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

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I N D E X

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1 CHAIRWOMAN HEMBREE: WCL Broadway  
2 Realty Associates, LLC, 62 Broadway, Block 2708, Lot  
3 1, construction of restaurant with outdoor seating.  
4 Variance for a restaurant use with a variance for  
5 total surface, impervious coverage and parking.

6 I have to recuse myself. I would like  
7 to appoint John Spirig to Chair. Mr. Bongard is not  
8 here this evening.

9 I would like a motion to approve.

10 MR. NEWMAN: Motion to approve.

11 MR. HAYES: Second.

12 MS. KOKOWSKI: Ms. Hembree?

13 CHAIRWOMAN HEMBREE: Yes.

14 MS. KOKOWSKI: Mr. Dhawan?

15 MR. DHAWAN: Yes.

16 MS. KOKOWSKI: Ms. Malley?

17 MS. MALLEY: Yes.

18 MS. KOKOWSKI: Ms. Fendian?

19 MS. FENDIAN: Yes.

20 MS. KOKOWSKI: Mr. Vercelli?

21 MR. VERCELLI: Yes.

22 MS. KOKOWSKI: Mr. Hayes?

23 MR. HAYES: Yes.

24 MS. KOKOWSKI: Mr. Newman?

25 MR. NEWMAN: Yes.

1 MS. KOKOWSKI: Mr. Spirig?

2 CHAIRMAN SPIRIG: Yes.

3 I'm chairing the meeting for this  
4 case. Mr. D'Arminio, you are up.

5 MR. D'ARMINIO: Lou D'Arminio, Price,  
6 Meese, Shulman & D'Arminio. I'm pinch-hitting for  
7 John Molinelli today.

8 This is a preliminary and final site  
9 plan with use variance and bulk relief for Ray's  
10 Pizza at 62 Broadway between Columbus and Lincoln.  
11 The prior hearing was on April 24th. We had the  
12 testimony of Ray Duraku, the owner. He discussed  
13 the restaurant, the operation, the layout, the  
14 employees and related matters.

15 Today, we will put on the engineer.  
16 He was also the engineer on the prior approvals for  
17 the actual underlying building that has been  
18 constructed. He will detail any of the revisions to  
19 the site and answer some questions from the last  
20 meeting as well.

21 We also have Lou Luglio, our traffic  
22 engineer. Mr. Preiss had suggested, at the last  
23 meeting, to look at Ray's present operation, which  
24 is transferring over here, to see what are the  
25 requirements for parking there that are related to

1 the projected site here and he has done that and we  
2 will have that testimony this evening.

3 Our last witness is our planner, Joe  
4 Burgess, but unfortunately, we found out that he has  
5 a conflict and couldn't come today so we will have  
6 to carry this for one more meeting. We definitely  
7 will finish at the next meeting.

8 Just a little bit of -- also, Ray is  
9 here in case there's any questions that you may have  
10 that come up along the way.

11 Some housekeeping, cleaning, first.  
12 As to the parking, we talked with our client and  
13 realized that the 16 outside spaces is seasonal. It  
14 will not be any more people so it does not make  
15 sense to put them in the calculation. We would like  
16 to stipulate, we want to keep outside seating. We  
17 would reduce the total number of seats by 16, and  
18 when it's nice weather and there would be outside  
19 seating, we would take them from the inside. Right  
20 now, the inside has 48 for the pizza dining and 48  
21 for the restaurant dining. That would be the total  
22 number. It would be 96, and then in the summer and  
23 spring, those would be reduced to 40 and 40 inside  
24 and then we take the 16 spaces and pull them out.  
25 Not having the 16 spaces reduces our total

1 requirement by 8. I think it goes from 106 to 114.

2 That would be a stipulation.

3 MR. NEWMAN: You mean 114 to 106? I  
4 think you flipped it.

5 MR. D'ARMINIO: 114 to 106.

6 MR. NEWMAN: Your requirement is 106  
7 and you have how much?

8 MR. PRINCIOTTO: 65.

9 MR. D'ARMINIO: There was a question  
10 about the garbage pickup. We have spoken to the  
11 owner -- the applicant has spoken to our waste  
12 hauler. That will be changed. It would be the  
13 normal hours that get picked up in the borough, 7:30  
14 or so. Whatever the normal pickup hours are for the  
15 borough refuse, we would agree to do that as well.

16 That's two stipulations we make, right  
17 off the bat.

18 MR. PREISS: Could you repeat that?

19 MR. D'ARMINIO: We reduce the overall  
20 seat number by 16 seats. We would now have 96  
21 seats; 48, 48, during the -- most of the time.  
22 Seasonally, it would be 40, 40 inside with the 16  
23 then taken outside, and then the garbage pickup  
24 would no longer be 3:00 a.m. We apologize for that.  
25 We will have it at whatever the normal times are.

1 We believe it's 7:30 but the normal times for pickup  
2 of refuse.

3 MR. PREISS: Thank you.

4 MR. D'ARMINIO: Unless there's any  
5 questions of me, well move to the witnesses.

6 MR. PREISS: I think there was only  
7 one exhibit marked.

8 MR. D'ARMINIO: Yes. A-1 was the  
9 layout. The next exhibit will be A-2. I would like  
10 to call our first witness.

11 M I C H A E L E I C H E N L A U B, first having  
12 been duly sworn, testified as follows:

13 CHAIRMAN SPIRIG: I know you have  
14 appeared in front of many Boards in the borough  
15 before but maybe, for the new folks sitting here and  
16 the members, you can give us your credentials.

17 MR. EICHENLAUB: I studied civil  
18 engineering from 1973 to 1977, graduated with a  
19 Bachelor's of Science in civil engineering from the  
20 University of Wall, Massachusetts. I passed my PE  
21 exam in 1981 and I have been practicing as a  
22 professional engineer in the State of New Jersey and  
23 New York since.

24 MR. D'ARMINIO: And you have your  
25 professional planner's license?

1 MR. EICHENLAUB: I do but I don't  
2 practice.

3 MR. D'ARMINIO: You testified here  
4 many times?

5 MR. EICHENLAUB: Yes. And the  
6 Planning Board.

7 MR. D'ARMINIO: You have been accepted  
8 as an expert in engineering?

9 MR. EICHENLAUB: Correct.

10 MR. PRINCIOTTO: Any questions on the  
11 qualifications?

12 (No response)

13 DIRECT EXAMINATION BY MR. D'ARMINIO:

14 Q. Mr. Eichenlaub, I know you are familiar  
15 with this property, correct?

16 A. I am.

17 Q. You were involved in the prior  
18 approvals for the building, correct?

19 A. I prepared the engineering drawings  
20 for that project, yes.

21 Q. You prepared a revised plan for this  
22 evening that the Board has, correct?

23 A. Yes. The plan that the Board has  
24 consists of three sheets. The plan itself was  
25 developed from the as-built drawing received from

1 the surveyor at the completion at the building and  
2 site development.

3 MR. D'ARMINIO: I'll mark this A-2.

4 (Exhibit A-2, site plan, was marked for  
5 Identification.)

6 Q. Using the drawing, highlight the  
7 changes. Describe the site, again, for the record.

8 A. Well, the drawing -- the package  
9 consists of three drawings. The first is the title  
10 sheet. It shows the area map, the key map, project  
11 name. The second sheet is the survey of existing  
12 conditions on the site plan for outdoor dining.  
13 This is the as-built survey of the site at the  
14 completion of construction of both the building and  
15 the surrounding site development, the parking lot,  
16 walkways, lighting and so forth.

17 I have blown up the aerial that's  
18 actually being changed from the standpoint of the  
19 physical features of the outdoors of the site at the  
20 southwest corner of the existing building. We are  
21 proposing a 7- by-35 paver outdoor dining area.  
22 It's 245 square feet. In order to get this paver  
23 patio in, we are relocating two existing bollards  
24 that exist that have to be moved. Those bollards  
25 were requested under the original approvals for

1 lighting of the sidewalk along the south side of the  
2 building. Those two bollards would be located to  
3 the outside or the south edge of the paver patio.

4           There are no other changes with  
5 respect to the physical features, the exterior  
6 physical features, of the site other than providing  
7 for the 7-by-35 paver patio, relocation of two  
8 bollards and additional landscaping plantings around  
9 three of the sides of the patio. We are proposing  
10 hollies, which would provide screening as well as a  
11 delineation of the paver patio.

12           Q.       You have another page that shows that  
13 more particularly. Show that?

14           A.       The third page is a blow-up of the  
15 south side of the building. It shows where that  
16 7-by-35 patio is located with respect to the  
17 building and that sidewalk that I was referring to  
18 earlier. You can see the two bollards are being  
19 relocated to the outside of the patio and the new  
20 plantings around the perimeter, the two sides and  
21 the south face, of that patio. What this does is  
22 add an additional 245 square feet to our site. Our  
23 coverage, which we initially were granted a variance  
24 for, was 62.89. Permitted coverage in the zone is  
25 50 percent. We were granted the variance to 62.89.

1 With the addition of the 245 square feet of patio,  
2 we are now going to 63.33 percent coverage or an  
3 increase of .44 percent so we will need a variance  
4 for that.

5 MR. NEWMAN: What's on Columbus Avenue  
6 across the street from where you propose the patio?

7 MR. EICHENLAUB: Residential.

8 MEMBER OF THE PUBLIC: All our houses.

9 MR. NEWMAN: So people live on  
10 Columbus Avenue across the street from where you  
11 have -- want to have outdoor dining?

12 MR. EICHENLAUB: Yes. They are  
13 residential. The existing pizzeria is located to  
14 the -- further to the west at the corner of  
15 Columbus. There's the pizzeria as you are going in  
16 an easterly direction on Columbus, and then you  
17 start your residential.

18 Q. In terms of any other changes, the size  
19 of the building didn't change, correct?

20 A. It has not changed. The configuration  
21 of the parking lots, the entrances, walkways,  
22 nothing else on the site has changed.

23 Q. In terms of the lights, there's no  
24 additional lights. There's just the relocation of  
25 the existing bollards?

1           A.       Correct.

2                   MR. NEWMAN:   There are apartments  
3 above.

4                   MR. EICHENLAEB:   There are two floors  
5 of apartments, 14 total.

6                   MR. NEWMAN:   Continue.

7                   MR. HAYES:   How far is this lighting  
8 being moved exactly?

9                   MR. EICHENLAUB:   7 feet to the south,  
10 the outside of the --

11                   MR. HAYES:   How far off the street are  
12 they?

13                   MR. EICHENLAUB:   They're approximately  
14 9 feet.

15                   MR. HAYES:   How tall are they?

16                   MR. EICHENLAUB:   3 and a half feet in  
17 height.

18                   CHAIRMAN SPIRIG:   Could you point in  
19 the diagram where you are moving from to?

20                   MR. EICHENLAUB:   The existing bollards  
21 are located along the existing south walkway.  They  
22 will be moved directly south to where they are now  
23 to the outside edge of the paver patio.

24                   MR. PRINCIOTTO:   Right now, are they  
25 the same height, 3 and a half feet?

1 MR. EICHENLAEB: They are not  
2 changing. The two bollards that exist now will be  
3 the two that are being moved.

4 MR. NEWMAN: Closer to the residences  
5 on Columbus Avenue?

6 MR. EICHENLAUB: Yes.

7 MR. DHAWAN: What type of lighting?

8 MR. EICHENLAUB: Downcast, cylinder in  
9 shape, to illuminate the walkway around the south  
10 side. Any of the taller lighting to illuminate the  
11 parking lot or other walks on site are not being  
12 changed. They will remain as they exist today.

13 Q. Those were as previously approved?

14 A. They were approved under the original  
15 application.

16 Q. Also, the -- you heard my  
17 representation and stipulation with regard to the  
18 parking and that would change your zoning table to  
19 decrease the total required by 8 spaces?

20 A. Correct.

21 Q. Also, there was some question with  
22 regard to the dumpster area and the ability to put  
23 the oil canister for the cooking oil.

24 A. I'll show you a set of three pictures  
25 and provide copies to the Board.

1 (Exhibits A-3a, A-3b and A-3c,  
2 photographs, were marked for Identification.)

3 MR. D'ARMINIO: I'll mark the  
4 individual photographs A-3, small letter, a, b, c.

5 Q. Do you recognize this?

6 A. I do.

7 Q. What does it depict?

8 A. It's the dumpster enclosure. What  
9 you're seeing here are the two dumpsters in place  
10 presently between the two dumpsters. You can see  
11 the canister for the cooking oil.

12 Q. That's a sample of what would be placed  
13 there, correct?

14 A. That's how it would be arranged in the  
15 dumpster, yes.

16 Q. So you can see the depiction of the two  
17 dumpsters and those are the actual dumpsters that  
18 are present today?

19 A. Yes.

20 Q. And this is the location, as been  
21 testified, as to where the canister would be, the  
22 barrel, and that's depicted on b and the barrel  
23 itself is depicted on c, correct?

24 A. Correct.

25 MR. HAYES: This is what's used to

1 catch the used grease?

2 MR. D'ARMINIO: Yes. Someone comes in  
3 and cleans it out.

4 MR. HAYES: That's -- how often does  
5 that happen, they come to collect the grease or  
6 clean the grease canisters out?

7 MR. DURAKU: Three months or weeks. I  
8 think it's a 55-gallon drum.

9 MR. D'ARMINIO: That's Ray Duraku.  
10 Ray, maybe you should come up.  
11 He's been previously sworn.

12 MR. HAYES: I'm curious. How many of  
13 the 55-gallon drums would collect over that three-  
14 week to one-month period?

15 MR. DURAKU: Just the one.

16 CHAIRMAN SPIRIG: This is an accurate  
17 representation of what would be there.

18 MR. D'ARMINIO: Correct. And  
19 depicting that it fits well within.

20 MR. NEWMAN: Is the grease flammable?

21 MR. DURAKU: No, no.

22 Q. Any questions on anything else?

23 A. No. The only change to the physical  
24 features of the site are this patio, no drainage or  
25 lighting or parking, no curbs, no sidewalks.

1 Nothing is changing other than the addition of this  
2 patio.

3 I know there was a concern about the  
4 bollards being moved closer to Columbus. We could  
5 take them and place them at the corners of the patio  
6 adjacent to the sidewalk, which means they would be  
7 in alignment with where they are, they just wouldn't  
8 be equally spaced as they are now. If there's a  
9 concern with these being moved closer to Columbus,  
10 we can take them and put them on either side --  
11 either corner, the northwest and northeast corner of  
12 this patio adjacent to the sidewalk.

13 Right now, there's an existing  
14 bollard, one of three, that will remain. We can  
15 take the middle one and place it to the northeast  
16 corner where the patio intersects the walkway and  
17 take the westerly bollard and place it at the  
18 northwest corner and they would be in alignment to  
19 where they are now. This is where the existing  
20 bollards are. We shift one to the east and the  
21 second one to the west.

22 Q. Right now, though, the design is that  
23 the bollards would be behind the bushes?

24 A. They would be within the bushes.

25 Q. The bollards are lower than the bushes?

1           A.       The plantings would be 2 feet at  
2 planting time.

3           Q.       But they would be as high as the  
4 bollards in time?

5           A.       They would be pruned. If you allow  
6 the vegetation to grow around them, you lose the  
7 lighting.

8           Q.       They are screened, somewhat, by the  
9 bushes. If the desire is to move them where it was  
10 indicated, we indicated we would do it?

11          A.       Right. The idea is not to illuminate  
12 any dining tables because they would be too low.  
13 The light is cast down. I'm sure that the lighting  
14 on the tables would be candlelight, if it was going  
15 to be lit, during the late spring, summer into the  
16 fall, but again, they are not meant to light so much  
17 the dining tables but to illuminate the patio or  
18 walkway.

19                   MS. MALLEY: There's nothing expected  
20 to light the tables but...

21                   MR. EICHENLAUB: Well, there is some  
22 architectural lights along the south side of the  
23 building. We didn't show that on the original site  
24 plan. It's supposed to be low-level lighting, but  
25 again, that is the light you would get and the light

1 from the store itself.

2 MR. D'ARMINIO: Any questions?

3 CHAIRMAN SPIRIG: Any Board members  
4 have any questions of the engineer?

5 MR. NEWMAN: This is going to be for  
6 outdoor seating, right?

7 MR. EICHENLAUB: Correct.

8 MR. NEWMAN: You are going to have 16  
9 seats?

10 MR. EICHENLAUB: There could be as  
11 many as 16 seats.

12 MR. NEWMAN: How many apartments are  
13 above?

14 MR. EICHENLAUB: Fourteen total.

15 MR. NEWMAN: How many people live  
16 above? Maybe 30, 40 people around, approximately...

17 MR. EICHENLAUB: I have no idea.

18 MR. NEWMAN: There are residents  
19 across the street?

20 MR. EICHENLAUB: Yes. On Columbus.

21 MR. NEWMAN: Do you think it's fair,  
22 on a Saturday night, there should be outside  
23 seating, in what's, effectively, a residential  
24 neighborhood, for people to be dining or making  
25 noise on a Friday night?

1 MR. D'ARMINIO: I object to that  
2 question.

3 MR. PRINCIOTTO: I don't think it has  
4 to do with this witness' expertise.

5 MR. NEWMAN: Maybe it's a better  
6 question for the owner.

7 MR. PRINCIOTTO: It could be a  
8 question for the planner. I'm not saying it's not a  
9 proper question. I'm not certain it's a question  
10 for a PE to address. It's a planning issue.

11 MR. D'ARMINIO: We are here because  
12 whether or not we meet the requirement of the  
13 Municipal Land Use Law. That's what you should be  
14 concentrating on. That's what the planner will  
15 testify to.

16 MR. NEWMAN: You are asking for  
17 variances, right?

18 MR. D'ARMINIO: Right. It's whether  
19 or not we meet those requirements to the grant of a  
20 variance and there will be testimony with regard to  
21 that.

22 MR. PREISS: The bollards, they are  
23 there to light up the walkway?

24 MR. EICHENLAUB: Yes.

25 MR. PREISS: Could those be moved

1 inwards closer to the existing walkway?

2 MR. EICHENLAUB: That's what I  
3 indicated. We could move that. The intention was  
4 that we needed them for the patio. We can shift  
5 them east to west in the same alignment as they are  
6 now, no closer to Columbus than they are now.

7 MR. NEWMAN: Let me ask you some  
8 questions about the parking. With your  
9 representation that it's going to be, at most, 96  
10 seats, you are saying you need 106 spaces?

11 MR. EICHENLAUB: Correct.

12 MR. NEWMAN: How many of those are  
13 allocated for the residents?

14 MR. EICHENLAUB: Under the original  
15 application, it was 27.

16 MR. D'ARMINIO: Right now, the  
17 testimony was that it's 14.

18 MR. NEWMAN: How many are for this  
19 restaurant, proposed restaurant, of the 106?

20 MR. HAYES: How many spaces are there,  
21 in total, existing now?

22 MR. EICHENLAUB: 65.

23 MR. D'ARMINIO: We have a traffic  
24 witness, engineer. He's going to speak about  
25 parking and these questions would be best for him to

1 answer.

2 MR. NEWMAN: He's the engineer, right?  
3 This is within his purview.

4 MR. D'ARMINIO: In terms of the  
5 allocation and in terms of sufficiency of it and the  
6 like, that would be for the traffic engineer.

7 MR. NEWMAN: I'm asking for the  
8 allocation under the original. It was 27 for the  
9 residents. How many are required for the  
10 restaurant? You can't answer that question?

11 MR. D'ARMINIO: It's on his plans.

12 MR. EICHENLAUB: Since we are reducing  
13 it, we would need a total of 56 parking spaces.  
14 That would be reduced by a total of 8 so we need 48.

15 MR. NEWMAN: And the rest is for the  
16 other retail space?

17 MR. EICHENLAUB: Correct. The retail  
18 space, the remaining three retail stores that are  
19 there or retail space there, would require a total  
20 of -- for that, we would require 24 spaces. That's  
21 based upon 1 parking space for every 175 square feet  
22 of floor area.

23 MR. NEWMAN: Forty-eight spaces, does  
24 that include the parking for the employees?

25 MR. EICHENLAUB: Yes. They are

1 included in that.

2 CHAIRMAN SPIRIG: The number of 48,  
3 this is based upon the number of tables in the  
4 restaurant?

5 MR. EICHENLAUB: Number of seats.  
6 Again, originally, on my plan, I had shown 96  
7 interior and 16 exterior. We are eliminating the  
8 request for 16. When we have the outdoor dining, we  
9 will take 16 of the interior seats and bring them  
10 outside.

11 CHAIRMAN SPIRIG: So the total would  
12 always be 96?

13 MR. EICHENLAUB: Correct.

14 CHAIRMAN SPIRIG: That's how you came  
15 up with the 48?

16 MR. EICHENLAUB: Forty-eight for the  
17 seating. I had indicated six employees and your  
18 regulations require 1 for every employee, which  
19 would be an additional 6 spaces.

20 MR. NEWMAN: Forty-eight plus 6 for  
21 the restaurant.

22 MR. EICHENLAUB: A total of 54.

23 MR. NEWMAN: There's 27 allocated for  
24 the residents and 24 for the rest of the retail?

25 MR. EICHENLAUB: The 27 is based upon

1 the Residential Site Improvement Standards. My  
2 understating is that, when the residents sign their  
3 lease, they agree upon 1 space per apartment so  
4 that's, basically, the owner-allocated 14 spaces.  
5 If they needed more than that, they wouldn't rent  
6 them.

7 MR. NEWMAN: There's no spaces for  
8 guests?

9 MR. EICHENLAUB: No. They are allowed  
10 one space for the occupant -- everyday space.  
11 That's their space. There's additional spaces.

12 MR. NEWMAN: Right. Twenty-seven, I  
13 think, is what we are talking about.

14 MR. EICHENLAUB: That's part of the  
15 RSIS. That's factored in there.

16 MS. MALLEY: There are 27 if you drive  
17 by there on your way home tonight? I'm guessing 20  
18 of them are full, at least.

19 MEMBER OF THE PUBLIC: At least. I  
20 have pictures.

21 CHAIRMAN SPIRIG: We cannot have  
22 comments from the audience at this time.

23 MR. EICHENLAUB: I have found anywhere  
24 from --

25 MS. MALLEY: During the day, it's

1 about half.

2 MR. EICHENLAUB: I have seen as few as  
3 6 and as many as 12.

4 MR. NEWMAN: I remember last time, it  
5 was based upon the theory the businesses operate  
6 during the day; the residents are at night. At the  
7 time you needed a variance, the thought was that  
8 it's shared parking, right? But now, you want to  
9 put a restaurant whose busiest times are at night on  
10 Fridays and Saturdays.

11 MR. EICHENLAUB: Our discussion was,  
12 at that point, the commercial or the other  
13 commercial spaces wouldn't be in operation.

14 MR. NEWMAN: Well -- well, we don't  
15 know -- we don't know who is going to be there yet  
16 or what their hours of operation are. I don't know  
17 if the owner is willing to make sure the other  
18 operations are closed by 7:00 p.m. I don't know  
19 about that.

20 MS. MALLEY: Do you know who the  
21 tenant is next door with the brown-papered windows?

22 MR. EICHENLAUB: I don't know. I'm  
23 assuming --

24 MR. D'ARMINIO: I can check with the  
25 owner.

1                   MEMBER OF THE PUBLIC: I would be  
2 happy to come up. This is so frustrating.

3                   MS. MALLEY: The construction that's  
4 going on there now, the holes dug around the  
5 corners; what is that?

6                   MR. EICHENLAUB: Signs.

7                   MS. MALLEY: I know there's two front  
8 and one by the dumpster. I thought there was a  
9 fourth one?

10                  MEMBER OF THE PUBLIC: On Columbus.

11                  MR. D'ARMINIO: Whatever the signage,  
12 it was approved. If you need Mr. Rivera to clarify  
13 that...

14                  MR. NEWMAN: I have one more question  
15 for Mr. D'Arminio and Mr. Eichenlaub. I know both  
16 of you were here last time. Do you remember any  
17 discussions last time about deliveries and whether  
18 they should be in the front or back kind of  
19 allocating where the parking should be, the  
20 residents verses the commercial?

21                  MR. D'ARMINIO: I believe the  
22 deliveries were going to be at that time, in the  
23 front but we are requesting that it be in the back.

24                  CHAIRMAN SPIRIG: You are talking  
25 about product to the store?

1                   MR. NEWMAN: All the deliveries --  
2 last time, we had discussions about separating out  
3 the resident versus the commercial spaces. There  
4 was a lot of discussion and the owner agreed that  
5 deliveries that had to take place would all take  
6 place in the front.

7 It didn't wind up in the resolution. I'm pretty  
8 sure I remember that discussion and Mr. D'Arminio  
9 was kind enough to verify my recollection.

10                   MR. D'ARMINIO: I believe that is  
11 correct. We are asking for it, now, to be in the  
12 back.

13                   MR. PREISS: Did you review any of the  
14 operations of the business, like exhaust from the  
15 kitchen?

16                   MR. EICHENLAUB: The only thing I was  
17 asked to look at was the chase from the first floor  
18 to the roof, the size. It's approximately 38 square  
19 feet. My understanding is, for the operation that's  
20 going in, there's a duct that's necessary for the  
21 hood over the stove, approximately 18 by 18 inches.  
22 There will be a vacuum fan at the top to suck the  
23 air up through this chase and there are two smaller  
24 ducts, I believe, 12 inches in diameter, that will  
25 also go through that chase. We are talking about in

1 the neighborhood of 6 square feet of ductwork going  
2 into an area that's 38 square feet.

3 MR. PREISS: Where does the exhaust  
4 go?

5 MR. EICHENLAUB: To the roof.

6 MR. PREISS: There was some question  
7 as to whether or not there was electrical conduits  
8 in this chase or...

9 MR. EICHENLAUB: That, I don't know.  
10 I don't know if they -- a lot of times, they will  
11 run conduit through the chase. That's what it is  
12 for but I don't know how much is in that chase.

13 MR. PREISS: Can it be used for a  
14 restaurant use, that type of chase?

15 MR. EICHENLAUB: It's more than ample  
16 to accept those ducts, yes.

17 MR. D'ARMINIO: I believe, in the  
18 prior resolution, that was contemplated. It took  
19 into account that chase and the restaurant use. We  
20 did talk, I think -- Mr. Newman did talk about the  
21 possibility of a restaurant too.

22 MR. PREISS: I don't think it was in  
23 the resolution. We might have spoken about it.

24 CHAIRMAN SPIRIG: At the time, there  
25 was no zoning allowance for restaurants in the area.

1 MR. D'ARMINIO: I'll check it. I  
2 could be mistaken.

3 MR. D'ARMINIO: Any other questions?

4 CHAIRMAN SPIRIG: We will open to the  
5 public.

6 MR. NEWMAN: Motion to open to the  
7 public for questions of this witness only.

8 CHAIRMAN SPIRIG: For those of us that  
9 were here last week, the questions are for the  
10 person who is testifying, specifically for him. I  
11 guarantee you, there will be ample time for everyone  
12 to give their opinion and concerns and any  
13 statements that they have. At this point, the  
14 questions are specifically for the engineer.

15 MR. KEADY: Thomas Keady, 33 Columbus  
16 Avenue, Hillsdale, New Jersey.

17 You said that, when you add this 245  
18 square feet of outdoor dining space, your density  
19 will go down.

20 MR. EICHENLAUB: Density? What  
21 density?

22 MR. KEADY: You said 60-something.

23 MR. EICHENLAUB: No. The coverage,  
24 the coverage went up.

25 MR. KEADY: What happens in the

1 wintertime and your density goes up?

2 MR. EICHENLAUB: That doesn't change.  
3 The 16 tables, what we indicated at the start of the  
4 meeting was that, we were looking for a total of 96  
5 seats inside and an additional 16 in the outside.  
6 We said we would eliminate the request for the 16  
7 outside. When we felt it was necessary or we wanted  
8 to use the outdoor dining, we would take 16 of the  
9 seats from the interior and bring them outside. We  
10 reduced the number of seats that we are asking for.

11 MR. KEADY: On the parking spots, do  
12 they plan to do take-out pizzas?

13 MR. EICHENLAUB: Absolutely. That's a  
14 big part of his business.

15 MR. KEADY: Where are they going to  
16 park?

17 MR. D'ARMINIO: We have a witness that  
18 will testify to that.

19 MR. KEADY: Let's say he has a great  
20 week and 20 people show up for pizzas on a Friday  
21 night. Where do they park?

22 MR. D'ARMINIO: Our traffic expert  
23 will testify to it.

24 MR. KEADY: Nobody can answer that  
25 question? Where do they park?

1                   CHAIRMAN SPIRIG: I think he said he  
2 will have another witness testify to that.

3                   MS. REZEN: My name is Ann Marie  
4 Rezen, 21 Columbus. I live across the street.

5                   I'm curious as to the outdoor seating  
6 area where the outdoor proposed patio is. That  
7 particular part of the land is significantly sloped,  
8 like really sloped, down to the sidewalk. Is there  
9 going to be some sort of structural change or  
10 retaining wall or any additional...

11                  MR. EICHENLAUB: The only thing would  
12 be an edging of rock along there to keep the edge.  
13 You are right; it does drop off down to the street.  
14 From the edge of the walkway to the edge of our  
15 patio is about a foot drop. That would be filled to  
16 accommodate the patio.

17                  MS. REZEN: Just to clarify too, the  
18 number of parking spaces that are not designated for  
19 tenants, my understanding is there's 27 spots for  
20 tenants in the back. How many spots are in the  
21 front of the building for all of the businesses?

22                  MR. EICHENLAUB: Thirty-eight.

23                  MS. REZEN: Twenty-four of them are  
24 designated for the other, I think you had mentioned,  
25 three businesses.

1 MR. EICHENLAUB: That's what we would  
2 need for the additional commercial space once we  
3 subtracted out the restaurant.

4 MS. REZEN: Thirty-eight spaces in the  
5 front. How many need to be set aside or allocated  
6 for not Ray's Pizza?

7 MR. EICHENLAUB: What is required for  
8 the square footage of those 3 spaces is 24.

9 MS. REZEN: What is left for Ray's  
10 Pizza, 14?

11 MR. EICHENLAUB: There's 14 left.

12 MS. REZEN: And you need how many? So  
13 I think there was some numbers going around before  
14 that there was 106 spaces, but actually, there's  
15 only 14?

16 MR. EICHENLAUB: No, that's the number  
17 of seats. On the application right now, we need 54.

18 MS. REZEN: And you have 14 so you are  
19 asking for 40. You are asking for a variance to  
20 accommodate 40.

21 MR. EICHENLAUB: It's shared parking.

22 MS. REZEN: I wanted to clarify that.

23 MR. SHUMACHER: Ray Shumacher, 11  
24 Columbus.

25 You brought up a good point, Rick.

1 You said you are going to come 7 feet here?

2 MR. EICHENLAUB: Correct.

3 MR. SHUMACHER: What is going to  
4 happen with the sidewalk?

5 MR. EICHENLAUB: It's going to stay.

6 MR. SHUMACHER: You are just going to  
7 walk into the wall there? You have to go around.

8 MR. EICHENLAUB: No. The sidewalk is  
9 staying where it is. The patio is on the outside of  
10 the sidewalk.

11 MR. SHUMACHER: The patio is --

12 MR. EICHENLAUB: The southeast side.

13 MR. SHUMACHER: Beyond the sidewalk.

14 So it actually coming off the building. It's  
15 further than 7 feet, correct?

16 MR. EICHENLAUB: The patio?

17 MR. SHUMACHER: It has to be further  
18 away. Do you have to put a retaining wall here?

19 MR. EICHENLAUB: The retaining wall  
20 would be a segmental block about 8 or 12 inches  
21 high. That would be part of our landscaping.

22 MR. SHUMACHER: You brought up another  
23 good point about the chase. Do we have an  
24 architectural plan of the chase? Because as far as  
25 I understand, the chase that I saw when I was in the

1 building, has conduit in it. It's next door. It's  
2 next to the elevator shaft.

3 MR. EICHENLAUB: This is next to the  
4 staircase.

5 MR. SHUMACHER: Which is next to the  
6 elevator, correct?

7 MR. EICHENLAUB: It's diagonally  
8 across the staircase from this chase.

9 MR. SHUMACHER: If it has conduit in  
10 it, you can't put an exhaust fan in a conduit chase.  
11 In case there's an emergency or fire, you have to be  
12 able to get into the chase so I don't see how you  
13 are going to be able to -- there's no chase from the  
14 cellar all the way up.

15 MR. EICHENLAUB: My understanding,  
16 there is. It goes from the cellular up.

17 MR. SHUMACHER: But it's big enough  
18 for 18 by 18, and then you said another 26 by...

19 MR. EICHENLAUB: No. An additional  
20 two 12-inch diameter flues going up.

21 MR. SHUMACHER: So there's three in  
22 the chase?

23 MR. EICHENLAUB: That's my  
24 understanding.

25 MR. D'ARMINIO: For the record, we

1 will meet whatever the code requirements are for the  
2 chase. Obviously, it's a condition of the approval  
3 and I believe it was designed for the possibility of  
4 other restaurants so we will meet whatever the  
5 requirements are.

6 CHAIRMAN SPIRIG: Understood.

7 MR. SHUMACHER: I'm asking the  
8 question because I happened to see the building too.  
9 I was in the building too, at one time, walking  
10 around, and as far as I remember, there was nothing  
11 when the building was constructed because, at the  
12 time the building was constructed and going to be  
13 constructed, the Board already had the issue that  
14 there were going to be no fast food restaurants or  
15 any kind of restaurants in that building.

16 MR. PREISS: Sir, if you have a  
17 question, you are making a comment. You are making  
18 a statement. Questions only right now.

19 MR. SHUMACHER: Can I see a picture of  
20 the dumpster?

21 MR. D'ARMINIO: Sure.

22 MR. SHAW: That's going to be picked  
23 up once a month or so?

24 MR. EICHENLAUB: The oil. The  
25 dumpster --

1 MR. SHUMACHER: Once or twice, yeah.  
2 Okay. That's really -- I was concerned about, you  
3 know, this here and whether or not...

4 MR. EICHENLAUB: The patio is outside  
5 the sidewalk.

6 CHAIRMAN SPIRIG: Anyone else have  
7 questions for the engineer?

8 MR. SCHWARTZMAN: Howard Schwartzman,  
9 2 Barker Road, Park Ridge.

10 At the last meeting in April, the  
11 attorney and Ray and I guess you were in the  
12 audience tossed around the figure of six employees.  
13 That was at slow times. At the weekends, that  
14 figure went up to ten or eleven.

15 MR. EICHENLAUB: I did not hear that.  
16 My understanding is, the figure that I used of six  
17 are the six employees that will have vehicles. The  
18 other employees -- and the owner has indicated that  
19 he hires younger kids to man the phone and the cash  
20 register and so forth -- they are dropped off. I  
21 believe he had two others that worked in the kitchen  
22 that rode bicycles.

23 MR. D'ARMINIO: Mr. Luglio will deal  
24 with the employees and the operation.

25 MR. SCHWARTZMAN: Not all these people

1 would have vehicles but that's not material. It's  
2 the number of employees, not how they get there.

3 Thank you.

4 MR. McMANUS: Kevin McManus, 27  
5 Columbus Avenue, Hillsdale.

6 I have a question about the dumpsters.  
7 Currently, it's accommodating the residents only.  
8 With a 96-seat restaurant, is that dumpster going to  
9 be at capacity or are you going to need more  
10 dumpsters?

11 MR. EICHENLAUB: No. What will  
12 happen, if necessary, the frequency in which they  
13 are picked up will increase but there will be no  
14 additional dumpsters.

15 MR. McMANUS: Now, they are going to  
16 come at normal times instead of 3:00 a.m. in the  
17 past?

18 MR. EICHENLAUB: Again, I mean, I  
19 don't know what time they came, but yes, it will be  
20 in the morning a.m. hours.

21 MR. McMANUS: You mentioned low-level  
22 lighting at the building?

23 MR. EICHENLAUB: The bollards.

24 MR. PRINCIOTTO: Downcast lighting.

25 MR. EICHENLAUB: Right.

1 MR. McMANUS: Have you driven down  
2 that way at night?

3 MR. EICHENLAUB: Yeah, I drive down  
4 Broadway all the time.

5 MR. McMANUS: You consider that  
6 downcast lighting? To the residents, it's lit up  
7 like Radio City. The lights are 24/7 and not  
8 motion-activated.

9 CHAIRMAN SPIRIG: Are you talking  
10 about the lights that he was referring to?

11 MR. McMANUS: No. The lights on the  
12 building itself, the bollards, the parking lot  
13 lights, all the lights in general.

14 CHAIRMAN SPIRIG: So all the lights  
15 are downcast for the bollards.

16 MR. EICHENLAUB: They did indicate  
17 that. The lighting on the south side of the  
18 building are architectural lights that I didn't  
19 include in my lighting plans. It's all  
20 architectural. I don't know what the level of  
21 lighting is for those.

22 MEMBER OF THE PUBLIC: But they do  
23 produce light.

24 MR. EICHENLAUB: That was the  
25 intention.

1                   MR. McMANUS: Why aren't they motion  
2 detectors? They run 24/7. The lights are on all  
3 night.

4                   MR. DHAWAN: I don't think the  
5 lighting of this property that you are talking about  
6 is part of this application. That's already there.

7                   MR. EICHENLAUB: All I testified is we  
8 are not changing the lights other than relocating  
9 two bollards.

10                  MR. McMANUS: Closer to Columbus and  
11 putting vegetation around it but not covering it  
12 because it would defeat the purpose of having the  
13 lights there in the first place.

14                  MR. EICHENLAUB: Where we originally  
15 had them, relocating along the south side of the  
16 patio. It would be within the landscaping that --  
17 whether there or not, it's going to have to be  
18 maintained. It's shrubbery that's going to be  
19 trimmed and pruned and so forth. The bollards, we  
20 would relocate adjacent to the sidewalk and get them  
21 off the south side of the patio.

22                  MR. McMANUS: You mentioned reducing  
23 the number of seating. You are going to move it  
24 inside, outside during the spring and summer?

25                  MR. EICHENLAUB: We originally had a

1 total of 96 interior seats. We were asking for an  
2 additional 16 outside dining seats. We will  
3 eliminate that request for 16 and just request the  
4 96, and when we want the outdoor dining, we will  
5 take 16 from the inside and bring them outside.

6 MR. McMANUS: Who is going to police  
7 that?

8 MR. EICHENLAUB: The owner.

9 MR. McMANUS: He's going to move the  
10 physical tables, the tables?

11 MR. EICHENLAUB: They are not that  
12 big. They are four seats.

13 MR. McMANUS: Right. But they are  
14 weather-proof.

15 MR. EICHENLAUB: They will be brought  
16 back in.

17 MR. McMANUS: If it starts to rain,  
18 you have your indoor seats outside, and now, all the  
19 sudden [sic], it's raining on them.

20 MR. D'ARMINIO: Maybe we should have  
21 clarified that. I don't know if he's going to use  
22 the same seats. He may take the 16 seats and put  
23 them downstairs and have indoor-outdoor seats.

24 CHAIRMAN SPIRIG: We will ask that  
25 question of the owner.

1 MR. D'ARMINIO: The key thing is the  
2 number of seats.

3 MR. McMANUS: The owner is going to  
4 police it? He will turn away business because he's  
5 at 96 seats; "I can't have any more customers"?

6 CHAIRMAN SPIRIG: We will clarify  
7 that.

8 MR. McMANUS: If they leave the  
9 outdoor seats and tables and just put them together  
10 when they are not in use or move them somewhere, you  
11 know, he could have, potentially, back to that same  
12 number of seats that the original count was for.

13 CHAIRMAN SPIRIG: Then it would become  
14 an enforcement matter; you are correct.

15 MR. McMANUS: I'm concerned about the  
16 noise from these fans or exhaust. Right now, it's  
17 been a little warm the last few days. You hear the  
18 air conditioner kick on. Now, you are going to add  
19 exhaust fans to the air conditioners? We hear it.  
20 You hear them kick on and run. I'm concerned about  
21 the additional noise from the fans, exhaust fans,  
22 that are required for a restaurant.

23 MR. EICHENLAUB: Okay. I have no idea  
24 what the size of the motor is or anything. I can't  
25 tell you about those. I looked at the architectural

1 plans for the size of the chase. I was informed  
2 what the duct sizes were. That's it. I don't know  
3 what the fan is or the amperage or the motor size or  
4 any of that.

5 CHAIRMAN SPIRIG: Who would know that?

6 MR. D'ARMINIO: We would have to meet  
7 whatever the requirements of the municipality are.

8 CHAIRMAN SPIRIG: So no specifications  
9 on that?

10 MR. D'ARMINIO: I could get that  
11 information for you. We would have to meet the  
12 requirements. Remember, it's all -- it is inside.  
13 You have a brick wall between it. I'll try to get  
14 you information on that. The matter is, we still  
15 have to comply with the laws in terms of the noise  
16 and the sounds from the exhaust. We would meet the  
17 requirement.

18 MR. McMANUS: How do we know that the  
19 air conditioner is not giving off more noise than it  
20 was approved for?

21 MR. VERCELLI: It's supposed to be a  
22 certain amount of feet from the property. It's  
23 usually on the zoning permit. It has to be a  
24 certain distance from the other property.

25 MR. McMANUS: It's on the roof, right?

1                   MR. EICHENLAUB: The units for the  
2 apartments are on the roof.

3                   MR. McMANUS: That's what we hear  
4 right now.

5                   MR. EICHENLAUB: The units for the  
6 stores is on the north side of the building.

7                   MR. D'ARMINIO: The units are on the  
8 north side towards Lincoln for the commercial, and  
9 then there's through -- like anybody's house,  
10 through the wall, air conditioning for the upstairs  
11 units. In terms of the air conditioners going on  
12 and on, I don't know where that's coming from. It's  
13 just like everybody else's air conditioners.

14                  MR. McMANUS: Not everyone has a  
15 commercial air-conditioning unit, correct?

16                  MR. D'ARMINIO: I could have Mr.  
17 Rivera clarify how the air-conditioning works but  
18 that was approved previously. I want to make sure  
19 people are satisfied and comfortable but this is  
20 regard to this application and the unit for this  
21 application is on the north side.

22                  CHAIRMAN SPIRIG: Maybe you want to  
23 revisit that question after the next person.

24                  MR. McMANUS: Sure. That is all I  
25 have.

1 MS. CULLINAN: Laura Cullinan, 27  
2 Columbus, Hillsborough.

3 Last time you were here, you guys were  
4 supposed to come back with how big Matsu's  
5 restaurant was before this current building was  
6 built.

7 MR. EICHENLAUB: That restaurant was  
8 taken down before we applied for this.

9 MS. CULLINAN: They asked for you guys  
10 to clarify that.

11 MR. EICHENLAUB: We will have to find  
12 out. I did not research it.

13 MS. CULLINAN: I'm thinking it's about  
14 3,000 square feet or less. Now, the building that's  
15 there now is considerably bigger.

16 MR. EICHENLAUB: The building there is  
17 now bigger than Matsu's.

18 MS. CULLINAN: So from 62 percent  
19 impervious coverage --

20 MR. EICHENLAUB: Coverage.

21 MS. CULLINAN: -- coverage now to 63.  
22 I mean, you guys went into this...

23 MR. PREISS: Do you have a question?

24 MS. CULLINAN: Did you find out about  
25 the Matsu building?

1 MR. EICHENLAUB: No.

2 CHAIRMAN SPIRIG: I don't recall that  
3 question.

4 MR. NEWMAN: Actually, I wanted to  
5 know how big the prior restaurant was.

6 MR. D'ARMINIO: If we can find it from  
7 the earlier application, we might find an existing  
8 conditions survey. I'll try to find that. In terms  
9 of relevance to this application, I'm just --

10 MR. NEWMAN: The relevance was, in my  
11 mind, was you have special permission to have a  
12 restaurant anywhere in town. It just so happens  
13 there used to be a restaurant on the site. When we  
14 reviewed the application for Tice's Corner, you  
15 know, why is Panera Bread there? Because there used  
16 to be a restaurant there as well. I was curious how  
17 big Matsu was as opposed to the Ray's, just as a  
18 point of...

19 MR. D'ARMINIO: I see your point.  
20 Maybe the first application may have had, you know,  
21 an existing conditions map on it. Maybe we have it.

22 Could you take a look at that?

23 MR. EICHENLAUB: Yeah. That dates  
24 back a while back.

25 CHAIRMAN SPIRIG: Motion to close to

1 the public?

2 MR. NEWMAN: Motion to close to the  
3 public and take a three-minute break so I can find  
4 some water for my pills.

5 MR. HAYES: Second.

6 CHAIRMAN SPIRIG: All in favor?

7 MEMBERS OF THE BOARD: Aye.

8 (Recess taken)

9 CHAIRMAN SPIRIG: We only have one  
10 hour left.

11 MR. D'ARMINIO: To return back to this  
12 and some clarification for Mr. Eichenlaub is, on the  
13 bollard side, you said they were directed towards  
14 the sidewalk and the building, correct?

15 MR. EICHENLAUB: Correct. Their light  
16 is cast down to the sidewalk to illuminate it so  
17 people walking can see the sidewalk.

18 MR. D'ARMINIO: It's not shining all  
19 the way out. It's directed only towards the  
20 sidewalk?

21 MR. EICHENLAUB: Correct.

22 MR. D'ARMINIO: There's some  
23 vegetation there, correct?

24 MR. EICHENLAUB: Correct.

25 MR. D'ARMINIO: We will provide

1 similar or extend the landscaping so it would  
2 certainly cover the bollards if it's not at the  
3 present time and maintain it such that it would be  
4 higher than the bollards, correct?

5 MR. EICHENLAUB: Yes, yes. You can,  
6 absolutely.

7 MR. D'ARMINIO: We will make that  
8 stipulation.

9 CHAIRMAN SPIRIG: Okay.

10 MR. D'ARMINIO: There was some  
11 questions that you requested that Mr. Rivera answer  
12 with regard to the signage and he's here to be sworn  
13 in.

14 G I L R I V E R A, first having been duly sworn,  
15 testified as follows:

16 MR. PRINCIOTTO: Your association with  
17 the application.

18 MR. RIVERA: I represent the owner.

19 DIRECT EXAMINATION BY MR. D'ARMINIO:

20 Q. There was a question with regard to the  
21 signs going up. Can you answer those?

22 A. The areas that you see right now that  
23 are dug up on both corners of Columbus and Lincoln  
24 are two monument signs that were approved facing at  
25 45-degree angle. The two in the back towards the

1 entrance to the rear, they will have the address of  
2 the property.

3 Q. With regard to the air conditioners and  
4 the nature of that and the units, could you clarify  
5 that?

6 A. For all the commercial tenants, all of  
7 the units are going to be on the north side of the  
8 building. They are already positioned there. For  
9 the residents above, we do not have any type of  
10 rooftop units. The only rooftop unit we have is  
11 just to cool and heat the common area space. Each  
12 individual apartment has what we call "PTAC units"  
13 and these are more heating and cooling. They are  
14 more centrally located in the bedroom or in the  
15 living space.

16 MR. HAYES: Someone had a question  
17 with regard to the dedicated parking.

18 MR. RIVERA: We did not have any  
19 assigned spots. We opted to take 14 spots and put  
20 them for one individual unit so every unit has one  
21 spot in the rear of the property. That's facing the  
22 back so it's the furthest parking spots that are on  
23 the premises.

24 MR. HAYES: This is part of leases?  
25 This is under their lease? They agreed to have one

1 parking space?

2 CHAIRMAN SPIRIG: If you have a  
3 married couple and they each have a car, where is  
4 the second one going?

5 MR. RIVERA: Any other areas within  
6 the property at that point.

7 CHAIRMAN SPIRIG: But they have one  
8 assigned spot. For argument's sake, if you had a  
9 married couple in each apartment and they each had a  
10 car, you could have 28 spots filled, 14 of them  
11 guaranteed and the other available units used up  
12 anyone else who needs them?

13 MR. RIVERA: Typically, it does not  
14 happen in these types of developments. We try to  
15 lease to the tenants for one-bedrooms for one car.  
16 The two, at times, it will be two cars, of course,  
17 but the majority of the tenants that are there now,  
18 we have not had any type of parking issues and there  
19 are 14 units so there has been additional spots, and  
20 typically, what happens is what we call "shared  
21 parking." In the evening, after the commercial  
22 spaces are closed, if there happens to be guests,  
23 they can utilize the front portion of parking. We  
24 are not going to designate back and front for both.

25 MR. HAYES: They would be able to use

1     them any time regardless whether the storefronts  
2     were open?  If guests were there, they could park  
3     there?

4                   MR. RIVERA:  I know someone was  
5     concerned about the other tenants.  We have a  
6     wellness spa going into one of the units and we are  
7     negotiating for a dentist.  That would leave us with  
8     one space remaining.  And as far as --

9                   MEMBER OF THE PUBLIC:  What's that?

10                  MR. RIVERA:  Facials, massages,  
11     pedicures, manicures.

12                  MEMBER OF THE PUBLIC:  Hours of  
13     operation?

14                  CHAIRMAN SPIRIG:  You already leased  
15     these out?

16                  MR. RIVERA:  We leased the wellness  
17     spa.  They got their permits.  We are in the final  
18     stages of finalizing the deal with the dentist.  
19     That would leave us one.

20                  I also want to make a comment in  
21     regards to the chase that we have on the property.  
22     We designed that chase for a restaurant, for a  
23     future restaurant at some point in time.  We will  
24     not be able to have a second restaurant because of  
25     the location of that chase so Ray's business has

1 Units 4 and 5 on the south side of the building.  
2 That is where the chase is located. Then you have  
3 the lobby and the other three spaces so there's no  
4 way that we can connect any of the other spaces to  
5 have an additional restaurant for the project.

6 CHAIRMAN SPIRIG: Someone brought up  
7 the question about who is going to enforce, for  
8 argument's sake, if we have -- end up having 14  
9 spots and another 14 spots filled by residents  
10 because they have two drivers in the house or guests  
11 or whatever and you have a busy Ray's Pizza night on  
12 Friday or Saturday and the lot fills up real quick;  
13 what happens?

14 A. Well, we would like to take advantage  
15 of the fact that there's some street parking along  
16 Columbus and also Lincoln, and of course, it's not  
17 through the entire evening. There is an ordinance,  
18 I believe, that you have to have your car moved from  
19 a certain period of time.

20 MEMBER OF THE PUBLIC: 2:00 a.m.

21 MR. RIVERA: I'm sure the police would  
22 enforce that as well. Not every day is a Black  
23 Friday. Most everybody gets concerned that  
24 everything is going to be all at once. You have a  
25 wellness spa and a dentist. Who goes to a spa or a

1 dentist after 6:00?

2 Not many people. Most people are home and so we are  
3 working to try to make sure that the current tenant  
4 mix will work, and as an owner, we want to make sure  
5 that Ray has a successful business, just like the  
6 rest of the others, and we have happy tenants  
7 upstairs.

8 MR. NEWMAN: What do their leases say  
9 about parking?

10 MR. RIVERA: They have one spot.

11 MR. NEWMAN: They have one spot. And  
12 does the lease say that they can have another car in  
13 the area or is it restrictive; you are only  
14 permitted one?

15 MR. RIVERA: There's no restriction.

16 MR. NEWMAN: The lease says one  
17 dedicated spot. How many two-bedrooms are there?

18 MR. RIVERA: Ten.

19 MR. NEWMAN: So you could have one  
20 adult in each bedroom, easily. You could have 20  
21 cars and let's say another 24, absent guests; is  
22 that correct?

23 MR. RIVERA: That's correct.

24 MR. NEWMAN: What -- do the leases  
25 have a covenant of quiet enjoyment?

1 MR. RIVERA: Absolutely.

2 MR. NEWMAN: Do you think it's fair to  
3 the residents to have outdoor seating when they live  
4 right above?

5 MR. RIVERA: Yes. I'll tell you why.  
6 These are the type of developments that attract  
7 younger millennials who want to be able to come  
8 downstairs to dine or congregate. When we looked at  
9 this site and the car study and everything else that  
10 the town was supposed to implement where they were  
11 looking to do a lot of these mixed-use projects,  
12 they are extremely successful. The people that rent  
13 here, they realize they have these stores  
14 downstairs. If you go into Hoboken, Ridgewood,  
15 Princeton, Westfield, it's part of the experience.

16 MR. NEWMAN: All the units are rented?

17 MR. RIVERA: Yes.

18 MR. NEWMAN: How many are millennials?

19 MR. RIVERA: I can't answer that but  
20 plenty of young people.

21 MR. NEWMAN: But not all of them?

22 MR. RIVERA: The majority are.

23 MR. NEWMAN: This is in not Hoboken,  
24 correct?

25 MR. RIVERA: Absolutely not.

1 MR. NEWMAN: You came here before this  
2 Board asking for 14 apartments, yes?

3 MR. RIVERA: Correct.

4 MR. NEWMAN: When you did so, when you  
5 signed leases with these people, did you tell them  
6 there would be outdoor seating and the restaurant?

7 MR. RIVERA: Absolutely.

8 MR. NEWMAN: That's in their lease?

9 MR. RIVERA: When we have these  
10 outdoor projects, one of the benefits is to have the  
11 type of services downstairs that will attract some  
12 of the younger people, so when you live close to a  
13 train station, there are people that decide, "Hey, I  
14 commute. I can leave my car here, come home, have  
15 something to eat, get something else that is  
16 possibly downstairs, go upstairs. It's an everyday  
17 occurrence today.

18 MR. NEWMAN: Let me get this straight  
19 because, currently, when people rent, there is no  
20 outdoor seating, correct?

21 MR. RIVERA: There is no outdoor  
22 seating.

23 MR. NEWMAN: You are here because you  
24 want to build a patio for outdoor seating for the  
25 restaurant, correct?

1 MR. RIVERA: Correct.

2 MR. NEWMAN: You are telling me that,  
3 the residents, when they rented their apartment,  
4 that you advised them that you were going to seek  
5 outdoor seating for the restaurant?

6 MR. RIVERA: I told them that we would  
7 have -- that most people would ask when you come and  
8 you rent to a development, "What type of uses are  
9 you looking to have here?" We said "Restaurants,  
10 possible coffee shops, convenience store," all the  
11 things that are permitted that we could do. They  
12 say "Great." Now, let me finish. If they do not  
13 like that, they do not have to lease there. Again,  
14 we are talking about 14 units, not 300, so when  
15 these tenants come in here, we advise them that  
16 "These are stores that are going to be downstairs.  
17 These are the type of stores that will potentially  
18 be here." We are advising them restaurants, and if  
19 you have a restaurant, we could potentially have  
20 some outdoor seating. If you --

21 MR. NEWMAN: Did you advise them or  
22 didn't you that there would be outdoor seating?

23 MR. RIVERA: There potentially could  
24 be outdoor seating, similar to what you see in other  
25 towns such as Ridgewood, Westfield. That's the look

1 and the type of developments that we are looking  
2 for. If you are going down Broadway and every  
3 single restaurant today that has a potential 4- or  
4 5-foot sidewalk, what do you see? Outdoor seating.  
5 Everyone wants it because everyone wants to be able  
6 to enjoy a beautiful day outside. We want to be  
7 able to do the same thing so that our tenants can  
8 enjoy upstairs or downstairs and enjoy that type of  
9 atmosphere.

10 MEMBER OF THE PUBLIC: What about the  
11 people from across the street?

12 MR. HAYES: I have a question. Are  
13 the current residents in the building now, are they  
14 aware of this proceeding?

15 MR. D'ARMINIO: They did not get  
16 noticed under the Municipal Land Use Law. I don't  
17 know if they are otherwise aware. I have not  
18 noticed them.

19 MR. HAYES: Do you have knowledge of  
20 whether or not they are aware of this proceeding?

21 MR. RIVERA: I don't believe they are.  
22 Typically, all the notices go to ownership.

23 CHAIRMAN SPIRIG: Any questions?

24 MS. MALLEY: I toured the apartments  
25 with the unit that was up there and there was no

1 mention of any restaurant use when I toured. It was  
2 "I don't know what's going in there."

3 MR. RIVERA: I have spoken,  
4 specifically, to numerous tenants while we were  
5 there finishing up the building going through what  
6 type of uses would we have here and I explained to  
7 them --

8 MR. NEWMAN: I have one more question.  
9 What are the hours of the spa?

10 MR. RIVERA: They are open for  
11 business as any other business can in the Town of  
12 Woodcliff Lake.

13 MR. NEWMAN: Do you know what their  
14 hours are? Do they have hours in their lease?

15 MR. RIVERA: No, they do not.

16 MR. NEWMAN: You have no idea what  
17 hours they are open?

18 MR. RIVERA: They could be open the  
19 hours that are typical in a -- in the town  
20 ordinance.

21 MR. NEWMAN: If they want to be open  
22 at 10:00 at night on a Saturday, there's nothing in  
23 their lease to restrict them for doing that.

24 MR. RIVERA: Correct. But let's call  
25 a spade a spade. When do you see a spa or a dentist

1 open until 10:00 at night? You do not see that.  
2 Let's be realistic and look at the facts of the type  
3 of tenants that are going to be there. Okay? They  
4 are going to be there until 6:00, at the most. They  
5 just are.

6 MR. NEWMAN: I'll repeat. There's  
7 nothing in their lease to restrict -- I didn't bring  
8 up the dentist. I understand they close by 5:00 on  
9 a Saturday, maybe earlier. There's nothing in the  
10 lease to restrict the hours of operation of the spa,  
11 correct.

12 MR. RIVERA: Correct.

13 MR. NEWMAN: There's an unrented space  
14 that has no restriction on it. You don't know who  
15 is going to be there, correct?

16 MR. RIVERA: Correct.

17 MR. NEWMAN: You don't know if that's  
18 a business that would have more business at night or  
19 during the day.

20 MR. RIVERA: At this point, I don't  
21 know.

22 MR. NEWMAN: This application requires  
23 106 parking spaces, correct?

24 MR. RIVERA: Yes.

25 CHAIRMAN SPIRIG: No. 106 seats, they

1 have.

2 MR. NEWMAN: So 106 parking spaces.

3 CHAIRMAN SPIRIG: The application,  
4 originally, was for 106 seats, which they now  
5 reduced to 96 seats, I believe --

6 MR. NEWMAN: I was under the  
7 impression --

8 MR. PREISS: It was 112 seats and  
9 reduced to 106 seats.

10 MR. NEWMAN: What's the parking  
11 requirement?

12 MR. PREISS: 106.

13 MR. NEWMAN: And they have 65.

14 MR. RIVERA: I will say this: I'm not  
15 an expert in the parking. We have someone here that  
16 will provide that information.

17 MR. D'ARMINIO: That's what I was  
18 going to say.

19 MR. RIVERA: He will be able to  
20 articulate much better than I would, the parking and  
21 how the operation goes.

22 MR. PRINCIOTTO: I have to ask you,  
23 the dead landscaping, what are you doing about that?

24 MR. RIVERA: We have been waiting for  
25 the rain to stop. There's four or five trees in the

1 back we slated to get changed. It probably will be  
2 done within the next two weeks, if the rain stops.

3 CHAIRMAN SPIRIG: Any other Board  
4 members have a question?

5 (No response)

6 CHAIRMAN SPIRIG: Motion to open to  
7 the public for this witness?

8 MR. NEWMAN: Motion to open to the  
9 public for questions of this witness only.

10 MR. HAYES: Second.

11 CHAIRMAN SPIRIG: All in favor?

12 MEMBERS OF THE BOARD: Aye.

13 CHAIRMAN SPIRIG: Once again,  
14 questions only for anything related to the testimony  
15 that we just heard.

16 MR. KEADY: I walk through that  
17 parking lot every Saturday and Sunday morning to get  
18 the paper at the coffee shop. I bet we can go up  
19 there and find 22 to 24 cars in a parking lot. I  
20 bet you a dollar.

21 MR. D'ARMINIO: Is there a question?

22 MR. KEADY: The question is coming.

23 CHAIRMAN SPIRIG: Sir, you have to ask  
24 a question.

25 MR. KEADY: I still don't know -- you

1 can have a smart guy up there telling me about  
2 business. I don't know how you are going to fit all  
3 those cars into that lot. I want you to tell me how  
4 you are going to do that without parking in front of  
5 my house.

6 MR. NEWMAN: I think the testimony was  
7 at the busy times, he believes some of the people  
8 would be parking on the street. That's what his  
9 testimony was.

10 MR. KEADY: When someone parks in  
11 front of my driveway, I can call the cops and get it  
12 towed away? Because I'll do that. As soon as a guy  
13 parks in front of my driveway, I'll call the  
14 Hillsdale Police to get them towed.

15 CHAIRMAN SPIRIG: Do you have a  
16 question?

17 MR. KEADY: Where will they park?

18 MR. D'ARMINIO: We will have a traffic  
19 engineer that will testify to that.

20 CHAIRMAN SPIRIG: Anybody else have a  
21 question?

22 MR. McMANUS: The 14 spots, are they  
23 marked?

24 MR. RIVERA: 1 through 14.

25 MR. McMANUS: Does it say "Residents

1 Only"?

2 MR. RIVERA: No. Just 1 through 14.

3 MR. McMANUS: So the owner can park in  
4 a spot close to the building and leave the exact  
5 spot for his wife?

6 MR. RIVERA: Potentially, yes.

7 MR. McMANUS: Are you married?

8 MR. RIVERA: Yes.

9 MR. D'ARMINIO: Objection to form.  
10 Don't answer that.

11 CHAIRMAN SPIRIG: Sir, you have to ask  
12 questions related to his testimony with regard to  
13 this application, not his house.

14 MR. McMANUS: I'm curious how many  
15 cars are in a normal household.

16 CHAIRMAN SPIRIG: Okay.

17 MR. NEWMAN: I think the testimony has  
18 been that there's nothing in the leases, that  
19 there's one --

20 Mr. Rivera, correct me if I'm wrong.  
21 There's one dedicated spot, per lease, for one  
22 parking space. There's nothing in the leases that  
23 restrict additional people from parking. The  
24 residents, there's nothing that allocates any other  
25 spaces for them. It's what we refer to as a "free-

1 for-all"; is that accurate?

2 MR. RIVERA: That is accurate.

3 MR. D'ARMINIO: I would object to the  
4 "free-for-all" characterization.

5 MR. SHUMACHER: The only thing I want  
6 to ask is that, when your tenants come and they  
7 park, you are saying that you want to have -- they  
8 park in the back of the building, right? You want  
9 to have the deliveries of supplies in the back of  
10 the building for the restaurant? When the building  
11 was designed and approved, my understanding was that  
12 any store would have their deliveries in the front  
13 of the building. Do the tenants know anything  
14 about, possibly, that they could have to share their  
15 parking or whatever with someone that may be a  
16 restaurant or other lessee? Does anybody know about  
17 it?

18 MR. RIVERA: The majority of these  
19 deliveries -- and you see them all throughout other  
20 shopping centers -- are done after 9:30, 10:00 when  
21 stores are open. The majority of people are already  
22 at work. Most people are at work so the cars are  
23 not there so that's what we are counting on.

24 MR. SHUMACHER: What is the reason why  
25 you want to change it from the front of the building

1 to the back? I'm kind of confused about it. It was  
2 already approved that it was in the front. Why does  
3 it have to be in the back?

4 MR. RIVERA: We have the access doors  
5 in the rear except for the restaurant, they will be  
6 loading down into the basement area. That makes it  
7 more conducive. The majority of stores are small --  
8 these type of small stores, you are going to get  
9 UPS, FedEx, a small box truck for deliveries. They  
10 are in and out in a short period of time, so if they  
11 are operating during the day, it may be easier to  
12 bring stuff in towards the back than the front of  
13 the store for operation purposes.

14 MR. SHUMACHER: If this gets approved,  
15 will Ray have certain times when he can receive his  
16 deliveries in the back after 9:00 and 10:00,  
17 anything like that? In other words, to make sure  
18 people are working -- your tenants aren't being  
19 effected.

20 MR. RIVERA: We are very cognizant of  
21 our tenants. We want to make sure they are not  
22 being inconvenienced in any which way so I happen to  
23 know Ray and I know he's the type of person, if you  
24 ask him to do something, I'm sure we will be able to  
25 work that out as well as go to every other tenant to

1 say "Something is not working here. How can we fix  
2 it?"

3 MR. SHUMACHER: Did you indicate to  
4 the tenants that there may be a restaurant?

5 MR. RIVERA: Yes.

6 MR. SHUMACHER: Since this is a B-1  
7 zone which does not permit restaurants, why would  
8 you ever indicate to them something that wasn't  
9 allowed to begin with?

10 MR. RIVERA: That's a question that,  
11 as we had gone through this approval process, that  
12 there was a corridor study done that there were  
13 going to be more multiple families, that they would  
14 encourage restaurants and things of that nature. I  
15 believe there may be something that's going to be  
16 adopted by the town very soon about putting  
17 restaurants in the B1 zone.

18 MR. D'ARMINIO: We have testimony from  
19 the planner that it's part of the Master Plan. It  
20 was anticipated along this corridor that there would  
21 be a possibility of restaurants. It was something  
22 that the town wanted to encourage.

23 MR. RIVERA: Correct.

24 MS. CULLINAN: I'm concerned about the  
25 delivery vehicles parking. I have taken pictures

1 almost every single night at 7:00 --

2 CHAIRMAN SPIRIG: Do you have a  
3 question?

4 MS. CULLINAN: -- when it's supposed  
5 to be busy and all the parking spots are being used.

6 MR. PRINCIOTTO: Ma'am, you have to  
7 ask questions.

8 MS. CULLINAN: The question is: How  
9 are the tenants going to feel when their car is  
10 blocked in by a delivery vehicle?

11 MR. RIVERA: Again, the majority of  
12 the deliveries for any tenant --

13 MS. CULLINAN: Pizza deliveries.

14 MR. DHAWAN: There's got to be a  
15 question.

16 MS. CULLINAN: He's saying he's  
17 concerned about the tenants.

18 MR. DHAWAN: It's an improper form of  
19 a question. It assumes an answer in a way that's  
20 improper. If the idea is, if there's conflicts, how  
21 would you resolve it?

22 MS. CULLINAN: No. The question is:  
23 Every night, the parking lot looks like this and he  
24 -- they said, last time we were here, that the  
25 delivery vehicles for the pizza, not the cheese that

1 they get in the morning, from 6:00 to 9:00 when  
2 everyone is home from work and these delivery  
3 vehicles are going to be parked behind the residents  
4 --

5 MR. RIVERA: I'll defer to our traffic  
6 expert. He's going to be able to go over that in  
7 more detail for you.

8 CHAIRMAN SPIRIG: Just so you know,  
9 last month, we did distinguish between deliveries to  
10 the stores versus the delivery service that Ray has  
11 for pizza deliveries.

12 MR. D'ARMINIO: We have a witness to  
13 testify to that, as to the operations at the present  
14 Ray's, and how it would be anticipated to operate.

15 CHAIRMAN SPIRIG: Hold your question  
16 until the next witness.

17 MR. NEWMAN: We have been talking  
18 about changing deliveries from the front to the  
19 back. Are you talking about changing all the  
20 deliveries for all the stores or are you just  
21 talking about Ray's Pizza, the deliveries going out  
22 from Ray's Pizza?

23 MR. RIVERA: Again, I think that the  
24 majority of the spots along the front of the store  
25 is not open yet, and if a truck, a box truck, a UPS

1 or FedEx chose to go in the front to drop them off,  
2 they can do so. We do encourage in the back  
3 because, any large boxes, we have created a large  
4 mail room and mail slot for bulk boxes, so if the  
5 operation is busy at some point in time and can't  
6 receive the packages, we now created an area  
7 downstairs in the basement where the packages will  
8 be left for residents and commercial tenants to use.

9 MR. NEWMAN: To answer my question,  
10 you are now looking to change for all the deliveries  
11 to be in the back, unless it's convenient?

12 MR. RIVERA: Unless it's convenient.  
13 If they chose to go -- again, I don't know the local  
14 UPS guy, FedEx guy. I'm sure they work something  
15 out with their tenants, "Would you like me to drop  
16 them off downstairs or in front of your store?"  
17 That's something between the tenants. If it becomes  
18 an issue, we will certainly try to correct it.

19 MR. NEWMAN: I think I understand your  
20 answer.

21 CHAIRMAN SPIRIG: Motion to close to  
22 the public?

23 MR. NEWMAN: Motion to close.

24 MR. VERCELLI: Second.

25 CHAIRMAN SPIRIG: All in favor?

1 MEMBERS OF THE BOARD: Aye.

2 L O U I S L U G L I O, first having been duly  
3 sworn, testified as follows:

4 VOIR DIRE EXAMINATION BY MR. D'ARMINIO:

5 Q. Would you give the benefit of your  
6 education and professional experience?

7 A. I have a Bachelor's of Science in  
8 civil engineering from the New Jersey Institute of  
9 Technology. I have a Master's in transportation and  
10 planning also from NJIT. I'm an adjunct professor.  
11 I'm a licensed professional engineer in the State of  
12 New Jersey, New York, Pennsylvania, and a few other  
13 states. I have about 30 years of experience doing  
14 traffic/transportation planning, parking studies. I  
15 served as an expert for NJDOT, a number of  
16 municipalities, a few counties and also for  
17 applicants. I think the last time I was in  
18 Woodcliff Lake was for Tice's Corner, the last  
19 expansion or application that they had.

20 MR. D'ARMINIO: I would like to have  
21 Mr. Luglio accepted as an expert in the area of  
22 engineering, traffic engineering specifically.

23 CHAIRMAN SPIRIG: Any questions?

24 MR. NEWMAN: Mr. Luglio, you were in  
25 Woodcliff Lake for the Tice's expansion?

1                   MR. LUGLIO: The conversion behind  
2 Panera Bread. It was -- the Pier One left and --

3                   MR. NEWMAN: It's the Matsu.

4                   MR. LUKE: Yes. There was another use  
5 in addition to that.

6                   MR. NEWMAN: I think we accepted him  
7 then. We should accept him now, right?

8 DIRECT EXAMINATION BY MR. D'ARMINIO:

9                   Q.        Mr. Luglio, what have you done and  
10 reviewed in preparation for the meeting today?

11                  A.        I have done a site visit at the site  
12 that's under consideration tonight, but in addition,  
13 we looked at the existing Ray's operation in  
14 Hillsdale and we conducted surveys to look at the  
15 number of vehicles that are coming in to the site,  
16 how long they stayed on the site and the parking  
17 accumulation, the number of parking spaces that were  
18 accumulated and the maximum number of parking spaces  
19 that were reached.

20                  Q.        Before we go through that, you also  
21 reviewed the transcript of the prior meeting,  
22 correct?

23                  A.        Yes.

24                  Q.        So you know some of the questions and  
25 you reviewed the plans as well as the location?

1           A.       Yes.

2           Q.       You said you went to the site. Your  
3 object of your review was to look at vehicles in and  
4 out, the parked vehicles as well, to see how the  
5 operation operated from a parking point of view.  
6 Okay? Did you prepare an exhibit with regard to  
7 that?

8           A.       Yes, I did.

9                   (Exhibit A-4, parking study, was marked  
10 for Identification.)

11          A.       A-4 consists of, on the left side, two  
12 tables. On the right-hand side is an aerial. This  
13 is the current pizza operation. There's some notes  
14 on the bottom, so basically, the top table is the  
15 Saturday and that's this past Saturday, the 15th,  
16 and the Friday is the table underneath. So the way  
17 this table works is, basically, we were counting the  
18 number of vehicles coming in to and out of the site.  
19 The site itself has two different access locations  
20 so there's one access location off of Broadway and  
21 that you can see towards the right side of the page  
22 with the angled parking spaces.

23          Q.       Why don't you reflect, for the record,  
24 what's on the right side?

25          A.       That's aerial of the existing pizzeria

1 operation along Broadway. I don't know the exact  
2 address of the current operation -- 321 Broadway.

3 MR. NEWMAN: When was it done?

4 MR. LUGLIO: This past Saturday, 6:00  
5 p.m. to 9:00 p.m. and Friday.

6 A. Normally, we do it on a 15-minute  
7 basis. Because of the quick nature of turnover of  
8 parking spaces in a pizzeria, we decided to go to a  
9 10-minute window and looking at it every 10 minutes  
10 for an idea of how many vehicles came in to and out  
11 of the site.

12 Q. This is your own personal observations?

13 A. Yes.

14 Q. You concentrated on the peak evening  
15 time?

16 A. Yes. And they close at 10:00.

17 Q. You did, what, 6:00 to 9:00?

18 A. Correct. For both nights.

19 MR. HAYES: You typically do these  
20 type of reviews for clients?

21 MR. LUGLIO: Yes. Depending on the  
22 land use, yes. If this were an office building,  
23 then we would be doing a.m. peak hours.

24 MR. HAYES: For this type of  
25 establishment, this is what you would pick?

1 MR. LUGLIO: Yes.

2 MR. HAYES: How many spaces are in the  
3 current parking lot?

4 MR. LUGLIO: That surface lot in the  
5 aerial is 22 parking spaces, angled parking spaces,  
6 and an additional 40 lower level to this underneath  
7 the building and that access is through the  
8 left-hand side of the building if you are looking at  
9 that aerial in the upper right-hand corner of A-4.

10 MR. HAYES: How many different  
11 storefronts are in this?

12 MR. LUGLIO: During the course of this  
13 study, there's one that is a Chinese restaurant.

14 CHAIRMAN SPIRIG: No other storefronts  
15 were open at the time you did this study?

16 MR. LUGLIO: Two different storefronts  
17 that could be open. All the other storefronts were  
18 not open nor were they occupied.

19 MR. NEWMAN: What was the weather  
20 conditions at the time of the survey?

21 MR. LUGLIO: On Friday, there was not  
22 much rain on Friday but there was on Saturday night.  
23 It was on and off. Some was heavy, some wasn't.

24 MR. D'ARMINIO: We will adjust for  
25 that.

1 MR. HAYES: That's my question. Is,  
2 in your experience, when weather conditions are bad,  
3 do you feel they significantly impact your study?

4 MR. LUGLIO: I would say anywhere from  
5 10 to 20 percent that would be an impact. Not more  
6 than 20 percent, that is the high number.

7 Q. In terms of these numbers, did you  
8 distinguish between who was going to the Chinese and  
9 who was going to Ray's?

10 MR. LUGLIO: I did not. I  
11 incorporated all of the parking. I would say  
12 there's very few that went to the Chinese  
13 restaurant.

14 MR. HAYES: Given the fact that the  
15 majority of the spaces are in this lower level,  
16 would you account for that?

17 MR. LUGLIO: We had two people. We  
18 had counts on the top level and a person doing  
19 counts on the lower level.

20 MR. HAYES: An all-encompassing study?

21 MR. LUGLIO: For the most part,  
22 there's not much happening on the lower level.

23 MS. MALLEY: Did this include the  
24 pizza delivery cars?

25 MR. LUGLIO: Yes. And for the most

1 part, since we are on the pizza delivery vehicles,  
2 there were five minutes or less in terms of their  
3 duration and they did not come at the same time so  
4 there were three to maybe four delivery vehicles and  
5 we took photos of them because we saw the same car  
6 over and over again and observed they have a bag and  
7 so they were not there at the same time so they  
8 stagger how they actually make their deliveries.

9 MR. NEWMAN: So there were a total of  
10 three or four delivery vehicles?

11 MR. LUGLIO: Yes.

12 MR. NEWMAN: Different ones?

13 MR. LUGLIO: That's right.

14 MR. NEWMAN: How often did they come  
15 through?

16 MR. LUGLIO: Probably about every 15,  
17 20 minutes, the same vehicle would come back?

18 MR. NEWMAN: So somewhere between 16  
19 to 20 an hour, all the vehicles in and out?

20 MR. LUGLIO: That would probably be a  
21 good estimation, I would say.

22 MR. HAYES: Did you find, during the  
23 period or the duration of the study, Friday and  
24 Saturday night, were there any periods of time where  
25 the delivery vehicles were stationary and not being

1 used?

2 MR. LUGLIO: No.

3 Q. How many parking spaces do the delivery  
4 vehicles occupy at any one time?

5 A. Just one parking space.

6 Again, just going back to the way that  
7 we do these studies, again, we look at -- we try to  
8 capture when the peak time is going to be and do a  
9 little more of counting before and a little more  
10 after.

11 6:00 to 9:00 p.m. was selected mainly  
12 because the stop time was 10:00 p.m. and we knew, by  
13 9:00, we would still capture the peak, so you could  
14 see, every 10 minutes, you have a combination and  
15 that in is all of the ins so it's the vehicles that  
16 are coming in off of Broadway and that one-way  
17 circulation going up the page and, in addition, the  
18 vehicles that were coming in the downstairs.

19 The way this operation works, along  
20 Broadway, you can come in. It's a one-way  
21 circulation. You go up the page and you have to  
22 kind of, I guess, circulate to the left, you go down  
23 and everyone comes out of the that other access  
24 point to the left side. You basically have an in,  
25 and at the downstairs part, you have an in and out

1 so everything is collected in an in and out and you  
2 can see, on the very top, it's parked before count  
3 start time. When we get to the site, we see how  
4 many vehicles are parked both top and bottom. In  
5 the case of Saturday night, it was 6 vehicles that  
6 were already parked before we started the study, so  
7 if you take that 6, you add 4 that came in but 0  
8 that went out, you have 10 that's parked, and then  
9 you have 5 that came in, 7 that went out and you  
10 have 8 that's parked and you continue that until you  
11 have an idea of exactly when that peak occurred at  
12 18 vehicles that were parked between 7:20 and 7:30,  
13 so again, the time on the left-hand side is the  
14 start time, the time beginning, at 7:20 and ending  
15 at 7:30 and the next one begins at 7:30.

16 On the Saturday that we were looking  
17 at, we have 18 parked vehicles. If we assume that  
18 18, we add on another 20 percent, that number can go  
19 to 22 vehicles that are parked, and on the Friday  
20 night, it was a little bit earlier for the Friday.  
21 We had 20 vehicles that were parked between 6:10 and  
22 6:20. You can see that, during the course of the  
23 night, it did go up again closer to 8:00. It's 13,  
24 and again, if we take that 20 and we increase that  
25 by 20 percent, we get up to 24 parking spaces that

1 would have been parked if we increased it by 20  
2 percent. Again, this is a combination of all of the  
3 people that were coming on site, whether the people  
4 came on site, parked the vehicles, went inside,  
5 picked up and came back outside, we did see a number  
6 of that.

7 We also did see a number of people  
8 that came in that parked the car, went in and sat  
9 down and had dinner. I would say that more of the  
10 pickup, shorter term happened in the beginning of  
11 the 6:00-to- 7:00 period, and from 7:30 to 8:30, it  
12 was more of the sit-down operation as far as the  
13 public going to the site but the delivery vehicles  
14 basically continued, as far as their operation was  
15 concerned, from 6:00 until about 8:00 and then that  
16 started to slow down as well.

17 I think, as far as translating this  
18 information to the new site, obviously, from a  
19 temporal distribution of during the course of the  
20 evening from 6:00 to 9:00 p.m., it would be very  
21 similar, mainly because it's the same type of  
22 operation. I would even suggest that you could  
23 apply this to a pizzeria/ restaurant operation  
24 regardless of who the owner was.

25 We would expect the same type of traffic, that we

1 would have the same number of parking spaces that  
2 would be required, same number of delivery vehicles.  
3 Everything, basically, would be similar to what the  
4 current place is, and again, if we looked at the 20  
5 vehicles on a Friday and increase them by 20  
6 percent, we are looking at 24 vehicles that are  
7 parked, and so, that's basically it on the survey  
8 side.

9 Q. Did you make any employee observations  
10 with regard to the staff when they are parking?

11 A. Yeah. We had about six people. We  
12 had six people in during the course of the study.  
13 That was before the study started. During the  
14 course of that 6:00-to-9:00 period, I'm not sure  
15 there was another person that might have added to  
16 the mix. I would say that a solid six people were  
17 there, three in the back, three in the front to  
18 handle people that were there and also handle the  
19 rest of the operation.

20 Q. Do you know if they were parking or got  
21 dropped off or are they in these counts?

22 A. They are in these counts if they  
23 parked. Some of them did not park but I can't be  
24 100 percent certain on that because, whoever was  
25 parked on the site, again, prior to 6:00 p.m., they

1 are included in the parking count. Whatever  
2 employees were there on site -- I believe there was  
3 six -- their parking requirement is indicated in  
4 this as well.

5 Q. You talked about the delivery people,  
6 correct?

7 A. Yes.

8 Q. Any others accounted for?

9 A. As far as deliveries?

10 Q. Staff.

11 A. No, no. If we had six, we had another  
12 three or four delivery people, which obviously, they  
13 only needed one parking space for the three or four  
14 vehicles that do deliveries.

15 MR. HAYES: I know it was a concern of  
16 some people; the delivery people, when they pick up  
17 their orders, before they go out, where are they  
18 generally doing it at the existing site? A delivery  
19 person pulls up. They are going in to grab six  
20 pizzas to go on a delivery. Where are they parking  
21 their car?

22 MR. LUGLIO: It was mentioned. I  
23 think it depended on the delivery person. For the  
24 most part, they parked in a parking space that's  
25 right in front of the door but we did have one

1 delivery person that parked alongside of the roadway  
2 right behind the angled parking spaces almost -- I  
3 don't think there's a sidewalk, but on the sidewalk  
4 type area, that definitely did happen for one of the  
5 delivery vehicles, which I'm not sure why because  
6 the other delivery vehicles parked in a spot. It's  
7 a question of being told what to do.

8 MR. HAYES: If my memory serves me  
9 correctly, we talked about the potential of the  
10 stipulation that the delivery drivers would not park  
11 on the street. Does anybody else remember that?

12 CHAIRMAN SPIRIG: I don't remember the  
13 subject.

14 MR. HAYES: The potential of that.

15 MR. NEWMAN: I think there was some  
16 discussion as to which way the delivery -- I don't  
17 think there's a stipulation. I think there was some  
18 discussion about which street the delivery driver  
19 would turn on, etc. I don't think there was a  
20 resolution.

21 MR. HAYES: I don't recall that  
22 conversation. I remember we had some discussion  
23 about it.

24 MR. LUGLIO: I think, from the  
25 existing facility, if you park -- you can park right

1 in front of the door so you are, literally, about 8  
2 feet away from the door, whereas, in this condition,  
3 if you park in the street, you would be at a  
4 considerable distance to the door so it would  
5 benefit the driver to come on to the site and park  
6 in one of the spaces.

7 CHAIRMAN SPIRIG: Last month, there  
8 was some testimony by Ray with regard to the dining  
9 room adjacent to the pizzeria area, there was some  
10 discussion about that room being utilized for  
11 parties. By any chance, was there a party going on  
12 in the room when you were doing the study?

13 MR. LUGLIO: No.

14 CHAIRMAN SPIRIG: Any idea how a party  
15 would impact this study?

16 MR. LUGLIO: If there was a party, the  
17 number of parking spaces would definitely go up.  
18 The number of people or number of seats per car  
19 would also go up, so right now, your ordinance is  
20 based upon one parking space for every two seats.  
21 It would probably go to at least one for every three  
22 seats, maybe one for four seats if it's a structured  
23 parking, because people are coming together to a  
24 party as groups. That's what we have seen in the  
25 past when we are looking at a catering facility or a

1 party room type place where the parking rates  
2 becomes one to three or one to four.

3 MS. MALLEY: In your study, was that  
4 dining room being used at all, then?

5 MR. LUGLIO: For the most part, no.  
6 During the course of the three hours, I'm sure it  
7 was but not for a party and not at the maximum  
8 capacity, no.

9 MS. MALLEY: For regular dining, there  
10 was some people sitting but not a party?

11 MR. LUGLIO: Right.

12 MS. MALLEY: If we look at Friday  
13 night from 8:00 to 8:20 on, I see 5 cars parked.  
14 Can we assume that there was very little business at  
15 that point that -- I mean, you have employees  
16 working there.

17 MR. LUGLIO: Employees are still there  
18 even beyond 9:00, so I mean, we stop counting at  
19 9:00, mainly, because we captured the peak already.

20 MS. MALLEY: I'm saying 5 and 4 cars  
21 are sort of stable. Those are employee cars at that  
22 point, the peak?

23 MR. LUGLIO: No. There's still 5 cars  
24 coming in and 5 cars going out. There's still  
25 activity. There's still people coming in and out.

1 It's just that the number of parking spaces, because  
2 they turn over quickly at that point, still remain  
3 that 5.

4 MS. MALLEY: We still have employee  
5 parking somewhere?

6 MR. LUGLIO: Yes, it is still there.  
7 Although, at that point, there may be some of the  
8 employees that have -- were going to leave at that  
9 time, but yes, all of these numbers still include --  
10 if the employees were parked there, it includes the  
11 employee parking so that also leads me to believe  
12 some of the employees did not have a parking space  
13 there at that time.

14 CHAIRMAN SPIRIG: I'm sure my memory  
15 is clear, there's no apartments above the existing  
16 facility?

17 MR. LUGLIO: No.

18 CHAIRMAN SPIRIG: What type of impact  
19 would the study have if there were 14 apartments.

20 MR. LUGLIO: Probably sell more pizza.  
21 I do a lot of this work and there are a lot of  
22 mixed-use developments and we are seeing, in a  
23 general -- I'll answer your first question. I think  
24 having residents above really wouldn't have a  
25 dramatic effect on the parking. Obviously, we would

1 still have parking that's associated with the  
2 residents, and then I'll go into a separate part.

3 We are seeing more of one unit, one  
4 space, whether it be a reserved parking space or  
5 not, when we are looking at mixed-use developments  
6 and we definitely see that, whether it's a  
7 one-bedroom or two, when we get to three, we start  
8 seeing more of a tandem parking arrangement where  
9 that particular unit would get two parking spaces  
10 for the three-bedroom unit. That is not here but  
11 that's generally what's going on.

12 As far as shared parking is concerned,  
13 the residential will start at 7:00 and peak at 9:00  
14 for the residential parking demand and the  
15 commercial aspect of the commercial retail spaces  
16 really start to wind down at 5:00, 6:00, and by  
17 7:00, that's over so there's definitely a sense of  
18 shared parking that could happen on this site. This  
19 is successful in other locations, that's for sure,  
20 and as far as the RSIS is concerned, there's 27  
21 spaces based on the requirements, the two-bedroom  
22 requires 2 and the one requires 1.8 parking spaces.  
23 In that 27, visitor parking is included in that, so  
24 normally, visitor parking is part of that at half a  
25 space per unit, so in this case, we would need 7

1 parking spaces for visitors but that's included in  
2 the 27. They just have to be provided on the site.

3 Yes, if you have 14 parking spaces  
4 that are dedicated for the 14 units, it's not to say  
5 that people can't still park on the site. We just  
6 don't think that there would be a significant number  
7 of residential parking that would take up all 48  
8 parking spaces or 27 parking spaces that are there.

9 Q. Going back to the site that's the  
10 subject of the application, you did research to have  
11 an aerial, a recent aerial, taken, correct?

12 A. Yes.

13 Q. Do you have a copy of that here?

14 A. Yes, I do.

15 MR. NEWMAN: When you were doing your  
16 parking study, did you have an occasion to go inside  
17 of Ray's?

18 MR. LUGLIO: No. I could not go  
19 inside during the study, mainly, because I was  
20 outside. I was outside across the street at the  
21 dentist office that was closed by the time we  
22 started so I was outside in a car, basically,  
23 looking at the front of the entire frontage.

24 MR. NEWMAN: You have no idea how many  
25 people were in the restaurant.

1 MR. LUGLIO: Other than how many  
2 people walked in and out and we do have some video  
3 during the time we were there. We could definitely  
4 have an estimation of how many people were in and  
5 out. We did not count that many people who went in  
6 and out.

7 (Exhibit A-5, aerial of site, was marked  
8 for Identification.)

9 CHAIRMAN SPIRIG: We are at 10:30 and  
10 if you just want to get through his testimony, we  
11 will have to make a motion to extend the meeting to  
12 continue the testimony.

13 MR. NEWMAN: How much longer is the  
14 witness?

15 MR. D'ARMINIO: Two, three minutes.

16 CHAIRMAN SPIRIG: We will need time  
17 for questions, not only from the Board but from the  
18 audience as well. If we do not finish by 10:30,  
19 will we have this witness available next month?

20 MR. NEWMAN: Maybe just finish his  
21 direct, and then, because there's going to be  
22 questions from the audience and I believe that the  
23 applicant has yet another witness anyway, I would  
24 rather have this gentleman come back for questions  
25 from the Board and public. I don't want to go to

1 11:00.

2 CHAIRMAN SPIRIG: Me either. Whatever  
3 the Board decides, I would like to finish this  
4 witness so he would not have to come back but it's  
5 the Board's call.

6 How does the Board feel? Let him  
7 finish the testimony and save the questions for next  
8 month?

9 MEMBER OF THE PUBLIC: He has to come  
10 back anyway.

11 MR. RIVERA: If we could finish up  
12 with Mr. Luglio completely, if that's possible.

13 MR. NEWMAN: How many people have  
14 questions of this witness? It's after 10:30.

15 CHAIRMAN SPIRIG: I guess, let's  
16 finish the direct testimony and continue the  
17 questioning at the next meeting.

18 Q. Can you identify A-5?

19 A. It's an aerial of the site. This  
20 aerial is from a company called "Nearmap Aerial."  
21 The date is April 7th of this year. It is an  
22 aerial; it's not to scale of the site itself.

23 Q. It does indicated the 14 designated  
24 spaces in the rear, correct?

25 A. Yes. On the right-hand side, you can

1 see there's a numbering of 1 to 14.

2 Q. You're familiar with the number of  
3 spaces and the operation?

4 A. Yes.

5 Q. And you have reviewed the transcript  
6 and you listened to the transcript of the prior  
7 hearing and you heard the testimony of today,  
8 correct?

9 A. Yes.

10 Q. In your expert and professional  
11 opinion, can this location operate properly and  
12 safely with enough parking spaces provided under the  
13 terms and conditions of the testimony that you have  
14 heard?

15 A. Yes, it can.

16 Q. Why or why not why?

17 A. On the question of why, as far as  
18 looking at and factoring up the data that we have  
19 just gone over from the existing pizza operation and  
20 applying that here, even factoring that information  
21 up to 24 parking spaces that are needed and let's  
22 say 1 more parking space that would be used for the  
23 delivery vehicle to come in and out, and again, 1  
24 space would be sufficient for that. 25 parking  
25 spaces, of the 38 that are in front, would

1 definitely suffice for this operation of 96 seats  
2 and there would be additional parking for either  
3 overflow or a very busy day that would go beyond  
4 what I just said or in the back lot for additional  
5 visitors/residential parking.

6 MR. D'ARMINIO: Thank you.

7 CHAIRMAN SPIRIG: Okay. It's the  
8 Board's opinion that we hold off the rest of the  
9 questioning from the Board and from the professional  
10 and from the audience until next month, correct?

11 MR. NEWMAN: Correct. I would like to  
12 make a motion to close.

13 MR. DHAWAN: Second.

14 MEMBER OF THE PUBLIC: Can I get a  
15 copy of the picture of the building?

16 MR. PRINCIOTTO: I want to discuss  
17 something with the Board. Being that there wasn't  
18 going to be much in the way of site plan changes,  
19 this application was not reviewed by the Borough  
20 engineer. It still can be if it's the preference of  
21 the Board. We heard a little bit more about the  
22 changes to the site plan today, mostly with regard  
23 to the patio that would be installed, But it's up to  
24 the Board. If the Board wants the application to be  
25 reviewed by the Borough engineer, we could have it

1 done by the next meeting. We have this site lot  
2 coverage variance brought in, the lighting that got  
3 added, so it's up to the Board.

4 MR. NEWMAN: Would you recommend that?

5 MR. PRINCIOTTO: If you have  
6 questions, if you are more comfortable having the  
7 Borough engineer review it, yes.

8 CHAIRMAN SPIRIG: Well, it can't hurt.  
9 I mean, we had a couple of engineering questions and  
10 issues. He could probably give a professional  
11 opinion and we want to hear from Rich, our planner,  
12 with regard to his opinion on the planning  
13 testimony.

14 MR. D'ARMINIO: The lighting was  
15 already approved. We are talking about the curbing  
16 and the landscaping around the patio area. That  
17 really is the only aspect of this that the engineer,  
18 otherwise, would weigh in on, otherwise, it's just  
19 what -- it's already been approved by the engineer  
20 in terms of the as-built. He's been at the site.  
21 Nothing is different. They got C of Os. If you  
22 want to have him look at it, you have to do what you  
23 have to do, but so we understand what to anticipate,  
24 it's just for this. It's going to be the  
25 engineering for the landscaping and there was the

1 addition of a 6-inch or 8-inch, kind of, lip to  
2 level out the area. That's it.

3 CHAIRMAN SPIRIG: The only other  
4 discussion was the restaurant use with regard to the  
5 exhaust and so forth so I think it would be  
6 beneficial to hear what our engineer has to say.

7 MR. NEWMAN: I agree, especially in  
8 light of the fact they are looking to make changes  
9 to the outside and increase the impervious coverage.

10 MR. D'ARMINIO: All right. That is  
11 all right. So we know where we are going and what  
12 to anticipate.

13 MR. PREISS: For the parking and --

14 MR. NEWMAN: For the parking, in other  
15 words, the opinion that this gentleman just gave,  
16 certainly, we get our own people to comment on that.

17 MR. PREISS: I tend to agree that, I  
18 think the bigger question is the parking issue. I  
19 think, if you are going to hire an engineer, I think  
20 somebody could testify and verify the testimony or  
21 corroborate about the parking. There's a couple of  
22 minor issues related to the engineering. You can  
23 seek the review if the Board has specific questions  
24 about the engineering plan. Maybe just those  
25 questions can be referred to the engineer. It's so

1 small a change.

2 I don't think he needs to do a whole letter. I  
3 think the more important professional to weigh in,  
4 from the Board's point of view, is the traffic or  
5 parking engineer review of what was provided this  
6 evening and be here next month to listen to the rest  
7 of the testimony, and then, like myself, at the  
8 conclusion of the hearing, provide his input on  
9 that.

10 CHAIRMAN SPIRIG: Okay.

11 MR. PRINCIOTTO: Okay. You think you  
12 can get me the transcript?

13 MR. PREISS: I may be able to get a --  
14 I agree. It's not a big change to the site plan.  
15 It's a small patio with a retaining wall.

16 MR. PRINCIOTTO: The exhibits that  
17 were handed out this evening, those were not  
18 available to the residents. If those could be  
19 submitted or posted on the website, the residents  
20 will have access to them, and also, whoever the  
21 engineer would be, would be able to access them as  
22 well.

23 MR. D'ARMINIO: I'll give you copies  
24 of the four exhibits.

25 MR. PRINCIOTTO: Can you deliver that

1 to the borough?

2 CHAIRMAN SPIRIG: Electronically and  
3 they can post them on the website as well.

4 MR. PRINCIOTTO: The exhibits that  
5 were marked tonight, they will be available at  
6 Borough Hall before the next meeting. When do you  
7 think those will be available?

8 MR. D'ARMINIO: Probably next week.

9 MR. PRINCIOTTO: The next meeting is  
10 June 26th.

11 CHAIRMAN SPIRIG: We have a motion.

12 MR. D'ARMINIO: I just checked. My  
13 witness has another commitment on the 26th. Could  
14 he go first that night?

15 CHAIRMAN SPIRIG: I don't see why not.

16 MR. PRINCIOTTO: We can accommodate  
17 that request, yes. I don't think we need a time  
18 extension.

19 MR. D'ARMINIO: If you need one, let  
20 me know. I'll send it to you.

21 CHAIRMAN SPIRIG: We have a motion to  
22 close. I need a second.

23 MS. FENDIAN: Second.

24 CHAIRMAN SPIRIG: All in favor?

25 MEMBERS OF THE BOARD: Aye.  
(The hearing concluded at 10:45 p.m.)

C E R T I F I C A T E

I, ALISON GULINO, a Certified Court Reporter, Registered Professional Reporter and Notary Public 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.

*Alison Gulino, CCR, RPR*

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