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STATE OF NEW JERSEY  
BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
THURSDAY, SEPTEMBER 24TH, 2015  
7:34 p.m.

-----X  
IN THE MATTER OF:

#2105-27, VR II, 20-19 Fair  
Lawn Ave, LLC, 20-19 Fair           TRANSCRIPT OF  
Lawn Avenue, Block 4701.01,       PROCEEDINGS  
Lot 1, Zone B-1, Proposal  
to remove existing building  
and replace with a new  
24-hour 7-Eleven  
Convenience Store

-----X

B E F O R E:

THE BOROUGH OF FAIR LAWN ZONING BOARD OF ADJUSTMENT  
THERE BEING PRESENT:

- RICHARD SEIBEL, Chairman
- SAMUEL RACENSTEIN, Member
- BRIAN BLECHER, Member
- JEANNE BARATTA, Member
- YELENA PERCHUK, Member
- AVI NAVEH, Alternate II
- MARK ZHARNEST, Alternate III

**Laura A. Carucci, C.S.R, R.P.R, L.L.C**  
**Certified Shorthand Reporters**  
**P.O. Box 505**  
**Saddle Brook, New Jersey 07663**  
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**LauraACarucciLLC@gmail.com**

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

RANDALL and RANDALL, LLP  
BY: THOMAS W. RANDALL, ESQUIRE  
287 Kinderkamack Road  
Westwood, New Jersey 07675  
Counsel to the Board of Adjustment

ALAMPI & DE MARRAIS ATTORNEYS AT LAW  
BY: CARMINE R. ALAMPI, ESQUIRE  
One University Plaza, Suite 404  
Hackensack, New Jersey 07601  
Attorney for the Applicant, 7-Eleven

ALSO PRESENT:

ANN PECK, ASSISTANT ZONING OFFICER

I N D E X

	<u>WITNESS</u>	<u>SWORN</u>	<u>DIRECT</u>
1			
2			
3			
4	CALISTO BERTIN	21	
5	By Mr. Alampi:		22
6			
7	PAUL AZZOLINA	58	
8	FRANK MISKOVICH	69	
9	PETER ANASTASOPOULOS	84	
10	STUART KIMMEL	87	
11	By Mr. Alampi:	88	
12	JASVINDER ARJANI	100	
13	By Mr. Alampi:	101	
14			

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT.</u>
16			
17	A-1	Engineer Site Plan Dated June 30th, 2015	23
18			
19	A-2	Site Plan Sheet Dated September 24th, 2015	23
20	A-3	Existing Conditions Plan	32
21	A-4	Storm Water Drainage Calculation	38
22	A-5	AccuTech Environmental Report	44
23	A-6	Sheet C4.1 dated June 9th, 2015	101
24	A-7	Floor Plan	101
25			

1 (On record at 7:34 p.m.)

07:33PM 2 CHAIRMAN SEIBEL: I'll call the meeting  
07:33PM 3 to order at 7:34 on September 24th, 2015, the Borough  
07:34PM 4 of Fair Lawn Zoning Board of Adjustment.

07:34PM 5 The meeting of the Zoning Board  
07:34PM 6 Adjustment in the Borough of Fair Lawn is now called  
07:34PM 7 to order. I wish to advise that the notice  
07:34PM 8 requirements of the Open Public Meetings Act has been  
07:34PM 9 satisfied, and notice of the meeting has been posted  
07:34PM 10 on the bulletin board of the Fair Lawn Municipal  
07:34PM 11 Building and posted on the Borough of Fair Lawn's  
07:34PM 12 website and has been duly published in The Bergen  
07:34PM 13 Record.

07:34PM 14 The board functions as a quasi-judicial  
07:34PM 15 body. We are not the people in the black robes, but  
07:34PM 16 we have the right to grant or deny your application.

07:34PM 17 If the board grants your application, a  
07:34PM 18 resolution must be passed, and in that resolution  
07:34PM 19 will be certain restrictions and requirements.

07:34PM 20 A decision by the board can be appealed  
07:34PM 21 within 45 days of the publication of the decision.

07:34PM 22 If that appeal is granted, and if you were to  
07:34PM 23 undertake to do work or to take some other action,  
07:34PM 24 you could, at the end of that time, be required by  
07:35PM 25 court to restore the premises as before.

07:35PM 1 I also caution you that all decisions  
07:35PM 2 of the Board of Adjustment are subject to the  
07:35PM 3 subsequent approval by the construction official of  
07:35PM 4 the work that you do after all building permits are  
07:35PM 5 paid for and all provisions of the county, state and  
07:35PM 6 applicable federal statutes, including the Americans  
07:35PM 7 With Disabilities Act, are complied with.

07:35PM 8 If we could take the role.

07:35PM 9 MS. PECK: I thought we were doing  
10 collections.

11 CHAIRMAN SEIBEL: Oh, you want to do  
12 collections?

13 MS. PECK: No, we'll do it later.

14 Mr. Racenstein?

07:35PM 15 MR. RACENSTEIN: Here.

16 MS. PECK: Mr. Blecher?

17 MR. BLECHER: Here.

18 MS. PECK: Ms. Baratta?

19 MS. BARATTA: Present.

20 MS. PECK: Ms. Perchuk?

21 MS. PERCHUK: Here.

22 MS. PECK: Mr. Lowenstein is absent.

07:35PM 23 Mr. Pohlman is absent. Mr. Avi is absent.

07:35PM 24 Mr. Zharnest?

07:35PM 25 MR. ZHARNEST: Here.

07:35PM 1 MS. PECK: And Mr. Seibel?

07:35PM 2 CHAIRMAN SEIBEL: Here.

07:35PM 3 MS. PECK: Did I miss somebody? Oh,  
07:35PM 4 Mr. Blecher -- no. I only have five. Okay, I got  
07:35PM 5 it. I'm sorry, I marked somebody absent. So yes, we  
07:35PM 6 have a quorum.

07:36PM 7 CHAIRMAN SEIBEL: So we're here to hear  
07:36PM 8 -- this is a special meeting of the Zoning Board of  
07:36PM 9 Adjustment in Fair Lawn. We're here to hear  
07:36PM 10 Application Number 2105-27, VR II, 20-19 Fair Lawn  
07:36PM 11 Avenue, LLC, with regards to 20-19 Fair Lawn Avenue,  
07:36PM 12 LLC, with regard to 20-19 Fair Lawn Avenue, Block  
13 4701.01, Lot 1, Zone B-1. So far everything I've  
14 said is correct?

15 MS. PECK: Right.

16 CHAIRMAN SEIBEL: It's a proposal to  
17 remove the existing building and replace with a new  
07:37PM 18 24-hour 7-Eleven convenience store. Retail  
07:37PM 19 establishments which are located in the B-1  
07:37PM 20 Restricted Business Zone and which seek to operate  
07:37PM 21 24 hours per day, shall be permitted as a conditional  
07:37PM 22 use as per section 125-43.3. Applicant cannot meet  
07:37PM 23 all the requirements of the conditional use and  
07:37PM 24 requires a (d)(1) use variance as per Section  
07:37PM 25 125-57(d)(1)(d)(1), would require bulk variances as

07:37PM 1 per Section 125-12, schedule of area yard and  
07:37PM 2 building requirements. Lot width of 91.2 feet front  
07:37PM 3 yard setback of 9 feet. Pollitt Drive side yard  
07:38PM 4 setback of 5.6' and 9 feet. Parking variance, 14  
07:38PM 5 spaces required and 12 provided. Sign variances as  
07:38PM 6 per Section 125-41. Preliminary and final major site  
07:38PM 7 plan approval required as per Section 125-65A. Any  
07:38PM 8 other variances and/or waivers that may be required  
07:38PM 9 for this application.

07:38PM 10 And, counselor, I'll let you take it  
07:38PM 11 away.

07:38PM 12 Oh, one other thing, when you speak,  
07:38PM 13 please, because the sound in this hall is not the  
07:38PM 14 greatest, if you could please speak clearly and  
07:38PM 15 loudly into the microphone so our young lady over  
07:38PM 16 here can type away.

07:38PM 17 MR. ALAMPI: Chairman, board members,  
07:38PM 18 my name a Carmine Alampi, A-l-a-m-p-i. I'm  
07:38PM 19 representing the applicant, which is a VR II, LLC.

07:39PM 20 The principals of my client are sitting  
07:39PM 21 right here. Raise your hands, guys. Three people  
07:39PM 22 that are the principal owners of the LLC. They're in  
07:39PM 23 the contract to buy the property from the existing  
07:39PM 24 doctor, who is anxious to retire. He's been in  
07:39PM 25 practice for several years.

07:39PM 1 We have filed an application in the B-1  
07:39PM 2 zone, and in reading the agenda, as you just did,  
07:39PM 3 Chairman. I just want to bring to your attention  
07:39PM 4 there was a reference to the 24-hour operation under  
07:39PM 5 the ordinance that says 125-43.3. The ordinance is  
07:39PM 6 actually 125-45.3. Sometimes on the computer, the  
07:39PM 7 three and five, that can happen.

07:40PM 8 Also, when it comes to the section  
07:40PM 9 controlling section of the B-1, I believe it's a  
07:40PM 10 different section of the ordinance. I spoke with the  
07:40PM 11 planner before the meeting. The section that  
07:40PM 12 controls the permitted uses is actually 125-24. No  
07:40PM 13 big deal. All of this is in the code. I'm just  
07:40PM 14 giving you corrected coding information.

07:40PM 15 The applicant did provide, for my  
07:40PM 16 offices, notes to the property owners within 200  
07:40PM 17 feet, certified mail, in the plan, required by law  
07:40PM 18 add publication in the newspaper. All of those were  
07:40PM 19 put together and submitted to your board  
07:40PM 20 administrator and we supplied the affidavit of the  
07:40PM 21 proof of mail in the service. So everything should  
07:41PM 22 be done correctly.

07:41PM 23 CHAIRMAN SEIBEL: One other thing,  
07:41PM 24 water, bills and taxes are all paid?

07:41PM 25 MS. PECK: I have these paid, proof of

07:41PM 1 service, and I don't see that here.

07:41PM 2 CHAIRMAN SEIBEL: I think I saw it.

07:41PM 3 MS. PECK: Oh, you know what, it's in  
07:41PM 4 that blue folder up there, because Jim is not here.  
07:41PM 5 I forgot he's not here. Rich, to your left, it  
07:41PM 6 should be stapled together all together in the front.

07:41PM 7 CHAIRMAN SEIBEL: It's not here.

07:41PM 8 MS. PECK: It's not in there?

07:41PM 9 CHAIRMAN SEIBEL: I think I remember  
07:41PM 10 seeing it paid, that's why I was --

07:41PM 11 MR. ALAMPI: It looks like Dr. Wokowski  
07:41PM 12 (phonetic), we've been there for 50 years. I'd be  
07:42PM 13 surprised if he didn't pay the taxes. I don't think  
07:42PM 14 he has a --

07:42PM 15 MS. PECK: Okay.

07:42PM 16 MR. ALAMPI: I do recall getting a  
07:42PM 17 certificate of that paid.

07:42PM 18 CHAIRMAN SEIBEL: These are saying that  
07:42PM 19 all the bills are paid.

07:42PM 20 MS. PECK: If not, we'll have to pay  
07:42PM 21 them.

07:42PM 22 MR. ALAMPI: The publication that we  
07:42PM 23 submitted, and almost two pages in length, but we  
07:42PM 24 wanted that today for a point of clarity. The bulk  
07:42PM 25 information variances we requested and also the

07:42PM 1 variances we requested. And also the variances for  
07:42PM 2 each of the signs, the number of signs, et cetera.

07:42PM 3 But most importantly, the application  
07:42PM 4 is for a retail service business, which is permitted  
07:42PM 5 in the zone, but there's language in your zoning  
07:42PM 6 ordinance that says, if it's a conditional use or if  
07:42PM 7 it required -- if it's a retail service with a  
07:42PM 8 conditional use, then it's not permitted.

07:42PM 9 Yet, another section of your ordinance  
07:42PM 10 that regulates the 24-hour operation says, that in  
07:43PM 11 the B-1 restricted zone, a service and retail  
07:43PM 12 facility can have 24-hour operation, if it meets the  
07:43PM 13 nine standards, which we would meet.

07:43PM 14 So what I suggested to you is, out of  
07:43PM 15 an abundance of caution, when I received a letter of  
07:43PM 16 denial from the zoning officer indicating this was a  
07:43PM 17 (d)(1) use variance, rather than argue that point, I  
07:43PM 18 made sure that my application and my notices  
07:43PM 19 articulated that I'm seeking a (d)(1) and a (d)(3)  
07:43PM 20 variance, (d)(1), 2, 3, 4, 5 and 6, there are six  
07:43PM 21 sections in the ordinance. A (d)(1) is the classic  
07:43PM 22 use variance trying to put something there that is  
07:43PM 23 not permitted. A (d)(3) is a use that is permitted  
07:43PM 24 with condition, a conditional use, but you don't meet  
07:44PM 25 all the conditions. So it is our position this is a

07:44PM 1 (d)(3) variance application.

07:44PM 2 The 24-hour operation element of our  
07:44PM 3 application is being met, so why would I agree that  
07:44PM 4 it's a (d)(3)? Because our property is only 91 feet  
07:44PM 5 wide, and not the required 100 foot width. So it is  
07:44PM 6 the bulk dimension of the width of the property that  
07:44PM 7 makes it nonconforming. Since it's a conditional  
07:44PM 8 use, and there's a nonconformity, I accept this as a  
07:44PM 9 (d)(3). Some lawyers would say it's not even a  
07:44PM 10 (d)(3), it's only a (c) variance for the lot width.  
07:44PM 11 I would think that would be wrong. You must apply  
07:44PM 12 not only the conditions of the conditional use, but  
07:44PM 13 all the elements of the zoning ordinance.

07:44PM 14 Counselor, am I getting too deep into  
07:44PM 15 this?

07:44PM 16 MR. RANDALL: Well, you're getting a  
07:45PM 17 little deep, but I mean, I think the important factor  
07:45PM 18 is -- so you're not arguing the point, you're just  
07:45PM 19 seeking both (d)(1) and (d)(3), so I'm going to  
07:45PM 20 assume that our proofs are going to be more than  
07:45PM 21 abundant.

07:45PM 22 MR. ALAMPI: I think so.

07:45PM 23 So when I read the two ordinances  
07:45PM 24 together, there seems to be a gap in how you connect  
07:45PM 25 the two ordinances. But I'm not being argumentative,

07:45PM 1 what I'm saying is, I'll accept the (d)(1)  
07:45PM 2 requirement, but I believe it's only a (d)(3). And  
07:45PM 3 we'll present our witness in just a second.

07:45PM 4 I did have just a brief conversation,  
07:45PM 5 because your planning consultant issued her review  
07:45PM 6 today. And when I read her review and the  
07:45PM 7 ordinances, I could then follow that interpretation.  
07:45PM 8 But I believe that my argument and my interpretation  
07:45PM 9 is really the stronger argument. But again, as I  
07:45PM 10 said, I'm not here to debate it. I just wanted to  
07:45PM 11 bring to your attention that the 24-hour operation is  
07:46PM 12 permitted in the B-1 zone, and we do comply with  
07:46PM 13 those nine points.

07:46PM 14 For example, those points are that, if  
07:46PM 15 you have a retail use, it cannot be abutting any  
07:46PM 16 residential use. We're not abutting any residential  
07:46PM 17 use. It says that the parking areas must be  
07:46PM 18 completed to prevent vehicular headlights from  
07:46PM 19 shining onto adjacent residential property. Again,  
07:46PM 20 we have no adjacent residential property, and things  
07:46PM 21 like that. So we will comply with those nine points.

07:46PM 22 What is surrounding the property? We  
07:46PM 23 are in the B-1 zone. We're on Fair Lawn Avenue at  
07:46PM 24 the corner of Pollitt. We are adjacent to the train  
07:46PM 25 station. So directly behind us is a parking area,

07:46PM 1 and then beyond that, a train station.

07:46PM 2 On one side of us is the railroad  
07:46PM 3 track. On the other side, of course, we're on the  
07:47PM 4 corner, so we have Pollitt and Fair Lawn Avenue. And  
07:47PM 5 directly across from us, on both sides, are  
07:47PM 6 commercial uses. There are no residential uses  
07:47PM 7 within 200 feet of our property.

07:47PM 8 And so we determine to acquire this  
07:47PM 9 property from the doctor and we plan to demolish the  
07:47PM 10 building and construct a building that's  
07:47PM 11 approximately, I believe, 2,800 square feet. It is  
07:47PM 12 very small compared to the existing building.

07:47PM 13 We're recessing the building as far  
07:47PM 14 back on the property as we can, so that it would be  
07:47PM 15 adjacent to the train station, which would make sense  
07:47PM 16 and would give us more room to provide parking.

07:47PM 17 We're providing 12 parking spaces. And  
07:47PM 18 this is the real issue, we're providing 12 spaces.  
07:47PM 19 The formula, using your ordinance, would require 14  
07:47PM 20 parking spaces.

07:47PM 21 We're compliant with the height of the  
07:48PM 22 building, the physical height of, the layout of the  
07:48PM 23 building and the use of the building.

07:48PM 24 Where we have our issues deal with  
07:48PM 25 three or four of our variances are dealing with the

07:48PM 1 signs, we'll go into detail on the other variances.  
07:48PM 2 And the other variances deal with the width of the  
07:48PM 3 property and the fact that we have parking in the  
07:48PM 4 front yard setback.

07:48PM 5 Of course, in the commercial district,  
07:48PM 6 most people prefer to have the parking in front of  
07:48PM 7 the building pushed back. But your ordinance says  
07:48PM 8 that parking has to be set back from the front yard  
07:48PM 9 setback and we are not respecting that element of  
07:48PM 10 your ordinance.

07:48PM 11 I'd like to remind you, lastly, that  
07:48PM 12 the existing building is only 17 feet off the  
07:48PM 13 property line from the front. It does not meet the  
07:48PM 14 setback requirements presently.

07:48PM 15 This building is going to be, I  
07:48PM 16 believe, and I'm just rounding off figures, something  
07:48PM 17 like 67 feet recessed from the property line, because  
07:48PM 18 we have the parking in place.

07:49PM 19 Having said that, I don't give  
07:49PM 20 testimony, it's the witnesses' testimony. I'm giving  
07:49PM 21 you an overview. The property, lastly, you're  
07:49PM 22 required a minimum of a 10,000 square-foot blossom,  
07:49PM 23 100 feet wide, 100 feet deep. We're only 91 feet  
07:49PM 24 deep, so we have a 9-foot deficiency. But the  
07:49PM 25 property is 130-something feet deep, the total of

07:49PM 1 property is over 13,000 square feet. So we're in an  
07:49PM 2 undersized lot, we're just 9 feet too deep.

07:49PM 3 Now, under the law of New Jersey, if  
07:49PM 4 you have a condition of the property that doesn't  
07:49PM 5 meet the standards, you have to show whether or not  
07:49PM 6 it is reasonable and probable that you could conform,  
07:49PM 7 but we can't. We have a street on one side, and we  
07:49PM 8 have the railroad track on the other. We can't buy  
07:49PM 9 the railroad property, so the property is what it is.  
07:49PM 10 And we're doing nothing to create this configuration,  
07:49PM 11 that's the way it's been for at least 50 or 60 years  
07:50PM 12 that we know it.

07:50PM 13 Having said that, I'm going to have  
07:50PM 14 three witnesses this evening. We have Calisto  
07:50PM 15 Bertin, principal of Bertin Engineering. We'll do  
07:50PM 16 the civil and site engineering presentation, the  
07:50PM 17 testimony. He prepared the plans. He will come  
07:50PM 18 back, after he takes a short recess, to also talk  
07:50PM 19 about the traffic pattern, the ingress, egress,  
07:50PM 20 sufficiency of the parking, the circulation on the  
07:50PM 21 site. He has to approve that background.

07:50PM 22 We're taking a break with him because  
07:50PM 23 after he does the engineering plans to orientate you  
07:50PM 24 to the plan, we'll recess to let his associate,  
07:50PM 25 Jasvinder, from his office do the architectural

07:50PM 1 presentation showing the building, the floor plan,  
07:50PM 2 the materials that we will use, the height of the  
07:50PM 3 building.

07:50PM 4 After Mr. Bertin appears for his second  
07:50PM 5 role, our final witness is David Spatz, who is a  
07:50PM 6 licensed planning consultant. And being a  
07:51PM 7 professional planner, he will address the issues of  
07:51PM 8 the D variance, the criteria and the burdens of proof  
07:51PM 9 and what benefit this development would be over the  
07:51PM 10 existing conditions of the property.

07:51PM 11 So there are three witnesses. I'd like  
07:51PM 12 the start with Mr. Bertin.

07:51PM 13 MS. PECK: Mr. Chairman.

07:51PM 14 CHAIRMAN SEIBEL: Hold on.

07:51PM 15 MS. PECK: Just for the record, Mr.  
07:51PM 16 Naveh is on his way, so I don't know if you want to  
07:51PM 17 wait just a minute, so he hears the whole testimony,  
07:51PM 18 or you want to continue.

07:51PM 19 MR. ALAMPI: In fact, we will wait. I  
07:51PM 20 won't let the witness testify. Everything I say, as  
07:51PM 21 you know, is not evidence. I'm just a lawyer trying  
07:51PM 22 to convince you. But there's no witness -- there's  
07:51PM 23 no testimony. So we'll wait for the live testimony.  
07:51PM 24 I do want to say one last thing, because I'm an  
07:51PM 25 expert at wasting time, I will continue to talk.

07:51PM 1                   There is a plan that we submitted from  
07:51PM 2 Bertin Engineering. I just want to make sure the  
07:52PM 3 board has the full set of plans. I'm looking for the  
07:52PM 4 date on the plan. And so there's a June 30th, 2015.  
07:52PM 5 If you look at the very bottom of the plan, at the  
07:52PM 6 very bottom of the boxes on the bottom where it says,  
07:52PM 7 Bertin Engineering, these plans are dated June 30th,  
07:52PM 8 2015, this should be the set of plans that you have.  
07:52PM 9 And the plans --

07:52PM 10                   CHAIRMAN SEIBEL: Let the record show  
07:52PM 11 that Avi Naveh has arrived.

07:52PM 12                   MR. NAVEH: My apologies, Mr. Chairman,  
07:52PM 13 and everyone else.

07:52PM 14                   MR. ALAMPI: Mr. Chairman, the set of  
07:53PM 15 plans, the 11-sheet set of plans, and that includes  
07:53PM 16 the architectural renovations and floor plans in this  
07:53PM 17 package. And we'll have Mr. Bertin sworn in. And I  
07:53PM 18 --

07:53PM 19                   MR. RACENSTEIN: I have one point to  
07:53PM 20 make.

07:53PM 21                   CHAIRMAN SEIBEL: Yes.

07:53PM 22                   MR. RACENSTEIN: During his statement,  
07:53PM 23 the attorney, he mentioned that there's no  
07:53PM 24 residential homes within 200 feet.

07:53PM 25                   Could you please let me know, there are

07:53PM 1 apartments on Pollitt Drive, how many feet are they  
07:53PM 2 away from the --

07:53PM 3 MR. ALAMPI: Yes. Not much beyond the  
07:53PM 4 200 feet. If you look at the plan, you'll see this  
07:53PM 5 box here, this is called the key map. And we  
07:53PM 6 delineate the 200-foot circle around the property,  
07:53PM 7 and those are all commercial properties. The  
07:53PM 8 residential property -- well, I'll stand corrected,  
07:53PM 9 there is one on Pollitt on the corner, it's in the  
07:53PM 10 R-3 and 2 zone. I think that's Garden Apartments.  
07:54PM 11 So I'll stand corrected.

07:54PM 12 MR. RACENSTEIN: No, you said that --

07:54PM 13 MR. ALAMPI: I said there were no  
07:54PM 14 residential properties abutting or adjoining the  
07:54PM 15 property.

07:54PM 16 MR. RACENSTEIN: Right. Right.

07:54PM 17 MR. ALAMPI: But if there's 200 feet on  
07:54PM 18 one property, there is one property.

07:54PM 19 MR. RACENSTEIN: And those people  
07:54PM 20 weren't notified?

07:54PM 21 MR. ALAMPI: Oh, no, they were  
07:54PM 22 notified.

07:54PM 23 MR. RACENSTEIN: Oh, they were  
07:54PM 24 notified? Thank you.

07:54PM 25 MR. ALAMPI: Everybody was notified.

07:54PM 1 There is no residential property touching or abutting  
07:54PM 2 us, but there is one residential complex that is  
07:54PM 3 within 200 feet.

07:54PM 4 CHAIRMAN SEIBEL: Okay.

07:54PM 5 MR. ALAMPI: So I haven't done  
07:54PM 6 anything, other than introduce Mr. Bertin, which I  
07:54PM 7 think the Chairman would like to swear him in.

07:54PM 8 CHAIRMAN SEIBEL: Let me just say, now,  
07:54PM 9 in your opening remarks, and based on the information  
07:54PM 10 that we have gotten, there is no traffic study.  
07:55PM 11 Correct?

07:55PM 12 MR. ALAMPI: Correct, we do not have  
07:55PM 13 any independent traffic study or traffic counselor.  
07:55PM 14 But we do have Mr. Bertin, who has a background and  
07:55PM 15 degree in traffic analysis, who will give testimony  
07:55PM 16 and will give his observations. But there is no  
07:55PM 17 written traffic report.

07:55PM 18 CHAIRMAN SEIBEL: There's no traffic  
07:55PM 19 study and no traffic report?

07:55PM 20 MR. ALAMPI: Correct.

07:55PM 21 CHAIRMAN SEIBEL: And environmental,  
07:55PM 22 same thing, no environmental report?

07:55PM 23 MR. ALAMPI: What we have is, Chairman,  
07:55PM 24 today I saw the comments, the question about the fact  
07:55PM 25 that there are four monitoring wells on the property.

07:55PM 1 CHAIRMAN SEIBEL: Yes.

07:55PM 2 MR. ALAMPI: I do have a report I asked  
07:55PM 3 my client to provide me this afternoon. Because we  
07:55PM 4 were under contract, in our due diligence, we hired  
07:55PM 5 AccuTech Environmental Services to analyze the  
07:55PM 6 portfolio and documents on file with the DEP. So I  
07:55PM 7 do have a report. I only have one copy. I'm going  
07:55PM 8 to mark it in a moment. We'll mark it, of course,  
07:56PM 9 through Mr. Bertin's testimony. All this is, is we,  
07:56PM 10 as the contract purchaser, hired an environmental  
07:56PM 11 consultant to go through all the paperwork on file  
07:56PM 12 with the DEP and tell us what's going on. If anybody  
07:56PM 13 is interested, I can tell them in three minutes  
07:56PM 14 what's going on.

07:56PM 15 CHAIRMAN SEIBEL: I guess, at some  
07:56PM 16 point, we'll get to it. What's the date on that?

07:56PM 17 MR. ALAMPI: This was done only in  
07:56PM 18 March of this year, after that site contract was --

07:56PM 19 CHAIRMAN SEIBEL: But if this is --  
07:56PM 20 we'll talk about that later. All right. Let's get  
07:56PM 21 to the engineer.

07:56PM 22 MR. ALAMPI: Okay.

07:56PM 23 CHAIRMAN SEIBEL: If you'll raise your  
07:56PM 24 right hand, please, and state your name, title of  
07:56PM 25 business and the address, for the record.

07:56PM 1 MR. BERTIN: Sure. My name is Calisto  
07:56PM 2 Bertin, C-a-l-i-s-t-o. Bertin is, B-e-r-t-i-n. My  
07:56PM 3 office is at 66 Glen Avenue in Glen Rock and it's  
07:56PM 4 Bertin Engineering, I'm the principal.

07:56PM 5 C A L I S T O B E R T I N,

07:57PM 6 66 Glen Avenue, Glen Rock, New Jersey,

07:57PM 7 having been duly sworn, testifies as follows:

07:57PM 8 CHAIRMAN SEIBEL: And how long have you  
07:57PM 9 been an engineer?

07:57PM 10 MR. BERTIN: I was licensed in New  
07:57PM 11 Jersey in 1986. I'll give you the benefit of my  
07:57PM 12 background.

07:57PM 13 I have a degree in civil engineering  
07:57PM 14 from Villanova University. A master's degree in  
07:57PM 15 engineering from Rensselaer Polytechnic Institute.  
07:57PM 16 I've been licensed in New Jersey since either 1986 or  
07:57PM 17 1987, but I'm licensed in six states, New York, New  
07:57PM 18 Jersey, Connecticut, Massachusetts, New Hampshire and  
07:57PM 19 Rhode Island.

07:57PM 20 I'm the principal of Bertin  
07:57PM 21 Engineering. Well, actually, I was licensed in 1983.  
07:57PM 22 I was the principal of Bertin Engineering in 1986.  
07:57PM 23 We have an office here and in Massachusetts and a  
07:57PM 24 total of about 40 people.

07:57PM 25 CHAIRMAN SEIBEL: And you've testified

07:57PM 1 in front of boards like this?

07:58PM 2 MR. BERTIN: Yes, I have.

07:58PM 3 CHAIRMAN SEIBEL: Have you testified in  
07:58PM 4 front of Fair Lawn?

07:58PM 5 MR. BERTIN: I've been in Fair Lawn.  
07:58PM 6 It's been a while. The last time I was here was on a  
07:58PM 7 Broadway adult daycare center.

07:58PM 8 CHAIRMAN SEIBEL: I'm willing to accept  
07:58PM 9 him as a qualified professional. Anybody have any  
07:58PM 10 questions? He's all yours.

07:58PM 11 MR. ALAMPI: Thank you, Chairman.

07:58PM 12 DIRECT EXAMINATION

07:58PM 13 BY MR. ALAMPI:

07:58PM 14 Q. Calisto, as you testified, you're a  
07:58PM 15 licensed public engineer -- professional engineer.  
07:58PM 16 Correct?

07:58PM 17 A. Yes.

07:58PM 18 Q. And you caused a set of plans to be  
07:58PM 19 prepared that were filed with the board, that is a  
07:58PM 20 total of 11 sheets in your exhibit package?

07:58PM 21 A. Yes.

07:58PM 22 MR. ALAMPI: Chairman, I'd like to mark  
07:58PM 23 the entire packet as A-1.

07:58PM 24 CHAIRMAN SEIBEL: A-1.

07:58PM 25 MR. ALAMPI: And that would be an

07:58PM 1 11-sheet set of engineering site plans and  
07:58PM 2 architectural plans included, and they're dated June  
07:58PM 3 30th, 2015.

07:58PM 4 (A-1, Engineering Site Plans, dated  
07:58PM 5 June 30th, 2015, marked for identification.)

07:58PM 6 CHAIRMAN SEIBEL: Very good.

07:58PM 7 MR. ALAMPI: Along with this A-1  
07:59PM 8 Exhibit, Mr. Bertin has taken the primary sheet, the  
07:59PM 9 site plan sheet, and has put it on the board as an  
07:59PM 10 exhibit, and that's why we call it an exhibit  
07:59PM 11 rendering, and I'd like to mark that as A-2. I'm  
07:59PM 12 going to ask Mr. Bertin to mark as A-2, today's date.  
07:59PM 13 What he's marked as A-2 is what you have in the plan,  
07:59PM 14 except he colorized it for emphasis and it makes it  
07:59PM 15 easier for him to testify by putting it on a hard  
07:59PM 16 Board. That is probably the -- that's the third  
07:59PM 17 sheet in the exhibit called a site plan.

07:59PM 18 (A-2, Site Plan Sheet, dated September  
07:59PM 19 24th, 2015, marked for identification.)

07:59PM 20 Q. Now, Calisto, very briefly, in your  
07:59PM 21 engineering site plan you show this property as being  
07:59PM 22 in the B-1 district?

07:59PM 23 A. Yes.

07:59PM 24 Q. And you have prepared a series of notes  
07:59PM 25 on the right-hand side of the plan that delineates

08:00PM 1 the current owner, zone, the bulk requirements of the  
08:00PM 2 zone and then the details of the property, the size  
08:00PM 3 of the property, et cetera, et cetera. Correct?

08:00PM 4 A. Correct.

08:00PM 5 Q. Just briefly bring us though what the  
08:00PM 6 features of property are, the size of the property,  
08:00PM 7 and then we'll highlight the setback.

08:00PM 8 A. Sure. I guess we can refer to the  
08:00PM 9 Exhibit A-2. The site is on the northwest corner at  
08:00PM 10 the intersection of Fair Lawn Avenue and Pollitt  
08:00PM 11 Drive as shown here. North is up, so Fair Lawn  
08:00PM 12 Avenue is at the bottom of the page.

08:00PM 13 The property is 95.2 feet across in  
08:00PM 14 width, and then it's 142 feet -- well, 142-and-a-half  
08:00PM 15 feet long or deep.

08:00PM 16 Q. So I misspoke. I said that it was a  
08:01PM 17 nine-foot position, it's less than five feet?

08:01PM 18 A. Correct.

08:01PM 19 Q. And it's 142 feet?

08:01PM 20 A. Yes, 142-and-a-half.

08:01PM 21 Q. What is the total size of the building?

08:01PM 22 A. It's 13,409 square feet or .306 acres.

08:01PM 23 Q. Now, the requirement in the zone is for  
08:01PM 24 a property to be 100 wide, 100 feet, and 10,000  
08:01PM 25 square feet in total?

08:01PM 1 A. That's correct.

08:01PM 2 Q. The minimum standards. And so our  
08:01PM 3 deficiency, Calisto, on the plan, it says 91?

08:01PM 4 A. Yes, I see that, so I think it was a  
08:01PM 5 typo. So it wasn't your fault, it was mine.

08:01PM 6 Q. There you go.

08:01PM 7 CHAIRMAN SEIBEL: So what should it be?

08:01PM 8 Q. So let's see what it should be.

08:01PM 9 A. Ninety -- well, wait a second. That's  
08:01PM 10 the average grade. The dimension I gave was across  
08:01PM 11 the back property line, the northerly property line.  
08:01PM 12 The 91.2 is the average width, because it's actually  
08:01PM 13 less than that when you get down onto Fair Lawn  
08:02PM 14 Avenue because of the radius.

08:02PM 15 Q. So it's not a perfect rectangle?

08:02PM 16 A. It's not a rectangle, so the 91 is the  
08:02PM 17 dimension we used for the notice.

08:02PM 18 Q. So with that, Calisto, give us the  
08:02PM 19 dimensions of the front yard requirements, the side  
08:02PM 20 yard requirements and what you are providing here.

08:02PM 21 A. Yes. The property has two front yards,  
08:02PM 22 being on two streets. And the front yard requirement  
08:02PM 23 is 20 feet from both streets. We have no rear yard,  
08:02PM 24 because you're going to see the front yard. And so  
08:02PM 25 the side yards, there would be one along the railroad

08:02PM 1 tracks and one along the north property line where  
08:02PM 2 the train station is. The side yard requirement is  
08:02PM 3 ten feet.

08:02PM 4 Q. And what are we providing?

08:02PM 5 A. Okay. We're providing actually nine  
08:02PM 6 feet along Pollitt Drive. The setback from Fair Lawn  
08:03PM 7 Avenue is in the order of 97 feet, and then we are at  
08:03PM 8 the narrowest point, because the property is not  
08:03PM 9 rectangular, 5.6 feet in the back northwest corner of  
08:03PM 10 the building.

08:03PM 11 Q. Now, Calisto, in the back of the  
08:03PM 12 building, which is considered the second side yard,  
08:03PM 13 what is on the next property?

08:03PM 14 A. That is the train station.

08:03PM 15 Q. Is there parking in that area as well?

08:03PM 16 A. Yeah, there's a few parking spaces  
08:03PM 17 right behind the property, but most of the parking is  
08:03PM 18 beyond the page here to the north. The parking lot  
08:03PM 19 is quite long along the railroad track, and then  
08:03PM 20 across the street.

08:03PM 21 Q. And now, with regard to the coverage  
08:03PM 22 permitted in the zone, what is the allowed coverage  
08:04PM 23 in the building, in the building part of the  
08:04PM 24 property?

08:04PM 25 A. We're allowed 35 percent building

08:04PM 1 coverage.

08:04PM 2 Q. Now, the existing back of the building,  
08:04PM 3 how much is the property covered by that building?

08:04PM 4 A. Well, it's 34.7 percent. The existing  
08:04PM 5 building is 4,655 square feet.

08:04PM 6 Q. Okay. So it's almost the maximum  
08:04PM 7 that's permitted. Right?

08:04PM 8 A. Yes, just under the maximum permitted.

08:04PM 9 Q. And then what is the coverage of the  
08:04PM 10 building percentage of the proposed building?

08:04PM 11 A. It's 20.88 percent, so we're making the  
08:04PM 12 building smaller. The new building is 2,800 square  
08:04PM 13 feet.

08:04PM 14 Q. On your plan, it says, 6.5. Do you see  
08:04PM 15 that?

08:04PM 16 A. Yes, that was the typo I mentioned.

08:04PM 17 Q. That was the typo you mentioned?

08:04PM 18 A. Correct.

08:04PM 19 Q. So what is the actual building  
08:04PM 20 coverage?

08:04PM 21 A. 20.88.

08:04PM 22 Q. And so you're reducing the building  
08:04PM 23 coverage quite a bit?

08:05PM 24 A. Yes.

08:05PM 25 CHAIRMAN SEIBEL: Excuse me, that's

08:05PM 1 another typo, that 6.5 should be --

08:05PM 2 MR. BERTIN: That's the only typo.

08:05PM 3 CHAIRMAN SEIBEL: 20.88?

08:05PM 4 MR. BERTIN: Correct. Yes.

08:05PM 5 The current building is 4,655 square  
08:05PM 6 feet. The new building is 2,800 hundred square feet.  
08:05PM 7 So it's a smaller building.

08:05PM 8 CHAIRMAN SEIBEL: So the maximum  
08:05PM 9 building coverage ratio goes down?

08:05PM 10 MR. BERTIN: Correct.

08:05PM 11 Q. Now, the impervious coverage permitted  
08:05PM 12 in the zone is 90 percent?

08:05PM 13 A. Correct.

08:05PM 14 Q. Tell me what the existing conditions  
08:05PM 15 are and what would be provided.

08:05PM 16 A. Well, existing is 79.9 percent and we  
08:05PM 17 proposed 79.1 percent, so we have a little bit more  
08:05PM 18 landscaping on the site.

08:05PM 19 Q. And with regards to the parking, did I  
08:05PM 20 ask you to do a review of the ordinance regarding the  
08:06PM 21 parking requirement, the size of the stalls, the  
08:06PM 22 drive aisle, things of that nature, and did you show  
08:06PM 23 that on the plan?

08:06PM 24 A. Yes.

08:06PM 25 Q. Could you show or tell us what that is?

08:06PM 1 A. According to our calculation, the  
08:06PM 2 parking required for the site would be one space at  
08:06PM 3 200 square feet, that would be 14 parking spaces  
08:06PM 4 required for a 2,800 square feet building.

08:06PM 5 Q. And how many are we providing?

08:06PM 6 A. We're providing 12 parking spaces, so  
08:06PM 7 there's a deficiency, according to that calculation,  
08:06PM 8 of two parking spaces.

08:06PM 9 Q. Now, the parking stall size is required  
08:06PM 10 to be 9 by 18?

08:06PM 11 A. Correct.

08:06PM 12 Q. On all our spaces, 9 by 18?

08:06PM 13 A. Yes.

08:06PM 14 Q. The drive aisle, what is the  
08:06PM 15 requirements for the width of the drive aisle?

08:06PM 16 A. It's 24 feet.

08:06PM 17 Q. What are we providing?

08:06PM 18 A. Well, we're providing 30 feet, and  
08:06PM 19 that's mainly so that we can have proper access for  
08:06PM 20 the delivery trucks. There's an exhibit in the plan  
08:07PM 21 site.

08:07PM 22 Q. And do you provide a loading space as  
08:07PM 23 well?

08:07PM 24 A. Yes, there's a loading space on the  
08:07PM 25 east side of the building. Along the railroad track

08:07PM 1 side of the property, we have a loading zone where  
08:07PM 2 the trucks, delivery trucks, can pull adjacent to the  
08:07PM 3 building and not have to park in the parking lot.

08:07PM 4 Q. And now, Calisto, to finish off your  
08:07PM 5 notes on the face page, you have a whole series of  
08:07PM 6 details and information on each of the signs that are  
08:07PM 7 attached to this application. Correct?

08:07PM 8 A. Yes.

08:07PM 9 Q. With regard to the free-standing signs,  
08:07PM 10 would that only be one free-standing sign?

08:07PM 11 A. Correct.

08:07PM 12 Q. Show us with the laser where that would  
08:07PM 13 be located.

08:07PM 14 A. The free-standing sign would be at the  
08:07PM 15 corner of the property at the intersection. It's a  
08:07PM 16 15-foot tall sign. There's a detail on sheet 3.1,  
08:07PM 17 but it's the 7-Eleven logo, the seven with the word  
08:08PM 18 eleven written in there.

08:08PM 19 Q. And the size of the sign is four feet  
08:08PM 20 by four feet?

08:08PM 21 A. Yeah, 4-foot-1, and it would a little  
08:08PM 22 bit by 4.1, so it's 17 square feet per sign.

08:08PM 23 Q. And there'd only be one such sign,  
08:08PM 24 on --

08:08PM 25 A. One sign at the intersection, yeah,

08:08PM 1 free-standing as well.

08:08PM 2 Q. Now, on the building itself, there's  
08:08PM 3 going to be some signage we're requesting on the  
08:08PM 4 building?

08:08PM 5 A. Yes.

08:08PM 6 Q. And I know you're going to show us the  
08:08PM 7 details in a minute. Just tell us how many signs are  
08:08PM 8 fixed to the facade of the building.

08:08PM 9 A. We have three signs, and it's because  
08:08PM 10 of the unique setup on this property. We have two  
08:08PM 11 frontages, so there's one side in the middle of the  
08:08PM 12 building, that would be on the south wall that faces  
08:08PM 13 Fair Lawn Avenue. And because we're a corner, I'd  
08:08PM 14 also put a sign on the Pollitt Drive side. And we  
08:08PM 15 have a very small sign, 3-foot by 3-foot, on the back  
08:09PM 16 of the building, facing the parking lot to the train  
08:09PM 17 station.

08:09PM 18 Q. And then with regard to other signs,  
08:09PM 19 there'll be some signs for the driveways to assist  
08:09PM 20 drivers from entry and the --

08:09PM 21 A. Well, yeah, there'd be some traffic  
08:09PM 22 control signs, yes.

08:09PM 23 Q. Are there any other signs that are  
08:09PM 24 contemplated?

08:09PM 25 A. Well, I think there's some information

08:09PM 1 here about the banner signs and that sort of stuff in  
08:09PM 2 the windows, so I think the architect would be best  
08:09PM 3 to answer that question.

08:09PM 4 Q. Right. We're going to defer to three  
08:09PM 5 banners. Right?

08:09PM 6 A. Yes.

08:09PM 7 Q. So there's three signs on the building  
08:09PM 8 and one free-standing sign?

08:09PM 9 A. Correct.

08:09PM 10 Q. Thank you.

08:09PM 11 Now, why don't you go through your site  
08:09PM 12 plan. You want to go through existing conditions  
08:09PM 13 first and then we can -- you tell me.

08:09PM 14 Now that's a new exhibit. Why don't  
08:09PM 15 you mark that as A-3.

08:09PM 16 A. Well, it's part of the plan set, so  
08:09PM 17 there's no changes, but if you want me to mark it.

08:10PM 18 CHAIRMAN SEIBEL: Which one is this?

08:10PM 19 MR. BERTIN: This is the last plan on  
08:10PM 20 the set. This is the existing conditions plans.

08:10PM 21 CHAIRMAN SEIBEL: That's (d)(1)?

08:10PM 22 MR. BERTIN: Yeah, that's (d)(1),  
08:10PM 23 correct.

08:10PM 24 CHAIRMAN SEIBEL: And you're marking  
08:10PM 25 that --

08:10PM 1 MR. BERTIN: A-3.

08:10PM 2 CHAIRMAN SEIBEL: A-3.

08:10PM 3 (A-3, Existing Conditions Plan, marked  
08:10PM 4 for identification.)

08:10PM 5 A. The shaded box, the rectangle box in  
08:10PM 6 the middle of the site, is the existing building.  
08:10PM 7 It's shown to be just over 17 feet setback from Fair  
08:10PM 8 Lawn Avenue. And it's not parallel with Pollitt  
08:10PM 9 Drive, but it's 10 feet or it's almost 11 feet near  
08:10PM 10 the intersection and winds up --

08:11PM 11 Q. Calisto, just to interrupt you, and  
08:11PM 12 that the existing boundaries on the draft, it's  
08:11PM 13 actually dated June 5, 2015?

08:11PM 14 A. Correct.

08:11PM 15 Q. Okay.

08:11PM 16 A. So again, the back of the building  
08:11PM 17 actually faces Pollitt Drive. There's a single  
08:11PM 18 driveway along Fair Lawn Avenue, it's a one-way  
08:11PM 19 circulation around the building. And so there's some  
08:11PM 20 diagonal parking spaces along the railroad track  
08:11PM 21 side, there's 10 of them, they're all undersized.  
08:11PM 22 They're too small. And then we have --

08:11PM 23 Q. Calisto, is that area blacktop or  
08:11PM 24 asphalted?

08:11PM 25 A. Yes.

08:11PM 1 Q. And then you were able to measure those  
08:11PM 2 spaces as being not confirming to the 9 by 18  
08:11PM 3 dimension?

08:11PM 4 A. Correct.

08:11PM 5 Q. And there are 10 spaces there?

08:11PM 6 A. There are 10 spaces. Actually, the  
08:11PM 7 trash enclosure for the existing building is really  
08:11PM 8 on the railroad tracks along the adjoining property  
08:12PM 9 in the back corner, so it's not on the site.

08:12PM 10 And then the exit driveway is on the  
08:12PM 11 north side of the building coming onto Pollitt Drive.

08:12PM 12 Q. And there's two parking spaces on that  
08:12PM 13 exit side?

08:12PM 14 A. Well, there's room to park there and  
08:12PM 15 I've seen cars park there.

08:12PM 16 Q. Now, with the, on the drive aisle that  
08:12PM 17 is provided between the parking spaces and the wall  
08:12PM 18 of the building, that's not 24 feet, is it?

08:12PM 19 A. No, it doesn't have to be, because it's  
08:12PM 20 angled parking. But the parking spaces are  
08:12PM 21 substandard, so I think it's 16 feet. Yes, it's a  
08:12PM 22 16-foot drive aisle, which is okay for -- but again,  
08:12PM 23 the parking stalls are too short, so it's  
08:12PM 24 substandard.

08:12PM 25 CHAIRMAN SEIBEL: It's tight getting

08:12PM 1 through there. It's difficult.

08:12PM 2 Q. That was the question I was going to  
08:12PM 3 ask you, it's a little bit of a tight fit, isn't it?

08:12PM 4 A. Yes, it's tight.

08:13PM 5 Going into the proposed condition back  
08:13PM 6 to A-2, Exhibit A-2, we show the new store located on  
08:13PM 7 the north side of the property. When we were given  
08:13PM 8 the task to design the site, we actually had, I don't  
08:13PM 9 know, six or seven different locations. We took the  
08:13PM 10 building, you know, rotated it 90 degrees. We had  
08:13PM 11 the back against the tracks. We had the back against  
08:13PM 12 Fair Lawn Avenue, trying to find the best layout.  
08:13PM 13 And we actually determined that -- well, we wouldn't  
08:13PM 14 have submitted it. This is the best way out.

08:13PM 15 So we have -- we've kept the driveway  
08:13PM 16 on Fair Lawn Avenue, and it's a two-way driveway, but  
08:13PM 17 it's restricted to no left turns in and no left turns  
08:13PM 18 out, and that's because we have a left-turn lane for  
08:13PM 19 Pollitt Drive right in front of the site. So we know  
08:13PM 20 the county wouldn't approve it. We know it's an  
08:14PM 21 unsafe condition, so we didn't even ask for it. So  
08:14PM 22 it's a right turn in and a right turn out on Fair  
08:14PM 23 Lawn Avenue.

08:14PM 24 We have a second driveway on Pollitt,  
08:14PM 25 because it's the only place we could, to have the

08:14PM 1 parking lot, which is -- the drive aisle for the  
08:14PM 2 parking lot is perpendicular to Pollitt, and we have  
08:14PM 3 a two-way driveway out onto Pollitt now. And you  
08:14PM 4 mentioned, you asked me the question. The drive  
08:14PM 5 aisle is 30 feet wide, and that's because the  
08:14PM 6 delivery truck would come in the Fair Lawn Avenue  
08:14PM 7 driveway and actually pull along the side of the  
08:14PM 8 building on the -- I'm sorry, the eastside of the  
08:14PM 9 building and park there. And the truck would back  
08:14PM 10 out of that spot and put out onto Pollitt. And from  
08:14PM 11 there, depending what truck it is, he has the  
08:14PM 12 opportunity to go right and make his way to 208 or  
08:14PM 13 depending on traffic conditions and the size of the  
08:14PM 14 truck, he could make a left and get onto Fair Lawn  
08:14PM 15 Avenue.

08:14PM 16 CHAIRMAN SEIBEL: So you're saying that  
08:14PM 17 a truck will be permitted to go out that exit and  
08:15PM 18 make a left turn onto Pollitt?

08:15PM 19 MR. BERTIN: Yeah, we're not asking for  
08:15PM 20 any restrictions on Pollitt Drive. Actually, we want  
08:15PM 21 -- we don't want any restrictions on Pollitt Drive.

08:15PM 22 CHAIRMAN SEIBEL: Keep going.

08:15PM 23 A. There's an exhibit in the site plan  
08:15PM 24 set, let's see, sheet 2.5, that shows the truck's  
08:15PM 25 circulation, and you can take a look at that. And we

08:15PM 1 show the tractor-trailer truck, which comes once a  
08:15PM 2 week, thereabouts. There are other box trucks that  
08:15PM 3 come to the site, and so they have an opportunity to  
08:15PM 4 park there. Many of these sites are designed without  
08:15PM 5 any loading. We try to get some loading in there.  
08:15PM 6 And in that driveway or that parking lot in front of  
08:15PM 7 the building, we have space for 12 parking spaces.  
08:15PM 8 So seven up against the building, including the  
08:15PM 9 handicap parking spot, and we have the handicap  
08:16PM 10 loading zone adjacent to it, but it's independent of  
08:16PM 11 the loading zone. Sometimes they occupy the same  
08:16PM 12 space.

08:16PM 13 And then there's five parking spaces on  
08:16PM 14 the Fair Lawn Avenue side of the parking lot. So we  
08:16PM 15 have 12 parking spaces.

08:16PM 16 Q. Now, Calisto, since the building is  
08:16PM 17 going to be set so far back, along with the 12  
08:16PM 18 parking spaces, were you able to create a larger  
08:16PM 19 landscape on the corner of Pollitt and Fair Lawn  
08:16PM 20 Avenue?

08:16PM 21 A. Yes, and that was part of our thinking.  
08:16PM 22 Knowing that we weren't going to need all the  
08:16PM 23 setbacks, because we're required 20 feet off of both  
08:16PM 24 streets, we move the building as far north as we  
08:16PM 25 thought was practical, that means we violate the side

08:16PM 1 yard setback there. And we created a large lawn area  
08:16PM 2 along Fair Lawn Avenue.

08:17PM 3 Q. Can you just estimate the --

08:17PM 4 A. 26 feet.

08:17PM 5 Q. By what?

08:17PM 6 A. Well, from the right-of-way line back  
08:17PM 7 is 26 feet. From the curb towards Pollitt, it's  
08:17PM 8 55 feet.

08:17PM 9 Q. So it's over 1,000 square feet in --

08:17PM 10 A. Yes.

08:17PM 11 Q. Now, why don't we move more quickly.

08:17PM 12 You have, along with the new parking  
08:17PM 13 area and such, you developed drainage calculations.

08:17PM 14 MR. ALAMPI: Now, Chairman, we did some  
08:17PM 15 storm water drainage calculations with our plan. I'd  
08:17PM 16 like to mark that as A-4.

08:17PM 17 CHAIRMAN SEIBEL: A-4.

08:17PM 18 MR. ALAMPI: And it's a report that  
08:17PM 19 looks like this.

08:17PM 20 (A-4, Storm Water Drainage Calculation  
08:17PM 21 Report, marked for identification.)

08:17PM 22 Q. And Calisto, you performed or your  
08:17PM 23 office performed a calculation for storm water  
08:17PM 24 drainage?

08:17PM 25 A. Right. And there's no change in runoff

08:17PM 1 in those --

08:17PM 2 Q. Well, we're not going to waste the --

08:17PM 3 A. Well, I'm not going to go through --

08:18PM 4 Q. But what is the bottom line?

08:18PM 5 A. The bottom line is, we have a little  
08:18PM 6 more landscaping, so we haven't increased the runoff  
08:18PM 7 from the site. And right now, there's an inlet right  
08:18PM 8 at the driveway from Fair Lawn Avenue, and all the  
08:18PM 9 drainage is really directed to there, including the  
08:18PM 10 roof leaders, our pipe underground at that inlet.

08:18PM 11 I'll jump ahead and Mr. Azzolina, in  
08:18PM 12 his review letter, asked us to perhaps add an inlet  
08:18PM 13 and then do some recharge, and we can accommodate  
08:18PM 14 that. What we'll do is, we'll take the roof liters  
08:18PM 15 and put it into a drywall and that will collect some  
08:18PM 16 of the -- right now everything runs over land through  
08:18PM 17 the parking lot to Fair Lawn Avenue, so we'll try to  
08:18PM 18 capture some of that in the parking lot and pipe it  
08:18PM 19 underground with an inlet to Fair Lawn Avenue.

08:18PM 20 Q. Now, we're going to get into  
08:18PM 21 Mr. Azzolina's report in a moment, he'll speak for  
08:18PM 22 himself. But you did have the opportunity to receive  
08:19PM 23 his report to review your plans and your drainage  
08:19PM 24 calculations? Is there any significant issue of  
08:19PM 25 disagreement with his review of your plans?

08:19PM 1 A. No.

08:19PM 2 Q. And let's go through the plans really  
08:19PM 3 quickly. Obviously, the parking lot is going to have  
08:19PM 4 some drainage system. Correct?

08:19PM 5 A. Yes.

08:19PM 6 Q. How are you handling the water  
08:19PM 7 drainage?

08:19PM 8 A. Well, I just went over that. Right now  
08:19PM 9 it's all proposed to be over land closed in the  
08:19PM 10 parking lot, into an an inlet on Fair Lawn Avenue.  
08:19PM 11 The building downspouts are piped underground to that  
08:19PM 12 same inlet, and as I mentioned, we'll put an inlet in  
08:19PM 13 the parking lot to collect some of the parking lot  
08:19PM 14 drainage, rather than having it flow over land to the  
08:19PM 15 street.

08:19PM 16 Q. And based on your calculations, you  
08:19PM 17 will meet all the required standards of the zoning  
08:19PM 18 ordinance?

08:19PM 19 A. The plan, as it is, does.

08:19PM 20 Q. Now, are there any other features  
08:19PM 21 that -- there was a comment that there's a sanitary  
08:20PM 22 sewer line that you discovered on the site, and that  
08:20PM 23 the Azzolina report makes reference to?

08:20PM 24 A. Yes.

08:20PM 25 Q. Just highlight, explain to the board

08:20PM 1 what we found.

08:20PM 2 A. Yes. We found a sewer manhole in the  
08:20PM 3 back corner of the property, that's along the north  
08:20PM 4 property line on the easterly side. There's a  
08:20PM 5 manhole and sewer pipe that runs through the property  
08:20PM 6 to connect to the sewer system out on Fair Lawn  
08:20PM 7 Avenue. We did some investigation. We did not see  
08:20PM 8 any flow in that pipe when they checked it a couple  
08:20PM 9 of times. We went over to the train station, flushed  
08:20PM 10 the toilets, we didn't see any flow. But we'll have  
08:20PM 11 to do more investigation. We'll probably have to  
08:20PM 12 send a TV camera in there to see where it goes. If  
08:20PM 13 it doesn't serve anybody, well, we'll cut the pipe  
08:20PM 14 underneath the building and abandon it and we'll tie  
08:20PM 15 into that system.

08:20PM 16 If it does serve the train station,  
08:20PM 17 well, then we'll route the pipe around the building  
08:20PM 18 and we connect the train station. Or it goes  
08:21PM 19 directly out to Pollitt, but I think we'll just wrap  
08:21PM 20 the line around the building.

08:21PM 21 Q. Now, Calisto, on the other site plan  
08:21PM 22 exhibit, do you have several other exhibits,  
08:21PM 23 lighting, landscaping, things of that nature? Could  
08:21PM 24 you briefly review for us how you handle those issues  
08:21PM 25 under the Fair Lawn site plan ordinance?

08:21PM 1 A. Yes, there are -- because the site is  
08:21PM 2 so small, we only have two area lights. There's one  
08:21PM 3 in the corner of the parking and the entrance  
08:21PM 4 driveway to Fair Lawn Avenue, and there's another one  
08:21PM 5 up by the building near the entrance to Pollitt  
08:21PM 6 Drive.

08:21PM 7 Q. Those lights are free standing?

08:21PM 8 A. Yes, free-standing with LED lights.

08:21PM 9 Q. Can you provide the detail of that on  
08:21PM 10 your exhibit? What exhibit is that?

08:21PM 11 A. Well, sheet 2.4 is the lighting  
08:21PM 12 density, and it's on the same plan as the  
08:21PM 13 landscaping. As far as landscaping, you could see we  
08:22PM 14 put a hedge row around the parking lot on the Pollitt  
08:22PM 15 side of the building. And then a little bit along  
08:22PM 16 the railroad track side of the entrance driveway to  
08:22PM 17 Fair Lawn Avenue, and that should give you the  
08:22PM 18 definition to where the driveways are. And so it's  
08:22PM 19 better -- it's easier for motorists to see where the  
08:22PM 20 driveways are.

08:22PM 21 There's existing trees off the property  
08:22PM 22 along the railroad tracks. And then there are two  
08:22PM 23 very large, I guess, honey locust-type trees on  
08:22PM 24 Pollitt Drive. That would be another consideration,  
08:22PM 25 we'd tried to keep the driveway between them.

08:22PM 1 Q. Right. Tried to have them like goal  
08:22PM 2 posts between the driveway?

08:22PM 3 A. Yes.

08:22PM 4 Q. Are you going be able to protect those  
08:22PM 5 trees?

08:22PM 6 A. Yes, I think we will. I'm not sure  
08:22PM 7 exactly how the driveway will interfere with the  
08:22PM 8 roots. You can see where some of the sidewalk is  
08:23PM 9 lifted, because of the root, so we'll have to look  
08:23PM 10 into that later.

08:23PM 11 Q. Now, very briefly, could you go through  
08:23PM 12 the Azzolina report?

08:23PM 13 MR. ALAMPI: Chairman, we have a report  
08:23PM 14 from Mr. Azzolina, who is here. Of course it's dated  
08:23PM 15 September 23rd, 2015 and it appears to be 11 pages.

08:23PM 16 Q. And, Calisto, just go through quickly  
08:23PM 17 some of the main issues that are presented.

08:23PM 18 A. The first four or five pages are just,  
08:23PM 19 you know, information about the application, so  
08:23PM 20 there's no need to comment on that.

08:23PM 21 Q. In fact, Mr. Azzolina has picked up on  
08:23PM 22 Page 5 that your coverage was 20.88 not 6.5?

08:23PM 23 A. Correct, so that's Item 4 on Page 5.  
08:24PM 24 There's a similar note like that on Page 6, Item B at  
08:24PM 25 the top of the page.

08:24PM 1 Now, also on Page 6, where we get to  
08:24PM 2 Section 4, as we were requested the waiver for not  
08:24PM 3 having a traffic impact statement or an environmental  
08:24PM 4 assessment report. If I could address the  
08:24PM 5 environmental assessment report now?

08:24PM 6 Q. Yes. You're familiar that the clients  
08:24PM 7 have retained AccuTech Environmental Services back in  
08:24PM 8 March of this year?

08:24PM 9 A. Yes.

08:24PM 10 MR. ALAMPI: I'm going to show you  
08:24PM 11 this. Mr. Chairman, I'm sorry I only have one copy.

08:24PM 12 CHAIRMAN SEIBEL: That's okay.

08:24PM 13 MR. ALAMPI: Tomorrow I'll mail  
08:24PM 14 multiple copies to the planning department.

08:24PM 15 CHAIRMAN SEIBEL: Did we give that a  
08:24PM 16 number yet?

08:24PM 17 MR. ALAMPI: I'm going do it now. It's  
08:24PM 18 A-5.

08:24PM 19 (A-5, AccuTech Environmental Report,  
08:24PM 20 marked for identification.)

08:24PM 21 CHAIRMAN SEIBEL: Maybe you can pass it  
08:24PM 22 around.

08:24PM 23 MR. ALAMPI: Actually, I'm going to  
08:24PM 24 leave it with the board. I will pass it around.

08:25PM 25 I'll leave it with the board, and then we'll send

08:25PM 1 extra copies for the Board's file tomorrow. But let  
08:25PM 2 me just ask Mr. Bertin a few questions and I'll pass  
08:25PM 3 this around.

08:25PM 4 Q. This AccuTech report was commissioned  
08:25PM 5 by the applicants to study why those four monitoring  
08:25PM 6 wells are on the site and to have someone look, some  
08:25PM 7 professional, look at the DEP records and files  
08:25PM 8 pertaining to this property. Correct?

08:25PM 9 A. Correct.

08:25PM 10 Q. The two runoffs in the rear of the  
08:25PM 11 property are a result of a situation, heating oil  
08:25PM 12 from the train station?

08:25PM 13 A. Correct.

08:25PM 14 Q. But that heating oil release actually  
08:25PM 15 runs away from the subject property, doesn't it?

08:25PM 16 A. Yes.

08:25PM 17 Q. And the two monitoring wells in the  
08:25PM 18 front of the property were installed because of the  
08:25PM 19 gas station across the street on Fair Lawn Avenue had  
08:26PM 20 a release?

08:26PM 21 A. Yes.

08:26PM 22 Q. And the release migrated somewhat under  
08:26PM 23 the road and goes to the property?

08:26PM 24 A. That is correct.

08:26PM 25 Q. And those monitoring wells, the first

08:26PM 1 set of samplings showed that the samplings were below  
08:26PM 2 the levels that are acceptable in New Jersey.

08:26PM 3 A. Yes.

08:26PM 4 MR. ALAMPI: Let me just give this to  
08:26PM 5 Mr. Azzolina first.

08:26PM 6 A. All of this information is in the  
08:26PM 7 public domain at the DEP. And the monitoring wells  
08:26PM 8 are there for offsite reasons, not from any issue on  
08:26PM 9 this site.

08:26PM 10 Q. And those monitoring wells are going to  
08:26PM 11 stay in place so that they will continue to take  
08:26PM 12 samples over the years, they'll be north of that  
08:26PM 13 migration of the --

08:26PM 14 A. Yes, to the extent that proposed  
08:26PM 15 development doesn't impact them. If we do have any  
08:26PM 16 impact, their respective environmental consultants  
08:26PM 17 will relocate the wells.

08:26PM 18 Q. Well, we asked you to design the site  
08:27PM 19 plan. They're not going to impact anything?

08:27PM 20 A. No, I don't believe so.

08:27PM 21 Q. Now, you designed the plan so that they  
08:27PM 22 wouldn't be disturbed?

08:27PM 23 A. Correct.

08:27PM 24 Q. And people will still have access to  
08:27PM 25 ten samples?

08:27PM 1 A. Right.

08:27PM 2 MR. ALAMPI: Chairman, we'll let that  
08:27PM 3 get circulated, the report.

08:27PM 4 Q. Lastly, Calisto, are there any other  
08:27PM 5 features of site plan that you want to bring to the  
08:27PM 6 Board's attention with the signage and the floor plan  
08:27PM 7 to your colleagues?

08:27PM 8 A. Now, any other comments in  
08:27PM 9 Mr. Azzolina's report, there's a comment about  
08:27PM 10 providing a sight triangle easement and little things  
08:27PM 11 like that, and we will comply with all the comments  
08:27PM 12 in this report.

08:27PM 13 One thing I think was asked was about  
08:27PM 14 the trash enclosure. I mentioned there's a loading  
08:27PM 15 zone on the east side of the building, and behind it  
08:28PM 16 is a large trash enclosure and --

08:28PM 17 Q. Just a second.

08:28PM 18 MR. ALAMPI: Chairman, we received  
08:28PM 19 correspondence today, or maybe earlier this week, we  
08:28PM 20 received correspondence through Ms. Peck's office,  
08:28PM 21 Irana Latterman (phonetic), who is, I think, your  
08:28PM 22 recycling coordinator, reviewing the plans, asked for  
08:28PM 23 us to give some testimony regarding the recycling and  
08:28PM 24 garbage dumpster. We don't have the formal reports,  
08:28PM 25 it's just an e-mail request.

08:28PM 1 Q. And I ask, Mr. Bertin, I ask you now,  
08:28PM 2 could you respond to that concern?

08:28PM 3 A. Yes, we will have two dumpsters, one  
08:28PM 4 for recycling and one for the other types of trash.  
08:28PM 5 They will fit in the trash enclosure. They're on  
08:28PM 6 wheels. We can -- if we could make the trash  
08:28PM 7 enclosure a couple feet wider, we could fit them side  
08:28PM 8 by side, but they'll be turned sideways or one behind  
08:29PM 9 the other. And then during the -- whenever the  
08:29PM 10 cardboard is going to be picked up, we'll just  
08:29PM 11 maneuver the trash.

08:29PM 12 Q. And the question is whether we were  
08:29PM 13 going to have the collection, who was going to do the  
08:29PM 14 collection, that would be a private sanitation  
08:29PM 15 company?

08:29PM 16 A. Yes, that's my understanding.

08:29PM 17 MR. ALAMPI: I do have some questions,  
08:29PM 18 Chairman, that pertain to the traffic and the site  
08:29PM 19 distance, but I'm going to wait until we recall  
08:29PM 20 Mr. Bertin on the traffic issue to review the report,  
08:29PM 21 because I'd like to, after the board questions,  
08:29PM 22 Mr. Bertin, I'd like to have the architect do the  
08:29PM 23 architectural and floor plan.

08:29PM 24 CHAIRMAN SEIBEL: All right. So you  
08:29PM 25 would prefer --

08:29PM 1 MR. ALAMPI: We'll just do the engineer  
08:29PM 2 now. We'll let the architect present his element of  
08:29PM 3 it and then we'll bring Mr. Bertin back.

08:30PM 4 CHAIRMAN SEIBEL: All right. Does  
08:30PM 5 anybody have any questions on the board for  
08:30PM 6 Mr. Bertin at this point? I'm sure -- yes?

08:30PM 7 MS. BARATTA: Thank you, Chairman.  
08:30PM 8 Let's go back to the garbage dumpster,  
08:30PM 9 you just talked about that briefly.

08:30PM 10 MR. BERTIN: Yes.

08:30PM 11 MS. BARATTA: It's not going to be the  
08:30PM 12 town that's going to be picking that up, you're going  
08:30PM 13 to have a company that's going to pick that up?

08:30PM 14 MR. BERTIN: That's my understanding,  
08:30PM 15 yes.

08:30PM 16 MS. BARATTA: Garbage, recycling?

08:30PM 17 MR. BERTIN: And recycling, yes.

08:30PM 18 MS. BARATTA: And so the truck is going  
08:30PM 19 to come into the lot in the same way that the  
08:30PM 20 tractor-trailers are coming in and get back there?

08:30PM 21 MR. BERTIN: Yes.

08:30PM 22 MS. BARATTA: It's a little tight for  
08:30PM 23 them as well, wouldn't you say?

08:30PM 24 MR. BERTIN: Well, it's 14 feet wide.  
08:30PM 25 The driveway is 30 feet wide, so...

08:30PM 1 MR. BARATTA: But they're coming in  
08:30PM 2 head-on and you normally --

08:30PM 3 MR. BERTIN: On the private car there's  
08:30PM 4 a lot of them are front loading. I mean, many of  
08:30PM 5 them are, for this reason.

08:30PM 6 MS. BARATTA: The plantings that you  
08:30PM 7 have along the driveway on the entrance that's on  
08:31PM 8 Fair Lawn Avenue, could you just go over that? I may  
08:31PM 9 have missed what you said height-wise, what those are  
08:31PM 10 going to be. And I'll let you know what my concern  
08:31PM 11 is. That may help you answer the question. There's  
08:31PM 12 a lot of pedestrians, obviously, in the area, train  
08:31PM 13 stations --

08:31PM 14 MR. BERTIN: Yes, some train stations.

08:31PM 15 MS. BARATTA: -- so I want to make sure  
08:31PM 16 that, you know, we're not hindering the site.

08:31PM 17 MR. BERTIN: No, this is to be a low  
08:31PM 18 hedge maintained at 30 inches high. What I've  
08:31PM 19 noticed from the train station is a lot of people  
08:31PM 20 arrived, they'll walk, I guess now that the ground is  
08:31PM 21 dry, they just walk along the property between this  
08:31PM 22 site and the train station on the railroad track and  
08:31PM 23 head out. No, it will have a low hedge. As a matter  
08:31PM 24 of fact, we may remove the one shrub closest to the  
08:31PM 25 street for improved site distance. All those are all

08:31PM 1 below the site lines.

08:31PM 2 MS. BARATTA: And when you spoke about  
08:31PM 3 -- I'm not sure if this is the time, counsel, and you  
08:31PM 4 let me know if it's not, the tractor-trailer you said  
08:32PM 5 would come in maybe once a week. They come in for  
08:32PM 6 delivers coming from Fair Lawn Avenue, and obviously,  
08:32PM 7 if they were coming -- going east on Fair Lawn  
08:32PM 8 Avenue, would they turn down Pollitt and then they  
08:32PM 9 would go into that other entrance that you have on  
08:32PM 10 Pollitt?

08:32PM 11 MR. BERTIN: Well, no, we didn't design  
08:32PM 12 it for that. I mean, a box truck could do that and  
08:32PM 13 pull down and then back into the site. And I guess a  
08:32PM 14 tractor-trailer truck could do that, but in order for  
08:32PM 15 a tractor-trailer truck to do that, he'd have to be  
08:32PM 16 on the wrong side of Pollitt. So typically, the  
08:32PM 17 drivers who deliver to these places know the route,  
08:32PM 18 you know, and they have instructions. And so this is  
08:32PM 19 the way we anticipate them coming up.

08:32PM 20 MS. BARATTA: Well, I have a big  
08:32PM 21 concern about that, because this is two lanes coming  
08:32PM 22 down this area. When you come over the railroad  
08:32PM 23 tracks, these are two lanes, and you have the  
08:32PM 24 tractor-trailer in the left lane making a right-hand  
08:33PM 25 turn into that lot. And I'm concerned about the car

08:33PM 1 that's going to be in the right lane.

08:33PM 2 MR. BERTIN: You mean on Fair Lawn  
08:33PM 3 Avenue?

08:33PM 4 MS. BARATTA: Correct.

08:33PM 5 MR. BERTIN: Okay, well, that's --

08:33PM 6 MS. BARATTA: And we may hear other  
08:33PM 7 testimony from someone else on that or are you the  
08:33PM 8 right person?

08:33PM 9 MR. BERTIN: Well, no, that's a  
08:33PM 10 question I would ask. Well, yeah, because the second  
08:33PM 11 lane or actually three lanes start right in front of  
08:33PM 12 the site. It's one lane until you get over the  
08:33PM 13 railroad tracks, then there's two lanes formed, and  
08:33PM 14 that's where you have the truck swinging inline.

08:33PM 15 MS. BARATTA: But if there's nobody in  
08:33PM 16 the right lane?

08:33PM 17 MR. BERTIN: Oh, yes. Yes.

08:33PM 18 MS. BARATTA: Not only that, you have a  
08:33PM 19 car there on the right lane and it's a heavy  
08:33PM 20 pedestrian area, and not just going to the railroad  
08:33PM 21 tracks. So early in the morning, where I'm sure  
08:33PM 22 would be a very busy, busy time for the convenience  
08:33PM 23 store, would be the time where there would be most  
08:33PM 24 pedestrians, and then I have a lot of concerns about  
08:33PM 25 that.

08:33PM 1 MR. BERTIN: Right. Well, I could say  
08:33PM 2 normally, we would have these trucks come at off  
08:34PM 3 hours, but I think the ordinance requires them to  
08:34PM 4 make delivers during 7:00 a.m., during the business  
08:34PM 5 day instead of the evening. But they will not be  
08:34PM 6 traveling during rush hour. We don't want them on  
08:34PM 7 the road from, you know, 7:00 to 9:00 or you know,  
08:34PM 8 6:00 to 8:00 or 6:00 to 7:00, whenever rush hour is  
08:34PM 9 needed.

08:34PM 10 MS. BARATTA: And also, this is for Ms.  
08:34PM 11 Peck, I don't think the board has a copy of the  
08:34PM 12 modern letter report.

08:34PM 13 MS. PECK: It was an e-mail forwarded.  
08:34PM 14 It was just an e-mail.

08:34PM 15 MS. BARATTA: We have that?

08:34PM 16 MS. PECK: I did forward it. If not, I  
08:34PM 17 can resend that.

08:34PM 18 MS. BARATTA: Okay. Thank you,  
08:34PM 19 Mr. Chairman.

08:34PM 20 CHAIRMAN SEIBEL: Anybody else have  
08:34PM 21 questions? I have a couple of questions.

08:34PM 22 With regard to the -- and I don't know  
08:34PM 23 if we should start getting into it now or if I should  
08:34PM 24 wait until after we hear about the interior of the  
08:34PM 25 unit. But with regard to no left turn out onto Fair

08:35PM 1 Lawn Avenue, will there be any kind of concrete  
08:35PM 2 buffer or -- so that -- look, you may put an arrow  
08:35PM 3 down there that there's no left turn and you may put  
08:35PM 4 a sign there that there's no left turn, but I put  
08:35PM 5 things out for 58 years, and I know they're going to  
08:35PM 6 try and make a left-hand turn.

08:35PM 7 MR. ALAMPI: You're looking at a  
08:35PM 8 butterfly --

08:35PM 9 CHAIRMAN SEIBEL: Exactly.

08:35PM 10 MR. BERTIN: We'll look into that,  
08:35PM 11 absolutely. We could look into that. We could put,  
08:35PM 12 yes, we would put in a divider, like what we call a  
08:35PM 13 pork chop shape, shaped like a pork chop. And we  
08:35PM 14 just have to make it palpable, so the delivery truck  
08:35PM 15 could drive over, but we could put something like  
08:35PM 16 that in.

08:35PM 17 CHAIRMAN SEIBEL: Also --

08:36PM 18 MR. ALAMPI: Chairman, that driveway is  
08:36PM 19 30 feet, not 24 feet. So I believe we can install  
08:36PM 20 that.

08:36PM 21 CHAIRMAN SEIBEL: The property line to  
08:36PM 22 the east side of -- on Fair Lawn Avenue to the  
08:36PM 23 railroad tracks, do you know how many feet that is?

08:36PM 24 MR. BERTIN: The length of the  
08:36PM 25 property?

08:36PM 1 CHAIRMAN SEIBEL: No, from the subject  
08:36PM 2 property line to the railroad tracks.

08:36PM 3 MR. BERTIN: To the edge of the rail,  
08:36PM 4 it's just under 55 feet. Like 53 feet will take you  
08:36PM 5 to the first rail of the property line.

08:36PM 6 CHAIRMAN SEIBEL: And the gate is in  
08:36PM 7 front of that rail?

08:36PM 8 MR. BERTIN: Yeah, the gates to stop  
08:36PM 9 traffic, yes, they're by the railroad tracks. As a  
08:37PM 10 matter of fact, they're shown on the plan.

08:37PM 11 CHAIRMAN SEIBEL: So about 53 feet.  
08:37PM 12 And how long is a tractor-trailer?

08:37PM 13 MR. BERTIN: Well, actually, the truck  
08:37PM 14 is shown. But the wheel base is 50 feet, so from the  
08:37PM 15 center of the front axle to the center for the rear  
08:37PM 16 axle is 50 feet, so there's a couple feet either side  
08:37PM 17 of that.

08:37PM 18 CHAIRMAN SEIBEL: So it's very tight in  
08:37PM 19 there. It's going to be -- when that trailer comes  
08:37PM 20 over the railroad tracks, there's no margin for  
08:37PM 21 error. If there's a car behind them, they can get  
08:37PM 22 into trouble if they're not careful. Right?

08:37PM 23 MR. BERTIN: I'm not sure what you  
08:37PM 24 mean.

08:37PM 25 CHAIRMAN SEIBEL: Once the

08:37PM 1 tractor-trailer comes over the railroad tracks to  
08:37PM 2 make his delivery, if the trailer is 50 feet and the  
08:37PM 3 distance between the property line and the railroad  
08:38PM 4 tracks is 53 feet, that only gives three feet behind  
08:38PM 5 the truck.

08:38PM 6 MR. BERTIN: Oh, yeah, if the truck  
08:38PM 7 were parked, were there, yes.

08:38PM 8 CHAIRMAN SEIBEL: That's just the point  
08:38PM 9 that I'm making.

08:38PM 10 MR. BERTIN: Okay, yeah. Well, I  
08:38PM 11 anticipate that the truck will keep moving. It's not  
08:38PM 12 going to stop here.

08:38PM 13 CHAIRMAN SEIBEL: Exactly, and I  
08:38PM 14 understand, but there's going to be pedestrians. And  
08:38PM 15 I've said it before, this area -- how long did you  
08:38PM 16 study this area when you were putting all this  
08:38PM 17 together, do you recall?

08:38PM 18 MR. BERTIN: Well, I've been in the  
08:38PM 19 area a lot, but we did not do a formal traffic study  
08:38PM 20 if that what's you're doing.

08:38PM 21 CHAIRMAN SEIBEL: Because if you come  
08:38PM 22 here during rush hour, it's insanity.

08:38PM 23 MR. BERTIN: Yes.

08:38PM 24 CHAIRMAN SEIBEL: And I've spoken in  
08:38PM 25 front of the council a couple times that the

08:38PM 1 pedestrians just jump out in front of you, and you're  
08:39PM 2 driving down the road and they're coming out of  
08:39PM 3 nowhere. And I'm a little curious as to why there  
08:39PM 4 was no traffic study done.

08:39PM 5 MR. ALAMPI: We didn't realize that it  
08:39PM 6 was mandated until we got the review letters. The  
08:39PM 7 size of the building, 2,800 square feet, we felt that  
08:39PM 8 Mr. Bertin could do and review, make his observation  
08:39PM 9 and give testimony. That's the only reason.

08:39PM 10 CHAIRMAN SEIBEL: All right. Anybody  
08:39PM 11 have any questions? I've leave it to our --

08:39PM 12 MR. ALAMPI: Chairman, I just would say  
08:39PM 13 one thing, we don't see that we're creating a volume  
08:39PM 14 of traffic. But you're concerned about traffic  
08:39PM 15 safety issues and we could look into that.

08:39PM 16 CHAIRMAN SEIBEL: I want to open it up  
08:39PM 17 to our experts. Mr. Azzolina, can you raise your  
18 right hand and state your name?

19 MR. AZZOLINA: Paul Azzolina.

20 CHAIRMAN SEIBEL: Name of your company?

21 MR. AZZOLINA: Azzolina & Feury  
22 Engineering, 30 Madison Avenue, Paramus, New Jersey.  
23 Zoning Board engineer.

24

25 P A U L A Z Z O L I N A,

1           30 Madison Avenue, Paramus, New Jersey, having  
2           been duly sworn, testifies as follows:

3                           CHAIRMAN SEIBEL:   Okay.

4                           MR. AZZOLINA:   Just a couple of  
08:40PM 5           follow-up questions on Mr. Bertin's testimony.  I do  
08:40PM 6           agree with his overview of my report dated September  
08:40PM 7           23rd, 2015.  Just a couple of clarifications for the  
08:40PM 8           board.

08:40PM 9                           The 91.4 foot dimension that was talked  
08:40PM 10           about early in that proceeding.  That is actually the  
08:40PM 11           width of this lot, as measured at the front yard  
08:40PM 12           setback line, which is the requirement of the code,  
08:40PM 13           so that's where that number comes in.  So you have a  
08:40PM 14           different number for the street frontage along the  
08:40PM 15           right of way.  The 91.4 comes into play at the front  
08:40PM 16           yard setback line, so that dimension is correct.

08:40PM 17                           Regarding the drainage issues, I concur  
08:41PM 18           with Mr. Bertin's analysis relative to the numbers.  
08:41PM 19           I'm just questioning the functionality and he is  
08:41PM 20           agreeing with me regarding the need to collect the  
08:41PM 21           water, rather than allow it to run over land.  It's a  
08:41PM 22           very relatively flat parking lot, part of which is  
08:41PM 23           required for the ADA parking, and just in general,  
08:41PM 24           that's a pretty flat area.  And then furthermore, I  
08:41PM 25           do not believe that the county would allow the direct

08:41PM 1 connection of the roof drain that they're showing.  
08:41PM 2 There have been other applications in town where they  
08:41PM 3 have not allowed that. So I think when they got to  
08:41PM 4 the county review, they would come to the same  
08:41PM 5 conclusion anyway, so I'm glad to hear that he's  
08:41PM 6 going to revise the sign accordingly.

08:41PM 7 He spoke briefly about the honey locust  
08:41PM 8 trees along Pollitt Drive. I recommend that he speak  
08:41PM 9 to the Shade Tree Commission about them. They do  
08:42PM 10 appear to be heaving the sidewalks currently. They  
08:42PM 11 do have a shallow structure in general, so I think  
08:42PM 12 that since the curb lines are so close to the trees,  
08:42PM 13 that there may be some damage to the trees. It may  
08:42PM 14 not be worth saving them, I don't know. I'll defer  
08:42PM 15 to the findings in the Shade Tree Commission, but I  
08:42PM 16 do recommend that he speak to them.

08:42PM 17 I would also recommend that in  
08:42PM 18 connection with the application, that that applicant  
08:42PM 19 be required to replace all the curb and sidewalk  
08:42PM 20 along Pollitt Drive, which is the municipally  
08:42PM 21 controlled roadway. I believe the county will make  
08:42PM 22 the same request of the applicant along Fair Lawn  
08:42PM 23 Avenue along the county road.

08:42PM 24 The issue of the tree canopy along the  
08:42PM 25 easterly property line was not addressed. The trees,

08:42PM 1 there's a large stand of trees along the eastern  
08:42PM 2 property line, they're actually along the New Jersey  
08:42PM 3 Transit right of way, but they're very mature,  
08:43PM 4 deciduous trees, the branches of which extend 23 feet  
08:43PM 5 approximately into this site. So if Mr. Bertin could  
08:43PM 6 perhaps comment on what sort of tree trimming is  
08:43PM 7 anticipated, because I think that's going to change  
08:43PM 8 the aesthetic look of the site quite a bit from what  
08:43PM 9 you're used to looking at, and I don't know if  
08:43PM 10 they've had discussions with New Jersey Transit about  
08:43PM 11 perhaps outright removals or replacements. If you  
08:43PM 12 could comment on that please, Mr. Bertin.

08:43PM 13 MR. BERTIN: The parking for the  
08:43PM 14 existing medical building is along that side, except  
08:43PM 15 for where the trees come up next to the building, we  
08:43PM 16 really weren't anticipating any major changes to  
08:43PM 17 them. We were not going to clear cut them. We were  
08:43PM 18 going to leave them. And since we're going to go to  
08:43PM 19 the Shade Tree Commission anyway, we would discuss  
08:43PM 20 that with them as well. So there may be some  
08:43PM 21 selective footing, but it was not at all our  
08:44PM 22 intention to drastically change those trees.

08:44PM 23 MR. AZZOLINA: Okay. Then lastly, on  
08:44PM 24 the monitor well issue, I happened to be visiting the  
08:44PM 25 site last Friday, and the owner, I think new owner of

08:44PM 1 the gas station across the street, approached me and  
08:44PM 2 kind of inquired what I was doing. And so I told  
08:44PM 3 him, and then I asked him, I said, well, are these  
08:44PM 4 monitor wells anything to do with your gas station?  
08:44PM 5 And his statement to me was, no.

08:44PM 6 MR. ALAMPI: No, of course not.

08:44PM 7 MR. AZZOLINA: So is that possible?

08:44PM 8 MR. ALAMPI: It's in the reports from  
08:44PM 9 the DEP, he has a release, maybe his prior owner, and  
08:44PM 10 it migrated.

08:44PM 11 MR. AZZOLINA: Yeah, that's what I  
08:44PM 12 assumed to be the case, it just kind of surprised me  
08:44PM 13 that he, as the owner, new owner of that property,  
08:44PM 14 would not have, you know, learned that as part of his  
08:44PM 15 due diligence when he bought that property.

08:45PM 16 MR. BERTIN: One thing is, he may not  
08:45PM 17 be responsible for it. My guess is he's not  
08:45PM 18 responsible for it, so it's up to the prior owner.  
08:45PM 19 Or Gulf or the oil company that got -- that owned the  
08:45PM 20 tanks at the time. So you've got to take a grain of  
08:45PM 21 salt --

08:45PM 22 MR. AZZOLINA: Yeah. I didn't get a  
08:45PM 23 chance to review that report at all. Are you able to  
08:45PM 24 just give a general overview of what we're talking  
08:45PM 25 about pollution-wise on this side from the gas

08:45PM 1 station?

08:45PM 2 MR. BERTIN: Well, what my  
08:45PM 3 understanding is that when they, these were like sort  
08:45PM 4 of like sent for loss to see how the plume flowed.  
08:45PM 5 And I didn't read through all the reports. Actually,  
08:45PM 6 I asked one of my guys to explain it to you, and  
08:45PM 7 they've done a round of readings and they were below  
08:45PM 8 the residential site cleanup standards, but it's  
08:45PM 9 something they have to continue monitoring.

08:45PM 10 MR. AZZOLINA: Okay. In that regard, I  
08:45PM 11 noted that the applicant did ask for a waiver of the  
08:45PM 12 full-blown environmental report, which I would  
08:46PM 13 recommend that we condition that subject to whatever  
08:46PM 14 is stated in that report following my review. I  
08:46PM 15 didn't have that, obviously, so I would suggest that  
08:46PM 16 if the board were to approve the application, that  
08:46PM 17 that would be a condition set forth in the resolution  
08:46PM 18 of approval.

08:46PM 19 Other than the comments in my report,  
08:46PM 20 which the applicant has agreed to address, I believe  
08:46PM 21 the applicant has met his burden.

08:46PM 22 MS. BARATTA: Chairman?

08:46PM 23 CHAIRMAN SEIBEL: Yes.

08:46PM 24 MS. BARATTA: This is for our engineer.  
08:46PM 25 Could those wells possibly be the top site?

08:46PM 1 MR. AZZOLINA: That's what I was  
08:46PM 2 thinking initially, that was my suspicion.

08:46PM 3 MS. BARATTA: Mine too.

08:46PM 4 MR. AZZOLINA: That's why I was  
08:46PM 5 wondering if there was perhaps some confusion on --  
08:46PM 6 but I don't know. I'll look at the report and try to  
08:47PM 7 figure it out.

08:47PM 8 CHAIRMAN SEIBEL: I wonder is Exxon on  
08:47PM 9 leaking?

08:47PM 10 MR. AZZOLINA: Not that I'm aware of,  
08:47PM 11 but I don't have access to all that information.  
08:47PM 12 That's more the health department.

08:47PM 13 CHAIRMAN SEIBEL: But there's the top  
08:47PM 14 site and there's also, coming in from the McBride  
08:47PM 15 center, isn't there stuff leeching in towards Fair  
08:47PM 16 Lawn Avenue?

08:47PM 17 MS. BARATTA: Kodak is another one that  
08:47PM 18 has wells on it, but I think that may be going in a  
08:47PM 19 different direction.

08:47PM 20 MR. BERTIN: If you read the report, it  
08:47PM 21 might be certified, because the DEP reports are  
08:47PM 22 pretty extensive. And there's a lot of summary, so  
08:47PM 23 we actually have the backups to these. I mean, I  
08:47PM 24 don't have them, but the environmental consultant  
08:47PM 25 does.

08:47PM 1 MR. AZZOLINA: Okay.

08:47PM 2 MR. ALAMPI: So we will provide all  
08:47PM 3 that backup to Mr. Azzolina's review if that's an  
08:47PM 4 issue. That simple report, really, is backed up by  
08:48PM 5 thousand of pages. We're not going to send him tens  
08:48PM 6 of thousands of pages, we don't want that. But we'll  
08:48PM 7 give them whatever backup he feels he needs.

08:48PM 8 CHAIRMAN SEIBEL: Because that's always  
08:48PM 9 been a complicated area right there, the tops and the  
08:48PM 10 gas stations. And there's oil coming in from the  
08:48PM 11 railroad station.

08:48PM 12 MR. AZZOLINA: Well, that's what they  
08:48PM 13 mentioned, the two wells in the rear --

08:48PM 14 MR. ALAMPI: That I think it's from the  
08:48PM 15 railroad station, and the front is from the gas  
08:48PM 16 station across Fair Lawn Avenue. Again, it's a  
08:48PM 17 commercial property. There's going to be blacktop.  
08:48PM 18 There's really nothing to do except those monitoring  
08:48PM 19 wells.

08:48PM 20 CHAIRMAN SEIBEL: Well, that's  
08:48PM 21 according to AccuTech or according to you?

08:48PM 22 MR. ALAMPI: It's according to me that  
08:48PM 23 when you come to a commercial property that's fully  
08:48PM 24 developed, you don't have to do anything other than  
08:48PM 25 cap it. How do you cap it? You cap it, because

08:49PM 1 there's no basement in this building, you'll scrape  
08:49PM 2 the surface by a foot or two, and then you're going  
08:49PM 3 to cap it with new blacktop, new curbing.

08:49PM 4 MR. RANDALL: Was there already a DEP  
08:49PM 5 deed restriction placed on that property?

08:49PM 6 MR. ALAMPI: I don't know that  
08:49PM 7 independently, Counsel, myself, but I will check all  
08:49PM 8 of that. We're going to provide the essential  
08:49PM 9 backup.

08:49PM 10 Normally, as your attorney is  
08:49PM 11 indicating, with a commercial property, they put a  
08:49PM 12 deed restriction. A deed restriction just tells the  
08:49PM 13 world, don't dig here. You must call the DEP.

08:49PM 14 CHAIRMAN SEIBEL: Was there a no  
08:49PM 15 further action assigned to this?

08:49PM 16 MR. ALAMPI: I don't think it got that  
08:49PM 17 far.

08:49PM 18 MR. AZZOLINA: Well, based on the  
08:49PM 19 testimony --

08:49PM 20 MR. BERTIN: On the heating oil tank,  
08:49PM 21 there's no further action on the side.

08:50PM 22 MR. AZZOLINA: But that's, according to  
08:50PM 23 them, the problem was actually on the borough  
08:50PM 24 property then.

08:50PM 25 MR. ALAMPI: Right, it's the borough

08:50PM 1 property. But we'll provide the no further action  
08:50PM 2 letter. And those type of instruments, I think both  
08:50PM 3 your attorney and your engineer would like to see.  
08:50PM 4 We'll provide that, because we wouldn't buy it  
08:50PM 5 without that information anyway.

08:50PM 6 CHAIRMAN SEIBEL: Makes sense. How  
08:50PM 7 about the phantom sewer line?

08:50PM 8 MR. AZZOLINA: The phantom sewer line,  
08:50PM 9 my information, we sent this drawing to the  
08:50PM 10 applicant's engineer last week. It shows -- that  
08:50PM 11 line shows up on the borough sewer mapping as an  
08:50PM 12 active line. It seemed to me, just by inspection,  
08:50PM 13 that it wouldn't be an active line. There's a  
08:50PM 14 bathroom facility in the train station that's active  
08:50PM 15 right next to this manhole, basically. So my  
08:50PM 16 assumption was that building was connected to that  
08:51PM 17 sewer line. The applicant's engineer indicated that  
08:51PM 18 they did some testing, but --

08:51PM 19 MR. ALAMPI: We'll put a camera.

08:51PM 20 MR. AZZOLINA: So the television  
08:51PM 21 inspection is a very good idea. He does have two  
08:51PM 22 options, as far as what can be done. He can either  
08:51PM 23 reroute the sewer on his property and extend or  
08:51PM 24 reconfigure the easement. There is an existing  
08:51PM 25 easement on this property, contrary to the survey. I

08:51PM 1 just learned that late this afternoon talking to the  
08:51PM 2 representative from the borough engineer's office. I  
08:51PM 3 think this property was accepted out of a larger  
08:51PM 4 parcel, 50, 60, 70 years ago. So that sewer, I  
08:51PM 5 believe was in place at that time. So there is a de  
08:51PM 6 facto easement for that sewer, so that would have to  
08:51PM 7 be figured out. But he has the option of either  
08:51PM 8 maintaining the connection to the Fair Lawn Avenue  
08:51PM 9 sewer or perhaps doing a new connection to the  
08:52PM 10 Pollitt Drive sewer, which didn't exist in 1945,  
08:52PM 11 because Pollitt Drive wasn't there in 1945. So the  
08:52PM 12 elevations appear to be about the same, based on the  
08:52PM 13 general information that I have. The only  
08:52PM 14 recommendation I would offer is that if there is to  
08:52PM 15 be any reconfiguration of the sewer, any cost  
08:52PM 16 associated with that would be holding the  
08:52PM 17 applicant's, you know, even though it's servicing the  
08:52PM 18 borough properties, which are the train station. And  
08:52PM 19 then the museum next door is also, I believe, hooked  
08:52PM 20 up to the plumbing of the train station. So  
08:52PM 21 basically two borough properties are serviced by that  
08:52PM 22 sanitary sewer that passes though the center of this  
08:52PM 23 proposed building. So my recommendation would be  
08:52PM 24 that applicant is, you know, 100 percent responsible  
08:52PM 25 for, you know, whatever costs are associated with

08:52PM 1 relocating that sewer to maintain the existing sewer  
08:52PM 2 service for the borough properties.

08:52PM 3 MR. ALAMPI: Chairman, I don't know if  
08:53PM 4 I finalized a tile review of this property yet,  
08:53PM 5 because we're only in the contract. But I would  
08:53PM 6 certainly enjoy getting the information from the  
08:53PM 7 borough engineer, so I could confront the title  
08:53PM 8 company and find the easement.

08:53PM 9 Secondly, of course, after we do camera  
08:53PM 10 and the condition of that sewer, whether it's active,  
08:53PM 11 if we have to realign it, we will at our sole cost.

08:53PM 12 CHAIRMAN SEIBEL: I believe it would be  
08:53PM 13 in your best interest to do that, so that you don't  
08:53PM 14 have to dig up the 7-Eleven if you --

08:53PM 15 MR. ALAMPI: Well, even if the building  
08:53PM 16 didn't interfere with it, if we, for some other  
08:53PM 17 reason, need to realign it, we would do it at our  
08:53PM 18 cost.

08:53PM 19 CHAIRMAN SEIBEL: How about our  
08:53PM 20 planner, any questions?

08:53PM 21 MS. WALSH: I have no questions.

08:53PM 22 MR. RANDALL: You're not going to swear  
08:53PM 23 her in?

08:54PM 24 CHAIRMAN SEIBEL: Well, she didn't  
08:54PM 25 testify.

08:54PM 1 State your name, your address and your

08:54PM 2 --

08:54PM 3 MR. MISKOVICH: It's Frank Miskovich  
08:54PM 4 from French & Parrello Associates, Wall, New Jersey.

08:54PM 5 F R A N K M I S K O V I C H,

08:54PM 6 Wall, New Jersey, having been duly sworn,

08:54PM 7 testifies as follows:

08:54PM 8 CHAIRMAN SEIBEL: We're going to take a  
08:54PM 9 short recess for five-minutes, and then we'll come  
08:54PM 10 right back before we get started.

08:54PM 11 I just want to make note that we have a  
08:54PM 12 hard curfew at 10:00 also. So when you see the clock  
08:54PM 13 getting close to 10:00, be prepared, because if it's  
08:54PM 14 not very close to the -- if it's close to the end,  
08:54PM 15 I'll poll the board to see if we want to keep going,  
08:54PM 16 but generally, 10:00 is our limit.

08:54PM 17 (Brief recess was taken).

09:00PM 18 CHAIRMAN SEIBEL: If we could take the  
09:00PM 19 roll.

20 MS. PECK: Mr. Racenstein?

21 MR. RACENSTEIN: Here.

22 MS. PECK: Mr. Blecher?

23 MR. BLECHER: Here.

24 MS. PECK: Ms. Baratta?

09:00PM 25 MS. BARATTA: Here.

09:00PM 1 MS. PECK: Ms. Perchuk?

09:00PM 2 MS. PERCHUK: Here.

09:00PM 3 MS. PECK: Mr. Naveh?

09:00PM 4 MR. NAVEH: Here.

09:00PM 5 MS. PECK: Mr. Zharnest?

09:00PM 6 MR. ZHARNEST: Here.

09:00PM 7 MS. PECK: And Mr. Seibel?

09:01PM 8 CHAIRMAN SEIBEL: Here. Okay,

09:01PM 9 everybody returned.

09:01PM 10 All right, where were we? Oh, we're

09:01PM 11 going to talk about the traffic.

12 MR. MISKOVICH: Well, I think the

13 testimony so far has just been on the trash and the

14 trucks, so maybe we can focus on that just for the

15 time being?

16 CHAIRMAN SEIBEL: Sure.

17 MR. MISKOVICH: Ms. Baratta brought up

09:01PM 18 issues about the trucks and the trash deliveries and

09:01PM 19 I think we need to have some testimony given, as far

09:01PM 20 as how many deliveries a week they're going to get to

09:01PM 21 the tractor-trailer, even though it was one. There's

09:01PM 22 going to be trash and recycling pickup, which is

09:01PM 23 doing to happen more than maybe once a week. There

09:01PM 24 was comments about box trucks coming in, and I don't

09:01PM 25 know how many box truck that might be, but if I

09:01PM 1 remember the testimony, there's no restriction or  
09:01PM 2 timeframe that would be put on there for when they  
09:01PM 3 can come. So there's quite possibly they could be  
09:01PM 4 throughout the day. Granted, they may not be at rush  
09:01PM 5 hour, but there's no guarantee to that effect. So I  
09:02PM 6 think we need to have those hours, when they come,  
09:02PM 7 how many days a week.

09:02PM 8 The other questions point out that were  
09:02PM 9 brought up, I guess with the exhibit, the truck  
09:02PM 10 circulation plan, which is in the site plan package,  
09:02PM 11 where they show the WB-50, and I guess the 7-Eleven,  
09:02PM 12 a lot of these convenience stores do get delivery by  
09:02PM 13 these tractor-trailers, but it's shown as coming from  
09:02PM 14 the east. And as it's depicted on the picture, to  
09:02PM 15 get into that driveway, they have to encroach upon  
09:02PM 16 all three eastbound lanes, basically to turn in, pull  
09:02PM 17 into the spot and back out. That is not necessarily  
09:02PM 18 a bad maneuver of backing out, to keep hands on time  
09:02PM 19 of day, and really, the hours when they're coming in  
09:02PM 20 and out.

09:02PM 21 The exhibit shows it's a right turn  
09:02PM 22 exit onto Pollitt. If you look at the exhibit, it  
09:02PM 23 encroaches over the entire roadway to southbound  
09:02PM 24 lanes of Pollitt to make that right turn. I guess my  
09:03PM 25 question is, if I make the right, where are those

09:03PM 1 trucks going to come back? Because as I look at it,  
09:03PM 2 I mean, coming up from Route 208, seems to be a very  
09:03PM 3 nice alternative route to get here, which means I  
09:03PM 4 then have to make a left onto Pollitt to get into his  
09:03PM 5 driveway, and there's no way they can make that left  
09:03PM 6 and make a right turn into that site. So --

09:03PM 7 CHAIRMAN SEIBEL: Wait. Say that  
09:03PM 8 again.

09:03PM 9 MR. MISKOVICH: Okay. If I'm coming  
09:03PM 10 from the west, as Ms. Baratta said, let's say the  
09:03PM 11 tractor-trailer were to come from the west, from 208,  
09:03PM 12 and this might even fall in with some of the box  
09:03PM 13 trucks. To make that left turn, they have to almost  
09:03PM 14 make an immediate right turn into the site.

09:03PM 15 CHAIRMAN SEIBEL: To make the left turn  
09:03PM 16 onto Pollitt?

09:03PM 17 MR. MISKOVICH: To Pollitt and then the  
09:03PM 18 right turn into the driveway, which matters, because  
09:03PM 19 the left turns is prohibited at the Fair Lawn  
09:03PM 20 driveway.

09:03PM 21 CHAIRMAN SEIBEL: All right. So I  
09:03PM 22 assume there's no way they're going to make that left  
09:03PM 23 turn?

09:03PM 24 MR. MISKOVICH: At least not the way  
09:03PM 25 it's designed. But then as we pull into the

09:03PM 1 driveway, and then a backing up maneuver into the  
09:03PM 2 loading area. Just pointing that out.

09:03PM 3 CHAIRMAN SEIBEL: I see what you're  
09:04PM 4 saying.

09:04PM 5 MR. MISKOVICH: And if the trucks are  
09:04PM 6 coming from the east, to go up Pollitt Drive to the  
09:04PM 7 north, that's very circuitous, and a long way to get  
09:04PM 8 around to come back to Fair Lawn Avenue. It seems to  
09:04PM 9 me that the convenient way is going to try to make  
09:04PM 10 the left out of that driveway onto Pollitt. And from  
09:04PM 11 the looks of the exhibit, the tractor-trailer can not  
09:04PM 12 only block the tow outbound lanes, but the inbound  
09:04PM 13 lane too is not going to be able to maneuver and get  
09:04PM 14 into the lanes. So, and I think operations becomes  
09:04PM 15 critical when you're talking about trucks. And  
09:04PM 16 especially, not only just the tractor-trailers, but  
09:04PM 17 the trash trucks and the box trucks that may get in  
09:04PM 18 and out of the site. So maybe we need to have more  
09:04PM 19 exhibits to show how they can maneuver around this  
09:04PM 20 site, rather than just making the right turn onto  
09:04PM 21 Pollitt Drive.

09:04PM 22 CHAIRMAN SEIBEL: What if two trucks  
09:04PM 23 try to get onto this lot at the same time?

09:04PM 24 MR. MISKOVICH: Well, I mean, not  
09:04PM 25 getting into the traffic, but the point I made also,

09:05PM 1 and maybe we should bring it up now is the fact that  
09:05PM 2 today on the site, that driveway that comes onto  
09:05PM 3 Pollitt Drive, is at the far northern end of the  
09:05PM 4 property. That's about 100 and, I guess 10, 120 feet  
09:05PM 5 from the intersection. So you can stack maybe five,  
09:05PM 6 six, seven cars there at the light. But now this  
09:05PM 7 driveway is moved to about 50 feet from the  
09:05PM 8 intersection, and two cars will block this driveway.  
09:05PM 9 So if I cannot make a left turn out of this driveway  
09:05PM 10 onto Pollitt, I'm going to back up into this site,  
09:05PM 11 which then adds to congestion into the parking area.  
09:05PM 12 And the same thing, if I'm trying to turn inland,  
09:05PM 13 cars are trying to get out to not maneuver. It's  
09:05PM 14 going to be a lot more congestion, I think, right at  
09:05PM 15 that particular location. So I think there's a  
09:05PM 16 combination of things, not only the trucks and the  
09:05PM 17 maneuvering, but the fact that the driveway is being  
09:05PM 18 much closer to the intersection. So it creates some  
09:05PM 19 operational problems that we're going to need to have  
09:05PM 20 thoroughly discussed and get vetted out by the  
09:06PM 21 applicant.

09:06PM 22 MR. BLECHER: I just want to make a  
09:06PM 23 point on that.

09:06PM 24 When people coming down Pollitt Drive  
09:06PM 25 headed south have the red light at Fair Lawn Avenue

09:06PM 1 --

09:06PM 2 CHAIRMAN SEIBEL: Yes.

09:06PM 3 MR. BLECHER: -- and the tracks are in  
09:06PM 4 unison and the guards are down, and cars start to  
09:06PM 5 pile up along Pollitt Drive trying to get onto Fair  
09:06PM 6 Lawn Avenue, that whole driveway is going be blocked  
09:06PM 7 there for who knows how long. There's a lot of  
09:06PM 8 potential traffic problems, especially if you start  
09:06PM 9 to have pedestrian traffic, a couple cars pulling in  
09:06PM 10 and out of spots at the same time, vehicle and trucks  
09:06PM 11 going in and out of the lot, congestion on Fair Lawn  
09:06PM 12 Avenue in general.

09:06PM 13 Plus, when the tracks are closed, it's  
09:06PM 14 a cluster jam. It's a cluster jam now without these  
09:06PM 15 additional problems, and I do travel that  
09:07PM 16 intersection pretty often, because my gym is down  
09:07PM 17 that street.

09:07PM 18 MR. BERTIN: We'll address that. My  
09:07PM 19 office is right across the street from the Glen Rock  
09:07PM 20 station. And I know what you're talking about, it  
09:07PM 21 comes and then it goes. And then there's a lot of  
09:07PM 22 times when there's nothing happening on that street,  
09:07PM 23 but we'll address that in more detail. I understand  
09:07PM 24 what you're saying, and those things happen. When  
09:07PM 25 the gates go down and the traffic is stopped on Fair

09:07PM 1 Lawn Avenue, I pass, actually, three train stations  
09:07PM 2 on my way home, and you know, it happens.

09:07PM 3 MR. BLECHER: Very often you get people  
09:07PM 4 in between that 91 feet between the gates down and a  
09:07PM 5 red light at the Pollitt -- you know where that is?  
09:07PM 6 You know, you see people scrambling to get off the  
09:07PM 7 tracks when the gates are coming down. I've seen it.

09:07PM 8 CHAIRMAN SEIBEL: So you agree that  
09:07PM 9 there's an issue there?

09:08PM 10 MR. BERTIN: No. I'm acknowledging,  
09:08PM 11 yes, that there's congestion, especially when the  
09:08PM 12 gates go down and trains come through, yes, we  
09:08PM 13 understand that.

09:08PM 14 MS. BARATTA: Chairman?

09:08PM 15 CHAIRMAN SEIBEL: Yes.

09:08PM 16 MS. BARATTA: Mr. Blecher said, and  
09:08PM 17 also, our traffic engineer. I have a question for  
09:08PM 18 our Board attorney.

09:08PM 19 On the applicant's site plan checklist,  
09:08PM 20 a couple of things stand out.

09:08PM 21 Number one is Item Number 18, no deed  
09:08PM 22 restrictions or problems exist, now we're talking  
09:08PM 23 that there may be a DEP deed restriction on the --

09:08PM 24 MR. BERTIN: No one can put a deed  
09:08PM 25 restriction on your property unless you do it, and so

09:08PM 1 that hasn't been done.

09:08PM 2 CHAIRMAN SEIBEL: Unless --

09:08PM 3 MR. BERTIN: No, only you can put a  
09:08PM 4 deed restriction on your own property. Someone who  
09:08PM 5 causes a spill on another property can't put a deed  
09:08PM 6 restriction.

09:08PM 7 CHAIRMAN SEIBEL: As far as --

09:08PM 8 MR. BERTIN: They can put a deed  
09:08PM 9 restriction on his property, but he can't come and  
09:08PM 10 put one on yours.

09:08PM 11 MS. BARATTA: Okay. And on Item Number  
09:09PM 12 47 asking a waiver on traffic index study and a  
09:09PM 13 waiver on the environmental assessment, is this  
09:09PM 14 Board, we're the ones to grant that waiver?

09:09PM 15 MR. RANDALL: Yeah, you'd look to your  
09:09PM 16 professionals as to what is appropriate. I think one  
09:09PM 17 of the reports indicates that. But ultimately, you  
09:09PM 18 know, the board needs to decide what information they  
09:09PM 19 need to make a decision that's reasonable. So you  
09:09PM 20 have to have consultations with professionals.

09:09PM 21 MS. BARATTA: I'd like to hear how the  
09:09PM 22 professionals feel, especially on the traffic study.

09:09PM 23 MR. MISKOVICH: Well, I think -- I  
09:09PM 24 definitely had in my report that we suggested a  
09:09PM 25 traffic study. Or at least enough definitive traffic

09:09PM 1 testimony that you can have a comfort level, as far  
09:09PM 2 as what's happening. That may include traffic  
09:09PM 3 counts, how much traffic is it going to generate, et  
09:09PM 4 cetera, especially looking at the queuing, which I  
09:10PM 5 think is going to be -- creates an operational  
09:10PM 6 problem on site because of backups. But I think  
09:10PM 7 you're entitled to have that information to see how  
09:10PM 8 this would really operate.

09:10PM 9 And I also pointed to us that I believe  
09:10PM 10 counsel is considering putting a note --

09:10PM 11 CHAIRMAN SEIBEL: Hold off on that.  
09:10PM 12 Right now there is a right turn on red, are you aware  
09:10PM 13 of that, on Pollitt Drive?

09:10PM 14 MR. BERTIN: On Pollitt, yes. Yes.

09:10PM 15 CHAIRMAN SEIBEL: That helps alleviate  
09:10PM 16 traffic. Correct?

09:10PM 17 MR. BERTIN: Correct.

09:10PM 18 MR. MISKOVICH: And there is discussion  
09:10PM 19 at the council meeting, I guess the first meeting in  
09:10PM 20 September, one of the recommendations is no turn on  
09:10PM 21 red on Pollitt Drive as you approach Fair Lawn. I  
09:10PM 22 believe that is going to be discussed at the next  
09:10PM 23 council meeting.

09:10PM 24 MR. BLECHER: That's from Pollitt  
09:10PM 25 making a right onto Fair Lawn Avenue?

09:10PM 1 MR. MISKOVICH: Correct, coming south  
09:10PM 2 from the train station, you're making a right turn  
09:11PM 3 onto Fair Lawn Avenue.

09:11PM 4 MR. BLECHER: What's the purpose of  
09:11PM 5 eliminating that, we can alleviate the traffic  
09:11PM 6 backing up?

09:11PM 7 MR. MISKOVICH: Well, it wasn't  
09:11PM 8 decided. At least the information I got, that asked  
09:11PM 9 the traffic safety officer to provide more discussion  
09:11PM 10 with council. I think what started this was because  
09:11PM 11 of the traffic and a lot of pedestrian activity, the  
09:11PM 12 concern is at least prohibiting that, if not 24 hours  
09:11PM 13 a day, maybe at certain times.

09:11PM 14 MR. BLECHER: This is more for  
09:11PM 15 pedestrians than --

09:11PM 16 MR. MISKOVICH: It's a combination of  
09:11PM 17 things. I'm not sure what the reasons were, just  
09:11PM 18 that is a possibility. I only point that out, if  
09:11PM 19 they prohibit the right turn on red, that's going to  
09:11PM 20 create a little bit more queuing issue, because now,  
09:11PM 21 that traffic can't turn out.

09:11PM 22 And I believe also, in addition to the  
09:11PM 23 traffic, there was discussion that we see this  
09:11PM 24 turning movement here from one direction. I would  
09:11PM 25 prefer seeing some turning movements, as far as the

09:12PM 1 box trucks, which may be more problematic, if you're  
09:12PM 2 getting several a day in and out of the site. And if  
09:12PM 3 they are coming from the west, which a box truck  
09:12PM 4 might, how will they turn left onto Pollitt and then  
09:12PM 5 into the driveway, will they pull into that loading  
09:12PM 6 area or not? I'm okay with the 14-foot wide loading  
09:12PM 7 aisle, that's enough. But it might be how they're  
09:12PM 8 going to maneuver on that site to get into there.  
09:12PM 9 It's kind of tricky, I think, but I think those  
09:12PM 10 turning templates is very helpful in depicting how  
09:12PM 11 that site might operate.

09:12PM 12 CHAIRMAN SEIBEL: As far as the no turn  
09:12PM 13 on red, I believe that was discussed at a council  
09:12PM 14 meeting as a new ordinance. And that new ordinance  
09:12PM 15 may be going into effect on September 28th at the  
09:12PM 16 next meeting. Don't hold me to it, but I saw the  
09:12PM 17 date, September --

09:12PM 18 MR. MISKOVICH: There's a discussion on  
09:13PM 19 the 28th as the second reading. I don't know if that  
09:13PM 20 includes that no turn on red or not. From what I saw  
09:13PM 21 that's what is going to be on the council meeting.

09:13PM 22 CHAIRMAN SEIBEL: I think maybe we need  
09:13PM 23 to get something from the council as to why they're  
09:13PM 24 doing that. Is it a pedestrian train safety issue,  
09:13PM 25 because it certainly doesn't alleviate traffic. So

09:13PM 1 there must be something brewing for them to want to  
09:13PM 2 do that. Were you guys aware of that at all?

09:13PM 3 MR. ALAMPI: No.

09:13PM 4 CHAIRMAN SEIBEL: Also, did we get  
09:13PM 5 anything from our police traffic, did we ask?

09:13PM 6 MS. PECK: We send it to them, every  
09:13PM 7 commercial application. Usually, I get an answer  
09:13PM 8 from DPW and so --

09:13PM 9 CHAIRMAN SEIBEL: What about the fire  
09:13PM 10 trucks?

09:13PM 11 MS. PECK: No answer.

09:13PM 12 CHAIRMAN SEIBEL: Now, a fire truck,  
09:14PM 13 whether they would have to go in that way, I don't  
09:14PM 14 know why, but they wouldn't --

09:14PM 15 MR. BERTIN: I think they would just  
09:14PM 16 stay on the street.

09:14PM 17 CHAIRMAN SEIBEL: The other issue I  
09:14PM 18 have, if you look at the truck movement, okay, so he  
09:14PM 19 pulls in, he unloads, then he backs up. Now, he's  
09:14PM 20 backing up into the street?

09:14PM 21 MR. BERTIN: To the street, yes.

09:14PM 22 CHAIRMAN SEIBEL: To the street? So  
09:14PM 23 his rear wheels are not in the street.

09:14PM 24 MR. BERTIN: Well, they're not in the  
09:14PM 25 travel way.

09:14PM 1 CHAIRMAN SEIBEL: All right. Let me  
09:14PM 2 put it this way, are his rear wheels on subject site  
09:14PM 3 or on borough property?

09:14PM 4 MR. BERTIN: On this one, I show him  
09:14PM 5 going back to the -- well, the county road.

09:14PM 6 CHAIRMAN SEIBEL: So they're off the  
09:14PM 7 site?

09:14PM 8 MR. BERTIN: Correct.

09:14PM 9 CHAIRMAN SEIBEL: So it's either on the  
09:15PM 10 apron or in the street, okay.

09:15PM 11 Now he's going to swing out to Pollitt  
09:15PM 12 Drive, but if you look at the flow, if there's a car  
09:15PM 13 parked next to the handicap one, two, three, four, if  
09:15PM 14 there's four cars parked in there, he's going to take  
09:15PM 15 out the rear end of those cars or the truck has to  
09:15PM 16 stay there until the four customers leave. Is that  
09:15PM 17 correct?

09:15PM 18 MR. BLECHER: Correct, backup traffic  
09:15PM 19 onto Fair Lawn.

09:15PM 20 MR. BERTIN: Correct.

09:15PM 21 CHAIRMAN SEIBEL: And by your  
09:15PM 22 testimony, this was the best layout you could come up  
09:15PM 23 with?

09:15PM 24 MR. BERTIN: This would be refined, but  
09:15PM 25 if we're moving buildings on our parts of the

09:15PM 1 property, this seemed to be the best layout, yes.

09:16PM 2 And taking into consideration functionality, but also  
09:16PM 3 setback and that sort of thing.

09:16PM 4 CHAIRMAN SEIBEL: You see, my big  
09:16PM 5 problem is safety. And I don't know that it's a good  
09:16PM 6 idea not to have a traffic study done on this site  
09:16PM 7 when pedestrian safety and the performance of the  
09:16PM 8 site and the surrounding area is involved here.

09:16PM 9 MR. BERTIN: I guess we didn't say it  
09:16PM 10 formally, but we'll come back with the traffic study.  
09:16PM 11 I'm sorry. We should have set it. We've already  
09:16PM 12 talked. We're going to do a traffic study. Yes,  
09:16PM 13 we'll have a complete traffic study, complete  
09:16PM 14 analysis, pedestrian counts.

09:16PM 15 MR. RACENSTEIN: I have a question.

09:16PM 16 CHAIRMAN SEIBEL: Yes.

09:16PM 17 MR. RACENSTEIN: How many deliveries do  
09:17PM 18 you expect per day into the 7-Eleven?

09:17PM 19 MR. ALAMPI: We have our operations  
09:17PM 20 gentleman here, and I think, given that the board is  
09:17PM 21 focusing on this, before I put the architect on, let  
09:17PM 22 me bring the operations man to give that testimony to  
09:17PM 23 help this gentleman do his further review. And we  
09:17PM 24 had said, Chairman, Calisto, just kind of based on  
09:17PM 25 your focus, and your focus and such, we'll do a

09:17PM 1 traffic study. We see that there's a lot of  
09:17PM 2 pedestrian activity here and we're going to take, you  
09:17PM 3 know, a very good look at these movements and these  
09:17PM 4 conflicts.

09:17PM 5 But I do have our operations person and  
09:17PM 6 when we're consulting to conclude it, why don't I  
09:17PM 7 bring him forward? He's going to explain to us how  
09:17PM 8 many deliveries, the timing of the deliveries, the  
09:17PM 9 size of the vehicles.

09:18PM 10 CHAIRMAN SEIBEL: Let me just offer to  
09:18PM 11 property owners -- are we done? Anybody else have  
09:18PM 12 questions?

09:18PM 13 If any property owners within 200 feet  
09:18PM 14 have questions for the witness, come on up, state  
09:18PM 15 your name, I'll swear you in, your name and address.

09:18PM 16 MR. ANASTASOPOULOS: Peter  
09:18PM 17 Anastasopoulos, property address, 2012 Fair Lawn  
09:18PM 18 Avenue.

09:18PM 19 P E T E R A N A S T A S O P P U L O S,  
09:18PM 20 2012 Fair Lawn Avenue, Fair Lawn, New Jersey,  
09:18PM 21 having been duly sworn, testifies as follows:

09:18PM 22 CHAIRMAN SEIBEL: And this is  
09:18PM 23 question's only for what the applicant has testified  
09:18PM 24 on so far.

09:18PM 25 MR. ANASTASOPOULOS: Okay, the property

09:18PM 1 with the driveways, the pork chop that you were  
09:18PM 2 saying is gonna -- there's no way that that could  
09:18PM 3 possibly be, because you'll be cutting along three  
09:18PM 4 lanes of traffic. Right?

09:18PM 5 MR. BERTIN: I think the idea, and I'll  
09:19PM 6 sketch on this plan, because I think it's going to  
09:19PM 7 change before we come back, was to do this  
09:19PM 8 (indicating).

09:19PM 9 MR. ANASTASOPOULOS: So when the  
09:19PM 10 deliveries are coming from --

09:19PM 11 MR. BERTIN: No. No. No. It's just  
09:19PM 12 the cars.

09:19PM 13 MR. ANASTASOPOULOS: Just the cars.

09:19PM 14 MR. BERTIN: So that forces the cars to  
09:19PM 15 make a right turn.

09:19PM 16 CHAIRMAN SEIBEL: I don't think the  
09:19PM 17 truck can get out that way.

09:19PM 18 MR. BERTIN: A truck could drive over  
09:19PM 19 it. Oh, no. No. The way the plan was presented,  
09:19PM 20 the tractor-trailer truck would not be coming out  
09:19PM 21 that road. We'll look at the alternative for truck  
09:19PM 22 traffic to the site, but that was not the intention,  
09:19PM 23 for the tractor-trailer anyway, to exit Fair Lawn  
09:19PM 24 Avenue.

09:19PM 25 MR. ANASTASOPOULOS: How many trucks is

09:19PM 1 this? 12, right?

09:19PM 2 MR. BERTIN: Correct.

09:19PM 3 MR. ANASTASOPOULOS: It used to be 14?

09:19PM 4 MR. BERTIN: Ten.

09:19PM 5 MR. ANASTASOPOULOS: And we also  
09:19PM 6 learned that the doctor's office was also renting  
09:19PM 7 spaces from the gas station next door.

09:20PM 8 MR. BERTIN: Could be.

09:20PM 9 MR. ANASTASOPOULOS: And we have a big  
09:20PM 10 overflow of the doctors that we have to tow and chase  
09:20PM 11 out of the parking lot, which is an issue with the  
09:20PM 12 parking lot.

09:20PM 13 CHAIRMAN SEIBEL: Only questions.

09:20PM 14 MR. ANASTASOPOULOS: That's all. Thank  
09:20PM 15 you.

09:20PM 16 CHAIRMAN SEIBEL: Anybody else within  
09:20PM 17 200 feet? General public? Anyone from the general  
09:20PM 18 public wish to question the witness, come on up.

09:20PM 19 UNIDENTIFIED SPEAKER: Comment? Not a  
09:20PM 20 question, comment.

09:20PM 21 CHAIRMAN SEIBEL: It's only questions  
09:20PM 22 for the witness. Comments at the end.

09:20PM 23 Anybody else?

09:20PM 24 (No response.)

09:20PM 25 CHAIRMAN SEIBEL: Seeing none, I'll

09:20PM 1 close it and we can move onto your next witness.

09:20PM 2 MR. ALAMPI: Chairman, I'm going call a  
09:20PM 3 gentleman that's associated with 7-Eleven operations.

09:20PM 4 CHAIRMAN SEIBEL: If you'll raise your  
09:21PM 5 right hand, stante your name and your business.

09:21PM 6 MR. KIMMEL: Stuart Kimmel,  
09:21PM 7 K-i-m-m-e-l, 7-Eleven Incorporated Real Estate.

09:21PM 8 CHAIRMAN SEIBEL: Out of what state?

09:21PM 9 MR. KIMMEL: New Jersey.

09:21PM 10 S T U A R T K I M M E L,

09:21PM 11 Having been duly sworn, testifies as follows:

09:21PM 12 CHAIRMAN SEIBEL: And have you ever  
09:21PM 13 testified in front of a Board before?

09:21PM 14 MR. KIMMEL: I have, not Fair Lawn.

09:21PM 15 CHAIRMAN SEIBEL: Not Fair Lawn. What  
09:21PM 16 type of Board?

09:21PM 17 MR. KIMMEL: Zoning Board, planning  
09:21PM 18 Board, both, multiple towns in New Jersey.

09:21PM 19 CHAIRMAN SEIBEL: And how long have you  
09:21PM 20 been in charge of operations?

09:21PM 21 MR. KIMMEL: I'm real estate  
09:21PM 22 development for seven years. I've been with 7-Eleven  
09:21PM 23 17 years.

09:21PM 24 CHAIRMAN SEIBEL: And how long have you  
09:21PM 25 been in real estate?

09:21PM 1 MR. KIMMEL: With 7-Eleven, 17 years.

09:21PM 2 CHAIRMAN SEIBEL: But entirely?

09:21PM 3 MR. KIMMEL: Seven years.

09:21PM 4 CHAIRMAN SEIBEL: Anybody have any  
09:21PM 5 objections? I don't have any problem.

09:21PM 6 All right, we'll accept him.

09:21PM 7 MR. ALAMPI: All right. We're offering  
09:21PM 8 this witness as a fact witness. We offer this  
09:21PM 9 witness as a fact witness representing operations of  
09:22PM 10 7-Eleven, meaning deliveries, time of operation and  
09:22PM 11 such. I think that's what the board is interested  
09:22PM 12 in.

09:22PM 13 DIRECT EXAMINATION

09:22PM 14 BY MR. ALAMPI:

09:22PM 15 Q. So you heard the questions coming from  
09:22PM 16 the board, the questions that were being presented to  
09:22PM 17 Calisto. Could you just explain to everyone the  
09:22PM 18 nature of the deliveries, the size of the various  
09:22PM 19 trucks and how many times a day or how many times a  
09:22PM 20 week these deliveries are anticipated? And if you  
09:22PM 21 know for the Fair Lawn property, what route they  
09:22PM 22 would take to approach the site?

09:22PM 23 A. Sure.

09:22PM 24 So starting with the tractor-trailer,  
09:22PM 25 that's a once or twice a week delivery, no more than

09:22PM 1 twice a week. And that typically comes on off-peak  
09:22PM 2 hours. We don't accept deliveries during peak hours,  
09:22PM 3 for business purposes.

09:22PM 4 Typically, and a lot of discussion on  
09:22PM 5 the route of the truck, but with the tractor-trailer,  
09:23PM 6 we go for logistics, the manager will actually work  
09:23PM 7 with the vendor on the route to and from the store  
09:23PM 8 once it's decided. So they will get that, planning  
09:23PM 9 how the truck maneuvers.

09:23PM 10 The rest of the deliveries are box  
09:23PM 11 trucks, they're outside vendors, that is Frito-Lay,  
09:23PM 12 Tastykake, Entenmann's, those types of trucks.  
09:23PM 13 That's typically about two a day, and they either use  
09:23PM 14 the loading zone or some of them can park in a  
09:23PM 15 standard parking spot, depending on who that vendor  
09:23PM 16 is.

09:23PM 17 Q. And from your experience, is it the  
09:23PM 18 manager that sets a schedule of whether he accepts  
09:23PM 19 deliveries or is it corporate?

09:23PM 20 MR. KIMMEL: Well, it's corporate. We  
09:23PM 21 don't accept deliveries during, again, peak hours,  
09:23PM 22 business hours. We can control the tractor-trailer  
09:23PM 23 vendor, so we could work with them, based on our  
09:24PM 24 contract. The other vendors are, basically, we don't  
09:24PM 25 accept them during business peak times, but they set

09:24PM 1 their schedule. And the tractor-trailer is,  
09:24PM 2 typically, a 30-minute delivery. It's just a drop  
09:24PM 3 delivered. And then they're off the site moving on.

09:24PM 4 Q. Were you able to identify for this site  
09:24PM 5 how the vehicle, the larger vehicles, would approach  
09:24PM 6 the site, would it be from the east or the west or  
09:24PM 7 would that not be known yet?

09:24PM 8 A. I'm going leave it to the experts in  
09:24PM 9 traffic to decide how -- ultimately decide. And what  
09:24PM 10 we will then do is get the manager to get their plan  
09:24PM 11 to work the vendor.

09:24PM 12 MR. ALAMPI: Chairman, I have no  
09:24PM 13 further questions. The board may have specific  
09:24PM 14 questions.

09:24PM 15 CHAIRMAN SEIBEL: Well, as far as the  
09:24PM 16 trucks coming in, the truck driver is going to know  
09:25PM 17 which way to come in. All he's got to do is get  
09:25PM 18 struck once and he'll never -- he'll be like an  
09:25PM 19 elephant, he'll never forget that this site is -- you  
09:25PM 20 have to come in from over the railroad tracks. So  
09:25PM 21 that's not a big concern of mine, because the market  
09:25PM 22 will figure it out.

09:25PM 23 But what are the peak hours for this?

09:25PM 24 MR. KIMMEL: Our typical peak hours are  
09:25PM 25 somewhere between 6:30 a.m. to 9:00, 8:30, 9:00 a.m.

09:25PM 1 And then somewhere between 4:00 and 6:00 p.m.

09:25PM 2 CHAIRMAN SEIBEL: Okay. Because that's  
09:25PM 3 right around the peak hours of the --

09:25PM 4 MR. KIMMEL: Yeah, and typically, it's  
09:25PM 5 based on the traffic on the street. We're  
09:25PM 6 convenience, we're not a destination.

09:26PM 7 CHAIRMAN SEIBEL: Yes. Now, you said  
09:26PM 8 truck deliveries will occur once or twice a week,  
09:26PM 9 based on volume. I would anticipate that this is --  
09:26PM 10 let me ask you this: Do you anticipate that this is  
09:26PM 11 going to be a high volume store?

09:26PM 12 MR. KIMMEL: Average store.

09:26PM 13 CHAIRMAN SEIBEL: Average?

09:26PM 14 MR. KIMMEL: Yeah. Realistically, it  
09:26PM 15 will never be more than two tractor-trailers a week.  
09:26PM 16 It's never more than two. It only is less than two.

09:26PM 17 CHAIRMAN SEIBEL: And you're corporate,  
09:26PM 18 so are these franchises?

09:26PM 19 MR. KIMMEL: It's a corporate lease  
09:26PM 20 that we'll have with the landlord. We will franchise  
09:26PM 21 out the operation. But it's also going to be  
09:26PM 22 7-Eleven, Inc. responsible for the property.

09:26PM 23 CHAIRMAN SEIBEL: So somebody is going  
09:26PM 24 to build it and develop it?

09:26PM 25 MR. KIMMEL: Yes.

09:26PM 1 CHAIRMAN SEIBEL: And then you're going  
09:26PM 2 to bring in -- and then they're going to get a  
09:26PM 3 long-term lease and give it to the franchisee?

09:26PM 4 MR. KIMMEL: No. The lease is with  
09:26PM 5 7-Eleven. We will bid out the store, so it's going  
09:27PM 6 to be a turnkey franchise. They just franchise  
09:27PM 7 business operation.

09:27PM 8 CHAIRMAN SEIBEL: Oh, they are going to  
09:27PM 9 franchise?

09:27PM 10 MR. KIMMEL: Just the business  
09:27PM 11 operation.

09:27PM 12 CHAIRMAN SEIBEL: Right.

09:27PM 13 MR. KIMMEL: It's always our lease.

09:27PM 14 CHAIRMAN SEIBEL: Oh, okay. Oh, okay.  
09:27PM 15 That's interesting.

09:27PM 16 MR. ALAMPI: Sometimes they do  
09:27PM 17 different national retailers. The owner, the prime  
09:27PM 18 tenant is the national retailer, and then they  
09:27PM 19 sublease and they can recapture the --

09:27PM 20 MR. KIMMEL: Right, but that's not  
09:27PM 21 our --

09:27PM 22 MR. ALAMPI: No, theirs is a direct  
09:27PM 23 lease.

09:27PM 24 CHAIRMAN SEIBEL: Approximately how  
09:27PM 25 many vendors does an average 7-Eleven in this area

09:27PM 1 have?

09:27PM 2 MR. KIMMEL: Fourteen.

09:27PM 3 CHAIRMAN SEIBEL: Fourteen vendors?

09:27PM 4 MR. KIMMEL: Give or take.

09:27PM 5 CHAIRMAN SEIBEL: And that's milk and  
09:27PM 6 perishables?

09:27PM 7 MR. KIMMEL: Yes, that's one vendor and  
09:27PM 8 it comes with all our perishables, milk, sandwiches,  
09:27PM 9 bakery stuff, all the daily or perishable, that's one  
09:27PM 10 truck.

09:27PM 11 But then you have the Frito-Lay, the  
09:28PM 12 Tastykake, the newspaper vendor, so it's a total of  
09:28PM 13 about 14.

09:28PM 14 CHAIRMAN SEIBEL: It's an active site.  
09:28PM 15 No liquor license?

09:28PM 16 MR. KIMMEL: No liquor.

09:28PM 17 CHAIRMAN SEIBEL: All right. I'll open  
09:28PM 18 it up to the board. Sam?

09:28PM 19 MR. RACENSTEIN: Mr. Chairman, you  
09:28PM 20 asked my question.

09:28PM 21 CHAIRMAN SEIBEL: Oh, sorry.

09:28PM 22 MR. RACENSTEIN: It's okay.

09:28PM 23 CHAIRMAN SEIBEL: Anybody else have  
09:28PM 24 anything? Somebody has got to have something. I  
09:28PM 25 guess --

09:28PM 1 MR. MISKOVICH: Mr. Chairman?

09:28PM 2 CHAIRMAN SEIBEL: Yes.

09:28PM 3 MR. MISKOVICH: Can you just add on, as  
09:28PM 4 far as the number of trash deliveries, pickups a  
09:28PM 5 week, recycling, you know, how many you anticipate at  
09:28PM 6 this site?

09:28PM 7 MR. KIMMEL: Recycling is once a week,  
09:28PM 8 that's cardboard, for the most part. And then the  
09:28PM 9 trash is one, maybe two, depending on the route.

09:28PM 10 CHAIRMAN SEIBEL: There's a new  
09:28PM 11 7-Eleven on River Road, is that one of yours also?

09:29PM 12 MR. KIMMEL: If it's got 7-Eleven on  
09:29PM 13 the sign, it's ours, yeah.

09:29PM 14 CHAIRMAN SEIBEL: Were you involved  
09:29PM 15 with that one?

09:29PM 16 MR. KIMMEL: No.

09:29PM 17 CHAIRMAN SEIBEL: No one else? Oh,  
09:29PM 18 yes.

09:29PM 19 MR. AZZOLINA: Is it mandatory that  
09:29PM 20 tractor-trailer deliveries be made to this site or is  
09:29PM 21 there some alternative vehicle use possible?

09:29PM 22 MR. KIMMEL: There's not, based on the  
09:29PM 23 fact that the volume that's on the truck to keep to  
09:29PM 24 two deliveries a week is not an option.

09:29PM 25 The one thing I can offer, and we'll

09:29PM 1 talk about maneuverability, and we can reduce it to a  
09:29PM 2 WB-40, but it's still going to be a tractor-trailer.

09:29PM 3 MR. AZZOLINA: But perhaps the turning  
09:29PM 4 templates would be less restrictive than what we're  
09:29PM 5 looking at today. I'll defer to the Board's traffic  
09:29PM 6 engineer on something like that, but that's just  
09:30PM 7 something to perhaps consider, without knowing  
09:30PM 8 exactly what the other turning templates for the  
09:30PM 9 smaller vehicles are. But you know, perhaps, you  
09:30PM 10 know, you're going to have more frequent deliveries  
09:30PM 11 as the applicant's expert indicated, but perhaps they  
09:30PM 12 wouldn't be causing overlaps into the adjoining lanes  
09:30PM 13 of traffic that we're seeing with these larger  
09:30PM 14 vehicles. So that's something I think the applicant  
09:30PM 15 needs to explore.

09:30PM 16 MR. MISKOVICH: If I may follow up on  
09:30PM 17 that. I think that's a very good point, Paul. A  
09:30PM 18 WB-40 is a smaller truck.

09:30PM 19 CHAIRMAN SEIBEL: A 40-footer.

09:30PM 20 MR. MISKOVICH: A 40-footer. I don't  
09:30PM 21 know if that would carry the same product and if that  
09:30PM 22 means going from two deliveries a week to three. But  
09:30PM 23 also, if there's that possibility it may be more box  
09:30PM 24 trucks, that more deliveries per week, and I don't  
09:30PM 25 know if that is feasible. But obviously, that makes

09:30PM 1 maneuvering that site a lot easier. So maybe that's  
09:31PM 2 something you can explore and discuss, as far as  
09:31PM 3 operations, how that might work. I don't think we  
09:31PM 4 need the answer now, but I think the Board's concern  
09:31PM 5 is with the large tractor-trailers and the  
09:31PM 6 maneuvering, and whether there's another alternative  
09:31PM 7 that that, maybe it is more, but it's a smaller truck  
09:31PM 8 that's easier to handle on site. Maybe that's  
09:31PM 9 something that could be explored.

09:31PM 10 CHAIRMAN SEIBEL: When the  
09:31PM 11 tractor-trailer comes to the site, is he going to be  
09:31PM 12 making deliveries only to this 7-Eleven or is he  
09:31PM 13 going to another 7-Eleven after that?

09:31PM 14 MR. KIMMEL: There's multiple  
09:31PM 15 deliveries on a truck. Multiple deliveries on a  
09:31PM 16 truck.

09:31PM 17 CHAIRMAN SEIBEL: Multiple, all right,  
09:31PM 18 makes sense.

09:31PM 19 MR. BLECHER: The logistics, I mean --

09:31PM 20 MR. KIMMEL: Well, the only  
09:31PM 21 alternative, and I will investigate, would be a  
09:31PM 22 WB-40, that would be the only possible alternative  
09:31PM 23 that we have used. But it's going to be a  
09:32PM 24 tractor-trailer. It's not going to be a straight or  
09:32PM 25 a box.

09:32PM 1 CHAIRMAN SEIBEL: They work on volume.

09:32PM 2 You've got to have -- anybody else?

09:32PM 3 MS. BARATTA: Yeah, I've got one more

09:32PM 4 question.

09:32PM 5 CHAIRMAN SEIBEL: Yes.

09:32PM 6 MS. BARATTA: I'm sure that you've seen

09:32PM 7 these plans.

09:32PM 8 MR. KIMMEL: Yes.

09:32PM 9 MS. BARATTA: And I'm a little

09:32PM 10 flabbergasted, because I'm looking at the plans that

09:32PM 11 are dangerous. They're absolutely dangerous. I

09:32PM 12 mean, you drew them. You drew these plans that show

09:32PM 13 a tractor-trailer coming out onto Fair Lawn Avenue

09:32PM 14 with three lanes of traffic and then it pulls back in

09:32PM 15 and takes out four cars in your parking lot. I'm

09:32PM 16 having a difficult time understanding how you could

09:32PM 17 present, you as a whole, I mean, plans like this.

09:32PM 18 And I mean, I'm sure you have to see why we have

09:33PM 19 these questions, because this is, I'm a little --

09:33PM 20 MR. ALAMPI: We had a work session

09:33PM 21 prior to this meeting at the engineer's office and,

09:33PM 22 Jeanne, we made the same observations amongst

09:33PM 23 ourselves.

09:33PM 24 MS. BARATTA: You think we would have

09:33PM 25 missed it?

09:33PM 1 MR. ALAMPI: No. No. No. The plans  
09:33PM 2 are already drawn and designed in a software  
09:33PM 3 application and we are cognizant of that.

09:33PM 4 CHAIRMAN SEIBEL: But there's nothing  
09:33PM 5 you can do it about it?

09:33PM 6 MR. ALAMPI: No. No. No. Of course  
09:33PM 7 there is. The witness is offering that perhaps you  
09:33PM 8 can get authorization to authorize a WB-40, that's a  
09:33PM 9 smaller vehicle. And we will check, again, the  
09:33PM 10 dynamics of the turning lanes, of the turning radius.  
09:33PM 11 Maybe the building has to be pushed two feet back  
09:34PM 12 further. You know. I don't see, and I speak  
09:34PM 13 candidly, I don't see any real function in the  
09:34PM 14 setback behind the rear wall of the building. We're  
09:34PM 15 going to place a sidewalk, it's going to encourage  
09:34PM 16 people that are running from the train to come by us  
09:34PM 17 and get a cup of coffee or whatever.

09:34PM 18 So it may be we can push the building  
09:34PM 19 back three or four feet. I don't think there's any  
09:34PM 20 big deal in getting three feet or four feet behind  
09:34PM 21 the wall, as opposed to the property line, if the  
09:34PM 22 board would consider it. You must have room to push  
09:34PM 23 the parking further, and then taking the somewhat  
09:34PM 24 smaller tractor-trailer gauge, maybe we can resolve  
09:34PM 25 these things. We are listening to the comments. We

09:34PM 1 will do a traffic report and a professional safety  
09:34PM 2 report. I think the good news is, that they control  
09:34PM 3 the deliveries to be away for the peak hours, and  
09:34PM 4 that's where activity is, because it's a train  
09:35PM 5 station. So I think we can think these comments are  
09:35PM 6 more than we have to do.

09:35PM 7 CHAIRMAN SEIBEL: Does any of our  
09:35PM 8 professionals have anything, any questions, anyone?  
09:35PM 9 No? Nobody else on the board?

09:35PM 10 (No response.)

09:35PM 11 CHAIRMAN SEIBEL: I'll open it up to  
09:35PM 12 property owners within 200 feet, questions? No one?

09:35PM 13 (No response.)

09:35PM 14 CHAIRMAN SEIBEL: Seeing none, I'll  
09:35PM 15 close it.

09:35PM 16 The public in general, anybody have any  
09:35PM 17 questions for the witness?

09:35PM 18 (No response.)

09:35PM 19 CHAIRMAN SEIBEL: Seeing none, I'll  
09:35PM 20 close it. Thank you very much.

09:35PM 21 MR. ALAMPI: Chairman, I can offer the  
09:35PM 22 architect. We still have 25 minutes on the agenda.  
09:35PM 23 The architect will deal with the building facade and  
09:35PM 24 floor plans. I think he'll be quite brief. But it  
09:35PM 25 seems to me we may be pushing the building back. But

09:35PM 1 we won't change the building size. We may just push  
09:35PM 2 it back a few feet. I'm going to call a witness.

09:36PM 3 CHAIRMAN SEIBEL: Duly noted.

09:36PM 4 MR. ALAMPI: Because I think you also  
09:36PM 5 want to know what the building is going to look like.

09:36PM 6 CHAIRMAN SEIBEL: Sure.

09:36PM 7 If you'll raise your right hand and  
09:36PM 8 state your name and your business and your address.

09:36PM 9 MR. ARJANI: My name is Jasvinder  
09:36PM 10 Arjani, J-a-s-v-i-n-d-e-r. Last name, A-r-j-a-n-i.  
09:36PM 11 I work at Bertin Engineering, address, 66 Glen  
09:36PM 12 Avenue, Glen Rock, New Jersey. And in fact, I live  
09:36PM 13 across the street from the Fair Lawn Town Hall.

09:36PM 14 CHAIRMAN SEIBEL: You live across the  
09:36PM 15 street from?

09:36PM 16 MR. ARJANI: From Fair Lawn Town Hall.  
09:36PM 17 I'm a Fair Lawn resident.

09:36PM 18 CHAIRMAN SEIBEL: Oh, okay. So you  
09:36PM 19 don't have far to go.

09:36PM 20 MR. ARJANI: I walked to town hall.

09:36PM 21 CHAIRMAN SEIBEL: I'll swear you in.

09:36PM 22 J A S V U N D E R A R J A N I,  
09:36PM 23 66 Glen Avenue, Glen Rock, New Jersey, having  
09:36PM 24 been duly sworn, testifies as follows:

09:36PM 25 CHAIRMAN SEIBEL: And you're an

09:36PM 1 architect, a licensed architect?

09:36PM 2 MR. ARJANI: Yes, I'm a licensed  
09:36PM 3 architect in 2009 in the State of New Jersey. I have  
09:37PM 4 a bachelor's and two master's. I have testified in  
09:37PM 5 front of different boards. The first time in Fair  
09:37PM 6 Lawn.

09:37PM 7 CHAIRMAN SEIBEL: First time in Fair  
09:37PM 8 Lawn. Have you been in Bergen County?

09:37PM 9 MR. ARJANI: Yes, I have testified in  
09:37PM 10 Mahwah, Rochelle Park.

09:37PM 11 CHAIRMAN SEIBEL: You could put your  
09:37PM 12 hand down.

09:37PM 13 Anybody have any questions for the  
09:37PM 14 witness? I'll accept him as an expert, if anybody  
09:37PM 15 has any objections.

09:37PM 16 MR. ALAMPI: Thank you, Chairman.

09:37PM 17 DIRECT EXAMINATION

09:37PM 18 BY MR. ALAMPI:

09:37PM 19 Q. Jas, you're qualified as a licensed  
09:37PM 20 architect. And in concert with your employment at  
09:37PM 21 Bertin Engineering, did you design the two sheets  
09:37PM 22 that comprise the architectural elevations on the  
09:37PM 23 floor plans?

09:37PM 24 A. Yes. Actually, Bertin designed two  
09:37PM 25 years and they used Bertin Engineering for

09:37PM 1 architecture design work. And two drawings that are  
09:37PM 2 part of the section of the architecture plans are --  
09:37PM 3 Bertin designed them.

09:37PM 4 Q. Just tell us, identify for us what the  
09:37PM 5 sheets they were.

09:38PM 6 In the exhibit that we marked earlier  
09:38PM 7 as A-1, 11 sheets, what sheets are you --

09:38PM 8 A. These are drawings, C 4.1, Bertin  
09:38PM 9 Engineering, elevation. And drawing C 4.2, which is  
09:38PM 10 a floor plan.

09:38PM 11 Q. Now, if you turn to those and just tell  
09:38PM 12 us the date of the plans, those two sheets?

09:38PM 13 A. The drawing date is 6/9/2015.

09:38PM 14 Q. Now, you had arranged to mount the  
09:38PM 15 plan, but you didn't colorize them or do anything,  
09:38PM 16 that's the same exact plan?

09:38PM 17 A. Exact same plan.

09:38PM 18 MR. ALAMPI: Let's mark it anyway.

09:38PM 19 It's exhibit A-5. I'm sorry, A-6.

09:38PM 20 Is that C 4.1?

09:38PM 21 MR. ARJANI: It's C 4.1, yes.

09:38PM 22 MR. ALAMPI: All right, so that's A-6.

23 A-7, floor plan.

24 (A-6, Sheet C 4.1, dated June 9th,

25 2015, marked for identification.)

1 (A-7, Floor Plan, marked for  
2 identification.)

09:39PM 3 Q. And you indicated the date June 9th?

09:39PM 4 A. That's correct.

09:39PM 5 Q. 2015?

09:39PM 6 A. Yes.

09:39PM 7 Q. Okay. Take us through, A-6 appears to  
09:39PM 8 be the elevations, all four sides of the building.  
09:39PM 9 Correct?

09:39PM 10 A. That is correct.

09:39PM 11 Q. First thing people want to know, is  
09:39PM 12 what is the height of the building?

09:39PM 13 A. At the highest point is 22 feet.

09:39PM 14 Q. And that stays within the ordinance  
09:39PM 15 requirement?

09:39PM 16 A. That's correct.

09:39PM 17 Q. And with regard to the elevations, I  
09:39PM 18 assume that the left hand, upper left hand is the  
09:39PM 19 front?

09:39PM 20 A. That's correct.

09:39PM 21 Q. And the lower left hand is the rear?

09:39PM 22 A. That's correct.

09:39PM 23 Q. And the other two sides?

09:39PM 24 A. Yes.

09:39PM 25 Q. Just take us through the plan.

09:39PM 1 A. The building elevations that you see on  
09:39PM 2 the board in front and part of your set is a 7-Eleven  
09:40PM 3 prototype that has been prepared for this location.  
09:40PM 4 And the height, as Mr. Bertin mentioned, the highest  
09:40PM 5 at the top of it is 22 feet. And the colors that are  
09:40PM 6 being proposed here are a shade of brown, top  
09:40PM 7 two-thirds of the building. And above at the bars  
09:40PM 8 these are very light brown colored. The shade of  
09:40PM 9 brown is a light brown color. And the awning above  
09:40PM 10 is a reddish base, and these are made out of fiber.  
09:40PM 11 The brand name is Viji (sic) and the fiber is a red  
09:40PM 12 pattern. But they are in a brick pattern, so they  
09:40PM 13 look like bricks. That's the bulk of the wall.

09:40PM 14 On the top there is a cornice and a  
09:40PM 15 coping. And above the store front, there will be a  
09:40PM 16 canopy, which is a natural black American canopy.  
09:41PM 17 And the canopy, if I may point on this drawing?

09:41PM 18 Q. Sure.

09:41PM 19 A. The canopy is right above the store  
09:41PM 20 front and covers the entire store front lens. And  
09:41PM 21 the cornice molding and the coping are on top and  
09:41PM 22 everything else is Nichiha hot panels.

09:41PM 23 So the coping and the window frames and  
09:41PM 24 the canopy are a dark brown color. At the bottom of  
09:41PM 25 the elevations, there are three signs, Mr. Bertin

09:41PM 1 testified to that, three building signs. The largest  
09:41PM 2 one faces the front on Fair Lawn Avenue and the  
09:41PM 3 square footage of that sign is 85.3 square feet.  
09:41PM 4 It's three feet in height, which is one of the  
09:41PM 5 variances that we're requesting, because the  
09:41PM 6 ordinance requires that these signs do not exceed 34  
09:42PM 7 inches, that's two feet.

09:42PM 8 And this is, again, a standard 7-Eleven  
09:42PM 9 sign facing Pollitt Drive is the second sign, which  
09:42PM 10 is 52.5 square feet in the area. Again, it's a 3 by  
09:42PM 11 5 sign.

09:42PM 12 And towards the rear, facing the  
09:42PM 13 parking lot of the train station is a 9-foot sign,  
09:42PM 14 which is a 3 by 3 sign. These are all going to be  
09:42PM 15 illuminated.

09:42PM 16 There was reference made to signs in  
09:42PM 17 the windows and there is a banner on top of the store  
09:42PM 18 front. These are usually for promotions. They are  
09:42PM 19 temporary signs. And there is an ordinance  
09:42PM 20 requirement for window signs. And at this time, we  
09:42PM 21 don't know what those signs will be besides the ATM  
09:42PM 22 sign, which is shown on the building renovations.

09:42PM 23 MS. BARATTA: It's a lot.

09:43PM 24 Q. So there's an ATM?

09:43PM 25 A. It's on the right side of the door.

09:43PM 1 It's a Citibank ATM. That just tells people there's  
09:43PM 2 an ATM inside the building. And the promotional  
09:43PM 3 signs, whatever will comply with the ordinance,  
09:43PM 4 whatever they are.

09:43PM 5 Q. And there is one pile on sign  
09:43PM 6 Mr. Bertin referred to that's at the front corner of  
09:43PM 7 the property?

09:43PM 8 A. That's correct.

09:43PM 9 Q. And just with the materials, this is a  
09:43PM 10 flat-roof building?

09:43PM 11 A. This is a flat-roof building. It has a  
09:43PM 12 pattern which will hide all the mechanicals. All the  
09:43PM 13 mechanicals will be placed on --

09:43PM 14 Q. How high is the parapet on the roof  
09:43PM 15 den?

09:43PM 16 A. It's approximately four feet.

09:43PM 17 Q. And so the mechanical equipment will be  
09:43PM 18 recessed more to the center of the roof?

09:44PM 19 A. That's correct.

09:44PM 20 Q. And then the parapet?

09:44PM 21 A. Most of it. The equipment may be a  
09:44PM 22 foot higher, but the recess is not too visible.

09:44PM 23 Q. And are there any other features of the  
09:44PM 24 building that are typical or prototypical of the  
09:44PM 25 7-Eleven design, as you see in the more nicer --

09:44PM 1 A. That's correct.

09:44PM 2 Q. Anything else on this exhibit before we  
09:44PM 3 go to the floor plan?

09:44PM 4 A. No.

09:44PM 5 Q. Why don't we go to your floor plan,  
09:44PM 6 that's A-7 we marked. And briefly, just take us  
09:44PM 7 through. The testimony was at the building was 2,800  
09:44PM 8 square feet. Is that true?

09:44PM 9 A. That's correct.

09:44PM 10 Q. Is there a basement in this building?

09:44PM 11 A. No basement.

09:44PM 12 Q. And is there an attic on that level?

09:44PM 13 A. There isn't.

09:45PM 14 Q. So normal activity would be on one  
09:45PM 15 floor totalling 2,800 feet?

09:45PM 16 A. That's correct.

09:45PM 17 Q. And just take us through the area.  
09:45PM 18 Obviously, there's equipment, there's counters and  
09:45PM 19 such?

09:45PM 20 A. Yeah, this is a typical convenience  
09:45PM 21 store. The type of products will be similar to the  
09:45PM 22 other two 7-Elevens in town. Just to walk you  
09:45PM 23 through the building, once you enter on the right,  
09:45PM 24 along the right wall, are the walk-in boxes with the  
09:45PM 25 cooler. And in the back corner will be freezers for

09:45PM 1 frozen product and ice cream. And along the rear  
09:45PM 2 wall are the cold beverages, like fountain soda,  
09:45PM 3 Slurpee machines, and that machine has been placed  
09:45PM 4 along the rear wall. There's an ATM. On the left  
09:45PM 5 side of the door will be the cashier and hot snacks  
09:46PM 6 like hot dog rollers, hot sandwiches and condiments.  
09:46PM 7 And in the middle of the building are merchandizing  
09:46PM 8 shelves with dry, pre-packaged product. And towards  
09:46PM 9 the rear where you see those content pictures is a  
09:46PM 10 coffee island with all the hot beverages with all the  
09:46PM 11 coffee, cappuccino and milk dispensers and prep area  
09:46PM 12 for coffee machines.

09:46PM 13 On the left side facing towards Pollitt  
09:46PM 14 Drive are some back areas where there's an office and  
09:46PM 15 some storage and utility space. And there are two  
09:46PM 16 restrooms in the back-left corner with a second exit  
09:46PM 17 of the building.

09:46PM 18 Q. Is that exit a requirement for the fire  
09:46PM 19 codes?

09:46PM 20 A. It is a requirement of the code, yeah.  
09:46PM 21 The size of the building can be done with one door,  
09:47PM 22 but it's better to have two.

09:47PM 23 Q. And the second door, is that for  
09:47PM 24 ingress and egress or just to get out?

09:47PM 25 A. It's just to get out.

09:47PM 1 Q. This building, of course, is it  
09:47PM 2 compliant with all the required building codes?

09:47PM 3 A. That it is. And when we prepare  
09:47PM 4 construction documents, we would make sure that they  
09:47PM 5 will be. It is our preliminary plans to tell the  
09:47PM 6 board what the intent is. And when the construction  
09:47PM 7 documents are prepared, we would make sure they  
09:47PM 8 comply with state requirements.

09:47PM 9 Q. And so the experience of the customer  
09:47PM 10 is typical of a convenience store? There'll be some  
09:47PM 11 magazines, newspapers, coffee, little things,  
09:47PM 12 sandwiches and merchandise, that's the typical  
09:47PM 13 layout?

09:47PM 14 A. Correct.

09:47PM 15 Q. Is there anything else involved with  
09:47PM 16 the floor plan?

09:47PM 17 A. No, that is all the question.

09:47PM 18 Q. If we were to work with our design  
09:48PM 19 team, is it possible this building could be moved  
09:48PM 20 further back, we'd have to collaborate with the civil  
09:48PM 21 engineer. That wouldn't change anything with the  
09:48PM 22 layout of the building?

09:48PM 23 A. Not the layout of the building, just  
09:48PM 24 the construction details.

09:48PM 25 MR. ALAMPI: I have nothing further of

09:48PM 1 the architect, Mr. Chairman.

09:48PM 2 CHAIRMAN SEIBEL: Thank you.

09:48PM 3 Was there a reason why you didn't move  
09:48PM 4 the building back further to begin with?

09:48PM 5 MR. ARJANI: The reason we had -- first  
09:48PM 6 of all, we were trying to comply with the 10-foot  
09:48PM 7 setback requirement, but we could not. There is a  
09:48PM 8 fire code where, if he kept the building 5.1 feet  
09:48PM 9 from the property line, the fire grating of the wall  
09:48PM 10 can be reduced to 13. But if we have to move it  
09:48PM 11 back, it's not -- it's doable, it's just that the  
09:48PM 12 back rear wall will have to be pulled out five  
09:48PM 13 inches. But yes, that was the reason how we started,  
09:48PM 14 yes, but it can be moved, I think, based on that.

09:49PM 15 CHAIRMAN SEIBEL: Anybody else have any  
09:49PM 16 questions?

09:49PM 17 MS. BARATTA: Yes.

09:49PM 18 CHAIRMAN SEIBEL: All yours.

09:49PM 19 MS. BARATTA: Good evening. On your  
09:49PM 20 plans I'm looking at a lot of lighting you didn't  
09:49PM 21 have. And I'm looking at the lighting on the rear  
09:49PM 22 elevation of the building. And I just want to make  
09:49PM 23 sure I see it right, and I'll let you know what my  
09:49PM 24 concern is. My concern is for an establishment  
09:49PM 25 that's going to be open 24 hours a day and will have

09:49PM 1 signs. And we have a CVS in town that's 24 hours a  
09:49PM 2 day up the street. And sometimes you have some  
09:49PM 3 problems when an establishment is open 24 hours a  
09:49PM 4 day. So I want to make sure we've got enough  
09:49PM 5 lighting up here. And also I'm curious if there will  
09:49PM 6 be cameras on the building as well?

09:49PM 7 MR. ARJANI: There will be cameras and  
09:49PM 8 there is lighting. If you see on the lighting, the  
09:50PM 9 site plan that Mr. Bertin testified to.

09:50PM 10 MS. BARATTA: Yeah, I did see that.

09:50PM 11 MR. ARJANI: There are two lights on  
09:50PM 12 every one, and that's for security purposes. And  
09:50PM 13 yeah, the trash enclosure, that particular picture is  
09:50PM 14 not very bright, because of the enclosure.

09:50PM 15 MR. BARATTA: And on the elevation that  
09:50PM 16 shows the Pollitt Drive side, I see these are -- I'm  
09:50PM 17 assuming these are the doors for the employees that  
09:50PM 18 are going to go into the building and there are the  
09:50PM 19 doors where the deliveries will be brought into the  
09:50PM 20 building?

09:50PM 21 MR. ARJANI: No, that's only an exit.  
09:50PM 22 That will just be an exit. The one on the left,  
09:50PM 23 which is a double door, is an electrical closet.

09:50PM 24 MS. BARATTA: Oh, okay. So where would  
09:50PM 25 the deliveries come in, which door would they come

09:50PM 1 in, they'd come in the front door?

09:50PM 2 MR. ARJANI: Mostly the front door,  
09:50PM 3 yes.

09:50PM 4 MR. ALAMPI: Yeah, front door.

09:50PM 5 MS. BARATTA: Thank you.

09:50PM 6 CHAIRMAN SEIBEL: Thank you.

09:50PM 7 Anybody else, questions for the  
09:50PM 8 witness?

09:50PM 9 (No response.)

09:50PM 10 CHAIRMAN SEIBEL: Seeing none, how  
09:50PM 11 about our professionals, any questions? No.

09:51PM 12 MR. MISKOVICH: Maybe just, if I may,  
09:51PM 13 Frank Miskovich, and just a point. Looking at A-6  
09:51PM 14 and A-7, there's no doors on the loading side of the  
09:51PM 15 building where the trash enclosure is. So just could  
09:51PM 16 you explain how that operation would be when they  
09:51PM 17 take out trash or loading, how they go in and out of  
09:51PM 18 the building?

09:51PM 19 MR. ARJANI: They'd use the front door.  
09:51PM 20 They like control, and using the front door gives  
09:51PM 21 them more control of what's coming in and out.

09:51PM 22 MR. MISKOVICH: I just wanted to point  
09:51PM 23 that out, that there's no -- that the loading area  
09:51PM 24 has to come through that front area to the front  
09:51PM 25 door.

09:51PM 1 CHAIRMAN SEIBEL: I don't know what's  
09:51PM 2 wrong with those microphones, but anything else?  
09:51PM 3 Seeing nothing, how about I'll open it up to property  
09:51PM 4 owners within 200 feet, any questions for the  
09:51PM 5 witness?

09:52PM 6 (No response.)

09:52PM 7 CHAIRMAN SEIBEL: Seeing none, I'll  
09:52PM 8 close it.

09:52PM 9 Open it up to general public, any  
09:52PM 10 questions for the witness?

09:52PM 11 (No response.)

09:52PM 12 CHAIRMAN SEIBEL: Seeing none, I'll  
09:52PM 13 close it. And that's it for your architect, I guess.

09:52PM 14 MR. ALAMPI: Thank you. Chairman, I  
09:52PM 15 note that it is ten to 10:00. I'll take your earlier  
09:52PM 16 warning about your curfew. I'm not going to start  
09:52PM 17 the planning witness, because it's only ten minutes  
09:52PM 18 left. But I think we have some work to do anyway  
09:52PM 19 with the site. So we're certainly going to draw from  
09:52PM 20 the AccuTech environmental report, such backup  
09:53PM 21 information that we can put together a portfolio for  
09:53PM 22 your engineer and your attorney to review.

09:53PM 23 With regard to the traffic, we're going  
09:53PM 24 to comission Mr. Bertin to do a traffic impact  
09:53PM 25 analysis and to study the pedestrian activities and

09:53PM 1 the conflicts that would occur with particular  
09:53PM 2 movements and such.

09:53PM 3 I don't think the board is particularly  
09:53PM 4 interested in traffic counts, and volume. The  
09:53PM 5 traffic that's there is there. We'll do an analysis  
09:53PM 6 of it, but we're going to concentrate I think on the  
09:53PM 7 safety, the egress, ingress points and the activity.

09:53PM 8 The operational witness indicated we  
09:53PM 9 would restrict the delivery from the peak hours,  
09:53PM 10 which I think is their thing and what they do. And I  
09:53PM 11 know that they're contracted out to their third party  
09:53PM 12 vendors. But we'll do those reports. I understand  
09:54PM 13 that the next meeting is next Monday. We will not be  
09:54PM 14 on that agenda, but we would be scheduled for the  
09:54PM 15 October 26th meeting, I believe?

09:54PM 16 CHAIRMAN SEIBEL: I don't know. That's  
09:54PM 17 not my department.

09:54PM 18 MS. PECK: Well, we have maybe a little  
09:54PM 19 problem, because the attorney that's sitting today is  
09:54PM 20 not the board attorney. Our Board attorney had a  
09:54PM 21 conflict, so this is a covering attorney. So I'm  
09:54PM 22 trying to think who we have on. We may not have any  
09:54PM 23 commercials on, so maybe Bruce could sit the  
09:54PM 24 beginning and Tom could sit the second half.

09:54PM 25 CHAIRMAN SEIBEL: All right. We'll

09:54PM 1 work it out.

09:54PM 2 MR. RANDALL: You need a date.

09:54PM 3 MR. ALAMPI: In order to process to  
09:54PM 4 with regard to the notice, so that we don't have to  
09:54PM 5 keep noticing, can we make an announcement that we'll  
09:54PM 6 reschedule?

09:54PM 7 MS. PECK: I'm just trying to decide if  
09:54PM 8 we should carry it to Monday and just check the  
09:55PM 9 agenda, make sure October 26th you can fit on.

09:55PM 10 MR. ALAMPI: As long as you make an  
09:55PM 11 announcement.

09:55PM 12 MS. PECK: So I would say carry it to  
09:55PM 13 Monday the 28th for the announcement for the one that  
09:55PM 14 we're going to carry it to.

09:55PM 15 CHAIRMAN SEIBEL: So this application  
09:55PM 16 will be carried today Monday, September 28th, 2015.

09:55PM 17 MS. PECK: No testimony on Monday. The  
09:55PM 18 only determination will be the following meeting date  
09:55PM 19 to be announced.

09:55PM 20 CHAIRMAN SEIBEL: To announce the  
09:55PM 21 following meeting date.

09:55PM 22 MR. RANDALL: And no further notice is  
09:55PM 23 required.

09:55PM 24 CHAIRMAN SEIBEL: No further notice is  
09:55PM 25 required.

09:55PM 1 MS. PECK: Yeah, if I don't carry it  
09:55PM 2 until then and we go to the 26th and there's a  
09:55PM 3 problem, and they have to re-notice. So just to  
09:55PM 4 protect the notice.

09:55PM 5 CHAIRMAN SEIBEL: And obviously, with  
09:55PM 6 regard to the traffic report, we'd like to see how  
09:55PM 7 this site is going to operate with the pedestrians,  
09:55PM 8 the vehicles and the trains. I don't know what the  
09:55PM 9 schedule is on the trains.

09:55PM 10 MR. ALAMPI: We'll attempt to make sure  
09:56PM 11 we get those schedules, but what I'm saying is, we're  
09:56PM 12 going to avoid truck deliveries from the peak hours.  
09:56PM 13 We all know what the peak hours are, because you have  
09:56PM 14 the train station. So I don't think we need to study  
09:56PM 15 how much traffic is there, what we need to do is look  
09:56PM 16 at the conflicts of this traffic and the pedestrian  
09:56PM 17 activity and the scheduling of the train.

09:56PM 18 CHAIRMAN SEIBEL: Let me ask my expert.  
09:56PM 19 How do you feel about what he just said?

09:56PM 20 MR. MISKOVICH: I think you're going  
09:56PM 21 have to do some kind of count, because if you're  
09:56PM 22 going to look at queuing from the traffic light,  
09:56PM 23 either on Pollitt Drive or Fair Lawn, if you can  
09:56PM 24 evaluate the driveways, I think you have to have some  
09:56PM 25 idea of the numbers or at least what --

09:56PM 1 MR. ALAMPI: Well, do you think that  
09:56PM 2 the traffic counts during peak hours is going to be  
09:57PM 3 informative if we're not going to have truck  
09:57PM 4 deliveries during peak hours? We'll be happy to do  
09:57PM 5 it, Frank.

09:57PM 6 MR. MISKOVICH: Well, I'll leave that  
09:57PM 7 up to you. But I think truck delivers is one issue.  
09:57PM 8 You're going to have people going to the train  
09:57PM 9 station, in and out of there. Either they're picking  
09:57PM 10 up something on the way to the train or on the way  
09:57PM 11 back, so I think you need to look at --

09:57PM 12 MR. ALAMPI: Coming towards 7-Eleven  
09:57PM 13 going to the train.

09:57PM 14 MR. MISKOVICH: Correct. So at the  
09:57PM 15 peak hours, they'll be in and out, which I think  
09:57PM 16 would add to some of the activity on the site and on  
09:57PM 17 the driveways, so I don't think you can avoid that.  
09:57PM 18 I agree with you, trucks may not be there at peak  
09:57PM 19 hours. Your site activity would be there.

09:57PM 20 CHAIRMAN SEIBEL: Well, the  
09:57PM 21 tractor-trailer trucks, the other trucks are going to  
09:57PM 22 be coming and going all day long. Right?

09:57PM 23 MR. ALAMPI: I don't think, during peak  
09:57PM 24 hours, we don't accept that activity. I'll check  
09:57PM 25 again with our operations manager, Mr. Bertin, confer

09:57PM 1 with your consultant. As we're doing the study,  
09:57PM 2 we're going to call him and tell him how we're doing.

09:58PM 3 CHAIRMAN SEIBEL: I think it's  
09:58PM 4 important that I say this, so that everybody  
09:58PM 5 understands, that this is not a typical commercial  
09:58PM 6 site. This is a sophisticated complex site, as far  
09:58PM 7 as I'm concerned, with the traffic and the pedestrian  
09:58PM 8 and the train station and everything that's going on  
09:58PM 9 here. And I think it's very important that we get  
09:58PM 10 all of the information that we can get, so we can  
09:58PM 11 make a proper decision, because pedestrian safety is  
09:58PM 12 an issue over there, and I don't want to be the one  
09:58PM 13 that gets blamed for people getting run over there.  
09:58PM 14 So I think our expert is onto something here.

09:58PM 15 MR. MISKOVICH: I would submit I think  
09:58PM 16 you need to look at least at peak hour and off-peaks,  
09:58PM 17 because I don't know how much traffic drops off on  
09:58PM 18 Pollitt, if it does drop off at all. I think we need  
09:58PM 19 to have some answer to that effect. So I think  
09:59PM 20 you've got enough homework to do.

09:59PM 21 MR. BLECHER: Not to mention one other  
09:59PM 22 thing, there's a lot of industrial areas down Pollitt  
09:59PM 23 Drive. So there's additional trucks coming down.  
09:59PM 24 Probably they may very well have to go the other way,  
09:59PM 25 but there are big trucks coming up and down Pollitt

09:59PM 1 Drive as well.

09:59PM 2 MR. ALAMPI: I don't want my remarks to  
09:59PM 3 be taken as though we were avoiding doing any  
09:59PM 4 fieldwork. We will do all the fieldwork that is  
09:59PM 5 necessary. I was just trying to pinpoint the main  
09:59PM 6 areas of focus. But we'll do a full study.

09:59PM 7 CHAIRMAN SEIBEL: I understand.

09:59PM 8 MR. ALAMPI: And I do know Pollitt very  
09:59PM 9 well, because of the promenade. And of course,  
09:59PM 10 people hit 208, go to the promenade and go through  
09:59PM 11 Pollitt.

09:59PM 12 CHAIRMAN SEIBEL: Now, there is another  
09:59PM 13 issue that I have, and maybe you can look into it.  
09:59PM 14 That light on Pollitt Drive is not timed properly.  
10:00PM 15 So what happens is, you're at the light coming west  
10:00PM 16 on Fair Lawn Avenue, you're stuck at the light, a  
10:00PM 17 train comes by and you're waiting for the train to  
10:00PM 18 unload and get out. So the light on Pollitt is green  
10:00PM 19 so they can go onto Fair Lawn Avenue. What happens  
10:00PM 20 is the train leaves, the light changes green on Fair  
10:00PM 21 Lawn Avenue, you come like a bat out of hell, you  
10:00PM 22 come over the railroad track and the Pollitt Drive  
10:00PM 23 light goes red.

10:00PM 24 MR. ALAMPI: I think that  
10:00PM 25 synchronization and the timing and coordination of

10:00PM 1 the light is something that we can study to see if  
10:00PM 2 it's dysfunction. And maybe we can make some review  
10:00PM 3 of that and then we'll see what the next step is.  
10:00PM 4 That might be the synchronization of the light. It's  
10:01PM 5 not a question of putting up another light, it's a  
10:01PM 6 question of controlling that.

10:01PM 7 CHAIRMAN SEIBEL: I understand.

10:01PM 8 MR. ALAMPI: And I think we understand  
10:01PM 9 the issue. I go home at night to my office in New  
10:01PM 10 Bridge Road, trains coming, the lights are off the  
10:01PM 11 wrong way, and you're sitting there and then, you  
10:01PM 12 know, you go through seven or eight changes of the  
10:01PM 13 light, because it's not coordinated with the train.

10:01PM 14 CHAIRMAN SEIBEL: All right.

10:01PM 15 MR. ALAMPI: But I think we'll focus --  
10:01PM 16 one of the things I want to leave with the board is,  
10:01PM 17 I think we're going to push the building back  
10:01PM 18 somewhat. And I think it's going to make a big  
10:01PM 19 difference in that parking.

10:01PM 20 CHAIRMAN SEIBEL: All right. If that's  
10:01PM 21 it, make a motion to adjourn?

10:01PM 22 MR. RACENSTEIN: I'll make a motion to  
10:01PM 23 adjourn.

10:01PM 24 CHAIRMAN SEIBEL: Second?

10:01PM 25 MR. BLECHER: Second.

10:01PM

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CHAIRMAN SEIBEL: Meeting adjourned.

10:01PM

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(Meeting adjourned at 10:01 p.m.)

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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.

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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: \_\_\_\_\_