areas include the stairwell
22 access up to that space because this floor level is
23 about three feet higher (indicating) in elevation
24 than the existing restaurant.

25 We're also providing a handicap

1 bathroom for this space as well as a platform lift to
2 make it accessible.

3 We also have a stairwell that leads to
4 the existing basement, which is used for primarily
5 storage.

6 As I understand, there's only a ceiling
7 height of about six feet in that basement area.

8 Also, we are proposing a stairwell that
9 leads up to the second floor, which is only
10 accessible from the rear portion of this house or to
11 the north, onto the north side of this house
12 (indicating).

13 And the second floor solely will
14 consist of just office space, and as you can see
15 here, it's just one large open space and there's a
16 half bath where the office -- for the office use.

17 CHAIRMAN NEWMAN: Counsel, let me just
18 interrupt you for a minute --

19 THE WITNESS: Yes.

20 CHAIRMAN NEWMAN: -- please, I
21 apologize.

22 Could someone in the back please open
23 the main doors for me because they have to be open
24 during this hearing.

25 MALE AUDIENCE MEMBER: I only closed

1 them because people were talking.

2 CHAIRMAN NEWMAN: I understand.

3 And, Counsel, I neglected at the
4 beginning of the hearing to let you know that this
5 Board doesn't hear any new testimony after 10:00 p.m.

6 MR. LAMBRINIDES: After 10:00?

7 CHAIRMAN NEWMAN: Yes.

8 MR. LAMBRINIDES: That's fine. I'm
9 normally used to 12:00.

10 CHAIRMAN NEWMAN: Okay. You can go
11 ahead.

12 MR. LAMBRINIDES: Thank you.

13 MR. BLECHER: One quick question.

14 THE WITNESS: Yes.

15 MR. BLECHER: What's going to be on the
16 second floor, proposed second floor, of the barn
17 building?

18 THE WITNESS: This was going to be used
19 for storage.

20 MR. BLECHER: Okay. Storage?

21 THE WITNESS: Yes. I'll discuss that
22 side of the expansion as well.

23 This -- this section will also be
24 converted to a dining area. We're proposing a total
25 of six tables, seating four, for a total of

1 twenty-four seats (indicating).

2 On this side, we're also proposing a
3 bathroom for this area as well as a full service bar
4 area (indicating).

5 The rear portion of this -- this
6 building will have a rear access, which will be
7 for -- to access -- the only access for the second
8 floor, which we'll have a full stair as well as a
9 freight elevator or some kind of a platform lift to
10 directly put pallets of food and merchandise up to
11 the second floor more easily (indicating).

12 This space will have direct access to
13 the outdoor seating (indicating). We're proposing a
14 total of 20 seats on this outdoor seating area.

15 I just want to point out, we are making
16 this area smaller (indicating) to accommodate the
17 parking area, which will be discussed by our
18 engineer.

19 We'll also be constructing a small
20 fountain in the back right-hand corner with the
21 outdoor seating area.

22 And the second floor will mainly be one
23 large open space and will be used solely for storage.

24 With regards to the elevations, we have
25 a rendering here of the proposed elevations. This

1 area here is (indicating) where the existing house is
2 located, the two-story house.

3 And this area here (indicating) is
4 where the two-story barn structure is located.

5 And this, in between, is still a
6 restaurant (indicating) and we're proposing, as you
7 see here, to attach these two structures to the
8 principal building located in the center.

9 MR. ROSENBERG: And, again, which
10 exhibit is that? Is that Exhibit A-5 --

11 THE WITNESS: Yes.

12 MR. ROSENBERG: -- that the Board has
13 not been provided with; is that correct?

14 THE WITNESS: Yes. It's also
15 essentially the --

16 CHAIRMAN NEWMAN: We marked it A-3.

17 MR. ROSENBERG: I'm sorry.

18 THE WITNESS: Essentially the same
19 rendering as on the first sheet of the drawing that
20 was submitted to the Board.

21 CHAIRMAN NEWMAN: For the record, I
22 think we marked that A-3.

23 MR. ROSENBERG: Thank you,
24 Mr. Chairman.

25 MR. BLECHER: Counsel, you want to try

1 moving that mic away from him. There's a little
2 static.

3 THE WITNESS: With regards to the
4 finished materials on the elevations, these two
5 structures will have a shingled roof, a dark gray
6 color (indicating).

7 Also, we're extending the parapet over
8 the existing restaurant, that roof finish will also
9 match that dark gray color.

10 The front entrance will be elevated a
11 few feet and will have a hip roof that will consist
12 of a metal -- what would be a copper roof, a standing
13 seam roof.

14 We are using predominantly two finish
15 materials on the entire building. One is a
16 fieldstone, which is located on the main entrance, as
17 well as around the chimney areas, here and here
18 (indicating).

19 An example of that fieldstone is on one
20 of these -- these renderings here (indicating).

21 CHAIRMAN NEWMAN: Do you want to
22 introduce those into evidence?

23 THE WITNESS: Certainly.

24 CHAIRMAN NEWMAN: We can mark them A-4
25 and A-5. Just tell us what they are.

1 (Whereupon, Two Photoboards are
2 received and marked as Exhibit A-4 and A-5 for
3 identification.)

4 THE WITNESS: These -- well, this
5 picture in particular, this example is mainly two
6 examples of the finish materials that we're proposing
7 on the front facade.

8 CHAIRMAN NEWMAN: And the photographs
9 that are with those finish materials are just
10 photographs of example structures with that material,
11 not photographs of your project?

12 THE WITNESS: That is correct.

13 CHAIRMAN NEWMAN: Okay. Thank you.

14 MR. ROSENBERG: Is that A-4,
15 Mr. Chairman?

16 CHAIRMAN NEWMAN: That's A-4, and then
17 the other, A-5, is more photographs of other
18 structures that are not part of the application --

19 THE WITNESS: That's correct.

20 CHAIRMAN NEWMAN: -- but that depict
21 the finishings that you plan to use, correct?

22 THE WITNESS: Correct.

23 The second material is a Tudor siding.
24 It's going to have a gray stain, and it's depicted
25 here on the first and second floors (indicating) as

1 well as the first floor of the existing restaurant
2 and here as well, the second floor.

3 A few accents that we're providing to
4 the facade are these -- the canvas awning. They're
5 going to be the colored blue and white. We're also
6 proposing corbel details along the roof line and as
7 well as the gable here (indicating) and that also --
8 that is also going to be in a blue color. That is
9 basically the extent of the front facade.

10 One of the things we're trying to do is
11 maintain the footprint of the adjoining building and
12 keep the scale of the existing building and simply
13 certainly improve on the aesthetic of, you know, of
14 the -- of the overall site so as not to impose
15 further on the neighborhood by expanding the
16 footprint.

17 We want to keep -- stay in keeping with
18 the footprint, just connection between the two
19 buildings and -- and add a few seats to the existing
20 restaurant.

21 The total number of seats on the
22 proposal is 189. So existing is 135 and proposed is
23 189.

24 CHAIRMAN NEWMAN: Thank you.

25 Any questions from our professionals

1 for the architect?

2 Mr. Azzolina?

3 MR. AZZOLINA: I do not have any
4 questions of this witness at this time.

5 CHAIRMAN NEWMAN: Mr. Kittner?

6 MR. KITTNER: Mr. Chairman, thank you.

7 Does your design comport with the
8 architectural standards outlined in 125-47.1 of the
9 ordinance regarding pitched roofs and the facade
10 treatments, et cetera?

11 THE WITNESS: I'm not familiar with
12 that ordinance.

13 MR. KITTNER: Okay. So when you
14 designed this, you did not consult with the township
15 ordinance regarding this structure?

16 THE WITNESS: Well, with regards to the
17 overall design, as I had mentioned previously,
18 this -- this was designed in conjunction with a
19 designer who selected a lot of the finish materials
20 for the facade as well as the roof pitches, et
21 cetera.

22 MR. KITTNER: Okay. The zone permits,
23 obviously, single-family house dwellings, and the
24 Applicant's applying for a use variance.

25 How do you think this structure will

1 blend in with the neighborhood or affect the
2 neighborhood? What would be the impact?

3 THE WITNESS: Well, I actually think
4 that there would be no impact or very little impact
5 because we're using materials that are consistent
6 with materials that are typically used, like stone
7 veneers and wood siding.

8 This -- with the shingle roof, which is
9 typical. The only slight difference is perhaps this
10 metal roof (indicating) that's located in the front
11 entrance.

12 But everything else, in my opinion, is
13 consistent with the character of the neighborhood.

14 MR. KITTNER: In the event that this
15 application gets carried to another date, are you
16 able to check the sections of the ordinance regarding
17 the architectural standards and provide this Board
18 with some testimony regarding compliance to those
19 standards?

20 THE WITNESS: Yes.

21 MR. KITTNER: No further comments,
22 Mr. Chairman, at this time.

23 CHAIRMAN NEWMAN: Thank you, Mr.
24 Kittner.

25 Mr. Kataryniak, any questions?

1 MR. KATARYNIAK: No questions.

2 CHAIRMAN NEWMAN: Thank you.

3 Any questions from Board members of the
4 Applicant?

5 MR. PUZIO: Mr. Chairman, I have a
6 question. Basically, the question I asked before
7 was: What's the current square footage of the dining
8 area involved? All right.

9 THE WITNESS: In the main restaurant?

10 MR. PUZIO: That would be the
11 existing --

12 THE WITNESS: I would have to calculate
13 that.

14 MR. PUZIO: Okay. Yeah.

15 THE WITNESS: If you give me a
16 minute --

17 MR. PUZIO: My next question is going
18 to be: The two additional areas, what do they total
19 in square feet?

20 THE WITNESS: The total area --

21 MR. PUZIO: You said six or seven?

22 THE WITNESS: -- for dining is 700
23 square feet on this side (indicating) and 400 square
24 feet on this side. So it's about 1100 square feet
25 total.

1 MR. PUZIO: And that's just dining
2 area?

3 THE WITNESS: It's just dining area,
4 correct.

5 MR. PUZIO: Okay. The other question
6 is: Originally, you discussed an outdoor seating
7 area.

8 What's there currently.

9 THE WITNESS: An outdoor seating area.

10 MR. PUZIO: How many tables and chairs?
11 It doesn't show on the original --

12 THE WITNESS: When -- when I -- when I
13 saw it, it was -- they weren't outside, so I don't
14 know the answer to that question.

15 We're proposing 20, which I believe is
16 the maximum that's allowed in outdoor seating.

17 MR. PUZIO: Okay. And I guess my last
18 question is: On this, I don't see anything about the
19 mechanical systems, heating/air conditioning
20 locations. I'm assuming they're going to be outside
21 the building?

22 THE WITNESS: For these new spaces
23 (indicating), we have a basement area that we can
24 utilize for the equipment. We're not showing that
25 space here. We also have the second floor, which we

1 can take up a small section of the second floor
2 that's used for storage for the mechanical system.
3 We haven't designed that yet, but we will.

4 If the Board -- if the Board votes in
5 favor of this application, we will, of course,
6 accommodate.

7 CHAIRMAN NEWMAN: If this is carried to
8 another meeting, the Board would like to see that
9 presented at that meeting.

10 THE WITNESS: With regards to any
11 mechanical equipment, we will -- we will install the
12 condensing units or the HVAC units on the existing
13 flat roof of the main structure and not propose
14 anything on the exterior.

15 MR. PUZIO: Okay. Where's the --

16 CHAIRMAN NEWMAN: I would still like to
17 see that.

18 I'm sorry, Mr. Puzio.

19 MR. PUZIO: Sure.

20 CHAIRMAN NEWMAN: I'd still --

21 THE WITNESS: Okay.

22 CHAIRMAN NEWMAN: -- like to see that.

23 THE WITNESS: Okay.

24 CHAIRMAN NEWMAN: So we could see if
25 it's exposed or not.

1 THE WITNESS: Sure.

2 CHAIRMAN NEWMAN: Maybe you can be
3 prepared to talk about any noise from those units.

4 THE WITNESS: Sure.

5 CHAIRMAN NEWMAN: And the existing
6 equipment is on the roof of the building?

7 THE WITNESS: That's correct.

8 MR. PUZIO: So this will just be in
9 addition to.

10 THE WITNESS: And we are -- we are
11 extending a parapet along the -- along the side there
12 in the front to conceal the mechanical units on the
13 rooftop.

14 CHAIRMAN NEWMAN: Any other questions?

15 MR. RACENSTEIN: On the picture before,
16 the -- the picture that shows the restaurants -- the
17 second one. There's another one. No, no. There's
18 another; one, two, three. Yeah, turn.

19 CHAIRMAN NEWMAN: Probably A-3 I think
20 he's referring to. What we marked as A-3, which
21 would be the last page --

22 MR. RACENSTEIN: Turn it again.

23 CHAIRMAN NEWMAN: -- in that packet.
24 Okay. Keep going. One and three.

25 MR. RACENSTEIN: Okay. That's the one

1 picture.

2 THE WITNESS: Yes.

3 MR. RACENSTEIN: On my -- on the left
4 of that, is that a separate building?

5 THE WITNESS: This is the side
6 elevation on Saddle River Road (indicating).

7 MR. RACENSTEIN: Correct.

8 THE WITNESS: So this is the elevation
9 on Saddle River Road (indicating).

10 This is the elevation from the parking
11 lot looking at the --

12 MR. RACENSTEIN: Oh, that's that.
13 Okay. Because --

14 THE WITNESS: Yes, it's --

15 MR. RACENSTEIN: -- from here, it
16 doesn't look like any enclosure from going from one
17 restaurant to another and into the house.

18 THE WITNESS: No, the --

19 MR. RACENSTEIN: But it's a different
20 view, picture view.

21 THE WITNESS: Yes. You can't see the
22 enclosure from Saddle River Road.

23 MR. RACENSTEIN: Okay. I have another
24 question.

25 On the house, are you going to close

1 off the front steps, the front door?

2 On the exterior.

3 THE WITNESS: We are proposing to keep
4 the steps.

5 We are proposing to keep the steps.

6 MR. RACENSTEIN: That's for an
7 emergency exit?

8 THE WITNESS: Correct. As a second
9 means of egress.

10 MR. RACENSTEIN: Now, are you planning
11 to install any generator in case the lights go out
12 because I know you have a lot of refrigeration there.
13 But is there any generator or something that would be
14 put in there?

15 THE WITNESS: I don't believe at the
16 moment, no.

17 MR. RACENSTEIN: Thank you.

18 CHAIRMAN NEWMAN: Mr. Azzolina, you
19 have a question?

20 MR. AZZOLINA: I did.

21 I neglected to mention this.

22 Regarding the proposed seating count, I
23 did have the discussion with the architect.

24 The number of seats specified, the 189,
25 those are inside the restaurant. The patio seating

1 is the 20 seats that were spoken of, so I guess, in
2 reality the total number of seats is actually 209
3 during the fair weather months of the year; is that
4 correct, Mr. Kaltsis?

5 THE WITNESS: Yes. But -- yes, that is
6 correct. Yes.

7 MR. AZZOLINA: Thank you.

8 CHAIRMAN NEWMAN: Thank you.

9 Yes.

10 MR. LOWENSTEIN: Yeah. I have -- my
11 calculations are quite different from the testimony
12 as to the number of seats. So if you wouldn't mind,
13 just walk me through room by room or I'll recite it
14 and you can confirm or deny --

15 THE WITNESS: Sure.

16 MR. LOWENSTEIN: -- my numbers, if you
17 would.

18 THE WITNESS: Sure.

19 MR. LOWENSTEIN: So I'm starting on the
20 lower right hand portion, the one that's, I guess,
21 the barn for want of a better term.

22 THE WITNESS: Okay.

23 MR. LOWENSTEIN: Yes. And I show 24
24 seats there; is that correct?

25 THE WITNESS: That is correct.

1 MR. LOWENSTEIN: Okay. Then moving
2 slightly left from there, existing -- well, the
3 outdoor seating, 20.

4 THE WITNESS: Correct.

5 MR. LOWENSTEIN: Now, you already
6 recited 20. So are we talking 20 further or is this
7 20 the same 20?

8 THE WITNESS: This 20 is not included
9 in the 189 total number.

10 MR. LOWENSTEIN: Okay.

11 But let me just ask this: So we have
12 24 plus 20, that's 44 so far, correct?

13 THE WITNESS: Okay.

14 MR. LOWENSTEIN: Okay. Then if we were
15 to enter the main vestibule and turn to the right,
16 the existing seating area, exclusive of the bar, has
17 20 more seats; is that correct?

18 THE WITNESS: Are you looking at sheet
19 A-2?

20 MR. LOWENSTEIN: I'm looking at -- yes.

21 THE WITNESS: There are a total of nine
22 seats at the bar.

23 MR. LOWENSTEIN: Okay. Nine at the
24 bar, but I said exclusive of the bar, 20 seats?

25 THE WITNESS: Twenty in the center,

1 yes.

2 MR. LOWENSTEIN: Okay. So that's 73 so
3 far; is that accurate?

4 THE WITNESS: Okay.

5 MR. LOWENSTEIN: Okay. Then from the
6 vestibule entering to the left --

7 THE WITNESS: Well, we also have the
8 booth seatings on the front wall.

9 MR. LOWENSTEIN: Oh, okay. Okay.
10 That's it. Fine. Thank you. That clears it up.
11 Thank you.

12 CHAIRMAN NEWMAN: Okay. Any other
13 questions from Board Members?

14 Go ahead, Mr. Puzio.

15 MR. PUZIO: I noticed there's no
16 dimensions of the size of these buildings. Can you
17 kind of just convey the size in feet?

18 THE WITNESS: Yes. If I could just
19 grab my scale.

20 MR. PUZIO: Sure.

21 THE WITNESS: Okay. Because right now,
22 we have three separate buildings and it's going to be
23 one large building. Okay.

24 The -- this structure in the back here,
25 the outermost point from the chimney area is about

1 46 feet, and the width is about 23-and-a-half.

2 And the -- this structure on this side
3 (indicating), the total depth is 41 feet, and the
4 overall width is 19-and-a-half.

5 MR. PUZIO: Can you add up the entire
6 thing so it would be one massive building.

7 THE WITNESS: The overall dimension
8 from the furthest point?

9 MR. PUZIO: Yes.

10 Typically, those are on the plans;
11 that's why I'm asking. The same thing with the
12 width.

13 THE WITNESS: Sure. It's about
14 140 feet in overall width from the furthest corner on
15 the right-hand side to the furthest corner on the
16 left-hand side.

17 MR. PUZIO: Thank you.

18 And the overall depth is about 80 feet?

19 THE WITNESS: 140.

20 MR. PUZIO: 140?

21 MR. LAMBRINIDES: 140 by 80. That's
22 from corner to corner, from the barn corner to the
23 house corner.

24 MR. SEIBEL: What's this number in here
25 (indicating)? See where the existing vestibule is?

1 THE WITNESS: Okay.

2 CHAIRMAN NEWMAN: I'm sorry.

3 What's your question.

4 MR. SEIBEL: The footage --

5 THE WITNESS: From here to here?

6 MR. SEIBEL: Yes.

7 CHAIRMAN NEWMAN: Could you just state
8 what you're measuring?

9 It looks to me like you're measuring
10 the front of the existing restaurant.

11 THE WITNESS: Yes. The existing
12 restaurant, the overall dimension is 56 feet.

13 MR. SEIBEL: And going back, it's going
14 to be how many, all the way back, so it's 80 feet?

15 THE WITNESS: From front to back is
16 about 80 feet, yes.

17 CHAIRMAN NEWMAN: Okay.

18 Any other questions from Board Members?

19 Yes, Mr. Puzio.

20 MR. PUZIO: The only exterior change
21 that you're proposing right now is this side -- the
22 stairs going up to the second floor office, besides
23 two corridors?

24 THE WITNESS: We're proposing to pull
25 in the existing -- the space between --

1 MR. PUZIO: The entire existing --

2 THE WITNESS: -- structure and the --
3 and the existing restaurant on both sides.

4 MR. PUZIO: Okay.

5 CHAIRMAN NEWMAN: Okay. Yes?

6 MR. SEIBEL: Any signage or lights,
7 anything like that?

8 THE WITNESS: Yes.

9 There is a proposed sign above the
10 front entrance. There is a rear-lit sign.

11 The sign's going to be about eleven
12 feet wide by two feet high. And there's another sign
13 that's proposed on Saddle River Road elevation, which
14 is the same -- same type of sign, but it's only eight
15 feet wide by about eighteen inches in height.

16 Oh, I'm sorry. That's my mistake.
17 This sign (indicating) is actually not being proposed
18 even though it's shown on the renderings.

19 CHAIRMAN NEWMAN: Which?

20 THE WITNESS: The sign on Saddle River
21 Road is not -- is not proposed. We only have the
22 sign above the main entrance from the -- from the
23 parking lot.

24 CHAIRMAN NEWMAN: Only an eleven by two
25 sign?

1 THE WITNESS: Correct.

2 CHAIRMAN NEWMAN: Okay. Any other
3 questions from Board Members?

4 (NO RESPONSE.)

5 CHAIRMAN NEWMAN: Seeing none, I'll ask
6 our professionals again?

7 MR. KITTNER: Thank you, Mr. Chairman.

8 A couple of clarifying questions. Can
9 you specify the building height as it's measured in
10 accordance with the ordinance?

11 THE WITNESS: The proposed building
12 height to the average roof is about 20 feet.

13 MR. KITTNER: Okay. And how is that
14 measured?

15 THE WITNESS: It's measured from grade
16 to the average slope.

17 The overall height from the -- from the
18 roof peak grade is -- is 27 feet and ten inches. And
19 the height to the top of the chimney to grade is 34
20 feet and four inches.

21 MR. KITTNER: I'm sorry. What was that
22 number?

23 THE WITNESS: It's 34 feet and four
24 inches to the height of the chimney.

25 MR. KITTNER: So it's your testimony

1 that your building height complies to the ordinance
2 at two-and-a-half stories/30 feet as defined in the
3 ordinance?

4 THE WITNESS: That is correct.

5 MR. KITTNER: In terms of the
6 air-conditioning units and noise generation, can you
7 describe what you would expect this building to
8 generate for the single-family residences that are
9 nearby?

10 THE WITNESS: I -- I don't anticipate
11 the condensing units that we are -- we will propose
12 on the rooftop of the existing restaurant to have any
13 impact on the neighbors. They are shielded by this
14 existing structure (indicating) as well as a parapet
15 we're going to be constructing extending the roof
16 line of the existing restaurant.

17 MR. KITTNER: Are there any -- okay.
18 So it's your testimony that that noise attenuation
19 would not be required?

20 THE WITNESS: Correct.

21 MR. KITTNER: The building, itself, the
22 ADA-compliant entrance, is that located nearest the
23 handicapped stalls?

24 THE WITNESS: We have -- we have our
25 civil engineer, who will testify to the parking --

1 handicapped stall location.

2 MR. KITTNER: Does your proposed
3 building incorporate any green technologies?

4 THE WITNESS: No, it does not.

5 MR. KITTNER: Are you proposing any
6 building light?

7 THE WITNESS: I'm sorry.

8 MR. KITTNER: Are you proposing any
9 building lighting?

10 THE WITNESS: Other than what is
11 required to make this code compliant with the
12 entrance location, other than the signage, itself, I
13 don't -- I don't see any lighting proposed on the
14 building itself.

15 MR. KITTNER: Okay. Are you concerned
16 with providing minimum safe lighting levels for the
17 walkways and --

18 THE WITNESS: Well, I believe that
19 there is lighting currently on the parking -- on the
20 parking area.

21 MR. KITTNER: And you're satisfied that
22 that's sufficient to meet the standards?

23 THE WITNESS: Again, I think our
24 engineer can testify to that.

25 MR. KITTNER: Okay. Thank you.

1 CHAIRMAN NEWMAN: Mr. Katraryniak?

2 MR. KATARYNIAK: Nothing at this time,
3 Mr. Chairman.

4 CHAIRMAN NEWMAN: Mr. Azzolina?

5 MR. AZZOLINA: Nothing further.

6 CHAIRMAN NEWMAN: If there's nothing
7 further from the Board, then we can open up questions
8 from the public.

9 So questions only, no testimony, for
10 the architect based on his testimony that you heard
11 this evening.

12 Residents within 200 feet of the
13 Applicant can come up.

14 You've been previously sworn. Just
15 state your name again.

16 MS. KATZ: Bernice Katz.

17 CHAIRMAN NEWMAN: Is that microphone
18 over there?

19 ASSISTANT ZONING OFFICER PECK: Use the
20 microphone over there.

21 CHAIRMAN NEWMAN: Thank you.

22 MS. KATZ: I have some questions
23 regarding the diagram with the configuration of the
24 seating, how many -- well, first thing I just want to
25 point out, you did mention the footprint is the same,

1 but yet the house in the front that's going to now
2 have 400 square feet of seating changes the
3 configuration of the restaurant.

4 THE WITNESS: Yes.

5 MS. KATZ: And the barn seating, even
6 though the footprint is similar, is -- is changing
7 the configuration of the footprint because there was
8 no people eating in the barn or the house before,
9 right?

10 THE WITNESS: Correct.

11 We are expanding the seating of the
12 restaurant into the existing footprint of the house
13 and the existing footprint of the barn.

14 MS. KATZ: Right. So -- but the thing
15 is when you drew the configuration of how many tables
16 are placed in the -- first you said, by the way, that
17 the barn was 800 square feet on the first level and
18 then you said 700, making the 400 for the house and
19 700/1100, but at first, I thought it was 800 for the
20 barn on that first floor.

21 THE WITNESS: Well, the -- the total
22 square footage of the footprint is 800 feet.

23 MS. KATZ: Right.

24 THE WITNESS: Just the dining area
25 alone is 700 square feet.

1 MS. KATZ: All right. But --

2 THE WITNESS: And -- and the same --
3 the same for the barn area.

4 The total footprint is 700 or 800, but
5 the dining area is only at 400 because we're
6 utilizing the spaces in the back here (indicating)
7 for access to the second floor as well as a restroom
8 and a small bar area.

9 MS. KATZ: Well, the question I -- I
10 have, based on what your configuration is, those
11 tables can -- you know, you can put two at those
12 tables, if you like, or three or four. But they can
13 take up to ten.

14 I don't know what size tables you're
15 planning and how many can be seated because you
16 minimized the number of patrons by saying four at a
17 table when you could be putting eight to ten at those
18 round tables, and that's just minimizing what you --
19 you know, your capacity.

20 And I think that the square footage
21 holds a greater capacity and that your --

22 CHAIRMAN NEWMAN: Mrs. Katz, you have
23 to ask questions.

24 MS. KATZ: Oh, yeah. I don't know what
25 your plans are in the size of the tables to know

1 exactly how many can be seated --

2 CHAIRMAN NEWMAN: Mrs. Katz, are you
3 asking if --

4 THE WITNESS: Yeah, to tell me.

5 CHAIRMAN NEWMAN: -- if more than what
6 is being presented could be seated at the tables?

7 MS. KATZ: Right. Because I don't know
8 the size of those tables --

9 CHAIRMAN NEWMAN: Okay.

10 MS. KATZ: -- and --

11 CHAIRMAN NEWMAN: So let's get an
12 answer to that question.

13 THE WITNESS: Well, we are not
14 proposing anything more than what you see here as far
15 as the number of tables and the number of chairs.

16 MS. KATZ: But the size of the table.
17 I got a 60-inch round in the house and I got a 48 and
18 I got different sizes of the tables. And each table
19 can seat a different number of patrons and then it
20 would, therefore, change the proposed number of
21 people.

22 And also they have mentioned only
23 outdoor seating in the back area, yet they have
24 outdoor seating in the front of the restaurant. And
25 I don't know what outdoor is going to be actually

1 there because when the -- when the engineering report
2 was --

3 MR. LAMBRINIDES: Mr. Chairman, I have
4 to object. There's no question pending.

5 CHAIRMAN NEWMAN: Mrs. Katz, I'm giving
6 you like --

7 MS. KATZ: Oh, sorry.

8 CHAIRMAN NEWMAN: -- latitude like this
9 (indicating). I need you to ask a question.

10 MS. KATZ: So what about -- I'm asking
11 also about the front outdoor seating that's been
12 overlooked completely.

13 THE WITNESS: Well, it's my
14 understanding that there is no outdoor seating
15 located in front of the restaurant, that those --
16 those few chairs are for the valet personnel that
17 operate the valet system; that's my understanding.

18 MS. KATZ: All right.

19 The other construction, you said that
20 was only going to be placed with the steps in the
21 back of the house to get to the upstairs of the
22 offices in that building --

23 THE WITNESS: Yes. What --

24 MS. KATZ: -- but what about the
25 elevator construction, a freight elevator in the

1 barn?

2 THE WITNESS: Well, that's all going to
3 be inside the footprint of the existing barn. It's
4 going to be inside.

5 MS. KATZ: All right. Well, I'm still
6 interested in the sizes of the tables because of the
7 seating capacity, that makes a big difference.

8 THE WITNESS: They are three feet by
9 three feet.

10 MS. KATZ: The tables?

11 THE WITNESS: Yes.

12 MS. KATZ: So 36 round --

13 CHAIRMAN NEWMAN: The tables will have
14 four chairs there.

15 MS. KATZ: -- so you're talking about
16 36 rectangles?

17 THE WITNESS: Yes, squares.

18 MS. KATZ: So if I come in there,
19 that's all that we're going to measure --

20 THE WITNESS: Yes.

21 MS. KATZ: -- the seating that that's
22 all that's there?

23 THE WITNESS: Yes.

24 MS. KATZ: Okay. All right.

25 Thank you.

1 CHAIRMAN NEWMAN: Any other questions
2 from residents who live within 200 feet?

3 MR. MAAT: I didn't hear the answer
4 there at the end. What was the total seating?

5 CHAIRMAN NEWMAN: No, you have to come
6 to the podium first.

7 State your name again, please. You've
8 been previously sworn.

9 MR. MAAT: Okay. Name is Kenneth Maat
10 from 40-14 Brookside Avenue.

11 CHAIRMAN NEWMAN: What's your question,
12 Mr. Maat?

13 MR. MAAT: I couldn't hear from the
14 back and I still don't know if we ever got an answer,
15 what's the maximum seating you're going to put in
16 there?

17 THE WITNESS: The maximum seating in
18 the barn area?

19 MR. MAAT: No. On the total building,
20 what's your maximum amount of seats you're going to
21 have?

22 THE WITNESS: One-hundred-eighty-nine.

23 MR. MAAT: What?

24 THE WITNESS: One-hundred-eighty-nine.

25 MR. MAAT: One-eighty-nine.

1 Plus, are you going to have any other
2 seats anywhere else?

3 THE WITNESS: The outdoor seating, as
4 far as I understand it, if you do not exceed 20 --

5 MR. MAAT: Do you have an answer or you
6 don't have an answer?

7 CHAIRMAN NEWMAN: Sir, hang on. Hang
8 on. We're not going to go like that.

9 MR. MAAT: He's very evasive all night.
10 They're --

11 CHAIRMAN NEWMAN: Ask questions --

12 MR. MAAT: They're ambiguous or they're
13 not prepared.

14 CHAIRMAN NEWMAN: Listen, if you don't
15 treat the Applicant with respect, I'll have you sit
16 down. They have a right to be heard, they have a
17 right to present their case. And they have a right
18 to be questioned respectfully.

19 MR. MAAT: I will do that --

20 MR. ROSENBERG: Thank you.

21 MR. MAAT: -- but can you we get an
22 answer?

23 CHAIRMAN NEWMAN: To what?

24 I will answer you.

25 MR. MAAT: To that question, How

1 many --

2 CHAIRMAN NEWMAN: They are proposing a
3 total of two --

4 MR. MAAT: -- people will be allowed
5 to sit --

6 CHAIRMAN NEWMAN: Excuse me, sir. I
7 was answering you.

8 They have testified that they are
9 proposing a total of 209 seats, including -- that
10 number includes 20 outdoor seats.

11 MR. MAAT: Okay.

12 CHAIRMAN NEWMAN: So 189 inside with no
13 more than 20 outside, which would equal 209. That is
14 what they have testified to.

15 MR. MAAT: Okay. How many parking
16 spaces are there now?

17 CHAIRMAN NEWMAN: I don't think that's
18 been testified to yet, has it?

19 THE WITNESS: We have an engineer that
20 will testify --

21 CHAIRMAN NEWMAN: It'll be coming, but
22 it's not there yet.

23 MR. MAAT: Sixty-seven or no?

24 CHAIRMAN NEWMAN: We haven't heard
25 testimony on parking yet. This witness didn't talk

1 about parking at all.

2 MR. MAAT: Is there anyone else I can
3 ask that to?

4 CHAIRMAN NEWMAN: After they testify to
5 it, absolutely.

6 MR. MAAT: Thank you.

7 You keep saying that the square footage
8 is -- I'm sorry, the footprint is not increased, but
9 the footprint of the restaurant is increasing.

10 Right now, you've got a restaurant
11 that's X amount of square feet. And you're proposing
12 one that's quite a bit more. While you still got the
13 same amount of square footage in the building, you're
14 going to make it into commercial buildings instead of
15 residential buildings and --

16 CHAIRMAN NEWMAN: I need you to ask a
17 question.

18 MR. MAAT: You are changing -- are you
19 or are you not actually changing the footprint of the
20 restaurant?

21 THE WITNESS: Yes, we are.

22 MR. MAAT: Yes. Okay.

23 CHAIRMAN NEWMAN: I -- I need you to
24 clarify that statement.

25 THE WITNESS: We are -- we are

1 increasing the overall footprint of the -- of the --
2 of the structures by 300 square feet in total,
3 approximately.

4 That area is between these three
5 buildings (indicating) and it mainly serves as access
6 points or -- access -- yeah, access points to the new
7 dining areas.

8 So, yes, we are technically increasing
9 the footprint of the overall structure, yes.

10 MR. MAAT: All right. So you're not
11 only increasing the pathways by adding that house,
12 you're increasing the footprint, not just the
13 bathrooms --

14 THE WITNESS: Correct.

15 MR. MAAT: -- from a residential
16 structure into a business structure?

17 THE WITNESS: Correct.

18 MR. MAAT: So you're not keeping the
19 footprint the same?

20 CHAIRMAN NEWMAN: No, let's be clear.
21 We're talking about structures.

22 The footprint of the existing
23 structures is not changing.

24 MR. MAAT: Correct.

25 CHAIRMAN NEWMAN: They're not adding

1 anything to the existing structures. They're
2 connecting the existing structures via corridors by
3 what square footage?

4 THE WITNESS: Approximately 300 square
5 feet.

6 CHAIRMAN NEWMAN: Approximately
7 300 square feet.

8 So that 300 square feet will be added
9 to the existing square footage of those three
10 buildings and that's --

11 MR. MAAT: No, I understand that, but
12 there is --

13 CHAIRMAN NEWMAN: Okay.

14 MR. MAAT: -- taking it in little
15 parts, things here to say, well, we're not changing
16 the footprint, but you are changing the footprint of
17 the restaurant. That's my point. And you're
18 accommodating many more people.

19 CHAIRMAN NEWMAN: I don't know -- I
20 don't like the statement that they're changing the
21 footprint of the restaurant. They're expanding the
22 restaurant to those adjacent structures. They're not
23 changing the footprint. It's not the same.

24 MR. MAAT: Well, that's -- you know, I
25 don't know --

1 CHAIRMAN NEWMAN: The building
2 footprints are the same.

3 MR. MAAT: Right, the building --

4 CHAIRMAN NEWMAN: The restaurant
5 seating is being expanded into those buildings. The
6 use of those buildings is changing. The footprint's
7 not changing, except for the corridors that they're
8 proposing.

9 MR. MAAT: But the use is changing and
10 you're bringing in lots of more customers into the
11 restaurant there.

12 CHAIRMAN NEWMAN: That's a different --
13 that's a different thing.

14 MR. MAAT: I -- I have to wait now. I
15 can't ask him any further questions.

16 Thank you.

17 CHAIRMAN NEWMAN: Thank you. Any other
18 questions from residents who live within 200 feet?

19 You can come up to the podium.

20 Please raise your right hand. Do you
21 swear and affirm the testimony you'll give this
22 evening is true and accurate?

23 MR. SUNDARAM: Yes.

24 P A D H U S U N D A R A M,

25 3-10 Saddle River Road, having been sworn,

1 testifies as follows:

2 CHAIRMAN NEWMAN: Please state your
3 name and address for the record.

4 MR. SUNDARAM: First name is Padhu,
5 P-A-D-H-U; last name is Sundaram, S-U-N-D-A-R-A-M. I
6 live at 3-10 Saddle River Road.

7 CHAIRMAN NEWMAN: And that's within 200
8 feet, Mr. Sundaram?

9 MR. SUNDARAM: Yes.

10 CHAIRMAN NEWMAN: Go ahead.

11 MR. SUNDARAM: You are increasing the
12 seating by around 50?

13 THE WITNESS: Correct.

14 MR. SUNDARAM: What is going to be the
15 kitchen?

16 THE WITNESS: The kitchen area will
17 remain the same, which is located just beyond the
18 restrooms in the main restaurant area.

19 MR. SUNDARAM: So the current kitchen
20 can handle the extra 50 seating?

21 THE WITNESS: Yes, of course.

22 MR. SUNDARAM: Okay. Thank you.

23 CHAIRMAN NEWMAN: Any other questions
24 from residents who live within 200 feet?

25 (NO RESPONSE.)

1 CHAIRMAN NEWMAN: Seeing none, then
2 I'll close that.

3 Questions from the general public for
4 this witness?

5 You've been previously sworn, just
6 state your name again for the record.

7 MR. SIEGEL: Fred Siegel. This may
8 have been answered, but just to clarify for me: What
9 is the current seating?

10 THE WITNESS: The current seating is
11 139.

12 MR. SIEGEL: One-thirty-nine.

13 THE WITNESS: I'm sorry, 135.

14 MR. SIEGEL: What is the current square
15 footage of the restaurant space where people can sit
16 or be in contrast to the kitchen, bathroom, storage,
17 et cetera?

18 THE WITNESS: The -- the footprint of
19 the main restaurant area is 3,800 square feet, and
20 the existing dining room area is approximately 2,000
21 or 2,200 square feet.

22 MR. SIEGEL: So we're talking about
23 currently there's approximately 6,000 square feet of
24 space that the public can occupy and be served in?

25 CHAIRMAN NEWMAN: I don't think that's

1 what he said.

2 MR. SIEGEL: No.

3 CHAIRMAN NEWMAN: I heard 3,800 and 22.

4 The 22 is part of the 38.

5 THE WITNESS: Correct, correct.

6 MR. SIEGEL: So currently --

7 THE WITNESS: Of that 3800 is, 2200 of
8 it is -- is dining room.

9 MR. SIEGEL: And what's the other 16?

10 THE WITNESS: It's restrooms, the
11 kitchen, the food prep area.

12 MR. SIEGEL: So then the restaurant
13 space that's available to the public to enjoy the
14 restaurant is 2200 square feet?

15 THE WITNESS: Correct.

16 MR. SIEGEL: This -- first let me ask
17 you: Have you designed restaurants before?

18 THE WITNESS: Yes, I have.

19 MR. SIEGEL: Have you designed catering
20 facilities before?

21 THE WITNESS: No, I have not.

22 MR. SIEGEL: The restaurant space
23 that's contemplated, the architectural plans, can
24 that be used to accommodate the type of corporate
25 meetings that we heard about earlier?

1 THE WITNESS: Well, yes. That's what
2 was -- that's what was discussed before.

3 MR. SIEGEL: Okay.

4 THE WITNESS: Yes.

5 MR. SIEGEL: For a corporate meeting,
6 would it be possible to effectively reconfigure the
7 space in terms of tables and seating?

8 THE WITNESS: I would --

9 MR. LAMBRINIDES: We're not talking
10 about --

11 CHAIRMAN NEWMAN: I'll take care of
12 that. I don't think that's an appropriate question
13 for this witness, that would be more appropriate for
14 the operator of the facility.

15 MR. SIEGEL: Okay.

16 CHAIRMAN NEWMAN: It's important, I
17 guess; you can step back up if you want to ask that
18 question, but I don't think you can ask the architect
19 that question.

20 MR. SIEGEL: I would like to ask that
21 question.

22 CHAIRMAN NEWMAN: Do you mind bringing
23 your client back up to answer that question?

24 MR. LAMBRINIDES: My client, sure.

25 Mr. Panteleakis?

1 CHAIRMAN NEWMAN: I just remind you
2 you're still under oath.

3 MR. PANTELEAKIS: Yes.

4 MR. LAMBRINIDES: The question that has
5 been asked is can the restaurant be configured to
6 accommodate --

7 MR. SIEGEL: Accommodate the corporate
8 meetings in a way that the restaurant seating, as I
9 think most people here are thinking of, as we all
10 walk into a restaurant --

11 MR. PANTELEAKIS: Yes.

12 MR. SIEGEL: -- I'm wondering what it
13 might look like if one wanted to change it to
14 accommodate the corporate meetings.

15 MR. LAMBRINIDES: Mr. Kaltsis, can
16 anybody configure anything they want?

17 THE WITNESS: No.

18 MR. LAMBRINIDES: So he's asking you
19 whether you have this plan that you are going to
20 configure it to accommodate something other than
21 what's proposed?

22 THE WITNESS: No.

23 MR. SIEGEL: That wasn't my question.
24 What I had in mind --

25 CHAIRMAN NEWMAN: He wants to know if

1 you could utilize the current restaurant space to
2 accommodate the types of small corporate events that
3 you described earlier.

4 Am I correct?

5 MR. SIEGEL: Yes. But I would
6 eliminate the word "small" because a restaurant that
7 can seat 209 people, right there, if it was a
8 corporate event that sat 209 people, that would not
9 be a small corporate event.

10 CHAIRMAN NEWMAN: Well, that's not at
11 all what was testified to.

12 He testified that they would utilize
13 probably the seating in the barn area to host these
14 small corporate events. I'm not sure of the exact
15 number, it's something like 12 to 18 people, if I
16 heard correctly. It may have been slightly more than
17 that. It certainly wasn't 209.

18 So I guess what you want to know is
19 since that's what he testified to and what he said
20 one of the reasons for wanting to make these changes
21 would be is, could he do that now with his existing
22 space.

23 Could he have these -- we won't call
24 them big and we won't call them small -- events that
25 he testified to in his current space.

1 Is that what you would like to know?

2 MR. SIEGEL: No. I would like to know
3 if a corporation could host a private party and rent
4 your entire establishment from you?

5 MR. PANTELEAKIS: The answer is no to
6 that because we're not able to handle that kind of
7 large party.

8 FEMALE AUDIENCE MEMBER: You can't
9 handle --

10 CHAIRMAN NEWMAN: You can't ask
11 questions or make statements from the audience.

12 Is that it? Thank you.

13 MR. LAMBRINIDES: Thank you.

14 MR. PANTELEAKIS: Thank you.

15 CHAIRMAN NEWMAN: And thank you for
16 bringing your client back up.

17 MR. KATARYNIAK: Mr. Chairman?

18 CHAIRMAN NEWMAN: Yes?

19 MR. KATARYNIAK: Mr. Chairman, while we
20 have the owner/operator up.

21 CHAIRMAN NEWMAN: Oh, wait.

22 MR. KATARYNIAK: One more time, sorry.

23 CHAIRMAN NEWMAN: Yes.

24 MR. KATARYNIAK: I think just to put
25 some of the operations also into perspective, can we

1 have some testimony on the hours of operation and the
2 existing and/or proposed employee count that would be
3 changed, if at all changed, by the proposed
4 improvements?

5 CHAIRMAN NEWMAN: I think that's very
6 reasonable, but how about you sit next to your
7 attorney, and we let the public finish questioning
8 the architect.

9 MR. KATARYNIAK: Okay.

10 CHAIRMAN NEWMAN: And then we'll ask
11 him to do that.

12 So any other questions for the
13 architect from members of the general public?

14 (NO RESPONSE.)

15 CHAIRMAN NEWMAN: Seeing none, we'll
16 close that then.

17 MR. PUZIO: Mr. Chairman?

18 CHAIRMAN NEWMAN: Yes?

19 MR. PUZIO: I have one additional
20 question.

21 CHAIRMAN NEWMAN: Yes. For the
22 architect?

23 MR. PUZIO: Yes.

24 Sir, can you testify to the maximum
25 amount of people allowed in that space by code?

1 CHAIRMAN NEWMAN: Which space? The
2 existing or the proposed?

3 MR. PUZIO: All the proposed space.

4 THE WITNESS: This is about --

5 MR. PUZIO: Which would be about 3300
6 square feet.

7 THE WITNESS: What we're proposing as
8 actual -- this is considered an actual number of
9 occupants, which is 189.

10 MR. PUZIO: So that would be the
11 maximum --

12 THE WITNESS: Correct.

13 MR. PUZIO: -- amount by law?

14 THE WITNESS: Correct.

15 CHAIRMAN NEWMAN: No. That would be
16 the maximum amount you're --

17 THE WITNESS: That we're proposing,
18 yes.

19 CHAIRMAN NEWMAN: -- proposing to put
20 there.

21 Do we know what the minimum fire code
22 capacity is?

23 THE WITNESS: I -- I don't have that
24 information.

25 CHAIRMAN NEWMAN: Do any of our

1 professionals have that information right at the
2 moment?

3 MR. AZZOLINA: No.

4 CHAIRMAN NEWMAN: That's certainly
5 information this Board wants to hear testified to at
6 the next meeting.

7 Any other questions?

8 MR. SEIBEL: Yes. With regard to that
9 maximum allowance, there's also space upstairs in the
10 office area that would have to be accounted for also
11 as far as how many people would be allowed in at any
12 one time.

13 CHAIRMAN NEWMAN: As far as fire code?

14 MR. SEIBEL: Yes, correct.

15 CHAIRMAN NEWMAN: Okay.

16 MR. LAMBRINIDES: How many do you
17 normally have upstairs?

18 MR. PANTELEAKIS: Me, my dad and my
19 brother, there's three of us. We have no secretary.

20 CHAIRMAN NEWMAN: I think what the
21 Board is looking for is the legal capacity according
22 to fire code, not how many you're proposing to be
23 there.

24 MR. PANTELEAKIS: Okay.

25 CHAIRMAN NEWMAN: Okay. Anything else

1 for the architect?

2 (NO RESPONSE.)

3 CHAIRMAN NEWMAN: No?

4 Mr. Kataryniak, if you want to just ask
5 your question directly, that'll be great.

6 MR. KATARYNIAK: Certainly. Can you
7 provide some testimony on the hours of operation and
8 the number of employees that you have?

9 And I'm speaking of total number of
10 employees and maximum at any one shift. And if you
11 can, compare and contrast that to existing operations
12 and proposed operations.

13 MR. PANTELEAKIS: Okay. The hours of
14 operation now are lunch and dinner, so we open to the
15 public around 11 o'clock and we usually -- we close
16 our kitchen at 11 o'clock.

17 So people may linger around till like
18 12 o'clock, 12:30, then -- and then head out.

19 Now, the total maximum number of
20 employees that -- yes?

21 MR. KATARYNIAK: Excuse me, sorry.
22 Days of the week you operate?

23 MR. PANTELEAKIS: We're open seven
24 days, seven days a week.

25 On Saturdays, we usually open around

1 5:00 p.m., unless we have some kind of, you know,
2 anything that we need to open for.

3 MR. LAMBRINIDES: Earlier?

4 MR. PANTELEAKIS: Earlier.

5 What else?

6 MR. LAMBRINIDES: Sundays?

7 MR. PANTELEAKIS: Sundays, 11 o'clock
8 we open again. Serving dinner all day.

9 MR. KATARYNIAK: Okay.

10 MR. LAMBRINIDES: Employees?

11 MR. PANTELEAKIS: Now, the maximum
12 employees that we're proposing is about 20, about 20,
13 that includes all the kitchen, the waiters, the
14 bartenders. And that's us as well. That's three of
15 us.

16 MR. KATARYNIAK: How many now?

17 MR. PANTELEAKIS: I have less, much
18 less. I think about 12 or 14.

19 MR. KATARYNIAK: How many employees
20 now?

21 MR. PANTELEAKIS: Twelve or 13.

22 MR. KATARYNIAK: Does that include you
23 in the operation?

24 MR. PANTELEAKIS: I'd say -- I just
25 testified to it. I got write this down a second.

1 MR. KATARYNIAK: Okay.

2 MR. PANTELEAKIS: It would be 14,
3 actually, with us.

4 MS. LAMBRINIDES: So if I could
5 summarize for you, you currently have 14 employees on
6 a maximum shift?

7 MR. PANTELEAKIS: Uh-huh.

8 MR. KATARYNIAK: You're proposing with
9 this expansion to increase to 20 --

10 MR. PANTELEAKIS: Twenty.

11 MR. KATARYNIAK: -- maximum a shift.

12 You currently operate seven days a
13 week, 11 a.m. to kitchen close at 11:00 p.m., and
14 you're proposing no changes to the hours of
15 operation?

16 MR. PANTELEAKIS: That's correct.

17 MR. KATARYNIAK: Thank you, sir.

18 MR. KITTNER: Mr. Chairman, can I ask a
19 question?

20 CHAIRMAN NEWMAN: Yes.

21 MR. KITTNER: Thank you.

22 Just to clarify for the record, would
23 you consider the use to be a -- the proposed use to
24 be a quality restaurant, sit down, quality sit down
25 restaurant?

1 MR. PANTELEAKIS: This is a sit-down
2 tablecloth restaurant; we call it that. We are
3 actually -- we're kid friendly. Okay? We encourage
4 -- we have kids that come to us for many years that
5 I've seen grow up. Okay?

6 We're handicap accessible, yes.

7 MR. KITTNER: Is there any take out?

8 MR. PANTELEAKIS: No. There is no take
9 out. Very few, maybe two orders a week of take out.
10 So people make reservations. They call
11 in on the phone. They come in.

12 And we do have, you know, walk-ins as
13 well. But we typically recommend reservations to all
14 of our guests; that way we can have enough space for
15 the amount of people who are coming and can prepare
16 ourselves and prepare our staff.

17 That's how we go.

18 MR. KITTNER: Your supplies are
19 currently trucked in; is that correct?

20 MR. PANTELEAKIS: Yes, that's correct.

21 MR. KITTNER: On average, how much --
22 how many deliveries would you say you receive on a
23 given week?

24 MR. PANTELEAKIS: We have deliveries
25 almost every other day, every other day. And they

1 come in the morning.

2 MR. KITTNER: What time?

3 MR. PANTELEAKIS: They'll come between
4 7:00 in the morning until 11:00, 12:00.

5 Once in a while, we might have a late
6 delivery, depending on the trucking company that's
7 coming in.

8 But it's usually off the hours of
9 operation.

10 Everybody starts coming, all the
11 customers, they come in around 12:30 to 1 o'clock.
12 Everybody's out by 2:00, back to work.

13 The restaurant's pretty much empty from
14 2:30 till 6 o'clock, just waiting for somebody to
15 call or come in.

16 And then from 6 o'clock on to 8
17 o'clock, 8:30, that's the only window. It's pretty
18 much the rush, we call it.

19 MR. KATARYNIAK: And the loading and
20 unloading of the truck, that occurs in the back?

21 MR. PANTELEAKIS: That occurs -- yes,
22 that occurs -- correct, that goes in the back of the
23 restaurant.

24 MR. KATARYNIAK: Thank you.

25 MR. PANTELEAKIS: Thank you.

1 CHAIRMAN NEWMAN: There you go,
2 Mr. Kittner.

3 MR. KITTNER: Yes.

4 CHAIRMAN NEWMAN: Mr. Azzolina?

5 MR. AZZOLINA: Chairman, one other
6 operational aspect that perhaps this witness can just
7 touch upon.

8 I'm assuming there's valet parking?

9 MR. PANTELEAKIS: Yes, there is.

10 MR. AZZOLINA: Can you expand upon
11 that?

12 MR. PANTELEAKIS: We have valet parking
13 on Friday and Saturday when we have a large amount of
14 people coming in.

15 Now, if our reservations -- because we
16 recommend reservations to our guests and now we've
17 been open so long that they're used to making
18 reservations, we can anticipate a large crowd that's
19 coming in.

20 So we call our valet company, which is
21 an outside company that we hire, a fully insured
22 company and professional, they come and they control
23 the parking lot.

24 CHAIRMAN NEWMAN: Where do the valets
25 park the cars?

1 MR. PANTELEAKIS: They park the cars on
2 -- in the parking lot, our parking lot.

3 CHAIRMAN NEWMAN: Exclusively?

4 MR. PANTELEAKIS: Exclusively in the
5 parking lot.

6 MR. KITTNER: Chairman, one last
7 question. I apologize.

8 With the truck deliveries --

9 MR. PANTELEAKIS: Yes.

10 MR. KITTNER: -- do you anticipate that
11 that's going to increase with these proposed
12 operations?

13 MR. PANTELEAKIS: Not at all. They'll
14 be the same, the same deliveries coming in the same
15 truck. Just, there might be just a little bit more
16 food on it.

17 MR. KITTNER: And this is typically via
18 a box truck?

19 MR. PANTELEAKIS: Box truck, straight
20 box trucks.

21 MR. KITTNER: Thank you.

22 MR. PANTELEAKIS: Thank you.

23 CHAIRMAN NEWMAN: Mr. Kataryniak?

24 MR. KATARYNIAK: Your valet service,
25 that's on demand, essentially? That's --

1 MR. PANTELEAKIS: They're on demand
2 seven days a week.

3 MR. KATARYNIAK: On demand seven days a
4 week, but typically in a given week, how often do you
5 use them?

6 MR. PANTELEAKIS: We use them twice a
7 week, Friday and Saturday.

8 CHAIRMAN NEWMAN: Mr. Panteleakis, I
9 have a question for you, just to sort of establish on
10 the record your expertise in running a restaurant, I
11 want to ask some operational --

12 MR. PANTELEAKIS: Yes.

13 CHAIRMAN NEWMAN: -- questions.

14 How long have you run the restaurant
15 for?

16 MR. PANTELEAKIS: I've been running the
17 restaurant since we renovated as Oceanos ten years
18 ago.

19 I've worked in the restaurant since I
20 was ten years old back at Peter's Whale. I was a
21 busboy, water boy, and helping out my dad and
22 grandfather.

23 I also own another restaurant, Taverna
24 Mykonos, in Elmwood Park. So I love it. So I run
25 both operations very carefully. And we have a great

1 staff and a good team and we love what we do. And we
2 do it to the best we can do it.

3 CHAIRMAN NEWMAN: Just guessing, the
4 second restaurant you mentioned opened later than
5 Oceanos?

6 MR. PANTELEAKIS: That's correct. We
7 opened about three years ago, three-and-a-half years
8 ago.

9 CHAIRMAN NEWMAN: Did you open that
10 restaurant?

11 MR. PANTELEAKIS: I did.

12 CHAIRMAN NEWMAN: So you opened it.
13 You run it. You run this one.

14 MR. PANTELEAKIS: And I run this one.

15 CHAIRMAN NEWMAN: Okay. I just wanted
16 that --

17 MR. PANTELEAKIS: Thank you.

18 CHAIRMAN NEWMAN: -- on the record
19 because you're answering questions about is there
20 more food needed, is there not more food needed.

21 MR. LAMBRINIDES: I have a question.

22 CHAIRMAN NEWMAN: Yes.

23 MR. LAMBRINIDES: How often do you go
24 to the seafood market in New York City?

25 MR. PANTELEAKIS: I go almost every

1 night.

2 CHAIRMAN NEWMAN: Well, I didn't hear
3 the question. I'm sorry.

4 MS. LAMBRINIDES: How often does he go
5 to the seafood market in New York City.

6 MR. PANTELEAKIS: So my father and I go
7 to the Fulton Fish Market, Hunts Point Market. We
8 leave around 12:30 at night to get there around 1
9 o'clock in the morning.

10 We do it almost every night. So it
11 depends on what we need. It might be whole fish. It
12 might be oysters. It might be clams. We go down and
13 we look at it. We look at the fish, cuts of fish,
14 inspect the quality, look at the eyes -- nice and
15 clear, fresh catch, we bring it in.

16 After that, we go to the meat market,
17 which is about a couple blocks away. We pick out our
18 prime beef, filet mignon, rib eye steaks, pork, lamb,
19 and this stuff gets delivered to the restaurant. We
20 don't carry anything. We just inspect it, seal it
21 and they send it over. We get --

22 MS. LAMBRINIDES: Fish as well?

23 MR. PANTELEAKIS: -- home around 3
24 o'clock.

25 MS. LAMBRINIDES: The fish as well?

1 MR. PANTELEAKIS: The fish as well.

2 CHAIRMAN NEWMAN: So you're describing
3 how you choose your food, but your deliveries are
4 made --

5 MR. PANTELEAKIS: Deliveries are made
6 by a separate company that has -- keeps it in a
7 refrigerator because fish has to be refrigerated. It
8 comes in a refrigerated truck and goes into our
9 refrigerator.

10 The boys unload it and -- on the
11 refrigerator, lock the doors. My father's around
12 6 o'clock, 7 o'clock in the morning when the
13 deliveries usually come in.

14 And I work around 10:30, get a little
15 more sleep, and then we continue the day until -- and
16 do the same thing at night.

17 CHAIRMAN NEWMAN: So since we put it on
18 the record, I don't want to get too into the other
19 restaurant, but since it's very close to this
20 restaurant, are any of the deliveries shared?

21 And what I'm more interested in,
22 really, is: Does anything get delivered to Oceanos
23 and then picked up there and delivered to the other
24 restaurant, creating more traffic?

25 MR. PANTELEAKIS: That's -- no, that's

1 not going to happen.

2 CHAIRMAN NEWMAN: So everything at the
3 other restaurant --

4 MR. PANTELEAKIS: Yes, that's correct.

5 CHAIRMAN NEWMAN: Okay.

6 MR. PANTELEAKIS: Everything has its
7 own separate drivers, separate buildings, separate
8 accounts, separate everything. We try to run each
9 restaurant independently.

10 CHAIRMAN NEWMAN: Thank you. Thank
11 you.

12 MR. PUZIO: I have a question.

13 CHAIRMAN NEWMAN: Yes.

14 MR. PANTELEAKIS: Yes.

15 MR. PUZIO: Quick question.

16 You mentioned you have a refrigerator
17 on site, correct?

18 MR. PANTELEAKIS: That's correct.

19 MR. PUZIO: How big, roughly?

20 MR. PANTELEAKIS: Our refrigerator is
21 about 20 feet. Twenty feet, plus we have interior
22 refrigerators, under counter refrigeration. We have
23 standup refrigerators inside the kitchen, inside the
24 restaurant.

25 What we do is, we keep bulk products in

1 the larger refrigerator. If we have to put
2 something, we have to clean the fish, then they get
3 transferred to local refrigerators that are available
4 to the chefs.

5 So we have refrigerator drawers that
6 are -- have fish covered in ice so if you open the
7 drawers, there's the fish, ready -- ready to be
8 cooked.

9 MR. PUZIO: Do you have a backup power
10 system to run the --

11 MR. PANTELEAKIS: We don't have a
12 backup power system.

13 MR. PUZIO: So you're at the mercy of
14 the --

15 MR. PANTELEAKIS: We're going to think
16 about putting one in. We had a couple of near
17 misses. Thankfully, nothing happened.

18 You can keep it 24 hours cold. We open
19 up -- in our refrigerator, we have a refrigerator
20 inside a refrigerator. We have a freezer.

21 So you open the door into the freezer
22 and now everything's sharing the same freezer
23 temperature up and down, you know, just in case of a
24 power outage, which we had once. And, thankfully, we
25 got it back in a few hours.

1 CHAIRMAN NEWMAN: You're aware that if
2 you don't present plans for backup power as part of
3 this application, you may have to come before this
4 Board again with those plans depending on --

5 MR. PANTELEAKIS: Okay.

6 CHAIRMAN NEWMAN: -- how it fits our
7 ordinance.

8 MR. PANTELEAKIS: Got you. Thank you.

9 CHAIRMAN NEWMAN: Okay. Any other
10 questions?

11 (NO RESPONSE.)

12 CHAIRMAN NEWMAN: No, okay.

13 So we closed the questioning of the
14 architect. We re-questioned the Applicant. And I
15 will allow questions from the public for the
16 Applicant based on the testimony he just gave and
17 only the testimony he just gave.

18 Questions for the --

19 MR. RACENSTEIN: We're stopping at
20 10 o'clock?

21 CHAIRMAN NEWMAN: We're stopping at
22 10 o'clock.

23 Let's take a short recess.

24 MR. RACENSTEIN: Thank you.

25 (Whereupon, a brief recess is held.)

1 CHAIRMAN NEWMAN: I call the meeting
2 back to order, please. Roll call.

3 MR. LOWENSTEIN: Mr. Siebel?

4 MR. SIEBEL: Here.

5 MR. LOWENSTEIN: Mr. Blecher?

6 MR. BLECHER: Here.

7 MR. LOWENSTEIN: Sacchinelli?

8 (NO RESPONSE.)

9 MR. LOWENSTEIN: Mr. Lowenstein is
10 here.

11 Mr. Puzio?

12 MR. PUZIO: Here.

13 MR. LOWENSTEIN: Mr. Racenstein?

14 MR. RACENSTEIN: Here.

15 MR. LOWENSTEIN: Mr. Pohlman?

16 MR. POHLMAN: Here.

17 MR. LOWENSTEIN: Mr. Zharnest?

18 MR. ZHARNEST: Here.

19 MR. LOWENSTEIN: Mr. Naveh?

20 MR. NAVEH here.

21 MR. LOWENSTEIN: And, Mr. Chairman?

22 CHAIRMAN NEWMAN: Here.

23 We do have to wait for the Applicant's
24 counsel to return before opening up to questions. So
25 if we can all sit tight for a moment.

1 (Pause.)

2 CHAIRMAN NEWMAN: Okay. Counsel, we
3 are back in session, roll call has been called. And
4 I'm about to ask if residents who live within
5 200 feet of the Applicant have any questions for your
6 client based on his recent testimony.

7 MS. KATZ: Yes.

8 CHAIRMAN NEWMAN: Please state your
9 name. You've been previously sworn.

10 MS. KATZ: Bernice Katz.

11 I have a question about accommodate --
12 if accommodations are made for the people that want
13 takeout. Like we said, there's people that -- you
14 have a few people. Where do they park and what
15 accommodations are there for them.

16 MR. PANTELEAKIS: The --

17 CHAIRMAN NEWMAN: You have to turn --

18 MR. PANTELEAKIS: The customers who
19 order takeout -- customers who order takeout they
20 usually park in the regular parking spots that are
21 there. They don't park in the fire lane. They don't
22 park in the handicap. They park in a regular parking
23 spot. They come in, they pick up their order and
24 they leave.

25 MS. KATZ: And there's no additional

1 areas for them?

2 MR. PANTELEAKIS: No.

3 MS. KATZ: The other thing is, you said
4 the hours are basically 11:00 to 11:00, Saturday
5 starting at 5:00.

6 But during the week, corporate meetings
7 or a meeting of any other type of business, they
8 don't just start at 11:00 for lunch. They have
9 breakfast. And a lot of corporate meetings are for
10 breakfast. And are you going to open earlier to
11 accommodate them.

12 MR. PANTELEAKIS: Not at all. We don't
13 do breakfast. We do lunch and dinner.

14 MS. KATZ: Thank you.

15 CHAIRMAN NEWMAN: Any other questions
16 from residents who live within 200 feet?

17 State your name again for the record.
18 You were previously sworn.

19 MR. MAAT: Kenneth Maat, 40-14
20 Brookside Avenue.

21 MR. MAAT: First, I want to apologize
22 to the architect. Everyone else, I think, should
23 have shown that.

24 CHAIRMAN NEWMAN: Thank you.

25 MR. MAAT: I have some photographs that

1 I'd like to give to the Board, if I could.

2 CHAIRMAN NEWMAN: I can't have you
3 introduce evidence at this time. At the end of the
4 Applicant's presentation, once they've had all their
5 witnesses testify and all their witnesses have been
6 questioned, like we're doing now, then we let the
7 public come to the podium. They can present
8 pictures, if they'd like. They can make statements,
9 if they'd like. But not now.

10 Now is a question for the Applicant
11 based on his recent testimony.

12 MR. MAAT: Okay. You said I can ask on
13 the recent testimony. I'm a little bit out of order
14 here because I'm taking notes as we go along. I'm
15 not -- I don't understand why we can't just ask the
16 Oceanos team a question and get an answer from the
17 team.

18 So I don't really know if I can ask it
19 or not.

20 CHAIRMAN NEWMAN: Ask and I will tell
21 you if you can ask it.

22 MR. MAAT: I'm asking, if the proper
23 number is approximately 139 parking spaces and you
24 want to go to 209 parking spaces --

25 CHAIRMAN NEWMAN: Well, I think the

1 reason that's not an appropriate question now is
2 they've not really given any testimony at all as to
3 parking yet.

4 MR. MAAT: When will this happen? I
5 asked before about -- it seemed like things are
6 incomplete.

7 CHAIRMAN NEWMAN: Well, the way these
8 hearings work is they have a series of professionals
9 and they testify only on their area of expertise.
10 We've only heard from the architect. Parking isn't
11 him.

12 So we will hear on parking and you will
13 get a chance to ask those questions when it is
14 testified about.

15 MR. MAAT: Okay. Will this be tonight;
16 do you know, or --

17 CHAIRMAN NEWMAN: No, it will not.

18 MR. MAAT: It will not, okay. All
19 right. Thank you.

20 CHAIRMAN NEWMAN: You're welcome.

21 Please state your name again.

22 MR. RUGGLES: Yup. William S. Ruggles,
23 210 Saddle River Road.

24 CHAIRMAN NEWMAN: And you've been
25 previously sworn, Mr. Ruggles?

1 MR. RUGGLES: Yes.

2 In the recent testimony that you just
3 gave Mr. Panteleakis, you mentioned something about a
4 couple of close calls with not having a backup
5 generator.

6 MR. PANTELEAKIS: Yes.

7 MR. RUGGLES: When were those?

8 MR. PANTELEAKIS: I do not recall the
9 dates.

10 MR. RUGGLES: Do you approximately when
11 or was there some special occasion or was it everyone
12 had a close call or were you the only one?

13 MR. PANTELEAKIS: I think it was
14 everyone had a close call, but I'm not sure.

15 MR. RUGGLES: Did it have anything to
16 do with Hurricane Irene?

17 MR. PANTELEAKIS: I don't recall.

18 MR. RUGGLES: Did it have anything to
19 do with Super Storm Sandy?

20 MR. PANTELEAKIS: It may have, but I
21 don't recall.

22 MR. RUGGLES: What were the conditions
23 that lead you to believe it was a close call?

24 MR. PANTELEAKIS: The lights went out
25 and came back.

1 MR. RUGGLES: And what was the cause of
2 the lights going out and coming back?

3 MR. PANTELEAKIS: I don't know.

4 MR. RUGGLES: Wind? Water? Rain?
5 Flooding?

6 MR. LAMBRINIDES: He already answered
7 that he doesn't know.

8 MR. PANTELEAKIS: I don't know.

9 MR. RUGGLES: Have you ever had a
10 problem with water, excessive water, in your parking
11 lot?

12 MR. PANTELEAKIS: Only once.

13 CHAIRMAN NEWMAN: I'm not going to even
14 allow that question right now. He hasn't testified
15 to --

16 MR. RUGGLES: No?

17 CHAIRMAN NEWMAN: -- anything regarding
18 parking or the parking lot, water, flooding, now not.
19 You can ask --

20 MR. RUGGLES: Well, it has to do with
21 --

22 CHAIRMAN NEWMAN: You can ask it at
23 some point when it's appropriate --

24 MR. RUGGLES: -- when the power went
25 out.

1 CHAIRMAN NEWMAN: Not now.

2 He said he doesn't know when the power
3 went out. He answered you. You can't keep fishing.

4 MR. RUGGLES: Yeah, okay. Thanks.

5 CHAIRMAN NEWMAN: Any other questions
6 from residents who live within 200 feet of the
7 Applicant?

8 (NO RESPONSE.)

9 CHAIRMAN NEWMAN: Seeing none, I'll
10 close that.

11 Questions from members of the general
12 public?

13 I don't think you've been up.

14 MR. FORNELIUS: No.

15 CHAIRMAN NEWMAN: Please raise your
16 right hand. Do you swear or affirm the testimony
17 you'll give this evening is true and accurate?

18 MR. FORNELIUS: Yes.

19 D A N I E L F O R N E L I U S

20 having been duly sworn, testifies as follows:

21 CHAIRMAN NEWMAN: Please state your
22 name and address for the record.

23 MR. FORNELIUS: Daniel Fornelius, 3901
24 Brookside Ave.

25 THE COURT REPORTER: Spell your last

1 name, please.

2 MR. FORNELIUS: F-O-R-N-E-L-I-U-S. A
3 few houses west.

4 I don't know if we commented or
5 clarified the height of the structure and how much
6 this would increase the height, I guess, from west to
7 east.

8 CHAIRMAN NEWMAN: It was testified to
9 by the architect. If they don't have any problem
10 bringing him back up to answer that?

11 MR. LAMBRINIDES: Not at all.

12 CHAIRMAN NEWMAN: You see how lenient I
13 am? I try.

14 MR. LAMBRINIDES: You see how
15 accommodating I am?

16 D E M E T R I O S K A L T S I S

17 having been previously sworn, testifies as follows:

18 MR. KALTSIS: So the height from the
19 highest point of the gable to the grade is 27 feet
20 and 10 inches. It's 27 feet, 10 inches. And the
21 highest point from the top of the chimney to grade is
22 34 feet, 4 inches.

23 MR. FORNELIUS: And right now?
24 Currently?

25 MR. KALTSIS: I don't have that

1 dimension, but it's well within the maximum height
2 that's allowed for the Zoning Ordinance.

3 CHAIRMAN NEWMAN: Are you seeking a
4 height variance?

5 MR. KALTSIS: No.

6 CHAIRMAN NEWMAN: Mr. Kittner, do you
7 have any issue with how their height was measured?

8 MR. KITTNER: There's a specific
9 measurement in the ordinance to measure height, and I
10 think I'd have to defer that to our board engineer.

11 MR. AZZOLINA: The height calculation,
12 I -- I found to be acceptable.

13 Basically, the River Road elevation is
14 the same as the parking lot elevation to which the
15 Applicant's architect is referring, so I would concur
16 with his estimation of the height and it's well below
17 the permitted maximum height of 30 feet in the zone.

18 CHAIRMAN NEWMAN: Thank you.

19 MR. FORNELIUS: Thank you.

20 CHAIRMAN NEWMAN: Yes.

21 MR. LOWENSTEIN: Quick question of the
22 architect, please.

23 MR. KALTSIS: Yes.

24 MR. LOWENSTEIN: I heard you testify
25 earlier that the -- I believe it's the roofing

1 material on the copula is going to be metal.

2 MR. KALTSIS: Yes.

3 MR. LOWENSTEIN: Is that copper or some
4 other?

5 MR. KALTSIS: Copper, yes.

6 MR. LOWENSTEIN: Okay.

7 CHAIRMAN NEWMAN: Any other questions
8 for the Applicant based on his recent testimony from
9 members of the general public?

10 (NO RESPONSE.)

11 CHAIRMAN NEWMAN: You got to get up
12 faster.

13 Please raise your right hand. Do you
14 swear or affirm the testimony you'll give is true and
15 accurate?

16 MS. BIELLO-PETERS: Yes.

17 K A T H L E E N B I E L L O P E T E R S,

18 having been duly sworn, testifies as follows:

19 CHAIRMAN NEWMAN: Please state your
20 name and address for the record.

21 MS. BIELLO-PETERS: Kathleen

22 Biello-Peters, 3855 Brookside Avenue.

23 CHAIRMAN NEWMAN: And you have a
24 question?

25 MS. BIELLO-PETERS: Yes.

1 THE COURT REPORTER: Spell your last
2 name, please.

3 MS. BIELLO-PETERS: "B" as in boy,
4 I-E-L-L-O.

5 First of all, I want to thank Nick for
6 us up during the break. I really feel -- I just have
7 to make just one quick statement. The neighborhood
8 has had a good relationship with Oceanos. I think
9 that the change has brought --

10 CHAIRMAN NEWMAN: I can't --

11 MS. BIELLO-PETERS: -- insiders -- I'm
12 sorry. Okay.

13 CHAIRMAN NEWMAN: Although it's the
14 first nice statement about him being good --

15 MS. BIELLO-PETERS: Well, that's -

16 CHAIRMAN NEWMAN: -- but just leave it
17 at that.

18 MS. BIELLO-PETERS: I wanted to ask
19 when there's a party I heard you said that the
20 kitchen is open it's from 11:00 to 11:00 that it's
21 being served. The party will end at 11:00? How long
22 can patrons stay on the premises?

23 MR. PANTELEAKIS: In our experience,
24 usually no one has ever lasted more than 1 o'clock in
25 the morning. Everybody's out by 12:30.

1 MS. BIELLO-PETERS: And we can be
2 assured that these parties will not be going till
3 1:00 or 2:00 in the morning?

4 MR. PANTELEAKIS: No, they will not be
5 going until 2 o'clock in the morning.

6 MS. BIELLO-PETERS: And will there be
7 bands or DJs?

8 MR. PANTELEAKIS: There might be.
9 There might be.

10 MS. BIELLO-PETERS: Why?

11 MR. PANTELEAKIS: Once a year, we do a
12 New Year's party, we have a DJ. That's been going on
13 for the past -- since we opened.

14 MS. BIELLO-PETERS: Yeah. We hear
15 that. That's okay.

16 MR. PANTELEAKIS: You hear that?

17 MS. BIELLO-PETERS: Yes.

18 MR. PANTELEAKIS: You hear it?

19 MS. BIELLO-PETERS: It's okay. We hear
20 that.

21 MR. PANTELEAKIS: That's about it.

22 MS. BIELLO-PETERS: The concern is --

23 MR. PANTELEAKIS: But we don't have a
24 dance floor. We don't have any dance space or any
25 space that can do, like, you know, everybody getting

1 together.

2 But sometimes, on occasion, we have
3 string quartets that come in, a jazz cello comes in.
4 These are hired by people having, like, an intimate
5 event, you know, like a birthday party. They said,
6 "I want to bring, you know, a little jazz music."

7 MS. BIELLO-PETERS: You're not
8 anticipating that a band would be going on --

9 MR. PANTELEAKIS: No.

10 MS. BIELLO-PETERS: -- until 11:00 or
11 12 o'clock --

12 MR. PANTELEAKIS: No, we don't.

13 MS. BIELLO-PETERS: -- at night on a
14 weekend?

15 MR. PANTELEAKIS: That's correct.

16 MS. BIELLO-PETERS: Okay. Thank you.

17 MR. PANTELEAKIS: And for the record,
18 you know, we prefer to avoid bands and all this stuff
19 because they do interfere with our operation of
20 serving. So we always recommend customers -- we try
21 to sway them away from having bands and DJs and all
22 this stuff because they just get in our way.

23 MS. BIELLO-PETERS: Thank you.

24 MR. PANTELEAKIS: Thank you.

25 CHAIRMAN NEWMAN: Okay.

1 MR. SIEGEL: Fred Siegel.

2 CHAIRMAN NEWMAN: You've been
3 previously sworn, Mr. Siegel.

4 MR. SIEGEL: Could you explain again
5 how many restaurants you currently operate?

6 MR. PANTELEAKIS: I currently operate
7 two restaurants.

8 MR. SIEGEL: And prior to the two that
9 you operate now, were there others --

10 MR. PANTELEAKIS: No.

11 MR. SIEGEL: You mentioned the Peter's
12 Whale -- just these two.

13 And you mentioned you go to the Fulton
14 Fish Market. And --

15 MR. PANTELEAKIS: Yes.

16 MR. SIEGEL: -- the meat, where's that
17 at?

18 MR. PANTELEAKIS: Also Hunts Point.

19 MR. SIEGEL: And you go there in the
20 wee hours of the morning?

21 MR. PANTELEAKIS: That's correct.

22 MR. SIEGEL: So when you're ordering
23 fish -- I mean, just to put it in context, I used to
24 go to the original Fulton Fish Market, and I'm also
25 in the restaurant business.

1 MR. PANTELEAKIS: Yes.

2 MR. SIEGEL: So when you go to buy your
3 fish and you're choosing it, does your second
4 restaurant sell fish as well?

5 MR. PANTELEAKIS: That's correct.

6 MR. SIEGEL: So do you buy -- typically
7 order fish from the same vendor?

8 MR. PANTELEAKIS: Yes.

9 MR. SIEGEL: And you mentioned that you
10 try to operate the restaurants totally independently.

11 MR. PANTELEAKIS: Yes.

12 MR. SIEGEL: I also happen to be a CPA
13 and I work with businesses.

14 MR. PANTELEAKIS: Yes.

15 MR. SIEGEL: So I'm wondering why you
16 or the vendor would do that? Are the restaurants far
17 apart from each other? Where is the second
18 restaurant located?

19 MR. PANTELEAKIS: The second restaurant
20 is a mile-and-a-half away. It's located on Broadway
21 in Elmwood Park.

22 Now, how does the fish come in? You
23 asked me the question.

24 MR. PANTELEAKIS: I know how the fish
25 comes in. I've worked in restaurants.

1 MR. PANTELEAKIS: All right.

2 MR. SIEGEL: I'm asking -- I'm just
3 surprised that somebody that's operating a small
4 business would go to one vendor and try to do
5 everything independently.

6 Normally --

7 CHAIRMAN NEWMAN: I'm going to stop
8 you. I don't have any idea why you're asking this.
9 I know why I asked the question, because I was
10 worried about trucks moving in --

11 MR. SIEGEL: I'm asking the question,
12 as I've asked --

13 CHAIRMAN NEWMAN: -- are you worried
14 about the same thing.

15 MR. SIEGEL: -- almost all my
16 questions, because I want Nick to go on the record
17 saying things because I personally have an issue with
18 what I'm hearing tonight in terms of credibility.

19 CHAIRMAN NEWMAN: Yeah, but I'm not
20 going to allow you to attack the Applicant's
21 credibility. I'm sorry. You can ask questions --

22 MR. SIEGEL: I'm not, I'm simply
23 asking --

24 CHAIRMAN NEWMAN: You can ask questions
25 based on what he's testified to as it pertains to the

1 application.

2 You know, I knew I was opening up a bit
3 of a Pandora's box asking him about the other
4 restaurant, but I asked him specifically about it for
5 a very specific, one reason, are trucks going to pick
6 up food from Oceanos and bring them over to the other
7 restaurant. He testified no.

8 You can ask him that question again if
9 you want to hear him answer it again.

10 MR. SIEGEL: The answer is yes.

11 CHAIRMAN NEWMAN: But beyond that,
12 we're not going to get into his bookkeeping or how he
13 runs his business or why --

14 MR. SIEGEL: I understand.

15 CHAIRMAN NEWMAN: -- or why it's
16 financially feasible for him because none of that has
17 anything to do with this application.

18 MR. SIEGEL: The answers here given
19 have a tremendous amount to do with whether or not a
20 truck is going from one place to another.

21 CHAIRMAN NEWMAN: So let's ask about
22 the truck then.

23 MR. SIEGEL: I did.

24 CHAIRMAN NEWMAN: Okay.

25 MR. PANTELEAKIS: The same truck that

1 delivers to Oceanos delivers to Mykonos.

2 MR. SIEGEL: Excuse me?

3 MR. PANTELEAKIS: The same truck that
4 delivers to Oceanos delivers to Mykonos. That's the
5 answer to the question.

6 MR. SIEGEL: Right. So to clarify, it
7 stops at one restaurant first and then goes to the
8 other restaurant?

9 MR. PANTELEAKIS: That's correct. And
10 many others.

11 CHAIRMAN NEWMAN: You answered my
12 question, stuff isn't stored at Oceanos. Food isn't
13 stored at Oceanos and then brought to the other
14 restaurant. Okay.

15 MR. PANTELEAKIS: It wasn't clear to me
16 that that's what you were asking.

17 MR. SIEGEL: That's what I was asking
18 him.

19 And I know that you mentioned that you
20 would not open earlier to accommodate any kind of
21 corporate breakfast.

22 MR. PANTELEAKIS: That is correct.

23 MR. SIEGEL: What if somebody wanted to
24 do a corporate breakfast?

25 CHAIRMAN NEWMAN: I think he's answered

1 that.

2 MR. PANTELEAKIS: You would say no.
3 You would say no. That's the answer to the question.

4 MR. SIEGEL: Thank you.

5 MR. PANTELEAKIS: Thank you.

6 CHAIRMAN NEWMAN: Thank you.

7 Any other questions? You can come back
8 up.

9 I did close the time for questions from
10 residents within 200 feet, but I'm going to allow you
11 to come back up and ask the question anyway. Just
12 state your name again, please.

13 MR. MAAT: Kenneth Maat, 4014 Brookside
14 Avenue.

15 Again, with the parking and the
16 seating --

17 MR. PANTELEAKIS: Yes.

18 MR. MAAT: -- right now, the seating's
19 about 139 and you're going to go to 209?

20 MR. PANTELEAKIS: The seating currently
21 is 135.

22 MR. MAAT: 135.

23 MR. PANTELEAKIS: We are proposing 189
24 total, plus 20 seats that will be available during
25 our summertime with the outdoor dining.

1 MR. MAAT: So that's an increase of
2 about 50 percent, from the 135 to 209.

3 How many parking places are you going
4 to have?

5 MR. PANTELEAKIS: The engineer will
6 testify on the parking.

7 MR. MAAT: Okay. Are you aware that
8 some of your employees park on Brookside Avenue?

9 CHAIRMAN NEWMAN: No.

10 MR. MAAT: No good?

11 CHAIRMAN NEWMAN: No good.

12 MR. MAAT: Then I'm done. Thank you.

13 CHAIRMAN NEWMAN: You get an A for
14 effort.

15 Any other questions from members of the
16 general public for this witness based on his recent
17 testimony?

18 (NO RESPONSE.)

19 CHAIRMAN NEWMAN: Seeing none, we'll
20 close that then. It is after 10 o'clock.

21 Counsel, I don't -- won't allow you to
22 bring another witness tonight, so I suggest we
23 discuss a date.

24 MR. LAMBRINIDES: Mr. Chairman, all I
25 want to do is move in the exhibits into evidence.

1 MR. ROSENBERG: That's fine.

2 CHAIRMAN NEWMAN: Oh, yeah. That's
3 fine. Just no new witness.

4 MS. LAMBRINIDES: Fine.

5 CHAIRMAN NEWMAN: Yes, into evidence.
6 That's fine.

7 (Whereupon, Exhibits A-1 through A-5
8 are moved into Evidence.)

9 MR. LAMBRINIDES: Tell us a date?

10 CHAIRMAN NEWMAN: Ann?

11 ASSISTANT ZONING OFFICER PECK: The
12 next regular meeting, unless they want a special
13 meeting.

14 CHAIRMAN NEWMAN: You want my
15 suggestion? Take a special meeting.

16 MR. LAMBRINIDES: You got it. When?
17 I'm available any time.

18 ASSISTANT ZONING OFFICER PECK: I have
19 two dates in the courtroom for Thursday when we were
20 here for Barrister, and they were November 4th,
21 Tuesday, or Thursday, November 6th.

22 CHAIRMAN NEWMAN: Those are still open
23 you mean?

24 ASSISTANT ZONING OFFICER PECK: They
25 were open as of Wednesday.

1 MR. ROSENBERG: I have a conflict on
2 November 4th.

3 ASSISTANT ZONING OFFICER PECK: Okay.
4 November 6th?

5 MS. LAMBRINIDES: I have no problem
6 with that.

7 CHAIRMAN NEWMAN: We can confirm --

8 ASSISTANT ZONING OFFICER PECK: Yes,
9 Mr. Chairman, can we specify that if I get -- the
10 courtroom has been taken, that they will re-notice
11 for the new date --

12 MR. ROSENBERG: Yes.

13 ASSISTANT ZONING OFFICER PECK: -- if a
14 different date has to be picked?

15 CHAIRMAN NEWMAN: Counsel, do you have
16 a problem with that?

17 MR. LAMBRINIDES: I'm sorry?

18 ASSISTANT ZONING OFFICER PECK: If when
19 I go back to the calendar and see that someone else
20 took the courtroom on the 6th and we have to do a
21 different date, you'll re-notice?

22 MS. LAMBRINIDES: Just give me a call.

23 ASSISTANT ZONING OFFICER PECK: Okay.

24 (Whereupon, an off the record
25 discussion is held.)

1 MR. LAMBRINIDES: Mr. Chairman, we
2 don't have a problem with November 6th, I fielded the
3 witnesses.

4 CHAIRMAN NEWMAN: Why don't you take a
5 few minutes to see if any of those dates work for you
6 and if they don't we'll look for other dates.

7 MR. PANTELEAKIS: And when is the next
8 regular meeting?

9 ASSISTANT ZONING OFFICER PECK: Regular
10 meeting is the 24th. But we already have an appeal
11 carried and I have another commercial on there
12 already so.

13 CHAIRMAN NEWMAN: If you'd like we
14 could carry it to the regular meeting just to come
15 and let us know when you're actually going to --

16 MR. LAMBRINIDES: Can I make a
17 suggestion?

18 CHAIRMAN NEWMAN: Yes.

19 MR. LAMBRINIDES: Mr. Chairman?

20 Let me confer with my experts and I can
21 talk to Ms. Peck tomorrow.

22 ASSISTANT ZONING OFFICER PECK: The
23 only thing is if you do it tomorrow you have to
24 renotice.

25 CHAIRMAN NEWMAN: Right.

1 ASSISTANT ZONING OFFICER PECK: If we
2 do it today we can carry it.

3 MR. LAMBRINIDES: When are you guys
4 available?

5 (Whereupon, an off the record
6 discussion is held.)

7 CHAIRMAN NEWMAN: Counsel, just to
8 finish what I was saying if you like -- if you can't
9 come up with a decision this evening you can carry to
10 the next regular meeting without re-noticing and at
11 that regular meeting all you would be doing is be
12 coming up in the public and let's us know a date.
13 You wouldn't actually be coming to give testimony.

14 ASSISTANT ZONING OFFICER PECK: Or he
15 could just elect to renotice for the new meeting.

16 CHAIRMAN NEWMAN: Yes. Either other.

17 (Whereupon, an off the record
18 discussion is held.)

19 MR. LAMBRINIDES: And the fourth is no
20 good?

21 CHAIRMAN NEWMAN: Yes, the fourth is
22 out.

23 MR. ROSENBERG: Election day.

24 ASSISTANT ZONING OFFICER PECK: Good
25 call, Bruce.

1 (Whereupon, an off the record
2 discussion is held.)

3 MR. LAMBRINIDES: Let's just carry it
4 to the next meeting.

5 CHAIRMAN NEWMAN: All right. So the
6 next regular meeting is when?

7 ASSISTANT ZONING OFFICER PECK:
8 November 24th.

9 CHAIRMAN NEWMAN: So just so the public
10 understands this application is going to be carried
11 to the November 24th regular meeting. They are not
12 required to give any new notice. All they're going
13 to do in November 24th is come here and tell us when
14 we're going to actually reschedule to have another
15 hearing.

16 So they won't present anything on that
17 day. There won't be any testimony on that day.
18 They're just going to come up to the podium and give
19 a date so you'll have plenty of opportunity to become
20 aware of that date and to come out to the next
21 meeting.

22 MR. LAMBRINIDES: Thank you.

23 CHAIRMAN NEWMAN: Thank you.

24 MR. LAMBRINIDES: Good night.

25 CHAIRMAN NEWMAN: Good night.

1 If I could just ask everyone to keep it
2 down on their way out because the Board still has
3 some business we have to do.

4 Thank you.

5 (Whereupon, this matter will be
6 continuing at a future date. Time noted 10:10
7 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #15855, Notary
Expiration Date March 1, 2019

Dated: _____