

TOWNSHIP OF NUTLEY  
ZONING BOARD OF ADJUSTMENT

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IN THE MATTER OF: :  
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649 PASSAIC AVENUE : TRANSCRIPT  
BLOCK-LOT: 502-15; : OF  
 : PROCEEDINGS  
98 KINGSLAND STREET AND :  
108 KINGSLAND STREET :  
BLOCK-LOTS: 502-16&17 :  
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Monday, November 10, 2014  
Township Hall  
One Kennedy Drive  
Nutley, New Jersey 07110  
Commencing at 7:30 p.m.

BOARD MEMBERS PRESENT:

PAUL SCRUDATO, Chairman  
THOMAS DaCOSTA LOBO  
FRANK GRAZIANO  
LOU FUSARO  
RALPH PASTORE  
MARY RYDER  
SERGE DEMERJIAN  
SUZANNE BROWN  
GARY MARINO

ALSO PRESENT:

MARIE GOWOREK, Recording Secretary  
TODD HAY, PE, CPWM, CME, Board Engineer  
PAUL RICCI, P.P., Board Planner

MICHELE QUICK  
Certified Court Reporter

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1     A P P E A R A N C E S:

2

          ZIMMERER, MURRAY, CONYNGHAM & KUNZIER  
3     Park 80 West, Plaza Two  
          250 Pehle Avenue, Suite 108  
4     Saddle Brook, New Jersey 07663  
          BY: DIANA POWELL McGOVERN, ESQ.  
5     Counsel for the Board

6

          DiBIASI & RINALDI, LLC  
7     345 Centre Street  
          Nutley, New Jersey 07110  
8     BY: THOMAS S. DiBIASI, ESQ.  
          Counsel for the Applicant

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EXHIBITS MARKED INTO EVIDENCE

NUMBER DESCRIPTION PAGE

(None Marked)

1 CHAIRMAN SCRUDATO: Good evening.  
2 Welcome to Nutley's Board of Adjustment. Could we  
3 all please stand and salute the flag.

4 (The Pledge of Allegiance is recited.)

5 CHAIRMAN SCRUDATO: Would the  
6 Secretary please read the Sunshine Act and poll the  
7 Board.

8 MS. GOWOREK: Pursuant to the  
9 requirements of Section 13 of the Open Public  
10 Meetings Act, notice of this special meeting was  
11 advertised in the Nutley Sun with a copy posted on  
12 the Township of Nutley bulletin board, first floor,  
13 1 Kennedy Drive, Township of Nutley, New Jersey. A  
14 copy sent to the Herald News. A copy is filed in  
15 the office of the Township Clerk and copies are made  
16 available to all persons requesting same.

17 Ms. Brown?

18 MS. BROWN: Here.

19 MS. GOWOREK: Mr. DaCosta Lobo?

20 MR. DaCOSTA LOBO: Here.

21 MS. GOWOREK: Mr. Graziano?

22 MR. GRAZIANO: Here.

23 MS. GOWOREK: Mr. Marino?

24 MR. MARINO: Here.

25 MS. GOWOREK: Mr. Pastore?

1 MR. PASTORE: Here.

2 MS. GOWOREK: Mr. Demerjian?

3 MR. DEMERJIAN: Here.

4 MS. GOWOREK: Mrs. Ryder?

5 MS. RYDER: Here.

6 MS. GOWOREK: Mr. Fusaro?

7 MR. FUSARO: Here.

8 MS. GOWOREK: Chairman Scrudato?

9 CHAIRMAN SCRUDATO: Here.

10 MS. GOWOREK: Ms. McGovern?

11 MS. MCGOVERN: Here.

12 CHAIRMAN SCRUDATO: All right. We  
13 have one case this evening, Kingsland and Passaic.  
14 This is a continuation. We've had a number of  
15 meetings up to this point. So with that, I'll call  
16 upon the attorney.

17 MR. DiBIASI: Thank you, Mr. Chairman.  
18 For the record, counsel's name is Thomas DiBiasi,  
19 representing the developer.

20 Mr. Chairman, we promised at the last  
21 meeting that we would have our traffic expert here  
22 this evening and we are prepared to have that  
23 testimony be presented. After we do that, there are  
24 a couple of bookkeeping items that I would go  
25 through with the Board. There was a request that we

1 have our management company total up Mr. Meka's one-  
2 bedroom units and give you accurate numbers as of  
3 this evening as to how many students there are in  
4 the one-bedrooms. You will hear testimony that  
5 there are no students in any of Mr. Meka's one-  
6 bedroom units. We will give you the count on that.

7 Also, there was a question about the  
8 environmental issue, and I know we're not going to  
9 go through environmental this evening, that's not  
10 our jurisdiction, but I was asked to bring the  
11 backup data.

12 This is the 700-page environmental  
13 report that we are working off of, and with your  
14 permission, I'd like to pass it to the Chair.

15 CHAIRMAN SCRUDATO: I'm not going to  
16 read it tonight.

17 MR. DiBIASI: And then there were  
18 questions as to what the estimates were to  
19 accomplish what's in that 700-page report and we did  
20 have two estimates from our environmental engineer.  
21 One goes back to January 28 of 2014 that I would  
22 like to pass and that was by way of a memoranda, and  
23 then we had a more formal proposal, October 22 of  
24 2014. Of course, all these reports always have the  
25 standard disclaimer, we can't guarantee, but the

1 estimates as of January 28, before we actually filed  
2 any application and we were in negotiations with the  
3 estate, had estimates from 500,000 with a kicker of  
4 100,000 depending upon the amount of contamination  
5 in the soil. And then the more formal report in  
6 October has a lower threshold of 300,000 to 500,000  
7 with that 100,000 kicker.

8 So with your permission, I'd like to  
9 present these to you.

10 CHAIRMAN SCRUDATO: Okay.

11 MS. McGOVERN: Okay, why don't you  
12 mark the book --

13 CHAIRMAN SCRUDATO: Yeah.

14 MS. McGOVERN: -- and these other  
15 things as whatever the next exhibit is.

16 CHAIRMAN SCRUDATO: You're submitting  
17 the environmental report.

18 MR. DiBIASI: I think that would be  
19 helpful because some of the members questioned the  
20 liability that we would be facing. The Board will  
21 recall that at the last meeting, I represented to  
22 the Board, and Mr. Meka, at the end, could come up  
23 and we could put this under oath, that so far, we've  
24 spent just about \$70,000. That's not the exact  
25 number, maybe 69,850, but I put 70,000 on it. What

1 that did was pull the tanks out of the ground and do  
2 additional test borings and then we stopped, as we  
3 told you, and we're not going to do anything else.  
4 That 70,000 is money that is at risk that Mr. Meka  
5 did and made a business decision on that.

6 MS. McGOVERN: Okay, I just want to  
7 caution the Board, the testimony or the information  
8 that you're being given is not to be considered by  
9 the Board in terms of profit or loss to the  
10 applicant --

11 MR. DiBIASI: That's correct.

12 MS. McGOVERN: -- but I understand is  
13 being submitted to establish part of your special  
14 reason for the cleanup of the property --

15 MR. DiBIASI: That's correct.

16 MS. McGOVERN: -- and the  
17 extensiveness of how contaminated it is. All right?  
18 So that's the -- the Board is not to judge whether  
19 this is a good deal or a bad deal, it's just to  
20 judge the condition of the property.

21 MR. DiBIASI: And I agree with counsel  
22 100 percent. The only reason why we submitted the  
23 estimate part is because one of the Board members,  
24 maybe one or two, asked about that, so as a side, we  
25 did that, but I agree with counsel.



1                   CHAIRMAN SCRUDATO:   And do I  
2 understand you correctly, you are not continuing on  
3 with the remediation at this point?

4                   MR. DiBIASI:   No.  Once we pulled the  
5 tanks out and we said we would do that, and I could  
6 give the Board a little background on that, it has  
7 nothing to do with our proofs but just for  
8 background context.  Several of the commissioners  
9 asked that we would go forward and pull the tanks  
10 out.  They had heard about the contamination, they  
11 were worried about spreading, they were worried  
12 about liability, so Mr. Meka made a decision that  
13 has absolutely nothing to do with our proofs here  
14 but that's how we're in this situation.

15                  CHAIRMAN SCRUDATO:   All right.

16                  MR. DiBIASI:   And with your  
17 permission, may we call our traffic expert?

18                  CHAIRMAN SCRUDATO:   Please.

19                  MR. DiBIASI:   Thank you.

20                  Sir, please state your name for the  
21 record and be sworn.

22                  MS. McGOVERN:   You want to use the  
23 portable mic?

24                  CHAIRMAN SCRUDATO:   Yeah, will it be  
25 helpful?

1 MR. STAIGAR: You want me to use that?

2 Okay.

3 My name is Joseph Staigar.

4 CHAIRMAN SCRUDATO: Would you spell  
5 your last name and give us your address, please.

6 MR. STAIGAR: Yes. S-T-A-I-G-A-R, 245  
7 Main Street, Chester, New Jersey. That's my  
8 business address.

9 CHAIRMAN SCRUDATO: Would you raise  
10 your right hand, sir?

11 J O S E P H S T A I G A R, 245 Main Street,  
12 Chester, New Jersey 07930, first having been duly  
13 sworn, testified as follows:

14 CHAIRMAN SCRUDATO: Please continue.

15 MR. DiBIASI: And Mr. Chairman, would  
16 you accept Mr. Staigar as an expert in traffic or  
17 would you like me to go through his --

18 CHAIRMAN SCRUDATO: No.

19 MR. DiBIASI: -- background?

20 CHAIRMAN SCRUDATO: He's acceptable,  
21 he's testified before this Board before.

22 MR. DiBIASI: Yes, he has.

23 MR. STAIGAR: Thank you.

24 DIRECT EXAMINATION BY MR. DiBIASI:

25 Q. As a matter of fact, Mr. Staigar, you

1 and I were in front of this Board for seven months  
2 when we did the 7-Eleven application; is that  
3 correct, sir?

4 A. That is correct, yes.

5 Q. And at that time, you and I agreed and  
6 we still agree that by the time we were done with  
7 that application, we had really worked that  
8 application well; is that correct, sir?

9 A. Absolutely. We were down to the final  
10 wire in getting all the other permits beyond the  
11 township --

12 Q. Yes, and with the Board's input, and  
13 the Board gave you and my client a lot of their  
14 wisdom, we were able to take that wisdom and put it  
15 into a package that the Board was comfortable with;  
16 is that correct, sir?

17 A. Yes, as part of the modifications that  
18 improved the site.

19 Q. And although we're here on another  
20 application, you and I still stand by the fact that  
21 the testimony you presented on behalf of 7-Eleven  
22 was accurate and, in fact, if 7-Eleven did not pull  
23 out, that application would work.

24 A. Absolutely, yes.

25 Q. Yes. Okay. Now, having said that,

1 it's always better to conceivably have a better use  
2 on the property, so let's find out if, in fact,  
3 we're going in the right direction.

4 I'd like you to take what was there six  
5 years ago when the gas station was in operation,  
6 maybe even seven years ago, and the three-family was  
7 in operation and the one-family was in operation.  
8 Talk to us about the kind of traffic those uses  
9 would generate, then let's move forward to what we  
10 did, collectively with the Board, on the 7-Eleven  
11 application and then overlay that with the 27  
12 residential units and Mr. Meka's management company.

13 A. Yes. And I'll make that comparison  
14 and add one more to it, what would be permitted by  
15 right. So we have essentially three scenarios of  
16 potential development on this application, the  
17 fourth one being the one that's before you.

18 The first one is the former use. We  
19 had a gas station site on this and we have a total  
20 of four units, residential units, one with three-  
21 family and a single-family. There are five  
22 driveways that service these existing or former  
23 uses. The gas station has two driveways on  
24 Kingsland Street and one driveway on Passaic, the  
25 one residential has a driveway on Passaic, and the

1 other residential use has a driveway on Kingsland,  
2 so there are five driveways that are currently out  
3 there today and service the properties that are the  
4 subject of the application.

5 In addition to that, and I'll be  
6 talking about trip generation rates, what could be  
7 expected by these other uses and make comparisons to  
8 the proposal before you. But a gas station with  
9 four residential units would generate 84 trips in  
10 the morning and evening peak hours and we're going  
11 to key in on the peak hours and deal with peak-hour  
12 rates. So we have 84 trips that would be generated  
13 if the existing uses were reactivated or 84 trips as  
14 it existed six or seven years ago when they were  
15 fully utilized. These five driveways also are full  
16 movement, you could make lefts in, lefts out, rights  
17 in, rights out, so five full movement driveways.  
18 Some of these driveways, particularly the gas  
19 station driveways, are almost right on top of the  
20 intersection, they're very close to the  
21 intersection. So the existing situation or former  
22 use situation had a potential for a traffic impact  
23 by generating a substantial amount of traffic, a  
24 significant amount of traffic, but also operation of  
25 five driveways, which two or three of them which

1 were very close to the intersection.

2           The second scenario that Mr. DiBiasi  
3 did not mention but I want to make a comparison is  
4 the permitted uses. We are in a B-1 zone that  
5 allows retail uses. On this site could be a retail  
6 use. A retail use is going to generate -- any  
7 retail use is going to generate somewhere on the  
8 order of 20 or 30 vehicle trips per hour in addition  
9 to the four residential units. I'm just making the  
10 gas station part, which is in the B-1 zone, and  
11 we're talking on the order of about 20 or 30 trips,  
12 minimum, that would be generated by that use.

13 Again, the driveways would be on top of the  
14 intersection. You would potentially have two  
15 driveways, one on Passaic and one on Kingsland, in  
16 order to avail traffic flow, particularly truck  
17 traffic, because a retail use will generate truck  
18 traffic for deliveries and such, inability in that  
19 small lot for turnaround for those trucks so you'd  
20 probably have the truck coming in one direction and  
21 leaving out the other direction leading to the  
22 driveways. So a permitted use on this site that  
23 would not even need to go before this Board, would  
24 generate more traffic than what's being proposed.

25           And then the third scenario would be

1 what's recently been approved on this site which is  
2 a 7-Eleven convenience store. Now, a 7-Eleven  
3 convenience store generates a substantial amount of  
4 traffic. The peak hours generate 200 -- over 200  
5 trips per hour, over a hundred in and a hundred out.  
6 The evening peak hour is a little bit less, about  
7 160, 80 in and 80 out. Now, of that traffic, the  
8 majority of it is pass-by traffic, meaning that  
9 you're not going to see a hundred new trips or 200  
10 new trips per hour being brought to this area. This  
11 is traffic that's primarily drawn from the passing  
12 stream of traffic. The traffic report that I  
13 submitted to this Board in that 7-Eleven application  
14 used the ITE, the Institute of Transportation  
15 Engineers, percentage rates for pass-by, which is  
16 about two-thirds, so two-thirds of that traffic  
17 would be pass-by traffic based on the ITE rates. My  
18 testimony was probably higher and a lot of that  
19 testimony was related to comments and questions that  
20 I got from the Board as well as the residents who  
21 opined or brought to my attention that this is a bad  
22 intersection, that there's a lot of traffic here and  
23 you can't get in, you can't get out. Well, that was  
24 all the more reason why I expected even more pass-by  
25 traffic because if conditions are such that we do

1 have heavy traffic volumes on Kingsland and Passaic  
2 and you can't get in and you can't get out, then no  
3 one's going to come from out of town to go buy a cup  
4 of coffee at 7-Eleven and drive back out again, it  
5 just goes against human nature, and therefore, my  
6 testimony was that probably a higher rate than  
7 two-thirds would be pass-by traffic, but there still  
8 would be new traffic that would be generated by that  
9 7-Eleven site. But the 7-Eleven had two driveways,  
10 it had one on Kingsland, which was a full movement  
11 driveway, and it had one on Passaic Avenue, which  
12 precluded left-turn exits. It had tractor-trailer  
13 deliveries going in and going out and that tractor-  
14 trailer was like a big elephant trying to get in and  
15 out of the site, we were able to manipulate the site  
16 to accommodate that tractor-trailer but it did have  
17 tractor-trailer access and would utilize tractor-  
18 trailers. What's being proposed before you would  
19 not generate tractor-trailers.

20           And what's being proposed before you  
21 are 27 units, residential apartment units, and about  
22 1450 square feet of office space that would be  
23 utilized by the -- by Mr. Meka and his property  
24 management company. When we take a look using the  
25 same ITE trip generation rates that I've provided



1 you for the other three scenarios, this site would  
2 generate 15 trips in the morning and 18 trips in the  
3 evening, so we're comparing -- just raw numbers,  
4 we're comparing the gas station and the existing  
5 uses, residence uses, as 84 trips during the peak  
6 hour; a permitted use, a retail use, that generates  
7 at least 30 trips per hour, and the 7-Eleven may  
8 generate as much as a hundred trips per hour, to 18  
9 trips per hour for what's being proposed. So what's  
10 being proposed is a far-less trip generator than any  
11 of those other three scenarios, which, in some  
12 fashion, by right, would be approved or were  
13 approved, existing use, a permitted use and the  
14 approved 7-Eleven use.

15           The other aspect that we are -- that  
16 benefits traffic is that we are removing the Passaic  
17 Avenue driveway. Again, the 7-Eleven had a Passaic  
18 Avenue driveway as well as a Kingsland. We only  
19 have one driveway, on Kingsland. The more  
20 problematic driveway, through the testimony that was  
21 presented and the questioning and your experts'  
22 comments, was the Passaic Avenue driveway in that  
23 7-Eleven application. We precluded -- we restricted  
24 the left turns out to help make that work, we're  
25 removing the stop bar at the traffic light so we

1 could get cars out of that Passaic Avenue driveway,  
2 so there's a lot of manipulations that need to be  
3 made in that application to get that Passaic Avenue  
4 driveway to work, but again, having no driveway  
5 there is better than what we had under the 7-Eleven  
6 scenario.

7           So, overall, the ultimate conclusions  
8 that I made in doing a -- actually, a formal traffic  
9 report where we went back out and took traffic  
10 counts, we found them to be representative of what  
11 we had during the 7-Eleven application; in fact,  
12 they were a little bit lower, probably because of  
13 seasonal variation. The 7-Eleven, we took the  
14 counts in December and you do have the Christmas  
15 season and you do have the Clifton Commons. Traffic  
16 volumes were a little bit lower. More recently for  
17 this application, we took them in September, traffic  
18 was a little bit lower than the December counts, so  
19 I utilized the December counts, the higher counts,  
20 and analyzed it with the proposed project that's  
21 being developed to analyze the driveways as well as  
22 the intersections. Everything operates within a  
23 level of service C or better. Now, levels of  
24 service range from A through F. We're at that  
25 middle range of level of service C. There's no

1 impact, meaning that when we analyze it under  
2 existing conditions or we analyze it under build  
3 conditions with the additional 18 trips that this  
4 site would generate documenting the peak hour,  
5 there's no change in the level of service.

6           The other aspect that we looked at was  
7 the site plan itself to make sure that it operated  
8 safely and efficiently, our office worked with the  
9 site engineer and the site architect to make sure  
10 that we had adequate safe access. We still need to  
11 get a DOT permit, we're going to make an application  
12 for our driveway on Kingsland Street, but we need  
13 all of the criteria of the access code that will  
14 allow us to get that driveway. Big difference on  
15 this driveway is that we needed a major application  
16 at the DOT for the 7-Eleven. For what's being  
17 proposed, we only need a minor application. So in  
18 the eyes of DOT alone, we're a much less trip  
19 generator, a much less impact on traffic than the  
20 7-Eleven application.

21           We are asking for some relatively minor  
22 variances. We meet the parking requirements. We  
23 need 46 parking spaces, we provide 47. Our spaces  
24 are 9 by 18 where your ordinance requires 19 feet.  
25 Now, although the RSIS technically is not applicable

1 because we have a mixed use that shares parking but  
2 the RSIS standard allows for 18 feet, there's many  
3 projects that I've worked on in Nutley as well as  
4 surrounding townships where we've utilized 18-  
5 footers and those projects and the parking works  
6 very well in those terms. So the 18 feet is a  
7 standard of today. As I said, most ordinances allow  
8 for it, the ITE recommends it as well as the RSIS,  
9 it's an RSIS standard.

10 One point I'd like to make about it,  
11 too, is that even taking all the trip generation  
12 into account, when you look at the former use,  
13 primarily the gas station, when you look at the  
14 permitted use, the permitted use is retail uses, and  
15 you look at the 7-Eleven, they were trip generators  
16 for land uses that primarily required essentially a  
17 hundred percent of their traffic being generated by  
18 passenger vehicles. One thing we looked at, we  
19 looked at the New Jersey Transit availability and  
20 there are 99 bus lines within a half-a-mile distance  
21 from the site as well as the Newark Light Rail  
22 system within that half mile and that's conducive to  
23 residential uses, whereas none of the retail would  
24 utilize buses or the Light Rail but, certainly,  
25 there is going to be a portion of the residences who

1 might be easily inclined to use mass transit on  
2 this. The numbers I give you do not take mass  
3 transit credit. 18 trips per hour is assuming  
4 nobody uses mass transit, but there is mass transit  
5 availability here and I think that 18 number is  
6 going to be somewhere in that 16 or 15 number  
7 because you will have some mass transit utilization  
8 by the residential use where there's no chance or  
9 very limited chance that any retail use would have  
10 used mass transit. So I believe that the site plan  
11 is safely and adequately designed.

12 Oh, other variance we are requesting.  
13 We have three compact spaces of 9 by 15. They will  
14 be designated as compact spaces. Two of them are on  
15 the lower level and one of them is up on the upper  
16 level. Our parking management plan, what we  
17 envision at this point in time, is that we will  
18 assign 27 of the 32 spaces on the lower level to  
19 residential units. The retail -- not retail,  
20 commercial will be utilizing, most likely, the upper  
21 level, so -- and there's going to be a shared  
22 parking availability. When the office is in use  
23 during the weekdays, during the day, midday, the  
24 residents are typically out not needing parking,  
25 that's not their parking demand, and towards the end

1 of the day and at night when the residents return,  
2 the office employees will leave, so there'll be --  
3 there will be availability of some shared parking.  
4 So the 47 parking spaces, in essence, will work even  
5 better with that shared parking. As I pointed out,  
6 27 spaces, we will assign to 27 of the units so that  
7 unit 1 will have Space 1 downstairs and 2 will have  
8 Space 2, and the remainder of them, the other 15 --  
9 is it 15 or, I'm sorry, 20 -- the other 20 will be  
10 pooled between the retail, visitors, if a unit just  
11 so happened to have two cars instead of one car, for  
12 that type of availability.

13           So, again, I believe that the -- and  
14 the concrete compact spaces is comprised of 6  
15 percent of the total number of 47 spaces that would  
16 certainly be accommodated by the use of compact  
17 spaces. Compact spaces on the road today,  
18 particularly here in northeast New Jersey, is over  
19 50 percent. If you count cars that are on the road  
20 today, about 50 percent or more are compact or small  
21 cars. We only have 6 percent that we're allotting  
22 to that are small cars or compact cars.

23           Q.       Mr. Staigar, under the Supreme Court,  
24 the Medici case, it's the applicant's obligation to  
25 not only prove valid reasons to approve this but

1 also to make sure that there's no negative impact.  
2 So let's sum up your testimony, if we might.

3           Within the framework of sound traffic  
4 engineering principles, can you render an opinion  
5 that if this Board grants a variance for compact  
6 cars and for the 18 feet as opposed to 19 feet  
7 dimension, that those variances would not negatively  
8 impact on the zone plan of the zoning ordinance?

9           A.       No, not at all. I think the compact  
10 spaces could be assigned to three units of the  
11 people that own compact cars, so it's easily  
12 manageable, particularly when you have at least 50  
13 percent of the cars that intend to use this parking  
14 lot will be small cars. And again, the 18-foot  
15 length is a standard design and recognized by most  
16 industry entities and standards.

17           Q.       Does that mean that you're recommending  
18 to the Board that the Board grant these variances?

19           A.       Yes.

20           MR. DiBIASI: Mr. Chairman, your  
21 witness for cross-examination.

22           CHAIRMAN SCRUDATO: Thank you.  
23 Questions from Board members, please.

24           MS. McGOVERN: Could I just ask one?  
25 You only did one report, September 12; is that the

1 only one?

2 MR. STAIGAR: Yes.

3 MS. McGOVERN: And the numbers that  
4 are in this were proposed on the 36, the original  
5 application at 36 units.

6 MR. STAIGAR: Repeat that again? I'm  
7 sorry.

8 MS. McGOVERN: The original  
9 application had 36 apartment units, now we're down  
10 to 27 --

11 MR. STAIGAR: That's correct.

12 MS. McGOVERN: -- and, I'm sorry, I  
13 think I missed your testimony.

14 MR. STAIGAR: Oh.

15 MS. McGOVERN: Are the trip -- are you  
16 sticking with the same numbers here or did you  
17 reduce the trips?

18 MR. STAIGAR: No, the numbers I gave  
19 you -- that will probably be the only -- well, I  
20 shouldn't say the only but that table will be --  
21 Table 6 -- I'm sorry, Table 4 on Page 7, those  
22 numbers would change to the numbers that I just  
23 provided.

24 The new numbers, and I'll go to the  
25 last column, which is total trip generation --



1 MS. McGOVERN: Okay.

2 MR. STAIGAR: -- would be -- an a.m.  
3 peak hour would be 4 trips in, 11 trips out, for a  
4 total of 15, and then in the p.m. peak hour, 11  
5 trips in, 7 trips out, for a total of 18.

6 MS. McGOVERN: Thank you.

7 MR. STAIGAR: You're welcome. I  
8 didn't revise the report because, obviously, if that  
9 found no negative impacts, less traffic generated  
10 will come up with the same conclusion.

11 MS. McGOVERN: Okay.

12 MS. BROWN: Mr. Staigar, I'd just like  
13 some clarification. You said the Light Rail's  
14 within a half mile of here?

15 MR. STAIGAR: Yes. That's on the New  
16 Jersey Transit website.

17 MS. BROWN: That's a real train and  
18 it's a mile from here.

19 MR. STAIGAR: Excuse me?

20 MS. BROWN: It's not a Light Rail,  
21 it's a commuter train and it's a mile.

22 MR. STAIGAR: Commuter train. I went  
23 on the New Jersey Transit website and you punch in  
24 an address, this address of Kingsland and Passaic  
25 Avenue, it'll give you the actual New Jersey Transit

1 bus lines as well as -- I could have gotten it wrong  
2 but there was a train station, I thought it said  
3 Newark.

4 MS. BROWN: No, it's the main line,  
5 New Jersey Transit, and it's a mile.

6 MR. STAIGAR: I stand corrected then.

7 MS. BROWN: I just wanted to clarify  
8 that.

9 MR. STAIGAR: Okay.

10 MS. BROWN: I have another question.  
11 I know you're using your ITE standards but  
12 practically speaking, if you have seven one-bedroom  
13 apartments, you potentially could have two people in  
14 each apartment, which potentially makes two cars.

15 MR. STAIGAR: You potentially could  
16 and you could have one person in each --

17 MS. BROWN: You could.

18 MR. STAIGAR: -- and --

19 MS. BROWN: And most people leave for  
20 work around the same time, so...

21 MR. STAIGAR: Well, that's not true  
22 and that's found from the U.S. Census data, which  
23 has "Journey to Work" information of that. About  
24 one-third of the trips that are generated by a  
25 residential use occur in one hour.

1 MS. BROWN: I understand --

2 MR. STAIGAR: It's not most.

3 MS. BROWN: -- you're talking in  
4 general, I'm talking in specific --

5 MR. STAIGAR: I am too.

6 MS. BROWN: -- in Nutley in this area.

7 MR. STAIGAR: Absolutely. I'm using  
8 the U.S. Census data for the Township of Nutley. So  
9 I'm not using something from the ITE that's  
10 reasonable and national, I'm using --

11 MS. BROWN: And they tell you what  
12 time I leave for work?

13 MR. STAIGAR: Not you particularly but  
14 residents in Nutley, what time they leave for work.  
15 And it's about one-third of them leave within an  
16 hour period. It's online, it's U.S. Census data,  
17 it's called "Journey to Work"; it has a lot of  
18 information about how many vehicles are available,  
19 what percentage drive, what percentage take mass  
20 transit, what percentage walk, work at home and so  
21 forth. And it's for Nutley. You can actually  
22 fine-tune it if you want for actual census tracks as  
23 well but we utilized the township. So it is very  
24 specific.

25 MS. BROWN: And you believe that this

1 development will only generate 15 trips at peak  
2 time, an hour?

3 MR. STAIGAR: Absolutely. And we've  
4 tested our -- the ITE to northeast New Jersey. We  
5 found them to actually be -- to be very  
6 conservative. When we sit and we actually go to  
7 other residential developments in towns like this  
8 and then compare them to the ITE, which are  
9 standards that are more national or regional, I  
10 mean, you can't get anymore densely populated with  
11 mass transit availability than northeast New Jersey,  
12 and when you compare them to trip-generation rates  
13 out in Kansas or Washington State or other areas,  
14 you're going to come up with higher numbers. The  
15 ITE takes all of that data, statistically analyzes,  
16 and says "Okay, here's the number that you use  
17 throughout the United States," and when we've gone  
18 out to actual driveways of similar types of  
19 developments, whether there were single-family home  
20 developments or apartments or condos, we found  
21 consistently, particularly here in northern New  
22 Jersey, northern New Jersey, that the ITE rates are  
23 much higher than what we're actually seeing in this  
24 area, and the reason being is we are in the most  
25 densely-populated state and being in the New York

1 metropolitan area with bus lines and train  
2 availability, people carpooling and more density,  
3 you have that more availability that you don't need  
4 to jump into a car to do every errand and to do  
5 everything that you need by yourself.

6 MS. BROWN: With all due respect, I  
7 take mass transit and I drive to the train station,  
8 so I still have to get in my car.

9 MR. STAIGAR: I'm very respectful of  
10 that, I condone you for that, and there are people  
11 that when I stand at a train station, they get  
12 dropped off. I designed the Bay Street train  
13 station in Montclair and we just did a trip-  
14 generation study over there, and if you watch that,  
15 there's cars lined up when the train arrives because  
16 wives, husbands, friends picking up people at that  
17 train station, and that's what happens at trains,  
18 there's a drop-off called a "kiss-and-leave goodbye"  
19 area for people drop off people. So while I  
20 understand that you may drive to mass transit, there  
21 are many, many-people that don't drive to mass  
22 transit that get dropped off.

23 MS. BROWN: What would be the  
24 difference if my husband drove me there? It's still  
25 generating another trip.

1                   MR. STAIGAR:   Okay.   Your husband goes  
2   to work, you go to work, you get in his car, one car  
3   leaves, you get dropped off at the train station, he  
4   continues on to your work.   The reverse would be if  
5   he got in his car or you got in your car, went to  
6   the train station, and he took off and went on to  
7   his work.   So that's the difference.   One trip, two  
8   people.

9                   MS. BROWN:   I understand, but I also  
10  sit at that corner and I just can't believe that  
11  it's only going to generate 15 trips.   When you did  
12  your analysis in the first example you gave, you  
13  said there are five driveways, a gas station and  
14  four residential units and you said that was 84  
15  trips an hour.   How many of those trips were related  
16  to the four residential units?

17                  MR. STAIGAR:   Two.

18                  MS. BROWN:   There were two.

19                  MR. STAIGAR:   Yeah.   The four units  
20  generated two trips.   And the gas station generates  
21  a total of 82.   That's how I got my 84.   Now we have  
22  27 units and I'm saying that they're going to  
23  generate 15 in the morning and 18 in the evening and  
24  these are single -- one-bedroom apartment units  
25  compared to a single-family home and I don't know

1    how many bedrooms are in the apartments, but again,  
2    I'm using the same ratio and probably using a higher  
3    ratio for my -- for the proposed scenario than my  
4    comparison of existing use.

5                   MR. DiBIASI:  Mr. Staigar, let's  
6    follow up on that questioning.  If we were to take  
7    that hypothetical and say that your numbers are  
8    woefully conservative, let's bump them up to 60 an  
9    hour, that's one a minute; is that correct, sir.

10                   MR. STAIGAR:  Correct.

11                   MR. DiBIASI:  How does that work?

12                   MR. STAIGAR:  In terms of?  I'm not  
13    following you.

14                   MR. DiBIASI:  Ingress and egress.

15                   MR. STAIGAR:  Well, that would still  
16    be less than the 7-Eleven in terms of amount of  
17    traffic trying to get in and out of the site.  Even  
18    if I trimmed that number or quadrupled the numbers  
19    that I gave you, it would still be in the order of  
20    60 percent of what a 7-Eleven would generate.

21                   MR. DiBIASI:  And let's do one other  
22    thing.  Here, take my watch and I want you to time  
23    one minute.  You tell us when it's going to start.

24                   MR. STAIGAR:  So if I'm a vehicle, I  
25    want to leave, I start here.  I've gone through five

1 seconds already.

2 (Pause)

3 MR. STAIGAR: Ten seconds.

4 MR. DiBIASI: Louder, please.

5 (Pause)

6 MR. STAIGAR: 15 seconds.

7 (Pause)

8 MR. STAIGAR: 20 seconds.

9 (Pause)

10 MR. STAIGAR: 25.

11 (Pause)

12 MR. STAIGAR: 30.

13 (Pause)

14 MR. STAIGAR: 35.

15 (Pause)

16 MR. STAIGAR: 40.

17 (Pause)

18 MR. STAIGAR: 45.

19 (Pause)

20 MR. STAIGAR: 50.

21 (Pause)

22 MR. STAIGAR: 55.

23 (Pause)

24 MR. STAIGAR: And there's a minute and  
25 now another car would go so --



1                   CHAIRMAN SCRUDATO:  What -- excuse me.  
2  What are the late patterns at the intersection right  
3  now?

4                   MR. STAIGAR:  What are the...

5                   CHAIRMAN SCRUDATO:  Time-wise, what is  
6  the time frame of the light?

7                   MR. STAIGAR:  In terms of the average  
8  delay?

9                   CHAIRMAN SCRUDATO:  Yes.

10                  MS. McGOVERN:  No.  You mean how long  
11  is the red light?

12                  CHAIRMAN SCRUDATO:  How long is the  
13  red light sequence there?

14                  MR. STAIGAR:  I think it's a -- I have  
15  to take a look.  I think it's a 90-second cycle.  So  
16  it turns green 40 times over the hour.

17                  CHAIRMAN SCRUDATO:  So, actually, that  
18  minute -- that car could be there for a minute and a  
19  half waiting to access the roadway if there's  
20  traffic there.

21                  MR. STAIGAR:  Oh, if it backs up  
22  across the driveway and someone wanted to make a  
23  left-hand turn -- is that what you're saying? --  
24  then you could make a right-hand turn.

25                  CHAIRMAN SCRUDATO:  Okay.  Ms. Brown?

1 MS. McGOVERN: I think Mr. Demerjian  
2 was asking a question.

3 CHAIRMAN SCRUDATO: Serge?

4 MR. DEMERJIAN: Hi.

5 MR. STAIGAR: Hi.

6 MR. DEMERJIAN: How have your factors  
7 played into the effect of Clifton Commons, so on a  
8 Friday night or a Saturday night where it gets  
9 really difficult to get down Kingsland Street or go  
10 down Passaic Avenue towards Route 3 where it's so  
11 congested that people just don't -- personally, me,  
12 I just say "You know what? I'm not going this way,  
13 I'm going a different way." I mean, that certainly,  
14 to me, is a level of service of D-plus when those  
15 times arrive, so to me, this exacerbates that a  
16 little bit, so maybe you can talk about that a  
17 little bit.

18 MR. STAIGAR: Exacerbated in -- well,  
19 I think you might be more inclined to take mass  
20 transit if you had a rough time getting to and from  
21 work --

22 MS. McGOVERN: No, we're talking about  
23 on the weekends --

24 MR. STAIGAR: Oh.

25 MS. McGOVERN: -- the trip generation

1 --

2 MR. STAIGAR: Oh, you're talking about  
3 the weekends.

4 MS. McGOVERN: -- on Saturdays and  
5 Sundays because that's a terrible area.

6 MR. STAIGAR: I understand.

7 MR. DEMERJIAN: Because I can't go to  
8 Costco on a Saturday or Sunday, I just can't, I flat  
9 out refuse, because trying to get to Route 3 is just  
10 impossible --

11 MR. STAIGAR: Right.

12 MR. DEMERJIAN: -- and I don't go that  
13 way, I go Passaic Avenue or whatever, 21, so this  
14 certainly doesn't help that cause, by having more  
15 trip generations there, right?

16 MR. STAIGAR: From a vacant site,  
17 you're a hundred percent right --

18 MR. DEMERJIAN: Right.

19 MR. STAIGAR: -- but based on what it  
20 formerly was, based on what it could be approved for  
21 --

22 MR. DEMERJIAN: That site hasn't been  
23 active for 30 years.

24 MR. STAIGAR: Right. But if you're  
25 going to leave it inactive, you're a hundred percent

1 right. If we add 15 more trips to zero, it's 15  
2 more trips, but you can't look at it that way in  
3 reality --

4 MR. DEMERJIAN: I agree.

5 MR. STAIGAR: -- you have to look at  
6 what could it be built with and those uses could be  
7 it could be a gas station again, I presume, if --  
8 you know, there's probably issues of abandonment and  
9 all, but it operated as a gas station and people  
10 went there that needed gas, that were new trips that  
11 came in and it generated 84 trips, had a greater  
12 impact. Was busy all weekend as well.

13 MR. DEMERJIAN: But your fundamental  
14 argument is, is this the least impactful development  
15 in terms of trip generation?

16 MR. STAIGAR: It's not the least.  
17 It's not the least. If we built single-family homes  
18 on here, it would generate less traffic, but I think  
19 having more driveways would probably have more of an  
20 impact in terms of safety. It is much less than  
21 those three scenarios, which I think are relatively  
22 good comparisons, the former use of this site, a  
23 permitted use of this site, and what was recently  
24 approved by this Board, and based on those three  
25 scenarios, this has far less trip generation, far

1 less impacts, less driveways, and would operate more  
2 safe and have less impact on the area.

3 MR. DEMERJIAN: Thank you.

4 MR. STAIGAR: You're welcome.

5 MR. MARINO: Mr. Staigar, how many  
6 additional trips would it take for us to get into a  
7 D if we're at a C now?

8 MR. STAIGAR: Well, DOT recognizes  
9 that a potential significant increase in traffic  
10 that would have an impact is a hundred trips. You  
11 add another hundred trips to this intersection, most  
12 likely, it would have an impact. Now, this site,  
13 not every trip that leaves or goes to the site goes  
14 through the intersection of Passaic and Kingsland.  
15 You can make a right-hand turn and go away from the  
16 intersection or you can make a left-hand turn in and  
17 not even go through the intersection itself. So  
18 whereas a hundred would be -- would generate, we're  
19 talking somewhere on the order of let's say nine  
20 trips that would go through that intersection from  
21 this development.

22 MR. MARINO: I'll ask you the same  
23 question I asked the planner at the last meeting.  
24 How are the ITE numbers against the spread? Have  
25 you circled back to East Centre Street and looked at

1 what you predicted the trips would be at peak hour  
2 and what's actually there now?

3 MR. STAIGAR: Not Centre Street, no.

4 MR. MARINO: Thank you.

5 CHAIRMAN SCRUDATO: Mr. Staigar, has  
6 this new application been submitted to the DOT?

7 MR. STAIGAR: Not yet. We're waiting  
8 for an action by this Board to decide that. But  
9 it's lined up to be. I'll put it that way. We've  
10 designed the driveway to accommodate everything that  
11 the access code requires, so we believe that when if  
12 it's going to be a minor permit, it should have a  
13 30-day to a 45-day turnaround.

14 CHAIRMAN SCRUDATO: So it's not been  
15 submitted and you haven't received any response back  
16 from them --

17 MR. STAIGAR: No.

18 CHAIRMAN SCRUDATO: -- or any comment  
19 at all.

20 MR. STAIGAR: No. But I believe, when  
21 I do submit it, I'm absolutely going to make the  
22 comparison, because we have a driveway essentially  
23 where the 7-Eleven driveway was and I'm sure that  
24 DOT will concur that it's going to generate less  
25 traffic.

1                   CHAIRMAN SCRUDATO: But this is not  
2 the 7-Eleven application, this is not the gas  
3 station that has not been in use for at least 30  
4 years --

5                   MR. STAIGAR: Yup.

6                   CHAIRMAN SCRUDATO: -- or partially in  
7 use over 30 years.

8                   MR. STAIGAR: Understood completely.

9                   CHAIRMAN SCRUDATO: All right, so we  
10 have to remove that from our thinking and we now  
11 have the application that's in front of us.

12                  MR. STAIGAR: Well, you're right,  
13 you're right, and I stand on my testimony because I  
14 compared it to -- when I did my analysis of levels  
15 of service and impact, I took it as it exists today.  
16 There's not one car that goes in and out of that  
17 site and the 15 to 18 trips during that peak hour  
18 are net increase to this roadway and I analyzed it  
19 in that fashion, but I think, based on the Municipal  
20 Land Use Law, the comparison to a former use, a  
21 permitted use and a recently approved use in terms  
22 of determining what the impact would be, I think is  
23 a relative point, and that's what I'm making, I'm  
24 just making that comparison. I'm not resting on it.  
25 I'm resting on the fact that currently -- and I

1 agree with you that currently, it is a vacant site  
2 not generating any traffic at all and that the net  
3 increase will be 15 trips in the morning and 18  
4 trips in the evening, analyzed it that way to see  
5 what the impact was and there's no substantial  
6 significant impact.

7 CHAIRMAN SCRUDATO: You haven't  
8 compared the traffic flow at this site with all the  
9 other possibilities that could be put on it.

10 MR. STAIGAR: Not --

11 MS. McGOVERN: For the retail.

12 CHAIRMAN SCRUDATO: For the retail.

13 MR. STAIGAR: Oh, the retail.

14 CHAIRMAN SCRUDATO: Yeah.

15 MR. STAIGAR: A permitted use, a  
16 retail use, would potentially generate more traffic,  
17 certainly, than 15 or 18 trips per hour.

18 MS. McGOVERN: Did you put that in  
19 your calculations --

20 MR. STAIGAR: No.

21 MS. McGOVERN: -- the retail use.

22 MR. STAIGAR: No.

23 MS. McGOVERN: So the numbers you're  
24 giving are just for the residential use.

25 MR. STAIGAR: Yes.



1 MS. McGOVERN: But --

2 MR. DEMERJIAN: Why didn't you put the  
3 retail?

4 MR. STAIGAR: Oh, no, no. The 1455  
5 square feet, the commercial use?

6 MS. McGOVERN: Yeah.

7 MR. STAIGAR: Oh, no, I included that.  
8 Yeah. I thought that my comparison of a permitted  
9 retail use --

10 MS. McGOVERN: But did you break them  
11 out in your chart?

12 MR. STAIGAR: Yeah, that same table  
13 that I gave you, Table 4.

14 MS. McGOVERN: It says "36 apartment  
15 units," and I know we've straightened out those  
16 numbers, and then it says "personal services use."

17 MR. STAIGAR: Well, that stayed the  
18 same. The commercial use would generate one trip in  
19 the morning and one trip in the evening.

20 MS. McGOVERN: That's because there's  
21 only one employee?

22 MR. STAIGAR: Coming in within one  
23 hour and maybe another employee or another two  
24 employees come in, and these are during the peak  
25 hours, 7 to 9 and 4 to 6. When I use an office

1 trip-generation rate, those are the numbers that we  
2 get.

3 MS. McGOVERN: I'm sorry, I just don't  
4 understand that. You're calculating that based on  
5 the use by assuming it's going to be the management  
6 company.

7 MR. STAIGAR: Yes.

8 MS. McGOVERN: Is that what you're  
9 basing it on?

10 MR. STAIGAR: Correct.

11 MS. McGOVERN: Do you know how many  
12 employees they're going to have?

13 MR. STAIGAR: I was told two.

14 MS. McGOVERN: Okay, because the Board  
15 --

16 MR. STAIGAR: That would be assigned  
17 -- that would be assigned to this office. The  
18 office will have records, it'll be a call center in  
19 some fashion. The employees are not coming to here.  
20 The employees that service, the carpenter, the  
21 plumber, the cleaning person --

22 MR. DEMERJIAN: But it's retail,  
23 though, right? It's retail.

24 MR. STAIGAR: It's more of an office.

25 MR. DEMERJIAN: Oh, I mean, that's how

1 they're going to use it right now, but let's say  
2 next week, they can move out and it could be retail.  
3 Right?

4 MR. STAIGAR: I don't know.

5 MR. DEMERJIAN: That's how it's being  
6 filed.

7 MR. STAIGAR: Could be.

8 MR. DEMERJIAN: So what does retail  
9 generate?

10 MR. STAIGAR: Retail generates three  
11 trips per thousand square feet in the evening peak  
12 hour, so 3 times 1.5.

13 MR. DEMERJIAN: Five trips.

14 MR. STAIGAR: Four, five trips.

15 MR. DEMERJIAN: Five trips in the  
16 morning and five trips --

17 MR. STAIGAR: No, not in the morning.

18 MR. DEMERJIAN: Not in the morning?

19 MR. STAIGAR: No. Typically, retail  
20 is much less, but in the evening, you'll have two in  
21 and three out or vice versa, something like that,  
22 five trips. But that's not the application, but I  
23 understand it could potentially be as much as that,  
24 if it was retail, another five trips.

25 MS. McGOVERN: So it's three trips

1 based on 1,000 square foot. Since you've got about  
2 1500, you're doing one-and-a-half --

3 MR. STAIGAR: Yes.

4 MS. McGOVERN: -- trips.

5 MR. STAIGAR: Correct, so between four  
6 and five.

7 MS. McGOVERN: And it makes sense that  
8 there's less trips in the morning because most  
9 stores open at 10 in the morning. Is that what  
10 you're basing it on?

11 MR. STAIGAR: Yeah, the retail would  
12 generate -- most retail generates later on, they're  
13 not open between 7 and 9, unless it's a bagel shop  
14 or something like that.

15 CHAIRMAN SCRUDATO: A lot of times,  
16 they're open past 5:00 in the evening.

17 MR. STAIGAR: Retail use.

18 CHAIRMAN SCRUDATO: Which would then  
19 have an additional impact upon the nighttime parking  
20 for the apartments. If it's a shared parking area  
21 and the retail units are working past 5:00, the  
22 apartment dwellers would then be coming in after  
23 5:00, generally --

24 MR. STAIGAR: Yup.

25 CHAIRMAN SCRUDATO: -- and they would

1 have no place to park.

2 MR. STAIGAR: No, well, we have -- we  
3 exceed the parking requirement for the commercial  
4 use as well as for the residential use. We require  
5 46 parking spaces per your ordinance, we're  
6 providing 47, so even if it was peak on peak with  
7 the parking, we would still have enough parking.

8 CHAIRMAN SCRUDATO: Okay. Any further  
9 questions?

10 (No response)

11 CHAIRMAN SCRUDATO: Thank you, Mr.  
12 Staigar.

13 MR. STAIGAR: You're welcome. The  
14 public or...

15 MS. BROWN: Are we going to talk about  
16 loading zone and...

17 MS. McGOVERN: Is that with you or is  
18 that with the engineer?

19 MR. STAIGAR: Yeah, I can handle the  
20 loading zone.

21 The type of trucks that are going to be  
22 a max size are going to be a box truck or a UPS type  
23 truck. The ceiling height of this building is 11  
24 feet high. Truck deliveries are going to happen in  
25 the middle of the day, they're not going to happen

1 in the middle of the night when all the residents  
2 are home, they're going to happen when the residents  
3 are out and about and when the parking demand in the  
4 building is that much lower, they'll be able to  
5 utilize one of the parking spaces in order to pick  
6 up or drop off. You may have move-ins and move-  
7 outs, obviously, you will have those, and those are  
8 scheduled so that an area, maybe two parking spaces,  
9 will be coned off during the day particularly for  
10 that moving, but that can be handled by the  
11 management company for that. I mean, the 1400  
12 square feet of retail is not really going to have  
13 any deliveries. A minimum.

14 MR. DEMERJIAN: How many parking  
15 spaces are there?

16 MR. STAIGAR: 47.

17 CHAIRMAN SCRUDATO: Okay, any --

18 MS. BROWN: I just want to clarify.

19 So the FedEx truck, the UPS truck, they're all going  
20 to pull in, underneath the building --

21 MR. STAIGAR: Yes.

22 MS. BROWN: -- make their deliveries,  
23 get back in their truck and leave.

24 MR. STAIGAR: Yes.

25 MS. BROWN: Okay.

1 CHAIRMAN SCRUDATO: Don't leave.

2 Is there anyone in the audience who has  
3 any questions for Mr. Staigar for approval of this  
4 application? Questions.

5 MS. LANDRY: But is it for approval  
6 or...

7 MS. McGOVERN: Just questions.

8 CHAIRMAN SCRUDATO: Just questions for  
9 approval.

10 MS. McGOVERN: Just questions.

11 CHAIRMAN SCRUDATO: All right.

12 MS. McGOVERN: Just questions  
13 regarding his testimony.

14 CHAIRMAN SCRUDATO: Give us your full  
15 name, please, and spell your last name and address.

16 MS. LANDRY: Pennie Landry,  
17 L-A-N-D-R-Y, 135 Lakeside Drive, Nutley.

18 CHAIRMAN SCRUDATO: Would you raise  
19 your right hand.

20 P E N N I E L A N D R Y, 135 Lakeside Drive,  
21 Nutley, New Jersey 07110, is sworn by the Board  
22 Chairman.

23 MS. LANDRY: I have a question, sir.

24 MR. STAIGAR: Yeah.

25 MS. LANDRY: From the red light at

1 Kingsland and Passaic as you're coming -- there you  
2 are. Okay, as you're going -- I don't know if  
3 that's north, south, east or west. This way.  
4 Here's the development right here. You can turn in  
5 right here, right? This is where the driveway is?

6 MR. STAIGAR: On Kingsland.

7 MS. LANDRY: Yes, sir. Correct?

8 (Mr. Staigar nods.)

9 MS. LANDRY: Okay, and here's the red  
10 light. How many car lengths from the red light to  
11 the entrance to the development?

12 MR. STAIGAR: Okay. Let me refer to  
13 the site plan, it's part of the site plan package.  
14 This one here.

15 The question was what's the --

16 MS. McGOVERN: Could you identify that  
17 document just so we have it?

18 MR. STAIGAR: Yeah, the document I'm  
19 looking at is the plaza ground level layout plan,  
20 which is Sheet 5 of 13. The stop bar is shown --  
21 the intersection of Kingsland and Passaic is shown  
22 at the bottom left-hand corner. The stop bar for  
23 the intersection is also depicted and the driveway  
24 is also depicted as well. And the scale is 1 inch  
25 equals 10 and we have a 40-foot graphic scale, which



1 is two car lengths.

2 MS. LANDRY: You're saying the red  
3 light's down here?

4 MR. STAIGAR: No, the red light is in  
5 the center of the intersection, the stop bar of the  
6 intersection is designated on the plan.

7 MS. LANDRY: What's the stop bar?

8 MR. STAIGAR: The stop bar is a white  
9 line and that indicates where you're to stop.

10 MS. LANDRY: Okay.

11 MR. STAIGAR: It's a guide.

12 MS. LANDRY: So from the stop bar.

13 MR. STAIGAR: Right.

14 MS. McGOVERN: Ms. Landry, you're  
15 going to have to talk into the mike.

16 MS. LANDRY: Okay. From the stop bar  
17 to the entrance on the development is how many feet?

18 MR. STAIGAR: I've got a 40-foot  
19 graphic scale, I'm going to do my best to try and  
20 replicate that. We got 40, 80, about a hundred  
21 feet.

22 MS. LANDRY: Okay, and how many cars  
23 fit in a hundred-foot space?

24 MR. STAIGAR: A typical -- an average  
25 length of a car on the road today is about 15-1/2

1 feet so --

2 MS. LANDRY: And then you have  
3 to divide --

4 MR. STAIGAR: Yeah, so using a 20-foot  
5 increment. So you could fit five cars.

6 MS. LANDRY: Okay, five cars. So the  
7 light turns green, we have five cars headed towards  
8 the entrance, okay? Three of them are residents who  
9 are turning into the development, okay? Because you  
10 said there'd be 15 in and out; three of those 15 are  
11 now turning into the development, all right?  
12 There's a person leaving a space, okay? So the  
13 first car is waiting for that car to pull out, but  
14 it's a mother with a baby and she has to get the  
15 baby into the car seat and so she's taking a little  
16 longer, probably a little longer than your 60-second  
17 scenario here so there's now a car trying to turn  
18 in. Okay? We have two other cars trying to turn  
19 in, we have three cars behind them, the light has  
20 changed. What impact is there on traffic at this  
21 point in time while a resident is trying to get into  
22 one of the very limited number of available parking  
23 spaces that now you have a very, very busy  
24 intersection to begin with because your 60-second  
25 scenario, I timed the other day coming to that red

1 light at 5:00. Do you know how many changes of the  
2 light I had to wait before I could get to the light  
3 intersection?

4 MR. STAIGAR: Probably couldn't guess  
5 in a million years.

6 MS. LANDRY: Okay. Well, it was five.

7 MR. STAIGAR: Okay.

8 MS. LANDRY: It was a lot longer than  
9 60 seconds. So other than road rage and a lot of  
10 horn blowing for the other residents who live there,  
11 how do we deal with that type of scenario, one; and  
12 is there any possibility of having left turn/right  
13 turn signals approved by -- I believe the state owns  
14 that highway; is that correct?

15 MR. DiBIASI: Yes.

16 MR. STAIGAR: Yes, it's a state  
17 highway.

18 MS. LANDRY: -- approved by the state  
19 to eliminate some of the already existing traffic  
20 problems without the addition of, I'm not sure what  
21 the number is but it's somewhere between 15 and 20  
22 additional trips, and I'm not sure if those trips  
23 are to the left or to the right. When you say  
24 "those trips," those trips are going to the left  
25 leaving the development? Because they can't get to

1 the right, right?

2 MR. STAIGAR: Well, they can make a  
3 right turn, they can make a left turn.

4 MS. LANDRY: Coming out of the  
5 building, they can make a left or right?

6 MR. STAIGAR: That's correct.

7 MS. LANDRY: Oh, wow, so they're going  
8 to have to wait for the people to let them in.  
9 There are not a lot of kind people at that  
10 intersection. So if I want to cross and get out of  
11 the development, I can cross over; is that accurate?  
12 I thought the last testimony was you could only go  
13 to the right. No?

14 MR. STAIGAR: I don't know what you're  
15 talking about. I'm sorry. I lost you.

16 MS. LANDRY: When you're leaving the  
17 development --

18 MR. STAIGAR: You can make a right or  
19 a left in or out. And that's the way the 7-Eleven  
20 application --

21 MS. LANDRY: I don't care about the  
22 7-Eleven.

23 MR. STAIGAR: Okay.

24 MS. LANDRY: I don't care about the  
25 7-Eleven.

1 MR. STAIGAR: That's the way the  
2 driveways that are out there now --

3 MS. LANDRY: So if I'm leaving the  
4 development, I have to wait until there's no traffic  
5 this way or somebody is nice enough to let me cut in  
6 where there's only a four-car length before the  
7 light; is that what you're saying?

8 MR. STAIGAR: You'd have to wait for a  
9 gap in traffic if you wanted to make a turn.

10 MS. LANDRY: A gap in traffic, I have  
11 to wait for a gap in traffic. Okay, great. So I  
12 probably won't be going there even if there is  
13 retail because I probably can't get in and out.

14 I live on Lakeside. Right now, in  
15 traffic hours, to even attempt to get in and out of  
16 there is, you know, you just stay home, okay?  
17 Because the end of our street in front of Kingsland  
18 manor, there used to be ingress and egress but it's  
19 blocked off, it's now considered a -- what would  
20 that be considered?

21 MS. McGOVERN: They dead-end it, but  
22 Ms. Landry --

23 MS. LANDRY: A dead-end.

24 MS. McGOVERN: -- you're kind of  
25 getting off point here.

1 MS. LANDRY: I'm not getting off  
2 point. We have a traffic problem right there.

3 MS. McGOVERN: Okay.

4 MS. LANDRY: It's a residential  
5 area --

6 MS. McGOVERN: I understand.

7 MS. LANDRY: -- Lakeside Cleveland --

8 MS. McGOVERN: No, I understand, I  
9 live in the area also.

10 MS. LANDRY: -- we have a major  
11 traffic problem. I'm just asking that an additional  
12 traffic impact not be allowed in that area because  
13 it impacts many residences right there, unless the  
14 state comes in and does a traffic study on their  
15 highway -- okay? -- to either put in turn signals or  
16 something before anymore traffic is allowed there.

17 MS. McGOVERN: I want to take what you  
18 said and ask it in a question for this expert and --

19 MS. LANDRY: Okay.

20 MS. McGOVERN: -- I think the question  
21 is, is there anything on the applicant's part, in  
22 terms of your application to the DOT, where you can  
23 make a request that that intersection be changed or  
24 make a recommendation to improve that intersection?

25 MR. STAIGAR: That's not part of the

1 -- no, there's no application aspect to that. That  
2 would have to come basically from the township as a  
3 problem statement that "there's a problem here, DOT;  
4 is it something we can look into and do something  
5 with?"

6 MS. McGOVERN: So on the part of the  
7 applicant with regard to DOT, you can't make "and by  
8 the way, can you do this? It would help traffic."  
9 You're not allowed to do that?

10 MR. STAIGAR: No. I mean, we could  
11 write a letter to them but it holds a lot less  
12 weight than if your mayor or some other governing  
13 body made that request.

14 MS. McGOVERN: Does that help?

15 MS. LANDRY: Yeah, it helps. I'd like  
16 to make a request to the Planning Board --

17 MR. STAIGAR: No, the Board of  
18 Commissioners.

19 MS. LANDRY: Well, I'd like to make a  
20 request of the Planning Board to make a request to  
21 the Board of Commissioners to write a letter --

22 MS. McGOVERN: You're going to have to  
23 go to the Planning Board then.

24 MS. LANDRY: I'm sorry. I'd like to  
25 make a request of the Zoning Board that the Zoning

1 Board make a request of the Board of Commissioners  
2 to go to the DOT and see if we can have some relief  
3 at that intersection.

4 MS. McGOVERN: You know what? After  
5 the 1st of the year, the Planning Board, the Board  
6 of Commissioners and the Board of Adjustment have a  
7 joint meeting and I think that's a good topic, and  
8 it'll be in the newspaper, there's a public notice  
9 for that, and I think that's a good subject to bring  
10 up.

11 MS. LANDRY: And when is that meeting?

12 MS. McGOVERN: It varies. It's  
13 sometime after the 1st of the year when the Boards  
14 get organized. It's usually in March.

15 MS. LANDRY: Okay, so we'll have to  
16 wait till March.

17 The other question: If, by some, God  
18 help us, if this passes, construction time, the time  
19 of construction of this development, what will  
20 happen is that there will be hundreds of trucks and  
21 road blocks and whatever while construction. Are  
22 there any studies as to the traffic impact during  
23 construction that have been done?

24 MR. STAIGAR: Well, there'll be no  
25 backups or clogging the streets. I mean, DOT



1 particular will be looking at that aspect in the  
2 application aspect. Part of that application will  
3 be a traffic control plan for the construction of  
4 the driveway area to ensure that traffic flow is  
5 maintained on their state highway. Since we have no  
6 construction activity proposed on Passaic Avenue,  
7 there's not going to be any impact on Passaic Avenue  
8 flows.

9 MS. LANDRY: Okay, trucks will not be  
10 going on Passaic Avenue at all? That's what you're  
11 saying?

12 MR. STAIGAR: Well, there might be  
13 trucks, right, but the construction activity -- I  
14 think your concern was backups off of the site, are  
15 not going to happen. But somebody who's making a  
16 delivery of material or a worker coming to the site,  
17 obviously, yeah, they're going to go by a truck or a  
18 car or some other type of vehicle.

19 MS. LANDRY: Or a crane or -- yeah,  
20 whatever.

21 Okay. Last thing, at the last meeting,  
22 there was testimony that there would be no on-site  
23 management and today, there was testimony that there  
24 would be schedules for tenants moving in and out of  
25 the building and I just want to know, how would

1 those schedules be enforced if there's no on-site  
2 management?

3 MR. STAIGAR: Oh, well, if a tenant is  
4 moving out -- I don't know all the details of it  
5 but, you know, it could be a lease agreement that  
6 you give us 72 hours of advance notice when you're  
7 moving out and when you will have a delivery truck  
8 there so that the proper mechanism is in place, that  
9 they know this truck is coming 8:00 next Tuesday, we  
10 need to designate an area for that truck to put  
11 itself for whatever, four hours or six hours in a  
12 day.

13 MS. LANDRY: Okay. Thank you.

14 MR. STAIGAR: You're welcome.

15 CHAIRMAN SCRUDATO: Anyone else have a  
16 question for Mr. Staigar? Please come to the  
17 microphone.

18 MR. MERTZ: Good evening.

19 MR. STAIGAR: Good evening.

20 CHAIRMAN SCRUDATO: Good evening.

21 Please --

22 MR. MERTZ: John Mertz.

23 MRS. MERTZ: Elizabeth Mertz.

24 CHAIRMAN SCRUDATO: Speak into the  
25 microphone so we can hear you.

1 MRS. MERTZ: Elizabeth Mertz.

2 CHAIRMAN SCRUDATO: Please spell your  
3 last name and give your address.

4 MR. MERTZ: Okay. Mertz, M-E-R-T-Z.

5 CHAIRMAN SCRUDATO: Would you both  
6 raise your right hand.

7 J O H N M E R T Z, 114 Kingsland Street, Nutley,  
8 New Jersey 07110, is sworn by the Board Chairman.

9 E L I Z A B E T H M E R T Z, 114 Kingsland Street,  
10 Nutley, New Jersey, is sworn by the Board Chairman.

11 CHAIRMAN SCRUDATO: Tell us what you  
12 have to say.

13 MR. MERTZ: Mr. Staigar, are you aware  
14 that the garage is to be gated?

15 MR. STAIGAR: That the what is?

16 MR. MERTZ: That the garage is to be  
17 gated.

18 MR. STAIGAR: Yes, it will be gated,  
19 but right now, we're anticipating that it will be  
20 open from 7 a.m. to 7 p.m. and after 7 p.m., it will  
21 be locked. If, for instance, in the scenario that  
22 the Chairman brought up, that there was a retail use  
23 that may stay open until 9:00 and may potentially  
24 have customers, it will be open till 9:00, but right  
25 now, we're anticipating 7 to 7.

1                   MR. MERTZ:   Okay.   How long -- do you  
2 know how long this gate would take to rise, to  
3 raise?

4                   MR. STAIGAR:   No, I don't but -- I  
5 never timed it but it's a matter of seconds, it may  
6 be 10 seconds, it may be 15 seconds.

7                   MR. MERTZ:   So have you taken into  
8 account this delay for traffic for your proposal or,  
9 I'm sorry, for your testimony?

10                  MR. STAIGAR:   Well, the gate will be  
11 opened during peak hours, so when the roadway is at  
12 its peak, the gate will be open.   We've set the gate  
13 back so that if a vehicle -- normally when you pull  
14 up to your garage, these vehicles, the residents  
15 will have a key fob, a garage-door opener, and as  
16 they approach the driveway and most likely, they'll  
17 pull it in.   If they don't, if they happen to pull  
18 in and then they look in their pocketbook to try to  
19 find it, there will be a refuge area in front of the  
20 building to accommodate that vehicle, get them off  
21 the road.

22                  MR. MERTZ:   Okay.   Thank you very  
23 much.

24                  MR. STAIGAR:   You're welcome.

25                  CHAIRMAN SCRUDATO:   Any other

1 questions from the audience?

2 Good evening. Please identify  
3 yourself, spell your last name and your address.

4 MS. DeFEO: It's Marian DeFeo,  
5 D-e-F-E-O, 15 Enclosure.

6 CHAIRMAN SCRUDATO: Please raise your  
7 right hand.

8 M A R I A N D e F E O, 15 Enclosure Street,  
9 Nutley, New Jersey 07110, is sworn by the Board  
10 Chairman.

11 CHAIRMAN SCRUDATO: What questions do  
12 you have for Mr. Staigar?

13 MS. DeFEO: I have a question about  
14 the parking and I think I talked about this at the  
15 last meeting. It just seems to me that we're just  
16 assuming that everyone's going to have one car and  
17 usually that's not the case. Where is the overflow  
18 parking going to be for, like, visitors and, you  
19 know, other people that come here? Because it's so  
20 congested over there, I don't know where other  
21 overflow parking could fit.

22 MR. STAIGAR: The -- and that's why  
23 the parking management accommodates one space for  
24 each unit with the understanding that some units may  
25 have more than one vehicle, but we meet the

1 ordinance requirements. We're required to have 41  
2 spaces -- excuse me, 40 spaces for the residential  
3 and 5 spaces for the commercial, requiring 46, per  
4 your township ordinance. Your township ordinance  
5 takes into account what the average amount of cars  
6 can be expected as well as visitors and that type of  
7 parking as well. We're providing 47. So we not  
8 only meet the township requirement for the  
9 residents, for the commercial, for the visitors, but  
10 we exceed it by one additional. And the uses are  
11 compatible with one another that a residential peak  
12 period is going to happen overnight. I mean, we're  
13 out here, there are a lot of residents here, we're  
14 here, it's 9:00, it will be 9:00 soon, we're not  
15 going to be home till 10, 11:00, there are going to  
16 be other people that are out doing things until  
17 11:00 at night. What we find is that the  
18 residential parking lot peaks around 11:30 or 12:00  
19 on a weeknight particularly and then it levels off,  
20 everybody's home. At that time, the commercial use  
21 is going to be long closed, so whereas the Chairman  
22 made a point, you know what, you could have a  
23 potential overlap of some parking around that 7:00  
24 witching hour, but it's not until the late-night  
25 hours that all the residents will be home. So

1 there's that shared parking availability of having  
2 the two uses that are not going to absolute peak at  
3 the same time and that's a buffer factor. We meet  
4 the ordinance requirements, that's where I stand,  
5 but in order to provide another margin of safety or  
6 error, we have that availability of a shared parking  
7 arrangement.

8 MS. DeFEO: Now, even though it might  
9 meet the ordinance, that corner is very congested  
10 and I think even the little restaurants that are  
11 over there, it's going to start impacting on them,  
12 it's going to start impacting maybe even as far back  
13 as Fernwood. Where are they going to be parking, no  
14 residential areas? I mean, it just seems like it's  
15 very limited, the parking there.

16 MR. STAIGAR: On the street, there is  
17 limited parking. I don't think you can park within  
18 close proximity of this site, but our site, I  
19 believe, is going to be self-sufficient.

20 MS. DeFEO: It looks like it's going  
21 to be -- I'm trying to think of the word --  
22 shoehorned in there. It's going to be very, very  
23 tight and very, very congested, you know.

24 MR. STAIGAR: Well, that's why we felt  
25 it very important to meet the ordinance requirements

1 and to exceed them if we could, because we know we  
2 don't have that availability of overflow, and again,  
3 the two uses that are proposed are compatible with  
4 having the shared parking.

5 MS. DeFEO: Now, when you rent these  
6 apartments, are you going to say "You're only going  
7 to have one space and" --

8 MR. STAIGAR: No.

9 MS. DeFEO: -- "there's no visitor  
10 space and" --

11 MR. STAIGAR: No. There are 27 units  
12 and down on the first floor are 32 parking spaces.  
13 Up on the second floor, 15 parking spaces. Out of  
14 the 27 of the 32 on the lower level, we're proposing  
15 that one unit will have one parking space. So that  
16 still leaves the 15 above that can be used for the  
17 retail use for visitors as well as the five spaces  
18 that are not accounted for for a reserved parking.  
19 Or if someone -- if an apartment or two apartments  
20 or three apartments had two cars, and there  
21 inevitably will be some apartments that have two  
22 cars, but not each and every one, that's not the  
23 most probable situation, but some will.

24 MS. DeFEO: I just want to give one  
25 example though my daughter used to live in Lyndhurst



1 and it was a six -- it was, you know, six units.  
2 Five of the families had two cars. There was only  
3 one person that had one car. It just seems, like,  
4 it just seems more, you know, in fashion right now  
5 to have two cars. I guess we can't project how many  
6 kids, how many -- it's very hard, you know.

7 MR. STAIGAR: We can only go from  
8 actual empirical studies, actually going out -- and  
9 you probably had a scenario and that scenario is  
10 probably out of the ordinary. The typical is less  
11 than one and half per unit for apartment units.

12 MS. DeFEO: Okay.

13 MR. STAIGAR: It's just that it's the  
14 nature of apartment units and what they generate.

15 MS. DeFEO: All right, thank you.

16 MR. STAIGAR: You're welcome.

17 CHAIRMAN SCRUDATO: Anything further  
18 from the audience?

19 MS. LANDRY: I just have one question  
20 on that point. You said it's typically 1.1. Do the  
21 studies that you've referenced --

22 MR. STAIGAR: I didn't say 1.1, I said  
23 it's less than 1.5. Your ordinance requires 1.5 --

24 MS. LANDRY: No, no, less than 1.5,  
25 according to the empirical study, you said.

1 MR. STAIGAR: Yes.

2 MS. LANDRY: Okay, so less than 1.5.  
3 Does that study address lease numbers as in higher-  
4 end apartments versus lower-end apartments or is  
5 that just across the board, all apartments, be they  
6 lower-income housing included with high upscale  
7 apartments, is that everything thrown into one --

8 MR. STAIGAR: It's an average. It's  
9 an average.

10 MS. LANDRY: Of all apartments; it  
11 doesn't delineate between...

12 MR. STAIGAR: Your ordinance does the  
13 same thing, your township ordinance doesn't  
14 differentiate between low income and high income or  
15 luxury apartments and non-luxury apartments. It's  
16 1.5, and on the average, we're not saying that the  
17 actual experience is less than 1.5, meaning that I  
18 agree with your ordinance, your ordinance provides  
19 sufficient parking, and that's what I'm providing on  
20 this site.

21 MS. LANDRY: Okay.

22 MR. STAIGAR: When I say "your  
23 ordinance," the township ordinance.

24 MS. LANDRY: So you're doing your  
25 parking spaces based on meeting ordinance, not what

1 may be best for the lessees.

2 CHAIRMAN SCRUDATO: I think the  
3 question's been answered, ma'am.

4 MS. LANDRY: Okay. I do have one  
5 other question. Your census data that you  
6 referenced, what year is that?

7 MR. STAIGAR: 2010.

8 MS. LANDRY: 2010. Thank you.

9 CHAIRMAN SCRUDATO: Okay. I think we  
10 can dismiss Mr. Staigar at this point.

11 MR. STAIGAR: Thank you.

12 CHAIRMAN SCRUDATO: Thank you, sir.

13 MR. STAIGAR: Thank you.

14 MR. DiBIASI: Thank you, Mr. Chairman.

15 Before we call our engineering witness, may we just  
16 give our reporter a three- or four-minute break?

17 CHAIRMAN SCRUDATO: Sure.

18 MR. DiBIASI: Thank you.

19 (Recess taken)

20 MR. DiBIASI: Thank you, Mr. Chairman.

21 CHAIRMAN SCRUDATO: Okay, let's get  
22 this under -- let's get it underway.

23 Tom, do you have another witness?

24 MR. DiBIASI: I do, Mr. Chairman.

25 With your permission, may we have our engineer

1 sworn?

2 CHAIRMAN SCRUDATO: Please. Would you  
3 give us your full name and your address, sir.

4 MR. PHIL: Sure. Daren Phil, P-H-I-L,  
5 100 Valley Road, Mount Arlington, New Jersey.

6 CHAIRMAN SCRUDATO: Would you raise  
7 your right hand, sir.

8 D A R R E N P H I L, 100 Valley Road, Mount  
9 Arlington, New Jersey, first having been duly sworn,  
10 testified as follows:

11 CHAIRMAN SCRUDATO: Please tell us  
12 what you have to say.

13 DIRECT EXAMINATION BY MR. DiBIASI:

14 Q. Mr. Phil, we're going to try to shorten  
15 your testimony immensely.

16 CHAIRMAN SCRUDATO: That would be  
17 nice.

18 Q. Yes. So we'll lay a very brief  
19 foundation.

20 You and I have been attending technical  
21 review meetings, is that correct, with township  
22 officials?

23 A. Yes, we have.

24 Q. And you've also been meeting with Mr.  
25 Hay; is that correct, sir?

1 A. Yes.

2 Q. And you've received reports from Mr.  
3 Hay?

4 A. Yes, I have.

5 Q. And you've gone over those reports?

6 A. Yes, I have.

7 Q. And you can testify to this Board that  
8 you will comply with any one of Mr. Hay's requests;  
9 is that correct, sir?

10 A. Absolutely.

11 Q. Okay.

12 MR. DiBIASI: Thank you. That ends  
13 our testimony. I understand that Mr. Hay will  
14 actually go through the specifics.

15 MS. McGOVERN: Okay. I just want to  
16 say that the report that you're looking at that you  
17 will confirm that you'll go along with is the  
18 October 10, 2014 report by --

19 MR. PHIL: Yes.

20 MS. McGOVERN: -- by Pennoni?

21 MR. PHIL: Yes.

22 MS. McGOVERN: Okay.

23 CHAIRMAN SCRUDATO: Thank you, sir.

24 MR. DiBIASI: That concludes our  
25 testimony.

1 CHAIRMAN SCRUDATO: Okay, let's see if  
2 we have something from the audience for Mr. Phil.

3 Is there anyone in the audience who has  
4 a question for Mr. Phil?

5 (No response)

6 MR. DiBIASI: Hearing none -- let's  
7 see, maybe somebody on the Board has a question for  
8 you.

9 (No response)

10 CHAIRMAN SCRUDATO: Nope. I guess you  
11 did a good job.

12 MR. PHIL: Wow.

13 MR. DiBIASI: Okay, thank you, Mr.  
14 Phil.

15 MR. PHIL: Thank you, folks.

16 MR. DiBIASI: May I re-call Steve  
17 Corso for a very brief issue of having the latest  
18 rendering marked as evidence?

19 CHAIRMAN SCRUDATO: Please.

20 MR. DiBIASI: Thank you. Mr. Corso.

21 CHAIRMAN SCRUDATO: Mr. Corso, please  
22 identify yourself.

23 MR. CORSO: Steven Corso, 676  
24 Bloomfield Avenue in Bloomfield.

25 CHAIRMAN SCRUDATO: Would you raise

1 your right hand.

2 S T E V E N C O R S O, 676 Bloomfield Avenue,  
3 Bloomfield, New Jersey 07003, first having been duly  
4 sworn, testified as follows:

5 CHAIRMAN SCRUDATO: Please tell us  
6 what you have to say.

7 DIRECT EXAMINATION BY MR. DiBIASI:

8 Q. Mr. Corso, when we were here at the  
9 last meeting, we had a rendering which has been  
10 marked into evidence and that rendering showed the  
11 arborvitaes that were 7 feet to 20 feet tall; is  
12 that correct, sir?

13 A. That's correct.

14 Q. And we were waiting for the rendering  
15 that was going to show the arborvitaes in the  
16 background but the foliage that actually exists as  
17 we stand here today; is that correct, sir?

18 A. That's correct.

19 Q. And is that what this does?

20 A. That's correct.

21 Q. Thank you.

22 MR. DiBIASI: Would you kindly mark  
23 this into evidence? And I have one for each member  
24 of the Board, Mr. Chairman.

25 CHAIRMAN SCRUDATO: Thank you.

1 MS. McGOVERN: And what's this  
2 marking?

3 MS. GOWOREK: 7.

4 CHAIRMAN SCRUDATO: When we get our  
5 hands on it, we may have some questions for Mr.  
6 Corso. Thank you.

7 (The Recording Secretary hands copies of a  
8 document to members of the Board.)

9 MR. DiBIASI: Thank you.

10 CHAIRMAN SCRUDATO: Any questions from  
11 Board members, please?

12 MR. DEMERJIAN: Does Mr. Corso want to  
13 present what he's just handed us?

14 MR. CORSO: Yes. At the last meeting,  
15 we presented this rendering showing the house that  
16 neighbors the property to the west and we didn't  
17 have the existing trees and shrubbery in front so  
18 that we could show the arborvitae that we're  
19 planting. Now we're showing all of the existing  
20 trees and shrubs that are on the site right now.

21 MR. DEMERJIAN: So are you  
22 constructing right adjacent to the property line?

23 MR. CORSO: The planter that we have  
24 here comes to the property line, then we have 10  
25 feet for the width of the planter that the



1 arborvitae come up in, and in front of the planter  
2 on the neighboring property is what we added in this  
3 rendering, that exists now.

4 MR. DEMERJIAN: Right, but you're  
5 building a wall around the property line, correct?

6 MR. CORSO: It's a planter three foot  
7 high, yes.

8 MR. DEMERJIAN: And it has a three-  
9 foot-deep footing, a concrete footing, right?

10 MR. CORSO: Yes, absolutely.

11 MR. DEMERJIAN: All right, so you're  
12 disturbing all the vegetation along that property  
13 line, right? And the root system.

14 MR. CORSO: Um --

15 MR. DEMERJIAN: So more than likely,  
16 the construction work that you're building here is  
17 not going to allow these plantings to survive.

18 MR. CORSO: No, we don't believe it's  
19 going to disturb the plants because the planter  
20 doesn't start for about 12 to 14 feet back and the  
21 major trees that are along here close to the  
22 property line are in front of that.

23 MR. DEMERJIAN: I disagree with your  
24 assessment of your disturbance. I don't think these  
25 trees are going to survive.

1 MR. DiBIASI: That's okay, Mr. Corso.  
2 That's his opinion, you gave your testimony. Are  
3 you done?

4 MR. CORSO: Um-hum.

5 MR. PASTORE: Mr. DiBiasi, do you have  
6 an extra one for the audience?

7 CHAIRMAN SCRUDATO: I have one here.

8 MR. DiBIASI: I do.

9 MR. PASTORE: Maybe the young lady  
10 here would like one.

11 CHAIRMAN SCRUDATO: I have two copies.

12 (Mr. DiBiasi hands copies of document out to  
13 member of the public.)

14 CHAIRMAN SCRUDATO: Mr. Corso, I have  
15 a question for you. Does your new planting in any  
16 way inhibit the storage or the refuse area?

17 MR. CORSO: No.

18 CHAIRMAN SCRUDATO: For a truck going  
19 down there and accessing the refuse area?

20 MR. CORSO: No, that's all on the  
21 other side of the wall.

22 CHAIRMAN SCRUDATO: Okay. Thank you.

23 Any questions?

24 (No response)

25 CHAIRMAN SCRUDATO: I don't believe

1 so, Tom.

2 MR. DiBIASI: All right, Mr. Chairman,  
3 I have one more witness.

4 CHAIRMAN SCRUDATO: Wait a minute,  
5 let's see if we have anything from the audience.

6 Is there any questions from the  
7 audience for Mr. Corso?

8 (No response)

9 CHAIRMAN SCRUDATO: Thank you, sir.

10 MR. DiBIASI: Skander Meka, please.

11 CHAIRMAN SCRUDATO: Sir, would you  
12 given us your full name and spell your last name for  
13 the record and your address.

14 MR. MEKA: Skander Meka, M-E-K-A.

15 MS. McGOVERN: Could you spell your  
16 first name.

17 MR. MEKA: Skander, S-K-A-N-D-E-R.  
18 M-E-K-A, my last name. 46 Grandview Place, North  
19 Caldwell.

20 CHAIRMAN SCRUDATO: Would you raise  
21 your right hand, Mr. Meka.

22 S K A N D E R M E K A, 46 Grandview Place, North  
23 Caldwell, New Jersey 07006, first having been duly  
24 sworn, testified as follows:

25 CHAIRMAN SCRUDATO: Thank you.

1 DIRECT EXAMINATION BY MR. DiBIASI:

2 Q. Mr. Meka, what is your profession?

3 A. My profession is builder/developer.

4 Q. And how long have you been doing this?

5 A. For over 28 years.

6 Q. And how long have you been in Nutley?

7 A. Oh, well, 12 years?

8 Q. How about 2006?

9 A. Probably.

10 Q. You don't remember?

11 A. I love it so much, though.

12 Q. Okay. The Board had a couple of  
13 questions. We have represented that if the Board  
14 approves this application, that the commercial space  
15 is going to be occupied by you; is that correct,  
16 sir?

17 A. Yes, sir.

18 Q. And what are you going to use that  
19 space for?

20 A. That space will be used for mostly my  
21 management company to make sure because all Nutley,  
22 the entire of my projects, are only run from one  
23 company, which is investment company which does all  
24 my managements and they're all over and they control  
25 all my properties.

1 MS. McGOVERN: How many buildings in  
2 Nutley do you have?

3 MR. MEKA: I have one at 642 Franklin  
4 Avenue, one at 174 Bloomfield Avenue. East Centre  
5 Street, I got three buildings and I'm doing another  
6 three. So we are on Franklin Avenue now and we're  
7 starting next week on Kingsland and Passaic, if you  
8 guys approve it.

9 (Laughter)

10 MR. MEKA: I said if you approve it.

11 Q. You've heard some representations that  
12 I gave on your behalf and now we're going to put  
13 them under oath.

14 Is it true, Mr. Meka, that you have  
15 expended just under \$70,000 to remove tanks and to  
16 do additional testing --

17 CHAIRMAN SCRUDATO: Mr. DiBiasi --

18 A. Yes, it is.

19 CHAIRMAN SCRUDATO: Excuse me. Mr.  
20 DiBiasi, it really doesn't have any effect on what  
21 this Board takes under consideration as the cost of  
22 removing those tanks and the amount of remediation  
23 work that has been done up to this point. Is that  
24 not correct?

25 MR. DiBIASI: I agree. The reason why

1 I did that is that I was told when I made the  
2 representation that I need to put it under oath.

3 CHAIRMAN SCRUDATO: Okay, well, I am  
4 so tired of listening to the comparison of this to  
5 the gas station, to the 7-Eleven, and it's wasting a  
6 lot of time here. So please continue.

7 MR. DiBIASI: Thank you, Mr. Chairman.  
8 We'll certainly follow your lead on that.

9 BY MR. DiBIASI:

10 Q. All right, Mr. Meka, did you do an  
11 audit of the amount of apartments that you own in  
12 Nutley and how many are one-bedrooms?

13 A. Yes, I did.

14 Q. And what did that audit show, sir?

15 A. I have 128 apartments that are one-  
16 bedroom and I got 61 apartments which are two-  
17 bedrooms, total of 189 apartments.

18 Q. And out of the one-bedroom apartments,  
19 how many schoolchildren do you have?

20 A. I don't have any school children in  
21 one-bedroom apartments.

22 Q. And out of the two-bedroom, for the  
23 record, even though this is a one-bedroom  
24 application here, how many did you have out of the  
25 two-bedrooms?

1           A.       I have 17 schoolkids.

2           Q.       Right.  And there actually is a  
3 discrepancy between our records and the Board of Ed.  
4 The Board of Ed. has 21, we've gone back and said  
5 17.  Is that correct, sir?

6           A.       Yes, and everything is through the  
7 computer and everything is --

8           Q.       Right.  And we're thinking that three  
9 people illegally used your addresses.

10          A.       Must be because everything matches  
11 with our lists and everything is signed by our  
12 management company before they go to register to  
13 school.

14          Q.       Okay.  Thank you.

15                   MR. DiBIASI:  Your witness for  
16 questioning, Mr. Chairman.

17                   CHAIRMAN SCRUDATO:  Thank you.  Thank  
18 you very much.

19                   Questions from Board members?

20                   MS. BROWN:  Mr. Meka, can you tell me  
21 how many employees will be in your management  
22 company at this site?

23                   MR. MEKA:  Probably one, two or none  
24 because my management company got two offices, one  
25 is in Caldwell, one -- I mean, actually, three.  One

1 is on East Centre Street and another one will be  
2 here.

3 MS. BROWN: I guess I don't  
4 understand, then, why you're calling this a  
5 management office. You're just going to have your  
6 sign on the door and nobody there?

7 MR. MEKA: No, I will have people  
8 there but sometime they go from -- because they're  
9 already connected with the phones and the computers  
10 and everything.

11 MS. BROWN: Well, what will their role  
12 be? Are they on the road or are they in the office  
13 answering a phone? What do they do?

14 MR. MEKA: They go there to check;  
15 anytime they get a call or if people move in from  
16 one apartment to the other, they always witness so  
17 that nobody damages anything and everything goes  
18 accordingly.

19 MS. BROWN: Okay.

20 CHAIRMAN SCRUDATO: I have a question.  
21 Mr. Meka, you stated you have one company in all  
22 three projects?

23 MR. MEKA: Yes.

24 CHAIRMAN SCRUDATO: But isn't this  
25 project under a different name?



1 MR. MEKA: No, they do all my  
2 projects. It's Investment Property Group, the name  
3 of the company who does all my management.

4 CHAIRMAN SCRUDATO: But this is a  
5 separate company.

6 MR. MEKA: Yes, they do.

7 CHAIRMAN SCRUDATO: Okay, so there are  
8 two projects under one head and this is under a  
9 different one.

10 MR. MEKA: No, all my buildings are  
11 under different LLCs, but the management company is  
12 only one, which manages all my LLCs.

13 CHAIRMAN SCRUDATO: Okay. I have no  
14 further questions.

15 MR. PASTORE: Mr. Meka, the building  
16 is absolutely a gorgeous building, all the buildings  
17 you have put up, very, very good-looking building.

18 MR. MEKA: Thank you.

19 MR. PASTORE: Big problem I have with  
20 this one: For that corner, it is much too big. To  
21 me, it's just not -- you know, you're just sticking  
22 a big white elephant out there. It's just too big  
23 for that corner. My opinion.

24 MR. MEKA: As you know, on this one,  
25 believe it or not, I got -- when I bought the -- I

1 mean when I went to design the property, I was  
2 informed there was no environmental issues, but as I  
3 went there, invested enough money, I said since I  
4 love Nutley so much, I'm going to do whatever I can  
5 to make this project -- to clean that corner so I  
6 don't have to drive in, don't have to look at that  
7 fence. So I designed it as 36 units for only  
8 reason, to make it happen, because even the 36 units  
9 wouldn't bring me any profit for at least ten years.  
10 Now, after I listened to the Board members, to the  
11 people, of course, I got my feeling, I don't have to  
12 have those units, but just by going -- I'd love to  
13 see that property cleaned, going by what the  
14 people's concerns were, like, trying to get what the  
15 Board wants, I cut complete floor, I went to 27  
16 units. That building, at 27 units, I could show you  
17 the figures, it will take me at least 20 years  
18 before I get a penny on it, but the love for Nutley,  
19 it's more important and then I could spread it to  
20 all my buildings and then I can make it happen, but  
21 smaller than that, that project doesn't work.

22 MR. PASTORE: Well, with your love for  
23 Nutley, walk down there, picture this three-story  
24 building sitting on that corner for your love for  
25 Nutley.

1 MR. DiBIASI: I think what Mr. Pastore  
2 is saying is that he doesn't -- you don't think it's  
3 going to look good? I think that's what he's  
4 saying. Would you like to respond to that?

5 MR. MEKA: I mean, we try our best,  
6 Mr. Pastore, and it's going to look beautiful. That  
7 corner, the way we design it and elevate it as the  
8 street goes, the streetscape, I think you guys are  
9 going to be very happy when it's done and finished.  
10 We're going to put enough landscaping, we're going  
11 to do everything we can to keep the neighbor on the  
12 left happy, we're going to try to preserve all those  
13 trees to make sure that no trees get hurt, so -- but  
14 other than that, there's not much we can do.

15 MR. PASTORE: Okay.

16 CHAIRMAN SCRUDATO: Thank you. Any  
17 further questions? George?

18 MR. DEMERJIAN: Mr. Meka, if a retail  
19 tenant came to you and said "I'll give you \$25 a  
20 square foot for that space," you'll certainly move  
21 out your management company, correct?

22 MR. MEKA: No, never.

23 MR. DEMERJIAN: Never?

24 MR. MEKA: No. I'll have my attorney  
25 do a -- what do you call -- restriction lease if

1 anybody else, they can't go, I have to come to the  
2 Board before I rent.

3 MR. DEMERJIAN: You always talk about  
4 building quality units and quality services for your  
5 tenants; however, you don't provide any amenity  
6 space, and to me, it's all about as many units as  
7 possible so maybe -- can you explain to me why there  
8 are no amenities for the tenants in this building?  
9 You know what I mean by "amenities," right? Gym,  
10 recreational spaces, lounge spaces, all those things  
11 that we do in New York that has actually migrated  
12 its way here to New Jersey now. Why is it all about  
13 units and why is it not about quality of life?

14 MR. MEKA: Because in this property,  
15 that's how much room we have.

16 MR. DEMERJIAN: But it's every  
17 property you do now, so that's my challenge here,  
18 and I also agree with Mr. Pastore that three stories  
19 here just does not work for me, it's too out of  
20 scale with the neighborhood, so that's my problem  
21 with it, and I appreciate the whole financial burden  
22 that you have with the remediation, I respect that.  
23 I ran my own financial pro forma, I get different  
24 numbers than you do, so I'll leave it at that, but  
25 that's kind of where I am. Thank you.

1 MR. MEKA: You're welcome.

2 CHAIRMAN SCRUDATO: Thank you. Any  
3 further Board member, questions?

4 (No response)

5 CHAIRMAN SCRUDATO: Hearing none, is  
6 there any questions from the audience, please?

7 (No response)

8 CHAIRMAN SCRUDATO: I don't hear any,  
9 Mr. DiBiasi.

10 MR. DiBIASI: I don't either, Mr.  
11 Chairman.

12 CHAIRMAN SCRUDATO: Thank you, Mr.  
13 Meka, for your testimony.

14 MR. MEKA: Thank you.

15 CHAIRMAN SCRUDATO: All right. Do you  
16 have anyone further, Mr. DiBiasi?

17 MR. DiBIASI: Not at this time, Mr.  
18 Chairman.

19 CHAIRMAN SCRUDATO: Okay. Now we'll  
20 have Mr. Paul Ricci, please.

21 MS. McGOVERN: Or do you want Mr. Hay?

22 CHAIRMAN SCRUDATO: Either one. Who  
23 drew short straw?

24 MS. McGOVERN: He's closer, he's  
25 going.

1                   CHAIRMAN SCRUDATO: Please identify  
2 yourself and spell your last name for the secretary.

3                   MR. RICCI: For the record, I'm Paul  
4 Ricci, R-I-C-C-I.

5                   CHAIRMAN SCRUDATO: Would you raise  
6 your right hand.

7 P A U L R I C C I, Board Planner, first having  
8 been duly sworn, testified as follows:

9                   CHAIRMAN SCRUDATO: Please tell us  
10 what you have to say with regards to this  
11 application.

12                   MR. RICCI: Thank you, Mr. Chairman.  
13 We've heard a lot of testimony here, probably seven  
14 --

15                   MS. McGOVERN: I just want to -- this  
16 is just for the record. Mr. Ricci is the planner  
17 hired by the Board to give an independent evaluation  
18 of the project.

19                   Okay, go ahead.

20                   MR. RICCI: Thank you, Mr. Chairman.  
21 I've heard a lot of testimony, probably, you know,  
22 seven hours plus, sometimes I want to jump up and  
23 raise my hand and ask questions, so it just puts me  
24 personally in a little predicament sometimes to wrap  
25 up seven hours, but I'm going to do my best to state

1 what my position is on the application, both the  
2 pros that I see and the potential cons that I see as  
3 part of this application.

4           Hopefully the Board was able to review  
5 the planning letters that I prepared. They were  
6 dated September 15, 2014 and October 10, 2014. The  
7 October letter essentially updated the planning  
8 letter based upon revisions made by the applicant  
9 when they reduced the building from four stories to  
10 three stories.

11           As this Board is well aware, the  
12 applicant has a high burden of proof in this  
13 application. They're seeking a D-1 use variance.  
14 That D-1 use variance is really limited and I agree  
15 with Mr. Steck on this provision, for the R-1  
16 portion of the property, the northerly property  
17 where the single-family residence is currently  
18 located. The remainder of the property being  
19 located in the B-2 zone, a single-family house in  
20 the R-1 zone, the applicant needs to show this Board  
21 that utilizing the R-1 portion of the property, that  
22 this use is particularly well suited for that use,  
23 and most of the testimony that I heard -- I'm going  
24 to sum it up -- the applicant contended that because  
25 this site has been essentially in need of

1 remediation, it's environmentally contaminated, that  
2 that is a special reason that supports essentially  
3 the revitalization of this tract. I note that in  
4 terms of the remediation and contamination of the  
5 site, my understanding, that is limited within the  
6 B-2 section of the property, the gas station.

7           Regarding extending into the R-1 zone,  
8 most of the information that I heard was based upon  
9 the need to essentially get the driveways further  
10 away from the intersection and what they indicated,  
11 that benefits associated with that is currently, I  
12 believe there are four driveways on the commercial  
13 property; if you include the residential property, I  
14 believe it's five driveways, that they would  
15 consolidate that to one driveway. That's what  
16 they're contending is one of the benefits and the  
17 need to utilize the R-1 district. Under the -- I  
18 know you don't like to talk about the former  
19 application, but under the 7-Eleven application,  
20 they also extended the driveway into the RF zone,  
21 and as part of that application, there wasn't a  
22 building in the RF zone. It was associated with the  
23 access aisles, driveways and the like.

24           I do -- just on a side note, I would  
25 say I would agree with Mr. Steck that if the



1 township decides to do a redevelopment study for the  
2 former gas station, it's about as close to being a  
3 slam dunk as possible that the area could be  
4 essentially determined a formal area in need of  
5 redevelopment. So in that regard, there are  
6 positives clearly associated with the remediation of  
7 the tract, the question being "Is the full need for  
8 the R-1 property fully justified as part of this  
9 application?" You've heard the applicant's  
10 testimony in that regard. With that said, just  
11 because you're remediating a tract, the applicant  
12 also needs to meet the negative criteria. It  
13 doesn't mean because you have contamination, that  
14 you can build whatever you want; that's why zoning  
15 rules and regulations are in place.

16 One of the things that I wanted to  
17 stress, while initially I thought that a D-6 height  
18 variance was required as part of this application,  
19 because this application is being regulated by your  
20 -- potentially, your mixed-use standards, there's  
21 not a specific height requirement that regulates the  
22 number of stories, so within the B-2 area, you're  
23 permitted to have a total of two stories where the  
24 applicant is proposing three. If I was before you  
25 as an advocate for this development, if I was

1     testifying for the stricter D-6 standard for a  
2     height variance, it's my opinion that the applicant  
3     should be focusing on, in terms of the positives  
4     associated with it, what is the basis of the height  
5     in the zone. Traditionally, you know, the basis for  
6     heights in zones are to ensure that there's adequate  
7     light, air and open space in that district, and part  
8     of the issue is and part of your review of the  
9     negative criteria is, is it in any way as part of  
10    having an additional story that's located in the B-2  
11    district. Also, the R-1 district allows a height of  
12    30 feet and two half-stories, so it allows an  
13    additional half-story and this application has  
14    regulated in terms of how the, for lack of a formal  
15    word, the deck line of the building is measured to  
16    just under 33 feet and, you know, some of the  
17    elements of the building go higher, is that  
18    something that results, in your opinion, in creating  
19    -- eliminating light, air and open space as part of  
20    this district?

21                   I think one of the things that didn't  
22    really come out as part of the testimony, that from  
23    a general planning standpoint, how the consolidation  
24    of these lots changes how this application is  
25    treated is that -- I'm going to speak to this very

1 quickly and it's a point, I think, that everyone  
2 should understand. Because there's currently three  
3 lots and the single-family residential lot to the  
4 north, which I'm speaking to C-5 of 13, it's not  
5 really shown on here but I'm going to approximate  
6 the boundary on the top portion of the site plan  
7 (indicating). Because that's an independent lot,  
8 it's an interior lot, it has traditional setbacks, a  
9 front yard, side yards and a rear yard. When this  
10 tract is combined into a one-corner lot, your  
11 regulations have two front yards on the street  
12 frontages and two side yards and the implications of  
13 that results, in any application, whether it was  
14 residential or commercial, it results in a dramatic  
15 reduction -- I'm stealing somebody's exhibit. It's  
16 pretty nice. My kids would love this. My kids  
17 would really like this. It results in, not to joke  
18 but it results in eliminating a rear yard setback  
19 of, you know, 30 feet in a residential area and it's  
20 essentially the same whether it's in the B-2 or the  
21 R-1, a one side-yard setback of the six feet. And  
22 so when the Board members were asking "Well, a  
23 residence can be located here, whether it's big or  
24 small," that's what's changing this application from  
25 a zoning standpoint, if that's clear.

1           Regarding the Master Plan, I'm not sure  
2 if everyone knows but I was the principal drafter of  
3 the first draft of the Master Plan and I'm just  
4 going to speak to a couple things. Mr. Steck talked  
5 about gateways and essentially quoted what I said  
6 word for word, and regarding the gateways, I mean,  
7 realistically, the intention of that section was  
8 really, you know, to encourage vibrant entrances  
9 into the township, it really didn't speak  
10 specifically to any building, a gateway building and  
11 the like. With that said, which I believe is more  
12 on point, because this is a property -- because  
13 we're not talking about a commercial use in a  
14 residential property that's all by itself. It  
15 borders a commercial property. And I think the two  
16 most important elements of the Master Plan -- I'll  
17 just talk about them quickly -- are: It talks about  
18 the Township of Nutley being an established suburban  
19 community, it is the desire to preserve the  
20 established character of neighborhoods in the  
21 township. So there's an issue of encroachment into  
22 a residential neighborhood and continuing to retain  
23 that established character. That's on one end.

24           There's conflicting points in the  
25 Master Plan, I believe, for this general area. One

1 point that wasn't discussed by Mr. Steck is that, in  
2 the economic plan element, it specifically shows  
3 that area as an area that should be targeted for  
4 economic development. That's because, you know, the  
5 site is dilapidated and the like. It doesn't show  
6 the exact boundaries but it includes this general  
7 area and it goes on to say that this area of the  
8 township has experienced periodic building vacancies  
9 as well as the deferred maintenance. "Consideration  
10 should be given to preparing a specific area plan to  
11 encourage revitalization of the area. It might also  
12 be appropriate to create a new zone or overlay zone  
13 to allow for development other than is currently  
14 defined." So it is recognized that there's  
15 conflicting points in the Master Plan regarding this  
16 area. There's an issue of the changing of the  
17 established character, scale, encroachment into a  
18 residential area, and there's the other point that  
19 it recommended that this area be looked at for a  
20 potential new zoning and overlay zoning and the  
21 like, and I think that largely stems from the fact  
22 as part -- how it all relates together is, is the  
23 extension into the R-1 zone to provide that  
24 additional driveway really needed for the effective  
25 redevelopment of the area, and I think that really

1 speaks to the particular suitability of that lot or  
2 whether it is suitable or not and I think that's  
3 something the Board should evaluate, because if it's  
4 this application or another application, I think you  
5 want to encourage, clearly, the gas station to be  
6 revitalized and redeveloped and, I mean, that's why  
7 you're the Board, you make the difficult decisions.

8           And also in that regard, I just have to  
9 say, this application is a higher level of intensity  
10 than was anticipated in the Master Plan and that's  
11 something that I believe the Board's going to have  
12 to evaluate as part of the negative criteria as  
13 well.

14           If there are any questions, I'll do my  
15 best to answer them, but that's my best at a short,  
16 concise synopsis that I believe are the critical  
17 issues and what's really driving this application  
18 from a development perspective and really from the  
19 Master Plan's perspective when this area was looked  
20 at.

21           CHAIRMAN SCRUDATO: Thank you.

22           Questions from Board members, please.

23           MS. BROWN: Mr. Ricci, do you agree  
24 that this project would be less of an impact if the  
25 R-1 zone was taken out of it and the height was cut

1 to two stories?

2 MR. RICCI: Would it have less of an  
3 impact on the surrounding residential neighborhood  
4 --

5 MS. BROWN: Yes.

6 MR. RICCI: -- if it was a two-story  
7 building than a three-story building?

8 MS. BROWN: Yes.

9 MR. RICCI: I think, by definition,  
10 clearly, a smaller building would have -- would  
11 relate better, just because it's smaller, to a  
12 residential use, yes.

13 MS. BROWN: Thank you.

14 CHAIRMAN SCRUDATO: Anyone else?

15 MR. GRAZIANO: I don't know if I heard  
16 you right. Did you say that the gas station should  
17 be revitalized instead of this property being put in  
18 there?

19 MR. RICCI: I'm saying that a property  
20 that has laid idle and vacant and is contaminated  
21 for as long as it has, I believe that it's an  
22 eyesore in the community and something that, whether  
23 it's this application or another application, that  
24 the township should work to encourage that property  
25 to be redeveloped in some capacity, yes.

1 MR. GRAZIANO: Okay. Thank you.

2 CHAIRMAN SCRUDATO: Okay. Nothing  
3 further from Board members.

4 Is there anyone in the audience who has  
5 a question for Mr. Ricci?

6 (No response)

7 CHAIRMAN SCRUDATO: Hearing none, I'd  
8 like to thank you for your testimony, sir.

9 MR. RICCI: Thank you.

10 CHAIRMAN SCRUDATO: And you made your  
11 report part of the record.

12 MS. McGOVERN: Yes --

13 MR. RICCI: Yes.

14 MS. McGOVERN: -- we have two reports.

15 CHAIRMAN SCRUDATO: Good. Thank you.

16 MS. McGOVERN: Todd Hay.

17 CHAIRMAN SCRUDATO: Mr. Todd Hay.

18 Please identify yourself for the record and your  
19 address.

20 MR. HAY: Todd M. Hay, H-A-Y, 105  
21 Fieldcrest Avenue, Suite 502, Edison, New Jersey.

22 CHAIRMAN SCRUDATO: Please raise your  
23 right hand.

24 T O D D M. H A Y, 105 Fieldcrest Avenue, Suite  
25 502, Edison, New Jersey 08817, first having been



1     duly sworn, testified as follows:

2                   MS. McGOVERN:   Just for purposes of  
3     the record, Mr. Hay, you are the engineer that the  
4     Board used and consulted with and you prepared two  
5     reports, if you could just put that on the record.

6                   MR. HAY:    Yes.

7                   CHAIRMAN SCRUDATO:   And they've been  
8     submitted into the record.

9                   MR. HAY:    Yes.

10                  CHAIRMAN SCRUDATO:   Please tell us  
11     what you have to say.

12                  MR. HAY:    Sure.   Mr. Chairman, as the  
13     Board all knows and probably the public knows, I  
14     submitted two reports, one of which was answered  
15     prior to my October 10, 2014 report, which was my  
16     second review that I conducted of the applicant's  
17     site plans as well as the applicant's information  
18     relative to the architectural plans.  In that letter  
19     and what Mr. DiBiasi had described earlier were  
20     certain items that were in compliance and certain  
21     items not in compliance.  The items in compliance, I  
22     think are pretty self-explanatory.  The items that  
23     are not in compliance, and I start on sheet Page 2  
24     under Sheet 5, the first item being with respect to  
25     handicapped ramp.  We're asking for two ramps.

1 There is a diagonal ramp there now at the adjacent  
2 corner adjacent to the application. We're asking  
3 for a revision to that. The applicant is fully  
4 aware of the ADA and Proline guideline so that  
5 Proline guidelines will be accepted. We've asked  
6 them to make a revision as such.

7 The other item was Item 2 under Sheet  
8 5, which was relative to the buffering, the  
9 buffering being to adjacent property on Passaic  
10 Avenue. I'd like them to be able to address that in  
11 terms of what type of screen wall would be  
12 associated with landscaping.

13 The last item on Page 2 is under Item 5  
14 and that was again the garbage truck turning  
15 template. I have not seen any evidence of whether  
16 or not a garbage truck can access the area, the  
17 garbage area, as located on the site in the  
18 northwest corner. Now, that would be fully enclosed  
19 within the superstructure of the building but we do  
20 need to have some evidence to show that a garbage  
21 truck or garbage hauler, whether it be private or  
22 public, can access the site.

23 On Page 3, I had some other comments as  
24 well. One of the comments that happened to be under  
25 Item 11 on Page 3 of sheet 5, which is, again, just

1 superficial information relative to building columns  
2 not being an obstruction. I know I've had issues  
3 with the applicant in the past, I've asked him to  
4 make sure that he accentuates certain obstructions  
5 that we'll have during construction so that they  
6 don't inhibit parking and that they don't affect the  
7 site plan approval that this Board may render this  
8 evening.

9 Under Sheet 6, I've gone ahead and said  
10 that under Items 1 and Item No. 3, there needs to be  
11 some satisfaction relevant to compact parking and  
12 with respect to appropriate signage. Now, again,  
13 there was no indication under Item 1 relative to how  
14 it would be identified for compact space with  
15 respect to signage, so signage does need to be  
16 denoted. And Item No. 3, the same thing with one-  
17 way and do-not-enter signage. Now, the construction  
18 official does have latitude; however, when it comes  
19 to compliance at the end of the application or the  
20 end of the build if this application were to be  
21 accepted, I would have to go ahead and say "If I  
22 have any signage problems, I would like the  
23 applicant to be able to go ahead and put that  
24 signage in." I think it's prudent that the  
25 applicant put them on the plans now and I

1 recommended that within my letter.

2 Also on Page 3 under Sheet 7 with the  
3 site grading and utility, I did ask for water and  
4 sewage calculations. I would like to get those so  
5 that I can better understand whether or not the  
6 applicant has to go to the DEP for application.  
7 That was based on the earlier revisions and was also  
8 not stated in their engineering calculations, so I'm  
9 asking them as part of a condition to supply that.

10 On Page 4, there are a number of items  
11 on Sheet 7, all relevant to the grading, all  
12 relevant to also the stormwater management. One of  
13 the things of stormwater management which may or may  
14 not have been addressed is the fact that there is  
15 going to be a parking level, it's very similar to  
16 one of the applications and one of the constructions  
17 that this applicant put forth in application at 52  
18 East Centre Street and what that is is that there  
19 happens to be a basement level area; basically, an  
20 underground parking. That needs to be serviced with  
21 drainage, so there will be actually a pump system  
22 that will take the drainage from the lower level of  
23 the building and then bring it up to the first first  
24 floor. So we're asking for details on that and that  
25 happens to be in Item No. 5 and Item No. 6.

1                   With respect to Sheet 8 with the  
2                   landscaping and the lighting, we did say it was  
3                   satisfied. Again, I ask the Board to make sure that  
4                   there is a condition relative to the landscaper and  
5                   our tree forester in town to make sure that the  
6                   species that are being planted are appropriate for  
7                   screening and they match up with what the applicant  
8                   has testified, both from a planning standpoint and  
9                   from a site plan standpoint.

10                   Relevant to items on Sheet 10 and 11, I  
11                   had no comments. One of the things I'll mention on  
12                   Sheet 10, if, let's say, this applicant were to  
13                   clean the property up before doing any type of work  
14                   in terms of construction, the applicant does have to  
15                   go through the Building Department process, not  
16                   really for soil moving but more to inform them about  
17                   soil erosion. That would be handled by Mr.  
18                   Intindola. That is actually separate if that  
19                   happens to be a separate issue and there's a cleanup  
20                   prior to the actual construction. So I want the  
21                   Board to recognize that that might be separate from  
22                   this. That would be handled by the construction  
23                   department in consultation with me as the township  
24                   engineer.

25                   With respect to Items -- Sheet 11, we

1 had no comments.

2 With Sheet 12 and 13, again, details  
3 that happen to be with manholes, details that happen  
4 to be with the parking, actual signage, and then, of  
5 course, with the stormwater, we want to make sure  
6 that we understand the stormwater's going to work,  
7 that it's meeting the stormwater calculations, the  
8 details should be shown on the plans prior --  
9 obviously, prior to a building permit being sought.

10 And the same thing goes on Page 5, the  
11 stormwater management statement. We've asked them  
12 to do a revision relevant to the outlet control  
13 structure. We saw some inconsistencies. The  
14 applicant did not discuss permits but, in a  
15 nutshell, I did mention the water extension permit  
16 and the treatment works approval, if applicable. If  
17 not, the applicant would then go to the local  
18 authority, which would be our water/sewer operator  
19 and then go to the regional authorities and then  
20 seek application.

21 Soil erosion and sediment control  
22 permit, they would have to seek and it would have to  
23 be brought to the Construction Department.

24 Public Works. Our real improvement  
25 that we would be looking for in terms of the

1 township, my understanding is, is to make sure that  
2 they take out the necessary permit approvals for the  
3 curb lines and also for the sidewalk abutting  
4 Passaic Avenue. Again, the applicant's said that  
5 Kingsland Avenue, which happens to be a DOT right-  
6 of-way, they would have to seek permits from the DOT  
7 and that permit would fall under a minor access  
8 permit, which this applicant has now elaborated and  
9 answered my question on Page 5 of Item No. 5.

10 Page 6, I just want to remind the Board  
11 relevant to development fees, we will be asking the  
12 applicant to provide clarification with that. And  
13 finally, I'd like to see a point-by-point response  
14 to my letter, which the applicant has done, the  
15 applicant's engineer has been working with me on  
16 that. We'd like to make sure that we further  
17 understand that so that all the plans and all the  
18 details are taken care of.

19 Mr. Chairman, with respect to traffic,  
20 I did listen to the applicant tonight. I will tell  
21 you basically in summary the things that I've heard.  
22 I do do traffic reviews, I do traffic design, I've  
23 actually worked with Mr. Staigar both reviewing his  
24 applications on the private side as well as on the  
25 public side, and relevant to what he's expressed, he

1 basically did what I had asked him to do and that is  
2 show a comparative analysis, a comparative analysis  
3 going a little above and beyond what we had  
4 discussed but it gave me assurances that, from a  
5 trip generation, which is the first thing any  
6 applicant looks at, the amount of trip generation  
7 has basically been reduced from the prior  
8 application approval by 75 to 80 percent. That's  
9 significant in itself. However, one of the things  
10 that was not addressed which I'm concerned about but  
11 I don't think it's a concern based on my  
12 calculations that I just did here rough, I do not  
13 believe that this applicant will have trip  
14 generations that will be higher if you add in the  
15 retail use because, again, the applicant expressed  
16 that the calculations were based on a mixed use with  
17 office and residential. I think that there needs to  
18 be something that has to be shown in the traffic  
19 report that shows the worst-case scenario, which I  
20 noticed some of the Board members had asked for and  
21 I think that that is applicable and it should be  
22 shown. I do not believe it's going to change the  
23 status of them going after a minor access permit, I  
24 don't believe it's going to change the status of any  
25 reduction from the prior application as well as what



1 is on site today, though vacant.

2           The other thing that I would like to  
3 mention to the Board as well as the level of  
4 service, which is very important. The level of  
5 service on the roadway right now is level of service  
6 C. That was testified before with the 7-Eleven  
7 application. One of the things that has come up  
8 which the Board needs to be aware of is the fact  
9 that on the township side, the township is aware  
10 that the complaints at the intersection, the signal,  
11 with the traffic that are going westbound on  
12 Kingsland Avenue, has increased and the Commons and  
13 the concerns have increased and I have talked to my  
14 commissioner, Mr. Scarpelli, about that on the  
15 township side and we will be writing a letter to DOT  
16 at some point. I can't say exactly when, but I will  
17 let you know that the request will be made of DOT to  
18 ask them to look into signal timing because I  
19 believe the timing is an issue and the timing is an  
20 issue during, as I did discuss with the attorney  
21 earlier, during the weekend hours and that has to be  
22 looked at. I think we had discussed it before, we  
23 somewhat put the onus in on the applicant but there  
24 was a reason why we did that with 7-Eleven, the  
25 reason being is, is that that a major access permit

1 with Planning actually requires that. They're  
2 actually asking for a minor access permit, which is  
3 a little bit different, so we believe that the  
4 township does need to go ahead and take ownership of  
5 that and I will be seeing what I can do to go ahead  
6 and alleviate concerns during the weekend peak  
7 hours.

8 With respect to permits again, that was  
9 discussed. We're looking at a minor access permit.  
10 I'd like to make sure that that's made a condition  
11 so that if we do have the minor access permit, we do  
12 understand what the applications are. Sometimes  
13 there are conditions and those conditions could  
14 affect this application in terms of the way it's  
15 approved, so that needs to be known.

16 I do understand that, from listening to  
17 Mr. Staigar, that he did describe the fact that mass  
18 transit will be provided. I think that was pretty  
19 self-explanatory. There is a bus stop that's there,  
20 it's also not going to be affected.

21 I can also testify to the Board that  
22 with respect to parking, there's compact spaces that  
23 are going to be provided. There have been several  
24 applications now before the Planning Board where  
25 they've accepted and they have allowed a variance

1 with respect to compact spaces. I have talked to  
2 Mr. Intindola and Mr. Barry about whether or not  
3 there will be revisions to the code at some point,  
4 they'll be getting a request from the Planning  
5 Board, the Commissioners to do so, but it is the  
6 norm and I did ask the applicant for a study of  
7 other municipalities relevant to whether or not  
8 Bloomfield, Maplewood, certain other towns of this  
9 size have an ordinance that are relative to putting  
10 a share aside for compact spaces. I can tell the  
11 Board that based on the analysis that this  
12 applicant's traffic engineer has done, that has been  
13 the case, and I think it's perfectly acceptable to  
14 introduce compact parking as long as accessibility  
15 is made whole within the parking garage itself.

16 And I believe that is about it, Mr.  
17 Chairman, with respect to my comments. I know that  
18 there was one other issue during construction about  
19 maintenance, protection of traffic. Again, that's  
20 going to be an issue if it happens to pertain to the  
21 environmental with the amount of fill and soil  
22 that's going to be taken out because that has to be  
23 remediated first. That would be handled with a  
24 consultation with the Building Department. I don't  
25 think it's part of this application but it will

1 become part of the application when the  
2 environmental are taken care of, when the garage is  
3 built, and we may want to make sure that we make a  
4 condition advising the Board and, of course,  
5 advising the township as to what the implications  
6 will be when the foundations are built for the  
7 garage. I could tell you, I witnessed 52 East  
8 Centre Street, there was a lot of fill removed, it  
9 was a very large garage that was built. It's going  
10 to be the same magnitude, so it is very important to  
11 understand how the traffic is going to be affected  
12 at that intersection.

13 And that's all of my comments, Mr.  
14 Chairman.

15 CHAIRMAN SCRUDATO: Thank you very  
16 much, Mr. Hay.

17 Let's see. Any questions from Board  
18 members, please?

19 (No response)

20 MS. McGOVERN: Can I just -- I have a  
21 couple things I just want to straighten out. You  
22 mentioned the applicant has to consult with the  
23 commissioners for development fees; is that correct?

24 MR. HAY: I believe that the applicant  
25 has to work with both the Board attorney as well as

1 with the township attorneys as to any fees, that  
2 correct, that is in the ordinance.

3 MS. McGOVERN: I'm going to make a  
4 suggestion. I don't know what the Board or the  
5 applicant feels like, I'm just going to suggest that  
6 the Board of Commissioners, we make a suggestion  
7 that the Board of Education be consulted for any  
8 suggestion that they might make with respect to an  
9 impact fee, because there was testimony that the  
10 applicant is interested in assisting the Board of  
11 Education in any way that he can.

12 I also note, we have a report from the  
13 forester. Is there a condition that we can accept  
14 what the forester's recommended? Because I know  
15 that you also mentioned something about the forester  
16 test in your testimony just now, Mr. Hay.

17 MR. HAY: Ms. McGovern, when was that  
18 letter written?

19 MS. McGOVERN: October 2, and what he  
20 recommends is the demolition plan, No. 4 should show  
21 the removal -- I think that's what he writes, "I  
22 still recommend planting two shrub trees on Passaic  
23 Avenue and one additional shrub on the corner of  
24 Kingsland Street." So I don't know if that's  
25 working with your office or --

1 MR. HAY: I believe that that's  
2 working independently but the reason for my question  
3 is because that would be germane to the latest  
4 revised plan so that would be correct.

5 MS. McGOVERN: Okay.

6 MR. HAY: I had the prior letter,  
7 that's the reason why I asked.

8 MS. McGOVERN: Okay.

9 CHAIRMAN SCRUDATO: What was the  
10 decision on the removal of those trees?

11 MS. McGOVERN: Is there an acceptance  
12 of the forester's report as a condition?

13 MR. DiBIASI: Mr. Meka has always gone  
14 along with the forester's condition. It's clear,  
15 though, to the applicant and to me that we have more  
16 work to do, we would not be asking for a vote  
17 tonight, as we've discussed, we have more work to do  
18 on the planning side and on the engineering side and  
19 we will diligently pursue that.

20 I also can give counsel an update on  
21 the impact portion of this at the appropriate time.

22 MS. McGOVERN: Okay.

23 MR. DiBIASI: But we will accept the  
24 forester's report.

25 MS. McGOVERN: Okay.

1                   CHAIRMAN SCRUDATO: While we have Mr.  
2 Hay there, let's let the --

3                   MR. FUSARO: I have a question.

4                   CHAIRMAN SCRUDATO: Yes, Mr. Fusaro,  
5 question.

6                   MR. FUSARO: You said you were going  
7 to recommend to the Board of Commissioners that a  
8 traffic study be done by the state only if this  
9 application goes forward or either way?

10                  MR. HAY: No, it will be done no  
11 matter what.

12                  MR. FUSARO: Okay.

13                  MR. HAY: It will be done no matter  
14 what. I've spoken to my commissioner about it. The  
15 comments did come beforehand. My concern was  
16 whether or not that this applicant should be  
17 responsible. I was asked my opinion. My opinion  
18 was "Well, if they don't have to do a major access  
19 with Planning, I don't know how you can force an  
20 applicant to do, you know, some type of study of  
21 that magnitude of a minor access." A major access  
22 is a completely different story.

23                  MR. FUSARO: So this application  
24 really has no bearing on the traffic problems that  
25 are there already.

1 MR. HAY: No, this happens to be a  
2 signal -- it's my estimation, from speaking to Mr.  
3 Staigar and speaking to two other experts that have  
4 looked at this signal, that basically it's a timing  
5 issue.

6 MR. FUSARO: Thank you.

7 CHAIRMAN SCRUDATO: What was your  
8 comment on the garbage trucks?

9 MR. HAY: Mr. Chairman, on the garbage  
10 trucks, essentially what we've seen in the past with  
11 this applicant as well as other applicants with  
12 multifamily or mixed-use applications is that there  
13 is a garbage area that's designated. There needs to  
14 be -- show some indication that a garbage truck can  
15 get from the right of way to that area, make a  
16 K-turn within that area and then exit the site  
17 without impacting traffic operations.

18 CHAIRMAN SCRUDATO: It's my  
19 understanding that there wouldn't be the standard  
20 garbage truck and I do believe that the applicant is  
21 suggesting a lesser truck.

22 Is that right, Tom?

23 MR. DiBIASI: That is correct, Mr.  
24 Chairman.

25 MR. HAY: The applicant just indicated



1 to me that it would be a smaller vehicle. As long  
2 as the vehicle is designated and there's a statement  
3 on the plan that suggests that it's going to be a  
4 private hauler, I think that needs to be shown as  
5 well, the township would be interested in that.

6 CHAIRMAN SCRUDATO: Okay. You're  
7 going to run that by the township for approval, Tom?

8 MR. DiBIASI: Yes, we do. What we've  
9 done in Mr. Meka's other buildings, we do use  
10 private sanitation, we have multiple pickups per  
11 week, but we have a little pickup truck that  
12 actually goes up and down in the back and it's  
13 worked out well on Bloomfield Avenue and on East  
14 Centre Street so far.

15 CHAIRMAN SCRUDATO: You're making a  
16 suggestion for signage for parking so that the  
17 general public who will be coming in for the stores  
18 could possibly run into totally unavailable parking  
19 spaces on the first floor. There should be signage  
20 to the second floor for them.

21 MR. HAY: It's two issues, yes, Mr.  
22 Chairman. It happens to be signs that are  
23 regulatory and then, number two, it happens to be  
24 warning signs, and the warning signs are really to  
25 encompass, you know, whether there's compact spaces,

1 if there happens to be parking spaces that they've  
2 designated. None of that has been designated on the  
3 plans and that really should be indicated so that  
4 there's a better understanding, not just for the  
5 Board but also for someone like me who has to do a  
6 compliance review if this application is approved  
7 and it's constructed.

8 CHAIRMAN SCRUDATO: And it's also for  
9 the benefit of the applicant, too, so they don't  
10 have a total Chinese drill taking place down there.

11 MR. HAY: That is correct, Mr.  
12 Chairman.

13 CHAIRMAN SCRUDATO: My last question  
14 is: Basement pumps?

15 MR. HAY: Yes. Mr. Chairman, what  
16 happens is that every underground structure that has  
17 any type of, let's say, open air or let's say it has  
18 areas where water can migrate in, water can  
19 accumulate in an area in a basement and what happens  
20 because of the grade differential, you have to be  
21 able to go ahead and remove the stormwater or remove  
22 any type of, let's say, accumulation of water that  
23 gets into the basement. In order to do that in such  
24 a large structure, you have to have a pump system, a  
25 sump system, correct, that can then discharge water

1 back into the drainage system that would basically  
2 attenuate the stormwater for the appropriate design  
3 storms.

4 CHAIRMAN SCRUDATO: Yes, I'm familiar  
5 with the possibility -- that possibility exists in  
6 some Hackensack buildings that I've been in.  
7 There's water laying in them year round because they  
8 have no method for getting rid of it, no sump, no  
9 pumps of any kind.

10 MR. HAY: And that is correct. In  
11 looking at the site now, the site is mostly gravel  
12 and broken-up asphalt. You're now introducing a  
13 site that has -- is completely impervious,  
14 impervious both for the building, impervious both  
15 for the parking, impervious for all types of  
16 improvements. That stormwater has to have somewhere  
17 to go, it basically will end up at the bottom of the  
18 basement, and in order to accumulate it, they do  
19 have to meet the stormwater ordinance, not just the  
20 township but also the DEP.

21 CHAIRMAN SCRUDATO: Okay. I think  
22 that's all my questions. Anything else?

23 (No response)

24 CHAIRMAN SCRUDATO: Are there  
25 questions from anyone in the audience for Mr. Hay?

1 (No response)

2 CHAIRMAN SCRUDATO: Sorry, Todd, we  
3 don't have any. Thank you for your testimony.

4 MR. HAY: Thank you.

5 CHAIRMAN SCRUDATO: Mr. DiBiasi.

6 MR. DiBIASI: Mr. Chairman, I think  
7 that was productive. We certainly will get the  
8 transcript and follow what we -- some of the  
9 suggestions from the township planner where he said  
10 we needed more detail and more information. Our  
11 planner is not here this evening. We'll let him  
12 read the transcript. Mr. Steck is in Westwood. He  
13 thought he was going to make it here this evening  
14 and that hasn't happened. And certainly, Mr. Hay's  
15 comments, we will address also.

16 As a point of order, if the Chair could  
17 give this courtesy. There are Nutley residents that  
18 are here this evening that wanted to address the  
19 Board and thought that the case was going to be  
20 completed this evening. They've been sitting here  
21 since 7:30 and I wonder if the Board would entertain  
22 some of their comments at this time.

23 CHAIRMAN SCRUDATO: Yes, I've asked  
24 for questions from anyone in the audience or  
25 comments, either.

1 MR. DiBIASI: Maybe at this time, I  
2 know that there were some --

3 CHAIRMAN SCRUDATO: Please come to the  
4 microphone if you have some comments.

5 MS. GOODSON: My name is Sally Goodson  
6 and I live at 203 Whitford Avenue, about five blocks  
7 away.

8 CHAIRMAN SCRUDATO: Could you spell  
9 your last name, Ms. Goodson?

10 MS. GOODSON: G-O-O-D-S-O-N.

11 CHAIRMAN SCRUDATO: Would you raise  
12 your right hand.

13 S A L L Y G O O D S O N, 203 Whitford Avenue,  
14 Nutley, New Jersey 07110, is sworn by the Board  
15 Chairman.

16 CHAIRMAN SCRUDATO: Please tell us  
17 what you have to say.

18 MS. GOODSON: Well, I go in and out of  
19 Nutley through that traffic light and I will tell  
20 you that probably -- it's got to be at least 30  
21 years of being totally embarrassed by the site of  
22 that piece of property. That was a blight when it  
23 was opened and certainly now it is also. When I see  
24 being recommended an apartment building with just  
25 one bedroom, it makes sense economically, it makes

1 sense how it's going to look.

2 Now, I have a picture here that I'm  
3 looking at and, certainly, seeing something like  
4 this at the end of that street is going to be much  
5 better than what is there now, and I guess I would  
6 wonder, because I haven't heard, what you think  
7 would go there that wouldn't be better than  
8 something like this. I heard someone talk about the  
9 fact that they can't get through that light to go to  
10 Costco. I think that's not the problem at that  
11 light, the problem is down by Route 3 when all of  
12 those lights change down there. If I want to get  
13 out of Nutley or bring someone in, I try to bring  
14 them another way so they do not see that eyesore. I  
15 do hope that you will consider supporting this  
16 project. Thank you.

17 CHAIRMAN SCRUDATO: Don't go away,  
18 please.

19 First of all, we can't do much with  
20 Route 3 traffic down there, down that far.

21 MS. GOODSON: I heard someone mention  
22 --

23 CHAIRMAN SCRUDATO: Our party was out  
24 at about Passaic and Kingsland into Nutley there.

25 MS. GOODSON: I go in and out that way

1 all the time.

2 CHAIRMAN SCRUDATO: Not as many years  
3 as I have.

4 MS. GOODSON: Pardon?

5 CHAIRMAN SCRUDATO: Not as many years  
6 as I have.

7 MS. GOODSON: I've been here since  
8 '65, I go there all the time.

9 CHAIRMAN SCRUDATO: I went to grammar  
10 school in '55.

11 MS. GOODSON: Okay. What's the game?

12 CHAIRMAN SCRUDATO: Well, to let you  
13 know I've got as much experience with regards to  
14 going through that corner there as you might have.

15 MS. GOODSON: Well, then you have seen  
16 that blight every time you pass and it's  
17 embarrassing.

18 CHAIRMAN SCRUDATO: If you'll let me  
19 finish, I'd be happy to explain to you. Will you  
20 let me finish?

21 With regards to the condition of the  
22 gas station that existed there, there is an  
23 ordinance on the township ordinance that requires  
24 the owner to clean up the property and it was not  
25 done for years. That's not my fault. I think

1 that's about as much as I can state on that.

2 MS. GOODSON: That property hasn't  
3 been used for probably about six years. It was an  
4 ugly piece of property for the last at least 30.

5 CHAIRMAN SCRUDATO: You'll get no  
6 argument from me on that.

7 MS. GOODSON: All right, thank you.

8 CHAIRMAN SCRUDATO: Don't go away.  
9 Any questions from Board members,  
10 please?

11 (No response)

12 CHAIRMAN SCRUDATO: Thank you very  
13 much, Mrs. Goodson.

14 MS. GOODSON: Thank you.

15 CHAIRMAN SCRUDATO: Anyone else?  
16 Please come to the mic. Give me your name.

17 MR. VIOLA: Brian Viola, V-I-O-L-A.

18 CHAIRMAN SCRUDATO: Will you spell  
19 your last name, please?

20 MR. VIOLA: V-I-O-L-A.

21 CHAIRMAN SCRUDATO: And your address,  
22 I'm sorry.

23 MR. VIOLA: 46 Oakley Terrace in  
24 Nutley.

25 CHAIRMAN SCRUDATO: Please raise your



1 right hand.

2 B R I A N V I O L A, 46 Oakley Terrace, Nutley,  
3 New Jersey 07110, is sworn by the Board Chairman.

4 MR. VIOLA: I'd just like to explain  
5 the impact that Mr. Meka's business has had on our  
6 business, a lot businesses here in town. The amount  
7 of business that he has given us through the  
8 projects in Nutley and his other projects have  
9 allowed us to escape the ravages of the recession  
10 that we all have experienced. Specifically, we've  
11 been able to hire four or five new people in the  
12 last year, one of them being from Nutley. We've  
13 also been able to update our machinery, buy new  
14 machinery, and the business that he has given us is  
15 really supporting a local business in town.  
16 Basically, that's what I'd like to say.

17 In reference to the project that he's  
18 doing now, he's shown by his projects in town that  
19 he builds a very beautiful building. I think one of  
20 the biggest parts, though, is that what he's willing  
21 to do is remediate the property, which seems to be a  
22 problem for anybody who's going to develop that  
23 property.

24 Thank you.

25 CHAIRMAN SCRUDATO: Thank you. Don't

1 go away.

2 Questions, please, from...

3 (No response)

4 CHAIRMAN SCRUDATO: Thank you for your  
5 comments.

6 Anyone else, please? Please come to  
7 the mic. Give us your name, your full name, your  
8 address and spell your name, please.

9 MS. POWERS: My name is Frances  
10 Powers, I live at 95 Elm Place, Nutley. It's P, as  
11 in Peter, O-W-E-R-S.

12 CHAIRMAN SCRUDATO: Raise your right  
13 hand.

14 F R A N C E S P O W E R S, 95 Elm Place, Nutley,  
15 New Jersey 07110, is sworn is by Board Chairman.

16 CHAIRMAN SCRUDATO: And pull that  
17 microphone to you, please, ma'am. Thank you.

18 MS. POWERS: I'm going to read my  
19 notes because I took time to prepare them.

20 First of all, I'm going to ask you to  
21 keep the number one in your mind for a few minutes  
22 and I'll get back to that.

23 We've sat here and listened to the  
24 builder's attorney speak about the poor widow and  
25 we've even seen him make a theatrical delivery to

1 the Board of the tax receipt for the taxes that the  
2 builder paid on her behalf. We've listened to the  
3 builder's experts, the Board has too, and for them,  
4 it's a repeat performance. I've done some research  
5 on the property that this builder developed on  
6 Bloomfield Avenue. They had the same experts  
7 presenting to the Board there with the same  
8 opinions, no increase in traffic, no problem with  
9 adding children to the school district, and that was  
10 Charlie Kucinski then too. The builder then said  
11 too, just like he did here, that he needed a density  
12 to make a profit. The decision there was five to  
13 two in favor. I hope, in hindsight, some of you now  
14 realize just how outsized that building was for the  
15 site.

16           During my research, I learned that this  
17 builder intends to develop the south side of the  
18 Roche property once the remediation is completed.  
19 He is already the largest landlord in Nutley. He is  
20 a landlord, he does not live here. He may say he  
21 plans to live here but he hasn't up to this time.  
22 He owns almost 200 rental units.

23           Here's where the number one comes in:  
24 I own one parcel of land, my home. A home is so  
25 much different than a rental property. He's been

1 asking for compromise. He wants me to compromise  
2 and let him have the variances for R-1 for the  
3 height of the building and for the density. What  
4 compromise does he make? A little less profit. The  
5 huge compromise that he's asking from me means that  
6 the quiet residential neighborhood that my home was  
7 in when my husband and I bought it will be even less  
8 tranquil and even less safe. For instance, when I  
9 asked about security, the expert said there would be  
10 cameras in the underground parking lot. Cameras are  
11 an after-the-fact security aid for law enforcement,  
12 not a deterrent. When I walk by there, underground  
13 parking does not allow me to see who might be  
14 lurking there and I would not feel safe passing it.  
15 Sure, the person might be caught on film but it  
16 would be too late to save a passerby from injury or  
17 worse. I need to be aware of my surroundings and I  
18 can't be when I can't see who might be down there  
19 ready to pounce. I am not willing to compromise my  
20 feeling of security.

21 I am also not willing to compromise the  
22 value of my property any further. Nutley is a  
23 special place. It is residential with owner-  
24 occupied homes, at least it was when my husband and  
25 I moved here from the City more than 40 years ago.

1 Homeowners have a vested interest in the well being  
2 of the town whereas renters are more transient and  
3 not vested. Real estate websites show the ratio of  
4 owner-occupied to rental units in a neighborhood.  
5 It's a clear indication of the stability of the  
6 housing values.

7 My heart goes out to the young couple  
8 who bought the property next door to this. They  
9 deserve the peace and tranquility that Nutley  
10 provided to us when we came here. It was a good  
11 place for us and it should be a good place for them.  
12 They should be happy, they should not have to come  
13 here and fight this proposal. Nutley used to take  
14 care of its own and it still should. He's asking  
15 too much of us. This builder seems to have only one  
16 set of plans: Brick and big. Apartments over  
17 stores. This is a city scenario and so is the  
18 underground parking, straight out of New York City.  
19 The bigger, the better for him, but not for us.

20 I am tired, too, of the either/or  
21 argument that is continuously being restated.  
22 Either we agree to his request for variances or  
23 we're stuck with the mess on the corner. How about  
24 this idea: Given that the builder has his sights on  
25 developing the Roche property, why not just put his

1 offices on this corner of Kingsland and Passaic,  
2 perhaps in a parklike setting surrounded by  
3 greenery. Mind you, it should fit within the  
4 current land use requirements, maybe he would like  
5 to even build his home here since he likes Nutley so  
6 much. It would be quite the regal gateway to what  
7 is fast becoming Mekaville. You can actually stand  
8 on the portion of the Roche property he wants to  
9 develop and see the corner in question. It could be  
10 nice.

11 I ask that this Board deny the request  
12 for variances. We need to keep Nutley the special  
13 place that it is.

14 (Applause by members of the public)

15 CHAIRMAN SCRUDATO: Miss, don't go  
16 away.

17 MS. POWERS: Thank you.

18 CHAIRMAN SCRUDATO: Questions from  
19 Board members, please.

20 (No response)

21 CHAIRMAN SCRUDATO: I'd like to make  
22 just one short comment to you. Mr. Meka is a  
23 property owner and a taxpayer in the Town of Nutley,  
24 just as you and I are.

25 MS. POWERS: Um-hum.

1                   CHAIRMAN SCRUDATO: He has a right to  
2 file legally for a variance.

3                   MS. POWERS: Right.

4                   CHAIRMAN SCRUDATO: You have a right  
5 to object to it.

6                   MS. POWERS: Right.

7                   CHAIRMAN SCRUDATO: And we have to  
8 evaluate it on its merit --

9                   MS. POWERS: Right.

10                  CHAIRMAN SCRUDATO: -- not on our  
11 feelings.

12                  MS. POWERS: Well, you have to look at  
13 it wholistically, too.

14                  CHAIRMAN SCRUDATO: I didn't hear you.

15                  MS. POWERS: You have to look at  
16 everything wholistically. You have to look at the  
17 town as a whole, and we're part of it. And I'm not  
18 the only person who feels this way.

19                  CHAIRMAN SCRUDATO: Okay. Thank you  
20 very much for your comments.

21                  Mr. DiBiasi?

22                  MR. DiBIASI: Well, I appreciate her  
23 comments because we all have a right and that's what  
24 makes free speech so wonderful, but there are two  
25 glaring misrepresentations. Mr. Meka did not put a

1 bid in on the Hoffman-LaRoche property. He is not a  
2 player on the Hoffman-LaRoche property. There have  
3 been rumors about that. They're not true, period.

4 Number --

5 CHAIRMAN SCRUDATO: That has no effect  
6 on this property.

7 MR. DiBIASI: Her comments, for the  
8 record --

9 CHAIRMAN SCRUDATO: Okay.

10 MR. DiBIASI: -- because they're on  
11 the record, she's under oath. That's not accurate.

12 And two, her characterization of what  
13 happened on the Bloomfield Avenue property is  
14 absolutely incorrect. If we were to go back to the  
15 transcript, there was never a question of density  
16 for property, period, and it was in front of the  
17 Planning Board and it was a 9-0 vote. So those are  
18 two blaring inequities -- strike that --  
19 misrepresentations of Mr. Meka.

20 Thirdly, to make something personal and  
21 talk about Mr. Meka as being here for brick and big  
22 for his pocketbook, that's not part of land use. We  
23 respect her right for her comments but we're not  
24 making it personal to her, she should not make it  
25 personal to my client.



1 Thank you.

2 CHAIRMAN SCRUDATO: Thank you.

3 Anyone else in the audience that wants  
4 to be heard? Please come to the microphone.

5 Were you just heard?

6 MS. POWERS: I would just like to say  
7 that my information was gathered from the Nutley Sun  
8 and --

9 CHAIRMAN SCRUDATO: I'm sorry?

10 MS. POWERS: My information was  
11 gathered from what was reported in the Nutley Sun,  
12 either in the newspaper or on its website. Now, if  
13 the newspaper's wrong, that's where I got the  
14 information from.

15 And it is personal, it's my home, it's  
16 my hometown, it's my place where I live, so it is a  
17 very personal situation.

18 CHAIRMAN SCRUDATO: Okay. Excuse me,  
19 don't go away. The Board members up here are all  
20 professionals, excluding myself. They are going to  
21 evaluate it on their conscience with their past  
22 experience, with their professional experience, and  
23 they will vote accordingly, for the benefit of  
24 Nutley, not because of anyone's opinion or lack of  
25 opinion. So please give the preference to the Board

1 in that area.

2 MS. POWERS: I do.

3 CHAIRMAN SCRUDATO: Thank you.

4 Anyone else? Excuse me one second,  
5 please.

6 You're not calling for a vote tonight,  
7 Tom?

8 MS. McGOVERN: Do you have more  
9 witnesses?

10 MR. DiBIASI: No, Mr. Chairman, we  
11 have more work to do pursuant to the --

12 CHAIRMAN SCRUDATO: That's what I  
13 thought you said.

14 MR. DiBIASI: -- with the experts.

15 CHAIRMAN SCRUDATO: Please tell us  
16 your name, your address.

17 MS. ROSINO: Elizabeth Rosino,  
18 R-O-S-I-N-O, 111 Kingsland Street in Nutley.

19 CHAIRMAN SCRUDATO: Would you raise  
20 your right hand.

21 E L I Z A B E T H R O S I N O, 111 Kingsland  
22 Street, Nutley, New Jersey 07110, is sworn by the  
23 Board Chairman.

24 CHAIRMAN SCRUDATO: Please tell us  
25 what you have to say.

1 MS. ROSINO: Granted, the corner needs  
2 help, granted.

3 CHAIRMAN SCRUDATO: Okay.

4 MS. ROSINO: I've been born and raised  
5 there, I never left, but it's too big. At the point  
6 where we are now, with no traffic and a gas station,  
7 I can't get in and out of my driveway, never mind  
8 adding 40 more cars or even five more cars. When I  
9 come home from work, I have to come Passaic to  
10 Fernwood to Elm to Kingsland because I cannot come  
11 down Kingsland. I can't make a left into my  
12 driveway. That's all I'm saying, is there is  
13 definitely a traffic issue, it needs to be downsized  
14 to an extent that we can all live with.

15 CHAIRMAN SCRUDATO: Thank you. Don't  
16 go away, stay there, please.

17 MS. ROSINO: Um-hum.

18 CHAIRMAN SCRUDATO: Any questions of  
19 the witness?

20 (No response)

21 CHAIRMAN SCRUDATO: Thank you for your  
22 comments, Miss.

23 Anyone else in the audience?

24 (No response)

25 CHAIRMAN SCRUDATO: Well, I guess --

1 there's no one else? Oh.

2 MR. MERTZ: Sorry.

3 CHAIRMAN SCRUDATO: Your name again,  
4 please.

5 MR. MERTZ: John Mertz.

6 CHAIRMAN SCRUDATO: And your --

7 MR. MERTZ: Elizabeth Mertz.

8 MS. McGOVERN: They've already been  
9 sworn in.

10 CHAIRMAN SCRUDATO: They've already  
11 been sworn in. Please tell us what you have to say.

12 MRS. MERTZ: We don't want to belabor  
13 certain things but we do want to sum up a little bit  
14 some of the concerns that we have had, big ones  
15 being, despite the efforts that were made in the  
16 design, we lose privacy, which was the big reason we  
17 moved here, and we feel very much that our property  
18 puts us on display to a large number of windows and  
19 we're concerned about this is not -- the building  
20 proposed is not in character with the neighborhood,  
21 which is, again, it's part of why we moved to  
22 Nutley, is the character of the town itself. We're  
23 concerned about the trees, our landscaping, we're  
24 concerned about the garbage being in the corner of  
25 the building so close to us, you know, the barriers

1 between our properties, fumes. I am personally  
2 pretty heartsick over the concern about losing  
3 light. Our backyard -- I love my trees but I'm  
4 losing -- I would be losing what light I get from  
5 that side.

6 It's -- I do most of my errands during  
7 the workday and it's already a little nerve-racking  
8 to pull out onto the street because of the bend, the  
9 curve in the road, cars come around that so fast.  
10 Our neighbor got --

11 MR. MERTZ: Rear-ended.

12 MRS. MERTZ: -- rear-ended pretty bad,  
13 you know, and a PSE&G truck came up on the lawn  
14 trying to turn into her driveway and she lives right  
15 next to our neighbor who just spoke.

16 There is, you know, I don't know,  
17 there's so many reasons, concerns, we just wish  
18 there's some way of putting in something that's  
19 attractive and we do understand there's been efforts  
20 to make this attractive and, yes, something needs to  
21 be done with the corner, but we wish it could be  
22 something that could be more in keeping with --

23 MR. MERTZ: The existing  
24 neighborhood's character.

25 MRS. MERTZ: -- the existing

1 neighborhood and the height of the existing  
2 buildings and something that would -- I don't know.  
3 I don't know what to say anymore. Thank you.

4 CHAIRMAN SCRUDATO: Don't go away,  
5 please. Are there questions of the witness, please?

6 MR. GRAZIANO: I have a question.

7 I really feel bad -- I feel your  
8 concerns. I know that's a big building going next  
9 to yours, but would you rather have that abandoned  
10 house, abandoned gas station? You're going to wind  
11 up getting homeless people in there, you're going to  
12 wind up getting animals.

13 MR. MERTZ: The house wasn't abandoned  
14 until the redevelopment started, until they were  
15 essentially kicked out by the landlord. There were  
16 people there, there was a family there. There were  
17 our neighbors there.

18 MR. GRAZIANO: I looked in the MLS and  
19 I saw it listed for sale today.

20 MR. MERTZ: It is.

21 MR. GRAZIANO: Okay, so, you know...

22 MR. MERTZ: Well, it's for sale by the  
23 owner of those three properties. There had been  
24 someone -- she was renting that property to a  
25 family, had been for years, and they saw the writing

1 on the wall and they moved out. In fact, I think  
2 they got evicted. I'm not certain. They just up  
3 and were not there any longer one day. So, I mean,  
4 yes, the current situation of those three  
5 properties, it's deplorable, but I would ask --  
6 people have said something needs to be done there  
7 and this building looks beautiful. Would you want  
8 it to be your neighbor?

9 MR. GRAZIANO: Are you asking me  
10 personally?

11 MR. MERTZ: Anybody.

12 MR. GRAZIANO: I would rather live  
13 next to that apartment building than those abandoned  
14 buildings and a gas station --

15 MR. MERTZ: Okay.

16 MR. GRAZIANO: -- because sooner or  
17 later, if you don't get rid of that contamination,  
18 it's going to go on your property.

19 MR. MERTZ: That's fair.

20 MR. GRAZIANO: It's going to travel  
21 there.

22 MR. MERTZ: I understand. Something  
23 needs to be done with the property, I just don't --  
24 we just put in a garden on that side of the  
25 property, of our property, and when a three-story

1 building goes in there, I'm not going to be able to  
2 grow anything there anymore.

3 MR. GRAZIANO: Thank you.

4 MR. MERTZ: Okay.

5 CHAIRMAN SCRUDATO: Don't go away.

6 Any further questions?

7 (No response)

8 CHAIRMAN SCRUDATO: None. Thank you  
9 very much.

10 MR. MERTZ: Okay, thank you.

11 CHAIRMAN SCRUDATO: Please come to the  
12 microphone. Give us your full name, your address,  
13 and spell your last name, please.

14 MR. ALGIERI: Bill Algieri, 11  
15 Cathedral Avenue, Nutley. A-L-G-I-E-R-I.

16 CHAIRMAN SCRUDATO: Would you raise  
17 your right hand, sir.

18 B I L L A L G I E R I, 11 Cathedral Avenue,  
19 Nutley, New Jersey 07110, is sworn by the Board  
20 Chairman.

21 CHAIRMAN SCRUDATO: Please tell us  
22 what you have to say.

23 MR. ALGIERI: Well, I live on  
24 Cathedral Avenue, Cathedral, Kingsland is right  
25 there. I've been dealing with traffic, oh, for 25



1 years there. It's just a way of life, I mean, we  
2 can't stop progress because we're worried about  
3 traffic. It's only my opinion. I feel that if the  
4 Board doesn't approve this application and Mr. Meka  
5 walks, we're going to be looking at that eyesore  
6 there for many, many years to come. And that's  
7 really all I have to say.

8 CHAIRMAN SCRUDATO: Thank you for your  
9 comments. Don't go away. Let's see what --  
10 questions from the Board members?

11 (No response)

12 MR. ALGIERI: Could I add one more  
13 thing?

14 CHAIRMAN SCRUDATO: Please.

15 MR. ALGIERI: I own four properties in  
16 Nutley besides my home, two of them are on East  
17 Centre Street. What Mr. Meka did with his apartment  
18 buildings on East Centre Street, to me, I feel  
19 enhanced my property values on my two properties on  
20 East Centre Street. I own two on Washington Avenue.  
21 I know there's talk about redevelopment in that  
22 entire area. I am a Planning Board member also.  
23 So, again, if this came before me on the Planning  
24 Board, I personally would approve it. So I would --

25 CHAIRMAN SCRUDATO: You would have to

1 disqualify yourself.

2 MR. ALGIERI: I would have to  
3 disqualify myself? Okay. All right. Well, maybe I  
4 would. But again, that's all I have to say. I  
5 really think, though, if the Board doesn't approve  
6 it and Mr. Meka walks, we're going to be looking at  
7 that for maybe another 20, 30 years.

8 CHAIRMAN SCRUDATO: Mr. Algieri, don't  
9 go away.

10 MR. ALGIERI: And if people don't  
11 think that way, then maybe we should all take a  
12 collection -- okay? -- clean the property up  
13 ourselves.

14 CHAIRMAN SCRUDATO: They do, it's  
15 known as our taxes.

16 MR. ALGIERI: That's right. That's  
17 right. I know Mr. Meka's a huge taxpayer in town.  
18 I pay a few pasos myself in town. Okay? So that  
19 being said, I expect something to be put up there  
20 that's presentable and tasteful and I think this  
21 project is just that.

22 CHAIRMAN SCRUDATO: Okay, maybe when  
23 you go back to your next meeting of the Planning  
24 Board, you'll look up -- you'll research and see if  
25 there is not an ordinance on the owner having to

1 maintain his property in a decent manner.

2 MR. ALGIERI: Good point. Good point.

3 CHAIRMAN SCRUDATO: It would certainly  
4 help yourself and the citizens of the area.

5 MR. ALGIERI: Well, let me say this to  
6 you, Mr. Chairman. 11 Cathedral Avenue, take a  
7 ride, take a look at my house, take a look at my  
8 neighbor's house. Their grass was that high  
9 (indicating). I called the town on numerous  
10 occasions to have them come out and I heard someone  
11 come out from the town and say "That doesn't look  
12 that bad." Okay? For \$19,000 on 11 Cathedral  
13 Avenue, that looks pretty bad. Okay?

14 CHAIRMAN SCRUDATO: Thank you very  
15 much for your --

16 MR. ALGIERI: You're quite welcome.

17 CHAIRMAN SCRUDATO: -- for your  
18 comments. Anything else?

19 (No response)

20 CHAIRMAN SCRUDATO: Thank you very  
21 much.

22 MR. ALGIERI: Okay, thank you.

23 CHAIRMAN SCRUDATO: All right. I  
24 think we're getting down near the end.

25 I'd like to compliment the audience for

1 its patience and its cooperation with us up here.  
2 The decisions we have to make are not easy and we  
3 are taking all of the testimony into consideration.  
4 There will be another joint meeting -- another  
5 meeting -- when will it be?

6 MS. McGOVERN: Well, we have a meeting  
7 on Monday night, November 17.

8 CHAIRMAN SCRUDATO: All right, let's  
9 do it then. Let's reschedule this, at the request  
10 of the applicant, for Monday night.

11 Does that meet your approval, Mr.  
12 DiBiasi?

13 MR. DiBIASI: Yes, Mr. Chairman.  
14 We'll try to get as much done as we can in the next  
15 week.

16 MS. McGOVERN: All right, you want to  
17 come back with additional witnesses to testify about  
18 what areas?

19 MR. DiBIASI: We're going to have to  
20 bring back a planner and, obviously, now Mr. Phil is  
21 going to have to respond to Mr. Hay's comments and  
22 our planner will have to respond to Mr. Ricci's  
23 comments, because both of them made good points and  
24 pointed to us to say that it's now our turn to  
25 respond.

1 MS. McGOVERN: Okay, but I thought  
2 that you agreed to do all of the things that Mr.  
3 Pennoni said -- in the Pennoni report that Mr. Hay  
4 said, so I don't understand why Mr. Phil has to  
5 testify anymore.

6 MR. DiBIASI: There were some things  
7 in there that we have to prove calculations, so that  
8 we're willing to do it but we still have to prove  
9 that the system will work and we're willing to  
10 undertake that.

11 CHAIRMAN SCRUDATO: Well, next Monday  
12 night, we have a regular meeting, we only have two  
13 things on, so does the Board want to carry this  
14 until Monday, November 17's meeting to finish and  
15 then take a vote? Then you'd just be concluding  
16 that? Is that what's going to be requested?

17 MR. DiBIASI: If I can get everything  
18 ready within a week, that may be --

19 MR. DaCOSTA LOBO: I'd leave it to the  
20 applicant and Mr. Hay and Mr. Ricci, but that seems  
21 a pretty condensed schedule for them to do what they  
22 need to do, for them to review it, for them to be  
23 prepared to discuss it with us at another meeting.

24 CHAIRMAN SCRUDATO: Let's see, what --

25 MR. DiBIASI: I think counsel is

1 making a point on that that, realistically, I don't  
2 think we're going to be able to turn it around in a  
3 week.

4 MS. McGOVERN: All right. Okay, then  
5 I gotta look up the December meeting. I have it  
6 here.

7 CHAIRMAN SCRUDATO: Our next regularly  
8 scheduled meeting will be in December.

9 MS. McGOVERN: Monday, November 17 is  
10 our actual -- our next regular meeting. Then we  
11 have our final meeting of the year, our final  
12 regular meeting is December 15. I don't believe we  
13 have anything scheduled for that night because we  
14 only have two on for next week, so does the Board  
15 want to carry this to December 15 to tie up loose  
16 ends and do a vote?

17 MR. DiBIASI: That would be --

18 CHAIRMAN SCRUDATO: Will you be ready  
19 by then, Mr. DiBiasi?

20 MR. DiBIASI: Yes, that would be  
21 acceptable for us and --

22 CHAIRMAN SCRUDATO: All right.

23 MR. DiBIASI: -- I think that's a  
24 realistic schedule.

25 CHAIRMAN SCRUDATO: May I have a

1 motion to continue this meeting until our regularly  
2 scheduled meeting in December, which is the --

3 MS. McGOVERN: December 15, 2014.

4 CHAIRMAN SCRUDATO: December 15, 2014.

5 MR. DiBIASI: And we're going to tell  
6 Ms. Quick right now to keep that --

7 CHAIRMAN SCRUDATO: At the request of  
8 the applicant.

9 MR. DiBIASI: Yes, and we'll waive all  
10 applicable time frames.

11 MS. McGOVERN: I'm going to check that  
12 date. I need my calendar. I want to make sure.

13 MR. DiBIASI: And we'll also have Ms.  
14 Quick, who's nodding "yes," that she will be here,  
15 since she's the official stenographer.

16 (Off-the-record discussion)

17 MS. McGOVERN: I just want to make  
18 sure that December 15 is a Monday night.

19 MR. DaCOSTA LOBO: Yes.

20 MS. McGOVERN: It is?

21 MR. DaCOSTA LOBO: Yeah.

22 MS. McGOVERN: Okay.

23 CHAIRMAN SCRUDATO: May I have a  
24 motion?

25 BOARD MEMBER: So moved.

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BOARD MEMBER: Second.

CHAIRMAN SCRUDATO: All in favor?

BOARD MEMBERS: Aye.

CHAIRMAN SCRUDATO: Opposed?

(No response)

(Hearing adjourned at 10:16 p.m.)



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C E R T I F I C A T E

I, MICHELE QUICK, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

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