

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

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1 CHAIRMAN BONGARD: Mr. Molinelli, come
2 forward.

3 MR. MOLINELLI: Thank you, Mr. Bongard.
4 John Molinelli; Price, Meese, Shulman &
5 D'Arminio, on behalf of the applicant.

6 We are here tonight. I would like to
7 give a brief closing statement, and then, at that
8 point, obviously, it's up to all of you.

9 If I could just have a moment before I
10 begin, I just remembered this and brought it to Mr.
11 Princiotto's attention. As this was a special meeting,
12 I was required to notice for this application. I would
13 like to turn over all of the green cards that have come
14 back as well as the envelopes that came back unclaimed.
15 I have those and I also previously submitted, to Mr.
16 Bongard, the affidavit of application but I will hand
17 those in.

18 CHAIRMAN BONGARD: Thank you.

19 I would note, Mr. Newman was not at the
20 last meeting. I was advised that, most likely, he
21 would review the transcript from the July meeting and
22 was prepared to vote tonight.

23 MR. NEWMAN: I'm in the process of
24 reviewing the transcript. I'm not finished yet. I
25 don't know how you want to handle it.

1 MR. MOLINELLI: Um...

2 MR. NEWMAN: It's your call.

3 MR. MOLINELLI: I'll defer to your
4 Counsel. I think you need to finish reading the
5 transcript or finish reading it before the vote but I
6 don't know what the order of business is for this
7 Board.

8 MR. PRINCIOTTO: Maybe we could take a
9 short break and get started and take a recess and
10 perhaps...

11 MR. NEWMAN: I probably need 15, 20
12 minutes to go through it. I could do it before any
13 vote is taken. I don't know if Mr. Molinelli wants to
14 allow me to or if I should be involved in any
15 discussions. Can I make comments? Can I ask
16 questions?

17 MR. PRINCIOTTO: Do you have any
18 objection to that?

19 MR. MOLINELLI: The reason it's important
20 you review the last transcript, I did submit -- I know
21 Mr. Princiotto sent a letter yesterday -- and I'm not
22 being fortuitous at all. In the event the Board were
23 to approve the application, there would be a discussion
24 on the conditions. Mr. Princiotto sent a letter
25 concerning some conditions that he thought about. I

1 responded with a letter -- I hope all of you had a
2 chance to read that -- addressing the conditions. Part
3 of my response incorporates some testimony that came
4 out from Mr. Preiss and Mr. Intindola, your engineer,
5 so it's kind of important that you review that. I
6 could give my rather short closing, and then, if you
7 want to recess to allow him to complete, that's fine.

8 MR. PRINCIOTTO: We could do a lot before
9 we get to the point of --

10 MR. MOLINELLI: Right.

11 MR. PRINCIOTTO: I think that the
12 substantial issue, in addition to taking a vote, is the
13 discussion with regard to conditions and I issued a
14 letter on that and your letter came in this afternoon
15 but the Board has not yet had a chance to look at it.
16 I have made copies for the Board members. What I
17 intend to do is go through my letter and then --

18 MR. MOLINELLI: That can come later.

19 MR. PRINCIOTTO: -- you can state your
20 position.

21 MR. MOLINELLI: To make it easier for Mr.
22 Newman, we can do that later. The important thing is
23 for the Board members to have the letter.

24 MR. DHAWAN: There's a letter dated
25 August 15th.

1 MR. PRINCIOTTO: That is my letter.

2 MR. DHAWAN: You are saying another
3 letter -- oh. We are getting that. Okay.

4 CHAIRMAN BONGARD: You are the one on the
5 end.

6 MR. MOLINELLI: It's seven pages, Sal. I
7 would even go so far to say, let me do my closing
8 argument. I wouldn't mind if the Board took a recess
9 to let Mr. Newman finish reading the transcript and let
10 the Board members read my letter because my letter is
11 important.

12 MR. PRINCIOTTO: Okay.

13 MR. MOLINELLI: Members of the Board,
14 this application has been pending since April. It's
15 gone through four months of testimony, but what it
16 comes down to, when you think about it is, I like to
17 call it "a tale of two Broadways," Broadway in
18 Hillsdale and Broadway in Woodcliff Lake.

19 A resident, back at the June meeting
20 perhaps, she got up and asked Mr. Burgis this question
21 and she said, and I'm taking this from the transcript,
22 "We already have six Italian restaurants. Why do we
23 need seven," and then, she followed up with a statement
24 that said "Why can't they go to Nino's" and I wrote
25 that down when she said it because, to me, what it

1 identifies is two stark and different developments that
2 had taken place over the last 50, 60, 70 years on
3 Broadway in Woodcliff Lake and in Hillsdale.

4 Hillsdale, interestingly enough, has more
5 than seven restaurants. If you count, they have around
6 fifteen or sixteen including Matsu's that used to be on
7 this site. They have a lot of restaurants and stores.
8 They have a very successful downtown. Kudos to them.
9 It developed the right way. Not to say it's perfect;
10 nothing is ever perfect but they have a very good mix
11 of different restaurants, different ethnic restaurants.
12 They have some stores. They have a Verizon store, a
13 shoe repair store. Imagine that shoe repair store as a
14 stand-alone store on Broadway. How successful do you
15 think that store would be? It would not be. It's
16 successful because it is part of a very successful
17 downtown, Broadway Hillsdale.

18 Then, you look at the Broadway in
19 Woodcliff Lake. Mr. Preiss used the phrase "not
20 functional," "obsolete." I think Mr. Preiss was being
21 kind when he classified Woodcliff Lake's Broadway that
22 way. It has, of course, this building, which is a
23 building that is beginning to resemble the developments
24 that you are seeing in towns that are looking to
25 encourage a retail downtown, but beyond that, it has an

1 obsolete strip center, a garden center that, the way it
2 is shaped is rather difficult, a couple of office
3 buildings with struggling commercial occupancies. As
4 many of us know, it has a vacant gas station, a couple
5 of very quaint homes that have been converted to salons
6 that are very quaint but not current. They are rather
7 obsolete in terms of a downtown.

8 Then I said, "Okay. Well, what
9 happened?" We have a train station just like Hillsdale
10 does and, as Mr. Burgis and Mr. Preiss mentioned,
11 transportation. Transit-oriented developments are very
12 important. It brings people in. It brings ambulation
13 in where people live. They look for that. We also
14 have something Hillsdale doesn't, a dramatic western
15 lake view which is just spectacular. You have to ask
16 yourself the question: Where has Broadway in Woodcliff
17 Lake been? What have we been missing for many, many
18 years that Hillsdale has captured?

19 That brings me back to the resident's
20 comment, "We have restaurants in Hillsdale. Why do we
21 need a seventh? Why don't they go to Nino's?" What
22 that suggests to you is that, Hillsdale has the
23 successful downtown and the successful Broadway.
24 "Don't do anything on Woodcliff Lake. Leave that the
25 way it is because that's just fine for us." But the

1 people of Woodcliff Lake need to ask "Is that fine for
2 us? Is that fine for Woodcliff Lake? If you want to
3 continue to be able to rely on going to the downtown of
4 Hillsdale to do your shopping, go to the hardware
5 store, the bakery, to buy your meat and, of course, to
6 dine in some very nice restaurants in a very lovely
7 town and you want Woodcliff Lake to remain the
8 abandoned gas stations and the obsolete buildings that
9 they are, then vote no on this application; then, vote
10 no if that's what you want.

11 I have tried to recall the last time I
12 argued on behalf of a use variance where I had a Master
13 Plan that encouraged the use that was not permitted.
14 It's a rather unique situation. More often than not,
15 Mr. Preiss will tell you, when we talk about D
16 variances, we have to reconcile why the Master Plan
17 doesn't mention the use that we are looking to put on
18 that site. Here, we have a town that has already said
19 "We want to encourage restaurants on Broadway." They
20 know that restaurants are suitable and the right
21 movement in the right direction for the revitalization
22 of the downtown.

23 Obviously, just because the Master Plan
24 encourages it doesn't mean that you are going to say
25 "Let's put restaurants all over the place." This is a

1 challenged area, not unlike many other towns that have
2 a Broadway except perhaps Westwood. We have residences
3 right behind this building. We have residences right
4 behind just about every commercial building on
5 Broadway. That's not a unique thing in Woodcliff Lake;
6 it's very common. There was a Board member that said
7 this is a residential area. Broadway is not a
8 residential area. This building is in a commercial
9 zone but we acknowledge that, right behind it, there
10 are residences and we have to address that. I accept
11 that. I understand every objection that was made
12 through this application.

13 We would like to go back 50, 60 years and
14 say "We know we have a commercial zone on Broadway. It
15 is a busy street. Maybe we shouldn't have the
16 residences that close to Broadway. Maybe we should
17 build in some step-down zoning or some other type of
18 zoning that acts as a buffer between a commercial zone
19 and a lower density," very much like what the town did
20 with Pulte Homes on County Road. You have a large
21 community mall on Chestnut Ridge Road and residences
22 right next door on Stonewall Court and Centennial Way.
23 Obviously, you had one-family houses that are now next
24 to the mall. By the way, no one's fault. The Tices
25 Mall had been there for many, many years so the town

1 chose to provide some step-down zoning, a transition,
2 between the mall and the single-family residences.

3 That's good planning. We do not have the
4 ability to do that on Broadway anymore. What we do and
5 what we have to do is do our very best to buffer
6 otherwise suitable and appropriate commercial
7 development to make sure that whatever impact will
8 occur is minimized to the residences behind.

9 We have a slope that's immediately behind
10 this building that does offer some relief to residences
11 to the east. We have buffering, existing plantings.
12 Throughout this hearing, we talked about other
13 plantings that will grow to 5 or 6 feet. We have
14 addressed -- and it's in my letter, which you haven't
15 seen yet -- issues concerning the lighting.

16 The lighting that exists now, this Board
17 approved that lighting during the prior application,
18 the bollard, the sconce lighting, the parking lot
19 lighting. That does not mean that, if we, you know,
20 can do something to minimize the lighting, we won't do
21 it. We have looked into it and we do resolve -- and we
22 will get to this as part of the conditions -- to
23 minimize the impact, to shut those sconce lights off at
24 an appropriate time, to install film or other type of
25 shadowing to the bollard lighting and to put shields on

1 the parking lot lights.

2 In terms of noise, I don't believe that
3 the noise that is going to come out of the outdoor
4 dining is going to be any different. In fact, I
5 believe that the noise you are going to get from
6 traffic on Broadway, which was the subject of many
7 complaints from the restaurants -- many said "We are
8 constantly dealing with traffic on Broadway" but this
9 applicant has nothing to do with that traffic on
10 Broadway. The noise of Broadway is always going to be
11 there. It always will. I don't think that is going to
12 change. In the end, what this really comes back to is:
13 Are you satisfied that this is the type of restaurant
14 that is envisioned in the Master Plan? If not this
15 restaurant then which restaurant?

16 We talked a lot about parking. There are
17 standards for parking but we had a comparable
18 arrangement to bring what currently exists -- I'm not
19 going to go into the facts. You know the record. You
20 have been here, right? The type of parking that will
21 be required by Ray's restaurant is nowhere what is
22 provided in the front parking area, particularly in the
23 peak hours and my letter addresses other arrangements
24 to make sure that no future retail tenant that might
25 exist close to that peak hour will, in any way, impair

1 that shared parking arrangement, a shared parking
2 arrangement that, by the way, Mr. Preiss was in
3 agreement with the concept as was Mr. Intindola.

4 You have a very aggressive parking
5 ordinance. On the retail, you require one space for
6 every 175 square feet. That is a very aggressive
7 number. You require one space for every two seats, a
8 very aggressive number, but that is the ordinance and
9 we have to deal with that. When we get to a discussion
10 of what works, what parking works for retail and for
11 the restaurant, we have to look at today's standards
12 and what is typical and what we can expect.

13 In closing, I just need to bring it back
14 to where we are. All right? You are kind of at a
15 crossroad here. I think this is the first restaurant
16 application for Broadway. The recommendation for a
17 restaurant on Broadway has been pending for a long time
18 so all of you Zoning Board members, when you raised
19 your hand and became zoning members, maybe you did not
20 think it would come but it has. There's been a lot of
21 discussion about why there's no ordinance yet but that
22 puts the choice here.

23 If not Ray's, what other restaurant? Mr.
24 Intindola and Mr. Preiss both have told you that it
25 really doesn't make a difference whether it's Rays or

1 another restaurant. Mr. Intindola told you, if it's
2 another restaurant, you are not going to throw the
3 numbers out. They are still good numbers. Mr. Preiss
4 said "outlier." It's not an outlier. It's an existing
5 business. It has a track record and it will work at
6 this location, so in this first application for a
7 restaurant on Broadway, you are being asked: "Do you
8 want to continue Broadway the way it is now? If not
9 Ray's, then what restaurant? Or do you want to start
10 really building a regional and consistent downtown
11 extending from Hillsdale through Woodcliff Lake,"
12 which, I suggest to you, is the way it should be done.

13 I do want to thank you for the attention
14 you have given to me for five months. I know it's been
15 a long time and I urge you to support the D
16 application, the D variance application, the rather
17 minor or de minimis impervious variance, which we did
18 have to request for the additional pavement of the
19 patio and the parking. Once we removed the party room,
20 the parking becomes very, very manageable at this site,
21 particularly in the winter when you are down to a
22 required 30 parking spaces even at the most peak hour.

23 So thank you.

24 MR. PRINCIOTTO: I would like to
25 summarize the application.

1 A question, Mr. Molinelli. You mentioned
2 the property. I know we had a prior application. It
3 was for the Matsu going to the Tices Corner Mall in
4 town. Can you tell us an update on what is happening
5 with that restaurant?

6 MR. MOLINELLI: Full disclosure, the only
7 thing I do for the Tices Marketplace is the permitting
8 work. I am aware, for whatever reasons, Ms. Coe has
9 decided not to lease the space so the company has
10 sought -- and I don't do their leasehold work. I can't
11 say there's a signed lease. It's my understanding that
12 a Bareburger will be coming to the site. It's my
13 understanding they are not -- other than aesthetic
14 changes, they are still going to utilize the same
15 number of seats and stools. There's no change. If
16 there was, if they were looking to increase or whatnot,
17 they acknowledged they would have to come back before
18 this Board.

19 MR. PRINCIOTTO: Okay.

20 MR. SPIRIG: What did you say was moving
21 in there?

22 MR. MOLINELLI: Bareburger, who I do not
23 represent but that's what I'm told.

24 MR. PRINCIOTTO: Just to quickly review
25 this application, it has changed, to some extent, over

1 the course of the application, in particular, by
2 reduction of the dining area or formal dining area that
3 was eliminated, but this application is for a use
4 variance for a restaurant use with an outdoor patio
5 that is 7 feet by 35 feet.

6 There is a variance requested for the
7 impervious coverage. The limitation of impervious
8 coverage in this zone is 50 percent. A prior variance
9 was granted and impervious was 62.89 percent. They are
10 slightly increasing the impervious coverage to 63.33
11 percent. That represents a .44 percent increase in the
12 impervious coverage. That is a variance that is
13 requested.

14 The application requires a parking
15 variance. I will briefly go over the calculation of
16 the parking. There are 65 parking spaces there. For
17 the strict application of our zoning ordinance for the
18 restaurant, it would require 38 parking spaces. That
19 is calculated based upon 48 seats in the interior of
20 the premises and 16 outdoor seats. It's a total of 64.
21 The ordinance requires 1 space for every 2 seats so
22 that gets us started with 32 parking spaces required.
23 There are six employees. Our ordinance requires 1
24 space for each employee so we come up with 38. As you
25 know, this is a mixed use building. There are 14

1 apartments and the parking requirement for the
2 apartments is 27. All those spaces are in the rear of
3 the building.

4 Then, we come down to the other retail.
5 This restaurant, at the current level proposed, is
6 going to be 2,077 square feet. That leaves a remaining
7 5,065 square feet. Pursuant to the ordinance, the
8 requirement of 1 space for every 175 square feet, that
9 would require 29 parking spots. Under the strict
10 application of the ordinance, that requires 94 parking
11 spaces. There are 65 that are proposed so the variance
12 is requested for the 29 spaces that are not available.

13 So that's the nature of the application
14 and the variances that are requested. What we have
15 come down to, and it was discussed at the last meeting,
16 are conditions that can be imposed and I issued my
17 letter and Mr. Molinelli issued his response, the
18 letter that you have in front of you. I'm prepared to
19 go over and summarize my letter, but taking Mr.
20 Molinelli's suggestion, perhaps we should take a short
21 recess and have everyone read those letters if they
22 have not had an opportunity to read my letter. Mr.
23 Molinelli's letter did not come in until today but he's
24 here and can explain his position and I'm sure we will
25 have discussions with regard to these conditions

1 because it's not necessarily that simple and can get
2 complicated. Perhaps, with dialogue, we can come to an
3 agreement.

4 Mr. Molinelli has told me he has agreed
5 to many of the conditions that I suggested that the
6 Board consider. Because I suggested something be
7 considered, I don't mean that it has to be or the
8 application has to be granted or should be denied if
9 the conditions aren't there. It's just exactly what it
10 is, something for the Board to consider.

11 Having said that, I think we should, Mr.
12 Chairman, take a recess of 20 minutes, and then, we can
13 reconvene.

14 MR. NEWMAN: Here's my issue, Sal. I
15 need 20 minutes for the transcript, and you know, I
16 can't read the transcript and the letters at the same
17 time so I can, you know -- if Mr. Molinelli wants me
18 not to vote, I mean, I certainly understand that but I
19 can't, you know -- and again, I need for the two of you
20 to figure out what's agreed upon. I can't read both of
21 these.

22 MR. PRINCIOTTO: If you don't feel
23 comfortable, if you can't do it, then you can't do it.

24 We still have a quorum. We wouldn't have seven
25 voting, just six.

1 MR. MOLINELLI: Can you give me a minute,
2 please?

3 MR. PRINCIOTTO: Sure.

4 CHAIRMAN BONGARD: I think we should take
5 20 minutes to read the letters.

6 MR. PRINCIOTTO: You should read the
7 transcript before the letter because we will talk about
8 the letter in great detail.

9 MR. MOLINELLI: Mr. Chairman, we would --
10 based upon the circumstances, we would request a
11 postponement until September to allow all the Board
12 members to review my letter, which is a very, very
13 important letter. I'm hesitant to proceed without
14 giving an opportunity for everyone to read it,
15 especially Mr. Newman who hasn't read the transcript.
16 I would ask for an adjournment to September so everyone
17 can come back and everyone has a chance to read the
18 letter and Mr. Newman has a chance to read the
19 transcript.

20 MR. PRINCIOTTO: The only problem with
21 that -- I appreciate that and this is --

22 MR. MOLINELLI: By the way, if Mr. Newman
23 is not inclined to vote, I respect that entirely. That
24 leaves me with six. I need five out of six. I think
25 the case law suggests that I should be given an

1 opportunity to consider an adjournment to get a full
2 bench.

3 MR. PRINCIOTTO: What I would like to do
4 is cover as much as we can tonight. We have another
5 significant application.

6 MR. MOLINELLI: I know it. How do you
7 want to handle receiving input from Mr. Intindola and
8 Mr. Preiss concerning the conditions?

9 MR. PRINCIOTTO: I would like to have
10 some discussion about conditions. You don't have any
11 objection with that?

12 MR. MOLINELLI: The only concern I have,
13 my letter addresses the same conditions and I really
14 need the Board members to be familiar with my letter.
15 First of all, I appreciate -- you were accurate when
16 you said that the majority of conditions that you
17 recommended I have no problem with but the two or three
18 conditions that we do have problems with are
19 significant and we would want to spend enough time and,
20 you know, I have cited cases; I have cited from the
21 transcript. I would want the Board members to be
22 completely familiar with my letter. That is my only
23 caution. I don't have a problem if you get input from
24 the experts. They have seen the letter. I wouldn't
25 want to create a perception without them having a

1 chance, and of course, if it is adjourned to September,
2 then you will have another Board member that will come
3 back and the less amount of transcript he would have to
4 read the better as well.

5 MR. PRINCIOTTO: For the benefit of the
6 Board and anyone else who is listening here,
7 unfortunately, we did not get the transcript until
8 today.

9 MR. MOLINELLI: We sent it out quite some
10 time ago. It was e-mailed to Mr. Corrado and the
11 letter, by the way, they sent was also e-mailed to Mr.
12 Corrado and was asked to -- we don't send things
13 directly to the Board members. I would have hoped
14 that, around 2:30 this afternoon, it would have been
15 sent, but the transcript, we sent quite some time ago.

16 MR. PRINCIOTTO: I didn't get it until
17 today but okay. We are not casting any dispersions on
18 anyone. It is what it is. What I'm prepared to do,
19 Mr. Molinelli, and my letter is not as long as yours
20 but I'm prepared to go through and explain my letter,
21 and perhaps, we can go through what we agree upon, and
22 then, what we don't agree with, if we have any input
23 from our experts with regard to that, we could do it
24 that way. At least we could cover some ground or I'll
25 leave it to the Board.

1 CHAIRMAN BONGARD: I think we should have
2 the 20 minutes to read the letter so we know what it is
3 before we explain it. That is why you sent it to us,
4 so we would know what was in it.

5 MR. PRINCIOTTO: Is there a suggestion
6 that we adjourn this?

7 MR. MOLINELLI: I don't have a problem
8 going through what we agree to.

9 MR. PRINCIOTTO: We can certainly do
10 that. It will save a little time.

11 CHAIRMAN BONGARD: I think that would be
12 agreeable.

13 MR. PRINCIOTTO: Let's go through the
14 agreement and, Mr. Molinelli --

15 MR. MOLINELLI: You read and I will
16 continue to acknowledge.

17 CHAIRMAN BONGARD: You will continue to
18 read?

19 MR. NEWMAN: I will but not while we are
20 doing this, and just so Mr. Molinelli is aware, I
21 didn't even know that the Board meeting had been moved
22 until about three days ago and I had expected it to be
23 on the 28th so I only got the transcript today but the
24 Board meeting got moved at the last meeting that I
25 wasn't at.

1 MR. PRINCIOTTO: We knew we weren't going
2 to meet on the 28th.

3 MR. NEWMAN: Of June?

4 MR. PRINCIOTTO: No. Of August.
5 Actually, we did believe that -- we did take a poll and
6 I think that everyone was available at that time and
7 then Mr. Vercelli could not make it tonight so that
8 came up very recently.

9 MR. NEWMAN: I'm just apologizing to Mr.
10 Molinelli that I didn't read the transcript.

11 MR. PRINCIOTTO: We thought we had eight,
12 definitely seven with you. Probably eight was our
13 expectation so it changed but in any event...

14 MR. MOLINELLI: Number 1: The parking
15 lot will not be used for staff parking. That is fine.

16 Number 2: There will be no other
17 restaurant at the premises while Ray's Pizza continues
18 to occupy the premises. That's fine. We just need to
19 define "restaurant" under the code. That's fine.

20 3: Hours of refuse pickup shall be
21 specific. We indicated, at the June meeting, that our
22 pickup hours wouldn't vary from the current by the
23 Borough of Woodcliff Lake for residential pickup.

24 MR. PRINCIOTTO: How do we determine
25 that? What are the hours of pickup?

1 MR. MOLINELLI: We can easily find that
2 out, but obviously, as long as we do not come earlier
3 or later, we are staying within what the borough deems
4 not objectionable to the residents. I think one
5 resident said the refuse was coming at 3:00 a.m. and
6 that is not appropriate.

7 MR. PRINCIOTTO: Okay. We can figure
8 that out. They pick up my garbage regularly every
9 Tuesday for the same time for the last few years.
10 Whatever the borough does is reasonable.

11 MR. MOLINELLI: Wall sconces will be
12 turned off no later than 11:30 p.m., one half hour
13 after any store is required to close by ordinance.

14 I'll address 4, 5 and 6 together.
15 Mr. Preiss, in an exhibit marked B-4, gave us several
16 photographs of lighting in the area and the one that
17 drew our attention was the Photograph Number 1 in B-4
18 which did show spillage in the south corner of the lot
19 closest to Broadway. There's also some other areas
20 that, through shielding, we can certainly make sure
21 that no light spills off the property.

22 On the bollard lights, we do have to
23 leave them on. They are safety lights for the
24 sidewalk. There are residents there. We can install a
25 UV film that will soften the light coming off the

1 bollards and still provide the necessary lighting for
2 pedestrians, and the wall sconce, we can turn off at
3 night no later than 11:30 p.m. That should address the
4 lighting and we are in agreement with 4, 5 and 6 of
5 your letter.

6 7 requires further discussion.

7 MR. PRINCIOTTO: 6, that is the shield on
8 the parking lot lights?

9 MR. MOLINELLI: Yeah. I wanted to
10 specify the one area that we are talking about is as
11 shown on Photograph 1 on B-4. I don't think there is
12 any other problem with the parking lot lights, per se.
13 We cannot shut them off or dim them for security
14 reasons. I did not contact the Woodcliff Lake Police
15 Department but I'm sure they would prefer to have them
16 not off also so there's a security issue there.

17 MR. PRINCIOTTO: Are you saying not all
18 the lights?

19 MR. MOLINELLI: The parking lot lights
20 will be shielded to the extent that any of them are
21 shining off the property. The only one we are aware of
22 is depicted in Photograph Number 1 from Mr. Preiss'
23 photographs marked as B-4.

24 MR. PRINCIOTTO: That will be subject to
25 approval of the Borough engineer?

1 MR. MOLINELLI: Yeah. That's fine.
2 Sure. My letter that the Board hasn't seen, Number 4
3 specifies that it's B-4, Photograph 1. That's how I
4 clarified it.

5 MR. PRINCIOTTO: Okay.

6 MR. MOLINELLI: 7...

7 MR. PRINCIOTTO: 7 needs to be discussed.

8 MR. MOLINELLI: No. I put 7, the truck
9 issue. Which one was I referring to here? That is 8B.
10 I don't know how I lost it. I made a mistake. 7
11 requires discussion.

12 8A requires discussion.

13 8B, we are in agreement that there is to
14 be no truck parking permitted on the premises, but as I
15 said in Paragraph 7 of the letter incorrectly numbered,
16 we do plan on making deliveries to the front and the
17 rear. When this project was originally approved, each
18 space, each of the five units, has a rear door for this
19 purpose. I'm not going to go into testimony but Mr.
20 Duraku testified how often and with what type of
21 vehicle so we still want to make our deliveries but we
22 do agree that no truck parking will be permitted on the
23 premises, and Truck C, we have no problem with truck or
24 staff parking being prohibited on Columbus and Lincoln,
25 and 8D, we reference that with regard to 8D.

1 --

2 MR. MOLINELLI: I continue to object. He
3 can stay after the meeting is closed and say anything
4 he wants.

5 MR. SCHWARTZMAN: You said we could talk
6 as long as we wanted when all the witnesses were
7 finished. You gave us two minutes. That doesn't sound
8 to me like you are allowing us to speak as long as we
9 needed.

10 MR. PRINCIOTTO: Sir, I'm sorry. You
11 were given an opportunity to make comments at the last
12 meeting. We follow certain procedures. Mr. Molinelli
13 gave his closing arguments. We had hoped to conclude
14 this application at the last meeting and we have other
15 applications to hear, and look, we do the best we can.
16 Procedurally, once all the witnesses have testified,
17 and they have right now, we are just involved in
18 discussing conditions and Mr. Molinelli is entitled to
19 make his closing statement after hearing what all the
20 comments were. That's what he just did tonight. The
21 next process we are going through is discussion about
22 conditions for the Board to consider, should the Board
23 look favorably on the application. We haven't
24 completed the discussion on conditions. There's been
25 no vote or no approval. The Board could grant the

1 application with conditions. It could deny the
2 application even with the stipulated conditions and
3 those are the options. There might be an agreement on
4 the conditions. There may not be agreement on the
5 conditions. We haven't finished discussing that, but
6 primarily, that's the stage that we are at this point,
7 discussing what conditions could be imposed, and then,
8 the Board taking a vote. It's a significant legal
9 issue and conditions are not easy to deal with. This
10 is not a simple application. It's complicated. We had
11 a lot of witnesses. We had testimony. We have
12 transcripts to review, legal research done by the
13 attorneys and legal memos that have been issued.
14 That's the procedure and we have to follow the
15 procedure.

16 Mr. Molinelli is correct. Once the
17 application is concluded, it's concluded. You can't
18 continue. Procedurally, he's permitted to make his
19 closing comment after everyone has given their closing.
20 I'm sorry. I apologize. That's the procedure we have
21 to follow.

22 MR. MOLINELLI: One more thing, I'll
23 throw it out there. If you can't do it, you can't do
24 it. With the publication of a special meeting, you
25 could actually start this earlier in September. You're

1 scheduled to start the other application at 7:30. You
2 could start this 6:30. I would have to -- you would
3 have it carry it for 6:30 and publish the notice of
4 special meeting because your annual meetings start at
5 7:30. With the 48-hour special meeting notice at 6:30,
6 you could do it. I think, in that hour, we would be
7 able to wrap things up.

8 MR. PRINCIOTTO: I would recommend that.
9 As I said, we have another significant application and
10 I know that they have been scheduled with their expert
11 witnesses for that night, and as a courtesy to them,
12 even if we go over a half hour, that wouldn't be
13 terrible.

14 CHAIRMAN BONGARD: Okay. Mr. Molinelli
15 has recommended that we carry it over. Does anybody on
16 the Board have any comments they would like to make
17 about carrying it over?

18 CHAIRMAN SPIRIG: I read the letter from
19 Sal but I did not read Mr. Molinelli's response so I
20 would like to read that before I make my comments.

21 MR. MOLINELLI: Fair comment.

22 CHAIRMAN BONGARD: I would like to ask
23 for a motion to carry the proceedings until September
24 and possibly have an earlier meeting.

25 MR. NEWMAN: You are extending the time?

1 MR. MOLINELLI: Yes. I am.

2 Just to be clear, you will announce that
3 this matter is being carried to the September meeting
4 at 6:30 so no further notice would be required on my
5 part, but for the borough, for the Zoning Board, I
6 don't know who does the notices. Someone will have to
7 put a notice in the newspaper that the meeting is at
8 6:30 and not 7:30. It could be limited to this
9 application too.

10 MR. PRINCIOTTO: We will post it on the
11 website as well.

12 The next meeting is September 25th. This
13 application will be heard on that date at 6:30 p.m. No
14 additional notice will be necessary. The meeting will
15 be noticed under the Land Use Law and published on the
16 website for a 6:30 start.

17 MS. MALLEY: I'll make a motion that we
18 carry this over to the September 25th meeting at 6:30
19 to continue with this hearing.

20 MR. DHAWAN: Second.

21 CHAIRMAN BONGARD: All in favor?

22 MEMBERS OF THE BOARD: Aye.

23 (The hearing concluded at 8:30 p.m.)

24

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C E R T I F I C A T E

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5 I, ALISON GULINO, a Certified Court Reporter,
6 Registered Professional Reporter and Notary Public of
7 the State of New Jersey, do hereby state that the
8 foregoing is a true and accurate verbatim transcript of
9 my stenographic notes of the within proceedings, to the
10 best of my ability.
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