

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

STATE OF NEW JERSEY
BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENTS
THURSDAY, OCTOBER 26TH, 2015
8:07 p.m.

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 ADJUSTMENTS
THERE BEING PRESENT:

RICHARD SEIBEL, Chairman

JAMES LOWENSTEIN, 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
201-641-1812
201-843-0515 FAX
LauraACarucciLLC@gmail.com

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

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

RANDALL & RANDALL, LLP
BY: THOMAS J. RANDALL, ESQ.
287 Kinderkamack Road
Westwood, New Jersey 07675

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

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

Peter Van den Kooy, P.P.
Frank Miskovich, P.E., Traffic
Paul Azzolina, P.E., Engineer
Ann Peck, Assistant Zoning Officer

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

I N D E X

<u>WITNESS</u>	<u>SWORN</u>	<u>PAGE</u>
PETER VAN DEN KOOY, P.P.	8	
FRANK MISKOVICH, P.E.	8	
PAUL AZZOLINA, P.E.	8	
ANN PECK	8	
CALISTO BERTIN	10	
By Mr. Alampi:	10	

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT.</u>
A-8	Revised site engineering plan	12
A-9	Revised Storm drainage Calculation	14
A-10	Revised Colorized Site Plan	15
A-11	Traffic Study	20

1 (Back on the record at 8:07 p.m.)

2 CHAIRMAN SEIBEL: If we could take a
3 roll call.

4 MR. LOWENSTEIN: Okay, at 8:07, Mr.
5 Chairman. Mr. Blecher?

6 MR. BLECHER: Here.

7 MR. LOWENSTEIN: Ms. Baratta?

8 MS. BARATTA: Present.

9 MR. LOWENSTEIN: Ms. Perchuk?

10 MS. PERCHUK: Present.

11 MR. LOWENSTEIN: Mr. Lowenstein is
12 here. Mr. Naveh?

13 MR. NAVEH: Here.

14 MR. LOWENSTEIN: Mr. Zharnest?

15 MR. ZHARNEST: Here.

16 MR. LOWENSTEIN: Mr. Seibel, Chairman?

17 CHAIRMAN SEIBEL: Here.

18 MR. LOWENSTEIN: Okay, the quorum has
19 reassembled.

20 CHAIRMAN SEIBEL: Okay, we are here --
21 uh-oh, I threw away the -- do you have an agenda?

22 MR. LOWENSTEIN: Yes.

23 CHAIRMAN SEIBEL: We're here to hear
24 the commercial business carried Application 21-05-27,
25 VR II, 20-19 Fair Lawn Avenue, LLC, 20-19 Fair Lawn

1 Avenue, Block 47.01, Lot 1, Zone B-1. And I guess --
2 I don't think I have to read the whole thing, do I?
3 No? All right. So, here, I'll let you have this
4 back.

5 If you will --

6 MR. ALAMPI: Thank you, Chairman.

7 CHAIRMAN SEIBEL: -- the floor is
8 yours.

9 MR. ALAMPI: Thank you, Chairman, Board
10 members. Again, my name is Carmine Alampi. I
11 represent the applicant, the developer who was under
12 contract to purchase this property.

13 We were here at the September 24th
14 meeting. We had presented the testimony of the site
15 engineer, the architect and the operations manager
16 from 7/Eleven. We marked exhibits, I believe up to
17 A-7.

18 At that time, the Board expressed its
19 concern that we had not done a formal traffic study
20 and a review of the adjacent facilities. Most
21 specifically, the train station, railroad activity
22 and pedestrian activity that occurs during the
23 commuter rush hours, both a.m. and p.m.

24 So I'm pleased to tell you that we have
25 submitted the revised engineering plans. We

1 submitted them more than ten days ago, really pushing
2 the building back four feet to the rear property
3 line, giving us a larger space between the parking
4 spaces for maneuvering.

5 We were also successful in negotiating
6 with 7/Eleven an agreement to use a smaller gauge
7 truck. So you will see, from the report, the traffic
8 report, your traffic planners comments and the
9 exhibits that the gauge truck is about 10-feet
10 smaller than the one that we had presented at the
11 first meeting.

12 MR. RANDALL: That would be a
13 stipulation in the event the board chooses to --

14 MR. ALAMPI: Yes, it will be. We
15 structured that with the 7/Eleven Group that that's
16 the size truck, the maximum size truck, that will
17 make the deliveries.

18 As you may recall, these are deliveries
19 that are made once or twice a week.

20 We have completed the traffic study and
21 we submitted everything, I believe, on October 8th,
22 by hand delivery. What we're going to do this
23 evening is re-call Mr. Calisto Bertin, the site
24 engineer, who is going -- who is also a traffic
25 consultant, and we are going to go right to the

1 traffic report, the traffic study and the review of
2 the traffic signal, and the signalization.

3 I think the Board brought to our
4 attention, there was some concerns with the
5 functioning of the traffic light and the crossing of
6 the railroad.

7 CHAIRMAN SEIBEL: Okay.

8 MR. ALAMPI: Our second witness,
9 hopefully final witness, will be the planning
10 consultant, who will address the planning issues and
11 the variance. Specifically, the (d) variance.

12 But Mr. Bertin is here to, very
13 quickly, testify about the movement of the building
14 and then to go right into the traffic report if
15 you're ready.

16 CHAIRMAN SEIBEL: Okay. Just one
17 thing, as the members of the Board so courteously
18 reminded me, we take a hard stop at 10:00. Our
19 curfew's 10:00. So you know, we'll go up to time
20 limit, and hopefully, we'll get quite a bit, if not
21 everything, done and we can resolve this.

22 MR. ALAMPI: Hopefully.

23 CHAIRMAN SEIBEL: But let me swear in
24 my experts first, so that we don't break stride.

25 MR. ALAMPI: Yes.

1 CHAIRMAN SEIBEL: So if you could go,
2 one at a time, and tell us who you are and what your
3 business is and what your address is.

4 MR. VAN DEN KOOY: Sure. Peter Van den
5 Kooy, Matrix New World Engineering, zoning board
6 planner. And the address is Route 35, Eatontown, New
7 Jersey.

8 MR. MISKOVICH: Frank Miskovich with
9 French & Parrello Associates, Wall Township, New
10 Jersey. And we're the traffic consultants.

11 MR. AZZOLINA: Paul Azzolina, Azzolina
12 & Feury Engineering, 30 Madison Avenue, Paramus, New
13 Jersey, zoning board engineer.

14 MS. PECK: Ann Peck, assistant zoning
15 officer to The Borough of Fair Lawn.

16 CHAIRMAN SEIBEL: And if you'll all
17 raise your right hands, I'll swear you in.

18 Do you swear or affirm that the
19 testimony you are about to give is true and accurate?

20 MS. PECK: I do.

21 A N N P E C K,

22 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey,
23 having been duly sworn, testifies as follows:

24 MR. MISKOVICH: I do.

25

1 F R A N K M I S K O V I C H,
2 1800 NJ 34, Wall, New Jersey, having been duly
3 sworn, testifies as follows:

4 MR. AZZOLINA: I do.

5 P A U L A Z Z O L I N A,
6 30 Madison Avenue, Paramus, New Jersey, having
7 been duly sworn, testifies as follows:

8 MR. VAN DEN KOOY: I do.

9 P E T E R V A N D E N K O O Y,
10 Route 35, Eatontown, New Jersey, having been duly
11 sworn, testifies as follows:

12 CHAIRMAN SEIBEL: Okay. So that's done.

13 MR. ALAMPI: Thank you, Chairman.

14 MR. RANDALL: I'm sorry, you might want
15 to just, only because I think your expert has been --

16 MR. ALAMPI: Sworn.

17 MR. RANDALL: -- qualified, sworn in
18 and qualified as a civil engineer. I just don't know
19 if you want to separately list his qualifications in
20 the area of traffic engineering.

21 MR. ALAMPI: I think so. Did we
22 qualify you for traffic?

23 MR. BERTIN: No. No.

24 MR. ALAMPI: Okay. We'll do that
25 counsel. Thank you.

1 CHAIRMAN SEIBEL: So he's already been
2 sworn in?

3 MR. RANDALL: Yes.

4 CHAIRMAN SEIBEL: So I don't --

5 MR. RANDALL: Yes.

6 C A L I S T O B E R T I N,

7 66 Glen Avenue, Glen Rock, New Jersey, having
8 been previously sworn, continues to testify as
9 follows:

10 DIRECT EXAMINATION

11 BY MR. ALAMPI:

12 Q. Mr. Bertin, if you would please, just
13 for a moment, you've been already sworn and testified
14 at the last meeting.

15 A. Yes.

16 Q. We qualified your extensive background
17 in civil engineering. Could you briefly present your
18 resume and credentials for purposes of traffic
19 engineering and testimony?

20 A. Yes. Actually, back in 1986 or '87,
21 something like that, I actually started out as a
22 traffic engineer and then moved into site planning.

23 So I've been doing traffic
24 engineering -- actually, earlier than that, since
25 probably 1984. And done many applications like this,

1 up to regional shopping centers. I'm a member of The
2 Institute of Transportation Engineers and take
3 continuing education classes in transportation.

4 Q. And have you testified before agencies
5 and zoning and planning boards as a traffic engineer
6 and traffic expert?

7 A. Yes.

8 Q. And have you been qualified in those
9 regards?

10 A. Yes.

11 Q. And do you hold any special or
12 additional licenses in that field?

13 A. No. Just as I said, I'm a member of
14 The Institute of Transportation Engineers.

15 Q. And you obviously consult the ITE
16 manuals and such in that regard?

17 A. Correct.

18 MR. ALAMPI: I'd like to offer
19 Mr. Bertin as our traffic consultant.

20 CHAIRMAN SEIBEL: Our attorney
21 recommends he be accepted.

22 Anything from the Board? Any
23 questions?

24 (No response.)

25 CHAIRMAN SEIBEL: Anything in regard --

1 Now, do I have to swear him -- I don't
2 have to swear him in?

3 MR. RANDALL: No, he's sworn.

4 CHAIRMAN SEIBEL: Okay.

5 MR. ALAMPI: Thank you.

6 Chairman, I'd also bring to your
7 attention, I opened by saying that on October 8th, we
8 submitted the revised engineering plans, and I'd like
9 to mark those as A-8.

10 CHAIRMAN SEIBEL: A-8.

11 MR. ALAMPI: With today's date.

12 (Revised site engineering plan is
13 received and marked as Exhibit A-8 for
14 identification.)

15 BY MR. ALAMPI:

16 Q. And, Mr. Bertin, could you just tell us
17 the date of the revision --

18 A. Yes.

19 Q. -- of what we just marked as A-8?

20 MS. PECK: Excuse me, we're up to A-8
21 or A-7?

22 CHAIRMAN SEIBEL: Hold on.

23 MR. ALAMPI: I have a note here that
24 A-7.

25 MS. PECK: A-7 or A-8? You said A-8,

1 this is A-7?

2 MR. ALAMPI: What was my last exhibit?

3 MS. PECK: I have A-6.

4 MR. ALAMPI: I handwrote A-7. I don't
5 know why I did that. So this should be A-7. I'm
6 sorry.

7 MR. BERTIN: Wait.

8 MR. RANDALL: That's some confusion my
9 notes say, "A-7, floor plan."

10 MS. PECK: Okay.

11 MR. ALAMPI: There you go.

12 MS. PECK: So then you're probably
13 right. We probably missed it.

14 CHAIRMAN SEIBEL: Okay. We'll make
15 this A-8.

16 BY MR ALAMPI:

17 Q. Calisto, we just marked as A-8, your
18 set of engineering plans. Can you tell us what the
19 last revision date is?

20 A. Yes, the plans are revised through
21 October 5th, 2015.

22 Q. And you can check on the bottom block
23 here, you'll see that and then can make sure you have
24 the latest one. This one is October 5th, 2015.

25 Along with this, were there any

1 revisions to -- there was no need to revise the
2 stormwater drainage calcs, was there?

3 A. Well, yes. We in -- we, we added a dry
4 well, as was recommend and an inlet. So we did
5 modify the drainage calculations.

6 MR. ALAMPI: Chairman, the storm
7 drainage calculations were revised October 5th, 2015.

8 We'll mark that as A-9.

9 CHAIRMAN SEIBEL: A-9 for the storm
10 drainage.

11 (Revised storm Drainage Calculation is
12 marked as Exhibit A-9 for identification.)

13 MR. ALAMPI: And the only other thing
14 is the traffic report?

15 MR. CALISTO: Correct.

16 MR. ALAMPI: And --

17 CHAIRMAN SEIBEL: Make sure you speak
18 up, so we don't lose you.

19 MR. ALAMPI: We're showing this, maybe
20 I'll take this one, is this okay.

21 CHAIRMAN SEIBEL: That works.

22 MR. ALAMPI: Thank you.

23 CHAIRMAN SEIBEL: Oh, good.

24 MR. ALAMPI: How's that?

25 CHAIRMAN SEIBEL: Beautiful.

1 BY MR. ALAMPI:

2 Q. Calisto, we just marked in A-8 and A-9,
3 last revised October 5, 2015, correct?

4 A. Correct.

5 Q. And you had mounted a -- have you
6 marked that exhibit? Have you changed that exhibit?
7 Thank you.

8 MR. ALAMPI: We're gonna mark A-10,
9 Chairman.

10 (Revised Colorized Site Plan is marked
11 as Exhibit A-10 for identification.)

12 Q. And I ask the witness if this exhibit
13 board is exactly the site plan that's shown in the
14 engineering plans we've marked collectively as A-8,
15 except for the colorization?

16 A. Right. Yes, it's been, it's been
17 enlarged, notes have been removed and it's been
18 colorized. So it's called the landscape rendering
19 and it has a revision date of today's date.

20 Q. Can you mark it as A-10, please?

21 A. Yes, I have.

22 Q. And, Calisto, just bring us through --
23 hopefully, you've got a laser pointer or something?

24 A. Yep.

25 Q. Good.

1 Would you bring us through, what
2 changes did you make to the plan since we were here a
3 month ago?

4 A. Well, as we discussed at the last
5 meeting, we took the building and we moved it back
6 three-and-a-half feet or 3.6 feet, so that it's -- at
7 its closest point it's 2-feet off the rear property
8 line. The rear property line being next to the train
9 station.

10 We made the, the loading area there
11 just a little bit wider, or the trash area just a
12 little bit wider.

13 The landscaped area, between the
14 parking lot and Fair Lawn Avenue increased by that
15 same amount, because we moved the building back.

16 And the driveway on Pollitt Avenue
17 moved back -- I mean, Pollitt Drive.

18 We also added a concrete -- a mountable
19 concrete island in the, in the Fair Lawn driveway to
20 encourage or restrict traffic to making a right turn
21 out of the driveway. Besides signs that were there,
22 we added that.

23 CHAIRMAN SEIBEL: To make a left turn?

24 THE WITNESS: No, to make a -- we are
25 encouraging them to make a right turn out. We're

1 discouraging them from making a left. They'll have
2 to climb over the island to do that.

3 BY MR. ALAMPI:

4 Q. So these are the changes, moving the
5 building three-and-a-half feet, widening the parking
6 area and then enhancing the landscaping
7 proportionately?

8 A. Correct.

9 And we've done more landscaping along
10 the back of the building, and we're replacing all the
11 sidewalks and curbs along the two street frontages.

12 And subject to New Jersey Transit
13 approval, we extended the sidewalk that covers and
14 crosses the front of the building. And we just
15 extended it into the New Jersey Transit property to
16 the train station, because we anticipate a number of
17 the customers that use this site will get their
18 coffee and walk to the train in the morning.

19 Q. So you're creating a walkway for their
20 safety --

21 A. Right.

22 Q. -- and convenience. Correct?

23 A. And obviously, since it's on -- I
24 believe that's New Jersey Transit, we'll have to get
25 their permission.

1 Q. Now, lastly, Calisto, with the plan, we
2 also explored the sewer line that is at that
3 property?

4 A. Yes.

5 Q. And we discovered that this was a
6 vacated street. And before it was vacated in the
7 1950s, the municipality had installed a sewer line
8 there. Correct?

9 A. That's correct. And even though the
10 vacation gave up their rights to the property, the
11 sewer line was still there.

12 And when I read the vacation ordinance,
13 I assumed that they would have taken the sewer line
14 from the train station and directed it out to Pollitt
15 Drive, but that wasn't the case. It does come into
16 the site. We mentioned last time, there's a manhole
17 right near the rear property line for the sewer, but
18 the train station, and I guess the museum, don't come
19 in there. It comes in further down the line. And so
20 we had it TV'd and we found the location of the
21 connection, and I'll just point to it. The sewer
22 line comes out of the building, through our proposed
23 building and connects sort of the middle of the
24 building into the sewer line and it heads out to the
25 street (indicating).

1 So we're proposing to relocate that
2 line and we'll work with New Jersey Transit to do so.

3 MR. ALAMPI: And, Chairman, we
4 researched this issue and provided to your engineer,
5 Mr. Azzolina, I believe, when we saw the vacated
6 street, I think I forwarded various documents to you,
7 Paul, and you've communicated with me last month on
8 that?

9 MR. AZZOLINA: I sent what I had at the
10 time to you. I wasn't aware of your further --

11 MR. ALAMPI: Well, what we found it was
12 part of the vacated street, that's how it came.

13 MR. AZZOLINA: Okay. If you could
14 provide me with copies of whatever information you
15 have in that regard that would be helpful.

16 MR. ALAMPI: I will.

17 THE WITNESS: And just one last thing,
18 again, Mr. Azzolina had suggested that we do some
19 improvements to the drainage. And so, in the parking
20 lot or the parking spaces closest to the Fair Lawn
21 driveway, we've added an inlet. We're also taking
22 all the roof drains from the building in that inlet
23 and going to a dry well under the driveway.

24 And then from there, it will overflow
25 into the street. We have an overflow line

1 underground that connects into an inlet right in the
2 street in front of the site.

3 Q. I see.

4 A. And the county will have to approve
5 that, because it's the county right-of-way.

6 Q. Now, those that were changes made to
7 the site plan?

8 A. Correct.

9 Q. One last thing, we were able to move
10 the driveway leading out to Pollitt, able to move it
11 5-feet further from the intersection?

12 A. Yes, we moved the driveway further away
13 from the intersection.

14 Q. Now, with that, that's all the changes
15 that were made. Correct?

16 A. Correct.

17 MR. ALAMPI: Chairman, with that, I'd
18 like to move to a traffic study. You should have
19 received a comprehensive study and exhibits dated
20 October 7th, 2015. I'd like to mark that as A-11.

21 (Traffic Study is marked as Exhibit
22 A-11 for identification.)

23 MR. ALAMPI: And we did receive today
24 the French & Parrello comment review letter, which
25 we'll refer to from time to time. And of course,

1 we'll let your consultant speak for himself, of
2 course.

3 But this is the review of the traffic
4 report, which I think was circulated today.

5 BY MR. ALAMPI:

6 Q. With that, Calisto, you were here last
7 month when the board asked the various questions
8 regarding pedestrian activity during the commuter
9 rush hours, the operation of the train station and
10 the sequence of the traffic lights as well as an
11 analysis of the general traffic in the area?

12 A. Yes.

13 Q. And tell us what you did, how you
14 approached your study, how many man hours were
15 expended in this field to generate this report.

16 A. Yes, we did see several traffic counts
17 to conduct this study. We did an inventory of the
18 streets and roadways there. Traffic counts at the
19 intersection of Fair Lawn and Pollitt Drive.

20 We also did pedestrian counts across
21 the railroad tracks, the driveway and Pollitt Drive.

22 And then to assess the project, we did
23 a trip generation analysis for this building. But
24 knowing that there's two other 7/Elevens in Fair
25 Lawn, we picked the 7/Eleven on Broadway and Fair

1 Lawn Parkway, and just did a count at that, just to
2 compare with the projections that we had here. We
3 figured you'd want to see that.

4 Q. Now, Calisto, your report is quite
5 voluminous, but why don't we go right to the activity
6 of the traffic signal and your observations of that
7 traffic signal and what recommendations you're
8 making.

9 A. Sure.

10 The traffic signal at Pollitt and Fair
11 Lawn Avenue was built -- or last time it was timed,
12 we contacted the county, it was, it was designed in
13 1989. So it was quite awhile ago. And the timing
14 was set then. And from what we're told, it hasn't
15 changed.

16 It runs on what we call a 100-second
17 cycle. That means, from the time it turns red or
18 green, whatever, pick a color, it goes through the
19 cycle and by the time -- when it comes back to that
20 change, it's 100 seconds. That's a very long signal
21 time.

22 Typically, on low volume streets, we do
23 a 60-second cycles. Higher volumes we start to go to
24 90-second cycles. And then if it's really busy,
25 we'll do a 100-second cycle. And the reason for the

1 longer cycle is that there's less lost time because
2 every time a signal light changes, you have the
3 yellow phase and then you have a red phase, but you
4 have a combined red phase. I don't know if you've
5 noticed, but all directions have red at the same time
6 for at least two seconds. So the shorter signal --
7 the shorter the signal length, the less efficient it
8 is in moving the total volume of traffic.

9 But the problem is, the longer the
10 signal cycle, the longer you sit there waiting for it
11 to come around. So if Pollitt Avenue or Pollitt
12 Drive gets only ten seconds of green time, and that's
13 roughly what it gets, in a 100-second cycle, if you
14 get there at the end of the green cycle, you're going
15 to be waiting 90 seconds, which is a
16 minute-and-a-half. And when you're sitting in
17 traffic, that's a long time.

18 Q. So I don't even understand what you're
19 saying. Could you stand up there, and try to bring
20 the mic with you, if you can, bring it around. No
21 can do?

22 A. Okay.

23 Q. I'd like you, use your laser pointer,
24 when you're referring to these cycles and the traffic
25 light, show us where you would be in a car, what

1 direction, what street.

2 A. Okay. If you were to come down -- oh,
3 I have a scale here, Pollitt Drive and stop at the,
4 at the stop bar, and you come in there just as the
5 light turns red (indicating). It will be
6 approximately 90 seconds before the light goes
7 through all its cycles and comes back and turns
8 green. So you're waiting there a minute-and-a-half.

9 So in a minute-and-a-half, even though
10 there may not be a lot of volume of traffic, cars can
11 back up. If you're only waiting there 30 seconds,
12 well, you wouldn't back up so much.

13 My office is in Glen Rock on Glen
14 Avenue and they recently put a traffic light in at
15 Maple Avenue and Glen Avenue. And again, it's 100 or
16 90-second cycle. And, you know, at 10:00 in the
17 morning or 2:00 in the afternoon, when there's no
18 traffic, there's no reason why there should be 10
19 cars queued on Glen Avenue to get onto Maple Avenue,
20 because the volumes are so low.

21 Anyway, the county does it, because
22 they care about traffic on the county roads. They
23 don't care about the side street.

24 I mentioned that this traffic timing
25 was done in 1989, and there's been redevelopment, The

1 Promenade and so forth and other development that may
2 have added traffic to this intersection, so it's time
3 to reevaluate it.

4 If you shorten the signal timing to 60
5 seconds, and Pollitt just has 10 seconds of green
6 time, it's only 50 seconds that you'd have to wait
7 for that cycle to happen before you leave.

8 Our firm designed the traffic lights at
9 the Bergen Towne Center where Forest Avenue comes
10 over Route 4 and right there where the mall entrances
11 are. And we had a little discussion with the county,
12 but we made it very rapid timing. And if you go
13 there, you'll see traffic moves, because we kept it I
14 think at a 60-second or 65-second cycle, so that
15 everybody -- nobody waited long. And if there were a
16 lot more cars there, maybe we couldn't do it, but
17 there weren't.

18 So that's what our recommendation is.
19 Just forgetting about the application, just if we
20 changed the cycle, the backup on Pollitt would not be
21 so long, okay? So cars could move and the queue
22 would drop in half, the queue is the backup of cars
23 that's stacked on Pollitt Avenue -- Drive, I'm sorry.

24 Q. Now, there are other elements of the
25 signal sequence that you would like to address as

1 well?

2 A. Yes.

3 Now, you brought to our attention that
4 you thought that the signal light may not be
5 synchronized with the train. Well, it is
6 synchronized, but it could be synchronized better.

7 As soon as the train comes and the arms
8 go down, the traffic light turns red for Fair Lawn
9 Avenue, the same down in Plaza Road. When the arms
10 go up, after the train leaves and the arm goes up,
11 the signal turns to green for Fair Lawn Avenue, so
12 cars can go, but it's only about ten seconds. Why
13 they do that, I don't know. They have a 50 or
14 60-second green time for Fair Lawn Avenue with the
15 current timing, so they could easily make it
16 20 seconds.

17 So it's just a matter of going back and
18 changing the controller and programming it to have a
19 longer green time after the train leaves.

20 Q. Show us on the plan what vehicles
21 you're talking about, going from what direction and
22 where that occurs after the gate is dropped and the
23 gate is lifted.

24 A. So I'm pointing to the railroad tracks
25 on the right side of the diagram (indicating). The

1 gates come down to block traffic crossing the tracks
2 in both directions, but we're looking at the
3 westbound direction towards Route 208.

4 When the train leaves and the gates
5 come up, the traffic light at Pollitt Drive turns
6 green for Fair Lawn Avenue.

7 Q. For how long?

8 A. About ten seconds. And that's not long
9 enough, because all the cars that just came in from
10 Plaza Road just got there, and now they have to stop.
11 So that's the problem that we noticed with the
12 intersection.

13 Q. What are you recommending?

14 A. Well, we recommend that the 10 seconds
15 be increased. Why doesn't it start at the beginning
16 of the cycle and start with a 30-second time or you
17 know, to give more time for cars to clear.

18 Q. What are you recommending it be
19 increased to?

20 A. Thirty seconds.

21 Q. And these things would not involve
22 building a new traffic signal, it would just be the
23 computer programming of the signals?

24 A. That's right. And, you know, depending
25 on how sophisticated the controller is, these changes

1 should be simple to implement by the county.

2 Q. Now, the traffic signal is under the
3 county jurisdiction?

4 A. Correct.

5 Q. And we had just filed the application
6 with the county itself, but we haven't completed our
7 county interfacing yet, have we?

8 A. No. No. We will have discussions with
9 them. And we also submitted the traffic study, which
10 makes these two recommendations.

11 Q. Calisto, you became aware that recently
12 the governing body is taking recommendations from the
13 police department with regard to right turns on red
14 at this intersection?

15 A. Yes.

16 Q. And there appears to be a meeting that
17 will be set up with the county to discuss that if the
18 Council approves that request?

19 A. That's my understanding.

20 MR. ALAMPI: We would probably want to
21 get to the county when the Mayor & Council also wants
22 to go to the county, so that we're all on the same
23 page together, Chairman.

24 While our application is pending, we
25 would want to be part of the conference, because we'd

1 be talking about doing more than what the police
2 department is able to do, we would do that.

3 CHAIRMAN SEIBEL: Absolutely.

4 One of our members has a question.

5 MS. BARATTA: Just a couple of
6 questions.

7 I was going ask about that right turn
8 on red, because when you're coming -- that's coming
9 out of Pollitt that the Council is thinking --

10 CHAIRMAN SEIBEL: Yes.

11 MS. BARATTA: -- of not allowing?

12 CHAIRMAN SEIBEL: Pollitt to Fair Lawn
13 Avenue.

14 MS. BARATTA: Because right now, you
15 can make the right turn on red, and correct me if I'm
16 wrong, but if you're going east on Fair Lawn Avenue
17 and you're at the red light and the light's red,
18 isn't there a green left turn arrow that's also --

19 THE WITNESS: Yes, you have, for
20 eastbound Fair Lawn Avenue, you have an advanced
21 green to make the left turn into Pollitt.

22 MS. BARATTA: Okay. Now, you didn't
23 mention that. I wanted to make sure that was --

24 THE WITNESS: Well, that wasn't part of
25 the discussion, but yeah, but that's about

1 13 seconds, right.

2 MS. BARATTA: But it does alleviate
3 some of it as well?

4 THE WITNESS: Right. Right.

5 So my understanding is that the no
6 right turn on red might be for pedestrian safety.

7 So the other thing we did was a
8 pedestrian count, just to see how things are.
9 There's actually a photograph in the report.

10 BY MR. ALAMPI:

11 Q. Calisto, just tell the board where your
12 discussion of the pedestrian count is, what page it's
13 on?

14 A. There's a table on page 7 of the counts
15 that we did.

16 Q. So it starts on page 6?

17 A. It starts on page 6 and there's a table
18 on page 7.

19 Q. Now, explain to all of us what your
20 observations were regarding the commuters, the
21 pedestrians, when they're most active, the hours that
22 are the peak hours and where are the people walking
23 from and walking to?

24 A. All right. So we looked at -- we did
25 pedestrian counts at three locations, crossing the

1 railroad tracks on the north side of Fair Lawn
2 Avenue, or our side, the site side of Fair Lawn
3 Avenue. So crossing the tracks --

4 Q. So that's people that are walking in a
5 westbound?

6 A. East/west, well, both ways. We counted
7 both ways. We counted people crossing the driveway
8 and we counted people crossing Pollitt Drive.

9 We didn't count the whole intersection.
10 That's a lot of counting. But this was enough to do
11 the study and measure the pedestrian activity.

12 So what we find is that in the morning
13 crossing the railroad tracks, there's a lot more
14 people crossing the tracks heading west to get on the
15 southbound train which makes sense, right? And
16 there's only a few people who cross the other way.

17 And, again, there's a table on page 7,
18 if you want to follow along.

19 Q. Now, when these people are walking
20 westerly crossing the tracks, do they stay and
21 congregate there or do they disperse?

22 A. Generally, what we found is that, we
23 counted on October 1st, it was a Thursday, between
24 7:30 and 8:30 in the morning, that 150 people cross
25 the railroad tracks heading west towards Route 208,

1 but only 10 people cross the driveway. So that means
2 out of 150 --

3 Q. Ninety percent of the people stay
4 there. Right?

5 A. Yes, 140 up towards the train station
6 which is what you would expect or would congregate
7 there because the train is heading southbound, and
8 that's when they want to get on the train.

9 Q. Right.

10 A. So also in the morning, we found that
11 walking on the -- walking eastbound towards the train
12 station from Route 208, there were 29 people on that
13 particular day who crossed Pollitt Drive towards the
14 site. And then we found that there were 40 people
15 who crossed the driveway, that means that 10 people
16 came from the other side of Fair Lawn Avenue and
17 crossed to get to the railroad tracks.

18 Now, you all know that further down by
19 the 208 interchange, there's a parking lot on the
20 south side of Fair Lawn Avenue by 208.

21 Q. When you say, 208 interchange, you mean
22 in the direction of 208. Right?

23 A. Yes, right there in the --

24 Q. And you're talking about a parking
25 facility that's only two blocks to the west of the

1 subject property?

2 A. Correct, about that, yeah.

3 Q. And that's a commuter parking lot?

4 A. Right. So --

5 Q. And you can see that a lot of those
6 people park there and walk to the train station?

7 A. Yes, and based on our observations,
8 more people stay on the south side of Fair Lawn
9 Avenue than on the north side.

10 Q. And why would that be, why would they
11 stay on the south side?

12 A. Probably because they're going to pick
13 up the train right in the middle of the street or it
14 depends on the light. If the signal light is in your
15 favor to cross Fair Lawn Avenue at the next block,
16 well, maybe they'll do that. It all depends on how
17 people are.

18 But what we found is that when the
19 train comes and the streets shut down, people board
20 the train right in the middle of the street and we
21 have a photograph of that.

22 Q. Is that the photograph on page 8 of
23 your report?

24 A. Yes. Well, probably on page 7, the
25 bottom of page -- oh, yeah, you're right. I'm sorry,

1 page 8.

2 Q. Come on. I'm throwing you meatballs
3 here, page 8.

4 A. Making it easy for me. So --

5 Q. So you're showing the photograph with
6 people congregating and boarding onto the train.
7 Correct?

8 A. Right.

9 Q. But that's right on Fair Lawn Avenue
10 itself in the right-of-way?

11 A. That's right on Fair Lawn Avenue. So a
12 number of the people who are heading eastbound on the
13 south side of Fair Lawn Avenue are just congregating
14 by the diner and that area. And when the train
15 comes, they just board the train there.

16 Q. Right. They're not going to walk
17 another 300 feet to the train station. They're going
18 to grab the train --

19 A. Right there.

20 Q. -- with a car that's closer to them.
21 Right?

22 A. Correct, so that's it.

23 And now, in the evening when people
24 return, they're disembarking, they're getting off the
25 train on the east side of the railroad tracks. They

1 have to walk down to Fair Lawn Avenue and cross the
2 tracks heading towards the site or more towards 208.

3 And well, in the evening, between 5:00
4 and 6:00, we counted 212 people crossing the railroad
5 tracks at that point heading west, but then only 60
6 of them or 59 of them cross the site driveway.

7 Q. So if only 30 percent of them cross the
8 driveway, where's the other two-thirds going?

9 A. The majority is going up north towards
10 the train station to the commuter parking lots there.
11 Others would be going down Fair Lawn Avenue to the
12 other commuter lot, but most of the people turn and
13 walk between the site and the railroad tracks heading
14 in the north.

15 Q. Based on these observations of the
16 numbers of people and the pattern of walking, what
17 are your recommendations in your report?

18 A. Well, we didn't have to make any
19 recommendations, we just recognized the pattern. And
20 we also, I think it was that the board's suggestion,
21 we did a midday peak hour just to see. And there's
22 much, much, less pedestrian activity at the train,
23 because fewer people are going at that time.

24 But we wanted to get a handle at how
25 many people were crossing the site driveway, and you

1 know, as a measure to -- of the safety of the site
2 driveway.

3 So if we have 60 people crossing in the
4 evening, that's -- well, they're coming in clumps,
5 you know, at like, four or five different times
6 they're coming across -- as the trains come, they're
7 coming in groups.

8 So it happens quickly. But most of the
9 people do not walk across the driveway.

10 Q. Now, Calisto, the sequence of the train
11 in the evening, how often does the train come during
12 the peak hour, the commuter hour?

13 A. Well, the last page of the report, we
14 actually have a train schedule there.

15 Q. Okay. Just turn everyone's attention
16 to the last page.

17 A. Yes, the last page.

18 Q. And can you explain that schedule?

19 A. Well, these are the times. You could
20 see --

21 Q. I want to know the times they come to
22 this station.

23 A. Right. So it's 6:57 a.m. or 7:00. And
24 then 7:19, 7:28. So it's ten minutes later, 7:55,
25 8:03. So they come quite regularly.

1 Q. Every 10 to 15 minutes during the peak
2 hour?

3 A. Correct.

4 Q. And how about in the evening? You have
5 two pages, actually, Calisto.

6 A. Oh, there it is. I was looking at the
7 last one thank you.

8 In the evening, during the rush hour,
9 we have 5:03, 5:19 p.m., 5:31, 5:48, 6:04. So
10 they're coming quite rapidly at that time.

11 Q. And when --

12 A. That's when most of the people arrive.

13 Q. When you said 60 people crossing the
14 driveway, do you mean in that one-hour period?

15 A. Across the one hour period.

16 Q. And so if there's four or five times
17 that the train comes, it could be 10, 12, 13 people
18 at a time that would be going across?

19 A. Correct, it could be 15 each time.

20 Q. But it's not 60 people in a five-minute
21 span, is it?

22 A. No, so it happens in, as we say slugs
23 or in groups, they'll pass across the driveway, and
24 it's not scattered through the whole hour.

25 Q. As a result of your observations of the

1 train activity, the pedestrian activity, does the
2 light, traffic light sequence, improve the pedestrian
3 safety in any way, the one that you're suggesting?

4 A. It will give pedestrians more
5 opportunities to cross the street, again, with more
6 signals -- with more cycles, there's more
7 opportunities to cross the street. So it's -- if
8 it's a 60-second cycle, that's one minute. So they
9 could have an opportunity every minute.

10 Q. People might be less impatient because
11 they know the cycle will change more rapidly?

12 A. Right.

13 Q. As opposed to becoming impatient.
14 Correct?

15 A. Correct, rather than having to wait a
16 minute-and-a-half.

17 Q. And so do you believe that this will
18 create better safety for pedestrians crossing both
19 the driveway and Fair Lawn Avenue?

20 A. Yes, I think that, if we can reduce
21 congestion, the vehicular congestion, it's only
22 better for pedestrians --

23 Q. Now --

24 A. -- especially when pedestrians are just
25 walking across the street.

1 Q. Now, Calisto, I know it took you out of
2 turn with your report, but these are the issues that
3 the board asked us to study.

4 A. Right.

5 Q. You made other observation and studies.
6 You did traffic counts of the volume of traffic.

7 A. Yes.

8 Q. Could you just tell us the dates of the
9 traffic counts and the significant traffic activity.

10 A. Yes, at the end of September, we did
11 counts at the traffic -- vehicular counts, on
12 Tuesday, September 29th and Wednesday, September
13 30th. And Thursday, October 1st, we did some
14 additional counts. And they're presented in a table.

15 Q. Tell us what page.

16 A. I'll tell you in a second.

17 The table is on page 5, the bottom of
18 page 5. And there's also a figure in the -- Figure
19 3, towards the back of the report.

20 Q. Calisto, I'll go through it, your
21 report, your narrative report, is actually 13 pages.
22 Correct?

23 A. Yes.

24 Q. And it has different grids and findings
25 in it. Is that correct?

1 A. Correct.

2 Q. And then attached to this, you have
3 various figures that visualize or demonstrate your
4 findings. Correct?

5 A. Correct.

6 Q. One of the findings is the volume of
7 traffic on Fair Lawn Avenue during the peak hours.

8 Could you just summarize the volume of
9 traffic going east and west?

10 A. Yes. In the morning rush hour, there
11 were -- I'm going to round off the numbers, 560 cars
12 that went straight through the intersection heading
13 east. And there were 460 cars heading in the other
14 direction. So the through movement is more eastbound
15 than westbound towards Route 208. We thought it
16 might be the other way around, but my office is in
17 Glen Rock and I don't use 208 or Route 17. I use
18 Ridgewood Avenue, because I avoid that traffic. So
19 that's what the other people do.

20 Q. So there are more cars easterly in in
21 the a.m. than westerly?

22 A. Right, crossing through the
23 intersection.

24 Q. Yeah.

25 A. Right. But there are a significant

1 number or cars that turn up Pollitt Drive. We
2 counted, in the morning, 116 cars making the left
3 turn to go up Pollitt Drive.

4 And also in the morning there was 107
5 making a right turn from the westbound Fair Lawn
6 Avenue. So there's a bit of traffic on Pollitt.

7 In the morning, we have a little over
8 200 cars heading north on Pollitt.

9 In the evening, it's only 130 heading
10 north, but in the evening coming down Pollitt Avenue,
11 I mean, Pollitt Drive, I'm sorry. It's just over 400
12 cars.

13 So there's a lot of cars coming south
14 on Pollitt Drive in the evening, where there's only
15 212 in the morning. So that road is heavily used and
16 I imagine it's by people trying to avoid Route 208 to
17 get out of that area, the industrial park that's back
18 there, and maybe The Promenade. It's called The
19 Promenade, right?

20 Q. Right.

21 A. So we have that background traffic
22 counts, and that's what we used to do an assessment
23 of the traffic.

24 The next thing we would do is actually
25 determine the traffic generated by the site, and we

1 use the Institute of Transportation Engineers' book
2 on trip generation.

3 Q. Now, this, what we call the ITE manual,
4 is a manual that all traffic engineers rely upon
5 that's been accredited by the courts and used for
6 expert testimony?

7 A. That's correct.

8 Q. And this is really merely a compilation
9 of studies throughout the country for different types
10 of uses and what could be expected to be the activity
11 levels?

12 A. That's correct.

13 Q. And just explain to us then what your
14 findings were when you used the ITE manual?

15 A. Well, the, the manual will give you
16 trips during the street peak hour. And sometimes the
17 activities, say if it was a hospital, would have peak
18 hours different times than the street.

19 So the ITE manual says that we're going
20 to have approximately 90 customers during the morning
21 peak hour and 75 customers during the evening peak
22 hour, so that's 90 in, 90 out.

23 Q. Calisto, do you know what page you're
24 using, so the board can follow you?

25 A. Oh, it's on page 9, I'm sorry. Page 9

1 is a table.

2 CHAIRMAN SEIBEL: Excuse me, this is
3 based on the numbers that you collected?

4 THE WITNESS: No, this has nothing to
5 do with the traffic we collected. We add this to
6 that later on. So this is just to get an idea of the
7 traffic on the driveway, the driveway traffic.

8 Now --

9 Q. This is vehicle movements in and out of
10 driveway?

11 A. Of the driveway, yes.

12 Q. These are projections based on the ITE
13 manual?

14 A. Correct. And --

15 Q. And so what does it tell us?

16 A. Okay. So the next thing is, because
17 we're next to a train station, they allow you -- I
18 mean, studies show that if you can take a deduction
19 for being close to a train station. Now, in this
20 case, because it's a coffee shop, actually, we
21 anticipate -- and we took a 15 percent reduction. We
22 anticipate that we're going to have a lot more, a lot
23 higher percentage of our customers are going be
24 parking in the commuter lots and walking to the
25 7/Eleven and then off to the train.

1 So we're probably going to have a much
2 higher transit oriented customer than driving into
3 the site. They're already on the street. They're
4 coming to the area. So our 15 percent is probably a
5 very low estimate of how many transit related people
6 we're going to have.

7 And so when we subtract the transit
8 from those numbers I mentioned before, we get a
9 slightly lower driveway volume, in this case that
10 second total driveway trips, we say 80 customers in
11 the morning, that's 80 in and 80 out, driving, that
12 is. And in the evening 64/60 customers. Now, that's
13 driveway traffic.

14 The thing about a convenience store,
15 like a gas station, is that they're a convenience, so
16 people aren't going drive to get off at 208, drive
17 into this convenience store and get back on 208, no.
18 It's the people who are already on Fair Lawn Avenue.

19 So the next line of calculations is
20 just to deduct what we call pass-by trips, those are
21 people who are driving right by the site already.
22 And studies show that it's over 60 percent pass-by,
23 so they'll be diverted. They're driving, mostly
24 they're going to be driving westbound on Fair Lawn
25 Avenue, make the right turn in and then go out Fair

1 Lawn Avenue, make the right turn out.

2 Why do I say mostly? Because it's a
3 pain in the neck to make the left turn in to Pollitt
4 and then go into the site and then try to make a left
5 turn out, because you'd have to make a left turn onto
6 Pollitt and a left turn onto Fair Lawn Avenue, and
7 that's inconvenient. So, therefore, you lose the
8 convenience of a convenience store, because there's
9 plenty of them around. You can get, you can get
10 coffee at the Exxon station. You can get coffee at
11 Panera Bread. There's other alternatives. You don't
12 have to stop at the 7/Eleven.

13 Now so taking the deduction for the
14 transit proximity, we're talking about, say 80
15 customers in the morning, 80 in and 80 out.

16 Now, I told you we counted the 7/Eleven
17 on Broadway and Fair Lawn Parkway.

18 Q. Right.

19 A. Figuring that that could be a good
20 estimate of traffic that would be here. It's on the
21 eastbound side, which is what we would anticipate
22 would be the higher traffic movement in the morning
23 on Broadway heading towards Route 4, heading towards
24 Paramus, heading towards New York City. So we did a
25 count, and we found that there were more -- instead

1 of having 80 customers, we were more in the
2 neighborhood of 65 customers in an hour. Right? So
3 it was a lot less, and that's what we thought it
4 would be, but we just wanted to show both, both
5 counts.

6 Let me just get this traffic activity.
7 I just want to get the right page.

8 Yeah, those numbers are shown on page
9 10, there's a table in the middle of page 10. And in
10 the evening, 45, 46, 50 customers, that's more in
11 line of what we expected.

12 Anyway, we did that just to show you
13 that although our numbers say there's going to have
14 80 customers going in and out, in the morning,
15 chances are it's going to be more like the other
16 7/Eleven on Broadway.

17 Q. Now, when you project, whether it's 60
18 or 65 customers or a high of 80 customers, you mean
19 during the course of the full one-hour cycle during
20 the high peak in the morning and the high peak in the
21 evening. Correct?

22 A. Right. We'll pick the busiest time of
23 the street and look at that one hour.

24 Q. And that would make sense for a
25 convenience store, that its peak would be

1 contemporaneous with the commuter activity?

2 A. Correct.

3 Q. Now, having evaluated that, you talked
4 about pass-by traffic, and you're saying a store of
5 this type, and whether it's a Panera Bread or whether
6 it's a 7/Eleven or whatever, there's nothing about
7 this that's so unusual that somebody would come from
8 eight miles away to go here unless they were already
9 coming to this neighborhood for work or for school or
10 for whatever. Right?

11 A. Right. Or for the train station, which
12 is the -- what we anticipate most of the morning
13 customers would be.

14 Q. Now, in your report, you also discuss
15 this concept of the traffic impact on the
16 intersections, what we call the LOS, the level of
17 service?

18 A. Right.

19 Q. Correct, that's on page 10 and 11?

20 A. Right.

21 Q. What do you mean by the term "level of
22 service"?

23 A. Well, the term "level of service" is
24 just a measurement of how -- the ease of passing
25 through an intersection. If it's an A, you're

1 traveling through, your delay is less than 10
2 seconds. It's easy. If it's an F, that means you're
3 there for a very long time. And so it's just a grade
4 of how, how quickly you can pass through the
5 intersection, and we show delay times in there.

6 But if I just may, before we get to
7 that, we have to take that traffic that we use to
8 project it and we have to distribute it among the
9 streets.

10 And, customarily, you distribute
11 traffic based on the traffic patterns on the road.
12 Like if this were an office building or a shopping
13 center and we had 40 percent of the traffic heading
14 in one direction, well, we'd say, okay, well,
15 40 percent of our customers are going to go in that
16 direction when they leave or employees. So that's
17 how we did this, that's the conservative way of doing
18 it.

19 Again, I think because it's a
20 convenience store, just like a gas station, it's not
21 going to be distributed in accordance. And so the
22 point is, we think there's right-ins and right-outs,
23 than what we did, than what we -- how we distributed
24 it.

25 But this is a more -- the report is a

1 more conservative approach, and shows a more worse
2 case scenario. I just want to make that clear.

3 Q. Not a more better, a more worse?

4 A. Not a more better, a more worse, a
5 worst case scenario.

6 Q. You base this upon your experience over
7 the years in doing these studies and then going back
8 to these properties and making observations to see if
9 your theories prove out?

10 A. Correct, when we do traffic counts,
11 like we did the traffic count of the existing
12 7/Eleven on Broadway, most of the traffic was right
13 in and right out. And there were very few people
14 coming from Fair Lawn Avenue or going out Fair Lawn
15 Avenue to make a left to go back on Broadway in the
16 other direction.

17 CHAIRMAN SEIBEL: Excuse me, counsel,
18 some of our members are itching to ask some
19 questions.

20 MR. ALAMPI: Go ahead.

21 CHAIRMAN SEIBEL: So I want to know, do
22 you want to wrap it up with him or how do you want to
23 work this?

24 MR. ALAMPI: However you wish.
25 Sometimes I bring in some questioning, and don't

1 worry about me losing my place. Sometimes the board
2 sees something that they want to get into.

3 CHAIRMAN SEIBEL: All right.

4 MR. ALAMPI: Let me just finish up this
5 level of service.

6 CHAIRMAN SEIBEL: Sure.

7 MR. ALAMPI: And then I'll defer to the
8 board so they can ask their questions.

9 CHAIRMAN SEIBEL: Very good.

10 BY MR. ALAMPI:

11 Q. Go ahead.

12 A. Actually, when we the traffic, and
13 first we did the intersection. When we add our
14 traffic, based on the conventional distribution of
15 traffic, we have these levels of service and they're
16 shown here with A, B, Cs and Ds.

17 Q. Calisto, heres all that I'm concerned
18 about --

19 A. Right.

20 Q. -- A and B are very good or superior
21 levels of service. Right?

22 A. Um-hmm.

23 Q. Meaning people are not waiting too, too
24 long. C is average.

25 A. Right.

1 Q. Southbound Pollitt is filled with Ds
2 and Es?

3 A. Correct.

4 Q. That means it's prone to backups and
5 waiting time. Right?

6 A. Correct.

7 Q. What do you see happening as a result
8 of the change of the traffic signal that you
9 suggested early in your testimony? Do you see that
10 that level of service will improve or deteriorate or
11 degrade?

12 A. Well, it'll improve. Without, without
13 constructing the project, in time, the intersection
14 is going from a level of service D to a level of
15 service E, which is almost a minute -- the average
16 driver will have to wait a minute. If we retime the
17 traffic signal, that drops in half.

18 So just by changing the signal timing,
19 we drop the average wait from 55 seconds to
20 31 seconds. So it'll drastically improve traffic
21 leaving or heading southbound on Pollitt.

22 So that's the point and that's -- we
23 would have come to this anyway, is that traffic,
24 southbound traffic on Pollitt is suffering because of
25 the signal timing.

1 Improve the signal timing will improve
2 the function of the intersection and lessen the
3 impact of this development.

4 MR. ALAMPI: Chairman, my next series
5 of questions would deal with the turning template of
6 the delivery vehicles. So if the board wants to get
7 into this element, I'll have no problem with however
8 you want to handle it.

9 CHAIRMAN SEIBEL: Okay, yes. They're
10 itching to ask a few questions, so let's open it up
11 to the board to ask some questions of the expert.

12 Mr. Lowenstein.

13 MR. LOWENSTEIN: Thank you,
14 Mr. Chairman.

15 Mr. Bertin, I hear you refer to the ITE
16 study. Is that Page 54, which is the next to the
17 last page in your packet, land use, 851?

18 THE WITNESS: Correct.

19 MR. LOWENSTEIN: Okay. Would you tell
20 the board, please, what's the most recent year that a
21 survey was undertaken in that chart?

22 THE WITNESS: That's not going to be on
23 this chart. I have to get to an appendix in the
24 book.

25 MR. LOWENSTEIN: Well, sir, I'm calling

1 your attention to the packet that you have provided,
2 which has been marked Exhibit A-11, and I'm calling
3 your particular attention to the second to the last
4 page, which is marked, Table 5.11. And then
5 captioned, "The land use 851, convenience market
6 (open 24 hours)."

7 Do you see what I'm referring to?

8 THE WITNESS: Which page again?

9 Oh, wait a second, that one?

10 CHAIRMAN SEIBEL: This grid.

11 THE WITNESS: Oh, the chart?

12 MR. LOWENSTEIN: Yes.

13 MR. ALAMPI: I'll help him get there.

14 THE WITNESS: Oh, okay.

15 MR. ALAMPI: I'll get him there.

16 MR. LOWENSTEIN: Oh, okay. Thank you.

17 MR. ALAMPI: The Commissioner is
18 questioning the age of some of these reports.

19 MR. LOWENSTEIN: The question is,
20 what's the most recent study of the approximately 15
21 listed on that chart?

22 THE WITNESS: Oh, okay. So this is to
23 measure pass-by traffic, not volume.

24 MR. LOWENSTEIN: You're not answering
25 my question, sir.

1 THE WITNESS: It's 1989.

2 MR. LOWENSTEIN: And you're relying on
3 that? You're submitting that to this board for us to
4 rely on some of the conclusions you reach in your
5 report, 1989?

6 THE WITNESS: Sure. The thing is,
7 that's just to measure pass-by traffic on his -- how
8 much it draws from the street. And --

9 MR. LOWENSTEIN: Is it your
10 professional opinion, sir, that since 1989, which is
11 over 25 years ago, there would be no change, no
12 reason to update this chart?

13 THE WITNESS: I would think it would be
14 very close to what it is.

15 MR. LOWENSTEIN: Okay. On A-9, the
16 stormwater -- and I'm sorry, I'm jumping, but you
17 covered a lot of territory in about 45 minutes
18 without a break. A-9, stormwater drainage
19 calculations, let me know when you have that, please.

20 THE WITNESS: Yes.

21 MR. LOWENSTEIN: Call your attention to
22 the last page in this report, caption figure 5-41,
23 rainfall intensity, duration, frequency curves, do
24 you see that, sir?

25 THE WITNESS: Yes.

1 MR. LOWENSTEIN: What was the last
2 year, the most recent year you relied on in this
3 study?

4 THE WITNESS: Well, if you look at --
5 the only data I see here -- oh, oh, 19 -- dated,
6 yeah, 1975.

7 MR. LOWENSTEIN: 1975, 40 years ago.
8 And you're asking us to rely on that as well?

9 THE WITNESS: If I use anything
10 different, it will be thrown out. This is what the
11 State of New Jersey uses and this is what I have to
12 use. So yes, I'm telling you we have to rely on it,
13 because I have no choice.

14 MR. LOWENSTEIN: Haven't there been
15 updates on flood maps? Hasn't there been a lot of
16 research done on this?

17 THE WITNESS: Yes, but that's flood
18 maps. And the, there have been recent changes in
19 flood elevations in certain areas, yes.

20 MR. LOWENSTEIN: But it's your
21 testimony, there's nothing more current than 1975?

22 THE WITNESS: That's what we're using,
23 yes.

24 CHAIRMAN SEIBEL: I can ask our expert?
25 Frank, is that correct, this is, this

1 is what you guys are going by, these are the dates?

2 MR. MISKOVICH: For pass-by traffic?

3 CHAIRMAN SEIBEL: Pass-by traffic.

4 MR. MISKOVICH: Yes.

5 CHAIRMAN SEIBEL: And the rainfall
6 intensity?

7 MR. MISKOVICH: Well, I'll answer to
8 the traffic part of it.

9 That is still some of the data that
10 we're relaying on, from what I believe.

11 The New Jersey Department of
12 Transportation has some updated data too, I forget
13 what year that is, which they use, when you do any
14 permits, the State Department of Transportation, for
15 access.

16 I don't recall if it's at 61 percent,
17 but it's a fairly high number of pass-by traffic.
18 And all that it's saying is that, if you pass the
19 site, you might just pull into the site, do the
20 business, and then leave, that's what they're
21 considering pass-by traffic. And they're only
22 analyzing it for the traffic through the intersection
23 of Pollitt Drive and Fair Lawn Avenue, meaning that
24 if you're going on Fair Lawn Avenue and you're
25 passing the site, some percent is that traffic may

1 come in here, and then leave to go. It's not new
2 traffic. New traffic is what we consider as totally
3 new traffic generated by this use. So...

4 MR. BLECHER: Can I?

5 MR. LOWENSTEIN: Just a little follow
6 up and then, Mr. Blecher, if you don't mind please.

7 And I appreciate that. I appreciate
8 both your answers. I just have a hard time. I mean,
9 listen, you guys have the Masters and Ph.D.s and
10 engineering, I don't, okay.

11 But it seems to me, especially when
12 this board hears after application after application,
13 you might have sat through a couple earlier this
14 evening, people saying, we used to have one car. We
15 used to have two cars. Now we've got four and five
16 cars in our home.

17 So I ask you to take the equivalent of
18 judicial notice that there are a lot more cars on the
19 road than that are, than there were in 1989, okay.
20 And if somebody is relying on that, I think that
21 that, I think that on its face, is grossly -- not
22 your fault, not your fault.

23 But I think it's unfair to ask this
24 board to accept data that old and apply it in this
25 instance, okay? Especially, given the unique nature

1 of this problem. So I would just take all of that
2 data with a grain of salt. That's just all I have to
3 say on that for the moment.

4 MR. BLECHER: Can I add to some of
5 that?

6 CHAIRMAN SEIBEL: Mr. Blecher, please?

7 MR. BLECHER: I agree a lot with what
8 Mr. Lowenstein is saying. You know, 1989, 25 years
9 ago.

10 I've lived in this town for 47 years,
11 and the traffic in this town is so much more than
12 it's 25 years ago, that I can't even begin to tell
13 you how bad it is, especially along Fair Lawn Avenue.
14 And I drive in circles around this town to avoid Fair
15 Lawn Avenue.

16 CHAIRMAN SEIBEL: Well --

17 MR. BLECHER: So those numbers, maybe
18 that's all you have, but I don't think they're
19 representative of what's going on there today.

20 Not to mention the scope of the
21 surrounding areas, 25 years ago we had Nabisco and
22 Kodak and whatever else was back in the industrial
23 area. Now there's The Promenade. There's a gym.
24 There's other facilities. Pollitt Drive, I think, is
25 being used more now than it ever has been in the

1 past. The numbers that you're presenting to us,
2 they're almost insignificant.

3 THE WITNESS: If I may?

4 CHAIRMAN SEIBEL: Sure.

5 THE WITNESS: The number that's
6 important is the traffic count, and we just did that.

7 MR. BLECHER: That's also, not to
8 mention the, the increase in population in the town
9 overall.

10 THE WITNESS: Yes, but that's why we
11 have to do traffic counts. We can't rely on 25 year
12 old traffic data.

13 So the traffic counts are new. We use
14 the ITE for the trip generation.

15 But I checked the trip generation by
16 going to another site, similar site, and I checked
17 it. So we did that. And we found out that similar
18 site had less traffic than what the ITE manual said.
19 Let's stay conservative, let's use the higher
20 traffic.

21 So we do the check, as far as the bit
22 about pass-by traffic, that's people's habit, you
23 know, and that's not nearly as critical as the
24 traffic data. And that's why traffic data has to be
25 within, I think, two or three years old for the DOT

1 to -- I think it's two years old.

2 So we have to do traffic counts. And
3 that's the number you need, the traffic count.
4 That's how we know how many cars are on Pollitt
5 Drive. We're not depending on 25-year-old-data.

6 MS. BARATTA: Chairman, I would like to
7 ask some questions as well.

8 CHAIRMAN SEIBEL: Yes. Sure.

9 MS. BARATTA: Thank you.

10 You talked about the Broadway site, and
11 I'm glad you did, because I was going to bring that
12 up. I don't think that's a good comparative site. I
13 think it's a very different site. Broadway, Broadway
14 people are going, just going through there.

15 This site, because of all the things
16 that Mr. Blecher said, the gym, The Promenade that
17 you spoke about is, is a lot different than the
18 Broadway site. You're going to have a lot, a lot
19 more pedestrians. And your pedestrian counts, you
20 know, you talked about a lot of people weren't
21 crossing over the site. Well, I'm sure your client
22 hopes a lot of people do cross over that site or else
23 you wouldn't be building there. So your pedestrian
24 numbers are with basically an empty building right
25 now. But that, I'm sure you would hope, your client

1 would hope would go up, because those people that are
2 on the other side of Fair Lawn Avenue and are
3 grabbing that train in the middle of the road like
4 they are, may be coming to your site for a cup of
5 coffee or a Danish or something.

6 THE WITNESS: And it --

7 MS. BARATTA: So I think those
8 numbers -- I mean, I understand, you're counting the
9 people now.

10 My concern is, when the site is built,
11 there's going to be a lot more pedestrians in that
12 area. If there wasn't, you wouldn't be building
13 there.

14 THE WITNESS: But that's, that's a good
15 thing, and that's why we have sidewalks and we're
16 providing access for that. So I don't see a problem
17 in pedestrians are, instead of walking across Fair
18 Lawn Avenue, cross Fair Lawn Avenue, come to the site
19 and walk back out. We're providing safe pedestrian
20 access for them to do it.

21 MR. BARATTA: But I think, because of
22 that, I think it really needs to be thought out well
23 about the timing of these lights in the area, because
24 that's a big concern to me. And I don't know if what
25 you want to do there for your site is good for the

1 pedestrian traffic that's there.

2 I'm not an expert, so I'm not sure.

3 Now, you spoke at the beginning about
4 moving the building back. I have a couple of
5 questions, Chairman, if we can go in that direction.

6 And help me remember from last time,
7 there were no exits or entrances to the building in
8 that back part. Correct?

9 THE WITNESS: Correct.

10 MS. BARATTA: So we're -- so that's not
11 -- because that looks real tight there I think in one
12 area, what is it, maybe 2-feet to the very rear of
13 the building?

14 THE WITNESS: Correct, the closest
15 point is 2-feet.

16 MS. BARATTA: Where is the other
17 entrance, the other entrance is facing Pollitt?

18 THE WITNESS: Yes, there's an exit --

19 MS. BARATTA: For employees, et cetera?

20 THE WITNESS: Right it's shown there's
21 an entrance, but it's not for customers.

22 MS. BARATTA: Right, employees?

23 THE WITNESS: Right. Right, and that's
24 an emergency exit. And then there's also a door,
25 which is just a closet to get to the electrical

1 equipment.

2 MS. BARATTA: So you've got back there,
3 you've got a dumpster back there?

4 THE WITNESS: Right, the dumpsters.

5 MS. BARATTA: So would there be any
6 access behind that building for any reason
7 whatsoever?

8 THE WITNESS: No.

9 MS. BARATTA: So when the employees
10 would need to utilize that dumpster, they'd come out
11 that front door.

12 THE WITNESS: Right, walk in the
13 sidewalk then walk out the side of the building, on
14 the east side of the building.

15 MS. BARATTA: Okay. All right. When
16 we get to the trucks, I'll have more questions about
17 that, but I think that's it for now, Mr. Chairman.
18 Thank you.

19 CHAIRMAN SEIBEL: Thank you.

20 Anybody else, any questions?

21 (No response.)

22 CHAIRMAN SEIBEL: I have a couple.

23 Whose Eric M. Howe (phonetic)?

24 THE WITNESS: Eric, it's Hough.

25 CHAIRMAN SEIBEL: H-o-u-g-h.

1 THE WITNESS: Like loaf. He's a
2 professional engineer, works in my office. He
3 happens to be sitting right behind me.

4 CHAIRMAN SEIBEL: All right.

5 THE WITNESS: And he, he and I prepared
6 the traffic report.

7 CHAIRMAN SEIBEL: He worked on it with
8 you because he did not --

9 THE WITNESS: Yes.

10 CHAIRMAN SEIBEL: -- because he did not
11 sign the traffic report.

12 THE WITNESS: Oh, well...

13 CHAIRMAN SEIBEL: Your numbers, you
14 took your numbers on September 29th, September 30th
15 and October 1st?

16 THE WITNESS: Yes.

17 CHAIRMAN SEIBEL: Were there any
18 holidays during that time?

19 THE WITNESS: We always call the school
20 system to make sure that schools are open, in case
21 there were, because there may be some holidays, but
22 we would check.

23 And, no, but we only had two weeks to
24 do the report, so it wasn't like we had a lot of
25 flexibility.

1 CHAIRMAN SEIBEL: I understand, but I
2 believe, and correct me if I'm wrong, but the Jewish
3 holiday of Sukkot was the 28th and the 29th, which
4 means that sundown on the 28th, is that how it works?

5 MR. NAVEH: It wouldn't affect the
6 public schools. It's not necessarily a holiday that
7 they would close for.

8 If anything, it may have added to
9 pedestrian traffic in the area. But most of the
10 people that are coming from the apartments don't pray
11 in the temple that's located Fair Lawn Avenue, that
12 comes from another area. So they wouldn't necessary
13 walk.

14 But you're talking at least 50 couples
15 in The Commons that probably would have taken the
16 train and you're probably talking another 25 in the
17 -- let's say another 50 people, max, that probably
18 take the train that I know, for a fact, that probably
19 weren't there because of the holiday. But it's not,
20 you know, obviously, you had two weeks and you can't
21 factor in every little holiday.

22 THE WITNESS: And the one thing about
23 the numbers, regardless of even if there weren't any
24 holidays, it's not uncommon to have a 10 percent
25 fluctuation in traffic from, you know, 2:00 today and

1 2:00 tomorrow or rush hour, let's say, it's not
2 uncommon to have a fluctuation, we expect that.

3 CHAIRMAN SEIBEL: I think what we're
4 getting from the board, we live with this corner,
5 this intersection, on a daily basis. I go through
6 there four or five times a day.

7 Today, on my way to the meeting, I come
8 up Well Drive to Plaza Road. And there's a car crash
9 on Plaza Road, because it looked like somebody was
10 coming out of the Deals parking lot and collided with
11 a car on Plaza Road. Now, that may not be directly
12 because of this site, but I can tell you, this whole
13 area is a jumble. It's a spaghetti bowl. And it's a
14 dangerous area, and we're very concerned about what's
15 going on there.

16 Now, did you talk to anyone with regard
17 to the no turn on red from the town?

18 THE WITNESS: No, we did not.

19 There was an article in the paper about
20 that.

21 CHAIRMAN SEIBEL: Did we get anything,
22 Ms. Peck, from the Fair Lawn traffic officer?

23 MS. PECK: No.

24 CHAIRMAN SEIBEL: And he was asked.

25 MS. PECK: He was given the paperwork.

1 CHAIRMAN SEIBEL: Paperwork? And he
2 came back with nothing?

3 MS. PECK: No.

4 CHAIRMAN SEIBEL: All right. Keep
5 going, please.

6 MR. ALAMPI: Thank you.

7 MS. BARATTA: Chairman, do we want to
8 hear from our experts on this --

9 CHAIRMAN SEIBEL: Oh, yes, I guess.

10 MS. BARATTA: -- this portion.

11 CHAIRMAN SEIBEL: Sure.

12 MR. MISKOVICH: Maybe just a couple
13 points of clarification, because I was taking notes
14 as you were going through your presentation, and I
15 just want some clarification.

16 You had mentioned that the green count
17 of Pollitt Drive was ten seconds, if I recall.

18 THE WITNESS: Wait. Hold on. I have
19 -- well, actually, it's more like 20 seconds, I think
20 that's what I used in the calculation.

21 MR. MISKOVICH: Correct. And I just
22 wanted to clarify it wasn't 10. It was 20 seconds.

23 And I believe in your optimization,
24 trying to make the signal work better, you reduced
25 the cycling to 60 seconds, so it's a quicker turnover

1 rate. And you used 12.9 seconds for the green time?

2 THE WITNESS: Correct.

3 MR. MISKOVICH: All right. In the --
4 one of the concerns, and I had raised this at the
5 last meeting, was queuing and backing up from the
6 traffic signal on Pollitt Drive. You had a queue
7 analysis in the report, and if I recall the numbers,
8 it's had an average of about eight cars backing or
9 queuing on the driveway. I forget what the peak was.
10 But I only saw the analysis for the evening peak hour
11 in the queue analysis. I may have missed it. And
12 that was only for the existing timing. I didn't see
13 anything for the optimization to see if that would
14 improve. I believe your testimony was it would cut it
15 in half.

16 THE WITNESS: It does cut it in half,
17 it goes from eight to four. And I'm sorry I didn't
18 have that, but that's -- I can provide that.

19 MR. MISKOVICH: Just to verify that,
20 because the concern we have is that with the
21 driveways now moved closer to Fair Lawn Avenue you
22 maybe only have room for two to three cars maximum
23 before they interfere with the driveway to the side
24 on Pollitt Drive.

25 So the queuing is a little bit, is

1 really a concern, because that has an impact on
2 operation to that site driveway. And reducing the
3 timing even quicker, I don't know how that really
4 dissipates the queue as fast, so we'd have to take a
5 look at that. I'd really have to see it, because I'm
6 really surprised that it would cut it in half. But
7 we'll look to the calculations to verify that.

8 THE WITNESS: Sure.

9 MR. MISKOVICH: You also mentioned
10 that, correct me now if I'm wrong, that you
11 anticipate most of the traffic to be a right turn in
12 from Fair Lawn Avenue and then a right out of
13 Pollitt, am I wrong in that testimony?

14 THE WITNESS: Yes, that's what I
15 anticipate. That's not what I did until the report,
16 but I'm just saying, that's what I anticipate it's
17 going to be, a higher percentage.

18 MR. MISKOVICH: Okay. Just for the
19 board, if you go to his figure in the -- I think it
20 was the last figure in the order of the one site
21 generation. Most of that he, has a high percentage
22 of traffic making a left out of the Pollitt driveway.
23 So if you're saying that that may not be the case,
24 I'd like to see an analysis done, what you -- as an
25 alternative, what you think it might be.

1 THE WITNESS: Okay, that will be fine.
2 I probably should have done that.

3 MR. LOWENSTEIN: So just for
4 clarification, is it proposed that there be permitted
5 a left turn exiting onto Pollitt coming out of the
6 parking lot, proposing a left turn be permitted there
7 or was it going to be a right turn only?

8 THE WITNESS: Well, I think there may
9 be a compromise that during the rush hour, especially
10 the evening rush hour, that we would restrict left
11 turns out on Pollitt Drive, so there's no left turns,
12 because that's when the heaviest traffic is.

13 And that's not uncommon, and you could
14 leave it subject to police review in a year or
15 something like that. But --

16 MR. LOWENSTEIN: And how many car
17 lengths would there be from the nose of the first car
18 --

19 THE WITNESS: (Indicating).

20 MR. LOWENSTEIN: Yes, back how many
21 cars would it be.

22 THE WITNESS: I think the third car
23 would block the driveway.

24 MR. BLECHER: I just want to clarify
25 something that you just said.

1 Coming out of the side of the parking
2 lot, YES, you're going to allow or not allow a left
3 turn onto Pollitt Drive --

4 THE WITNESS: It's coming --

5 MR. BLECHER: -- or you're saying that
6 during the peak hours you will, but during other
7 times, you won't?

8 THE WITNESS: No, I would say that,
9 that given the concern, and we figured we'd get
10 there, because of the heavy southbound traffic in the
11 evening, we would not allow left turns out onto
12 Pollitt, because --

13 MR. BLECHER: But at other times you
14 will?

15 THE WITNESS: Yeah, at other times.

16 MR. BLECHER: And how do you propose to
17 control that?

18 THE WITNESS: Well, Signage, generally.

19 MR. BLECHER: And you think people are
20 really going to listen to that? If somebody wants to
21 make a left turn, they're going to make a left turn.

22 THE WITNESS: It could happen, yes.

23 MR. BLECHER: It's gonna happen.

24 THE WITNESS: Yes.

25 MR. BLECHER: And they're not going to

1 care whether -- how many cars are queued up, and
2 people want to make a left turn are going to pull
3 into the road and block cars going this way
4 (indicating), because they want to squeeze -- you
5 know, this is reality, it's not, you know,
6 theoretically, you can put whatever signs you want,
7 but the reality is people don't listen to them and it
8 creates traffic jams and, and that's what happens.

9 CHAIRMAN SEIBEL: It's --

10 MR. BLECHER: And you know that.

11 CHAIRMAN SEIBEL: It's a complicated
12 site.

13 THE WITNESS: Well, yes.

14 MR. BLECHER: It's complicated, yeah.

15 CHAIRMAN SEIBEL: And we haven't even
16 gotten into the 40-foot truck making a right-hand
17 turn, you still can't stay in your own lane there.
18 He's still going to take out part of that lane.

19 THE WITNESS: That's common with
20 tractor-trailer trucks on almost any road.

21 CHAIRMAN SEIBEL: But this is not a
22 common intersection.

23 THE WITNESS: Well, we'll talk about
24 hours of delivery when we get to that.

25 CHAIRMAN SEIBEL: Anybody else? Any of

1 our experts? Engineers?

2 MR. MISKOVICH: Well, those were just
3 -- I had, Mr. Chairman, just some clarification to
4 the testimony. I don't know what do you want to do
5 at this point. Let me go through my report a little
6 on just the traffic or do you want to hear about the
7 truck turning movements from the applicant or --

8 CHAIRMAN SEIBEL: Let me poll the
9 board. What would you folks like to hear, you want
10 to hear from our expert or you want --

11 MR. LOWENSTEIN: Stick with this topic.

12 CHAIRMAN SEIBEL: Stick with this
13 topic? Okay.

14 You're on.

15 MR. ALAMPI: Chairman, I'm going to
16 excuse our planning consultant. It's 9:20. I don't
17 think that we're going to reach him.

18 CHAIRMAN SEIBEL: Okay.

19 MR. ALAMPI: If you don't mind, I'll
20 let him go.

21 CHAIRMAN SEIBEL: Nope. Absolutely.

22 MR. MISKOVICH: Unfortunately, all the
23 traffic engineers, it's all numbers. We tend to put
24 people to sleep with a lot of numbers.

25 CHAIRMAN SEIBEL: No, they're wide

1 awake over here.

2 MR. MISKOVICH: But -- listening
3 intently, yes.

4 THE WITNESS: You got to wave your
5 arms.

6 MR. MISKOVICH: Well, we did have a
7 report that, unfortunately, I did provide today,
8 because I've been away the last two weeks so I
9 apologize for the lateness of it.

10 But we did go through a number of items
11 in the report. I think with the board, and the board
12 has to consider, and I think one of the real issues
13 is comparing traffic that's going to be generated by
14 issues on this particular property to compare, I
15 guess, number one, what could be in that building by
16 permitted uses, which might be medical office. It
17 could be general office. And maybe some other
18 retail.

19 And if you look at the ITE data for a
20 convenience store versus, let's say, medical office,
21 this has substantially more traffic generated than
22 the existing size building as medical office. So
23 that's one consideration.

24 The other part is, it is near a transit
25 station, so it's reasonable to consider that there's

1 going to be some reduction in traffic activity on the
2 site because of that, and some of that may be because
3 they're driving and parking in the commuter lot and
4 walking in or pedestrians walking by.

5 The question is, how do you quantify
6 that? How much of that may be part of that number?
7 They took a slight reduction, 15 percent, which is
8 recognized in the industry, ITE and DOT, et cetera,
9 so I don't make an exception to that percentage based
10 on trip generation. But then they analyze the site
11 driveways with that total traffic. So they didn't
12 take any further analysis done.

13 The concern I've been raising -- well,
14 let me back up. A lot of the analysis done for the
15 intersection of Fair Lawn Avenue and Pollitt Drive
16 was analyzing existing conditions, which we know
17 creates queues in both directions on Fair Lawn and
18 Pollitt. It creates operational issues with the
19 proposed site driveways for this particular use. A
20 lot of this analysis done with the optimization,
21 making the signal work better, whether you're
22 reducing the cycling, increasing green time, there
23 has to be some improvement to that. The question is,
24 order of magnitude, how much is it going the
25 increase.

1 Level of service, yes, will improve by
2 the calculations. But the real issue comes in is,
3 how often will these driveways be blocked by traffic.
4 And if traffic cannot exit these driveways, will it
5 back up into the site and create operational
6 conditions on the property.

7 I've noted in my report is that
8 convenience stores is a high turnover rate. The
9 parking is in and out, so we have a lot of on-site
10 activity. If it becomes difficult getting out, you
11 have queuing into the property, a lot of traffic in
12 and out of these driveways, you just create a little
13 bit more added on-site congestion. It's hard to
14 quantify, but I think it's a realistic approach, that
15 if I get a lot of parking maneuvers and traffic not
16 being able to get out, it's going to have some
17 spillover effect into site.

18 So the driveway placement is critical,
19 in my opinion, and how the queues may or may not
20 block the site driveway.

21 The analysis shows existing conditions
22 and timing that there are about eight cars that back
23 up, that's not unreasonable. I've seen it. They
24 mention that the queue is clear.

25 But the question is, can I still get

1 out of the driveway behind that queue and be stuck at
2 the next light, because now I'm part of that queue
3 that's forming from other traffic coming down Pollitt
4 Drive.

5 And as Mr. Lowenstein pointed out, if
6 someone tries to get out and force himself into a
7 queue, because they didn't get waved on to pull in,
8 you could impact the one lane that's coming in Fair
9 Lawn heading north. So operationally, it becomes
10 somewhat a situation that has to be further
11 evaluated.

12 I mean, we've been focusing on the
13 Pollitt Drive acces, but it's very similar with the
14 Fair Lawn Avenue access. It's in the same location,
15 and we only have a right turn out that's being
16 proposed, which is good.

17 But here, again, any queuing on that
18 Fair Lawn Avenue approach is going to block or have
19 an effect on exiting traffic, right turn traffic
20 exiting the site. So you have to rely on the
21 motoring public that you have to kind of stop and
22 wave somebody out if there's somebody there. But
23 that could have a spillover effect on to the site
24 too, as far as exiting.

25 CHAIRMAN SEIBEL: So from what I'm --

1 MR. MISKOVICH: I'm just trying to keep
2 it in general terms --

3 CHAIRMAN SEIBEL: Right.

4 MR. MISKOVICH: -- without getting into
5 the actual numbers in here, but...

6 MR. BLECHER: Can I interject a little
7 bit right here?

8 CHAIRMAN SEIBEL: Sure.

9 MR. BLECHER: Well, one of the things
10 you just said was, there's the potential for
11 congestion inside the parking lot on the site.

12 MR. MISKOVICH: Correct.

13 MR. BLECHER: Okay. So once you have
14 the congestion inside the parking lot, if there are
15 people that want to turn into the parking lot from
16 the street, especially Fair Lawn Avenue, and they
17 can't turn because of the congestion in the parking
18 lot, that just backs up the cars behind them that may
19 or may not want to go there or may want to continue
20 going down Fair Lawn Avenue.

21 So the congestion in the parking lot
22 ultimately leads to congestion on the streets.

23 MR. MISKOVICH: And that suggests,
24 because the situation as I'm pointing out, and it
25 really goes to all the numbers that are being used in

1 the analysis, is I guess at end of the day, if
2 traffic has difficulty exiting the site, for whatever
3 reason, and spills into the property because there's
4 not a lot of distance between the curb line and the
5 parking area, especially on Pollitt Drive, that it
6 could have effect on some of the parking maneuvers,
7 especially if I have a lot of cars turning in and out
8 of the parking spaces.

9 So it may be hard to quantify, but what
10 we call is that spillover into the site could have an
11 impact. To what extent, order of magnitude is really
12 something, I think you, as the board, will have to
13 consider your experience in town and maybe other
14 sites where you've seen something similar.

15 CHAIRMAN SEIBEL: There's only two ways
16 out of this site and both ways out present issues.

17 MR. MISKOVICH: It presents issues as
18 they're presented, with full movement on Pollitt
19 Drive, I believe, I forget someone mentioned, I think
20 it was you, Brian, is that maybe concerning a right
21 turn out on on Pollitt. Or maybe that was the
22 applicant's engineer's suggestion as a possibility,
23 that reduces some of the concerns with left turns
24 being able to get out but, you know, now the board
25 has to consider that traffic may go somewhere to make

1 a turn, u-turn or whatever they would be to come
2 back. Or they will opt to just come out the Fair
3 Lawn Avenue access, but that reduces some of that
4 concern.

5 CHAIRMAN SEIBEL: That means you have
6 more --

7 MR. BLECHER: I also see that exiting
8 onto Fair Lawn Avenue, let's say right after a train
9 has gone through and the arms come up and everybody
10 is rushing to get moving again, that just seems like
11 it's just going to be a big, tied up blockade for
12 anybody trying to get in or out of the site over
13 there.

14 MR. MISKOVICH: Mr. Bertin was correct
15 when he looked at the number of train crosses in the
16 hour. And when I went through the schedule, I think
17 it averages about four every hour, four to five every
18 hour during those peak hours, whether that's coming
19 or departing. So you've got a train, let's say, on
20 average, every 12 minutes crossing there. How long
21 they stay, I'm not sure, that wasn't, you know,
22 studied, and I don't know what the time it is, but
23 obviously, it has an impact on moving traffic.

24 MR. BLECHER: It has a big impact. And
25 I know for a fact that when you are driving west up

1 Fair Lawn Avenue, let's say coming from Saddle River
2 Road, and you're even before the stores in Radburn --
3 before Abbott Road where the post office is. I mean,
4 I've sat there waiting for traffic to get through
5 Plaza Road and Fair Lawn Ave, and you see the light
6 in the distance. And I'm sitting there, and you see
7 the light turning red three times before you can get
8 through, it's -- there's a lot of traffic that goes
9 through there.

10 And one of the problems is, every
11 12 minutes when the train comes through, because you
12 have a train going two ways. So each way when the
13 train comes, it stops the traffic.

14 MR. LOWENSTEIN: Chairman?

15 CHAIRMAN SEIBEL: Yes.

16 MR. LOWENSTEIN: I would like to pose
17 this question to both the traffic engineers, how
18 broad a net did you cast in terms of evaluating the
19 site?

20 So for example, we're talking a lot of
21 about Pollitt Drive, the second of the two streets
22 that intersect right by the site.

23 But how far did you go? Did you go to
24 Plaza Road? Did you go up to 208? Did you go back
25 to where Mr. Blecher was talking about east of Abbott

1 Road? I mean, how far did you go to look at the
2 impact? Because as -- I think it's pretty clear, we
3 live here. We drive this multiple times a day. And
4 it's a very complex site with lots and lots of
5 variables that impact more than just the intersection
6 of Pollitt and Fair Lawn Ave. So I'd just like to
7 know how --

8 THE WITNESS: We just -- we just looked
9 at this intersection, if this were a bigger
10 application with a lot more traffic, there are
11 standards where we'd follow that traffic to the next
12 intersection and the next intersection until it
13 dissipates.

14 So we looked at this.

15 Now, if I could just make one comment,
16 if the road is blocked and cars can't get in, well
17 then we don't -- we're not going to have congestion
18 with -- I mean, cars can't get out, but there's no
19 cars coming in.

20 Like for example, when the light is red
21 or the train is there, if cars can't get out, they
22 can't get in either, so I mean --

23 MR. BLECHER: But the cars that can't
24 get in are blocking other cars on the road that want
25 to pass and continue past the site.

1 THE WITNESS: Well, no.

2 MR. BLECHER: It's just a little bit
3 more congestion that is --

4 THE WITNESS: That's right.

5 MR. BLECHER: -- added to a lot of
6 congestion.

7 THE WITNESS: What we find, though, and
8 you'll see it, is that when someone wants to make --
9 if it's not a red light, the trains not there and
10 traffic is flowing, someone turning right into the
11 site, what we call, creates a gap for someone to turn
12 right out of the site, because that car has to slow
13 down. We don't have shoulders here --

14 MR. BLECHER: But the problem is more
15 cars that are going east --

16 THE WITNESS: Well, in this case --

17 MR. BLECHER: -- and making a left turn
18 into the site.

19 THE WITNESS: Well, we're not making
20 lefts.

21 MR. BLECHER: We're not allowed?

22 THE WITNESS: No. No. Not on Fair
23 Lawn Avenue. It's right in or right turn out. We
24 knew that right from the beginning. There's no --
25 there's no left turns. There's a left turn lane to

1 go into where the diner is and --

2 MR. BLECHER: It's a right turn lane.

3 THE WITNESS: No. No. There's a left
4 turn lane on Fair Lawn Avenue.

5 MR. MISKOVICH: Into The Land and Sea.

6 MR. BLECHER: Going west.

7 THE WITNESS: Heading west, so you
8 can't cross that. You can't cross that. So this
9 driveway on Fair Lawn Avenue is right turn in and
10 right turn out. And you know, we don't need signs,
11 because people know not to cross this. And there
12 will be signs. But that's why, as I said, if there's
13 congestion -- if the roads -- if the traffic is
14 stopped on Fair Lawn Avenue, you can't get in and you
15 can't get out. And when traffic moves, then people
16 can flow in and out.

17 MR. BLECHER: But still, if people are
18 going east on Fair Lawn Avenue and want to go to the
19 site, they still have to make a left turn. Maybe
20 it's not into the parking lot, but it has to be onto
21 Pollitt Drive.

22 THE WITNESS: And that's all right,
23 because there's a traffic light that controls that
24 movement.

25 As a matter of fact, there's a lot of

1 cars, there's a hundred cars in the morning to make
2 that turn, that left turn. So they would make a left
3 turn and a right into the site. And if we're talking
4 about restricting traffic during, at least rush
5 hours, if not more, then they're either going to make
6 a right turn out on Fair Lawn or a right turn out on
7 Pollitt, so that's --

8 MR. BLECHER: So it really limits
9 people as to --

10 THE WITNESS: And that's okay.

11 MR. BLECHER: Well, it's --

12 THE WITNESS: No, no. No, for -- as --

13 MR. BLECHER: -- but if somebody wants
14 to continue east on Fair Lawn Avenue, it's a problem.

15 THE WITNESS: Well, that's why it's a
16 convenience store. They'll find another place. If
17 it's not convenient, they won't go there. I mean,
18 I'm sure you've done it yourself. Oh, I'm not going
19 to go to this gas station, because there's too much
20 traffic. I'll go to the next one, and it's somewhat
21 similar.

22 CHAIRMAN SEIBEL: If you make that left
23 onto Pollitt and you can't get in that driveway
24 because it's backed up --

25 THE WITNESS: Well, I guess there could

1 be a scenario, but -- let me see, how wide is it?

2 The street is 20-feet wide right where
3 the tree is here (indicating). And then when we get
4 to the driveway, obviously it widens, because you --
5 so if a car makes a left turn from Fair Lawn Avenue
6 and wants to make a right turn in, and for some
7 reason, there's a car maneuvering, I can't believe
8 that it would last very long.

9 CHAIRMAN SEIBEL: It doesn't have to
10 last very long.

11 THE WITNESS: But there's room on a
12 20-foot wide road for someone to pass a car that's --
13 if the car is over by the curb. If the car is in the
14 middle of the road, it's going to block traffic.
15 That could happen.

16 MR. BLECHER: It doesn't give them a
17 lot of time or a lot of distance for them to get
18 towards the curb when they're making a left turn.
19 You know, if the entrance to the driveway, there's
20 another 30 or 40 feet down, there's more opportunity
21 for people to get --

22 THE WITNESS: That's true.

23 MR. BLECHER: -- and people don't think
24 like that.

25 THE WITNESS: But people don't think

1 like that.

2 MR. BLECHER: They don't.

3 THE WITNESS: They make a left turn and
4 they move to the right side and then they block
5 everybody, yeah. So it's the same like with the
6 signs, some people think and some people don't.

7 CHAIRMAN SEIBEL: On a good day,
8 there's a -- I don't know what to tell you. But
9 Frank, do you have anything else you want to add?

10 MR. MISKOVICH: Well, I think we've
11 talked a lot about the traffic. And I think you know
12 the issues with the driveways and queuing, that we're
13 going to see additional analysis. But that's still a
14 primary concern for this site, especially since the
15 traffic generated, by this use, is higher than the
16 current use that there was something similar to that.

17 But there's also a parking variance
18 that's been requested, and I don't think we've heard
19 any testimony on it justifying the 12 spaces, versus
20 the 14 that's required. So maybe that should be put
21 on the record by the applicant.

22 MR. LOWENSTEIN: Just by way of follow
23 up, if I might, Frank, Mr. Bertin answered about what
24 he focused on, in terms of his study on the impact.
25 And I just ask you the same question, how broad an

1 average or lens did you use? Did you focus just on
2 that intersection? Did you, in your studies, in your
3 review of traffic and impact, and the lights and all
4 that, how far out did you go?

5 MR. MISKOVICH: Well, for a site, it
6 has a lot to do with the size of the site and how far
7 traffic may or may not travel to and from that site.
8 So as Mr. Bertin put it, if this was a larger
9 shopping center or something, you would look at maybe
10 the site access intersection, maybe one or two
11 intersections up and downstream. I don't think
12 that's the situation for this particular use. The
13 issue is site access with all applications anyway.

14 So the issues that we're dealing with
15 is site access and how it relates with the
16 intersection at Fair Lawn and Pollitt Drive.

17 Notwithstanding there may be other
18 issues with traffic on Fair Lawn Avenue in moving.
19 But you're talking about, either side of it, that
20 signalized intersection, and at some point, traffic
21 is going to dissipate. They'll come up side streets,
22 they'll come two ways -- at some point, there's a
23 diminishing return. So it's always how far you go
24 out. I don't think, what we're looking at here and
25 these analysis at this site is adequate. I don't

1 think you have to go much further, other than what
2 the queue might be from when the train comes from the
3 crossing and what happens with the queues beyond, but
4 that's going to happen with or without the site,
5 so -- and you're only going to be looking at those
6 crossings, theoretically, when it's free-flowing
7 through there what's controlling the traffic or
8 dictating how the traffic moves are the signalized
9 intersections, which is what we're really doing it
10 with this one. So --

11 MS. BARATTA: I have a follow up to
12 that, Frank, if you're saying that, you've also got,
13 you know, we're talking about changing the light at
14 Pollitt, isn't it going to be a domino effect, because
15 you've also got, before that you've got the light at
16 Plaza. Then after that, you've got the light at
17 Chandler, and then you've got another light down at
18 208. So if you're looking at one, don't you have to
19 look at all of them?

20 MR. MISKOVICH: No.

21 MS. BARATTA: -- aren't they --

22 MR. MISKOVICH: Well, that's the second
23 part of the -- the question was, as far as
24 intersection studying for this site, I believe what
25 he's doing for this site is adequate.

1 But now, you're correct. The second
2 part is, if I change the timings enough with my
3 cyclings, I could have an effect on either side or
4 upstream, downstream, which I don't know what that
5 impact would be. But that's maybe the county would
6 ask the question.

7 MS. BARATTA: Right, that's why we have
8 to be very careful with these lights, because one of
9 my concerns is somebody getting stuck on those
10 tracks.

11 MR. MISKOVICH: Right, but that -- and
12 I guess it's chicken, which came first, because the
13 signal timing optimization that they're talking about
14 will improve the situation, but we don't know what
15 the county's position would be.

16 So a lot is hinging on if the county
17 approves this. And if the county approves it, you're
18 right, what happens on either side, because now we're
19 changing cycling substantially. The phasing doesn't
20 change, so I don't know if that creates another
21 situation or not. That's something I did not look
22 at. I'm sure the county may have some question on
23 that, especially if you're talking with the gates and
24 how everything is synchronized.

25 And I don't know if this signal is

1 synchronized with any others on Fair Lawn Avenue, so,
2 yeah, I don't know the answer to that question. But
3 if the board would consider this favorably, it would
4 be subject on the county doing that. And what
5 happens if the county says no, do they come back? I
6 don't know how you -- how that gets tied into it.

7 So I mean, I know that they've have
8 made application, I believe you made application to
9 the county, but we haven't had any feedback from
10 them.

11 MR. LOWENSTEIN: Mr. Chairman, just one
12 last thing, and just by way of follow up, and I'm not
13 saying this critically, because each of you has
14 testified to the tight focus on what you're looking
15 at.

16 But in my view, it's a lot more than
17 just signalization and traffic lights. The site and
18 the blocks surrounding this location, you have, just
19 -- forget about the train for the moment. I mean,
20 that's the proverbial, you know, elephant.

21 But even forgetting that, you have a
22 bank there which has a drive-thru lot. You have
23 people who abuse that drive-thru lane. You have
24 people who cut through the Deals Shopping Center,
25 okay, in an effort to save and not go through the

1 traffic light at the intersection of Plaza and Fair
2 Lawn Ave and cut people off. They'll cut through
3 that lot and they'll not even take the right lane,
4 they'll go into the left lane. You've got people
5 coming out of Dunkin' Donuts or Exxon Gas across the
6 street. And yeah, it's double yellow and they're not
7 supposed to cross it, but they do. Okay. You've got
8 a diner. You've got a gas station. You've got
9 medical buildings, okay. There's a myriad. There's
10 a bank, and behind the bank is another medical
11 building. You've got so much, such a complexity, the
12 Chairman called it earlier a spaghetti ball, that
13 whole region. So that's why I'm so concerned that
14 this board, at some point, is going to be told, okay,
15 we've concluded our presentation, the questions will
16 be asked, now let's hear a motion. Let's take a
17 vote. And I don't know when all that stuff gets
18 addressed and by whom it gets addressed.

19 MR. MISKOVICH: Well, having listened
20 to your discussion of that. I mean, I think it's
21 definitely within the board's purview to ask the
22 applicant to look at the traffic that this has
23 generated and how far the extent it may go, how far
24 down Fair Lawn where the impacts may be, as far as so
25 we have an idea of where their traffic would be

1 impacting. And then maybe, let's see what those
2 impacts were. There's a lot of traffic that may be
3 generated to another trouble intersection, maybe
4 that's something that, what we call study location
5 may have to be looked at.

6 But you're right, the distribution was
7 only here, which we were focused on the driveway, so
8 after, the board can definitely ask the applicant for
9 either on a little bit more on the distribution on
10 the site traffic and what potential offsite impact
11 that may have.

12 MR. LOWENSTEIN: Thank you.

13 CHAIRMAN SEIBEL: Anybody else, any
14 questions?

15 I think what you're getting from the
16 board is that we're all long term residents. We've
17 lived in this town a long time. We've dealt with
18 this area my whole life -- I used to ride my bike,
19 believe it or not, I used to ride my bicycle over
20 those tracks when I was a kid. And it wasn't one of
21 those big -- they have the big wheel in the front and
22 the little one in the back, not back that far.

23 MR. ALAMPI: I thought you were going
24 to -- like the movie Stand By Me, were you like those
25 kids on the railroad trestle, you remember that

1 movie, when they were on the track, the kids?

2 CHAIRMAN SEIBEL: No, I didn't see
3 that. But what's happening is there's a term called
4 "linkage" where one property is linked to the
5 property next to it, that's linked to the property in
6 back of it. And what happens is, if something
7 happens on one site, it effects all the other sites.
8 And it effects the performance of the site, the
9 subject site, but it also is effecting the
10 functionality and the performance of the arteries and
11 the roadways and the -- but the big problem is, the
12 big elephant in the room is, if you stop a train in
13 the middle of Fair Lawn Avenue, you're going to have
14 problems. Traffic is going to back up. And I don't
15 know what the solution is.

16 I do know what the solution is, you
17 have to move the train station way the hell down the
18 road to clear out that area, but that's not going to
19 happen.

20 MR. ALAMPI: I think you've said it
21 correctly, Chairman. There is a train station, and
22 there is a commuter train it benefits Fair Lawn in so
23 many ways, so people can commute to work. And it
24 adds to the commerce and the vibrancy of the
25 community.

1 But of course, it traverses Fair Lawn
2 Avenue and stops right in the middle of it. And I
3 don't think anyone believes they're going relocate
4 the train station another mile away.

5 Remember, this is the B1 commercial
6 zone. Sure there are many develops along the way,
7 that's the pattern of development and retail and
8 commercial uses and gas stations and drive-thru banks
9 and such.

10 I think that Mr. Bertin's testimony
11 earlier on was that there's a limited volume of added
12 traffic from this site. Your consultant agreed that
13 there's a discount percentage and that we were being
14 very conservative about it, being approximate to the
15 train station. And that with the number of commuters
16 and such.

17 So this site, according to the
18 empirical evidence, according to the testimony
19 corroboration to a large degree, not a 100 percent,
20 but to a large degree by your own consultant is,
21 we're not going to be adding a lot of traffic. The
22 issue is the openings of the driveways, the location
23 to the intersection or their closeness, their
24 proximity to the intersection and queuing situations.

25 Do you really think that this proposal

1 is creating this situation? I think it certainly is
2 not improving it in and of itself. But with this
3 proposal and with the extensive studies that have
4 already been done, we're looking at, at least one
5 major improvement, and that is on the synchronization
6 and that sequence and the timing. That's a big deal
7 and I think it's a big improvement. It doesn't cure
8 everything.

9 Mr. Lowenstein, you talked about how
10 far of a net would we cast. Yes, if it was
11 developing a site with a 200,000 square foot building
12 or with 25 stores, sure, I should check the
13 intersections three or four blocks in this direction
14 and two or three blocks in that direction and so on
15 and so forth, that would be appropriate.

16 For this we know that there's a good
17 quantity of traffic on Plaza Road, we know it's on
18 Fair Lawn Avenue. We know Pollitt. We now know
19 Pollitt is much busier than it was five years ago
20 because of The Promenade. I go there myself. I live
21 in Paramus. And I'll go up through The Promenade and
22 I'll come through Pollitt, go on Fair Lawn Avenue. I
23 work my way back to Paramus Road. I mean, that's
24 where I live. Why shouldn't I use it.

25 But the point being, we understand this

1 is not an easy site. We've expended quite a bit of
2 energy and time in having our consultant address
3 pedestrian safety, pedestrian activity, the use of --
4 the sequence of the train and all of that. If you're
5 asking us to spread out a little more that when we
6 analyze the sequence of the traffic lights, could we
7 take a look at at least the next traffic light in
8 either direction? We can certainly take a
9 opportunity to evaluate that, I think. More than
10 that, we can't do.

11 I mean, how far will we go? How much
12 of an analysis. We don't doubt the traffic activity.
13 We see it, we're aware of it. We're not going to be
14 able to cure it, but I think we're going to make
15 some improvement to it with the traffic signalization
16 and with sidewalks.

17 And just one last comment, I tried not
18 to interrupt the board. I tried not to grab my
19 witness and answer for him. Too many lawyers try to
20 answer for the client or the witness. I know that's
21 one thing that irritates the board because they want
22 the witness to answer, not the lawyer. So I have
23 answers for all of this, but these are answers I'm
24 not qualified to give you. What I'm trying to say in
25 a short, and maybe not so short way, is that we

1 recognize the new activity generated by The
2 Promenade. We see the driveway on Pollitt as being
3 closer to the intersection of Fair Lawn than it was
4 historically or that it is. But what would you be
5 proposing? The building is located in the best and
6 the optimum place on the site. You want your parking
7 in front of the building. You want 12 parking
8 spaces, more if we could -- if we had room, we'd have
9 more. These are full-sized parking spaces. The
10 drive aisle is generous. Now that we moved the
11 building back, we're able to have a little bit wider
12 drive aisle. I think that we've addressed
13 circulation of the passenger vehicles on the site.
14 We didn't get to the testimony yet of delivery trucks
15 and such.

16 I think we've addressed the turning
17 maneuvers more comprehensively than we had presented
18 in September, but the position of the building is, I
19 think, in the optimum location. I think everybody
20 would agree, putting the building to the back is the
21 best location for the building.

22 Now, again this is a B1 zone. We could
23 go through each and every permitted use and we would
24 find, in some instances, some of these uses would be
25 greater traffic. It may be true that the medical

1 office, as it currently is operating, generates less
2 traffic than the proposed convenience store, but that
3 medical practice could be sold and could be occupied
4 by a more robust medical practice, and that could
5 generate more activity. In fact, they're parking now
6 on the New Jersey Transit property. There could be
7 any one of ten uses that is also permitted that could
8 be more intense. And I'm not saying that traffic is
9 not a fair consideration, but we're never going to
10 eliminate the conflicts that we see with ingress and
11 egress and such.

12 If we move the driveway back another
13 40-feet, where would we put the building? You want
14 the building in the front? I don't think that's
15 attractive. I don't know that's what you want.

16 MS. BARATTA: But you're proposing an
17 application that will be at its peak at the exact
18 same time that that intersection is at its peak. So
19 I'm sure you can understand what our concerns are.

20 MR. ALAMPI: And you're right. I mean,
21 what would be our desire to be there?

22 MS. BARATTA: Exactly.

23 MR. ALAMPI: Because we will be there
24 because of the train station. So everybody -- you
25 know we all know what we're doing here.

1 But by the same token, the peak
2 activity is along the pedestrian activity as well as
3 vehicular.

4 And we're counting on any large
5 pedestrian flow as well, which bodes well, not only
6 for the business, itself, but that makes it a good
7 use for that site. If you're looking in the B1 for a
8 use that would be dormant during the two commuter
9 hours, then you might as well scratch the retail
10 zone. I mean, you have all retail around us and it
11 is a retail zone.

12 CHAIRMAN SEIBEL: We appreciate that.
13 It's almost time.

14 MR. ALAMPI: I realized without looking
15 at the clock that the witching hour was coming up,
16 but that's why I didn't want to interrupt the flow of
17 the questioning.

18 We are digesting everything that was
19 said tonight. We can broaden the investigation to
20 bring back the information to the board and to your
21 consultants to support what Mr. Bertin has already
22 said. We are going to present the truck turning
23 information and such. We did get 7/Eleven, mostly
24 thankfully to you, because the 7/Eleven
25 representative was here at the last meeting. And we

1 said, if you don't reduce the gauge of the delivery
2 truck, this is not going to go well. So we managed
3 to get some concessions. Are we there yet? I only
4 pose this question. I can't see the Pollitt driveway
5 moving any further back. I don't see any room for
6 it. You eliminate too many parking spaces if you
7 attempt to do that. If you push it back, then you
8 can't park -- you can't park in the alignment of the
9 driveway.

10 CHAIRMAN SEIBEL: I'm sure everybody
11 will study the paperwork here. And I have to ask,
12 but in a minute or less, why wasn't the building
13 turned --

14 MR. ALAMPI: Sideways.

15 CHAIRMAN SEIBEL: Sideways?

16 THE WITNESS: Well, we --

17 MR. ALAMPI: Maybe -- go ahead.

18 THE WITNESS: We did about ten
19 different concepts. I don't know, maybe five. When
20 you say sideways, well --

21 CHAIRMAN SEIBEL: Right.

22 THE WITNESS: Well, see, the thing is,
23 we wanted to keep the Fair Lawn driveway as far from
24 the intersection as possible.

25 If we put the Pollitt driveway far,

1 well then the building's gonna be in the middle, and
2 where are we going to put the parking? This just
3 happened to be the best layout. And the only thing
4 negative, from the traffic standpoint, is the
5 location of Pollitt Drive.

6 CHAIRMAN SEIBEL: And 2,800 square feet
7 is their standard size?

8 THE WITNESS: It's smaller than
9 standard, you know, Quick Check and Wawa are 5,000
10 square feet. Sheets is 10,000 square feet.

11 CHAIRMAN SEIBEL: On how many acres?

12 THE WITNESS: On an acre-and-a-half.

13 MR. ALAMPI: No, we recognize
14 proportionate to the site.

15 We have studied many positions of the
16 building, but that doesn't mean that we won't
17 continue to take another stab at that.

18 CHAIRMAN SEIBEL: All right.

19 MR. MISKOVICH: Mr. Chair?

20 CHAIRMAN SEIBEL: Who said that? Oh,
21 yes.

22 MR. MISKOVICH: I just listened to the
23 testimony. I just want to go back to something that
24 Mr. Bertin had said earlier and we're talking about
25 changing the buildings around.

1 The driveway on Pollitt Drive is
2 actually moving, was at the back end.

3 MR. ALAMPI: Yes.

4 MR. MISKOVICH: It's really moving it a
5 lot closer.

6 CHAIRMAN SEIBEL: True.

7 MR. MISKOVICH: There's about 120-feet
8 so there's probably stacking or queuing for about six
9 cars before the existing driveway is blocked, six or
10 seven.

11 THE WITNESS: Correct.

12 MR. MISKOVICH: You had said that with
13 the optimized timing, that the queue would only be
14 maybe be about four.

15 So theoretically then, if the driveway
16 was towards the northern end at some point, that
17 driveway would not be influenced by any queuing on
18 Pollitt Drive. So I don't know if there's an
19 arrangement with the building turning and parking to
20 the rear with the driveways further back, that maybe
21 that issue could be alleviated.

22 But I'm only pointing it out because
23 with the queuing and we're talking about moving the
24 driveway, so...

25 CHAIRMAN SEIBEL: All right. Hold that

1 thought and remind us next time.

2 But if there's nothing else, I'm going
3 to ask for a motion to adjourn.

4 MS. PECK: No, we have to carry it.

5 CHAIRMAN SEIBEL: Oh, carry.

6 MS. PECK: November 23rd is the next
7 regular meeting.

8 CHAIRMAN SEIBEL: When is it?

9 MS. PECK: November 23rd.

10 CHAIRMAN SEIBEL: Anybody have a
11 problem? What's the schedule? Anybody on the
12 schedule for that?

13 MS. PECK: No commercials at this time,
14 but quite a few residential.

15 CHAIRMAN SEIBEL: Quite a few
16 residential.

17 Anything.

18 MR. ALAMPI: Well, that is another
19 month. That gives us a chance to go back to the site
20 plan. If there's going be any modification, we
21 certainly want to file it 10 days before the meeting,
22 obviously. So I think we'll be -- we'll need all the
23 time we can to meet that deadline. November 23rd is
24 Thanksgiving weekend I guess.

25 CHAIRMAN SEIBEL: Yeah.

1 MS. PECK: Or you could go to the
2 December meeting.

3 MR. ALAMPI: No. No. You know what
4 happens, we have our financial arrangement and every
5 month is a burden --

6 CHAIRMAN SEIBEL: I understand.

7 MR. ALAMPI: But it's not the board's
8 concern.

9 CHAIRMAN SEIBEL: Time is money.

10 MR. ALAMPI: We understand the process.

11 CHAIRMAN SEIBEL: All right. Anything
12 else?

13 (No response.)

14 CHAIRMAN SEIBEL: No? Now I ask for --

15 MS. BARATTA: I'll make a motion to
16 adjourn.

17 MR. BLECHER: Second.

18 CHAIRMAN SEIBEL: All those all in
19 favor?

20 (Whereupon, all Board Members respond
21 in the affirmative.)

22 CHAIRMAN SEIBEL: Meeting adjourned.

23 (This matter will be carried to the
24 Meeting of November 23, 2015. Time noted 10:01 p.m.)

25

C E R T I F I C A T E

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

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #15855, Notary
Expiration Date March 1, 2019

Dated: _____